



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

APR 20 2006

ENVIRONMENTAL APPEALS BOARD

Ms. Lydia Isales
Acting 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 0000221
Appeal Number: NPDES 06-08

Dear Ms. Isales:

Enclosed is a petition dated April 17, 2006 (received by the Environmental Appeals Board on April 17, 2006), filed by David S. Baron and Elena Saxonhouse, attorneys, Earthjustice, on behalf of the Friends of the Earth and Defenders of Wildlife, 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 June 5, 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.

All documents, including the materials due June 5, 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 Instructions¹

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:

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).

¹ 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) at the Clerk of the Board or Frequently Asked Questions.

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,

A handwritten signature in cursive script, appearing to read "Eurika Durr".

Eurika Durr
Clerk of the Board

Enclosure

cc: w/o encl: David S. Baron
Elena Saxonhouse
Earthjustice
1625 Massachusetts Avenue, N.W., Ste. 702
Washington, DC 20036

w/encl: Jon Capacasa, Director
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

