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

February 22, 2005

Via Federal Express

Ms. Eurika Durr
Clerk of the Board, Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street N.W. , Suite 600
Washington, DC 20005

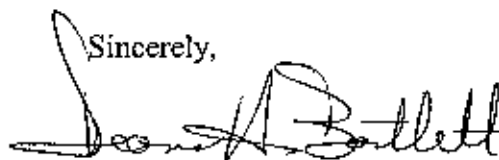
Re: Respondent's Motion to Consolidate Petitions for Appeal Nos. 05-01 and 05-02
Permit Number: DC 0021199

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

petition for review, designated Appeal No. 05-02. Each of the petitions identifies the same three Permit provisions for which review is sought: Part III.E.1., Part III.E.2. and Part III.E.3., although the petitioners each base their challenges on different arguments. In addition, petitioner WASA asserts that it is entitled to a compliance schedule for implementation of its long term CSO control plan in the Permit.

The Board has directed that EPA file its response to appeal No.05-01 on or before March 14, 2005. Likewise, the Board has directed that EPA file its response to Appeal No. 05-02 on or before March 14, 2005.

In the interest of judicial economy, as the Board will have to determine whether each of the petitioners has met their burden largely with respect to the same Permit provisions, and to enable the Region to address the arguments put forth in a single comprehensive response, the Region requests that these appeals be consolidated. EPA has consulted with counsel for Friends of the Earth and Sierra Club and counsel for WASA and neither Petitioner opposes consolidation of these matters.

For the foregoing reasons, EPA hereby respectfully moves the Board to consolidate Appeal Nos. 05-01 and 05-02. Consolidation of these appeals will promote judicial economy

and the efficient resolution of these petitions for review.

Respectfully submitted,

Date 2/22/05

A handwritten signature in black ink, appearing to read "Deane H. Bartlett". The signature is written in a cursive style with a prominent vertical stroke at the beginning.

Deane H. Bartlett
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CERTIFICATE OF SERVICE

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

One 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
1341 G Street N.W. , Suite 600
Washington, DC 20005

One copy each was mailed by first class 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:

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Date: 2/22/05



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