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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ENVIRONMENTAL APPEALS BOARD

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In the Matter of:
Howmet Corporation

Appellant

Docket Nos. RCRA-02-2004-7102
RCRA-06-2003-0912

Proceeding Under Section 3008 of the
Solid Waste Disposal Act, as amended

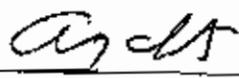
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EPA's Response to Howmet Corporation's Petition for Oral Argument

On December 9, 2005, Appellant Howmet Corporation filed a petition requesting oral argument in the above referenced action. Although EPA does not oppose Appellant's request, it does not believe the Environmental Appeals Board (EAB) will be significantly assisted by oral argument.

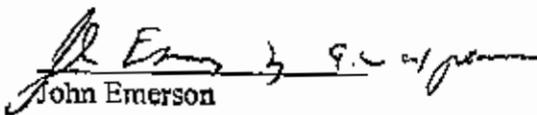
Howmet's appeal is essentially limited to the definition of the term "spent material." This term is clearly defined in the regulations and easily applied to the stipulated facts filed in this action. While this appeal can be readily decided based on a plain reading of the regulation, the regulatory definition is reinforced by the promulgating rule's preamble. Moreover, EPA's application of the term spent material in the present action is consistent with precedential case law, as well as publically available EPA guidance documents. In other words, this is not a novel action mandating oral argument.

The regulation defining the term spent material, the rule's preamble, relevant case law and EPA guidance documents were thoroughly discussed and applied to the facts of this action by both parties in their respective briefs. As occurred in the proceeding below, EPA believes submission on the papers is sufficient.

Respectfully submitted,



Amy Chester
Assistant Regional Counsel
Region II
Environmental Protection Agency



John Emerson
Assistant Regional Counsel
Region VI
Environmental Protection Agency

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2005 a copy of EPA's Response to Howmet Corporation's Petition for Oral Argument (Docket Nos. RCRA-02-2004-7102 and RCRA-06-2003-0912) was sent to the following persons in the manner indicated:

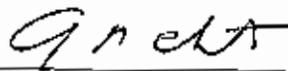
By United States Mail and Facsimile:

Clerk of the Board
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Date: December 12, 2005



Amy Chester