

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

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ENVIR. APPEALS BOARD

In re: Easley Combined Utilities
NPDES Permit No. SC0039853

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) NPDES Appeal No. 07-17
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**JOINT MOTION TO STAY THE PETITION PENDING ISSUANCE OF
MODIFIED PERMIT**

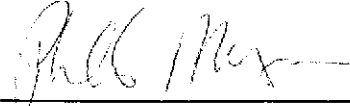
Counsel for the U.S. Environmental Protection Agency (EPA) Region 4 and Petitioner, Easley Combined Utilities (Easley) jointly request that the Environmental Appeals Board (EAB) stay all proceedings in the above-captioned matter. Petitioner had challenged four limits in the original NPDES permit (NPDES Appeal No. 06-10) and EPA had previously modified the permit to settle those four issues. EPA also included a limit for copper based on the WER in that modified permit. Easley then challenged the copper limit, and as a result the four other modified conditions are now in effect while the copper limit is stayed pending resolution of the appeal.

In support of this motion, EPA and Easley note that the parties have reached agreement on permit provisions to resolve the copper issue raised in the Petition. EPA plans to modify the permit in accordance with applicable laws, which includes seeking public comment and a section 401 certification from the state. Given the applicable time requirements in the federal and state rules, EPA believes this can be accomplished by January 30th, 2008. At that time, Easley will withdrawal their petition. Accordingly, the parties request a stay until January 30, 2008.

For the reasons set forth above, and in the interest of judicial economy, counsel for the Parties respectively request that the Joint Motion for a Stay of the Petition Pending Issuance of Modified Permit be granted by the Environmental Appeals Board.

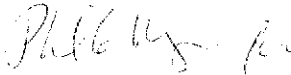
Respectfully submitted this 29th day of October, 2007.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, Region 4**



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with a permit

cc: Pooja Parikh
Office of General Counsel

Virgina Buff
R-4, Water Management Division

CERTIFICATE OF SERVICE

I certify that on October 29, 2007, I sent by Federal Express the original and five copies of the October 29, 2007, Joint Motion to Stay the Petition Pending Issuance of Modified Permit in NPDES Appeal No. 06-10 to the Clerk of the Board, Environmental Appeals Board 1341 G Street, NW, Suite 600, Washington, DC 20005. I further served Mr. Paul Calimita and Richard Sedgley by Electronic Copy.



Philip G. Mancusi-Ungaro
Counsel for the Environmental
Protection Agency