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ENVIR. APPEALS BOARD

To:	<u>Ms. Eurika Durr</u>	Fax No. :	<u>(202) ²³³564-0121</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: September 21, 2006 Number of pages (including cover): 7

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

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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

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September 21, 2006

Via Facsimile and Regular Mail
(Facsimile version limited to one copy)

Ms. Eureka 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
NPDES Appeal Nos. 06-07 and 06-08 (Consolidated)

Dear Ms. Durr:

Enclosed for filing please find the original and five copies of the Third Joint Motion for Stay of Proceedings and Extension of Time in the above-captioned matter, along with a proposed Order.

Sincerely,

Lori G. Kier

cc: (all via facsimile and 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

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

_____)	
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.)	
_____)	

THIRD JOINT MOTION FOR STAY OF PROCEEDINGS AND EXTENSION OF TIME

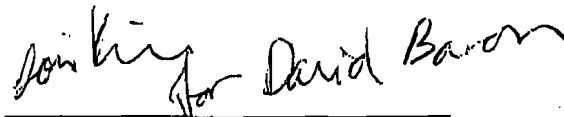
The Respondent in this proceeding, the United States Environmental Protection Agency Region III ("EPA"); and Petitioners, the Government of the District of Columbia ("DC Government"); the District of Columbia Water and Sewer Authority ("DC WASA"); and Friends of the Earth and Defenders of Wildlife ("FOE/DOW"), collectively, "the Parties," hereby submit this Third 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 July 18, 2006, EPA's

consolidated brief in response to the DC and FOE/DOW's Petitions for Review is currently due October 3, 2006.

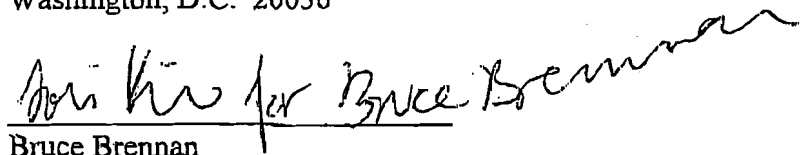
As indicated in a previous filing in this matter, the parties engaged in settlement discussions on June 30, 2006. In addition, the parties have met in person on July 19, 2006 and by telephone on September 12, 2006. During all such meetings, the parties have made progress in resolving the issues raised in the individual appeals. The parties are scheduled to reconvene on October 16 and November 9, 2006. Because the parties anticipate that continued settlement discussions will be necessary at least 60 days past October 3, 2006, they hereby jointly move for an additional stay of proceedings and extension to EPA's filing obligations until December 1, 2006 to facilitate continued settlement discussions.

Respectfully submitted this 21st day of September 2006

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
Counsel for the Government of the District of
Columbia
Assistant Deputy Commercial Division
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441 4th Street, N.W.
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for him for David Evans

David E. Evans
Darin K. Waylett
Counsel for the District of Columbia Water and
Sewer Authority and the Government of the
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McGuire Woods, LLP
One James Center
Richmond, VA 23219

For Respondent:

Lori G. Kier

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EPA Region III
1650 Arch Street
Philadelphia, PA 19103

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

<hr/>	
In Re:)
)
Government of the District of Columbia,)
Municipal Separate Storm Sewer)
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District of Columbia Water & Sewer Authority,)
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)
Petitioners,)
)
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 THIRD 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 December 1, 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 Third 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.
Counsel for the Government of D.C.
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David E. Evans, Esq.
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Dated: _____

9/21/06


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