

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

U.S. EPA

SEP 23 2005

1650 ARCH ST PHILA PA 19103

September 23, 2005

Via Telefax and Federal Express

Ms. Eureka Durr
Clerk of the Board, Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street N.W. , 6th Floor
Washington, DC 20005

Re: Respondent's Status Report
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.

Thank you for your attention to this matter.

Sincerely,


for 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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E.C.P.L.

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

YOUR COPY
1 Judge Walynch
Judge _____
Judge _____
Judge _____
Original D. G. ...

In re: Blue Plains Wastewater Treatment Plant)
NPDES Permit No. DC 0021199)

Attorney Wenzel

NPDES Appeal Nos. 05-02
and 05-02

RECEIVED
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.
05-02-05

RESPONDENT'S STATUS REPORT

Pursuant to the Board's Order of June 24, 2005, the United States Environmental Protection Agency, Region III (Respondent or EPA), Respondent in the above-referenced consolidated appeals, hereby submits a report on the status of negotiations in this case.

On June 24, 2005, the Board granted the Respondent's Unopposed Motion for a Stay of these proceedings until January 16, 2006. Since that time, several conference calls among EPA, the District of Columbia Water And Sewer Authority, and Earthjustice, counsel for Friends of the Earth and Sierra Club, were held: on August 3, August 16 and September 22. At present, EPA has made a settlement proposal to the Pctitioners, which is under consideration. The parties have another conference call scheduled for October 12, 2005, but expect to have additional discussions prior to that time.

Respondent believes that the settlement discussions have helped the parties to gain a better understanding of positions and interests with respect to the challenged permit provisions.

Respectfully submitted,

Date 9/23/05



Deane H. Bartlett
Senior Assistant Regional Counsel
Office of Regional Counsel
USEPA Region III (3RC20)
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-2776
Fax: (215) 814-2603
bartlett.deane@epa.gov

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 Status Report in these consolidated Appeals Nos. 05-01 and 05-02, was served on this date as set forth below:

The original Status Report was telefaxed 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
1341 G. Street, N.W., 6th Floor
Washington, DC 20005

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

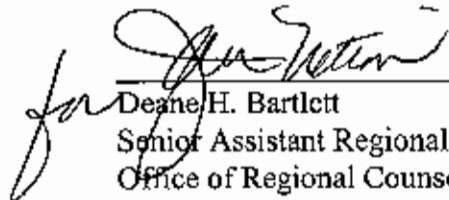
Friends of the Earth and Sierra Club:

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: 9/23/05



Deane H. Bartlett
Senior Assistant Regional Counsel
Office of Regional Counsel
EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Telephone: (215) 814-2776
Fax: (215) 814-2603