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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

February 22, 2005

Via Federal Express

Ms. Eureka Durr
Clerk of the Board, Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street N.W. , Suite 600
Washington, DC 20005

Re: Respondent's Notice Concerning Stay of Permit Terms
In the Matter of the District of Columbia Water and Sewer
NPDES Permit Appeal Nos. 05-01 and 05-02
Permit Number: DC 0021199

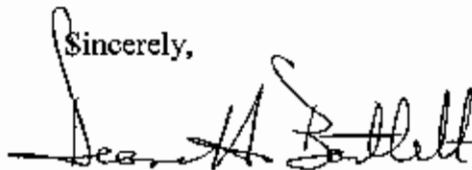
Dear Ms. Durr:

Enclosed please find one original and five copies of the above referenced documents, which I am also serving on counsel for Pctitioners in this matter.

Please contact me at 215-814-2776 if you have any questions.

Thank you for your attention to this matter.

Sincerely,



Deane H. Bartlett
Senior Assistant Regional Counsel

Enclosure

cc (with enclosure):
David Baron, Esquire - Earthjustice Legal Defense Fund
David Evans, Esquire - McGuireWoods LLP

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In the Matter of:)	
Friends of the Earth and Sierra Club,)	
)	
Petitioners)	NPDES Appeal No 05-01
and)	
)	
District of Columbia Water and Sewer Authority))	
)	
Petitioner)	NPDES Appeal No. 05-02
NPDES Permit No. DC 0021199)	
)	
U.S. Environmental Protection Agency, Region III,)	
Respondent.)	
)	

RESPONDENT'S NOTICE CONCERNING STAY OF PERMIT TERMS

Respondent, the United States Environmental Protection Agency, Region III ("Region") hereby files this notice pursuant to 40 C.F.R. Section 124.16(a)(2)(ii), which provides, in relevant part:

The Regional Administrator shall, as soon as possible after receiving notification from the EAB of the filing of a petition for review, notify the EAB, the applicant, and all other interested parties of the uncontested (and severable) conditions of the final permit that will become fully effective enforceable obligations of the permit as of the date specified in paragraph (a)(2)(i) of this section...

This notice relates to modified National Pollutant Discharge Elimination System ("NPDES") Permit No. DC 0021199 ("Permit") for the Blue Plains wastewater treatment plant ("Blue Plains"), issued on December 16, 2004.

A. The Friends of the Earth and the Sierra Club filed a petition with the Environmental Appeals Board ("EAB") for review of the Permit dated January 18, 2005 and designated Appeal Number 05-01. The specific provisions of the Permit for which these Petitioners have requested review are:

1. Part III, Section E.1., Water Quality Based Requirements for CSOs - requirement that discharges shall be of sufficient quality that surface waters shall be free from substances in

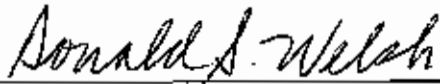
amounts or combinations that do any of the following: settle to form objectionable deposits; float as debris, scum, oil or other matter to form nuisances; produce objectionable odor, color, taste or turbidity; cause injury to, are toxic to, or produce adverse physiological or behavioral changes in humans, plants or animals; produce undesirable or nuisance aquatic life or result in the dominance of nuisance species; or impair the biological community that naturally occurs in the waters or depends on the waters for its survival and propagation, page 49.

2. Part III. Section E.2. - TMDL related effluent limits for CSO discharges, pages 49-51.

3. Part III. Section E. 3. - monitoring requirements for TMDL-derived limits, page 51-53.

B. The District of Columbia Water and Sewer Authority ("WASA") filed a petition with the EAB dated January 18, 2005, designated Appeal Number 05-02. The specific provisions of the Permit for which WASA has requested review are the same as those for which the Sierra Club and the Friends of the Earth have requested review: 1) Part III. Section E.1.; 2) Part III, Section E. 2.; and 3) Part III. Section E.3. Further, WASA asserts that the permit should contain a compliance schedule for implementation of the Long Term Control Plan.

Pursuant to 40 C.F.R. 124.19(d) and 124.60(b), EPA hereby notifies the EAB, the Petitioners and interested parties that all permit conditions except those identified above in Sections A. and B. 1 through 3. and Part III. Section.F.4.f., the requirement to report TMDL monitoring, constitute uncontested and severable conditions of the final permit that shall become fully effective enforceable obligations of the permit thirty (30) days after the date of this notice.



Donald S. Welsh
Regional Administrator
U.S. Environmental Protection Agency
Region III

DATE: 2/22/05

CERTIFICATE OF SERVICE

I hereby certify that Respondent's Notice Concerning Stay of Permit Terms for NPDES Permit DC0000221, issued December 16, 2004, was served on this date as set forth below:

One original and five copies were mailed by Federal Express to:

Ms. Eurika Durr
Clerk of the Board, Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street N.W. , Suite 600
Washington, DC 20005

One copy each was mailed by first class mail to counsel for Petitioners:

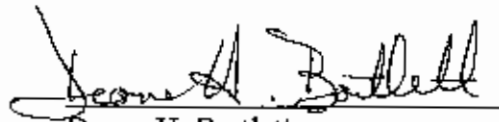
Friends of the Earth and Sierra Club:

David Baron, Esq.
Earthjustice Legal Defense Fund
1625 Massachusetts Ave., NW Suite 702
Washington, DC 20036-2212

District of Columbia Water and Sewer Authority:

David E. Evans
McGuirewoods LLP
Washington Square
1050 Connecticut Avenue, N. W.
Washington, D.C. 20036-5317

Date: 2/22/05


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