

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

In re:)	
)	
TOWN OF CONCORD, DEPARTMENT)	
OF PUBLIC WORKS)	NPDES APPEAL NO. 13-08
)	
NPDES Permit No. MA0100668)	
)	

THIRD JOINT STATUS REPORT

Region 1 of the United States Environmental Protection Agency (“Region”) and the Town of Concord, Massachusetts (“Town”) hereby submit this third status report to inform the Environmental Appeals Board (“Board”) of the current status of settlement negotiations.

Background

On September 9, 2013, the Town filed a petition for review with the Board challenging a National Pollutant Discharge Elimination System (“NPDES”) permit the Region issued to the Town. On October 31, 2013, the Region filed its Response to Petition for Review and a Certified Index to the Administrative Record. On November 15, 2013, the Town submitted its Reply to the Region’s Response to Petition for Review. On November 21, 2013, the Region filed a Notice of Uncontested and Severable Conditions in connection with NPDES Appeal No. 13-08. By Order dated January 6, 2014, the Board scheduled oral argument for March 26, 2014.

At the joint request of the parties to postpone oral argument to allow the parties to continue settlement negotiations with the intent of resolving the case without further litigation, the Board rescheduled oral argument from March 26, 2014 to May 22, 2014. The Board directed the parties to file reports every two weeks, beginning Friday, March 21, 2014, informing the

Board of the status of settlement negotiations. The parties' first status report was submitted on March 21, 2014.

Status Report

As set forth in the parties' first status report, the Town, the Region, and MassDEP met on January 29, 2014 and March 4, 2014 at the Region's office to discuss potential settlement scenarios, and the Region subsequently provided the Town with a draft letter outlining a settlement scenario. The Town provided a formal response to the Region's draft letter on March 28, 2014. The Region and the Town do not expect to reach agreement on settlement terms at this time, and anticipate moving forward with oral argument before the Board on May 22, 2014. In accordance with the Board's March 11, 2014 Order, the parties will provide the Board with information on any further settlement discussions in the next report due on May 2, 2014.

Respectfully submitted,

THE TOWN OF CONCORD, DEPARTMENT
OF PUBLIC WORKS

/s/

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REGION 1, US ENVIRONMENTAL
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Date: April 18, 2014

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Third Joint Status Report in connection with In re
Town of Concord, Department of Public Works, NPDES Appeal No. 13-08, was sent to the
following persons in the manner indicated:

By Electronic Mail:

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/s/

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Dated: April 18, 2014