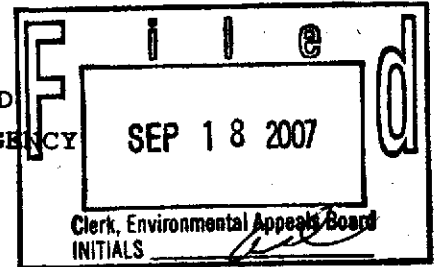


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
South Carolina Electric &)
Gas Company - Cope Station) NPDES Appeal No. 06-09
)
Permit No. SC00457752)
)

ORDER GRANTING MOTION TO STAY THE PETITION

AND SCHEDULING STATUS REPORT

On September 17, 2007, the parties in the above-captioned matter, U.S. EPA Region 4 (the "Region") and, Petitioner, South Carolina Electric & Gas Company, filed a motion requesting a stay of the proceedings in this case. This is one of several motions the parties have filed over a period of a year requesting a stay of the proceedings. The parties explain that they have been actively working on the issues associated with the challenged permit conditions, and that they have now reached an agreement with respect to all the issues raised in the petition, and are waiting for a final modified permit to be issued. The parties also explain that the State Section 401 Certification associated with the proposed permit modification has been challenged, but that "EPA plans to issue the permit as soon as possible consistent with EPA regulations, and will address the Section 401

Certification issue by providing a reopener that will address the final adjudication of that issue." See Status Report on Permit Modification and Motion to Stay the Petition at 2 (dated Sept. 14, 2007). The parties request that the Board further stay the petition to allow time to complete the permit modification.

Upon consideration of the foregoing and for good cause shown, the current motion is GRANTED. Therefore, the above-captioned matter is hereby STAYED until November 16, 2007, pending the outcome of the permit modification process, at which time the parties shall submit a report discussing whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for the Region to file a response to the petition. In addition, the parties are hereby instructed to submit a status report, no later than October 17, 2007, explaining the progress of the permit modification process.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: September 18, 2007

By: Kathie A. Stein

Kathie A. Stein
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion to Stay the Petition and Scheduling Status Report in the matter of South Carolina Electric & Gas Company -- Cope Station, NPDES Appeal No. 06-09, were sent to the following persons in the manner indicated:

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Dated: SEP 18 2007


Annette Duncan
Secretary