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**ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

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ENVIR. APPEALS BOARD

In re: )  
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)  
Government of the District of Columbia )  
Municipal Separate Storm Sewer System, )  
)  
)  
NPDES Permit No. DC 0000221, )  
)  
)

NPDES Appeal Nos. 06-07  
and 06-08

**THE DISTRICT OF COLUMBIA'S AND DISTRICT OF COLUMBIA  
WATER AND SEWER AUTHORITY'S MOTION TO SUBSTITUTE  
AND WITHDRAW COUNSEL**

Pursuant to Environmental Appeals Board (Board) Practice Manual § III.D.7.b.,  
the Government of the District of Columbia (District) and the District of Columbia Water  
and Sewer Authority (WASA) hereby move for leave to substitute and withdraw counsel  
in the captioned matters as follows.

1. The District seeks to substitute counsel of record for the District. One of  
the District's present counsel of record in the captioned matters, Bruce Brennan, has  
retired and is no longer with the Office of the Attorney General for the District of  
Columbia. Therefore, Mr. Brennan no longer represents the District. The District wishes  
to substitute the following attorney for Mr. Brennan as Of Counsel for the District in the  
captioned matters:

**Caroline Burnett**  
**Assistant Attorney General**  
**District of Columbia Department of the Environment**  
51 N Street, N.E., Room 6004  
Washington, D.C. 20002-3323  
(202) 535-2609  
[caroline.burnett@dc.gov](mailto:caroline.burnett@dc.gov)

2. David E. Evans and Darin K. Waylett of McGuireWoods LLP will continue to serve as counsel for the District. Mr. Evans and Mr. Waylett have already appeared and are listed as counsel of record in this matter for both the District and WASA. WASA's General Counsel, Avis Marie Russell, has also appeared and is listed as Of Counsel for WASA. WASA has filed contemporaneously with the present motion a motion for leave to withdraw as a petitioner. As explained in WASA's motion, as of February 15, 2007, WASA no longer serves as the District's Municipal Separate Storm Sewer System ("MS4") Storm Water Administrator and thus need not be separately identified as a party. Its interests, as well as those of other District agencies with stormwater-related activities, can be represented through counsel for the District and the Stormwater Administrator. In the event the Board grants WASA's motion, the District and WASA request that it permit Avis Marie Russell to withdraw from these matters. Assuming the Board grants WASA's motion, that there are no grounds upon which Ms. Russell should remain listed as counsel.

3. Counsel for EPA does not object to the granting of the relief set forth in WASA's motion. Counsel for Earthjustice could not be reached at the time of the filing of the motion.

WHEREFORE, for the reasons explained above, the District and WASA request that the Board enter an Order granting the District's motion for leave to substitute Caroline Burnett for Bruce Brennan as Of Counsel for the District, and granting WASA's motion for leave to permit Avis Marie Russell to withdraw as counsel.

Respectfully submitted,

Government of the District of Columbia, and  
District of Columbia Water and Sewer Authority

By:  \_\_\_\_\_

David E. Evans  
McGuireWoods LLP  
One James Center  
Richmond, VA 23219  
(804) 775-4317  
devans@mcguirewoods.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the date noted below I sent the original and five copies of the foregoing Motion in *In re: Government of the District of Columbia Municipal Separate Storm Sewer System, NPDES permit No. DC 0000221, NPDES Appeal Nos. 06-07 and 06-08*, to the Clerk of the Environmental Appeals Board, by facsimile and overnight Mail.


Eurika Durr  
Clerk of the Board  
Environmental Appeals Board 1103(B)  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

In addition, I hereby certify that on the date noted below I sent true and correct copies of the same via e-mail and first class U.S. Mail to the following persons:

Jennifer C. Chavez  
Earthjustice  
1625 Massachusetts Avenue, N.W., Ste. 702  
Washington, D.C. 20036  
(202) 667-4500  
[jchavez@earthjustice.org](mailto:jchavez@earthjustice.org)

Lori G. Kier  
Senior Assistant Regional Counsel  
EPA Region II (3RC20)  
1650 Arch Street  
Philadelphia, PA 19103  
[kier.lori@epa.gov](mailto:kier.lori@epa.gov)

Date: 6/8/07

  
David E. Evans  
McGuireWoods LLP  
One James Center  
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(804) 775-4317  
[devans@mcguirewoods.com](mailto:devans@mcguirewoods.com)

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**ORDER**

This matter came before the Board on the motion of the Government of the District of Columbia (District) and the District of Columbia Water and Sewer Authority (WASA) for leave to substitute and withdraw counsel in the captioned matters as follows and it appearing for the reasons stated in the motion there is just cause to grant the motion, it hereby

ORDERED that the District's and WASA's motion be and hereby is GRANTED and that the following attorney for shall be substituted for Bruce Brennan for the District in the captioned matters:

Caroline Burnett  
Assistant Attorney General  
District of Columbia Department of the Environment  
51 N Street, N.E., Room 6004  
Washington, D.C. 20002-3323  
(202) 535-2609  
[caroline.burnett@dc.gov](mailto:caroline.burnett@dc.gov)

It is further ORDERED that David E. Evans and Darin K. Waylett of McGuireWoods LLP will continue to serve as counsel for the District and WASA's

~~General Counsel, Avis Marie Russell, shall be and hereby is withdrawn from these~~  
matters.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge