

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

)	
In re:)	
)	
Taotao USA, Inc.,)	
Taotao Group Co., Ltd., and)	CAA Appeal Nos. 18-01 & 18-02
Jinyun County Xiangyuan Industry Co., Ltd.)	
)	
Docket No. CAA-HQ-2015-8065)	
)	

**ORDER GRANTING APPELLANTS LEAVE TO FILE CONSOLIDATED REPLY
BRIEF AND SETTING DEADLINE FOR FILING A SUR-REPLY**

By motion filed with the Environmental Appeals Board (“Board”), Taotao USA, Inc. (Taotao USA), Taotao Group Co., Ltd. (“Taotao Group”), and Jinyun County Xiangyuan Industry Co., Ltd. (“JCXI”), the Appellants in the above-captioned matter, request that the Board allow them to reply to EPA’s response brief and “allow Taotao Group and JCXI to file their own reply brief, separate from the brief to be filed by Taotao USA, or alternatively, [file] a single expanded brief that accounts for the length of the response.” Motion to Extend the Reply Deadline, and Allow Separate Reply Briefs or an Expanded Reply Brief at 1 (“Appellants’ Mot.”). EPA opposes Appellants’ motion in its entirety. *See* Complainant’s Response in Opposition to Appellants’ Motion to Extend the Reply Deadline, and Allow Separate Reply Briefs or an Expanded Reply Brief (“EPA’s Mot.”). In the alternative, EPA requests that the Board limit Appellants “to a single reply brief, limited to a reasonable length, confined as to the issues and arguments raised, with an opportunity for [EPA] to surreply.” *Id.* 8.

Replies and sur-replies may be filed at the discretion of the Board. *See* 40 C.F.R.

§§ 22.4, .30(a)(2); *see, e.g., In re BP Am. Prod. Co.*, CAA Appeal No. 10-04 (EAB, Mar. 2, 2011) (Order Granting Motion for Leave to File Reply Brief). In keeping with our Order Consolidating Appeals,¹ and in consideration of the complex issues on appeal, the Board concludes that a consolidated reply brief will assist the Board in its resolution of this matter. Therefore, for good cause shown, the Board GRANTS Appellants' request to file a consolidated reply brief. The consolidated reply brief must not exceed 30 pages in length or 14,000 words and must be filed by no later than **November 19, 2018**.² The reply brief may not raise any new issues or arguments on appeal and must respond only to the allegedly new issues raised in EPA's response brief that Appellants claim they have not had an opportunity to address.³ In addition, EPA may, if it so chooses, file a sur-reply addressing Appellants' consolidated reply by no later than **November 29, 2018**. Any sur-reply filed is limited to 15 pages or 7,000 words and may not raise any new issues.

So ordered.

ENVIRONMENTAL APPEALS BOARD

Dated: **Nov 06 2018**

By: 
Kathie A. Stein
Environmental Appeals Judge

¹ Order Consolidating Appeals, Allowing a Consolidated Response, Extending the Response Deadline, and Authorizing Service by Email (EAB, Sep. 27, 2018).

² Documents are *filed* when received by the Clerk of the Board.

³ At this juncture the Board makes no determination regarding Appellants' argument that EPA raises new issues in its response brief.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing *Order Granting Appellants Leave to File Reply Brief and Setting Deadline for Filing a Sur-reply* in the matter of Taotao USA, Inc., Taotao Group Co., Ltd., and Jinyun County Xiangyuan Industry Co., Ltd., CAA Appeal Nos. 18-01 and 18-02, were sent to the following persons in the manner indicated:

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Dated: **Nov 06 2018**



Eurika Durr
Clerk of the Board