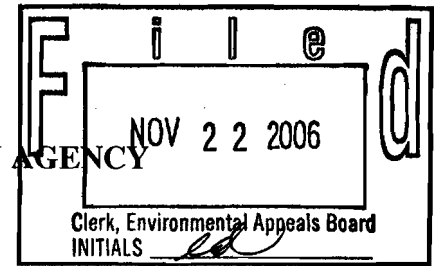


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

Mirant Kendall, LLC,
Mirant Kendall Station

NPDES Permit No. MA0004898

NPDES Appeal Nos. 06-12, 06-13

ORDER GRANTING JOINT SCHEDULING MOTIONS

On October 30, 2006, Mirant Kendall, LLC ("Mirant") filed a Petition for Review of NPDES Permit No. MA0004898 (the "Permit"), issued by U.S. Environmental Protection Agency Region 1 (the "Region").¹ Together with the Region, Mirant also filed a Joint Scheduling Motion requesting that the Board modify the schedule for the submission of Mirant's Petition for Review and the Region's Response to the Petition, stating that modification is necessary and appropriate because of the complicated issues raised by, and the substantial administrative record associated with, the issuance of the Permit. On the same day, the Conservation Law Foundation and the Charles River Watershed Association (together, "CLF/CRWA") filed a Petition for Review of the same Permit,² and a Joint Scheduling Motion requesting the same modifications to the schedule and stating similar reasons for doing so.

¹ This appeal has been designated NPDES Appeal No. 06-12.

² This appeal has been designated NPDES Appeal No. 06-13.

For good cause shown, the Board hereby grants both Joint Scheduling Motions. As requested by the Parties, the Board orders the Parties to file papers as specified below.³ All documents submitted must reference the appeal number(s).

- On or before December 15, 2006, Mirant shall submit a Supplement to its Petition for Review.
- On or before December 15, 2006, CLF/CRWA shall submit a Supplement to their Petition for Review.
- On or before April 9, 2007, the Region shall submit its Response to the Petitions for Review and the Supplements to the Petitions for Review.⁴ With its Response, the Region shall include relevant portions of the administrative record, together with a certified index of the entire administrative record. The Region shall send a copy of its Response and the certified index to Mirant and CLF/CRWA with a certificate of service showing the date and method of service.

³ For each filing, the Parties are required to submit an original (signed in blue ink) and five copies of the materials. The Parties may, however, submit the five copies electronically in PDF. Instructions on registration and electronic document submission are available by using the "Electronic Submission" link on the Board's website (www.epa.gov/eab). Note that electronic submissions are not considered a substitute for filing the original paper document with the Clerk of the Board. The Clerk of the Board still must actually receive the original document by the document's due date in order for it to be timely filed.

⁴ The Region may submit a single Response to both Petitions or submit a separate Response to each Petition.

So ordered.

Dated: November 22, 2006

ENVIRONMENTAL APPEALS BOARD

By: Scott C. Fulton

Scott C. Fulton
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Joint Scheduling Motions, in the matter of Mirant Kendall, LLC, Mirant Kendall Station, NPDES Petition Nos. 06-12, 06-13, were sent to the following persons in the manner indicated:

By First Class Mail
Postage Prepaid and
Facsimile:

Ralph A. Child
Breton-Leone-Quick
Colin Van Dyke
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111
fax: (617) 542-2241

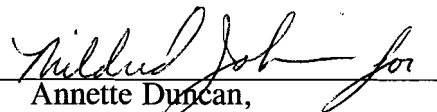
Kristy A. Bulleit
Hunton & Williams LLP
1900 K St., NW
Washington, D.C. 20006-1109
fax: (202) 778-2201

Carol Lee Rawn
Conservation Law Foundation
62 Summer Street
Boston, MA 02110
fax: (617) 350-4030

By Pouch Mail and:
Facsimile:

Ronald A. Fein
Timothy Williamson
Mark Stein
U.S. Environmental Protection Agency
Region 1
1 Congress St., Suite 1100 RAA
Boston, MA 02114-2023
fax: (617) 918-0040

Dated: NOV 21 2006


Annette Duncan,
Secretary