

# CLARK HILL

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May 6, 2020

VIA E-FILING

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington DC 20423

ENTERED  
Office of Proceedings  
May 6, 2020  
Part of  
Public Record

Re: **New England Transrail, LLC d/b/a Wilmington & Woburn Terminal  
Railway-Construction, Acquisition and Operation Exemption-in Wilmington  
and Woburn, Massachusetts**  
Docket No. FD 34797 (Sub No. 1)  
*Further Status Report*

Dear Ms. Brown:

By this letter, Petitioner New England Transrail ("NET") and Wilmington Woburn Intermodal, LLC ("WWI")<sup>1</sup> provide their joint further status report pursuant to the April 5, 2019 Board decision, as amended by the October 24, 2019 Board decision, which requires the parties to submit a status report by November 8, 2019, and every 90 days thereafter. NET and WWI filed their joint most recent report on February 6, 2020 as required.

As noted in previous reports, in October 2018, representatives of WWI presented to the Wilmington Board of Selectmen, WWI's concept for a potential project alternative to the project which is the subject of NET's petition before the Board. The parties apprised Danielle Gosselin in the Board's Office of Environmental Assessment of those preliminary discussions. The conceptual alternative would involve an expanded version of its proposed warehouse for the bulk transfer and storage of retail and other commodities.

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<sup>1</sup> In November, 2018, NET petitioned to substitute WWI as the Petitioner. WWI is a joint venture between NET and commercial developer GFI Partners. That petition is still pending with the Board. Nevertheless, WWI is joining in this status report.

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WWI (and NET) received a copy of the Olin / EPA Interim Action Feasibility Study ("IAFS") on April 30, 2020. The issuance of this cleanup plan will be followed by public comment and further negotiation of the plan with involved parties, and ultimately the release of Record of Decision ("ROD") regarding cleanup of the subject property. A final cleanup plan is expected to be released by EPA over the upcoming summer months.

WWI (and, by extension, NET as an investor in it) have not had the opportunity to fully review the documents, nor have they had an opportunity to discuss with any other stakeholders any potential areas of variance or benefits of their proposed development in the context of the IAFS. In the coming weeks, WWI (and NET) expect to complete their internal review of the IAFS, and following that review, to also continue discussions with relevant shareholders

Please let us know if the Board has any questions concerning this report.

Respectfully,

CLARK HILL PLC

*/s/ Eric M. Hocky*

Eric M. Hocky

Attorneys for New England Transrail and  
Wilmington Woburn Intermodal, LLC

EMH/e

cc: Danielle Gosselin, OEA (by email)  
Daniel Deutsch, Esq. (by email)  
Attached Service List

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of May, 2020, a copy of the foregoing “Further Status Report” was sent by U.S. Mail to the following Parties of Record:

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/s/ Eric M. Hocky  
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