

Bryan J. Moore bmoore@velaw.com
Tel 512.542.8729 Fax 512.236.3257

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ENVIR. APPEALS BOARD

June 25, 2007

By Facsimile (202.233.0121) & Express Mail

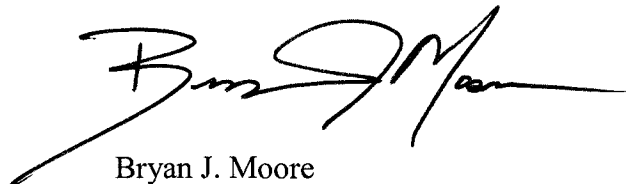
Ms. Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Colorado Building
1341 G Street, NW, Suite 600
Washington, DC 20005

Re: EAB Appeal No. RCRA (3008) 05-04
Docket Nos. RCRA-06-2003-0912 & RCRA-02-2004-7102
In the Matter of Howmet Corporation
Unopposed Motion to Stay Penalty Pending Appeal

Dear Ms. Durr:

Enclosed for filing in the above-referenced docket, please find one original and five copies of Howmet Corporation's Unopposed Motion to Stay Penalty Pending Appeal.

Respectfully submitted,



Bryan J. Moore

Enclosures

Austin 842302v.1

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U.S. E.P.A.

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2007 JUN 26

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL APPEALS BOARD

ENVIR. APPEALS BOARD

IN THE MATTER OF)

HOWMET CORPORATION)

APPELLANT)

EAB APPEAL NO. RCRA (3008) 05-04

DOCKET NOS. RCRA-06-2003-0912 &
RCRA-02-2004-7102

UNOPPOSED MOTION TO STAY PENALTY PENDING APPEAL

COMES NOW, Appellant Howmet Corporation ("*Howmet*") and files this unopposed motion to stay the \$309,091 penalty assessed by the Environmental Appeals Board (the "*Board*") in its final order of May 24, 2007, in the above-referenced matter. Howmet intends to appeal the Board's final order and respectfully requests a stay of the assessed penalty pending appeal.

Counsel for Howmet conferred with counsel for appellees U.S. Environmental Protection Agency Region 2 and Region 6 (collectively, "*EPA*") prior to filing this motion. Counsel for EPA represented that the agency does not oppose this motion and agrees to stay payment and collection of the penalty pending Howmet's appeal of the Board's final order, on the condition that Howmet file such appeal on or before July 24, 2007. EPA and Howmet agree that, should Howmet fail to appeal the Board's final order on or before July 24, 2007, payment of the \$309,091 penalty will be due immediately. Additionally, should Howmet fail to prevail on appeal, EPA and Howmet agree that the \$309,091 penalty will be due within thirty (30) days of the district court's ruling, unless the district court prescribes a different deadline for payment or unless the parties agree otherwise.

EPA and Howmet have elected to memorialize their agreement to the above terms in this motion. Accordingly, Howmet respectfully requests that the Board grant this motion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bryan J. Moore", is written over a horizontal line. The signature is stylized and cursive.

John A. Riley
Bryan J. Moore
VINSON & ELKINS L.L.P.
The Terrace 7
2801 Via Fortuna, Suite 100
Austin, Texas 78746
Telephone: (512) 542-8520
Facsimile: (512) 236-3329

ATTORNEYS FOR APPELLANT
HOWMET CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion was served on the following via express mail, facsimile, electronic mail, and/or certified mail on this the 25th day of June, 2007:

Eurika Durr
Clerk of the Board (MC 1103B)
Environmental Appeals Board
U.S. Environmental Protection Agency
Colorado Building
1341 G Street, NW, Suite 600
Washington, DC 20005
FAX: (202) 233-0121

Amy R. Chester
Office of Regional Counsel
U.S. Environmental Protection Agency,
Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866
FAX: (212) 637-3199

Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection Agency,
Region 2
290 Broadway, 16th Floor
New York, New York 10007-1866
FAX: (212) 637-3199

Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. Environmental Protection Agency,
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
FAX: (214) 665-2182

John C. Emerson
Assistant Regional Counsel (6RC-EW)
U.S. Environmental Protection Agency,
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
FAX: (214) 665-3177


Bryan J. Moore

Austin 841851v.1