



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 08 2011

VIA HAND DELIVERY

Headquarters Hearing Clerk (1900L)  
Office of Administrative Law Judges  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

RECEIVED BY OALJ  
2011 DEC -8 PM 1:25

Re: Joint Set of Stipulated Exhibits and Expert Qualifications  
Docket No. TSCA-HQ-2010-5022

Dear Madam:

Enclosed please find an original and two (2) copies each of a Joint Set of Stipulated Exhibits and Expert Qualifications in the above matter.

Please file the original of each document and return one date-stamped copy of each document to Complainant.

Thank you for your attention to this matter.

Sincerely,

Mark A.R. Chalfant  
Counsel for Complainant

Enclosure

cc: John J. McAleese, III, Morgan Lewis & Bockius LLP (via email and UPS Next Day)  
Ronald J. Tenpas, Morgan Lewis & Bockius LLP (via email)  
William S. Pufko, Morgan Lewis & Bockius LLP (via email)  
The Honorable Susan L. Biro, U.S. EPA Office of Administrative Law Judges (hand delivery only)

CERTIFICATE OF SERVICE

I certify that the foregoing *Joint Set of Stipulated Exhibits and Expert Qualifications* in Docket No. TSCA-HQ-2010-5022, dated December 8, 2011, was sent this day in the following manner to the addresses listed below:

Original by hand and email to: Sybil Anderson  
Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Franklin Court, Suite 350  
1099 14th Street, N.W.  
Washington, DC 20005

Copy by UPS Next Day and email to:

Attorneys for Respondent: John J. McAleese, III (UPS Next Day and email)  
Ronald J. Tenpas (email only)  
William S. Pufko (email only)  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Copy by hand to:

Presiding Judge: The Honorable Susan L. Biro  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Franklin Court, Suite 350  
1099 14th Street, N.W.  
Washington, DC 20005

  
\_\_\_\_\_  
Tony Ellis, Case Development Officer  
Waste and Chemical Enforcement Division (2249A)  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, D.C. 20460  
Telephone: 202-564-4167  
Email: [ellis.tony@epa.gov](mailto:ellis.tony@epa.gov)

Date: 12-8-11

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ  
2011 DEC -8 PM 1:28

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IN THE MATTER OF: )  
)  
)  
Elementis Chromium Inc., ) Docket No. TSCA-HQ-2010-5028  
f/k/a Elementis Chromium, LP )  
)  
Respondent. ) JOINT SET OF STIPULATED  
) EXHIBITS AND EXPERT QUALIFICATIONS  
)  
)  
\_\_\_\_\_)

Complainant United States Environmental Protection Agency  
(Complainant or EPA) and Respondent Elementis Chromium, Inc.  
(Respondent or Elementis Chromium) respectfully submit the following  
Joint Set of Stipulated Exhibits and Expert Qualifications. These  
stipulations supplement those included in the Joint Set of Stipulated  
Facts, Exhibits and Testimony filed by the parties on November 10,  
2011.

EXPERT QUALIFICATIONS

To expedite the presentation of expert testimony at hearing,  
the parties hereby stipulate to the qualifications of the following  
expert witnesses in the fields described below:

Dr. Glinda Cooper is an expert in the field of epidemiology.

Dr. Richard Clapp is an expert in the fields of environmental  
and occupational epidemiology.

Dr. Frank Speizer is an expert in the fields of pulmonary medicine, chronic disease epidemiology including lung cancer, and environmental epidemiology including air pollutants.

Dr. Kenneth Mundt is an expert in the fields of epidemiology, and assessment of human health risk associated with exposure to hexavalent chromium.

Dr. Herman Gibb is an expert in the fields of epidemiology, and assessment of human health risk associated with exposure to hexavalent chromium.

Complainant reserves the right to qualify Dr. Glinda Cooper in additional fields of expertise at hearing.

**JOINT STIPULATED EXHIBITS**

The parties hereby stipulate that the following are true and authentic copies of original documents and are admissible into evidence in this matter:

<b>List of Joint Stipulated Exhibits</b>	
<b>Complainant's Exhibit No.</b>	<b>Document</b>
101.	Resume of Mr. Tony Ellis
102.	U.S. Environmental Protection Agency, <i>Guidelines for the Assessment of Civil Penalties Under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy</i> (September 10, 1980)
103.	U.S. Environmental Protection Agency, <i>Enforcement Response Policy for Reporting and Recordkeeping</i>

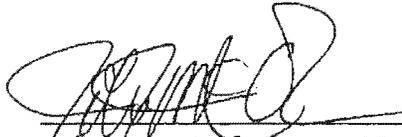
List of Joint Stipulated Exhibits	
Complainant's Exhibit No.	Document
	<i>Rules and Requirements for TSCA Sections 8, 12, and 13 (March 31, 1999)</i>
104.	U.S. Environmental Protection Agency memorandum, <i>Penalty Policy Supplements Pursuant to the 2004 Civil Monetary Penalty Information Adjustment Rule (June 5, 2006)</i>

The parties additionally stipulate to the authenticity and admissibility of the revised version of Complainant's Exhibit 98, entitled *Average Hexavalent Chromium Concentrations in Air: Gibb and Modern Four Plant Report Studies*, that Complainant included in the Unopposed Motion to Supplement Complainant's Prehearing Exchange, filed on December 6, 1011.

The above stipulations are signed by representatives of the parties on the dates set forth below.

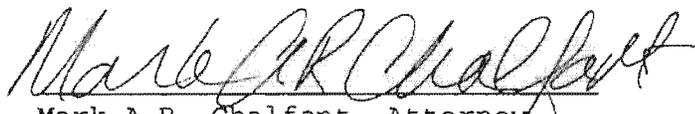
For Respondent Elementis Chromium Inc:

12/8/2011  
Date

  
\_\_\_\_\_  
John J. McAleese, III  
Ronald J. Tenpas  
William S. Pufko  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103  
(215) 963-5000

For Complainant:

12/8/2011  
Date

  
\_\_\_\_\_  
Mark A.R. Chalfant, Attorney  
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