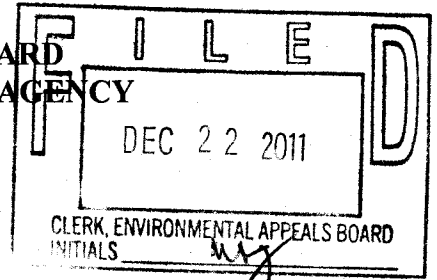


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
In re:)
)
Government of the District of Columbia,)
Municipal Separate Storm Sewer System)
)
NPDES Permit No. DC0000221)
_____)

NPDES Appeal Nos. 11-05 & 11-06

**ORDER STAYING PROCEEDINGS, IN PART,
TO ALLOW PARTIES TO PARTICIPATE IN PILOT ADR PROGRAM**

All parties in the above-captioned matter have requested to participate in the Environmental Appeals Board's ("Board's") Alternative Dispute Resolution ("ADR") pilot program. In light of this agreement, the Board finds it appropriate to stay most of the proceedings in the above-captioned matter for 70 days to allow the ADR process to proceed. The Board is not, however, staying the additional briefing that it had required by Order on November 29, 2011. In that Order, the Board had instructed the Government of the District of Columbia and the United States Environmental Protection Agency Region 3 ("Region") to provide additional briefing on certain issues. *See* Order of November 29, 2011, at 3-4. Although the briefs addressing those issues were originally due December 8 and December 15, 2011, respectively, *see id.* at 4, the Board later granted an extension of time until January 12 and January 26, 2012, respectively. *See* Order of December 7, 2011, at 2. Those deadlines remain unchanged by today's Order.

Judge Charles Sheehan will act as Settlement Judge in this ADR process. He will be contacting the parties to conduct a status conference and to set a date for an initial ADR meeting.

Accordingly, with the exception of the additional briefing the Board had required of the Government of the District of Columbia and the Region, all of the proceedings in this matter are hereby stayed until February 29, 2012. The deadline for the Region to file a certified index of the administrative record and a response to the two petitions for review, including copies of the relevant portions of the administrative record, is hereby postponed until further notice. The deadlines for the additional briefing remain the same: January 12, 2012, for the District of Columbia's brief, and January 26, 2012, for the responses to the District of Columbia's brief.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Date:

12/22/11



Catherine R. McCabe
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Staying Proceedings, in Part, to Allow Parties to Participate in Pilot ADR Program in the matter of the Government of the District of Columbia, NPDES Appeal Nos. 11-05 and 11-06, were sent to the following persons in the manner indicated:

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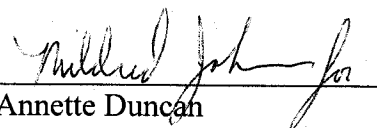
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Dated: **DEC 22** 2011


Annette Duncan
Secretary