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

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CIVIL APPEALS BOARD

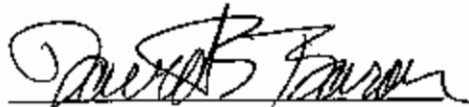
In re:	)	
	)	
Blue Plains Wastewater Treatment Plant,	)	NPDES Appeal Nos 05-01
	)	and 05-02
NPDES Permit No. DC0021199	)	
	)	
	)	

**RESPONSE BY PETITIONERS SIERRA CLUB AND FRIENDS OF THE EARTH  
TO MOTION BY THE COMBINED SEWER OVERFLOW PARTNERSHIP FOR  
LEAVE TO PARTICIPATE IN CASE**

Petitioners Sierra Club and Friends of the Earth oppose the motion by the Combined Sewer Overflow (CSO) Partnership to participate and file a non-party brief in this case.<sup>1</sup> The views of the CSO Partnership are already well represented in this matter by the District of Columbia Water and Sewer Authority (WASA), the entity whose NPDES permit is at issue here. The CSO Partnership has not identified any issues on which its interests or arguments differ in any material way from WASA's. Indeed, WASA is a member of the CSO Partnership, and significantly, WASA's General Manager is *Chairman* of CSO Partnership's Board of Directors. <http://www.csop.com/partnership/#Members>. Thus, the CSO Partnership is little more than an alter ego of WASA for purposes of this case. There is no justification for allowing multiple briefs from entities that are so closely connected and share the same point of view.

DATED this 9<sup>th</sup> day of March, 2005.

<sup>1</sup> Counsel for Sierra Club and Friends of the Earth did not receive a copy of the CSO Partnership's motion until March 7, 2005.



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### CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing were served on each of the following by first-class mail, postage prepaid, on March 9, 2005:

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