

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

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ENVIR. APPEALS BOARD

In re: South Carolina Electric & Gas)
Company - Cope Station) NPDES Appeal No. 06-09
NPDES Permit No. SC 0045772)

**STATUS REPORT ON PERMIT MODIFICATION AND MOTION TO STAY THE
PETITION**

Counsel for Petitioner, South Carolina Electric & Gas Company (SCE&G) and the U.S. Environmental Protection Agency (EPA) Region 4 have in the past jointly requested that the Environmental Appeals Board (EAB) stay all proceedings in the above-captioned matter. Most recently, the EAB granted a stay, until June 29, 2007.

As noted previously, EPA issued a notice of the proposed permit modification on January 11, 2007 seeking public comment and Section 401 Certification from the State. The public comment period closed and only SCE&G commented on the proposed permit. The state issued a section 401 certification on February 19, 2007. The Section 401 Certification was challenged by the Petitioner on March 6, 2007. Under state law, that challenge prevents the certification from taking effect. At this point the challenge process has not been concluded, and there is no effective certification at this time.

In the original petition to the EAB, SCE&G challenged the conditions related to the monthly average and daily maximum limits for mercury and for iron and manganese. EPA's proposed modification to the permit changed the original limits for iron and manganese based on the discussions between EPA and SCE&G and there are no issues remaining for those parameters. Discussions

have continued regarding the mercury limits and we are pleased to report that we have reached agreement on the mercury issue also, and as soon as a final permit is issued, Petitioner will withdrawal its petition. 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.

For the reasons set forth above, and in the interest of judicial economy, counsel for EPA and SCE&G respectively request that the Joint Motion for a Stay of the Petition pending the completion of the permit modification be granted by the Environmental Appeals Board.

Respectfully submitted this 14th day of September, 2007.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, Region 4**



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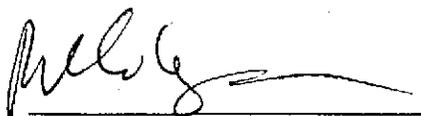
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CERTIFICATE OF SERVICE

I certify that on September 14, 2007, I sent by Federal Express the original and five copies of the August 17, 2007, Status Report and Motion to Dismiss in NPDES Appeal No. 06-09 to the Clerk of the Board, Environmental Appeals Board 1341 G Street, NW, Suite 600, Washington, DC 20005. I further served MS Elizabeth B Partlow by Electronic Copy.



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