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### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

## 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

2006 MAY 10 AM 10: 01

**ENVIR. APPEALS BOARD** 

May 9, 2006

#### 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:

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.

1/2- 5

Deane H. Bartlett

Sincerely,

Senior Assistant Regional Counsel

#### Enclosure

cc: via regular mail (with enclosure):

David Baron, Esquire - EarthJustice Legal Defense Fund

David Evans, Esquire - McGuireWoods LLP

2006 MAY 10 AM 10: 01

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

| In re:                                 | ) |                         |
|--|---|-------------------------|
|  | ) |                         |
| Blue Plains Wastewater Treatment Plant | ) |                         |
|  | ) |                         |
|  | ) | NPDES Appeal Nos. 05-02 |
| NPDES Permit No. DC 0021199            | ) | 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-referenced consolidated appeals, hereby moves the Environmental
Appeals Board (Board) for a stay of briefing in this matter until July 17, 2006. In support of its
Motion, the Region states as follows:

- 1. The Region issued the above-captioned modified 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 Colombia 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 four 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 May 16, 2006.

4. Since the issuance of the March 10, 2006 Order granting the extension of the Region's time to file until May 16, 2006, the parties have continued their discussions regarding potential settlement of the petitions for appeal. The parties have been working on draft permit and fact sheet language related to the specific issues on appeal, continuing their efforts to determine whether an agreement can be reached. The parties remain hopeful that an agreement will be reached. Therefore, the Region 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 July 16, 2006.

Respectfully submitted,

Date May 9 2006

Deane H. Bartlett

Senior Assistant Regional Counsel

Office of Regional Counsel

USEPA Region III (3RC20)

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OF COUNSEL:

Off COONSEL.

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 May 9, 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:

District of Colombia Water and Sewer Authority:

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

Date: May 9 2001

David E. Evans, Esq.
McGuireWoods LLP
Washington Square
1050 Connecticut Avenue, N. W.

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