



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Lori G. Kier
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November 29, 2011

Via Electronic Submission

Ms. Eurika Durr
U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board (1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: District of Columbia, Municipal Separate Storm Sewer System
Permit Number: DC0000221
Appeal Numbers: NPDES 11-05 and NPDES 11-06

Dear Ms. Durr:

Attached please find a Motion for Stay of Proceedings and Extension of Time in the above-captioned matter. Also enclosed is a proposed Order granting same.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lori G. Kier".

Lori G. Kier

cc: Jennifer Chavez, Esq.
Rebecca Hammer, Esq.
Paul Calamita, Esq.
Amy McDonnell, Esq./Alan Barak, Esq.



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

In Re:)	
)	
District of Columbia Municipal Separate Storm Sewer System)	NPDES Appeal Nos. 11-05 and 11-06
)	
NPDES Permit No. DC 0000221)	
)	
Friends of the Earth Anacostia Riverkeeper, and Potomac Riverkeeper, and Natural Resources Defense Council)	
)	
and)	
)	
District of Columbia Water and Sewer Authority and the Wet Weather Partnership)	
)	
Petitioners,)	
)	
U.S. Environmental Protection Agency, Region III,)	
)	
Respondent.)	

RESPONDENT'S MOTION FOR STAY OF PROCEEDINGS AND EXTENSION OF TIME

Respondent in this proceeding, U.S. EPA Region III ("the Region"), hereby submits this Motion for Stay of Proceedings and Extension of Time for the Region to file a response to the Petitions for Appeal filed in this matter and to file the certified index to the administrative record. Pursuant to Order of the Environmental Appeals Board dated November 9, 2011, the Region's brief in response to the petitions for review is currently due on December 27, 2011. The undersigned counsel for the Region requests a 60-day extension to this deadline for the following reasons:

- (1) The issues raised by the Petitions for Appeal are broad, complex and have potential national implications. Accordingly, counsel for the Region expects to consult with EPA Headquarters staff (including Office of General Counsel and Office of Water) in developing the response. Such consultation is expected to take a number of weeks and will be especially difficult during the month of December when many staff are on leave.
- (2) Counsel for the Region has previously scheduled annual leave for December 16, 2011 through January 2, 2012, which time partially includes a non-refundable prepaid vacation and non-refundable airline tickets.

Counsel for the Region further notes that she has contacted counsel for Petitioners, as well as counsel for potential intervenor District Department of the Environment. All three attorneys have indicated that they do not object to this Motion.

Therefore, the Region moves for a 60-day stay of proceedings and extension to its filing obligations until February 24, 2012 to allow the Region time to fully develop the response brief and consult with other EPA staff.

Respectfully submitted this 29th day of November, 2011.

For Respondent:



Lori G. Kier
Senior Assistant Regional Counsel
EPA Region III
1650 Arch Street
Philadelphia, PA 19103

CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below I filed electronically the foregoing Region's Motion for Stay of Proceedings and Extension of Time to File Response to Petitions for Appeal with the Clerk of the Environmental Appeals Board. Moreover, I hereby certify that on the same date I caused to be sent a copy of the foregoing document to each of the parties below by first class mail:

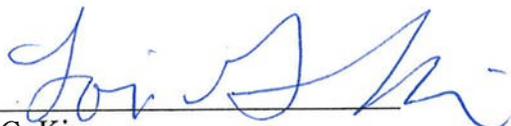
Jennifer C. Chavez, Esq.
Earthjustice Legal Defense Fund
1625 Massachusetts Ave., N.W. #702
Washington, D.C. 20036

F. Paul Calamita, Attorney
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Richmond, VA 23219

Rebecca J. Hammer, Attorney
Natural Resources Defense Council
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Street, N.W., Suite 300
Washington, D.C. 20005

Amy E. McDonnell, Esq.
Alan Barak, Esq.
District Department of the Environment
1220 First St. N.E.
Washington, D.C. 20002

Dated: Nov. 29, 2011



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(215) 814-2656

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District of Columbia Water and Sewer Authority and the Wet Weather Partnership)	
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Petitioners,)	
)	
U.S. Environmental Protection Agency, Region III,)	
)	
Respondent.)	

**PROPOSED ORDER GRANTING MOTION FOR STAY
OF PROCEEDINGS AND EXTENSION OF TIME**

For good cause shown, US EPA Region III's Motion for Stay of Proceedings and Extension of Time is hereby granted. EPA shall file its Response to the Petitions and certified index to the administrative record no later than February 24, 2012.

So ordered.

Dated: _____

ENVIRONMENTAL APPEALS BOARD

By: _____

Environmental Appeals Judge