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

2006 SEP 27 AM 10: 21  
ENVIR. APPEALS BOARD

*Lori G. Kier*  
*Senior Assistant Regional Counsel*

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September 21, 2006

Via Facsimile and Regular Mail  
(Facsimile version limited to one copy)

Ms. Eurika Durr  
Clerk of the Board, Environmental Appeals Board (MC 1103B)  
U.S. Environmental Protection Agency  
1341 G Street, N.W., Sixth Floor  
Washington, D.C. 20005

*In Re:* Government of the District of Columbia,  
Municipal Separate Storm Sewer System  
NPDES Appeal Nos. 06-07 an 06-08 (Consolidated)

Dear Ms. Durr:

Enclosed for filing please find the original and five copies of the Third Joint Motion for Stay of Proceedings and Extension of Time in the above-captioned matter, along with a proposed Order.

Sincerely,

A handwritten signature in cursive script that reads "Lori G. Kier".

Lori G. Kier

cc: (all via facsimile and regular mail)  
David S. Baron, Esq.  
Bruce Brennan, Esq.  
David E. Evans, Esq./Darin K. Waylett, Esq.  
Mr. Garrison Miller, EPA Region III NPDES Permits

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BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

2006 SEP 27 AM 10:21  
ENVIR. APPEALS BOARD

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In Re: )

Government of the District of Columbia, )  
Municipal Separate Storm Sewer )  
System )

NPDES Permit No. DC 0000221 )

Government of the District of Columbia and )  
District of Columbia Water & Sewer Authority, )

Friends of the Earth and Defenders of Wildlife, )

Petitioners, )

U.S. Environmental Protection Agency, Region III, )

Respondent. )

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NPDES Appeal Nos. 06-07  
and 06-08

THIRD JOINT MOTION FOR STAY OF PROCEEDINGS AND EXTENSION OF TIME

The Respondent in this proceeding, the United States Environmental Protection Agency Region III ("EPA"); and Petitioners, the Government of the District of Columbia ("DC Government"); the District of Columbia Water and Sewer Authority ("DC WASA"); and Friends of the Earth and Defenders of Wildlife ("FOE/DOW"), collectively, "the Parties," hereby submit this Third Joint Motion for Stay of Proceedings and Extension of Time for EPA to file a response to the Petitioners' petitions ("Response") and certified index to the administrative record.

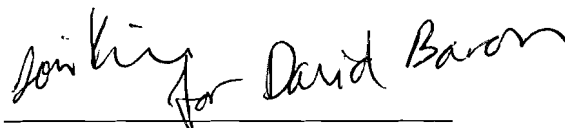
Pursuant to Order of the Environmental Appeals Board ("Board") dated July 18, 2006, EPA's

consolidated brief in response to the DC and FOE/DOW's Petitions for Review is currently due October 3, 2006.

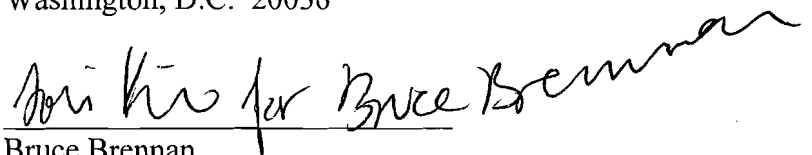
As indicated in a previous filing in this matter, the parties engaged in settlement discussions on June 30, 2006. In addition, the parties have met in person on July 19, 2006 and by telephone on September 12, 2006. During all such meetings, the parties have made progress in resolving the issues raised in the individual appeals. The parties are scheduled to reconvene on October 16 and November 9, 2006. Because the parties anticipate that continued settlement discussions will be necessary at least 60 days past October 3, 2006, they hereby jointly move for an additional stay of proceedings and extension to EPA's filing obligations until December 1, 2006 to facilitate continued settlement discussions.

Respectfully submitted this 21<sup>st</sup> day of September 2006

For Petitioners:



David S. Baron  
Counsel for Friends of the Earth and  
Defenders of Wildlife  
Earthjustice  
1625 Massachusetts Ave., N.W. #702  
Washington, D.C. 20036



Bruce Brennan  
Counsel for the Government of the District of  
Columbia  
Assistant Deputy Commercial Division  
Office of the Attorney General for D.C.  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

*for him per David Evans*

---

David E. Evans  
Darin K. Waylett  
Counsel for the District of Columbia Water and  
Sewer Authority and the Government of the  
District of Columbia  
McGuire Woods, LLP  
One James Center  
Richmond, VA 23219

For Respondent:

*Lori G. Kier*

---

Lori G. Kier  
Senior Assistant Regional Counsel  
EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

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In Re:	)	
	)	
Government of the District of Columbia,	)	Appeal Number: NPDES No. 06-07
Municipal Separate Storm Sewer	)	Appeal Number: NPDES No. 06-08
System	)	
	)	
NPDES Permit No. DC 0000221	)	
	)	
Government of the District of Columbia and	)	
District of Columbia Water & Sewer Authority,	)	
	)	
Friends of the Earth and Defenders of Wildlife,	)	
	)	
Petitioners,	)	
	)	
U.S. Environmental Protection Agency, Region III,	)	
	)	
Respondent.	)	

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PROPOSED ORDER GRANTING THIRD JOINT MOTION FOR STAY  
OF PROCEEDINGS AND EXTENSION OF TIME

For good cause shown, the Parties' Motion for Stay of Proceedings and Extension of Time is hereby granted. EPA shall file its Response to the Petitions and administrative record no later than December 1, 2006.

So ordered.

Dated: \_\_\_\_\_

ENVIRONMENTAL APPEALS BOARD

By: \_\_\_\_\_

\_\_\_\_\_  
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below I filed the original and five copies of the foregoing Third Joint Motion for Stay of Proceedings and Extension of Time with the Clerk of the Environmental Appeals Board. Moreover, I hereby certify that on the same date I sent a copy of the foregoing document to each of the parties below, by first class certified mail, return receipt requested:

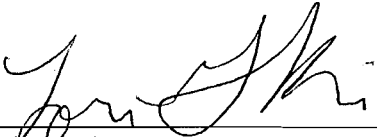
David S. Baron, Esq.  
Earthjustice Legal Defense Fund  
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Bruce Brennan, Esq.  
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Assistant Deputy Commercial Division  
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David E. Evans, Esq.  
Darin K. Waylett, Esq.  
Counsel for WASA  
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Dated: \_\_\_\_\_

9/21/06

  
\_\_\_\_\_  
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