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ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY JUL 23 PM 3:57

ENVIR. APPEALS BOARD

In the Matter of:)

Blue Plains Wastewater Treatment Plant,)
NPDES Permit No. DC0021199)

NPDES Appeal Nos.: 07-10, 07-11, 07-12

**FRIENDS OF THE EARTH AND SIERRA CLUB'S
MOTION FOR LEAVE TO REPLY TO THE
U.S. ENVIRONMENTAL PROTECTION AGENCY AND
DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

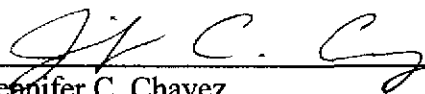
Friends of the Earth and Sierra Club ("FOE/SC") hereby request leave to file a reply to arguments raised by the United States Environmental Protection Agency ("EPA") and by the District of Columbia Water and Sewer Authority ("WASA") concerning FOE/SC's petition for review of the Blue Plains Wastewater Treatment Plant NPDES Permit No. DC0021199, NPDES Appeal No. 07-12,¹ pursuant to EAB Practice Manual at 36 (June 2004)

FOE/SC require an opportunity to reply to arguments raised by EPA and WASA for the first time in their responses. This motion is timely, and the Board's grant of leave to reply will aid its resolution of the issues raised in these combined petitions for review. Finally, the Board's grant of leave to reply will not cause prejudice to any of the parties in the above-captioned proceedings.

¹ WASA filed a separate petition for review (NPDES 07-11), and FOE/SC filed a motion for leave to intervene and to respond to the issues raised in WASA's petition. (Dkt. # 20). That motion is awaiting decision by the Board. Based on a review of WASA's petition and EPA's response thereto, FOE/SC have determined that it is not necessary to file a separate response to WASA's petition. However, FOE/SC request the Board to allow this response to serve as FOE/SC's reply to WASA's petition, to the extent the issues raised in WASA's petition overlap with the issues discussed herein.

For the foregoing reasons, FOE/SC ask the Board to grant leave to file a reply to arguments raised by EPA and WASA in their responses to FOE/SC's petition for review, NPDES Appeal No. 07-12.

DATED this 23rd day of July, 2007.



Jennifer C. Chavez

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

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| In the Matter of: |) | |
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| Blue Plains Wastewater Treatment Plant, |) | NPDES Appeal Nos.: 07-10, 07-11, 07-12 |
| NPDES Permit No. DC0021199 |) | |
| |) | |
| |) | |

**ORDER GRANTING FRIENDS OF THE EARTH AND SIERRA CLUB
LEAVE TO REPLY TO EPA AND WASA'S RESPONSES TO
PETITION FOR REVIEW OF EPA'S GRANT OF NPDES PERMIT
FOR THE BLUE PLAINS WASTEWATER TREATMENT PLANT**

Friends of the Earth and Sierra Club ("FOE/SC") have filed a motion for leave to file a reply to arguments raised by the United States Environmental Protection Agency ("EPA") and by the District of Columbia Water and Sewer Authority ("WASA") concerning FOE/SC's petition for review of the Blue Plains Wastewater Treatment Plant NPDES Permit No. DC0021199, NPDES Appeal No. 07-12. FOE/SC further requests the Board to allow this response to serve as FOE/SC's reply to WASA's petition, NPDES 07-11, to the extent the issues raised in WASA's petition overlap with the issues discussed therein.

For the reasons stated in the Petitioners' motion, the Petitioners' motion is hereby GRANTED. The Clerk of the Board is hereby directed to file the Reply attached to FOE/SC's motion.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: _____

By: _____

CERTIFICATE OF SERVICE


I hereby certify that a copy of the foregoing **Motion for Leave to Reply to U.S. Environmental Protection Agency and District of Columbia Water and Sewer Authority** was served on each of the following by first-class mail, postage prepaid, on July 23, 2007:

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DATED: July 23, 2007



Jennifer C. Chavez