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One Financial Center Boston, MA 02111 617-542-6000 617-542-2241 fax www.mintz.com

ENVIR. APPEALS BOARD

# fax transmittal

FROM:

Name

Ralph A. Child

Date

December 15, 2006

# of Pages

## To:

Name	Company	Business#	Fax #	
Clerk	U.S. EPA		202-233-0121	
Ronald Fein	EPA	617-918-1040	617-918-0099	
Kristy Bulleit	Hunton & Williams LLP	202-955-1547	202-778-2201	

### Comments:

# Please call us at 617-542-6000 if you experience any problems.

#### STATEMENT OF CONFIDENTIALITY

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# Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

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ENVIR. APPEALS BOARD

December 15, 2006

Clerk of the Board, Environmental Appeals Board U.S. Environmental Protection Agency 1341 G Street, N.W., Suite 600 Washington, D.C. 20005

Re: In re: Mirant Kendall, LLC, NPDES Permit No. MA000-4898

Dear Sir/Madam:

Enclosed for filing please find Mirant Kendall's Assented to Motion to Modify Order Granting Joint Scheduling Motions.

Thank you for your attention to this matter.

Very truly yours,

Ralph A. Child

/encl.

cc: (via telefax and first class mail)
Ronald Fein, EPA Region I
Kristy Bulleit, Hunton & Williams, LLP

LIT 1597688v.1

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

In re: Mirant Kendall, LLC Mirant Kendall Station	) ) )	NPDES NO. 06-12
NPDES Permit No. MA0004898	)	
	)	

# MIRANT KENDALL'S ASSENTED TO MOTION TO MODIFY ORDER GRANTING JOINT SCHEDULING MOTIONS

By its Order Granting Joint Scheduling Motions that the Environmental Appeals Board (the "Board") entered in this proceeding on November 22, 2006, the Board established a schedule under which Petitioner Mirant Kendall, LLC is required to file a Supplement to its Petition for Review on or before this day, December 15, 2006.

With the assent of counsel for the Region, Mirant Kendall requests leave to file the Supplement to its Petition for Review one business day later, on or before December 18, 2006.

Also with the assent of counsel for the Region, Mirant Kendall requests leave to file the hard copies of the Exhibits to the Supplement to its Petition for Review on or before December 19, 2006. Electronic copies of those Exhibits will be filed together with the electronic filing of the Supplement on December 18, 2006.

As grounds, Mirant Kendall states that the additional, short time is required to assemble and produce the Supplement and the Exhibits, and that counsel for the Region has kindly consented to the extra time.

Respectfully submitted,

MIRANT KENDALL, LLC

By its attorneys,

Ralph A. Child

Breton Leone-Quick

Mintz, Levin, Cohn, Ferris,

Glovsky and Popeo, P.C.

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Kristy A. Bulleit

1900 K Street, N.W.

Washington, D. C. 20006-1109

Tel: 202-955-1547 Fax: 202-778-2201

Assented to:

Ronald Fein

US Environmental Protection Agency - Region I

One Congress Street, Ste. 1100 RAA

Boston, MA 02114

# **CERTIFICATE OF SERVICE**

I, Ralph A. Child, certify that on December 15, 2006, I served a copy of Mirant Kendall's Assented to Motion to Modify Order Granting Joint Scheduling Motions on the parties by telefax as well as by first class mail, postage prepaid to all counsel of record:

Ralph A. Child

LIT 1597635v.1