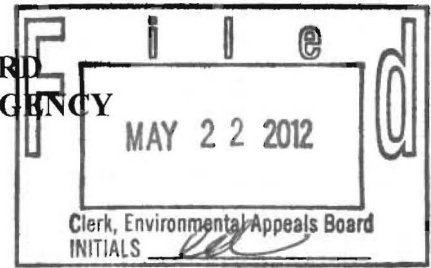


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re: )

Government of the District of Columbia, )  
Municipal Separate Storm Sewer System )

NPDES Permit No. DC0000221 )  
\_\_\_\_\_ )

NPDES Appeal No. 11-06

**ORDER CONTINUING STAY OF PROCEEDINGS**

On May 8, 2012, the Environmental Appeals Board ("Board") issued an order continuing the stay of proceedings in the above-captioned appeal until May 18, 2012, to allow the parties to continue to participate in the Board's Alternative Dispute Resolution program. *See* Order Continuing Stay of Proceedings in NPDES Appeal No. 11-06 & Lifting Stay in NPDES Appeal No. 11-05 (May 8, 2012). The parties duly participated and, on May 18, 2012, successfully reached an agreement to settle their specific disputes without any admission of fact or law. In their Settlement Agreement, the parties agreed that Region 3 of the U.S. Environmental Protection Agency would take certain actions within one hundred eighty (180) days, and that within ten (10) days thereafter, the appellants in this case would file a motion to dismiss their appeal with prejudice or, alternatively, a motion seeking a lift of the stay of proceedings.

Accordingly, on May 18, 2012, appellants filed a motion to continue the existing stay in this case for an additional one hundred ninety (190) days. Counsel for appellants contacted counsel for EPA Region 3 and the District of Columbia and report that both of those parties concur in the pending motion.

For good cause shown, the Board hereby **GRANTS** the motion to continue the stay of proceedings in NPDES Appeal No. 11-06 until **Monday, November 26, 2012**.

So ordered.

**ENVIRONMENTAL APPEALS BOARD**

Date: May 22, 2012

By: *Cynthia McGee*  
for Catherine R. McCabe  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing **Order Continuing Stay of Proceedings** in the matter of *Government of the District of Columbia, Municipal Separate Storm Sewer System*, NPDES Appeal No. 11-06, were sent to the following persons in the manner indicated:

**By First Class U.S. Mail:**

Jennifer C. Chavez  
Earthjustice  
1625 Massachusetts Avenue, N.W.  
Suite 702  
Washington, D.C. 20036

Amy E. McDonnell  
Alan Barak  
Office of the Attorney General  
District Department of the Environment  
1200 First Street, N.E., Seventh Floor  
Washington, D.C. 20002

Rebecca J. Hammer  
Natural Resources Defense Council  
1152 15th Street, N.W.  
Suite 300  
Washington, D.C. 20005

Irvin B. Nathan  
Attorney General for the District of Columbia  
441 4th Street, N.W.  
Washington, D.C. 20001

Ellen Efros  
Assistant Deputy Attorney General  
Civil Litigation Division  
441 4th Street, N.W., Suite 600 South  
Washington, D.C. 20001

**By EPA Pouch Mail:**

Kelly A. Gable  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 3  
1650 Arch Street (3RC20)  
Philadelphia, Pennsylvania 19103-2029

MAY 23 2012  
Date: \_\_\_\_\_

  
\_\_\_\_\_  
Annette Duncan  
Secretary