



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

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ENVIR. APPEALS BOARD

June 6, 2007

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

Re: Respondent's Notice Concerning Stay of Permit Terms  
In the Matter of the Blue Plains Advanced Wastewater Treatment Plant  
NPDES Permit No: DC002119  
Appeal Nos: 07-10, 07-11 and 07-12

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 .

Thank you for your attention to this matter.

Sincerely,

Deane H. Bartlett  
Senior Assistant Regional Counsel

Enclosure

cc: (with enclosure)

Amy McDowell, Esq. - CBF

Jon A. Mueller, Esq. - CBF

Stuart Leeth, Esq., McGuire Woods - WASA

David Evans, Esq. - McGuire Woods, - WASA

Jennifer Chavez, Esq. - Earthjustice Legal Defense Fund

David Baron, Earthjustice Legal Defense Fund



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interested parties of the uncontested (and severable) conditions of the final permit that will become fully effective enforceable obligations of the permit as of the date specified in paragraph (a)(2)(I) of this section...

This notice relates to modified National Pollutant Discharge Elimination System (NPDES) Permit No. DC 0021199 (Modified Permit) for the Blue Plains wastewater treatment plant, issued on April 5, 2007.

A. The Chesapeake Bay Foundation filed a petition with the Environmental Appeals Board (EAB) for review of the Modified Permit on May 7, 2007 and designated NPDES Appeal No. 07-10. The petition alleges that the Region erred in not including a compliance schedule for achievement of the total nitrogen limit contained in part IV, Section E. of the Modified Permit. As the petition relates to a condition that was not included in the Modified Permit, no provisions of the Modified Permit are stayed as a result of the petition.

B. The District of Columbia Water and Sewer Authority, the permittee, filed a petition with the EAB for review of the Modified Permit on May 7, 2007 and designated NPDES Appeal No. 07-11. The petition alleges that the Region erred in not including a compliance schedule for achievement of the total nitrogen limit contained in Part IV, Section E. of the Modified Permit. As this portion of the petition relates to a provision which was not included in the Modified Permit, no provisions of the Modified permit are stayed as a result of this portion of the petition. In addition, the petition requests EAB review of the following provision of the Modified Permit:

1. Part IV, Section E. 2.:

**SECTION E. TOTAL NITROGEN**

...2. Effective upon permit issuance, the total nitrogen discharge limit from the facility shall be 4,689,000 pounds per year.

Total nitrogen shall be calculated as follows:

Total nitrogen = Total Kjeldahl nitrogen + NO<sub>2</sub> as N + NO<sub>3</sub> as N.

and

2. Part I. Section B. Footnote 10:

As provided in Part IV Section E of this permit, the permittee shall operate the plant, including the Biological Nitrogen Removal(BNR) process to meet the Chesapeake Bay based total nitrogen effluent limit of not more than 4,689,000 pounds per year.

Total nitrogen concentration shall be the sum of organic nitrogen, ammonia nitrogen and

(NO<sub>2</sub> +NO<sub>3</sub>) - N concentrations (e.g., Total Nitrogen = Total Kjeldahl nitrogen + No<sub>2</sub> as N + No<sub>3</sub> as N).

C. Friends of the Earth and the Sierra Club filed a petition with the EAB for review of the Permit, on May 7, 2007 and designated NPDES Appeal Number 07-12. The specific provision of the Modified Permit for which these Petitioners have requested review is:

Part III. Section E. Water Quality Based Requirements for CSOs

1. The Long Term Control Plan (LTCP) performance standards contained in Part III. Section C.2.3. through 9. are the water quality-based effluent limits for CSO discharges.

Pursuant to 40 C.F.R. 124.19(d) and 124.60(b), EPA hereby notifies the EAB, the Petitioners and interested parties that all permit conditions except those identified above in Sections B. 1 and C. 1 - the final total nitrogen limit in Part IV. Section E. and Part I. Section B. Footnote 10 and the Water Quality Based Requirements for CSOs, Part III., Section E. 1, of the Modified Permit - constitute uncontested and severable conditions of the final permit that shall become fully effective enforceable obligations of the permit thirty (30) days after the date of this notice.



DATE: JUN 6 2007

Donald S. Welsh  
Regional Administrator  
U.S. Environmental Protection Agency  
Region III

## CERTIFICATE OF SERVICE

I hereby certify that Respondent's Notice Concerning Stay of Permit Terms for NPDES Permit DC0000221, issued April 5, 2007 was served on this date as set forth below:

One original and five copies were mailed by first class mail, postage prepaid to:

Ms. Eurika Durr  
Clerk of the Board, Environmental Appeals Board  
U.S. Environmental Protection Agency  
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:

Chesapeake Bay Foundation:

Amy McDowell, Esquire  
Jon A. Mueller, Esquire  
Chesapeake Bay Foundation  
Philip Merrill Environmental Center  
6 Herndon Avenue  
Annapolis MD 21403

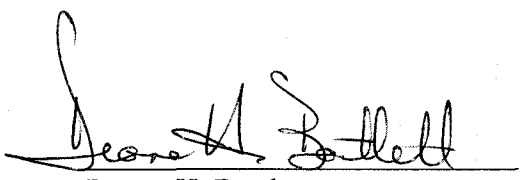
District of Columbia Water and Sewer Authority:

Stuart T. Leeth, Esquire  
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Washington Square  
1050 Connecticut Avenue, N. W.  
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Friends of the Earth and Sierra Club:

Jennifer C. Chavez, Esquire  
David Baron, Esquire  
Earthjustice Legal Defense Fund  
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Washington, DC 20036-2212

Date: 6/06/07



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