



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

December 7, 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 for Continued 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 U.S. EPA Environmental Appeals Board an originally executed copy of EPA-Region 1 and Wyman Gordon Company's Joint Status Report and Motion for Continued Stay of Proceedings. 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

Toll Free • 1-888-372-7341

Internet Address (URL) • <http://www.epa.gov/region1>

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The Region and Petitioner report that they have reached a settlement, which the parties intend to implement through a permit modification. The Region hereby notifies the Board that pursuant to 40 C.F.R. § 124.19(d) it will withdraw and modify certain numeric water quality-based effluent limitations and WET reporting requirements on Outfalls 007, 008 and 009. A list of the limits and conditions to be withdrawn and modified is attached as Exhibit A. In lieu of the above numeric effluent limits and WET reporting requirements, the Region will impose Best Management Practices (BMPs) related to Outfalls 007, 008 and 009. A list of these BMPs is attached as Exhibit B. In all other respects, the permit will remain unchanged. As soon as practicable following the effective date of the permit modification, Petitioner has agreed to

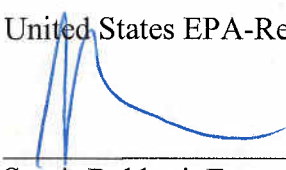
withdraw its Petition for Review and motion to dismiss the appeal in its entirety as moot.

In light of the progress made toward final settlement, the parties believe that the pending appeal can be satisfactorily resolved without further litigation. In the interests of judicial economy and to conserve resources, the parties believe a continuance of the stay for 90 days is warranted to implement the settlement through a permit modification. The 90 day stay will allow sufficient time to accommodate the following steps necessary to enact the settlement: (1) preparation of a draft permit modification and statement of basis; (2) a 30 day public comment period on the draft permit; (3) consideration of comments, if any, submitted on the draft modification and preparation of a response; and (4) a 30 day period to ensure that no appeals of the modification are filed.

The Petitioner, through its counsel, has informed the Region that it assents to this Joint Status Report and Motion for Continued Stay of Proceedings and has authorized the Region to file it on its behalf.

Respectfully submitted,

United States EPA-Region 1



Samir Bukhari, Esq.
Assistant Regional Counsel
US EPA Region 1 (RAA)
One Congress St. - Suite 1100
Boston, MA 02114-2023
Phone: (617) 918-1095
Fax: (617) 918-0095

Dated: December 7, 2007

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 and Motion for Continued Stay of Proceedings in connection with the above-referenced appeal were sent on this 7th day of December, to the following persons in the manner described below:

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

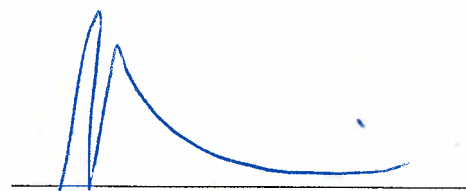
Eurika Durr, Clerk of the Board
Environmental Appeals Board (MC 1103B),
U.S. Environmental Protection Agency

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: December 7, 2007



Samir Bukhari
Office of Regional Counsel
US EPA Region 1 (RAA)
One Congress St. - Suite 1100
Boston, MA 02114-2023
617-918-1095

Exhibit A

Permit Terms to be Withdrawn and Modified Pursuant to 40 C.F.R. § 124.19(d)

Part 1.A.3

Total Copper	Maximum Daily Limit of 0.0074 mg/l
Total Iron	Maximum Daily Limit of 1.010 mg/l
Total Aluminum	Maximum Daily Limit of 0.760 mg/l
Whole Effluent Toxicity Testing	Report

Part 1.A.4

Total Copper	Maximum Daily Limit of 0.0074 mg/l
Total Iron	Maximum Daily Limit of 1.010 mg/l
Total Aluminum	Maximum Daily Limit of 0.760 mg/l
Total Zinc	Maximum Daily Limit of 0.067 mg/l
Whole Effluent Toxicity Testing	Report

Part 1.A.5

Total Copper	Maximum Daily Limit of 0.0074 mg/l
Total Iron	Maximum Daily Limit of 1.010 mg/l
Total Aluminum	Maximum Daily Limit of 0.760 mg/l
Whole Effluent Toxicity Testing	Report

Exhibit B

BMPs to be Imposed in Lieu of Withdrawn Permit Terms

1. The Permittee shall eliminate, replace, or repair the damaged catch basin to outfall 007 as soon as practicable, but not later than thirty (30) days from the effective date of the permit modification, and shall notify EPA in writing when such work has been completed. In the event that local or state permits are required to complete this work, Permittee shall have thirty (30) days from the expiration of any applicable appeal period. In the event that weather interferes with completing this work, the Permittee shall have thirty (30) days from the resumption of suitable weather to complete the work. Where the Permittee determines that the catch basin cannot be eliminated for reasons of flooding or other safety concerns, the Permittee shall replace it with a catch basin of similar design.
2. The Permittee shall clean all storm sewer lines and appurtenances discharging to Outfalls 007, 008 and 009 as soon as practicable, but not later than thirty (30) days from the effective date of the permit modification. In the event that local or state permits are required to complete this work, the Permittee shall have thirty (30) days from the expiration of any applicable appeal period. In the event that weather interferes with completing this work, the Permittee shall have thirty (30) days from the resumption of suitable weather to complete the work. This includes pipes, culverts, catch basins, junction boxes or other structures located along the entire alignment of each storm sewer discharging to these outfalls. The Permittee shall utilize equipment and methods designed to capture all liquids and solids generated during the cleaning process and dispose of all accumulated wastewater and solid waste in its RMF or in accordance with Massachusetts solid waste regulations. The Permittee shall notify EPA in writing when such work has been completed, and provide an accounting of the material removed from each alignment.
3. The Permittee shall install silt sacks into catch basins serving drainage areas discharging to Outfalls 007, 008 and 009 as soon as practicable, but not later than thirty (30) days from the effective date of the permit modification, and shall notify EPA in writing when such work has been completed. In the event that local or state permits are required to complete this work, the Permittee shall have thirty (30) days from the expiration of any applicable appeal period. In the event that weather interferes with completing this work, the Permittee shall have thirty (30) days from the resumption of suitable weather to complete the work. By this same date, the Permittee shall modify its SWPPP to document the inspection, cleaning and replacement practices for the installed silt sacks.
4. The Permittee shall use vacuum equipment to sweep all paved or impervious areas of its property draining to Outfalls 007, 008, 009 where solids deposition may occur, including roads, driveways, parking areas, sidewalks, loading areas. At a minimum, sweeping shall be completed monthly during Spring, Summer and Fall. During the winter months when weather conditions prevent fulfillment of the required minimum sweeping frequency, the Permittee may adjust or

lengthen its scheduled frequency to accommodate sweeping during available periods of acceptable thaw. The Permittee shall ensure that sweepings collected at its facility are reused or disposed in a manner consistent with MassDEP's Policy #BWP-94—092 : Reuse & Disposal of Street Sweepings.

5. The Permittee shall use reasonable efforts to negotiate an agreement with MassHighway and any other entity involved in deicing activity on the site to mitigate potential water quality impacts of deicing chemicals. This shall include, but not be limited to, reasonable adjustments to the type and application (*i.e.*, materials, mode and timing) of deicing chemicals, and the placement of snow piles in accordance with MassDEP's Snow Disposal Guidance No. BRPG01-01. The Permittee shall provide EPA with a brief technical memorandum on the results of such discussions not later than thirty (30) days from the effective date of the permit modification. The memorandum shall include a description of the improvements to current deicing practices, and a date by which such improvements shall be implemented. The Permittee shall promptly notify EPA if any third party entity that agrees to implement improved deicing practices described above fails to do so in the future.

6. The Permittee shall replace filter cake accumulation tote boxes.

7. To the extent practicable for the Outfall 007 and 008 drainage basins, the Permittee shall store indoors or protect with weather-resistant covers, all stock, forgings, rollofs, etc. (to minimize exposure to rain and wind). The Permittee shall evaluate the feasibility of storing forgings in the scrap shipping area at the southeast corner of the P&M Building that drains to the RMF. Not later than thirty (30) days from the effective date of the permit modification, the Permittee shall notify EPA in writing to describe the circumstances, if any, in which indoor storage or coverage of such materials is deemed to be impracticable or inadvisable. By this same date, the Permittee shall modify its SWPPP to include this practice and described related procedures, materials and methods.

Upon successful and timely completion of these BMPs, the Permittee may seek authorization under the Multi-Sector General Permit, whose reissuance is pending, or any other current or future program or regulatory scheme for storm water discharges associated with industrial activities from Outfalls 007, 008 and 009. Whether such authorization will be granted will depend on the facts and circumstances in existence at the time of application, including specific legal requirements of the particular program under which coverage is sought. The Region has not prejudged the outcome of these future deliberations.