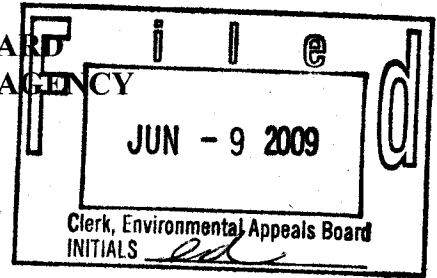


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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 May 27, 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 another joint status report and motion to extend the stay of proceedings in the above-captioned matters. The parties report that they have engaged in “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 2-3. The parties seek a further stay of four months, explaining their view that the extra time is necessary for them to engage in further detailed and substantive settlement negotiations and continue to attempt to reach a conceptual agreement on a “broad array of legal, policy, and technical issues.” *Id.* at 3.

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 **Monday, October 5, 2009**. All parties shall file a status report (preferably jointly but separately if need be) with the Board no later than **Thursday, September 24, 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.

ENVIRONMENTAL APPEALS BOARD

Dated: 6/9/09

By: Kathie A. Stein
Kathie A. Stein
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:

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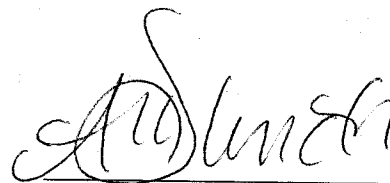
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JUN - 9 2009

Dated: _____



Annette Duncan, Secretary