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Date: September 6, 2007 Number of pages (including cover): 7

Re: DC MS4/Eighth Joint Motion for Stay of Proceedings

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
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September 6, 2007

Via Facsimile and Regular Mail

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

In Re: Government of the District of Columbia,
Municipal Separate Storm Sewer System
Docket No. NPDES Appeal No. 04-10

Dear Ms. Durr:

Please find enclosed for filing the original and five copies of the parties' Eighth Joint Motion for Stay of Proceedings and Extension of Time in the above-captioned matter. I have also enclosed a proposed Order granting same.

Sincerely,

A handwritten signature in cursive script that reads "Lori G. Kier".

Lori G. Kier

cc: (all via facsimile and regular mail)
David S. Baron, Esq./Jennifer Chavez, Esq.
David E. Evans, Esq./Darin K. Waylett, Esq.

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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

SEP -6 AM 9:09
ENVIR. APPEALS BOARD

In Re:)

Government of the District of Columbia,)
Municipal Separate Storm Sewer)
System)

NPDES Appeal Nos. 06-07
and 06-08

NPDES Permit No. DC 0000221)

Government of the District of Columbia,)

Friends of the Earth and Defenders of Wildlife,)

Petitioners,)

U.S. Environmental Protection Agency, Region III,)

Respondent.)

EIGHTH JOINT MOTION FOR STAY OF PROCEEDINGS AND EXTENSION OF TIME


Respondent in this proceeding, U.S. EPA Region III ("EPA"), and Petitioners, the Government of the District of Columbia ("DC Government") and Friends of the Earth and Defenders of Wildlife ("FOE/DOW"), collectively, "the Parties," hereby submit this Eighth Joint Motion for Stay of Proceedings and Extension of Time for EPA to file a response to the Petitioners' petitions ("Response") and certified index to the administrative record. Pursuant to an Order of the Environmental Appeals Board ("Board") dated June 13, 2007, EPA's consolidated brief in response to the DC and FOE/DOW's petitions for review is currently due September 14, 2007.

As reported in the parties' Joint Status Report filed on August 9, 2007, all parties believe that considerable progress has been made in the settlement discussions, and that settlement is still worth pursuing. These communications include the previously-reported August 8 meeting among the parties, Earthjustice's submission of a written counter-proposal on August 13, a conference call among the parties on August 15, and an August 16 written response by Earthjustice to the August 15 conference call. The District of Columbia is currently preparing a response to Earthjustice's August 16 submission, and the parties are also scheduling two meetings during the month of September so that all of the remaining issues can be resolved expeditiously.

The communications identified above have considerably narrowed the issues, and the parties believe that they will have either reached a settlement in the next 45 days or will agree to end the negotiations. Therefore, the parties hereby jointly move for an additional 45-day stay of proceedings and extension to EPA's filing obligations until October 29, 2007 to facilitate continued settlement discussions.

Respectfully submitted this 6th day of September, 2007,

For Petitioners:



David S. Baron
Jennifer C. Chavez
Counsel for Friends of the Earth and
Defenders of Wildlife
Earthjustice
1625 Massachusetts Ave., N.W. #702
Washington, D.C. 20036

David Evans by Lori Kier

David E. Evans
Darin K. Waylett
Counsel for the District of Columbia
McGuire Woods, LLP
One James Center
Richmond, VA 23219

For Respondent:

Lori Kier

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BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

ENVIR. APPEALS BOARD

In Re:

Government of the District of Columbia,
Municipal Separate Storm Sewer
System

NPDES Permit No. DC 0000221

Government of the District of Columbia

Friends of the Earth and Defenders of Wildlife,

Petitioners,

U.S. Environmental Protection Agency, Region III,

Respondent.

Appeal Number: NPDES No. 06-07
Appeal Number: NPDES No. 06-08

PROPOSED ORDER GRANTING EIGHTH JOINT MOTION FOR STAY
OF PROCEEDINGS AND EXTENSION OF TIME

For good cause shown, the Parties' Motion for Stay of Proceedings and Extension of Time is hereby granted. EPA shall file its Response to the Petitions and administrative record no later than October 29, 2007.

So ordered.

Dated: _____

ENVIRONMENTAL APPEALS BOARD

By: _____

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below I filed the original and five copies of the foregoing Eighth Joint Motion for Stay of Proceedings and Extension of Time with the Clerk of the Environmental Appeals Board by facsimile and U.S. mail. Moreover, I hereby certify that on the same date I sent a copy of the foregoing document to each of the parties below, by facsimile and first class certified mail, return receipt requested:

David S. Baron, Esq.
Jennifer C. Chavez, Esq.
Earthjustice Legal Defense Fund
1625 Massachusetts Ave., N.W. #702
Washington, D.C. 20036

David E. Evans, Esq.
Darin K. Waylett, Esq.
Counsel for the District of Columbia
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One James Center
Richmond, VA 23219

Dated: _____

9/6/07



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