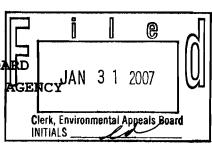
BEFORE THE ENVIRONMENTAL APPEALS BO UNITED STATES ENVIRONMENTAL PROTECTION WASHINGTON, D.C.



| In re: |) | | | | |
|----------------------------|-------|-------|--------|-----|-------|
| |) | | | | |
| South Carolina Electric & |) | | | | |
| Gas Company - Cope Station |) | NPDES | Appeal | No. | 06-09 |
| | .) . | | | | , |
| Permit No. SC00457752 |) | • | | | |
| |) | | | | |
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ORDER GRANTING MOTION TO STAY THE PETITION

On January 30, 2007, U.S. EPA Region IV (the "Region"),
filed a motion requesting a 90-day stay of the proceedings in
this case. This is one of several motions filed by the parties
-- the Region and Petitioner, South Carolina Electric & Gas
Company -- requesting a stay of the proceedings in the abovecaptioned matter. On December 4, 2006, the Environmental Appeals
Board ("Board") issued an order granting a joint motion by the
parties requesting to stay the proceedings and extend the
Region's deadline to file its response to the petition until
January 29, 2007.¹ In support of their request, the parties
explained that they had negotiated a proposed modification to

¹ See Order Granting Third Joint Motion to Stay the Petition (EAB Dec. 4, 2006) available at http://www.epa.gov/eab/.

Permit No. SC00457752 (the permit at issue in this appeal) that would resolve the issues raised in the petition. The parties also explained that the Region was in the process of drafting a permit modification, and that the additional time was necessary to finish drafting the permit modification, seek state certification, and complete the modification process. current motion, the Region explains that EPA has continued to work on the issues associated with the challenged permit conditions and has been in continuous discussions with the state of South Carolina and Petitioner to address the proposed permit modification. The Region further explains that EPA has issued a notice of the proposed permit modification seeking public comment and Section 401 Certification from the State. The additional time is necessary, according to the Region, to complete this The Region represents that it has discussed this motion with Petitioner and that Petitioner supports the request.

For good cause shown, the Board hereby grants the Region's request to stay the proceedings until April 30, 2007.² If the parties do not reach resolution of the matters raised in the petition by such date, the Region must then file a response to the petition no later than April 30, 2007.³

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: 1/31/07

Environmental Appeals Judge

Kathie A. Stein

² While we are granting this motion, we remind the parties that motions for an extension of time shall be filed sufficiently in advance of the due date to allow the Board reasonable opportunity to consider whether or not to issue such an order.

³ Documents are "filed" with the Board on the date they are received by the Clerk.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Motion to Stay the Petition 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:

By First Class Mail Postage Prepaid and via fax:

Philip G. Mancusi-Ungaro Office of Regional Counsel U.S. EPA, Region IV 61 Forsyth Street, S.W. Atlanta Federal Center Atlanta, Georgia 30303-8960 Fax #: (404) 562-9664 Phone #: (404) 562-9519

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Dated: JAN 31 2007

Secretary