



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY**

**Region 1 – New England
5 Post Office Square, Suite 100
Boston, MA 02109-3912**

VIA ELECTRONIC FILING

September 11, 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
Office of Regional Counsel
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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”) 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.

CONCLUSION

The parties hereby provide notice to the Board that the parties conducted a settlement discussion on August 24, 2018 and that settlement discussions are continuing. The parties have made substantial progress towards negotiating an agreement to resolve the Petition in its entirety.

For these reasons, and in the interest of conserving judicial resources, the parties respectfully request that the Board issue an order continuing its stay of the proceedings until Tuesday, November 13, 2018. The parties will notify the Board concerning progress towards settlement in its next status report, which will be filed on or before Tuesday, October 16, 2018.

Dated: September 11, 2018

Respectfully submitted,

U.S. EPA – Region 1

Keolis Commuter Services, LLC

/s/Joshua Secunda
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/s/ Joshua Secunda for Eric L. Klein, Esq.
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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: September 11, 2018