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706 MAR 8 AM 9 46
ENVIR. APPEALS BOARD

EPA REGION III

To: Eirika Dawn

at FAX No: 202/233-0121

Date: 3/8/06 Number of pages (including cover): 6

Subject: Unopposed Motion for Extension of Stay

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

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ENVIR. APPEALS BOARD

March 8, 2006

Via Telefax and Federal Express

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

Re: Unopposed Motion by Respondent EPA to Extend Stay of Proceedings
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 with regard to this filing.

Thank you for your attention to this matter.

Sincerely,



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

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

NPDES Appeal Nos. 05-02
and 05-02
Consolidated

UNOPPOSED MOTION BY RESPONDENT
EPA TO EXTEND STAY OF PROCEEDINGS

The United States Environmental Protection Agency, Region III (Region or EPA), Respondent in the above-referenccd consolidated appeals, hereby moves the Environmental Appeals Board (Board) for a stay of briefing in this matter until May 16, 2006. In support of its Motion, the Region states as follows:

1. The Region issued the above-captioned permit on December 16, 2004.
2. Two parties filed timely Petitions for Review with the Board. Specifically, on January 18, 2005, the Friends of the Earth and the Sierra Club (FoE/SC) filed a petition to review the modified Permit, designated Appeal No. 05-01. Also on January 18, 2005, the permittee, the District of Columbia Water and Sewer Authority (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. By Order dated February 23, 2005, the Board granted the Region's unopposed Motion to consolidate these appeals.

3. The Board has granted three unopposed motions by the Region to extend the time for the Region to file its response to the consolidated petitions. The present deadline for filing is March 16, 2006.

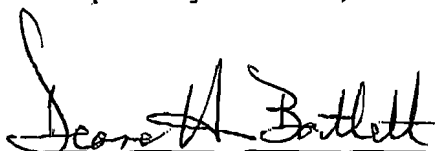
4. Since the issuance of the December 19, 2005 Order granting the extension of the Region's time to file until March 16, 2005, the parties have had several discussions regarding potential settlement of the petitions for appeal. EPA made a settlement proposal to which WASA responded with a counter proposal. In turn, FoE/SC has proffered a counter proposal to the proposal made by WASA. The parties are presently engaged in the process of determining whether agreement in principal can be reached. The Region therefore seeks a stay of an additional sixty (60) days in order to pursue the possibility of substantially narrowing, if not fully resolving the issues that will ultimately require resolution by the Board..

5. The Region has consulted with counsel for FoE/SC and counsel for WASA and neither Petitioner opposes the requested stay of proceedings.

For the foregoing reasons, the Region requests a stay of these proceedings until May 16, 2006.

Respectfully submitted,

Date 3/8/06



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OF COUNSEL:

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Washington, D.C. 20460
sweeney.steve@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that Respondent's March 8, 2006 Unopposed Motion for Stay of Proceedings in these consolidated Appeal Nos. 05-01 and 05-02, was served on this date as set forth below:

A copy of the Motion was telefaxed and the original and five copies were mailed by Federal Express to:

Ms. Eurika 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 first class mail, postage prepaid to counsel for Petitioners:

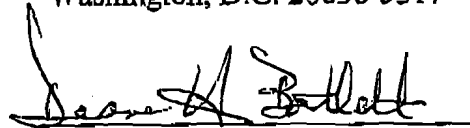
Friends of the Earth and Sierra Club:

David Baron, Esq.
Earthjustice Legal Defense Fund
1625 Massachusetts Ave., NW Suite 702
Washington, DC 20036-2212

District of Columbia Water and Sewer Authority:

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McGuireWoods LLP
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Date: 3/8/06



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