

Response in this matter and on October 15, 2018, the Region filed a notice with the Board that the Region is withdrawing Section I.B.9 of the Permit (the only contested permit condition, Petition for Review at 1) and commencing a new draft permit proceeding under 40 C.F.R. § 124.6. Notice of Partial Withdrawal Pursuant to 40 C.F.R. § 124.19(j) at 2-3 (Oct. 15, 2018) (“Notice of Partial Withdrawal”); *see also* Motion to Dismiss at 2. Consequently, the Region contends that the issue presented in the Petition for Review is now moot and the Petition should be dismissed. Motion to Dismiss at 2. The Region also states that “dismissal of this issue would have no effect on Keolis’s right to submit comments on the draft permit modification or to seek Board review of any final modification of [the permit], in accordance with 40 C.F.R. § 124.19.” *Id.* Finally, the Region represents that Keolis assents to the Motion to Dismiss. *Id.*

Having considered the Motion to Dismiss and the representations therein as well as the Notice of Partial Withdrawal, the Region’s Motion to Dismiss is GRANTED and the Petition for Review is DISMISSED as moot.

So ordered.

Dated: October 24, 2018

ENVIRONMENTAL APPEALS BOARD¹

By:  _____

Aaron P. Avila
Environmental Appeals Judge

¹ The three-member panel deciding this matter is composed of Environmental Appeals Judges Aaron P. Avila, Kathie A. Stein, and Mary Beth Ward.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing **Order Dismissing Petition for Review as Moot** in the matter of *Keolis Commuter Services, LLC*, NPDES Appeal No. 18-03, were sent to the following persons in the manner indicated:

By E-mail:

Eric L. Klein, Esq.
Beveridge & Diamond, P.C.
15 Walnut Street, Suite 400
Wellesley, MA 02481
(781) 416-5700
eklein@bdlaw.com

Joshua Secunda
Assistant Regional Counsel
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Mail code: ORC 04-6
Boston, MA 02109-3912
(617) 918-1736
Secunda.josh@epa.gov

Dated: October 24, 2018



Eurika Durr
Clerk of the Board