

# AQUALAW<sup>PLC</sup>

WATER & WASTEWATER SOLUTIONS

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June 14, 2005

**Overnight Mail**

U.S. Environmental Protection Agency  
Clerk, Environmental Appeals Board  
1341 G Street, N.W., Suite 600  
Washington, D.C. 20005

Re: NPDES Permit Appeal No. 05-01  
Petitioner: District of Columbia Water and Sewer Authority  
Permit No. DC0021199

Clerk of the Board:

Enclosed please find the original and one copy of the Reply by the National Association of Clean Water Agencies to EPA's Response to the Motion for Leave to Participate in Case and File a Non-Party Brief.

Please contact me at 804-716-9021 or by e-mail at [john@aqualaw.com](mailto:john@aqualaw.com) if you have any questions about this filing.

Sincerely,  
  
John A. Sheehan

Enclosure

RECEIVED  
U.S. EPA.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD  
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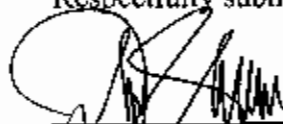
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In Re:	)	
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Blue Plains Wastewater Treatment Plant	)	NPDES Permit Appeal No. 05-01
	)	and 05-02
	)	
NPDES Permit No. DC0021199	)	
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**REPLY BY THE NATIONAL ASSOCIATION OF CLEAN WATER  
AGENCIES TO EPA'S RESPONSE TO MOTION FOR LEAVE TO  
PARTICIPATE IN CASE AND FILE A NON-PARTY BRIEF**

The National Association of Clean Water Agencies ("NACWA") submits this reply to EPA's response to NACWA's motion for leave to participate in this case and file a non-party brief. EPA states that it takes no position as to NACWA's motion for leave to participate but opposes any brief that "expands upon" an issue that DC WASA may argue. EPA Resp. at 2. EPA argues, based upon procedural motions filed in the case so far, that it appears that NACWA may argue more "sweepingly" than DC WASA has argued about an issue -- whether compliance with water quality standards is required of CSO discharges during Long Term Control Plan implementation. EPA Resp. at 2.

NAWCA submits that it is not appropriate to limit the degree to which it or any party or participant may argue about an issue and, in any event, such a standard is unworkable. More importantly, though, a participant in the case should not be denied the opportunity to fully brief a legal issue that is central to the outcome of this case. EPA should welcome, rather than seek to suppress, a full discussion of the important and precedent-setting issues raised in this permit appeal.

Respectfully submitted,



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June 14, 2005

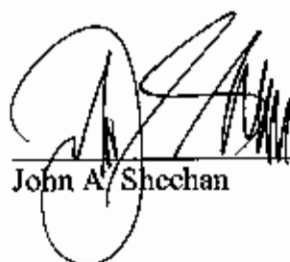
## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply by the National Association of Clean Water Agencies to EPA's Response to the Motion for Leave to Participate in Case and File a Non-Party Brief was served by regular first class U.S. Mail, postage prepaid, this 14th day of June, 2005, upon the following:

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