



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC -4 2006

ENVIRONMENTAL APPEALS BOARD

By First Class Mail and via fax:

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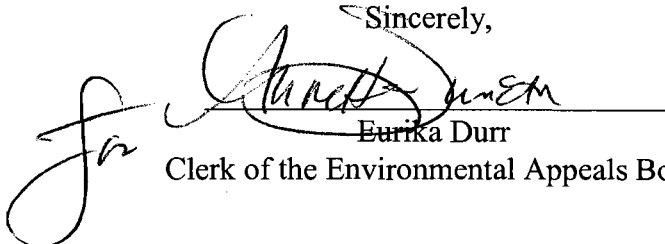
Thomas G. Eppink, Esq.  
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Re: Order Granting Third Joint Motion to Stay the Petition  
South Carolina Electric & Gas Co. -- Cope Station, NPDES Appeal No. 06-09

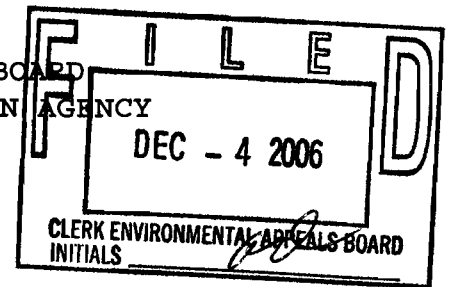
Dear Regional Counsel and Counsel for South Carolina Electric & Gas Co.:

Enclosed is a corrected version of the above-referenced order. The original order erroneously stayed the proceedings until January 29, 2006. The correct date should be January 29, 2007, as reflected in the amended order.

Sincerely,

  
Erika Durr  
Clerk of the Environmental Appeals Board

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



In re: )  
 )  
South Carolina Electric & )  
Gas Company - Cope Station )  
 )  
Permit No. SC00457752 )  
 )

NPDES Appeal No. 06-09

AMENDED ORDER GRANTING THIRD JOINT MOTION  
TO STAY THE PETITION<sup>1</sup>

On November 30, 2006, the parties in the above-captioned matter, U.S. EPA Region IV (the "Region") and South Carolina Electric & Gas, filed a third joint motion requesting an additional 60-day stay of the proceedings in this case. On September 29, 2006, the Environmental Appeals Board ("Board") issued an order granting the parties' second request to stay the proceedings and extend the Region's deadline to file its response to the petition until November 30, 2006.<sup>2</sup> In support of their second request, the parties explained that they negotiated a proposed modification to Permit No. SC00457752 (the permit object of this appeal), which would resolve the issues raised in the petition. The parties

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<sup>1</sup>This order supercedes the order issued on December 1, 2006.

<sup>2</sup>See Order Granting Second Joint Motion to Stay the Petition (EAB Sep. 29, 2006) available at <http://www.epa.gov/eab/>.

further explained that additional time was necessary for the Region to prepare and publish a Notice of Permit Modification and receive public comments. The parties now explain that they have continued working on the issues associated with the challenges to the permit and that the Region is now in the process of drafting a permit modification, which will be submitted to South Carolina for Section 401 certification. The parties explain that the additional time is necessary to finish drafting the permit modification, seek state certification, and complete the modification process.

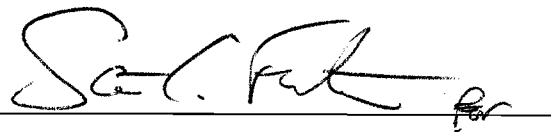
For good cause shown, the Board hereby grants the parties' request to stay the proceedings until January 29, 2007. If the parties do not reach resolution of the matters raised in the petition by such date, the Region must then file a response to the petition no later than January 29, 2007.<sup>3</sup>

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: DEC - 4 2006

By: \_\_\_\_\_



Kathie A. Stein  
Environmental Appeals Judge

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<sup>3</sup>Documents are "filed" with the Board on the date they are received by the Clerk.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Amended Order Granting Third Joint Motion to Stay the Petition in the matter of South Carolina Electric & Gas Company - Cope Station, NPDES Appeal No. 06-09, were sent to the following persons in the manner indicated:

**By First Class Mail Postage Prepaid  
and via fax:**

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Dated: DEC - 4 2006

  
Annette Duncan  
Secretary