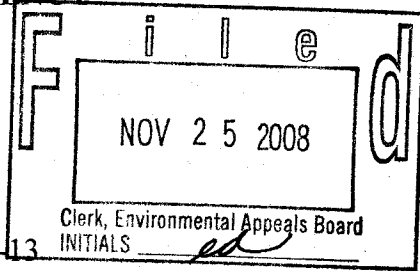


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



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 FIFTH STAY OF PROCEEDINGS**

On November 21, 2008, U.S. EPA Region 1 filed a status report and motion to extend stay of proceedings in the above-captioned matter. With the assent of petitioner, Mirant Kendall, LLC, the Region seeks an additional four weeks' stay – until December 18, 2008 – to finalize a pending proposed permit modification and the accompanying response to public comments.¹ The motion states that the Region is “working diligently” to complete this process.

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. The Region shall file a status report no later than **Thursday, December 18, 2008**.² This status report shall advise whether the

¹ The motion states that “[t]he Region provided an advance copy of the status report and motion to counsel for Petitioners Conservation Law Foundation and Charles River Watershed Association but was unable to determine in time whether those petitioners assent.”

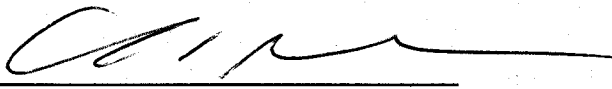
² Documents are “filed” with the Board on the date they are *received*.

Board should extend the stay for another time period, establish a revised briefing schedule, or take other appropriate action.

So ordered.

Dated: 11/25/08

ENVIRONMENTAL APPEALS BOARD

By: 

Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Granting Unopposed Motion for Fifth 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: NOV 25 2008


Arnette Duncan
Secretary