

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

In re: South Carolina Electric & Gas)	NPDES Appeal No. 06-09
Company - Cope Station)	
)	
NPDES Permit No. SC 0045772)	

**STATUS REPORT ON PERMIT MODIFICATION AND JOINT MOTION FOR A
STAY OF THE PETITION UNTIL JANUARY 31, 2008**

Counsel for Petitioner, South Carolina Electric & Gas Company (SCE&G) and the U.S. Environmental Protection Agency (EPA) Region 4 have in the past jointly requested that the Environmental Appeals Board (EAB) stay all proceedings in the above-captioned matter. Most recently, the EAB granted a stay, until November 16, 2007.

As noted previously, EPA issued a notice of the proposed permit modification on January 11, 2007 seeking public comment and Section 401 Certification from the State. The public comment period closed and only SCE&G commented on the proposed permit. The state issued a section 401 certification on February 19, 2007. The Section 401 Certification was challenged by the Petitioner on March 6, 2007. Under state law, that challenge prevents the certification from taking effect. At this point the challenge process has not been concluded, there is a hearing scheduled for March 2008, and thus there is no effective certification at this time.

Discussions continued regarding the mercury limits and we reported to the EAB that we reached agreement on the mercury issue. Petitioner plans to

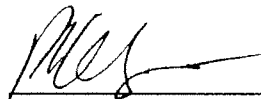
perform a reasonable potential analysis to determine the need for a mercury limit when they have three full years of data, which will occur by mid November 2007.

At that time the permit will be reissued with appropriate limits and Petitioner will withdrawal its petition. EPA plans to issue the permit as soon as possible after this analysis is concluded, consistent with EPA regulations, and will address the Section 401 Certification issue by providing a re-opener that will address the final adjudication of that issue, assuming it has not been settled by that time.

For the reasons set forth above, and in the interest of judicial economy, counsel for EPA and SCE&G respectively request that the Joint Motion for a Stay of the Petition pending the completion of the permit modification be granted by the Environmental Appeals Board. EPA anticipates the permit modification process to be completed by January 15, 2008. Therefore, the parties request that the petition be stayed until January 31, 2008.

Respectfully submitted this 17th day of October, 2007.

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



Philip G. Mancusi-Ungaro
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
404-562-9519

Elizabeth B. Partlow, Esq.
Ogletree, Deakins, Nash Smoak &
Stewart
1320 Main Street, Suite 600
Columbia, SC 29201
803-252-1300

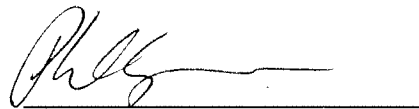
cc: J. Hagood Hamilton, Jr., Esq.
Assistant General Counsel
SCANA Corporation
1426 Main Street
Columbia, SC 29218

Pooja Parikh
Office of General Counsel
USEPA

Karrie-Jo Shell
R-4, Water Management Division
USEPA

CERTIFICATE OF SERVICE

I certify that on October 17, 2007, I sent by Federal Express the original and five copies of the October 17, 2007, Status Report on Permit Modification and Joint Motion for a Stay of Petition until January 31, 2008 in NPDES Appeal No. 06-09 to the Clerk of the Board, Environmental Appeals Board 1341 G Street, NW, Suite 600, Washington, DC 20005. I further served Ms. Elizabeth Partlow and J. Hagood Hamilton by Electronic Copy.


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