

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

RECEIVED
U.S. E.P.A.

2006 NOV 30 AM 10:50

ENVIR. APPEALS BOARD

In re: South Carolina Electric & Gas)	
Company – Cope Station)	NPDES Appeal No. 06-09
)	
NPDES Permit No. SC 0045772)	
)	

**STATUS REPORT ON PERMIT MODIFICATION AND SECOND MOTION
FOR TO STAY THE PETITION**

Counsel for Petitioner, South Carolina Electric & Gas Company (SCE&G) and the U.S. Environmental Protection Agency (EPA) Region 4 had jointly requested that the Environmental Appeals Board (EAB) stay all proceedings in the above-captioned matter. On September 29, 2006, the EAB Granted the Stay, until November 29, 2006 requesting a report to the Board on the Status of the modifications by October 30, 2006.

EPA has continued to work on the issues associated with the challenged items and has been in numerous discussions with South Carolina to address the proposed modification of the permit. At this point EPA is preparing a draft permit modification including the proposed changes that will be sent to South Carolina to seek Section 401 Certification from the state as the first step in the permit modification process. Once certification is received, EPA will publish a notice of proposed permit modification. At this point, EPA and petitioner are seeking an additional 60 days to complete this process. As a next step in this process, EPA plans to share the draft proposed permit with petitioner in early December, then seek Certification within two weeks. EPA has discussed this Motion for a Stay with Petitioner and they support the request.

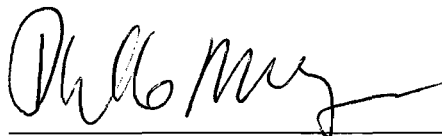
Counsel for EPA recognizes that EPA has missed the interim date for the Status Report. Unfortunately, Counsel was called out of town unexpectedly on a family

emergency for over a week and did not return until October 31, 2006. Upon return, in the process of catching up on work, and continuing to address family issues, the deadline for filing the status report was inadvertently missed. This was unintentional, and I sincerely apologize for missing that report.

For the reasons set forth above, and in the interest of judicial economy, counsel for the Parties respectively request that the Joint Motion for a Stay of the Petition pending the completion of the permit modification be granted by the Environmental Appeals Board.

Respectfully submitted this 29th day of November, 2006.

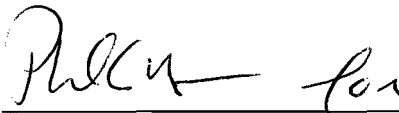
**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, Region 4**



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

Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960
404-562-9519

**COUNSEL FOR PETITIONER
SOUTH CAROLINA ELECTRIC &
GAS COMPANY**



Elizabeth B. Partlow, Esq.
Ogletree, Deakins, Nash Smoak & Stewart
South Carolina Bar No.

1320 Main Street, Suite 600
Columbia, SC 29201
803-252-1300

cc: Thomas G. Eppink, Esq.
Assistant General Counsel
SCANA Corporation
1426 Main Street
Columbia, SC 29218

Pooja Parikh
Office of General Counsel
USEPA

Karrie-Jo Shell
R-4, Water Management Division
USEPA