U.S. ENVIRONMENTAL PROTECTION AGENCY JUL 11 AM 11: 53 WASHINGTON, D.C.

		CHAIL APPEALS BOARD	
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In re:)		
)		
Blue Plains Wastewater Treatment Plant)		
)	NPDES Appeal Nos. 05-02	
NPDES Permit No. DC 0021199)	and 05-02	
	j	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 August 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 five 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 July 17, 2006.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III 1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

July 10, 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

CERTIFICATE OF SERVICE

I hereby certify that Respondent's July 10, 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:

District of Colombia Water and Sewer Authority:

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

Date: 4 2002

David E. Evans, Esq.
McGuireWoods LLP
Washington Square
1050 Connecticut Avenue, N. W.
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Deane H. Bartlett

Senior Assistant Regional Counsel

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EPA Region III

1650 Arch Street

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- 4. Since the issuance of the May 11, 2006 Order granting the extension of the Region's time to file until July 17, 2006, the parties have continued their discussions regarding potential settlement of the petitions for appeal. The parties have continued their discussions on draft permit and fact sheet language related to the specific issues on appeal, and remain hopeful that an agreement can be reached. Therefore, the Region seeks a stay of an additional thirty (30) 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 August 17, 2006.

Respectfully submitted,

Date Alyjo, 2002

Deane H. Bartlett

Senior Assistant Regional Counsel

Office of Regional Counsel

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