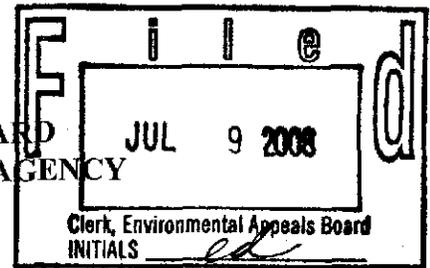


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Essroc San Juan, Inc.) NPDES Appeal No. 07-20
)
NPDES Permit No. PR0001163)

ORDER GRANTING REQUEST FOR A CONTINUED STAY OF PROCEEDINGS

In a joint motion filed July 3, 2008, U.S. EPA Region 2 ("Region") and Petitioner Essroc San Juan Inc. ("Essroc") request an additional stay of proceedings, until August 15, 2008, to finalize an agreement the parties have reached during settlement negotiations in the above-captioned matter. The subjects of the parties' dispute are certain conditions in a Final NPDES Permit ("Final Permit") that the Region issued to Essroc on November 20, 2007, and that Essroc has challenged in a Petition for Review filed on December 14, 2007. By order of the Environmental Appeals Board ("Board") dated May 22, 2008, proceedings in this matter have been stayed until July 3, 2008, to accommodate the parties' ongoing settlement negotiations.

In their joint motion, the Region and Essroc report that they have made further progress in finalizing an Administrative Consent Order ("Consent Order") that will embody their "agreement in principle" to resolve their dispute. In particular, the parties relate that their efforts have been "focused on presenting to and getting comments from EPA Management regarding the language of the Consent Order prior to seeking signatures." The parties, who have attached to their motion a draft version of the Consent Order, represent that an additional stay is necessary to "complete the drafting and execution of the [Consent Order] and moving for dismissal."

For good cause shown, the parties' joint request for an additional stay of proceedings is granted. The proceedings are stayed until August 15, 2008, and the Region's July 3, 2008 deadline for filing a response to the Petition is rescinded. In the event that the parties request an extension of the stay beyond August 15, 2008, the parties shall include in their motion a report of any changes in the parties' plans as described above that may affect the timing or likelihood of settlement.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated:

July 9, 2008

By:

Anna Holquist

Kathie A. Stein

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Request for a Continued Stay of Proceedings in the matter of Essroc San Juan Inc., NDPES Appeal No. 07-20, were sent to the following persons in the manner indicated:

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Date: JUL 9 2008



Annette Duncan
Secretary