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

2005 MAR 16 AM 10: 59
ENV. APPEALS BOARD

March 15, 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

FOUR COPY
1. Judge _____ Attorney _____
2. Judge _____
3. Judge _____
4. Judge _____
Original _____

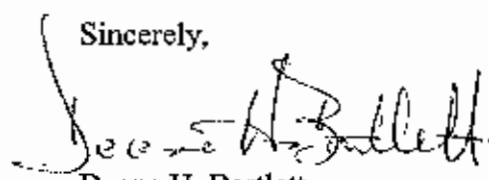
Re: Respondent's Response to Motion of CSO Partnership for Leave to Participate in Case
and to File Non-Party Brief
Permit Number: DC 0021199
Consolidated Appeals 05-01 and 05-02

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 and counsel for Movant 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
John A. Sheehan, Esquire - AquaLaw PLC

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

_____)
In re:)
)
Bluc Plains Wastewater Treatment Plant)
)
) NPDES Appeal Nos. 05-02
NPDES Permit No. DC 0021199)
) and 05-02
_____)

**EPA RESPONSE TO MOTION
OF CSO PARTNERSHIP TO PARTICIPATE IN CASE AND FILE NON- PARTY BRIEF**

The United States Environmental Protection Agency, Region III (Region or EPA), Respondent in the above-referenced consolidated appeals, hereby files its Response to the Motion pursuant to 40 C.F.R. §22.11(b) of the CSO Partnership for leave to file a third-party brief in this matter.¹

Respondent takes no position as to the motion. Respondent does note, however, that, notwithstanding its representation that it is the "leading organization dedicated to CSO issues in

¹Counsel for Respondent did not receive a copy of the CSO Partnership Motion until March 3, 2005.

the country," Motion at p. 3, the CSO Partnership did not file comments on the draft permit in this matter.

Respectfully submitted,

Date 3/15/06



Deane H. Bartlett
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CERTIFICATE OF SERVICE

I hereby certify that Respondent's Response to Motion by the CSO Partnership for Leave to Participate in Case and File a Non-Party Brief in this consolidated Appeals Nos 05-01 and 05-02, was served on this date as set forth below:

The original was telefaxed to the Environmental Appeals Board at 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 first class mail, postage prepaid to counsel for Petitioners and Counsel for Movant:

Friends of the Earth and Sierra Club:

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

Counsel for CSO Partnership

F. Paul Calamita, Esq.
John A. Sheehan, Esq.
AquaLaw PLC
801 E. Main St., Suite 1002
Richmond, VA 23219

District of Columbia Water and Sewer Authority:

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

Date: 3/15/05



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