



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
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November 23, 2011

Via Electronic Submission

Ms. Eurika Durr
U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board (1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: District of Columbia, Municipal Separate Storm Sewer System
Permit Number: DC0000221
Appeal Numbers: NPDES 11-05 and NPDES 11-06

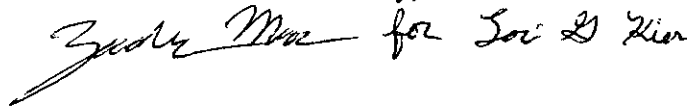
Dear Ms. Durr:

This letter is in response to your November 9, 2011 correspondence to the parties in the above-captioned matter, inquiring as to the parties' interest in participating in Alternative Dispute Resolution (ADR). Please be advised that EPA does believe that ADR would be beneficial, and would like to participate in this process. EPA is aware that the DC Water/Wet Weather Partnership and District Department of Environment (DDOE) have already indicated their similar interest. In the meantime, EPA has spoken with the remaining petitioners -- Earthjustice (on behalf of Friends of the Earth, Anacostia Riverkeeper and Potomac Riverkeeper) and Natural Resources Defense Council (NRDC) -- and has been authorized to represent that those groups have not yet determined whether they want to participate in ADR.

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Therefore, EPA would like to request a 14-day stay to all proceedings in this action to give attorneys for Friends of the Earth/Anacostia Riverkeeper/Potomac Riverkeeper and NRDC to determine whether they want to proceed with ADR. The undersigned attorney has contacted attorneys for the other parties to this action, DC Water/Wet Weather Partnership and DDOE, and understands that they have no objection to the 14-day stay for counsel to determine whether to participate in ADR.

Sincerely,

A handwritten signature in cursive script that reads "Lori G. Kier". The signature is written in black ink and is positioned above the printed name.

Lori G. Kier

cc: Jennifer Chavez, Esq.
Rebecca Hammer, Esq.
Amy McDonnel, Esq.
Paul Calamita, Esq.

