



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
1 CONGRESS STREET, SUITE 1100  
BOSTON, MASSACHUSETTS 02114-2023

July 16, 2007

**VIA FIRST CLASS MAIL AND ELECTRONIC SUBMISSION**

U.S. Environmental Protection Agency  
Environmental Appeals Board (MC1103B)  
Attn: Eurika Durr, Clerk of the Board  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-0001

**Re: Joint Status Report and Motion to Extend the Stay of Proceedings  
Wyman Gordon Co.  
NPDES Appeal No. 06-14  
NPDES Permit No. MA0004341**

Dear Ms. Durr:

In connection with the above-referenced permit appeal, please find enclosed for docketing and review by the EPA Environmental Appeals Board an originally executed copy of EPA-Region 1's Joint Status Report and Motion to Extend the Stay of Proceedings and Certificate of Service. In lieu of five additional paper copies, electronic copies of each document have been posted to the CDX system.

If you should have any questions, please do not hesitate to contact me at 617-918-1095.

Sincerely,

A handwritten signature in blue ink, appearing to read "Samir Bukhari".

Samir Bukhari  
Assistant Regional Counsel  
Office of Regional Counsel  
US EPA-Region 1

Enclosures

cc:

Recipients Listed on Enclosed Certificate of Service

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

_____	)	
In the Matter of:	)	
	)	
Wyman Gordon Co.	)	NPDES Appeal No. 06-14
	)	
	)	
NPDES Permit No. MA0004341	)	
_____	)	

**JOINT STATUS REPORT AND  
MOTION TO EXTEND THE STAY OF PROCEEDINGS**

**STATUS REPORT**

As directed by the Environmental Appeals Board (“Board”) in its Order Granting Further Stay of the Petition (May 1, 2007), Region 1 of the Environmental Protection Agency (“Region”) and Wyman Gordon Co. (“Petitioner”) respectfully submit this joint status report on the progress of settlement negotiations and jointly motion to extend the stay of proceedings in the above-captioned matter.

The Region and Petitioner are continuing their efforts to resolve this matter through negotiation. To that end, the Region is scheduled to visit the Wyman Gordon facility on July 25, 2007.<sup>1</sup> The purpose of the site visit is to better understand how existing stormwater controls at the facility operate and to identify specific opportunities to reduce the overall volume and impact of stormwater discharged from the facility. The Region has also received a detailed written

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<sup>1</sup> Due to scheduling conflicts and facility closures in early July, this was the earliest available date for the site visit.

reaction from the Petitioner to several alternative permitting scenarios that had been suggested by the Region as potential ways to resolve the dispute. These scenarios include a prohibition on stormwater discharges from certain outfalls during low flow conditions. The Petitioner has informed the Region that it has obtained the use of a flow meter to evaluate the flows in Bonny and East Brook during dry and rainfall conditions to better evaluate and present how to achieve a “no discharge” condition during low flow conditions. The parties have also discussed the possibility of eventually covering some outfalls under the Multi-Sector General Permit when it becomes available. The Region is reviewing the Petitioner’s response and will be prepared to discuss it in greater detail during the site visit. The parties believe that the outlines of a final settlement, as well as remaining obstacles to such a settlement, will emerge with greater clarity as a result of the site visit and the discussions that ensue.

#### **GROUND FOR CONTINUANCE OF STAY**

In light of the progress toward settlement described above, the parties believe that a negotiated outcome to this dispute is likely. In the interests of judicial economy and to conserve resources, the parties believe a continuance of the stay for ninety (90) days is warranted to accommodate ongoing settlement efforts and, in the event a settlement is reached, to allow sufficient time to initiate permit modification proceedings. In the absence of a stay, the parties will be required to divert their time and effort from productive settlement discussions to litigation before the Board.

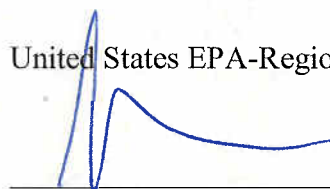
#### **REQUESTED RELIEF**

Accordingly, the parties respectfully request that the Board continue the existing stay of

proceedings in this matter for an additional ninety (90) days.<sup>2</sup> If at any time during the stay it appears that settlement has become unlikely, the parties will expeditiously inform the Board of that fact and suggest an alternative course of action, including a request that the Board establish a schedule for the Region's response to petition for review.

Respectfully submitted,

United States EPA-Region 1



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Samir Bukhari, Esq.  
Assistant Regional Counsel  
US EPA Region 1 (RAA)  
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Boston, MA 02114-2023  
Phone: (617) 918-1095  
Fax: (617) 918-0095

Dated: July 16, 2007

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<sup>2</sup> The Petitioner, though its counsel, has informed the Region that it assents to this Joint Status Report and Motion to Extend the Stay of Proceedings and has authorized the Region to file it on its behalf.

In the Matter of:  
Wyman Gordon Co.  
NPDES Appeal No. 06-14

CERTIFICATE OF SERVICE

I, Samir Bukhari, hereby certify that copies of a Joint Status Report in connection with the above-referenced appeal were sent on this 16th day of July, 2007 to the following persons in the manner described below:

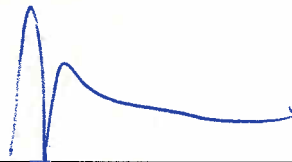
Original by First Class Mail  
Copy Posted to CDX Electronic  
Filing System

Eurika Durr, Clerk of the Board  
Environmental Appeals Board (MC 1103B),  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-0001

Copy by First Class Mail

Norman E. Bartlett II, Esq.  
Bowditch & Dewey, LLP  
175 Crossing Boulevard  
Suite 500  
Framingham, MA 01702

Dated: July 16, 2007



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