



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

VIA ELECTRONIC FILING

October 15, 2018

Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

RE: In re: Keolis Commuter Services; NPDES Permit No. MA0028941

Dear Ms. Durr:

Please find the attached Joint Status Report and accompanying Certificate of Service regarding NPDES Appeal No. 18-03.

Thank you for your assistance.

Sincerely,

/s/ Joshua Secunda

Joshua Secunda
US EPA – Region 1
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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)
In re:)
KEOLIS COMMUTER SERVICES, LLC,) NPDES Appeal No. 18-03
North Station Railroad Terminal)
)
NPDES Permit No. MA0028941)

JOINT STATUS REPORT

On June 15, 2018, Region 1 of the United States Environmental Protection Agency (“Region 1”) and the Massachusetts Department of Environmental Protection (“MassDEP”) jointly issued National Pollutant Discharge Elimination System Permit No. MA0028941 (“NPDES Permit”) to Keolis Commuter Services, LLC (“Keolis”), Massachusetts Bay Transportation Authority, and Delaware North Corporation, as co-permittees. On July 18, 2018, Keolis filed a Petition for Review (“Petition”) with the Environmental Appeals Board (“Board” or “EAB”) requesting review of one (1) condition of the NPDES Permit. On August 13, 2018, the parties filed a joint motion requesting a 90-day stay to provide time to explore settlement. The Board issued an order granting the motion on August 15, 2018, which stayed this matter until Tuesday, November 13, 2018. The Board’s order required the parties to file status reports on Tuesday, September 11, 2018; Tuesday, October 16, 2018; and Tuesday, November 6, 2018. In each status report, the Board required the parties to inform the Board of the progress the parties have made to date.

The parties hereby notify the Board that they have agreed on revisions to Section I.B.9 of the Final Permit that will resolve the appeal. On October 15, 2018, the Region notified the Board and the three co-permittees of the Region's determination to withdraw Section I.B.9 of the Final Permit and commence a new draft permit proceeding to address the portion so withdrawn, pursuant to 40 C.F.R. § 124.19(j). *See Notice of Partial Withdrawal Pursuant to 40 CFR Section 124.19(j)* (filed on October 15, 2018). No later than on October 19, 2018, the Region intends to file a motion to dismiss the Petition for Review as moot in light of the withdrawal of Section I.B.9, to which motion Keolis has assented (hereinafter, the "Motion to Dismiss"). Under the negotiated agreement, once the appeal is dismissed, the Region will propose for notice and comment the negotiated revisions to Section I.B.9 of the Final Permit.

CONCLUSION

For these reasons, the parties report that they have reached agreement and respectfully submit that the additional status report due November 6, 2018, should not be necessary. Once the Motion to Dismiss is filed, the parties will await the Board's ruling.

Dated: October 15, 2018

Respectfully submitted,
U.S. EPA – Region 1

/s/Joshua Secunda
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Status Report regarding *In re: Keolis Commuter Services, LLC* was sent to the following persons in the manner indicated:

By Electronic Filing:

Ms. Eurika Durr
Clerk of the Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Avenue, NW
U.S. EPA East Building, Room 3334
Washington, DC 20004

By electronic mail by agreement of the parties:

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/s/s Joshua Secunda
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Dated: October 18, 2018