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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

2006 AUG 16 AM 9:02
ENVIR. APPEALS BOARD

VIA FIRST CLASS MAIL

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

Re: NPDES Appeal No. 05-17
NPDES Permit No. MA0000272
Boston & Maine Corporation
East Deerfield, Massachusetts

Date: August 14, 2006

Dear Ms. Durr,

Enclosed please find the original and five copies of a Revised Status Report in the above-captioned case, as well as a certificate of service. The Revised Status Report and the certificate of service were sent to you via facsimile earlier today.

Sincerely,

A handwritten signature in cursive script, likely belonging to Ronald A. Fein.

Ronald A. Fein, Assistant Regional Counsel
U.S. Environmental Protection Agency Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
617-918-1040
Fax: 617-918-0040

cc: Jamison E. Colburn, Western New England College School of Law
John Curtin, Boston & Maine Corporation

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

2006 AUG 16 AM 9:02
ENVIR. APPEALS BOARD

In re:

Boston & Maine Corporation
East Deerfield, Massachusetts

NPDES Appeal No. 05-17

REVISED STATUS REPORT

The New England Region of the Environmental Protection Agency ("Region"), after consultation with the Connecticut River Watershed Council, Inc., and Jamison E. Colburn ("Petitioners"), hereby submits this revised status report to correct an error in its status report filed on August 3, 2006. The Region does not request any relief at this time.

In the Region's August 3, 2006 status report, the Region stated that "the Region's consultations with the Services concluded without objections from the Services to the Region's determinations under Section 7(a)(2) of the Endangered Species Act." The Region has recently discovered that, contrary to this statement, the Region's consultation with the United States Fish and Wildlife Service ("USFWS") has not yet formally concluded. Based on the Region's recent communications with USFWS staff, the Region fully expects that USFWS will shortly transmit a letter concurring in the Region's determinations and concluding consultations. The Region intends to issue the final permit modification on schedule before August 17, 2006.

The Region represents that its undersigned counsel has discussed this status report with Petitioners' counsel, that Petitioners concur in this status report, and that, notwithstanding the

circumstances described above, Petitioners intend to file, by August 17, 2006, a notice of voluntarily dismissal of the petition in its entirety.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Fein', written over the typed name.

Ronald A. Fein, Assistant Regional Counsel
U.S. Environmental Protection Agency Region 1
One Congress Street, Suite 1100 (RAA)
Boston, MA 02114
617-918-1040
Fax: 617-918-0040

Date: August 14, 2006

In re: Boston & Maine Corporation (East Deerfield, Massachusetts)
NPDES Appeal No. 05-17

CERTIFICATE OF SERVICE

I, Ronald Fein, hereby certify that copies of the foregoing Status Report were sent by both facsimile and first class mail on this 14th day of August 2006 to the following persons:

Copy by facsimile
Original and five copies by first class mail

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

Fax (202) 233-0121

Copy by facsimile
Copy by first class mail

Jamison E. Colburn
Associate Professor of Law
Western New England College School of Law
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Springfield, MA 01119

Fax (413) 796-2067

Copy by facsimile
Copy by first class mail

John P. Curtin
Boston & Maine Corporation
Iron Horse Park
North Billerica, MA 01862

Fax (978) 663-1213

Dated: August 14, 2006


