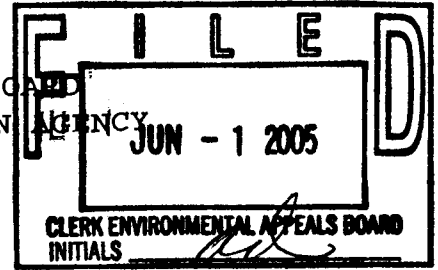


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



_____)
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 FIFTH 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, and April 19, 2005, the Board granted the Region's unopposed motions for extension of time to allow the parties to

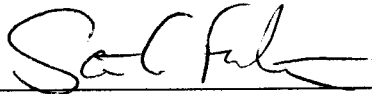
conduct settlement negotiations. Now, the Region and Petitioners have filed a request for a stay and further extension of time to allow the parties to finalize and execute the terms of an agreement in principle that they have reached for the settlement of Petitioners' appeal. The parties state that the Region has agreed to propose a "Permit Amendment Number 1" to the present permit and, upon the formal proposal of that amendment, Petitioners will withdraw the present appeal without prejudice. The parties request that this proceeding be stayed for ninety (90) days, including an extension of time through August 18, 2005 for the Region to file its response.

For good cause shown, the parties' motion is hereby granted and this proceeding is hereby stayed through and including August 18, 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 August 18, 2005.

So ordered.

Dated: JUN - 1 2005

ENVIRONMENTAL APPEALS BOARD

By: 
Scott C. Fulton
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Stay and Fifth 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:

By First Class, U.S. Mail
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Dated: JUN - 1 2005


Annette Duncan
Secretary