



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

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ENVIR. APPEALS BOARD

Lori G. Kier
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June 4, 2007

Via Facsimile and Regular Mail

Ms. Eurika Durr
Clerk of the Board, Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460-0001

In Re: Government of the District of Columbia,
Municipal Separate Storm Sewer System
Docket No. NPDES Appeal No. 04-10

Dear Ms. Durr:

Enclosed for filing please find the original and five copies of the parties' Seventh Joint Motion for Stay of Proceedings and Extension of Time in the above-captioned matter. Also enclosed is a proposed Order granting same.

Sincerely,

Lori G. Kier

cc: (all via facsimile and regular mail)
David S. Baron, Esq.
David E. Evans, Esq./Darin K. Waylett, Esq.

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

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ENVIR. APPEALS BOARD

In Re:)	
)	
Government of the District of Columbia,)	NPDES Appeal Nos. 06-07
Municipal Separate Storm Sewer)	and 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.)	

SEVENTH JOINT MOTION FOR STAY OF PROCEEDINGS AND EXTENSION OF TIME

Respondent in this proceeding, U.S. EPA 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 Seventh 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 an Order of the

Environmental Appeals Board ("Board") dated April 12, 2007, EPA's consolidated brief in response to the DC and FOE/DOW's petitions for review is currently due June 14, 2007.

As described in previous motions in this proceeding, the Parties have held numerous settlement discussions in person and by teleconference. Information exchanges among the parties continue, including a May 30, 2007 submission by EarthJustice, and formal mediation is anticipated during the next 90 days. Accordingly, the parties believe that an additional 90 days is necessary to address the remaining differences on the issues in this proceeding.

Therefore, the parties hereby jointly move for an additional 90-day stay of proceedings and extension to EPA's filing obligations until September 14, 2007 to facilitate continued settlement discussions.

Respectfully submitted this 4th day of June, 2007,

For Petitioners:

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

David Evans by Lori Kier

David E. Evans

Darin K. Waylett

Counsel for the District of Columbia, and
the District of Columbia Water and Sewer
Authority

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.

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.)	

PROPOSED ORDER GRANTING SEVENTH 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 September 14, 2007.

So ordered.

Dated: _____

ENVIRONMENTAL APPEALS BOARD

By: _____

Environmental Appeals Judge

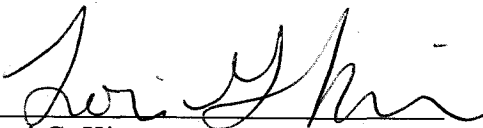
CERTIFICATE OF SERVICE

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

David S. Baron, Esq.
Jennifer C. Chavez, Esq.
Earthjustice Legal Defense Fund
1625 Massachusetts Ave., N.W. #702
Washington, D.C. 20036

David E. Evans, Esq.
Darin K. Waylett, Esq.
Counsel for DC WASA
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Richmond, VA 23219

Dated: June 4, 2007


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