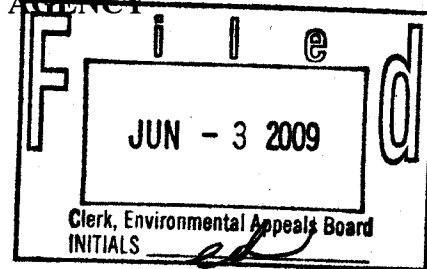


**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.**

In re: \_\_\_\_\_ )  
ExxonMobil Oil Corporation )  
Permit No. MA0000833 )

NPDES Appeal No. 08-23



**ORDER SUSPENDING DATE FOR FILING OF REGION'S RESPONSE AND  
SCHEDULING STATUS CONFERENCE**

By submission filed with the Board on June 2, 2009, the parties in the above-captioned matter, U.S. EPA Region 1 ("Region") and ExxonMobil Oil Corporation ("ExxonMobil"), request an additional ninety-day stay of proceedings to allow sufficient time to complete settlement discussions. Status Report (June 2, 2009). In support of the additional stay, the Status report states as follows:

[T]he parties held settlement negotiations in Boston, Massachusetts on May 28, 2009. These discussions were highly productive and significantly narrowed the range of pending issues. The parties believe they are converging toward full resolution of the relatively few issues still in dispute. For each remaining issue, the parties are actively considering outstanding proposals or are preparing counter proposals. The Region has agreed to submit a revised version of the proposed permit modification for ExxonMobil's consideration as soon as practicable, but no later than three weeks, and ExxonMobil has agreed to review and respond to this submission according to a similar timeframe. Concurrently, the parties have agreed to begin drafting a memorandum of understanding that will memorialize certain aspects of the settlement not addressed by the proposed permit modification.

The parties estimate that these activities, combined with the time required for management approval of any final settlement and stakeholder outreach, will likely take approximately ninety (90) days. By that time, the parties expect to be in a position to file the necessary papers to resolve the pending appeal. While the parties acknowledge that these settlement negotiations have already necessitated multiple stays of considerable length, the parties believe that clear progress is being made toward carefully crafting an innovative permitting scheme that will deliver significant environmental benefits (beyond even those of the appealed permit) to the Island End River.

Status Report at 1-2.

Upon consideration, in order to allow the Region to devote its time and resources towards completing settlement negotiations, the Board has decided to suspend the Region's obligation to file a response to ExxonMobil's petition for review in this matter. Further, counsel for the parties in this matter are hereby ordered to participate in a status conference beginning at **10:00 AM EDT on Tuesday, July 21, 2009.**<sup>1</sup> The Environmental Appeals Board will initiate the status conference from the Administrative Courtroom, U.S. Environmental Protection Agency, EPA East Building, 1201 Constitution Avenue, NW, Room 1152, Washington, D.C. Counsel may choose to appear in person in the Courtroom or may participate via video-conferencing equipment. Counsel must contact the Clerk of the Board in writing no later than **Tuesday July 14, 2009**, to advise the Board how they wish to participate in the conference and to provide the names and contact information of those individuals who will be participating. Following the status conference, the Board will make a determination on whether to establish a revised deadline for the Region to file a response to ExxonMobil's petition for review.

So ordered.

Dated: *June 3, 2009*

ENVIRONMENTAL APPEALS BOARD

By: *Charles J. Sheehan*  
Charles J. Sheehan  
Environmental Appeals Judge

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<sup>1</sup> By this date, according to the Status Report, the parties should have completed an exchange of proposals for a permit modification as well as a memorandum of understanding memorializing aspects of the settlement not addressed by the proposed permit modification.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the forgoing Order Suspending Date for Filing of Region's Response and Scheduling Status Conference in the matter of ExxonMobil Oil Corporation, NPDES Appeal No. 08-23, were sent to the following persons in the manner indicated:

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and Facsimile:

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Dated: JUN - 3 2009



Annette Duncan  
Secretary