

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

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PHILADELPHIA BOARD

May 4, 2005

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: Respondent's Unopposed Motion For Extension of Time to File Responses to Petitions
for Review, Appeal Nos. 05-01 and 05-02
Permit Number: DC 0021199

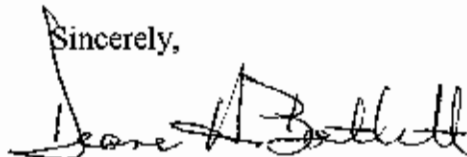
Dear Ms. Durr:

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 Federal Express (with enclosure):
David Baron, Esquire - EarthJustice Legal Defense Fund
David Evans, Esquire - McGuireWoods LLP

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U.S. EPA

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

2005 MAY 13
ENVIRONMENTAL APPEALS BOARD

In re:)
)
Blue Plains Wastewater Treatment Plant)
)
NPDES Permit No. DC 0021199)
)
_____)

NPDES Appeal Nos. 05-01 and
05-02

**RESPONDENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE
RESPONSE TO PETITIONS FOR REVIEW**

Respondent, the United States Environmental Protection Agency, Region III (Region or EPA) hereby files this Motion to extend the current May 13, 2005 deadline for filing its response to the above-referenced consolidated petitions for review by forty-five (45) days, until June 27, 2005.

The Permit at issue here is the first "Phase II" permit that EPA has issued under the 1994 Combined Sewer Overflow Control Policy. The Permit and associated Petitions present issues of first impression in terms of application of the Policy, particularly in light of the enactment of the Wet Weather Water Quality Act of 2000, which added Section 402(q) to the Clean Water Act, requiring *inter alia*, that all CSO permits "shall conform" to the Policy. The Agency requires additional time for internal discussions of the complex issues presented, as well as additional time to determine whether there are any bases upon which to pursue settlement discussions.

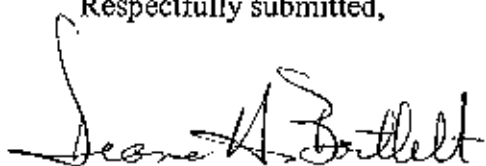
EPA has consulted with counsel for Friends of the Earth and the Sierra Club and counsel for WASA and neither Petitioner opposes the requested extension of time.

For the foregoing reasons, EPA hereby respectfully moves the Board for an extension of

time to file its Response to Appeal Nos. 05-01 and 05-02 until June 27, 2005.

Respectfully submitted,

Date May 4, 2005



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CERTIFICATE OF SERVICE

I hereby certify that Respondent's Unopposed Motion for Extension of Time to File Response to Petitions for Review of NPDES Permit DC0021199 issued December 16, 2004, was served on this date as set forth below:

The original was telefaxed to 202/233-0121 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 Federal Express mail 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
McGuireWoods LLP
Washington Square
1050 Connecticut Avenue, N. W.
Washington, D.C. 20036-5317

Date: May 4, 2005



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