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EPA REGION III

To: Ms. Erika Durr USEPA / EAB

at FAX No: 202/233-0121

Date: 2/15/07 Number of pages (including cover): 6

Subject: Status Report and Motion on Consent for Extension of Stay

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY U.S. E.P.A.
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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ENVIR. APPEALS BOARD

February 15, 2007

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

Re: Status Report and Motion on Consent for Extension of Stay
Permit Number: DC 0021199
Appeal No. 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 Petitioner in this matter.

Please contact me at 215-814-2776 if you have any questions with regard to this filing.

Thank you for your attention to this matter.

Sincerely,

Deane H. Bartlett
Senior Assistant Regional Counsel

Enclosure

cc: via telefax and regular mail (with enclosure):
David Evans, Esquire - McGuire Woods LLP



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

In re:)
)
)
Blue Plains Wastewater Treatment Plant)
)
NPDES Permit No. DC 0021199)
_____)

NPDES Appeal No. 05-02

**STATUS REPORT AND MOTION ON CONSENT
TO EXTEND STAY OF PROCEEDINGS**

The United States Environmental Protection Agency, Region III (Region or EPA), Respondent in the above-referenced appeal, hereby moves the Environmental Appeals Board (Board) for a stay of briefing of the remaining issue in this matter until April 30, 2007. The Petitioner, District of Columbia Water and Sewer Authority (WASA) consents to this extension of the stay. In support of its Motion, the Region states as follows:

1. The Region issued the above-captioned modified permit on December 16, 2004.
2. Two parties filed timely Petitions for Review with the Board: the Friends of the Earth and the Sierra Club, designated Appeal No. 05-01 and WASA, designated Appeal No. 05-02. The Board granted the Region's unopposed Motion to consolidate the appeals.
3. The Board granted several unopposed motions by the Region to extend the time for the Region to file its response to the consolidated petitions. After a period of negotiations, the parties were unable to resolve the issues upon which the appeals were based.

4. On August 10, 2006, EPA filed a Notice of Partial Withdrawal of Permit Conditions withdrawing all of the contested permit conditions.

5. On August 21, EPA filed a Motion on Consent to Dismiss the petitions, except for the sole remaining issue before the Board: WASA's request that the Board review EPA's decision not to include a schedule for implementation of WASA's CSO Long Term Control Plan in the Permit, and requested a 180-day extension of EPA's deadline to respond to the remaining issue.

6. By Order dated August 23, the Board both dismissed the appeals, with prejudice, except for the compliance schedule issue raised by WASA's petition, and granted the 180-day extension, extending the stay until February 20, 2007. The Board directed that WASA and EPA file a report, at some point prior to February 20, 2007, describing the status of this issue and whether the matter should proceed for consideration by the Board.

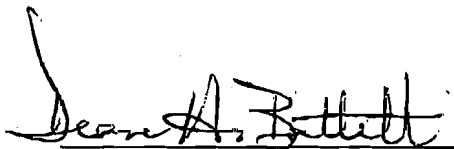
7. On August 19, 2006, EPA public noticed a draft permit modification intended to address the issues in the underlying appeals. In addition, EPA included a proposed interim nitrogen discharge limit. Based in part on comments submitted to EPA in response to the proposed interim nitrogen limit, on December 14, 2006 EPA issued a subsequent draft permit modification, proposing a final nitrogen discharge limit for the Blue Plains facility.

8. EPA and WASA are currently engaged in negotiations with respect to all outstanding permit issues, including achievement of the final nitrogen limit. If the negotiations are successful, the parties anticipate that the remaining issue in this appeal will be withdrawn.

The Region has consulted with counsel for WASA and has been authorized to file this report and request for extension of the stay jointly on its behalf.

For the foregoing reasons, the parties request a stay of these proceedings until April 30, 2007.

Date: 2/15/07



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OF COUNSEL:
Sylvia Horwitz, Esquire
Office of General Counsel
U.S. Environmental Protection Agency
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Washington, D.C. 20460
horwitz.sylvia@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that Respondent's February 15, 2007 Status Report and Motion on Consent to Extend Stay of Proceedings in Appeal No. 05-02, was served on this date as set forth below:

A copy of the Motion was telefaxed and the 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
Colorado Building
1341 G. Street, N.W., Suite 600
Washington, DC 20005

One copy was telefaxed and mailed by first class mail, postage prepaid to counsel for Petitioner:

District of Columbia Water and Sewer Authority:

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

Date: 2/15/07



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