



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 14 2006

ENVIRONMENTAL APPEALS BOARD

Mr. William Early, Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029

Re: District Municipal Separate Storm Sewer System  
Permit Number: DC 0021199  
Appeal Number: NPDES 06-07

Dear Mr. Early:

Enclosed is a petition dated April 12, 2006 (received by the Environmental Appeals Board on April 12, 2006), filed by David E. Evans, attorney, McGuire Woods, on behalf of the Government of the District of Columbia and the District of Columbia Water and Sewer Authority, asking the Environmental Appeals Board to review a permit determination issued by the United States Environmental Protection Agency, Region 3, in this case.

To assist the Environmental Appeals Board in deciding whether the matters raised by petitioners should be reviewed, please have your staff prepare a response that addresses the petitioners' contentions and whether petitioners have satisfied the requirements for obtaining review under 40 C.F.R. §124.19(a). Include relevant portions of the administrative record with the response, together with a certified index of the entire administrative record. Please file an original (signed in blue ink) and five copies of these materials no later than May 29, 2006, and send a copy of the response and the certified index to petitioners with a certificate of service showing the date and method of service.<sup>1</sup>

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<sup>1</sup> The petition in the instant case challenges Amendment No. 1 to NPDES Permit No. DC0021199, which Region 3 issued in final form on March 13, 2006. Notably, two other appeals of NPDES Permit No. DC0021199 are currently pending before the Board: NPDES Appeal Nos. 05-01 and 05-02. These cases are stayed until May 16, 2006, while the parties engage in settlement negotiations. The Region must file a response to the two appeals by that date unless the parties request an extension of the stay, move to dismiss the petitions, or take other measures to extend the response period.

All documents, including the materials due May 29, 2006, must reference the appeal number. **IMPORTANT:** In addition, any envelope or other packaging containing documents sent to the Environmental Appeals Board's mailing address or hand-delivery address, as prescribed below, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and appeal number in the lower left hand corner.

***Mailing and Hand Delivery Instructions<sup>2</sup>***

**All documents that are sent through the U.S. Postal Service, Express Mail, hand-delivered, via courier must include the name of the organization, address, facsimile number, telephone number, and an email address, if available.**

Documents that are sent through the U.S. Postal Service (except by Express Mail) **MUST** be addressed to the Environmental Appeals Board's mailing address which is:

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board 1103B  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460-0001

Documents that are sent to the Environmental Appeals Board's **hand-delivery** address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) **MUST** be delivered to:

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To the extent that NPDES Appeal Nos. 05-01, 05-02, and 06-07 overlap, are related in any way, or may have effects on each other, we ask that the Region clarify such matters for the Board in its response to NPDES Appeal No. 06-07.

<sup>2</sup> The Environmental Protection Agency is experiencing delays in delivery of mail from the U.S. Postal Service. These delays are due to a new sterilization procedure applied to all U.S. Postal Service mail delivered to the federal government. Parties are encouraged to utilize non-U.S. Postal Service carriers and the Board's hand-delivery address when filing time-sensitive pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website ([www.epa.gov/eab](http://www.epa.gov/eab)) at the Clerk of the Board or Frequently Asked Questions.

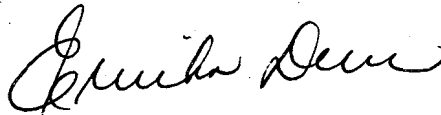
U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
1341 G Street, N.W. Suite 600  
Washington, D.C. 20005

Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

A copy of this letter is being sent to the petitioners as notification of these filing requirements.

Thank you for your attention to these matters.

Sincerely,



Eurika Durr  
Clerk of the Board

Enclosure

cc: w/o encl: David E. Evans  
McGuire Woods LLP  
Washington Square  
1050 Connecticut Avenue N.W.  
Suite 1200  
Washington, DC 20036-5317

w/encl: Jon Capacasa, Director  
Water Protection Division  
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Philadelphia, PA 19103-2029