



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

NOV 2 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: Boston & Maine Corporation
Permit Number: MA0000272
Appeal Number: NPDES 05-17

Dear Mr. Dierker:

Enclosed is a petition dated October 26, 2005 (received by the Environmental Appeals Board on October 27, 2005), filed by Andrea Donlon, River Steward, Connecticut River Watershed Council, Inc., and Jamison E. Colburn, Associate Professor of Law, Western New England College, School of Law, asking the Environmental Appeals Board to review a permit determination issued by the United States Environmental Protection Agency, Region 1, in this case.

To assist the Environmental Appeals Board in deciding whether the matters raised by petitioners should be reviewed, please have your staff prepare a response that addresses the petitioners' contentions and whether petitioners have 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 December 20, 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 December 20, 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. 20450-0001

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

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.

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: Professor Jamison Colburn
WNEC-Law School
1215 Wilbraham Rd
Springfield, MA 01119-2654

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

Steven Calder
U.S. EPA, Region 1
1 Congress Street, Suite 1100
Boston, MA 02114-2023

John Collins
Environmental Manager
Boston & Maine Corporation
Iron Horse Park, High Street
North Billerica, MA 01862

