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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

2006 MAY 10 AM 10: 01

ENVIR. APPEALS BOARD

May 9, 2006

Via Telefax and Federal Express

Ms. Eurika Durr Clerk of the Board, Environmental Appeals Board U.S. Environmental Protection Agency Colorado Building 1341 G Street N.W., Suite 600 Washington, DC 20005

Re: Unopposed Motion by Respondent EPA to Extend Stay of Proceedings Permit Number: DC 0021199 Consolidated Appeals 05-01 and 05-02

Dear Ms. Durr:

Enclosed please find one original and five copies of the above referenced document, which I am also serving on counsel for Petitioners in this matter.

Please contact me at 215-814-2776 if you have any questions with regard to this filing.

Thank you for your attention to this matter.

Sincerely,

Deane H. Bartlett Senior Assistant Regional Counsel

Enclosure

cc: via regular mail (with enclosure): David Baron, Esquire - EarthJustice Legal Defense Fund David Evans, Esquire - McGuireWoods LLP

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BEFORE THE ENVIRONMENTAL APPEALS BOARD U.S. ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C.

In re:)
Blue Plains Wastewater Treatment Plant)
NPDES Permit No. DC 0021199)

NPDES Appeal Nos. 05-02 and 05-02 Consolidated

UNOPPOSED MOTION BY RESPONDENT EPA TO EXTEND STAY OF PROCEEDINGS

The United States Environmental Protection Agency, Region III (Region or EPA), Respondent in the above-referenced consolidated appeals, hereby moves the Environmental Appeals Board (Board) for a stay of briefing in this matter until July 17, 2006. In support of its Motion, the Region states as follows:

1. The Region issued the above-captioned modified permit on December 16, 2004.

2. Two parties filed timely Petitions for Review with the Board. Specifically, on January 18, 2005, the Friends of the Earth and the Sierra Club (FoE/SC) filed a petition to review the modified Permit, designated Appeal No. 05-01. Also on January 18, 2005, the permittee, the District of Colombia Water and Sewer Authority (WASA), filed a petition for review, designated Appeal No. 05-02. By letters dated January 25, 2005, the Board directed the Region to file its Responses to the Petitions on or before March 14, 2005. By Order dated February 23, 2005, the Board granted the Region's unopposed Motion to consolidate these appeals.

3. The Board has granted four unopposed motions by the Region to extend the time for the Region to file its response to the consolidated petitions. The present deadline for filing is May 16, 2006.

4. Since the issuance of the March 10, 2006 Order granting the extension of the Region's time to file until May 16, 2006, the parties have continued their discussions regarding potential settlement of the petitions for appeal. The parties have been working on draft permit and fact sheet language related to the specific issues on appeal, continuing their efforts to determine whether an agreement can be reached. The parties remain hopeful that an agreement will be reached. Therefore, the Region seeks a stay of an additional sixty (60) days in order to pursue the possibility of substantially narrowing, if not fully resolving, the issues that will ultimately require resolution by the Board..

5. The Region has consulted with counsel for FoE/SC and counsel for WASA and neither Petitioner opposes the requested stay of proceedings.

For the foregoing reasons, the Region requests a stay of these proceedings until July 16, 2006.

Date May 7 2006

Respectfully submitted,

Deane H. Bartlett Senior Assistant Regional Counsel Office of Regional Counsel USEPA Region III (3RC20) 1650 Arch Street Philadelphia, PA 19103-2029 (215) 814-2776 Fax: (215) 814-2603 bartlett.deane@epa.gov OF COUNSEL: Stephen J. Sweeney, Esquire Office of General Counsel U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460 sweeney.steve@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that Respondent's May 9, 2006 Unopposed Motion for Stay of Proceedings in these consolidated Appeal Nos. 05-01 and 05-02, was served on this date as set forth below:

A copy of the Motion was telefaxed and the original and five copies were mailed by Federal Express to:

Ms. Eurika Durr Clerk of the Board, Environmental Appeals Board U.S. Environmental Protection Agency Colorado Building 1341 G. Street, N.W., Suite 600 Washington, DC 20005

One copy each was mailed by first class mail, postage prepaid to counsel for Petitioners:

Friends of the Earth and Sierra Club:

David Baron, Esq. EarthJustice Legal Defense Fund 1625 Massachusetts Ave., NW Suite 702 Washington, DC 20036-2212

Date: Many 9, 2006

District of Colombia Water and Sewer Authority:

David E. Evans, Esq. McGuireWoods LLP Washington Square 1050 Connecticut Avenue, N. W. Washington, D.C. 20036-5317

Deane H. Bartlett Senior Assistant Regional Counsel Office of Regional Counsel EPA Region III 1650 Arch Street Philadelphia, PA 19103-2029 Telephone:(215) 814-2776 Fax: (215) 814-2603