

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

_____)	
In re:)	
)	
Government of the District of Columbia)	NPDES Appeal No. 11-06
Municipal Separate Storm Sewer System)	
)	
NPDES Permit No. DC 0000221)	
)	
_____)	

PETITIONERS’ MOTION FOR STAY OF PROCEEDINGS

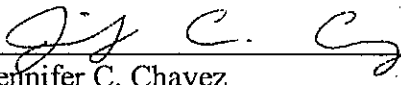
For the reasons discussed below, Friends of the Earth, Anacostia Riverkeeper, Inc., Potomac Riverkeeper Inc., and Natural Resources Defense Council, Inc. (collectively, “Petitioners”) hereby request that the Board enter an Order Staying Proceedings in this action for a period of one hundred ninety (190) days, to allow time for Respondent U.S. Environmental Protection Agency (“EPA”) to take action to effectuate a Settlement Agreement between Petitioners and EPA concerning the matters raised in this appeal.

On November 4, 2011, Petitioners filed the above-captioned Petition, requesting review of provisions in the National Pollutant Discharge Elimination System permit for the District of Columbia Municipal Separate Storm Sewer System, Permit No. DC0000221, issued by EPA on September 30, 2011. On December 22, 2011, the Board entered an Order staying proceedings, in part, to allow the parties in this action to participate in the Board’s alternative dispute resolution program. The parties subsequently participated in dispute resolution proceedings with Judge Charles Sheehan, the Settlement Judge in this process, and in additional meetings among the parties.

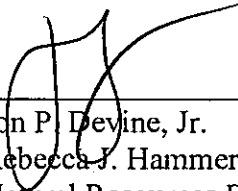
Petitioners and EPA have agreed to settle this action without any admission of fact or law, which the Petitioners and EPA consider to be a just, fair and equitable resolution of the claims raised in the Petition. The Settlement Agreement, dated May 18, 2012, requires EPA to take certain actions within one hundred eighty (180) days of the date of the Agreement. The Settlement Agreement also requires that within ten (10) days of EPA's action pursuant to the Agreement or EPA's inaction within the 180-day timeframe, Petitioners shall either file a motion to dismiss their Petition with prejudice or file a motion requesting that the Board lift its stay.

Accordingly, Petitioners hereby request that the Board enter an Order staying proceedings in this appeal for one hundred ninety (190) days from the date of this motion. Counsel for EPA and the District of Columbia have authorized the undersigned to represent that EPA and the District of Columbia, respectively, concur in this motion.

DATED this 18th day of May, 2012.



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[PROPOSED] ORDER GRANTING MOTION FOR STAY OF PROCEEDINGS

For good cause shown, the Petitioners' Motion for Stay of Proceedings is hereby granted. Accordingly, all of the proceedings in this matter are hereby stayed for one hundred ninety (190) days from the date of the Petitioners' Motion, until November 24, 2012. [*Note this is a Saturday*]

So ordered.

Dated: _____

ENVIRONMENTAL APPEALS BOARD

By: _____

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing letter to the Clerk regarding ADR in *In re. District of Columbia, Municipal Separate Storm Sewer System Permit No. DC0000221, Appeal No. NPDES 11-06*, were sent to the following persons via First Class U.S. Mail:

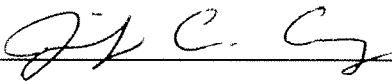
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Dated: May 18, 2012



Jennifer C. Chavez