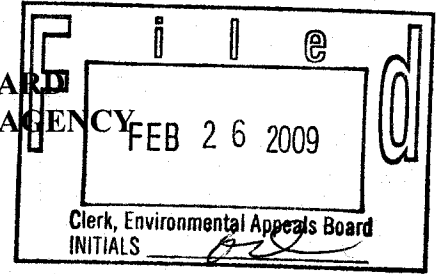


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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

NPDES Appeal Nos. 06-12,
06-13, and 09-04

**ORDER GRANTING JOINT MOTION
TO EXTEND STAY OF PROCEEDINGS**

On February 24, 2009, Region 1 of the U.S. Environmental Protection Agency, in conjunction with petitioners Mirant Kendall, LLC, Conservation Law Foundation, and Charles River Watershed Association, filed a joint status report and motion to extend the stay of proceedings in the above-captioned matters. The parties report that they have entered into “serious and substantive settlement discussions” regarding a potential permit modification and interim compliance order that potentially could lead to a resolution of the pending appeals without any further litigation. Joint Motion at 3-4. The parties seek a further stay of three months, explaining their view that the extra time is necessary for them to engage in further detailed and substantive settlement negotiations and attempt to reach a conceptual agreement on the “broad array of legal, policy, and technical issues.” *Id.* at 4.


In the interest of judicial economy and for good cause shown, the Environmental Appeals Board hereby grants the motion and extends the stay of proceedings until **Friday, June 5, 2009**. All parties shall file a status report (preferably jointly but separately if need be) with the Board no later than **Wednesday, May 27, 2009**. This status report shall advise the Board on the progress

of settlement discussions and whether it is appropriate to continue the stay, establish a revised briefing schedule, or take other appropriate action.

So ordered.

Dated: 2/26/09

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Joint Motion for Extend Stay of Proceedings** in the matter of *Mirant Kendall, LLC, Mirant Kendall Station*, NPDES Appeal Nos. 06-12, 06-13, and 09-04, were sent to the following persons in the manner indicated:

By Facsimile and First Class U.S. Mail:

Peter Shelley, Esq.
Conservation Law Foundation
62 Summer Street
Boston, Massachusetts 02110
telephone: (617) 350-0990
facsimile: (617) 350-4030

Kristy A.N. Bulleit, Esq.
Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
telephone: (202) 955-1547
facsimile: (202) 778-2201

Ralph A. Child, Breton Leone-Quick, and Colin Van Dyke, Esqs.
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC
One Financial Center
Boston, Massachusetts 02111
telephone: (617) 348-3021
facsimile: (617) 542-2241

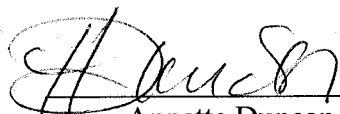
By Facsimile and EPA Pouch Mail:

Ronald A. Fein, Esq.
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 1
One Congress Street, Suite 1100 (RAA)
Boston, Massachusetts 02114
telephone: (617) 918-1040
facsimile: (617) 918-0040

By EPA Interoffice Mail:

Richard T. Witt, Esq.
U.S. Environmental Protection Agency
Office of General Counsel
1200 Pennsylvania Avenue, N.W.
Mail Code 2355A
Washington, D.C. 20460

Dated: FEB 26 2009


Annette Duncan, Secretary