



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

RECEIVED
U.S. E.P.A.

2006 FEB -1 PM 1: 33

ENVIR. APPEALS BOARD

January 31, 2006

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Re: NPDES Appeal No. 06-04

Dear Ms. Durr,

Enclosed please find the original and five copies of the parties Joint Motion to Stay the Petition in the matter referenced above.

Thank you for your consideration. If there are any questions, I may be reached at 404-562-9519.

Sincerely,

A handwritten signature in cursive script, appearing to read "Philip G. Mancusi-Ungaro".

Philip G. Mancusi-Ungaro
Attorney-Advisor
U.S. Environmental Protection Agency

Enc.

RECEIVED
U.S. E.P.A.

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FEB -1 PM 1:33
WASHINGTON, D.C.

ENVIR. APPEALS BOARD

_____)
)
In re: MILLIKEN & COMPANY) NPDES Appeal No. 06-04
)
NPDES Permit No. SC 0000 353)
_____)

JOINT MOTION TO STAY THE PETITION

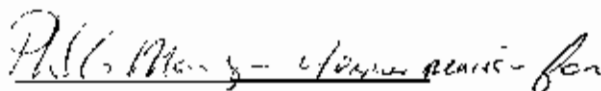
Counsel for Petitioner, Milliken & Company, and the U.S. Environmental Protection Agency (EPA) Region 4 request that the Environmental Appeals Board (EAB) stay all proceedings in the above-captioned matter. In support of this motion, the parties offer that they have negotiated a proposed modification to the NPDES permit that if, after notice and comment, is issued in a manner that reflects the negotiated positions of the parties, should resolve the matters that are the subject of the January 5, 2006 Petition For Review. EPA has prepared a Notice of Permit Modification that was published on January 11, 2006 reflecting the modification. Absent any challenges, or delays in receiving Section 401 Certification from South Carolina, as noted in the Fact Sheet, EPA anticipates the permit being effective on April 1, 2006. Accordingly, the parties request a stay until May 1, 2006, and will report to the EAB on the status of modification by April 5, 2006.

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

the completion of the permit modification be granted by the Environmental Appeals Board.

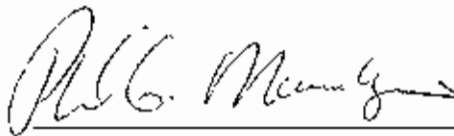
Respectfully submitted this 31st day of January, 2006.

ALSTON & BIRD, LLP


Lee A. DeHibns, III
Georgia Bar No. 216259

One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
(404) 881-7151

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


Philip G. Mancusi-Ungaro
South Carolina Bar No. 12002

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

cc: Stephen J. Sweeney
Office of General Counsel

Marshall Hyatt
Water Management Division