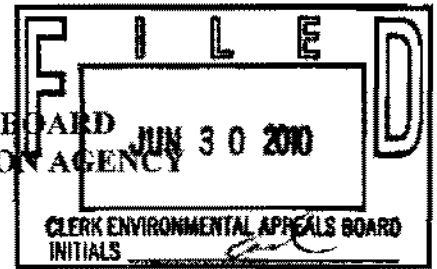


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: )  
)  
)  
City & County of Honolulu )  
Sand Island Wastewater Treatment Plant ) NPDES Appeal No. 09-01  
Honouliuli Wastewater Treatment Plant )  
)  
NPDES Permit Nos. HI0020117 & HI0020877 )  
\_\_\_\_\_ )

**ORDER SCHEDULING STATUS CONFERENCE**

The Environmental Appeals Board has learned, via numerous press reports, that the City and County of Honolulu ("CCH"), the State of Hawaii's Department of Health, and Region 9 of the U.S. Environmental Protection Agency may have reached a tentative settlement of longstanding litigation regarding CCH's wastewater treatment system, which settlement may require the imposition of secondary treatment at the wastewater treatment plants at issue in the above-captioned appeal. It is imperative that the parties immediately apprise the Board whether NPDES Appeal No. 09-01, in which CCH seeks a waiver of secondary treatment requirements, has been or will be rendered moot, or affected in any way, by any settlement of disputes. At no time have the parties informed the Board that settlement talks were underway or requested that the Board stay its hand in resolving this complex appeal. If press reports are accurate, the parties' silence has deprived the Board of information necessary for the Board's prioritization of cases and its efforts to effectively manage its docket, and may adversely affect the timing of other cases awaiting Board resolution.

Accordingly, the Board hereby orders counsel for CCH and the Region, the parties to the above-captioned appeal, to file a status report, jointly or separately if need be, with the Board on

or before Tuesday, July 6, 2010, advising the Board of any impacts any tentative settlement may have on NPDES Appeal No. 09-01, and why the parties did not apprise the Board of the existence of settlement talks. Counsel for CCH and the Region are also directed to participate in a status conference beginning at 3 p.m. EDT on Monday, July 19, 2010. The Board will initiate the status conference from the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, 1201 Constitution Avenue, N.W., Room 1152, Washington, D.C. Counsel may choose to appear in person in the Courtroom or may participate via telephone or video-conferencing equipment. Counsel must contact the Clerk of the Board in writing no later than Monday, July 12, 2010, to advise how they wish to participate in the conference and to provide telephone numbers or other contact information as appropriate.

So ordered.

Dated: June 30, 2010

**ENVIRONMENTAL APPEALS BOARD**

By: Kathie A. Stein  
Kathie A. Stein  
Environmental Appeals Judge

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing **Order Scheduling Status Conference** in the matter of *City & County of Honolulu*, NPDES Appeal No. 09-01, were sent to the following persons in the manner indicated:

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Date: JUN 30 2010

  
Annette Duncan  
Secretary