

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

RECEIVED
U.S. E.P.A.

2007 JAN 30 AM 10:11

ENVIR. APPEALS BOARD

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

**STATUS REPORT ON PERMIT MODIFICATION AND MOTION TO STAY
THE PETITION**

Counsel for Petitioner, South Carolina Electric & Gas Company (SCE&G) and the U.S. Environmental Protection Agency (EPA) Region 4 had jointly requested that the Environmental Appeals Board (EAB) stay all proceedings in the above-captioned matter. On November 29, 2006, the EAB Granted the Stay, until January 29, 2007.

EPA has continued to work on the issues associated with the challenged items and has been in continuous discussions with South Carolina Department of Health and Environmental Control (South Carolina) and the Petitioner to address the proposed modification of the permit. 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 will be open for 30 days at which time EPA will review all comments. The state certification will take 60 days under the state's procedures. Accordingly, EPA and petitioner are seeking an additional 90 days to complete this process. EPA has discussed this Motion for a Stay with Petitioner and they support the request.

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 29th day of January, 2007.

**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

**COUNSEL FOR PETITIONER
SOUTH CAROLINA ELECTRIC &
GAS COMPANY**



Elizabeth B. Partlow, Esq.
Ogletree, Deakins, Nash Smoak & Stewart
South Carolina Bar No.

1320 Main Street, Suite 600
Columbia, SC 29201
803-252-1300

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

Pooja Parikh
Office of General Counsel, USEPA

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