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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

2006 JUL 18 AM 10:20

ENVIR. APPEALS BOARD

Lori G. Kier  
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July 17, 2006

Via Overnight Delivery

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  
Docket No. NPDES Appeal No. 04-10

Dear Ms. Durr:

Enclosed for filing please find the original and five copies of a 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 black ink, appearing to read "Lori G. Kier".

Lori G. Kier

cc: (all via 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

BEFORE THE ENVIRONMENTAL APPEALS BOARD 2006 JUL 18 AM 10: 26  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. ENVIR. APPEALS BOARD

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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. )

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JOINT MOTIONS 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 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. Pursuant to Order of the Environmental Appeals Board ("Board") dated May 25, 2006, EPA's consolidated

brief in response to the DC and FOE/DOW's Petitions for Review is currently due August 4, 2006. The Board granted the previous extension to facilitate settlement discussions among the parties.

Settlement discussions between the parties occurred on June 30, 2006 in Washington, D.C., and are expected to continue on July 19, 2006. Because the parties anticipate that continued settlement discussions will be necessary at least 60 days past August 4, 2006, they hereby jointly move for an additional stay of proceedings and extension to EPA's filing obligations until October 3, 2006 to facilitate continued settlement discussions.

Respectfully submitted this 17<sup>th</sup> day of July 2006

For Petitioners:

David S Baron by Joniki

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 Joniki

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

David E. Evans by Jon Kier

David E. Evans

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District of Columbia

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Jon Kier

Lori G. Kier

Senior Assistant Regional Counsel

EPA Region III

1650 Arch Street

Philadelphia, PA 19103

For Respondent:

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 JOINT MOTIONS 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 October 3, 2006.

So ordered.

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

ENVIRONMENTAL APPEALS BOARD

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

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

CERTIFICATE OF SERVICE

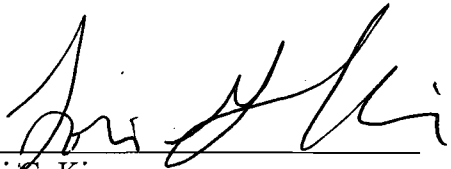
I hereby certify that on the date indicated below I filed the original and five copies of the foregoing Joint Motion for Stay of Proceedings and Extension of Time with the Clerk of the Environmental Appeals Board. Moreover, I hereby certify that on the same date I sent a copy of the foregoing document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

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

Bruce Brennan, Esq.  
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Dated: 7/17/06

  
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