

**Bowditch  
& Dewey**  
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**FACSIMILE TRANSMITTAL SHEET**

**TO:**  
Ms. Eureka Durr  
U.S. Environmental Protection Agency

**FAX NUMBER:**  
(202) 233-0121

**PHONE NUMBER:**  
202) 233-0122

**DATE:**  
December 14, 2006

**FROM:**  
Norman E. Bartlett, II

**TOTAL NO. OF PAGES INCLUDING COVER:**

**RE:**  
Permit NPDES No. MA 0004341

**CLIENT/MATTER NUMBER:**  
230024.0131

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

Please see the attached letter and Motion to Stay.

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ENVIR. APPEALS BOARD

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By Facsimile (202) 233-0121  
and Federal Express

December 14, 2006

U.S. Environmental Protection Agency  
Ms. Eureka Durr  
Clerk of the Board, Environmental Appeals Board  
Colorado Building  
1341 G Street, N.W., Suite 600  
Washington, DC 20005

Re: In the Matter of National Pollutant Discharge Elimination System  
Permit NPDES No. MA 0004341

Dear Ms. Durr:

Enclosed please find the original of the above Joint Motion to Stay the Proceedings for Ninety (90) Days and to Rescind the Filing Deadline for the Region to Respond to Petition from Wyman Gordon Company. The Motion was executed today with the verbal assent of Samir Bukhari of USEPA Region 1. Attached please also find my Certificate of Service for this Motion.

Please do not hesitate to contact me should you have any questions.

Best Regards,

*Norman Bartlett II*

Norman E. Bartlett, II

*mst*

NEB:mst

Enclosure

cc: Bradford C. Middlesworth, P.E.

R

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ENVIRONMENTAL APPEALS BOARD

ENVIR. APPEALS BOARD

2006 DEC 14 AM 12:05

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In the Matter of:	)
	)
NPDES No. MA 0004341	)
	)
WYMAN GORDON COMPANY,	)
PETITIONER	)
	)

Appeal Number  
NPDES 06-14

JOINT MOTION TO STAY THE  
PROCEEDINGS FOR NINETY (90)  
DAYS AND TO RESCIND THE FILING  
DEADLINE FOR THE REGION TO  
RESPOND TO PETITION

Now comes Wyman Gordon Company ("WGC" or "Petitioner") and the Environmental Protection Agency Region I ("Region") to move that the Environmental Appeals Board ("EAB") stay the proceedings for ninety (90) days and rescind the filing deadline for the Region to respond to WGC's Petition for Review of the Final NPDES Permit ("Petition") including the requirement that the Region provide relevant portions of the administrative record together with a certified index of the entire administrative record.

In support thereof, WGC and the Region state as follows:

1. The Petition in this action was timely filed with the EAB on October 31, 2006.
2. The EAB, in a letter dated November 3, 2006, requested the Region's response to the Petition including relevant portions of the administrative record together with a certified index of the entire administrative record by December 19, 2006.
3. The Region and Petitioner have agreed that the entire final permit, inclusive of all conditions and testing requirements, will remain stayed in accordance with 40 CFR § 124.16 until completion of the ninety (90) day stay of proceedings and submission of the report by the Region and Petitioner on the status of settlement negotiations.

4. The Petitioner is authorized to continue operating under the terms and conditions of the prior existing NPDES permit as provided by 40 CFR § 124.16(c).
5. The EAB should be advised that counsel for WGC and the Region have agreed to engage in settlement negotiations and are developing a schedule of meetings for the near future which are intended to resolve the Petition without expending the valuable resources of the EAB at this time.
6. In order to allow sufficient time for settlement negotiations to conclude, WGC and the Region believe that a ninety (90) day stay of proceedings is necessary.
7. WGC and the Region join in and mutually assent to this Motion to Stay the Proceedings for Ninety (90) Days and to Rescind the Filing Deadline for the Region to Respond to the Petition.
8. As soon as practicable, but no later than the expiration of the ninety (90) day stay period, WGC and the Region shall submit a report to the Board describing the status of settlement discussions and recommending whether it is appropriate to continue the stay, dismiss the petition, or establish a schedule for EPA's response to the petition.

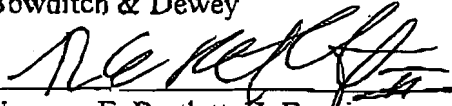
WHEREFORE, WGC and the Region respectfully requests that the Environmental Appeals Board stay the proceedings for ninety (90) days and rescind the deadline for EPA to respond to WGC's Petition.

U.S Environmental Protection Agency  
Region I

EPA verbally accented to this motion  
Samir Bukhari, Esquire  
USEPA Region I

Wyman Gordon Company

By Its Attorneys,  
Bowditch & Dewey

  
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Dated: December 14, 2006

CERTIFICATE OF SERVICE

I, Norman E. Bartlett, II, Counsel for Wyman Gordon Company, do hereby certify that on this 14 day of December, 2006, I served a copy of the above-motion on:

Samir Bukhari, Esquire  
USEPA Region 1  
1 Congress Street, Suite 1100  
Mail Code RAA  
Boston, MA 02114-2023

  
Norman E. Bartlett, II