



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 18 2005

ENVIRONMENTAL APPEALS BOARD

Mr. Carl Dierker, Director
Office of Regional Counsel
U.S. EPA, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Re: Beacon Park Yard
Permit Number: MA0025704
Appeal Number: NPDES 05-13

Dear Mr. Dierker:

Enclosed is an undated petition (received by the Environmental Appeals Board on August 10, 2005), filed by Tony Bellamy, Director, Environmental Engineer & Field Services, CSX Transportation, Inc. of Jacksonville, FL, asking the Environmental Appeals Board to review a permit determination by United States Environmental Protection Agency, Region 1 and the Massachusetts Department of Environmental Protection in this case.

To assist the Environmental Appeals Board in deciding whether the matters raised by petitioner should be reviewed, please have your staff prepare a response that addresses the petitioner's contentions and whether petitioner has satisfied the requirements for obtaining review under 40 C.F.R. §124.19(a). Include relevant portions of the administrative record with the response, together with a certified index of the entire administrative record. Please file an original (signed in blue ink) and five copies of these materials no later than October 3, 2005, and send a copy of the response and the certified index to petitioner with a certificate of service showing the date and method of service.

All documents, including the materials due October 3, 2005 must reference the appeal number. **IMPORTANT:** In addition, any envelope or other packaging containing documents sent to the Environmental Appeals Board's mailing address or hand-delivery address, as prescribed below, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and appeal number in the lower left hand corner.

Mailing and Hand Delivery Instructions¹

All documents that are sent through the U.S. Postal Service (except by Express Mail) MUST be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) MUST be delivered to:

U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board

¹ The Environmental Protection Agency is experiencing delays in delivery of mail from the U.S. Postal Service. These delays are due to a new sterilization procedure applied to all U.S. Postal Service mail delivered to the federal government. Parties are encouraged to utilize non-U.S. Postal Service carriers and the Board's hand-delivery address when filing time-sensitive pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website (www.epa.gov/eab) at Frequently Asked Questions.

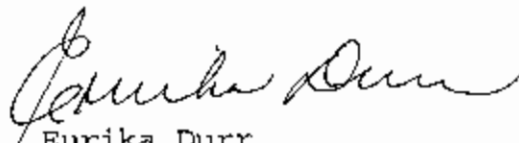
1341 G Street, N.W. Suite 600
Washington, D.C. 20005

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

A copy of this letter is being sent to the petitioner as notification of these filing requirements.

Thank you for your attention to these matters.

Sincerely,



Eurika Durr
Clerk of the Board

Enclosure

cc: w/o encl: Tony Bellamy
Director Environmental Engineer &
Field Services
CSX Transportation
500 Water Street, J-275
Jacksonville, FL 32202

w/encl: Linda M. Murphy, Director
Office of Ecosystem Protection
U.S. EPA, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023





RECEIVED
U.S. E.P.A.

Public Safety & Environment
500 Water Street, J-275
Jacksonville, FL 32202

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ENVIRONMENTAL BOARD

T.C. Bellamy
Director Environmental Engineer &
Field Services
(904) 359-3691
Fax (904) 245-2824

United States Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, DC 20005

Boston, MA
C:Beacon Park Yard
File. 9804405

RE: Petition to Appeal Permit No. MA0025704
Authorization to Discharge Under the National Pollutant Discharge Elimination System
CSX Transportation Inc.
Beacon Park Yard
170 Cambridge Street, Allston, MA 02134

Dear Environmental Appeals Board:

On July 11, 2005, CSX Transportation Inc. (CSXT) received, by certified mail, Permit No. MA0025704 Authorization to Discharge Under the National Pollutant Discharge Elimination System (NPDES) issued by the United States Environmental Protection Agency (USEPA). CSXT reviewed Permit Number MA0025704 issued for Beacon Park Yard, located in Allston Massachusetts, provided comments to USEPA during the draft permit public comment period, and is therefore eligible to appeal the Final Permit.

CSXT is willing to comply with a majority of the Final Permit conditions, however it is requested that one requirement regarding maximum daily flow restrictions for Outfall 001 be increased from 130,000 gallons per day (gpd) to at least the current permit maximum daily flow limit of 144,000 gpd. In addition, CSXT is requesting an extension to the final permit effective date until at least December 1, 2005, at a minimum, in order to meet new permit requirements at both outfalls.

Outfall 001A

Please increase the maximum daily flow rate for outfall 001A from the stated 130,000 gpd to the previous maximum daily flow rate of 144,000 gpd. The CSXT system for outfall 001A treats process water AND storm water flow. Storm water flow can be sudden and unpredictable. CSXT finds it inappropriate for the USEPA to suggest that CSXT should allow "storm water entering the system to back-up into the drainage system until the treatment system catches up with the additional flow". Such a practice could potentially cause a safety hazard for CSXT employees if storm water were to back through the floor drains in locomotive mechanic shop, or yard access roads, should an unprecedented storm water event occur. Furthermore, CSXT

believes that if the USEPA used more than 2 years worth of data in their calculations, historical evidence would indicate that a maximum daily flow rate of 130,000 gpd is not achievable. CSXT has every intention of complying with the maximum daily flow rate set by the USEPA associated with permit and does not wish to be put in a situation where a violation could be unavoidable. Therefore, CSXT believes that USEPA should be willing to provide some leeway associated with extreme or sudden stormwater events by raising the maximum daily flow rate to at least 144,000 gpd.

CSXT intends to meet the pH monitoring and recording requirements for outfall 001A, however, the newly required instrumentation may not be in place by the current Permit effective date of August 31, 2005. The capital equipment (pH meter and chart recorder, etc.), which must be purchased and installed to address these Permit requirements, has ordering, installation, and testing lead times. These hard timelines are expected to extend 30 to 60 days, depending on equipment availability. CSXT intends to fully comply with the Permit requirements, but requires additional lead-time to properly re-configure our treatment systems. Therefore, CSXT is requesting a Permit effective date extension of 90 days or until December 1, 2005 for Outfall 001A requirements.

Please eliminate the new continuous temperature monitoring required for Outfall 001A. CSXT will discontinue the practice of steam rinsing the floors of the Car Shop and switch to using a high-pressure rinse.

Outfall 002A

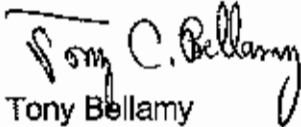
CSXT intends to meet the pH and flow monitoring and recording requirements for outfall 002A, however, instrumentation may not be in place by the current Permit effective date of August 31, 2005. Based on historical data for the groundwater remediation system discharging to outfall 002A, a caustic adjustment system will likely need to be added to the existing treatment system to handle the pH discharge limitations. The capital equipment (pH meter, pH chart recorder, caustic adjustment system, and flow recorder etc.) which must be purchased and installed to address these Permit requirements has ordering, installation, and testing lead times. These hard timelines are expected to extend 30 to 60 days, depending on equipment availability. CSXT intends to fully comply with the Permit requirements, but requires additional lead-time to properly re-configure our treatment systems. Therefore, CSXT is requesting a Permit effective date extension of 90 days or until December 1, 2005 for all of the new Outfall 001A requirements.

In addition, CSXT also intends to adhere to the new Total Suspended Solids (TSS) permit requirement of 30 mg/L. However, CSXT needs time to properly evaluate the solids loading and support engineering design system alterations. As stated above, a caustic adjustment system will likely need to be added to the existing treatment system to handle the pH discharge limitations. However, the pH and TSS are linked and once the pH is raised at the tail end of the groundwater treatment system (following the GAC units), iron and other naturally occurring metals in groundwater may fall out of solution, increasing the TSS. A TSS limit of 30 mg/l will require significant modifications to the groundwater treatment system, which may include the addition of a sand filter system or clarifier. These modifications may increase the size of the groundwater treatment system enclosure and will also result in disposal of another waste stream (the precipitate). Laboratory analyses to support field bench testing to determine TSS load rates associated with the acceptable pH discharge range are in progress. Engineering

design, equipment purchase, structural treatment system enclosure modifications and equipment installation will likely take a minimum of approximately six to nine months to complete. Therefore, CSXT respectfully requests a nine month extension to the Permit effective date, or until May 1, 2006 for TSS requirement associated with Outfall 002A.

CSXT looks forward to a reasonable resolution of these requests. If you have any comments or questions, feel free to call me at (904) 359-3691.

Sincerely,


Tony Bellamy