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ENVIR. APPEALS BOARD

To:	<u>Ms. Eurika Durr</u>	Fax No. :	<u>(202) 504-0121</u>
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	<u>Bruce Brennan, Esq.</u>	Fax No.:	<u>(202) 727-6014</u>
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283

Date: May 23, 2006 Number of pages (including cover): 8

Re: DC MS4 Permit Amendment, Docket Nos. NPDES Appeal No. 06-07 and 06-08
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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May 22, 2006

Via Facsimile and U.S. 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 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,

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

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.)

Appeal Number: NPDES No. 06-07
Appeal Number: NPDES No. 06-08

JOINT MOTIONS FOR STAY OF PROCEEDINGS, EXTENSION OF TIME AND
CONSOLIDATION OF PROCEEDINGS

The Respondent in this proceeding, the United States Environmental Protection Agency Region III ("EPA"); and Petitioners, the Government of 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 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. Currently,

the Response to the DC Government Petition is due May 29, 2006, and the Response to the FOE/DOW Petition is due June 5, 2006.

The Parties move for a sixty-day stay of proceedings and extension to EPA's filing obligations until August 4, 2006 to facilitate settlement discussions among the parties.

Further, the Parties hereby move to consolidate the above-captioned proceedings because both appeals relate to the same amendment of NPDES Permit No. DC 0000221, and consolidation would facilitate more efficient processing of the two petitions. The parties move for consolidation solely for the purpose of economy and administrative convenience, and without waiver of any rights, claims or defenses.

Respectfully submitted this 22nd day of May 2006

For Petitioners:

David Baron by for Ki

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

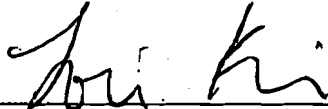
Bruce Brennan by for Ki

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

David Evans by Lori Kier

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:



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EPA Region III
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BEFORE THE ENVIRONMENTAL APPEALS BOARD **MAY 23 AM 8:59**
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. ENVIR. APPEALS BOARD

In Re:)
)
 Government of the District of Columbia,)
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 System)
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 NPDES Permit No. DC 0000221)
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 Government of the District of Columbia and)
 District of Columbia Water & Sewer Authority,)
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 Friends of the Earth and Defenders of Wildlife,)
)
 Petitioners,)
)
 U.S. Environmental Protection Agency, Region III,)
)
 Respondent.)

Appeal Number: NPDES No. 06-07
Appeal Number: NPDES No. 06-08

PROPOSED ORDER GRANTING JOINT MOTIONS FOR STAY
OF PROCEEDINGS, EXTENSION OF TIME
AND CONSOLIDATION OF PROCEEDINGS

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 August 4, 2006. Further, for the purpose of economy and administrative convenience, the above-captioned proceedings are hereby consolidated at Appeal Number: NPDES No.

So ordered.

Dated: _____

ENVIRONMENTAL APPEALS BOARD

By: _____

Environmental Appeals Judge

CERTIFICATE OF SERVICE

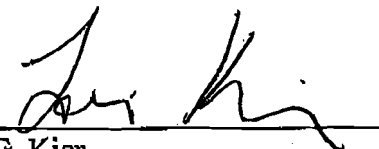
I hereby certify that the original and five copies of the of the foregoing Joint Motion for Stay of Proceedings, Extension of Time and Consolidation of Proceedings in the matter of Government of the District of Columbia, Municipal Separate Storm Sewer System, NPDES Appeal Nos. 06-07 and 06-08, were sent to the Clerk, Environmental Appeals Board, by facsimile and first mail. In addition, I hereby certify that true and correct copies of same were faxed and mailed in the same manner to the following persons:

David S. Baron, Esq.
Earthjustice Legal Defense Fund
1625 Massachusetts Ave., N.W. #702
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Bruce Brennan, Esq.
Counsel for the Government of D.C.
Assistant Deputy Commercial Division
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Darin K. Waylett, Esq.
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Dated: 5/23/06


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