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From:

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EPA REGION III

To:

Ms Eureka Surr

at FAX No:

202/233-0121

Date:

5/9/06

Number of pages (including cover):

6

Subject:

Blue Plains - Appeal Nos: 5-01 and 5-02  
Consolidated

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

2006 MAY 10 AM 10:00

1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

ENVIR. APPEALS BOARD

May 9, 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

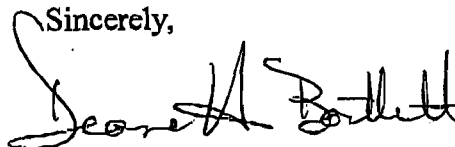
Dear Ms. Durr:

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



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.

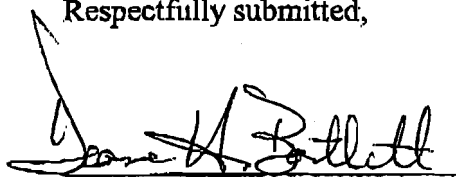
4. Since the issuance of the March 10, 2006 Order granting the extension of the Region's time to file until May 16, 2006, the parties have continued their discussions regarding potential settlement of the petitions for appeal. The parties have been working on draft permit and fact sheet language related 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



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OF COUNSEL:

Stephen J. Sweeney, Esquire

Office of General Counsel

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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. 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

One copy each was mailed by first class mail, postage prepaid to counsel for Petitioners:

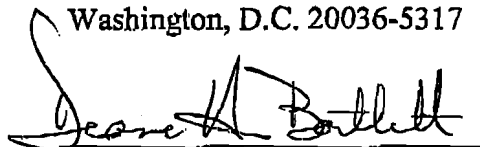
Friends of the Earth and Sierra Club:

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

District of Colombia Water and Sewer Authority:

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

Date: May 9, 2006



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