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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
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U.S. EPA

SEP 23 2005

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

U.S. EPA

In re:

Blue Plains Wastewater Treatment Plant

NPDES Permit No. DC 0021199

**NPDES Appeal Nos. 05-02
and 05-02**

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III
PHILADELPHIA, PA

SEP 23 2005

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RESPONDENT'S STATUS REPORT

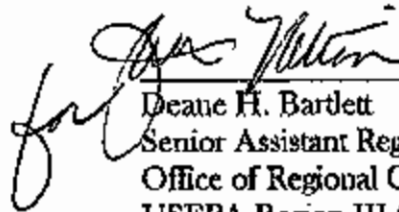
Pursuant to the Board's Order of June 24, 2005, the United States Environmental Protection Agency, Region III (Respondent or EPA), Respondent in the above-referenced consolidated appeals, hereby submits a report on the status of negotiations in this case.

On June 24, 2005, the Board granted the Respondent's Unopposed Motion for a Stay of these proceedings until January 16, 2006. Since that time, several conference calls among EPA, the District of Columbia Water And Sewer Authority, and Earthjustice, counsel for Friends of the Earth and Sierra Club, were held: on August 3, August 16 and September 22. At present, EPA has made a settlement proposal to the Petitioners, which is under consideration. The parties have another conference call scheduled for October 12, 2005, but expect to have additional discussions prior to that time.

Respondent believes that the settlement discussions have helped the parties to gain a better understanding of positions and interests with respect to the challenged permit provisions.

Respectfully submitted,

Date 9/23/05



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CERTIFICATE OF SERVICE

I hereby certify that Respondent's Status Report in these consolidated Appeals Nos. 05-01 and 05-02, was served on this date as set forth below:

The original Status Report 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
 1341 G. Street, N.W., 6th Floor
 Washington, DC 20005

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

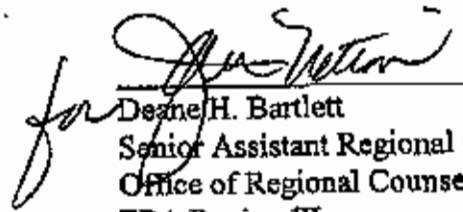
Friends of the Earth and Sierra Club:

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

District of Columbia Water and Sewer Authority:

David E. Evans, Esq.
 McGuire Woods LLP
 Washington Square
 1050 Connecticut Avenue, N. W.
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Date: 9/23/05



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