



From:
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EPA REGION III

To: Ms.Eurika Durr, Clerk, Environmental Appeals Board

at FAX No: 202/233-0121

Date: February 28, 2005 Number of pages (including cover): 5

Subject: Unopposed Motion For Extension of Time to File Petitions for Review, Appeal Nos 05-01 and 05-02.

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**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 UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO PETITIONS FOR REVIEW**

Respondent, the United States Environmental Protection Agency, Region III (Region or EPA) hereby files this Motion to extend the time for filing its response to the above-referenced petitions for review by sixty (60) days, until May 13, 2005.

On December 16, 2004, EPA issued the final modified National Pollutant Discharge Elimination System (NPDES) Permit No. DC0021199 (Permit) for the Blue Plains Wastewater Treatment Facility to the District of Columbia Water and Sewer Authority (WASA). On January 18, 2005, the Friends of the Earth and the Sierra Club filed a petition to review the modified Permit, designated Appeal No. 05-01. Also on January 18, 2005, the permittee, 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. On

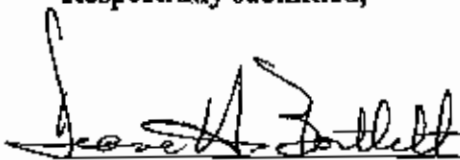
February 23, 2005, the Region filed an unopposed Motion to consolidate these matters. That motion is presently before the Board.

The Permit at issue here is the first Phase II permit EPA has issued under the 1994 Combined Sewer Overflow Control Policy and involves issues of first impression in terms of application of the Policy, particularly in light of the enactment of the Wet Weather Water Quality Act of 2000, which added Section 402(q) to the Clean Water Act, requiring *inter alia*, that all CSO permits conform to the Policy. In addition, the primary EPA Headquarters attorney assigned to the matter has taken an unanticipated early paternity leave and will be unavailable for several weeks. Finally, this extension will allow the parties to determine whether there is any basis upon which to pursue settlement discussions.

EPA has consulted with counsel for Friends of the Earth and Sierra Club and counsel for WASA and neither Petitioner opposes the requested extension of time.

For the foregoing reasons, EPA hereby respectfully moves the Board for an extension of time to file its Response to Appeal Nos. 05-01 and 05-02 until May 13, 2005.

Respectfully submitted,



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Date 2/28/05

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

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ENVIR. APPEALS BOARD

February 28, 2005

Via Telefax and Federal Express

Ms. Erika 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

Re: Respondent's Unopposed Motion For Extension of Time to File Responses to Petitions
 for Review Appeal Nos. 05-01 and 05-02
 Permit Number: DC 0021199

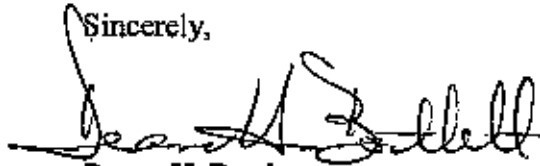
Dear Ms. Durr:

Enclosed please find one original and five copies of the above referenced 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.

Thank you for your attention to this matter.

Sincerely,



Deane H. Bartlett
 Senior Assistant Regional Counsel

Enclosure

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

CERTIFICATE OF SERVICE

I hereby certify that Respondent's Unopposed Motion for Extension of Time to File Response to Petitions for Review of NPDES Permit DC0021199 issued December 16, 2004, was served on this date as set forth below:

The original was telefaxed to 202/233-0121 and the original and five copies were mailed by Federal Express to:

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

One copy each was mailed by Federal Express 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
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District of Columbia Water and Sewer Authority:

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Date: 2/28/05



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