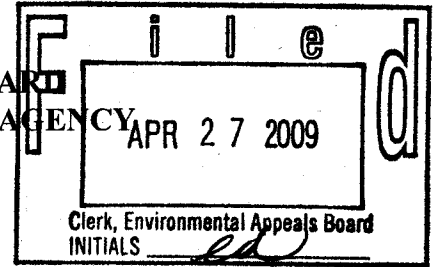


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

City & County of Honolulu)
Sand Island Wastewater Treatment Plant)
Honouliuli Wastewater Treatment Plant)

NPDES Permit Nos. HI0020117 & HI0020877)

NPDES Appeal No. 09-01

**ORDER GRANTING MOTION
FOR EXTENSION TO FILE RESPONSE
AND SCHEDULING STATUS CONFERENCE**

On April 23, 2009, Region 9 of the U.S. Environmental Protection Agency, along with the City and County of Honolulu ("CCH"), filed a joint motion for additional time for Region 9 to file a response to the petition for review in the above-captioned case. At present, the Region's response is due Thursday, April 30, 2009. This motion is hereby **GRANTED**. Region 9 must now file its response to NPDES Appeal No. 09-01 on or before **Friday, May 29, 2009**.

The parties also jointly seek a stay of proceedings until October 15, 2009, citing as grounds for the stay the existence of active, ongoing litigation between them over Freedom of Information Act ("FOIA") requests made by CCH in 2007 and 2009. CCH believes the FOIA litigation may result in the production of documents that are relevant to its petition for review in this case. The Region disagrees but does not object to the proposed stay. CCH also requests the opportunity to file, by October 15, 2009, a reply to the Region's response and/or a motion to file supplemental briefing related to the FOIA documents.

We hereby hold all these latter requests in abeyance at this time, pending a status conference of the parties. Counsel for the parties to this appeal are hereby requested to

participate in such a conference beginning at **3 p.m. EDT on Tuesday, June 9, 2009**. The Environmental Appeals 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 **Tuesday, June 2, 2009**, to advise how they wish to participate in the conference and to provide telephone numbers or other contact information as appropriate.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: _____

4/27/09

By: _____

Kathie A. Stein

Kathie A. Stein

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Order Granting Motion for Extension to File Response and 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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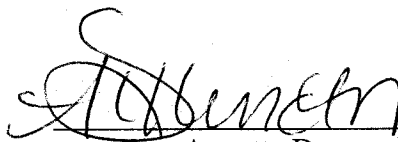
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APR 27 2009

Date: _____



Annette Duncan
Secretary