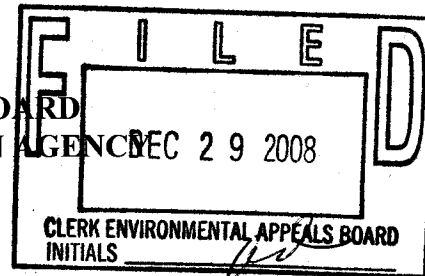


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)
Mirant Kendall, LLC,)
Mirant Kendall Station)
)
NPDES Permit No. MA0004898)
)
)

NPDES Appeal Nos. 06-12
and 06-13

**ORDER GRANTING UNOPPOSED MOTION
FOR SIXTH STAY OF PROCEEDINGS**

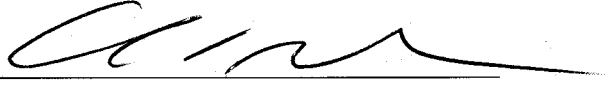
On December 22, 2008, Region 1 of the U.S. Environmental Protection Agency filed a status report and motion to extend the stay of proceedings in the above-captioned matter. With the assent of petitioners Mirant Kendall, LLC, Conservation Law Foundation, and Charles River Watershed Association, the Region seeks another stay of the current proceedings until the end of February 2009. During the period of this further delay, the Region anticipates issuing a final permit modification addressing cooling water intake structure requirements for the Mirant Kendall Station, the Board receiving any petitions for review of said permit modification, and the parties conferring in an attempt to agree on a revised briefing schedule to propose to the Board.

In the interest of judicial economy and for good cause shown, the Board hereby grants the motion and extends the stay of proceedings until **Friday, March 6, 2009**. All parties shall file a status report (preferably jointly but separately if need be) with the Board no later than **Friday, February 27, 2009**. This status report shall propose a revised briefing schedule that advises the Board on how best to consolidate the various petitions for review and proceed with all aspects of the pending appeals.

So ordered.

Dated: 12/29/08

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Unopposed Motion for Sixth Stay of Proceedings** in the matter of *Mirant Kendall, LLC, Mirant Kendall Station*, NPDES Appeal Nos. 06-12 and 06-13, were sent to the following persons in the manner indicated:

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Dated: DEC 29 2003


Annette Duncan