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U.S. COURT OF APPEALS FOR THE D.C. CIRCUIT

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Please complete the following information, date/time stamp this form and affix to each package.

Case Number 04-7046

Contents:

- Briefs
- Appendices/Record Material
- Motions
- Other (Please Identify) Notice of Participation as Amicus Curiae

Note: Emergency matters and/or sealed materials may not be placed in the filings depository.

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June 14, 2004

BY HAND DELIVERY

Clerk
U.S. Court of Appeals for the District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
Washington, DC 20001

Re: American Canoe Association, et al. v. District of Columbia Water and Sewer Authority, No. 04-7046

Dear Civil Clerk:

Please find enclosed one original and four copies of (1) Consent Notice of Participation as *Amicus Curiae*; (2) Corporate Disclosure Statements of the Association of Metropolitan Sewerage Agencies, the Chamber of Commerce of the United States, the National Association of Flood and Stormwater Management Agencies, and the American Public Works Association; and (3) Entry of Appearance form.

Kindly file stamp the additional copy of the papers and return in the enclosed self-addressed stamped envelope. Thank you for your assistance.

Sincerely yours,



Elizabeth M. Richardson

Enclosures

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN CANOE ASSOCIATION,)	
et al.,)	
Appellants,)	No. 04-7046
)	
v.)	
)	
DISTRICT OF COLUMBIA WATER)	
AND SEWER AUTHORITY,)	
)	
Appellee.)	
)	

CONSENT NOTICE OF PARTICIPATION AS *AMICUS CURIAE*

Pursuant to Fed. R. App. P. 29 and Circuit Rule 29(b), the Association of Metropolitan Sewerage Agencies (“AMSA”), the Chamber of Commerce of the United States (“Chamber”), the National Association of Flood and Stormwater Management Agencies (“NAFSMA”), and the American Public Works Association (“APWA”) (collectively “*Amici*”) hereby give notice that they will participate as *amicus curiae* in the briefing of the above-referenced matter in support of the Appellee, District of Columbia Water and Sewer Authority (“WASA”). Counsel for Appellants and Appellee have been contacted, and all parties consent to the participation of *Amici*, who will join together on a single brief.

AMSA is a non-profit trade association comprised of nearly 300 publicly-owned treatment works members who serve the majority of this country’s sewerage population and treat over 18 billion gallons of wastewater each day. AMSA’s members operate municipal wastewater treatment plants under federal and state laws and regulations in cities and towns across the United States, including the District of Columbia, Maryland, and Virginia.

The Chamber is the world's largest business federation. It represents an underlying membership of more than three million businesses and organizations in every industrial sector and geographic region of the county. A principal function of the Chamber is to represent the interests of its members by filing amicus briefs in cases involving issues of vital concern to the nation's business community.

NAFSMA is a national non-profit association of municipalities, special purpose public districts, and state agencies. Its members represent a broad nationwide spectrum of flood control, water conservation, stormwater management, wastewater, and other water-related districts, departments, and other instruments of state and local government. NAFSMA's 100 plus member agencies serve a combined population of approximately fifty (50) million people.

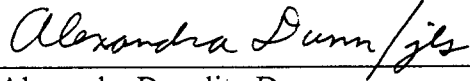
APWA is an international educational and professional association of nearly 27,000 members representing public agencies, private sector companies, and individuals dedicated to providing high quality public works goods and services. Originally chartered in 1937, APWA is the largest and oldest organization of its kind in the world, with headquarters in Kansas City, Missouri, an office in Washington, D.C., and 67 chapters throughout North America. APWA provides a forum in which public works professionals can exchange ideas, improve professional competency, increase the performance of their agencies and companies, and bring important public works-related topics to public attention in local, state and federal arenas.

Amici further state that many of their members are regulated under the Clean Water Act provisions at issue in this appeal. If Appellants' position with regard to application of the Clean Water Act permit system were adopted, it would have the potential to allow unexpressed, non-Clean Water Act requirements, such as odor, noise, aesthetics, zoning or other actual or perceived requirements, to be enforced tacitly -- and without prior notice -- through the Clean

Water Act permit system, subjecting *Amici*'s members to greatly increased costs and regulatory burdens, including government enforcement actions and citizen suits that could result in statutory penalties and litigation costs. Appellants' interpretation of the Clean Water Act would have sweeping ramifications for *Amici*'s members as well as the entire regulated community. The effect of such a ruling would play out in disparate ways, apart from and in addition to the odor issues specifically raised in this case which affect Appellee WASA specifically. *Amici* should be heard with regard to the disparate and far-reaching impacts that could result unless the interpretation reached by the lower court is upheld.

Respectfully submitted,

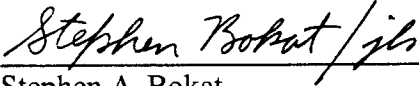
Dated: June 14, 2004



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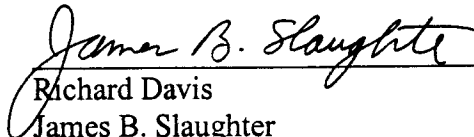
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Robin S. Conrad
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*Counsel for Amicus Curiae-Applicant Chamber of
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*Counsel for Amicus Curiae-Applicant American
Public Works Association*

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AMERICAN CANOE ASSOCIATION,)	
et al.,)	
Appellants,)	No. 04-7046
)	
v.)	
)	
DISTRICT OF COLUMBIA WATER)	
AND SEWER AUTHORITY,)	
)	
Appellee.)	
)	

CORPORATE DISCLOSURE STATEMENT

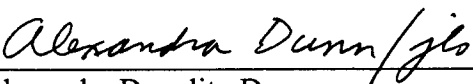
Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Association of Metropolitan Sewerage Agencies (“AMSA”), submits this corporate disclosure statement to accompany its Notice of Participation as *Amicus Curiae*.

AMSA is a non-profit trade association comprised of nearly 300 publicly-owned treatment works members who serve the majority of this country’s sewerage population and treat over 18 billion gallons of wastewater each day. AMSA’s members operate municipal wastewater treatment plants under federal and state laws and regulations in cities and towns across the United States, including the District of Columbia, Maryland, and Virginia.

AMSA has no outstanding shares or debt securities and has no parent companies, subsidiaries or affiliates which have any outstanding shares or debt securities in the hands of the public.

Respectfully submitted,

Dated: June 14, 2004



Alexandra Dapolito Dunn
General Counsel
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*Counsel for Association of Metropolitan Sewerage
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**UNITED STATES COURT OF APPEALS
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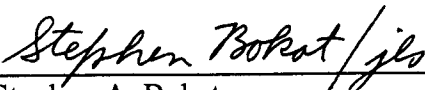
CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the Chamber of Commerce of the United States (“Chamber”), submits this corporate disclosure statement to accompany its Notice of Participation as *Amicus Curiae*. The Chamber states that there are no parent companies, subsidiaries, or affiliates of the Chamber that have issued shares to the public.

Respectfully submitted,

Dated: June 14, 2004

Of Counsel:
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James B. Slaughter
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Counsel for Chamber of Commerce of the United States

**UNITED STATES COURT OF APPEALS
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AMERICAN CANOE ASSOCIATION,)	
et al.,)	
)	No. 04-7046
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CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, National Association of Flood and Stormwater Management Agencies (“NAFSMA”) is a national non-profit association of municipalities, special purpose public districts, and state agencies. Its members represent a broad nationwide spectrum of flood control, water conservation, stormwater management, wastewater, and other water-related districts, departments, and other instruments of state and local government. NAFSMA’s 100 plus member agencies serve a combined population of approximately fifty (50) million people.

NAFSMA has no outstanding shares or debt securities and has no parent companies, subsidiaries or affiliates which have any outstanding shares or debt securities in the hands of the public.

Respectfully submitted,

Dated: June 14, 2004



Robert J. Saner
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**UNITED STATES COURT OF APPEALS
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CORPORATE DISCLOSURE STATEMENT

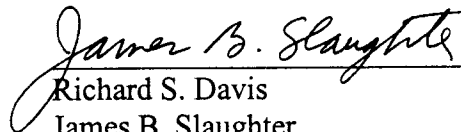
Pursuant to Federal Rule of Appellate Procedure 26.1 and Circuit Rule 26.1, the American Public Works Association (“APWA”), submits this corporate disclosure statement to accompany its Notice of Participation as *Amicus Curiae*.

APWA is an international educational and professional association of public agencies, private sector companies, and individuals dedicated to providing high quality public works services. APWA members design, build, operate and maintain our nation's public infrastructure, including the public rights-of-way. With origins in the late 1800's, and officially chartered in 1937, APWA is the largest and oldest organization of its kind in the world, with headquarters in Kansas City, Missouri, an office in Washington, D.C., and 67 chapters and 83 branches in North America. APWA provides a forum in which public works professionals can exchange ideas, improve professional competency, increase the performance of their agencies and companies, and bring important public works-related topics to public attention in local, state and federal arenas.

APWA has no outstanding shares or debt securities and has no parent companies, subsidiaries or affiliates which have any outstanding shares or debt securities in the hands of the public.

Respectfully submitted,

Dated: June 14, 2004

A handwritten signature in cursive script that reads "James B. Slaughter". The signature is written in black ink and is positioned above a horizontal line.

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Beveridge & Diamond, P.C.
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Counsel for American Public Works Association

UNITED STATES COURT OF APPEALS
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AMERICAN CANOE ASSOCIATION,
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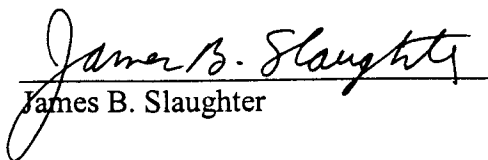
No. 04-7046

CERTIFICATE OF SERVICE

I, James B. Slaughter, hereby certify that, on this 14th day of June 2004, this Notice of Participation as Amicus Curiae and Corporate Disclosure Statements of the Association of Metropolitan Sewerage Agencies, the Chamber of Commerce of the United States, the National Association of Flood and Stormwater Management Agencies, and the American Public Works Association were served on the following:

David Bookbinder, Esq.
Sierra Club
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Washington, DC 20002
Counsel for Appellants

Benjamin F. Wilson
David M. Williamson
Beveridge & Diamond, P.C.
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Counsel for Appellee


James B. Slaughter

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Case Caption: American Canoe Association
et al., Appellants

v.

Case No: 04-7046

District of Columbia Water
and Sewer Authority, Appellee

ENTRY OF APPEARANCE

Party Information

The Clerk shall enter my appearance as counsel for the following parties:
(List each party represented individually. Use an additional blank sheet as necessary)

Appellant(s)/Petitioner(s) Appellee(s)/Respondent(s) Intervenor(s) Amicus Curiae

Association of Metropolitan Sewerage Agencies _____

National Association of Stormwater Management Agencies _____

American Public Works Association _____

Chamber of Commerce of the United States _____

Names of Parties

Names of Parties

Counsel Information

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2nd Counsel: James B. Slaughter _____

Direct Phone: 202-789-6040 Fax: 202-789-6190 Email: jslaughter@bdlaw.com

3rd Counsel: See Attachment A _____

Direct Phone: _____ Fax: _____ Email: _____

Firm Name: Beveridge & Diamond, P.C. _____

Firm Address: 1350 I Street, N.W., Suite 700, Washington, DC 20005 _____

Firm Phone: 202-789-6000 Fax: 202-789-6190 Email: www.bdlaw.com

Notes: This form must be submitted by a member of the Bar of the U.S. Court of Appeals for the D.C. Circuit.
Names of non-member attorneys listed above will not be entered on the court's docket.
Applications for admission are available on the court's web site at <http://www.cadc.uscourts.gov/>

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

**American Canoe Association, et al. v. District of Columbia Water and Sewer Authority,
Case No. 04-7046**

Attachment A to Entry of Appearance of *Amicus Curiae*

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