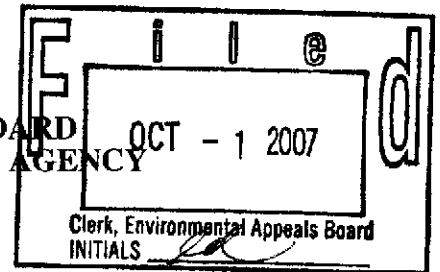


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



In re:

District of Columbia Water and Sewer Authority

NPDES Appeal No. 05-02

NPDES Permit No. DC0021199

**ORDER GRANTING LEAVE TO REPLY TO JOINT NON-PARTY BRIEF**

By Motion dated October 1, 2007, United States Environmental Protection Agency Region 3 (the "Region") seeks leave to reply to the Joint Non-Party Brief of the National Association of Clean Water Agencies ("NACWA") and the Wet Weather Partnership ("WWP"), with respect to the remaining issue in the above-captioned appeal— the issue of whether the Region erred in not including a compliance schedule for implementation of the Combined Sewer Overflow Long Term Control Plan in the above-captioned permit, which the Region issued to the District of Columbia Water and Sewer Authority for the Blue Plains Wastewater Treatment Plant. The Region's proposed Reply Brief is attached to its Motion.

NACWA and the WWP filed a non-party brief on August 22, 2007, pursuant to a July 26, 2007 Board order granting them leave to do so. In support of its Motion for leave to file a Reply to that brief, the Region states:

The Reply will briefly address one aspect of the arguments made by NACWA and the WWP in an effort to clarify some of the issues before the Board. Filing of this Reply will not prejudice any of the parties to the above-captioned proceedings; it is simply offered to provide information designed to aid the Board in its resolution of the issues in this matter.

Motion at 1-2.

Neither 40 C.F.R. part 124 nor the EAB Practice Manual addresses the filing of reply briefs by non-petitioners.<sup>1</sup> Accordingly, the Board may exercise its discretion in deciding whether to grant the Region's Motion. For good cause shown, because the Region's Reply Brief is limited to issues previously raised, and because the Board believes that the Reply Brief will assist in its resolution of the issues in the above-captioned case, the Board hereby GRANTS the Region's Motion and accepts its Reply Brief for filing

So ordered.

Dated: October    /   , 2007

ENVIRONMENTAL APPEALS BOARD

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

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<sup>1</sup> The EAB Practice Manual does state, however, that *petitioners* may "upon motion explaining why a reply brief is necessary, be granted leave to file a reply brief." EAB Practice Manual § III.D.5 at 36.

## CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Leave to Reply to Joint Non-Party Brief, in the matter of District of Columbia Water and Sewer Authority, NPDES Petition No. 05-02, were sent to the following persons in the manner indicated:

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Dated: *October 1, 2007*

  
Annette Duncan,  
for Secretary