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From:  
**Lori G. Kier**  
**Senior Assistant Regional Counsel**  
 U.S. States Environmental Protection Agency, Region 3 APPEALS BOARD  
 1650 Arch Street (Mail Code 3RC20)  
 Philadelphia, PA 19103  
 Voice: (215) 814-2656  
 Fax: (215) 814-2603  
 E-mail: kier.lori@epamail.epa.gov

To:	<u>Ms. Eurika Durr</u>	Fax No. :	<u>(202) 233-0121</u>
	<u>David S. Baron, Esq.</u>	Fax No. :	<u>(202) 667-2356</u>
	<u>Bruce Brennan, Esq.</u>	Fax No.:	<u>(202) 727-6014</u>
	<u>David E. Evans, Esq./Darin K. Waylett, Esq.</u>	Fax No.:	<u>(804) 698-2049</u>

Date: April 5, 2007 Number of pages (including cover): \_\_\_\_\_

Re: DC MS4 Permit Amendment, Docket Nos. NPDES Appeal No. 06-07 and 06-08  
Sixth Joint Motion for Stay of Proceedings, Extension of Time and Consolidation  
of Proceedings

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

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ENVIR. APPEALS BOARD

Lori G. Kier  
Senior Assistant Regional Counsel

Mail Code: 3RC20  
E-mail: [kier.lori@epamail.epa.gov](mailto:kier.lori@epamail.epa.gov)

Direct Phone: (215) 814-2656  
Facsimile: (215) 814-2603

April 5, 2007

Via Facsimile and U.S. Mail

Ms. Erika 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 Nos. NPDES Appeal No. 06-07 and 06-08

Dear Ms. Durr:

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

Sincerely,

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

Lori G. Kier

cc: David S. Baron, Esq.  
Bruce Brennan, 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

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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

SIXTH 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") including its independent instrumentality 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 Sixth 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 February 20, 2007,

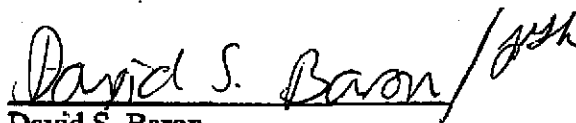
EPA's consolidated brief in response to the DC and FOE/DOW's Petitions for Review is currently due April 16, 2007.

The Parties have held numerous settlement discussions in person and by teleconference. In addition, high-level talks among the Petitioners have taken place, including the Acting Director of the D.C. Department of the Environment. Finally, Petitioner EarthJustice submitted a detailed settlement proposal to the other Parties on March 30, 2007. The Parties anticipate that it will take at least one month to review and provide input on such proposal, and then several weeks to meet to discuss the proposal and/or to enter formal mediation to resolve any outstanding issues.

Therefore, the parties hereby jointly move for an additional 60-day stay of proceedings and extension to EPA's filing obligations until June 14, 2007 to facilitate continued settlement discussions.

Respectfully submitted this 5<sup>th</sup> day of April, 2007,

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 / jtk

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

David E. Evans / jtk

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

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WASHINGTON, D.C.

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 Petitioners, )  
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 U.S. Environmental Protection Agency, Region III, )  
 )  
 Respondent. )  
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Appeal Number: NPDES No. 06-07  
Appeal Number: NPDES No. 06-08

PROPOSED ORDER GRANTING SIXTH 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 June 14, 2007.

So ordered.

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

ENVIRONMENTAL APPEALS BOARD

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

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

CERTIFICATE OF SERVICE

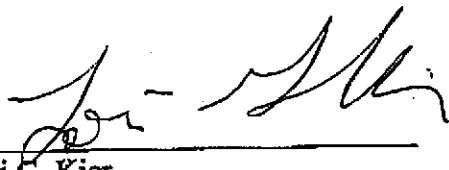
I hereby certify that on the date indicated below I filed the original and five copies of the foregoing Sixth Joint Motion for Stay of Proceedings and Extension of Time with the Clerk of the Environmental Appeals Board by facsimile and U.S. mail. Moreover, I hereby certify that on the same date I sent 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.  
Earthjustice Legal Defense Fund  
1625 Massachusetts Ave., N.W. #702  
Washington, D.C. 20036

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

David E. Evans, Esq.  
Darin K. Waylett, Esq.  
Counsel for DC WASA  
McGuire Woods, LLP  
One James Center  
Richmond, VA 23219

Dated: April 5, 2007

  
Lori G. Kier  
Senior Assistant Regional Counsel  
EPA Region III (3RC20)  
1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-2656