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ENVIR. APPEALS BOARD

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6 pages.

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call-me.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of:

Howmet Corporation,

Respondent.

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§
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§
§

Docket Nos. RCRA-02-2004-7102
RCRA-06-2003-0912
(Consolidated)

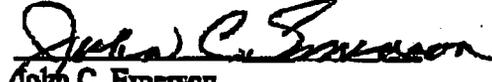
JOINT STIPULATION ON PENALTY AMOUNT

Based on the Administrative Law Judge's finding of liability in the above-referenced actions, the parties have conferred and agree that the stipulation of a penalty is in their best interests. Accordingly, the parties hereby stipulate to a total penalty of \$309,091 with \$151,433 being the penalty in the Region 2 case and \$157,658 being the penalty in the Region 6 case. It is understood by the complainants that Howmet Corporation intends to appeal the finding of liability, but the parties agree that the stipulated penalty will not be appealed and will be due should the finding of liability be upheld.

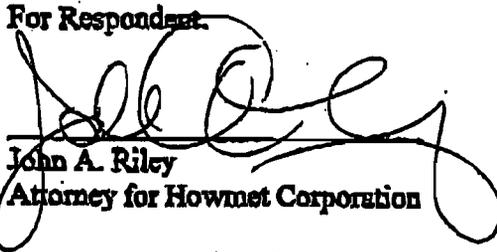
So agreed and stipulated this 25th day of August, 2005.

For Complainants:


Amy R. Chester *by permission JCE*
Assistant Regional Counsel
U. S. EPA Region 2


John C. Emerson
Assistant Regional Counsel
U. S. EPA Region 6

For Respondent:


John A. Riley
Attorney for Howmet Corporation

Vinson & Elkins

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August 30, 2005

Via Facsimile No. (202) 565-0044

Honorable William B. Moran
U.S. Environmental Protection Agency
Office of Administrative Law Judges
1099 14th Street, NW
Suite 350, Franklin Court
Washington, DC 20005

Re: Docket Nos. RCRA-06-2003-0912 & RCRA-02-2004-7102
In the Matter of Howmet Corporation

Dear Judge Moran:

Enclosed for filing in the above referenced dockets, please find Joint Motion Requesting Issuance of an Initial Decision.

Respectfully submitted,

John Riley
John Riley *By AWS*

Enclosure

cc: Service List

623431_1.DOC

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)	
)	
Howmet Corporation,)	
)	Docket Nos.: RCRA-06-2003-0912 and
)	RCRA-02-2004-7102
Respondent.)	(Consolidated)

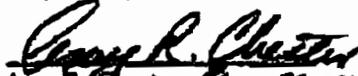
JOINT MOTION REQUESTING ISSUANCE OF AN INITIAL DECISION

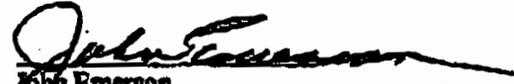
Complainants, Regions 2 and 6 of the United States Environmental Protection Agency ("EPA") and Respondent, Howmet Corporation ("Howmet") file this Joint Motion Requesting Issuance of an Initial Decision in the above referenced matter.

As the Court is aware, on April 25, 2005 your Honor issued an Order on Motions granting EPA's Motions for Partial Accelerated Decision with respect to both docket numbers, finding Howmet violated the cited regulatory provisions in EPA's complaints during the alleged time periods. On June 15, 2005 the Court issued a Notice of Hearing commencing a penalty hearing on September 9, 2005. On August 25, 2005 the parties entered a Joint Stipulation on Penalty Amount stipulating to a consolidated penalty of \$309,091, with \$151,433 being the penalty in the Region 2 case and \$157,658 being the penalty in the Region 6 case. A copy of the Joint Stipulation on Penalty was faxed to the Court on August 25, 2005. The parties have agreed upon the penalty amounts, should liability be upheld on appeal, believing it is in the best interests of the parties and judicial economy to stipulate to, rather than litigate, the penalty amounts.

In light of the above, the parties respectfully move that the the Court Issue an Initial Decision incorporating the Order on Motions and the penalty amounts stipulated to by the parties.

Respectfully submitted,


Amy R. Chester *by permission* JE
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ON BEHALF OF REGION 2 OF EPA


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ON BEHALF OF REGION 6 EPA


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Vinson & Elkins, L.L.P. AWS
The Terrace 7
2801 Via Fortuna, Suite 100
Austin, Texas 78746
ON BEHALF OF HOWMET
CORPORATION

Dated: August 30, 2005

CERTIFICATE OF SERVICE

I hereby certify that, this 30th day of August, 2005, I caused a copy of the Joint Motion Requesting Issuance of an Initial Decision regarding In the Matter of Howmet Corporation, Docket Nos. RCRA-06-2003-0912 and RCRA-02-2004-7102 (Consolidated) to be sent via facsimile and first class mail to:

Honorable William B. Moran
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John Riley
By Permission. AWS