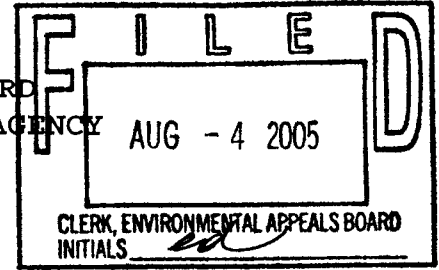


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____))
In re:))
))
Government of the District of Columbia,) NPDES Appeal No. 04-10
Municipal Separate Storm Sewer))
System))
))
NPDES Permit No. DC 0000221))
_____))

ORDER GRANTING STAY AND SIXTH EXTENSION OF TIME

On September 20, 2004, the Friends of the Earth and Defenders of Wildlife ("Petitioners") filed a petition requesting that the Environmental Appeals Board review the conditions set forth in the final NPDES Permit No. DC 0000221 (the "Permit") issued by U.S. EPA Region III (the "Region") to the Government of the District of Columbia ("District"). The Region's decision to issue the Permit is dated August 17, 2004. Consistent with the Board's practice, the Clerk of the Environmental Appeals Board sent a letter to the Region requesting that the Region file a certified index to the administrative record and a response to Petitioners' petition on or before November 9, 2004.

By orders dated November 3, 2004, January 10, 2005, March 3, 2005, April 19, 2005, and June 1, 2005, the Board granted the Region's unopposed motions for extension of time to allow the

parties to conduct settlement negotiations. Now, the Region and Petitioners have filed a request for a stay and further extension of time to allow the parties to execute the terms of an agreement that they have reached for the settlement of Petitioners' appeal. The parties state that the Region has proposed, through a public notice published on or about July 21, 2005, a "Permit Amendment Number 1" to the present permit. The parties request that the present proceeding be stayed until sixty (60) days after expiration of the public notice period on the proposed amendment, or October 21, 2005, for the Region to file its response in this proceeding.

For good cause shown, the parties' motion is hereby granted and this proceeding is hereby stayed through and including October 21, 2005. The Region's response to Petitioners' petition, together with relevant portions of the administrative record and a certified index of the entire administrative record, shall be filed on or before October 21, 2005.

So ordered.

Dated: 8/4/05

ENVIRONMENTAL APPEALS BOARD

By: Scott C. Fulton

Scott C. Fulton
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Stay and Sixth Extension of Time in the matter of Government of the District of Columbia, Municipal Separate Storm Sewer System, NPDES Appeal No. 04-10, were sent to the following persons in the manner indicated:

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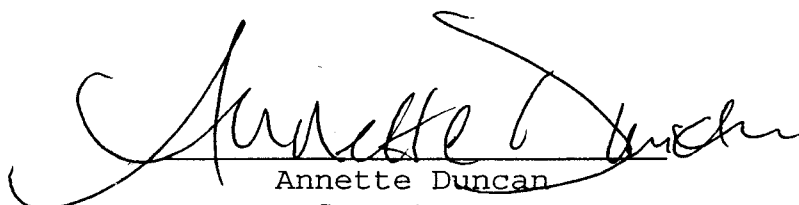
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Dated: **AUG - 5 2005**


Annette Duncan
Secretary