



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

**BY HAND DELIVERY**

MAY 20 2011

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

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

Re: Complainant's Status Report Regarding Settlement  
Docket No. TSCA-HQ-2010-5022

Dear Ms. Anderson:

Enclosed please find an original and two (2) copies of Complainant's Status Report Regarding Settlement in the above-docketed matter.

Please file the original Status Report and return one date-stamped copy to Complainant.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark A.R. Chalfant".

Mark A.R. Chalfant  
Counsel for Complainant

Enclosure

cc: John J. McAleese, III, Morgan Lewis & Bockius LLP (via U.S. mail & email)  
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)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

RECEIVED BY OALJ  
2011 MAY 20 PM 3:22

IN THE MATTER OF: )  
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 )  
Elementis Chromium Inc., )  
f/k/a Elementis Chromium, LP )  
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Respondent. )  
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 )

Docket No. TSCA-HQ-2010-5022

COMPLAINANT'S STATUS REPORT REGARDING SETTLEMENT

In accordance with the Presiding Officer's April 28, 2011 Prehearing Order, which directed Complainant United States Environmental Protection Agency (EPA or the Agency) to file a status report regarding settlement on or before May 20, 2011, Complainant hereby submits the following report:

1. On September 2, 2010, EPA filed a Complaint and Notice of Opportunity for Hearing (Complaint) against Elementis Chromium, Inc. (Respondent or Elementis) alleging that Respondent's failure to inform the Administrator of substantial risk information it possessed about hexavalent chromium, a known carcinogen, is a violation of Section 8(e) of the Toxic Substances Control Act (TSCA or the Act). Respondent filed its Answer and Affirmative Defenses in

response to the Complaint on October 4, 2010. This administrative action is an ongoing proceeding.

2. On April 28, 2011, the Presiding Officer issued a Prehearing Order on this matter that established a schedule for prehearing exchange and required the parties to hold a settlement conference.
3. In 2009, prior to the filing of the Complaint, the parties engaged in settlement discussions. Pursuant to the Presiding Officer's recommendation in the Prehearing Exchange Order, Complainant re-initiated settlement discussions with Respondent. These settlement discussions are ongoing.

Respectfully submitted,

5/20/2011  
Date

Mark A.R. Chalfant  
Mark A.R. Chalfant, Attorney  
Waste and Chemical Enforcement Division  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
(MC 2249A)  
Washington, D.C. 20460-0001  
303-312-6177

Counsel for Complainant

CERTIFICATE OF SERVICE

I certify that the foregoing *Complainant's Status Report Regarding Settlement* in Docket No. TSCA-HQ-2010-5022, dated May 20, 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 hand to:

Presiding Officer:

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

Copy by U.S. mail and email to:

Attorneys for Respondent:

John J. McAleese, III (U.S. mail and email)  
Ronald J. Tenpas (email only)  
William S. Pufko (email only)  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103



Erin K. Saylor, Attorney-Advisor  
Waste and Chemical Enforcement Division (2249A)  
Office of Civil Enforcement  
U.S. Environmental Protection Agency  
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Washington, D.C. 20460  
Telephone: 202-564-4167  
Email: [saylor.erin@epa.gov](mailto:saylor.erin@epa.gov)

Date: 5/20/2011