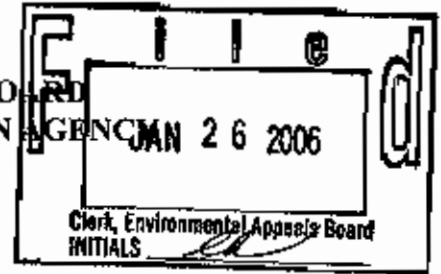


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
City of Cambridge, Massachusetts,)
Department of Public Works)
)
NPDES Permit No. MA0101974)
_____)

NPDES Appeal Nos. 06-01, 06-02,
& 06-03

**ORDER GRANTING MOTION TO INTERVENE
AND CONSOLIDATING PERMIT APPEALS**

On January 25, 2006, the City of Cambridge, Massachusetts, filed three separate motions seeking leave to intervene as a party in three proceedings, captioned above, that are currently pending before the Environmental Appeals Board regarding National Pollutant Discharge Elimination System (“NPDES”) Permit Number MA0101974. Region I of the United States Environmental Protection Agency issued this NPDES permit to the City of Cambridge on September 27, 2005, and three parties – (1) the Town of Arlington, Massachusetts; (2) the East Arlington Good Neighbor Committee; and (3) Mr. Roger D. Frymire – subsequently filed with the Board petitions for review of the permit. The Board has asked Region I to file responses to the three petitions for review by February 22, 2006.

In its motion, the City asserts that as the holder of the NPDES permit in question, it has a significant interest in this proceeding and will be “substantially and specifically affected” by the proceeding’s results. Motion to Intervene as a Party Respondent at 3. We agree that the City possesses a protectable legal interest in this matter that is independent of the interests of Region I, the permit issuer, and may not be adequately represented by the Region. The City has an interest in maintaining its permit, and its ability to proceed with the proposed project as

currently permitted may be affected by the disposition of this matter. Accordingly, for good cause shown, the City's motion to intervene as a party in this matter is hereby **GRANTED**. The City shall file a brief responding to the three pending petitions for review on or before Wednesday, February 22, 2006.

In addition, we hereby consolidate, on our own motion, the three separate proceedings as one matter, which henceforth will be referred to as NPDES Appeal Nos. 06-01, 06-02, and 06-03. We take this action because the three appeals raise similar challenges to the NPDES permit conditions and therefore consolidation will preserve scarce administrative resources and promote efficiency in resolving the appeals. Moreover, to our knowledge at this time, none of the parties will be prejudiced by such consolidation.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: January 26, 2006

By: Anna L. Wolgast
Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Motion to Intervene and Consolidating Permit Appeals** in the matter of City of Cambridge, Massachusetts, Department of Public Works, NPDES Appeal Nos. 06-01, 06-02, & 06-03, were sent to the following persons in the manner indicated:

By First Class U.S. Mail:

John F. Maher, Esq.
50 Pleasant Street
Arlington, Massachusetts 02476
telephone: (781) 641-4889
facsimile:

David C. Stoff, Esq.
88 Fairmont Street
Arlington, Massachusetts 02474
telephone: (781) 643-3411
facsimile:

Roger D. Frymire
22 Fairmont Avenue
Cambridge, Massachusetts 02139-4423
telephone: (617) 492-0180
facsimile:

Nancy Kaplan, Esq.
Cheryl A. Blaine, Esq.
Kecgan Werlin L.L.P.
265 Franklin Street
Boston, Massachusetts 02110
telephone: (617) 951-1400
facsimile: (617) 951-1354

Stephen D. Anderson, Esq.
Mary Liz Brenninkmeyer, Esq.
Anderson and Kreiger L.L.P.
43 Thorndike Street
Cambridge, Massachusetts 02141
telephone: (617) 252-6575
facsimile: (617) 252-6899

By EPA Pouch Mail:

Carl Dierker, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency
One Congress Street, Suite 1100
Boston, Massachusetts 02114-2023
telephone:
facsimile:

Roger Janson
Municipal Permits Branch
U.S. Environmental Protection Agency
One Congress Street, Suite 1100
Boston, Massachusetts 02114-2023
telephone:
facsimile:

Date: JAN 27 2006


Annette Duncan
Secretary