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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III Dec 14 2:30 ed.
1650 Arch Street — — 7:14 PM
Philadelphia, Pennsylvania 19103-2029

December 13, 2005

Via Federal Express

Ms. Eureka Durr
Clerk of the Board, Environmental Appeals Board
U.S. Environmental Protection Agency
1341 G Street N.W. , Sixth Floor
Washington, DC 20005

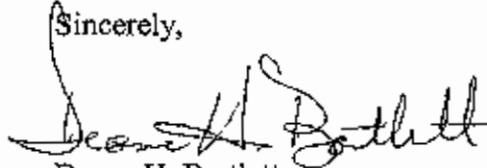
Re: EPA's Unopposed Motion to Extend Stay of Proceedings
Permit Number: DC 0021199
Consolidated Appeals 05-01 and 05-02

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.

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

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

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| _____) | |
| In re:) | |
|) | |
| Blue Plains Wastewater Treatment Plant) | |
|) | |
|) | |
| NPDES Permit No. DC 0021199) | NPDES Appeal Nos. 05-02 |
| _____) | and 05-02 |

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") to extend the stay of briefing in this matter until March 16, 2006. In support of its Motion, the Region states as follows:

1. The Region issued the above-captioned 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 Columbia 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 two 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

January 16, 2006.

4. Since the issuance of the June 24, 2005 Order granting the extension of the Region's time to file until January 16, 2006, the agency has engaged in settlement discussions with the Petitioners regarding resolution of the petitions for appeal. EPA has made a settlement proposal to the Petitioners that would substantially narrow, if not resolve, the issues requiring resolution by the Board. WASA has not yet responded to the proposal, but has indicated that there is a basis for continued discussions. FoE/SC has responded favorably to the proposal contingent on WASA's response. The Region therefore seeks a stay of an additional sixty (60) days until March 16, 2006, in order to pursue the possibility of substantially narrowing, if not resolving, the issues that will ultimately require resolution by the Board.

5. The Region has consulted with both counsel for FoE/SC and counsel for WASA and neither Petitioner opposes the requested extension of time for EPA to file its response to the petitions.

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

Respectfully submitted,

Date 1/13/06



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OF COUNSEL:

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Washington, D.C. 20460
sweeney.steve@epa.gov

CERTIFICATE OF SERVICE

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

The original and five copies of the Motion 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 Pctitioners:

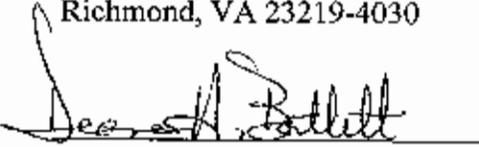
Friends of the Earth and Sierra Club:

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District of Columbia Water and Sewer Authority:

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Date: 12/13/06



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