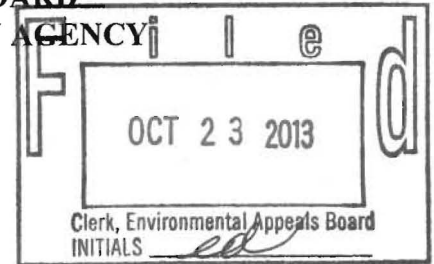


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



_____))
In re:))
))
ESSROC Cement Corporation,))
))
))
RCRA Permit No. IND 005 081 541))
_____))

RCRA Appeal No. 13-03

ORDER RESCHEDULING ORAL ARGUMENT

By order dated September 25, 2013, the Environmental Appeals Board (“Board”) scheduled oral argument in the above-captioned matter. The argument originally was scheduled to begin at 10:30 a.m. Eastern Time on Thursday, November 7, 2013, in the U.S. Environmental Protection Agency’s Administrative Courtroom. The order further advised that if *amicus curiae* Cement Kiln Recycling Coalition (“CKRC”) desired to participate, it must notify the Clerk of the Board of its intentions by October 4, 2013.

On September 30, 2013, CKRC indicated by email that it would like to participate in the oral argument. By motion dated October 17, 2013, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Region”), seeks to extend the date of the oral argument to January 13, 2014. The Region further represents that the petitioner, ESSROC Cement Corporation (“ESSROC”), and CKRC do not object to the extension that the Region seeks.

In support of its motion, the Region states that the recent federal government shutdown, which was resolved by a continuing resolution that extends funding of the federal government

through January 15, 2014, has required the rescheduling of counsels' various work commitments in November 2013. Due to such rescheduling, counsels for the Region now have a conflict with the November 7, 2013 oral argument date, and the Region anticipates additional rescheduling of federal court deadlines to occur.

Given the Board's need to resolve cases as expeditiously as possible and that the Region has not explained a need for an extension beyond November, the oral argument is rescheduled to begin at 10:30 a.m. Eastern Time on **Thursday, December 12, 2013**, in the Administrative Courtroom, U.S. Environmental Protection Agency, William Jefferson Clinton East Building, Room 1152, 1201 Constitution Avenue, N.W., Washington, D.C. The Board has allocated ninety (90) minutes total for this oral argument, divided as follows: thirty-five (35) minutes for ESSROC, thirty-five (35) minutes for the Region, ten (10) minutes for CKRC, and ten (10) minutes for the Region to respond to CKRC's argument. At the outset of proceedings, ESSROC may reserve up to ten (10) minutes of its allocated time for rebuttal.

The Region has informed the Board that Laurel Celeste from the U.S. EPA, Office of General Counsel, will be presenting at least a portion of the Region's argument and that the Region requests a video linkup of the oral argument for the purpose of viewing the argument. CKRC also has informed the Board that Richard G. Stoll will participate in the oral argument by videoconferencing. The parties shall notify the Clerk of the Board in writing by Thursday, December 5, 2013, of the names of any additional persons who will present argument. Counsel or other duly authorized representatives for the parties who wish to participate in this oral argument via video-conferencing shall contact the Clerk of the Board, at 202-233-0122, no later than Friday, November 1, 2013, to make arrangements for the use of the video conference

equipment.

Accordingly, the Region's Unopposed Motion for Extension of Date for Oral Argument is GRANTED IN PART.

So ordered.

Dated: *October 23, 2013*

ENVIRONMENTAL APPEALS BOARD

By: *Leslye M. Fraser*

Leslye M. Fraser
Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Rescheduling Oral Argument in the matter of *ESSROC Cement Corporation*, RCRA Appeal No. 13-03, were sent to the following persons in the manner indicated:

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Date: OCT 23 2013



Annette Durcan
Secretary