



Date: September 21, 2005

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To: Eurika Durr, Clerk of the Board, EAB  
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No. of pgs. to follow: 2  
From: Jeanhee Hong, Assistant Regional Counsel

RE: CSX Transportation, Inc., Appeal No. NPDES 05-13  
Joint Motion for Stay of Proceedings

Dear Ms. Durr,

FYI, attached is a Joint Motion for Stay of Proceedings in the above-captioned matter. I expect to receive the original signed document from Petitioner's counsel tomorrow and will promptly sign and mail it to you. Please let me know if you need any additional information. Thank you.

  
Jeanhee Hong  
Assistant Regional Counsel, Region 1

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

In the Matter of:

CSX Transportation, Inc.

NPDES Appeal No. 05-13

**JOINT MOTION FOR STAY OF THE PROCEEDINGS**

Region 1 of the Environmental Protection Agency ("EPA" or the "Region"), Respondent, and CSX Transportation, Inc. ("CSX"), Petitioner, respectfully submit to the Environmental Appeals Board ("Board") this Joint Motion for Stay of the Proceedings in the above-referenced appeal. The basis for this motion is to allow the parties to resolve the issues raised by Petitioner in its appeal, as discussed below.

On July 1, 2005, EPA reissued a National Pollutant Discharge Elimination System ("NPDES") Permit, No. MA0025704, to CSX authorizing wastewater discharges into, and cooling water intake from, the Charles River in connection with CSX's freight train servicing operations in Allston, Massachusetts. On August 10, 2005, CSX filed a petition for review by the Board contesting the permit's revised flow limit and new temperature monitoring requirements, and requesting additional time to comply with several other new permit requirements. The Board directed the Region to submit a response by October 3, 2005 that addresses CSX's contentions and whether CSX has satisfied the requirements for obtaining review.

The parties have entered into settlement negotiations and believe there is a substantial likelihood of resolution of some or all of the issues in this appeal. A settlement of some or all of

the issues in this appeal will simplify or resolve the issues before the Board and thus conserve the Board's resources. Therefore, the Region and CSX request a stay the proceedings before the Board in this case until December 8, 2005. On or as soon as possible before that date, the Parties will submit a status report to advise the Board whether it is appropriate to continue the stay, dismiss the Petition, or establish a schedule for EPA's response to the Petition.

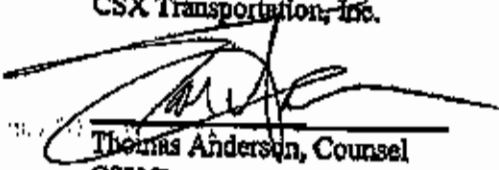
Respectfully submitted,

United States EPA/Region I

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Dated: September \_\_, 2005

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Dated: September 21, 2005