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Deane H. Bartlett (3RC20)
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EPA REGION III

To: Ms. Eevika Diner

at FAX No: 202/233-0121

Date: 7/10/06 Number of pages (including cover): 5

Subject: Blue flowers - Appeal Nos. 5-01 and 5-02
Motion to Extend Stay Consolidated

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

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ENVIR. APPEALS BOARD

July 10, 2006

Via Telefax and Federal Express

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

Rc: Unopposed Motion by Respondent EPA to Extnd Stay of Proceedings
Permit Number: DC 0021199
Consolidated Appeals 05-01 and 05-02

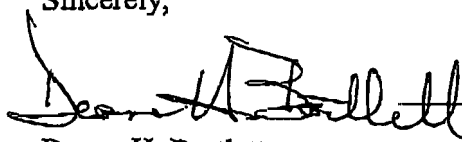
Dear Ms. Durr:

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

Please contact me at 215-814-2776 if you have any questions with regard to this filing.

Thank you for your attention to this matter.

Sincerely,



Deane H. Bartlett
Senior Assistant Regional Counsel

Enclosure

cc: via regular mail (with enclosure):
David Baron, Esquire - EarthJustice Legal Defense Fund
David Evans, Esquire - McGuireWoods LLP

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

2006 JUL 10 PM 2:09
ENVIR. APPEALS BOARD

| | | |
|--|---|-------------------------|
| _____ |) | |
| In re: |) | |
| |) | |
| Blue Plains Wastewater Treatment Plant |) | |
| |) | NPDES Appeal Nos. 05-02 |
| NPDES Permit No. DC 0021199 |) | and 05-02 |
| _____ |) | Consolidated |

**UNOPPOSED MOTION BY RESPONDENT
EPA TO EXTEND STAY OF PROCEEDINGS**

The United States Environmental Protection Agency, Region III (Region or EPA), Respondent in the above-referenced consolidated appeals, hereby moves the Environmental Appeals Board (Board) for a stay of briefing in this matter until August 17, 2006. In support of its Motion, the Region states as follows:

1. The Region issued the above-captioned modified permit on December 16, 2004.
2. Two parties filed timely Petitions for Review with the Board. Specifically, on January 18, 2005, the Friends of the Earth and the Sierra Club (FoE/SC) filed a petition to review the modified Permit, designated Appeal No. 05-01. Also on January 18, 2005, the permittee, the District of Columbia Water and Sewer Authority (WASA), filed a petition for review, designated Appeal No. 05-02. By letters dated January 25, 2005, the Board directed the Region to file its Responses to the Petitions on or before March 14, 2005. By Order dated February 23, 2005, the Board granted the Region's unopposed Motion to consolidate these appeals.
3. The Board has granted five unopposed motions by the Region to extend the time for the Region to file its response to the consolidated petitions. The present deadline for filing is July 17, 2006.

4. Since the issuance of the May 11, 2006 Order granting the extension of the Region's time to file until July 17, 2006, the parties have continued their discussions regarding potential settlement of the petitions for appeal. The parties have continued their discussions on draft permit and fact sheet language related to the specific issues on appeal, and remain hopeful that an agreement can be reached. Therefore, the Region seeks a stay of an additional thirty (30) days in order to pursue the possibility of substantially narrowing, if not fully resolving, the issues that will ultimately require resolution by the Board.

5. The Region has consulted with counsel for FoE/SC and counsel for WASA and neither Petitioner opposes the requested stay of proceedings.

For the foregoing reasons, the Region requests a stay of these proceedings until August 17, 2006.

Respectfully submitted,

Date

July 10, 2006



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OF COUNSEL:

Stephen J. Sweeney, Esquire
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
sweeney.steve@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that Respondent's July 10, 2006 Unopposed Motion for Stay of Proceedings in these consolidated Appeal Nos. 05-01 and 05-02, was served on this date as set forth below:

A copy of the Motion was telefaxed and the 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
Colorado Building
1341 G. Street, N.W., Suite 600
Washington, DC 20005

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

Friends of the Earth and Sierra Club:

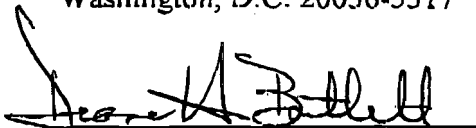
David Baron, Esq.
EarthJustice Legal Defense Fund
1625 Massachusetts Ave., NW Suite 702
Washington, DC 20036-2212

District of Columbia Water and Sewer Authority:

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

Date:

July 10, 2006



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