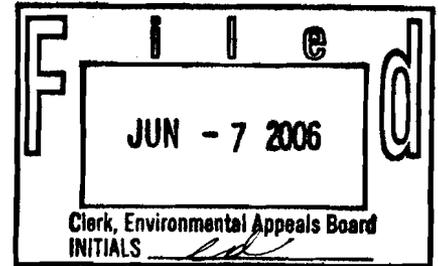


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:)
))
Boston & Maine Corporation)
East Deerfield Massachusetts)
))
NPDES Permit No. MA0000272)
_____))

NPDES Appeal No. 05-17



**ORDER GRANTING MOTION FOR
STAY OF PROCEEDINGS**

In a status report and motion dated June 5, 2006, U.S. EPA Region I ("Region") seeks an additional stay of 45 days in the above-captioned proceeding. Currently, the proceedings are stayed until July 3, 2006, by which date the Region must file its response to the petition for review ("Petition") jointly filed by Connecticut River Watershed Council, Inc., and Jamison E. Colburn ("Petitioners").

The Region reports continued progress in preparing a final permit modification that will resolve the issues raised in the Petition and in completing consultation with the Fish and Wildlife Service and National Marine Fisheries Service ("Services") required by section 7(a)(2) of the Endangered Species Act. The Region explains, however, that it will not be able to submit a draft permit for public notice and then issue a final permit modification by the current stay deadline of July 3, 2006. The Region thus requests that proceedings be stayed for 45 more days, until August 17, 2006, so that the Region may issue a final permit modification and complete consultation with the Services. The Region further states that it will submit a status report on August 3, 2006, and "absent unforeseen circumstances, does not anticipate that any further extension of the stay will be required." The Region also notes that it has discussed its motion

with counsel for Petitioners and that Petitioners do not object to the motion for a continued stay of proceedings.

For good cause shown, the Region's motion is hereby granted. The Region's July 3, 2006 filing deadline is rescinded, and the proceedings are stayed until August 17, 2006. The parties are also directed to submit a status report by August 3, 2006, to advise the Board whether it is appropriate to continue the stay, dismiss the Petition, or to schedule the Region's response to the Petition.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: June 7, 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 for Stay of Proceedings in the matter of Boston & Maine Corporation, NDPEs Appeal No. 05-17, were sent to the following persons in the manner indicated:

By First Class Mail: Professor Jamison Colburn
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By Pouch Mail: Ronald A. Fein, Assistant Regional Counsel
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Date: JUN 17 2006



Annette Duncan
Secretary