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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

2007 JUL 27 PM 1:18

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 the state certification has been issued in final form (copy attached) and is consistent with the draft certification previously shared with Easley. The only task left is the issuance of the final permit incorporating the agreed upon changes. EPA has drafted the permit, but unfortunately EPA's permit writer, Virginia Buff, has been called out of the office on a family medical emergency and will not be back until the week of July 30<sup>th</sup>, and we cannot finalize the permit until she returns. Thus EPA respectfully requests an additional stay until August 11<sup>th</sup>, but anticipates issuing the permit the week of July 30<sup>th</sup> upon Ms. Buff's return.

As soon as the final permit is issued, EPA will notify the EAB.

Respectfully submitted this 26<sup>th</sup> day of July, 2007.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, Region 4



Philip G. Mancusi-Ungaro  
South Carolina Bar No. 12002

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Atlanta, Georgia 30303-8960  
404-562-9519

cc: Paul Calimita, Esq,  
Dick Sedgley, Esq.  
Aqualaw, Inc.

Pooja Parikh USEPA, OGC  
Virginia Buff – USEPA R-4

## **FINAL WATER QUALITY CERTIFICATION**

**EPA NPDES Permit: SC0039853  
Easley/ Middle Branch WWTF**

SC Department of Health and Environmental Control  
Bureau of Water, 2600 Bull Street  
Columbia, S. C. 29201

July 23, 2007

The Department, acting on an application for Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act and applicable regulations, hereby provides certification of EPA's NPDES permit for the project described below pursuant to R.61-101.

**Name:** Easley/ MiddleBranch WWTF SC0039853

**Modification & Reissuance of Permit**

**Project:** Discharge of treated wastewater to Middle Branch to Brushy Creek

**County:** Anderson

After reviewing the EPA's draft NPDES permit modification/reissuance, Department Staff determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the applicable certification requirements. Accordingly, the Department proposes to certify the project modification/reissuance with conditions as noted on the following pages.

The Bureau of Water has reviewed application and proposed permit modification for this project and determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the Certification requirements of Section 401 of the Federal Clean Water Act, as amended.

Both standard and facility-specific conditions of this certification are on the following pages.



Jeff deBessonnet, Director  
Water Facilities Permitting Division



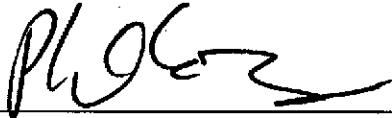
**CONDITIONS SPECIFIC TO EASLEY COMBINED UTIL/MIDDLE BRANCH WWTP -  
NPDES PERMIT SC0039853 MODIFICATION/REISSUANCE**

1. Page I-2, Limitations for Total Recoverable Nickel should also be in terms of mass. A mass limit of 1.63 pounds/day for a monthly average and a 3.27 pounds/day weekly average should be specified [this is based on a design flow of 3.5 MGD and the specified concentration limits of 0.056 mg/l and 0.112 mg/l].
2. Page I-2, Monitoring and reporting for Total Recoverable Copper should also be in terms of mass.
3. Please include the following paragraph in Part III of the permit:

"For the purposes of identification of the treatment capacity (under R61-67.300.A.8); for a determination of whether or not a POTW is required to develop a pretreatment program (under R.61-9.403.a); and for NPDES billing (under R61-30.2.b), the "actual flow" limit for the Easley MiddleBranch wastewater treatment facility shall be identified as the design flow of 3.5 MGD."
4. If there are any changes made to the NPDES permit modification/reissuance made after the EPA Region IV request for State Certification dated March 26, 2007, they would require SCDHEC review and certification.

# CERTIFICATE OF SERVICE

I certify that on July 26, 2007, I sent by Federal Express the original and five copies of the July 26, 2007, Motion for Extension of Time and Stay of Proceedings in NPDES Appeal No. 06-10 to the Clerk of the Board, Environmental Appeals Board 1341 G Street, NW, Suite 600, Washington, DC 20005. I further served Mr. Paul Calimita and Richard Sedgley by Electronic Copy.

A handwritten signature in black ink, appearing to read 'P. G. Mancusi-Ungaro', written over a horizontal line.

Philip G. Mancusi-Ungaro  
Counsel for the Environmental  
Protection Agency