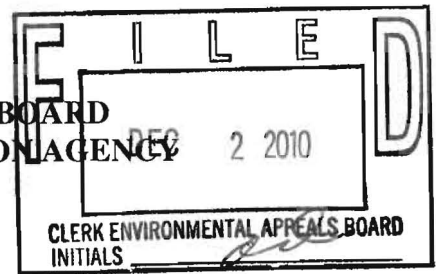


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
)

Puerto Rico Electric)
Power Authority)

Permit No. PR 0001660)
_____)

NPDES Appeal No. 10-18

STAY ORDER

By petition filed with the Environmental Appeals Board (“Board” or “EAB”) on November 29, 2010, the Puerto Rico Electric Power Authority (“PREPA”) seeks review of certain conditions of a National Pollutant Discharge Elimination System (“NPDES”) permit issued by U.S. EPA Region 2 (“Region”) for PREPA’s Aguirre Power Plant Complex in Salinas, Puerto Rico. Petition for Review (“Petition”). PREPA characterizes its Petition as a “protective filing” pending the outcome of ongoing settlement discussions with the Region. The Petition states that PREPA and the Region are currently engaged in negotiations regarding the contested conditions and that the Region has indicated a “willingness to consider the withdrawal of the Contested Conditions.” Petition at 1. PREPA states that:

In view of the settlement discussions and [the Region’s] willingness to withdraw the Contested Conditions, contemporaneously with filing this Petition, [PREPA] and the staff of [the Region] are jointly filing a motion requesting that the [Board] grant an extension of time for [PREPA] to perfect its appeal * * *. In that motion, both parties state their agreement that it would conserve their resources and the resources of the EAB if the EAB were to accept this protective filing as a timely filing for purposes of commencing this Appeal, but allow [PREPA] to supplement

this filing with a more complete supplemental Petition if [the Region] ultimately determines not to withdraw the Contested Conditions.

Petition at 1-2.

PREPA and the Region filed the referenced Joint Motion For Extension of Time to Perfect Appeal (“Joint Motion”) on November 29, 2010. The motion indicates that the Region estimates that it may take 10 business days from the date of the Joint Motion to formalize a withdrawal of the Contested Conditions. Accordingly, the parties request that the Board issue an order

(a) accepting the Petition as validly commencing this Appeal, (b) suspending all other applicable filing or response requirements until [the Region] either withdraws the Contested Conditions or determines not to withdraw one or more of them, and (c) allowing [PREPA] to file a supplemental Petition within 10 business days of the date on which [the Region] advises [PREPA] and the EAB that it will not be withdrawing one or more of the Contested Conditions.

Joint Motion at 2.

Upon consideration, the Board hereby accepts the Petition as properly filed. Further, this matter is hereby stayed until January 14, 2011, to allow the parties to complete ongoing settlement discussions. Any supplement to the Petition must be filed¹ with the Board by that date.² Petitioner shall file a status report no later than December 22, 2010. If a supplemental petition is filed, the Region will have 45 days from the date of the supplemental petition to file a

¹ Documents are “filed” with the Board on the date they are *received*.


² The Board will consider additional arguments on the issues raised in the petition but will not consider new issues that were not raised in the Petition filed on November 29, 2010.

response. If the parties are successful in resolving this matter on or before January 14, 2011, Petitioner shall promptly inform the Board and request withdrawal of the Petition.³

So ordered.

Date: 12/2/10

ENVIRONMENTAL APPEALS BOARD


Edward E. Reich
Environmental Appeals Judge

³ Should the parties need additional time to complete settlement discussions, they may request a limited extension of this stay. Any such request must include a further status report and a specified time period within which parties expect to complete settlement discussions.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Stay Order** in the matter of *Puerto Rico Electric Power Authority, LP*, NPDES Appeal No. 10-18, were sent to the following persons in the manner indicated:

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Date: DEC 2 2010


Annette Duncan
Secretary