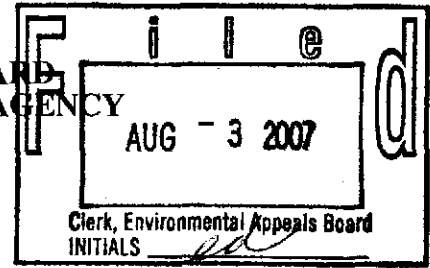


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

District of Columbia Water and Sewer Authority

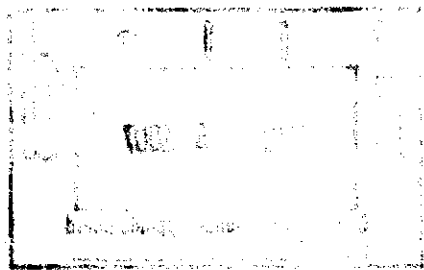
NPDES Appeal Nos. 05-02, 07-10,
07-11, 07-12

NPDES Permit No. DC0021199

**ORDER GRANTING LEAVE TO FILE SURREPLY AND ACCEPTING SURREPLY
FOR FILING**

By Motion dated August 3, 2007, United States Environmental Protection Agency ("EPA") Region 3 (the "Region") seeks leave to file a Surreply to the Reply of the Friends of the Earth and the Sierra Club ("FOE/SC") to the responses of the Region and the District of Columbia Water and Sewer Authority ("WASA") concerning FOE/SC's petition for review, designated NPDES Appeal No. 07-12. The Region attached the Surreply to its motion.

The Region recognizes that the EAB Practice Manual does not address surreplies, but asks that the Board apply the same standards as it would to a request for leave to file a reply brief. *See* EAB Practice Manual § III.D.5 ("[P]etitioners who believe that the permitting authority's response requires a reply may, upon motion explaining why a reply brief is necessary, be granted leave to file a reply brief. * * * [T]he timeliness of the motion may be a factor in the Board's consideration of whether to grant it."). The Region states that "[t]he Surreply is timely, as the Board's Order granting the FOE/SC Motion requesting leave to file the Reply was just granted on July 26, 2007, and will briefly address several of the arguments made by FOE/SC in an effort to clarify some of the issues before the Board." Motion for Leave to File Surreply at 1. The Region further states that it "has no desire to engage in



endless rebuttal; simply to provide information designed to aid the Board in its resolution of the issues in this matter." *Id.* at 1-2.

For good cause shown, the Board hereby grants the Region's Motion for Leave to File Surreply, and accepts the attached Surreply for filing.

So ordered.

Dated: August 3, 2007

ENVIRONMENTAL APPEALS BOARD

By: Kathie A. Stein
Kathie A. Stein
Environmental Appeals Judge



CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Leave to File Surreply and Accepting Surreply for Filing , in the matter of District of Columbia Water and Sewer Authority, NPDES Petition Nos. 05-02, 07-10, 07-11, and 07-12, were sent to the following persons in the manner indicated:

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Dated: AUG - 6 2007


Annette Duncan,
Secretary

