

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

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In re:	)	
	)	NPDES APPEAL No. 14-04
Lee Ranch Coal Company,	)	
El Segundo Mine	)	
	)	
NPDES Permit No. NM0030996	)	
_____	)	

**JOINT THIRD STATUS REPORT**

Respectfully, Region 6 of the United States Environmental Protection Agency (“Region 6”) and Petitioner Lee Ranch Coal Company (“LRCC”) (collectively, the “Parties”) jointly file this Third Status Report with regard to the above-captioned proceeding.

On November 28, 2014, the Environmental Appeals Board (“EAB”) granted the Parties’ Joint Motion to Stay the Proceedings to allow the Parties to undertake settlement negotiations and ordered the Parties to file joint status reports with the Board on or before January 30 and February 27, 2015 (the “Order”). On January 30, 2015, the Parties filed their initial status report with the EAB and, on February 27, 2015, filed their Joint Second Status Report and Request to Continue the Stay. On March 11, 2015, the EAB granted a continuation of the stay until April 15, 2015.

Despite extensive discussions, the Parties have concluded that they have reached an impasse and are unable to informally resolve the matter. Accordingly, the Parties propose the following schedule with each filing being served electronically via e-mail by the Parties:

- Region 6 to file a response to the petition – May 6, 2015
- Region 6 to file a certified index of the administrative record and administrative record – May 6, 2015
- LRCC to file a reply – May 21, 2015

LRCC also wishes to clarify and correct the docket. On November 3, 2015, LRCC served a Notice of Errata Regarding Exhibits C and E to Petition for Review (“Notice of Errata”). The Notice of Errata corrected exhibits, Exhibits C and E, to LRCC’s Petition. Since the error was discovered the same day as the filing of the original Petition electronically, LRCC was unable to file the Notice of Errata electronically due the limitation of electronic filing system and therefore filed and served it via overnight delivery. On November 4, 2015, an electronic copy was also emailed to the Clerk at her request. LRCC wishes to alert the EAB that the docket has not yet been updated to reflect the Notice of Errata and corrected Exhibits C and E. Should the EAB or Clerk desire, LRCC can re-file the Notice of Errata and Corrected Exhibits C and E via the electronic filing system so as to update the docket.

Date: April 15, 2015

Respectfully Submitted,

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## CERTIFICATE OF SERVICE

I, Peter R. Duchesneau, hereby certify that on this 15th of April, 2015, I served a copy of the foregoing Joint Third Status Report on the parties identified below by U.S. mail.

Ron Curry  
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and

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/s/ Peter Duchesneau  
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