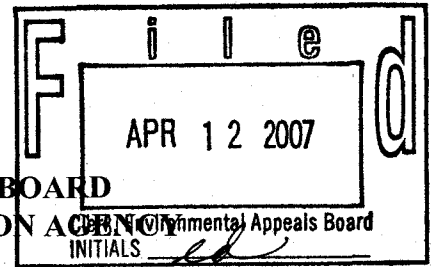


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

Government of the District of Columbia,)
Municipal Separate Storm Sewer System)

NPDES Permit No. DC0000221)

NPDES Appeal Nos. 06-07
and 06-08

**ORDER GRANTING SIXTH JOINT MOTION
FOR STAY OF PROCEEDINGS AND
SCHEDULING STATUS CONFERENCE**

On April 5, 2007, all parties involved in NPDES Appeal Nos. 06-07 and 06-08 filed a joint motion for a sixth stay of the proceedings and an extension of time for EPA Region III to file a response to the petitions for review in the above-captioned case. As before, the parties seek another stay and extension of filing deadlines to facilitate settlement discussions among the parties. The parties report that they have held numerous settlement discussions in person and by teleconference, and that petitioners Friends of the Earth and Defenders of Wildlife submitted a detailed settlement proposal to all the parties on March 30, 2007. The parties jointly seek an additional sixty-day stay of these proceedings and extension of the Region's time to file a response so that the parties can evaluate and discuss the pending settlement proposal.

For good cause shown, the parties' joint motion for another stay of the proceedings and extension of time is hereby **GRANTED**. The Region's consolidated brief in response to the two petitions for review must now be filed with the Environmental Appeals Board on or before **Thursday, June 14, 2007**. In the interim, a status conference will be held beginning at 10 a.m. on **Friday, June 8, 2007**, in the Administrative Courtroom, U.S. Environmental Protection

Agency, EPA East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C.

At that time, the parties will notify the Board of the specific status of any pending settlement negotiations and the likelihood of resolving this matter short of litigation. The parties must notify the Clerk of the Board in writing by Friday, May 25, 2007, of the names of counsel who will present the parties' status reports. The parties may participate in person or via video conferencing; if the latter option is chosen, counsel for the affected party/parties must contact the Clerk of the Board, at 202-233-0122, no later than Friday, May 25, 2007, to make arrangements for use of the EPA video-conferencing equipment in the Administrative Courtroom. In the event the parties reach a settlement agreement in principle prior to June 8, 2007, the parties may inform the Board in writing of this fact and the status conference will be cancelled.

So ordered.

Dated: 4/12/07

ENVIRONMENTAL APPEALS BOARD

By: Anna L. Wolgast

Anna L. Wolgast
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Sixth Joint Motion for Stay of Proceedings and Scheduling Status Conference** in the matter of Government of the District of Columbia, Municipal Separate Sewer System, NPDES Appeal Nos. 06-07 and 06-08, were sent to the following persons in the manner indicated:

By Facsimile and First Class U.S. Mail:

David E. Evans, Esq.
Darin K. Waylett, Esq.
McGuire Woods L.L.P.
One James Center
901 East Cary Street
Richmond, Virginia 23219-4030
telephone: (804) 775-4317
facsimile: (804) 698-2049

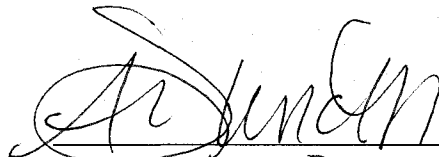
Bruce Brennan, Esq.
Assistant Deputy, Commercial Division
Office of the Attorney General for
the District of Columbia
441 4th Street, N.W.
Washington, D.C. 20001
telephone: (202) 727-6654
facsimile: (202) 727-6014

David S. Baron, Esq.
Earthjustice
1625 Massachusetts Avenue, N.W.
Suite #702
Washington, D.C. 20036-2212
telephone: (202) 667-4500
facsimile: (202) 667-2356

By Facsimile and EPA Pouch Mail:

Lori G. Kier, Esq.
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III
1650 Arch Street (3RC20)
Philadelphia, Pennsylvania 19103-2029
telephone: (215) 814-2656
facsimile: (215) 814-2603

Dated: APR 12 2007


Annette Duncan
Secretary