

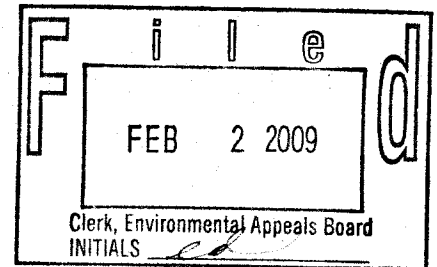
**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:

ExxonMobil Corporation

Permit No. MA0000833

NPDES Appeal No. 08-23



SECOND ORDER STAYING PROCEEDINGS

By joint motion filed with the Board on January 30, 2009, the parties in the above-captioned matter, U.S. EPA Region 1 ("Region") and ExxonMobil Corporation ("ExxonMobil"), request an additional stay of proceedings to allow sufficient time to complete settlement discussions. Second Joint Motion for Stay of Proceedings (Jan. 30, 2009) ("Joint Motion"). In support of the stay, the Joint Motion states as follows:

On November 19, 2008, representatives of ExxonMobil and the Region met to initiate settlement discussions. Based on the meeting and subsequent discussions between the parties ExxonMobil submitted a written conceptual proposal to resolve the appeal through a permit modification on December 18, 2008, which proposal contemplated a new and different permitting scheme to separately address dry weather and wet weather flows. Upon consideration, the Region responded positively to ExxonMobil's proposal, and on January 6, 2009, requested certain additional information from ExxonMobil that the permit writer determined to be necessary to draft the permit modification. Because of the complexity of the site, and the redesign necessary of the effluent treatment system, ExxonMobil indicated that it would take approximately six to eight weeks to develop the additional information requested by the Region, which information requests were dependent upon, among other things, updated sampling data and advanced engineering requirements. The Region has subsequently initiated work on a new draft permit, which it intends to implement pursuant to its authority under 124.19(d), and expects to circulate a draft for discussion between the parties within the next month.

In light of the progress made thus far, the parties believe that a negotiated settlement of this appeal is likely. However, due to the site's considerable technical complexity, the unavoidable delay associated with the design and engineering work being undertaken by ExxonMobil for the modified effluent treatment system, and the possibility that implementing the parties' conceptual agreement will engender

unforeseen technical questions or concerns that will require time and resources to resolve, the parties agree that a reasonable amount of additional time is needed to continue discussions and reach agreement over the terms and conditions of the new draft permit. Under these circumstances, an additional stay of proceedings is necessary and would be in the interest of judicial and administrative economy. If a stay is not granted, the parties will be forced to divert their time and effort to the proceedings before this Board, when there is a substantial possibility that a negotiated settlement will obviate the need for such proceedings.

Id. at 2-3.

For good cause shown, the Joint Motion is granted, and the Region's response to ExxonMobil's petition for review in this matter shall now be filed with the Board no later than June 10, 2009.¹ In the event that the parties move for a third extension of time, the Board will convene a status conference with all parties and will require the presence of both legal and program management representatives from Region 1.

So ordered.

Dated: 2/2/09

ENVIRONMENTAL APPEALS BOARD

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

¹ Documents are "filed" with the Board on the date they are *received*.

CERTIFICATE OF SERVICE

I hereby certify that copies of the forgoing Second Order Staying Proceedings on Petition for Review in the matter of ExxonMobil Corporation, NPDES Appeal No. 08-23, were sent to the following persons in the manner indicated:

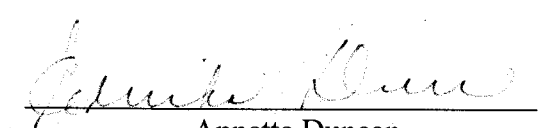
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Dated: 3/2/09



for Annette Duncan
Secretary