

df

RECEIVED
U.S. E.P.A.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

1650 Arch Street Philadelphia, Pennsylvania 19103-2029
2005 JUN 22 AM 10:25
ENVIR. APPEALS BOARD

June 21, 2005

Via Telefax and Federal Express

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

Re: EPA's Unopposed Motion to Stay Proceedings
Permit Number: DC 0021199
Consolidated Appeals 05-01 and 05-02

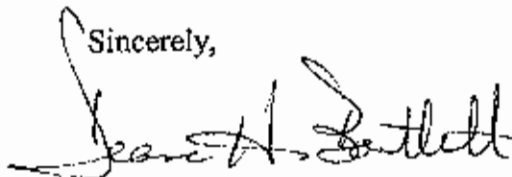
Dear Ms. Durr:

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.

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

RECEIVED
U.S. E.P.A.

**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
_____)

**UNOPPOSED MOTION BY RESPONDENT EPA
FOR STAY OF PROCEEDINGS**

The United States Environmental Protection Agency, Region III (Region or EPA), Respondent in the above-referenced consolidated appeals, hereby moves the Environmental Appeals Board ("Board") for a stay of briefing in this matter until January 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 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 two 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

June 27, 2005.

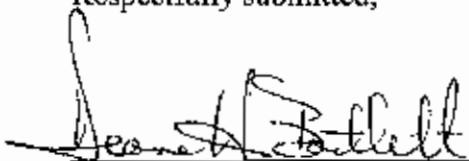
4. Since the issuance of the May 5, 2005 Order granting the extension of the Region's time to file until June 27, 2005, the agency has engaged in internal discussions regarding the complex issues presented and has determined that there may be bases upon which to resolve all, or at least some, of the issues presented in the petitions for review. The Region therefore seeks a stay in order to pursue the possibility of narrowing the issues that will ultimately be adjudicated by the Board.

The Region has consulted with counsel for Friends of the Earth and Sierra Club 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 January 16, 2006.

Respectfully submitted,

Date June 21, 2005



Deane H. Bartlett
Senior Assistant Regional Counsel
Office of Regional Counsel
USEPA Region III (3RC20)
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-2776
Fax: (215) 814-2603
bartlett.dcane@epa.gov

OF COUNSEL:

Stephen J. Sweeney, Esquire
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
sweeney.steve@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that Respondent's Unopposed Motion for Stay of Proceedings in these consolidated Appeals 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:

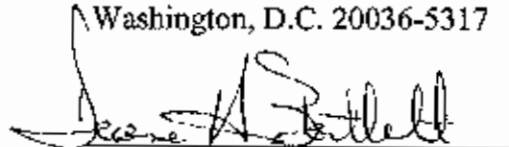
Friends of the Earth and Sierra Club:

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

District of Columbia Water and Sewer Authority:

David E. Evans, Esq.
McGuireWoods LLP
Washington Square
1050 Connecticut Avenue, N. W.
Washington, D.C. 20036-5317

Date: June 21, 2005



Deane H. Bartlett
Senior Assistant Regional Counsel
Office of Regional Counsel
EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029
Telephone: (215) 814-2776
Fax: (215) 814-2603