

**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)	
)	

JOINT STATUS REPORT

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

Status Report

The parties continue to make progress toward a negotiated settlement of the appeal. As set forth in the parties' Joint Motion to Postpone Oral Argument, 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. Since the parties' last meeting on March 4, 2014, the Region has provided the Town with a draft letter outlining a settlement scenario. The Town has and continues to review that letter and make inquiry as to specific aspects of the proposal and has indicated to the Region that it will provide a formal response prior to March 28, 2014. The parties will provide the Board with an update on the progress of settlement discussions in the next report due on April 4, 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: March 21, 2014

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing 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: March 21, 2014