

Vinson & Elkins
ATTORNEYS AT LAW

RECEIVED
U.S. E.P.A.

2007 JUN 25 PM 3:41

ENVIR. APPEALS BOARD

VINSON & ELKINS L.L.P.
THE TERRACE 7
2801 VIA FORTUNA, SUITE 100
AUSTIN, TEXAS 78746
TELEPHONE (512) 542-8400
FAX (512) 542-8612
www.velaw.com

Bryan Moore
Direct Dial (512) 542-8729
Direct Fax (512) 236-3257
bmoore@velaw.com

BROADCAST FACSIMILE TRANSMITTAL PAGE

DATE: June 25, 2007

TO: **Eurika Durr, Clerk, Environmental Appeals Board** FAX: **(202) 233.0121**
U.S. EPA

TO: **Karen Maples, Regional Hearing Clerk** FAX: **(212) 637-3199**
U.S. EPA, Region 2
and
Amy R. Chester, Off. of Reg. Counsel
U.S. EPA, Region 2

TO: **Lorena Vaughn, Reg. Hearing Clerk** FAX: **(214) 665-2182**
U.S. EPA (6RC-D)

TO: **John C. Emerson, Asst. Reg. Counsel** FAX: **(214) 665-3177**
U.S. EPA, Region 6

PAGES: 5 (including this transmittal page) CLIENT/MATTER: ALU500/64017

FROM: Bryan Moore

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

MESSAGE: Please see the attached motion.

480383_2.DOC

Hard Copy Follows: Yes No

CONFIDENTIALITY NOTICE:

The information contained in this FAX may be confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the above address. Thank you.

Vinson & Elkins

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

June 25, 2007

By Facsimile (202.233.0121) & Express Mail

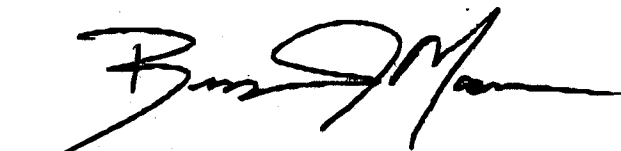
Ms. Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B)
U.S. Environmental Protection Agency
Colorado Building
1341 G Street, NW, Suite 600
Washington, DC 20005

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

RECEIVED
U.S. E.P.A.

2007 JUN 25 PM 3:41

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL APPEALS BOARD**

ENVIR. APPEALS BOARD

IN THE MATTER OF)	
)	EAB APPEAL NO. RCRA (3008) 05-04
HOWMET CORPORATION)	
)	DOCKET NOS. RCRA-06-2003-0912 &
)	RCRA-02-2004-7102
APPELLANT)	

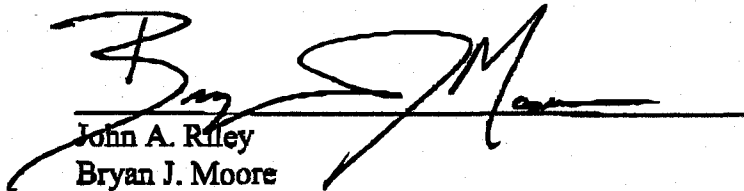
UNOPPOSED MOTION TO STAY PENALTY PENDING APPEAL

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,



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 841851 v.1