

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

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ENVIR. APPEALS BOARD

In re: Easley Combined Utilities

NPDES Appeal No. 06-10

NPDES Permit No. SC0039853

Motion for Extension of Time and Stay of Proceedings

Region 4 of the U.S. Environmental Protection Agency ("EPA") respectfully submits to the Environmental Appeals Board (EAB) this Motion for an Extension of Time and Stay of Proceedings pending completion of the permitting process. In support of this Motion EPA notes that all four of the issues raised by the Respondent in its Petition have been addressed and settlement has been agreed to pending receipt of state certification and issuance of the final permit.

This matter involves NPDES Permit No. SC0039853 issued to Easley Combined Utilities Authority (Easley), Middle Branch Waste Water Treatment Plant (WWTP), on July 28, 2006 by the United States Environmental Protection Agency (EPA). On August 25, 2006, Easley filed a petition for review challenging the following effluent limits:

1. Effluent flow limitations of 3.5 million gallons per day (mgd) monthly average and 3.75 mgd weekly average. Permit Part I.A.1.
2. Effluent total suspended solids concentration and mass limitations. Permit Part I.A.1.
3. Effluent fecal coliform daily maximum limitation, Permit Part I.A.1 and 6.
4. Instream macroinvertebrate assessment. Permit Part III.C.


As previously reported to the Board, EPA and Easley have discussed settlement and EPA had agreed to remove the limits for flow and the requirement to conduct additional

macroinvertebrate studies. EPA has continued discussions with the Petitioner and the state of South Carolina, and EPA has agreed to issue a final permit with agreed upon limits for all the contested conditions as soon as time allows.

EPA requests that the matter be stayed until the permit modification process is complete. As previously reported, the process for modification requires several steps. Although this normally may take several months, EPA will expedite this process. SCDHEC plans to issue the section 401 certification in early July. Although the state normally is allowed 60 days for certification, given the history of this matter and familiarity with the issues, the state will seek comments during a shortened time frame. At the end of the expedited review period, assuming no challenges to the state certification, EPA will issue the final permit. Given the history of this matter, and that EPA will ask the state for expedited review, EPA respectfully requests this matter be stayed until July 27, 2007. As soon as the final permit is issued, EPA will notify the EAB.

Respectfully submitted this 29th day of June, 2007.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, Region 4**



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