

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

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ENVIR. APPEALS BOARD

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In re: South Carolina Electric & Gas  
Company – Cope Station

NPDES Permit No. SC 0045772  
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) NPDES Appeal No. 06-09  
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**JOINT MOTION TO STAY THE PETITION**

Counsel for Petitioner, South Carolina Electric & Gas Company (SCE&G) and the U.S. Environmental Protection Agency (EPA) Region 4 jointly request that the Environmental Appeals Board (EAB) stay all proceedings in the above-captioned matter. In support of this motion, the parties offer that they have negotiated a proposed modification to the NPDES permit to remove the requirements and limitations for Manganese and Iron, that if issued, after notice and comment, in a manner that reflects the negotiated positions of the parties, should resolve the matters that are the subject of Issue II in the July 7, 2006 Petition For Review. During this period the parties have also continued their discussions related to Issue I, limitations for Total Mercury, and will continue to seek resolution which may result in a further modification of the permit.

EPA is preparing a Notice of Permit Modification that will be published reflecting the proposed modification(s) and absent any challenges, or delays in receiving Section 401 Certification from South Carolina, EPA expects the permit to be issued by December 22, 2006. Accordingly, the parties request a stay until November 30, 2006, and will report to the EAB on the status of modification by October 30, 2006.

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 further discussions among the parties and the completion of the permit modification noted above be granted by the Environmental Appeals Board.

Respectfully submitted this 27<sup>th</sup> day of September, 2006.

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

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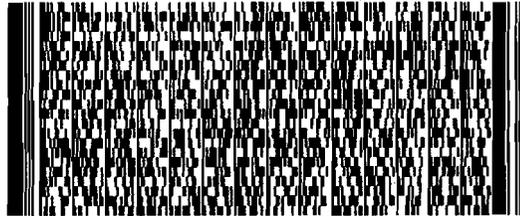
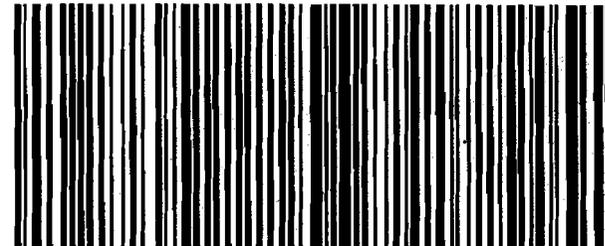
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South Carolina Electric & Gas Co  
NPDES Appeal No. 06-09

