



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

1650 Arch Street

Philadelphia, Pennsylvania 19103-2029

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ENVIR. APPEALS BOARD

*Lori G. Kier*  
*Senior Assistant Regional Counsel*

*Mail Code: 3RC20*  
*E-mail: kier.lori@epamail.epa.gov*

*Direct Phone: (215) 814-2656*  
*Facsimile: (215) 814-2603*

November 20, 2006

Via Facsimile and Regular Mail

Ms. Eurika Durr  
Clerk of the Board, Environmental Appeals Board (MC 1103B)  
U.S. Environmental Protection Agency  
1341 G Street, N.W., Sixth Floor  
Washington, D.C. 20005

*In Re:* Government of the District of Columbia,  
Municipal Separate Storm Sewer System  
NPDES Appeal Nos. 06-07 and 06-08 (Consolidated)

Dear Ms. Durr:

Enclosed for filing please find the original and five copies of the Fourth Joint Motion for Stay of Proceedings and Extension of Time in the above-captioned matter, along with a proposed Order.

Sincerely,

Lori G. Kier

cc: (via facsimile and regular mail)  
David S. Baron, Esq.  
Bruce Brennan, Esq.  
David E. Evans, Esq./Darin K. Waylett, Esq.  
Mr. Garrison Miller, EPA Region III NPDES Permits

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

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ENVIR. APPEALS BOARD

In Re:

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

NPDES Permit No. DC 0000221

Government of the District of Columbia and  
District of Columbia Water & Sewer Authority,

Friends of the Earth and Defenders of Wildlife,

Petitioners,

U.S. Environmental Protection Agency, Region III,

Respondent.

NPDES Appeal Nos. 06-07  
and 06-08

FOURTH JOINT MOTION FOR STAY OF PROCEEDINGS AND EXTENSION OF TIME

The Respondent in this proceeding, the United States Environmental Protection Agency Region III ("EPA"); and Petitioners, the Government of the District of Columbia ("DC Government"); the District of Columbia Water and Sewer Authority ("DC WASA"); and Friends of the Earth and Defenders of Wildlife ("FOE/DOW"), collectively, "the Parties," hereby submit this Fourth Joint Motion for Stay of Proceedings and Extension of Time for EPA to file a response to the Petitioners' petitions ("Response") and certified index to the administrative record. Pursuant to Order of the Environmental Appeals Board ("Board") dated September 26,

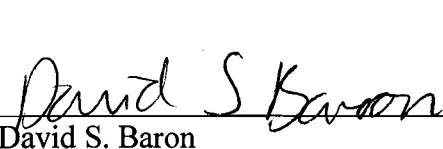
2006, EPA's consolidated brief in response to the DC and FOE/DOW's Petitions for Review is currently due December 1, 2006.

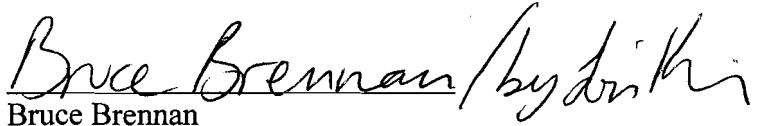
As indicated in previous filings in this matter, the parties engaged in settlement discussions on June 30, 2006. In addition, the parties have met in person on July 19, 2006 and by telephone on September 12, 2006. Further, the parties have met in person on October 16, 2006, and by teleconference on November 9, 2006. During all such meetings, the parties have made progress toward resolving the issues raised in the individual appeals.

Moreover, the November 7, 2006 election has resulted in a change of administration to the Government of Washington, D.C., with the new elected officials beginning their positions on January 2, 2007. While the parties are scheduled to reconvene on December 11, 2006, they also anticipate that the transition to a new administration will necessitate some additional time for negotiations. Accordingly, the parties hereby jointly move for an additional stay of proceedings and extension to EPA's filing obligations until March 1, 2007 to facilitate continued settlement discussions.

Respectfully submitted this 20<sup>th</sup> day of November 2006

For Petitioners:

  
David S. Baron  
Counsel for Friends of the Earth and  
Defenders of Wildlife  
Earthjustice  
1625 Massachusetts Ave., N.W. #702  
Washington, D.C. 20036



Bruce Brennan


Counsel for the Government of the District of  
Columbia

Assistant Deputy Commercial Division

Office of the Attorney General for D.C.

441 4<sup>th</sup> Street, N.W.

Washington, D.C. 20001



David E. Evans

Darin K. Waylett

Counsel for the District of Columbia Water and

Sewer Authority and the Government of the

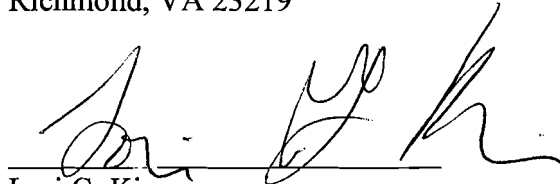
District of Columbia

McGuire Woods, LLP

One James Center

Richmond, VA 23219

For Respondent:



Lori G. Kier

Senior Assistant Regional Counsel

EPA Region III

1650 Arch Street

Philadelphia, PA 19103

In Re:	)	
	)	
	)	
Government of the District of Columbia,	)	Appeal Number: NPDES No. 06-07
Municipal Separate Storm Sewer	)	Appeal Number: NPDES No. 06-08
System	)	
	)	
NPDES Permit No. DC 0000221	)	
	)	
Government of the District of Columbia and	)	
District of Columbia Water & Sewer Authority,	)	
	)	
Friends of the Earth and Defenders of Wildlife,	)	
	)	
Petitioners,	)	
	)	
U.S. Environmental Protection Agency, Region III,	)	
	)	
Respondent.	)	

For good cause shown, the Parties' Motion for Stay of Proceedings and Extension of Time is hereby granted. EPA shall file its Response to the Petitions and administrative record no later than March 1, 2007.

## Environmental Appeals Judge

CERTIFICATE OF SERVICE


I hereby certify that on the date indicated below I filed the original and five copies of the foregoing Fourth Joint Motion for Stay of Proceedings and Extension of Time with the Clerk of the Environmental Appeals Board by facsimile and U.S. mail. Moreover, I hereby certify that on the same date I sent a copy of the foregoing document to each of the parties below, by facsimile and first class mail:

David S. Baron, Esq.  
Earthjustice Legal Defense Fund  
1625 Massachusetts Ave., N.W. #702  
Washington, D.C. 20036

Bruce Brennan, Esq.  
Counsel for the Government of D.C.  
Assistant Deputy Commercial Division  
Office of the Attorney General for D.C.  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C. 20001

David E. Evans, Esq.  
Darin K. Waylett, Esq.  
Counsel for WASA  
McGuire Woods, LLP  
One James Center  
Richmond, VA 23219

Dated: Nov. 20, 2006

  
Lori G. Kier  
Senior Assistant Regional Counsel  
EPA Region III (3RC20)  
1650 Arch Street  
Philadelphia, PA 19103  
(215) 814-2656