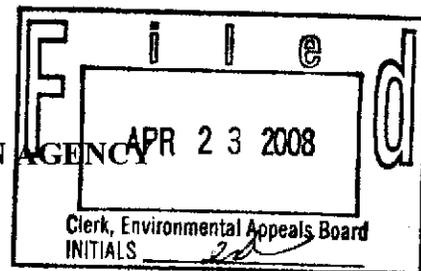


ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:

Mirant Kendall, LLC,
Mirant Kendall Station

NPDES Permit No. MA0004898

NPDES Appeal Nos. 06-12 and 06-13

ORDER EXTENDING STAY OF PROCEEDINGS

By motion dated April 16, 2008, U.S. Environmental Protection Agency Region 1 (“Region”), with the assent of petitioners Mirant Kendall, LLC, the Conservation Law Foundation, and the Charles River Watershed Association (collectively, “Petitioners”), requests that the Environmental Appeals Board (“Board”) further extend the stay of proceedings in the above-captioned matter, in light of the status of a pending modification to NPDES permit number MA0004898 (“Permit”). Region’s Status Report & Motion to Extend Stay of Proceedings (“Motion”). For the foregoing reasons, the Motion is GRANTED.

Previously, the Board extended an earlier stay of the proceedings to April 18, 2008, to allow the Region time to develop a new permit modification. *In re Mirant Kendall, LLC, Mirant Kendall Station*, NPDES Appeal Nos. 06-12 and 06-13, at 6 (EAB September 28, 2007) (Order Extending Stay of Proceedings). At that time, the Region stated that it intended to complete the final permit modification by April 18, 2008.

However, as of April 18, 2008, the public comment period for the draft permit modification remained open; it was recently extended to May 1, 2008. Motion at 4. The Region is requesting a further stay but indicates that it is unable to estimate the amount of time it will need to respond to comments and finalize the permit modification until the public comment

period closes. *Id.* An immediate extension of the stay is necessary so that the Region may initially review the public comments and provide a meaningful estimate of the time it will take to complete the permit modification. *Id.* Accordingly, the Region seeks extension of the stay until May 28, 2008, and proposes to file a status report no later than that date. *Id.* In that status report, the Region intends to request a further extension to complete the permit modification.

In the interest of judicial economy and for good cause shown, the Board hereby grants the Motion and extends the stay of proceedings. The Region shall file a status report no later than May 28, 2008. This status report shall advise whether the Board should extend the stay, establish a revised briefing schedule, or take other appropriate action. The Petitioners shall file their responses to the Region's status report no later than seven days after the filing of the status report.

So ordered.

Dated: April 23, 2008

ENVIRONMENTAL APPEALS BOARD

By: 
Edward E. Reich
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Order Extending Stay of Proceedings, in the matter of *Mirant Kendall, LLC, Mirant Kendall Station*, NPDES Petition Nos. 06-12 and 06-13, were sent to the following persons in the manner indicated:

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Dated: APR 23 2008



Annette Duncan
Secretary
