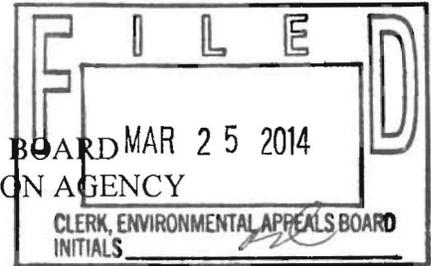


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)
)
Elementis Chromium, Inc.) TSCA Appeal No. 13-03
f/k/a Elementis Chromium, L.P.,)
)
Docket No. TSCA-HQ-2010-5022)

ORDER GRANTING MOTION FOR LEAVE TO FILE REPLY BRIEF

On January 15, 2014, Elementis Chromium, Inc., (“Elementis”) filed an appeal brief before the Environmental Appeals Board (“Board”) seeking review of an Initial Decision Chief Administrative Law Judge Susan L. Biro issued against Elementis for alleged noncompliance with sections 8(e) and 15(3)(B) of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2607(e), 2614(3)(B). *See* Appeal Brief of Appellant Elementis Chromium Inc. (Jan 15, 2014) (Docket No.6). The Initial Decision imposes a civil penalty of \$2,571,800. Initial Decision at 92 (Nov. 12, 2013) (Docket No.1). On February 24, 2014, Region 8 of the U.S. Environmental Protection Agency (“Region”) filed its brief in opposition to Elementis’ appeal brief. Complainant Environmental Protection Agency’s Brief in Opposition to Respondent Elementis Chromium Inc.’s Appeal (Feb. 21, 2014) (Docket No. 7). Elementis now seeks leave to file a reply brief to address certain aspects of the Region’s brief. Motion for Leave to File Reply Brief (Mar. 5, 2014) (Docket No. 8). Specifically, Elementis would like to address (1) the Region’s characterization of arguments Elementis made in its appeal brief regarding section 8(e); (2) the level of deference the Region should be afforded regarding its interpretation of section 8(e); and

(3) the Region's arguments about the reportability of the Final Four Plant Report under section 8(e). *Id.* 1-2. Elementis represents that the Region does not object to the motion so long as it may file a surreply. *Id.* at 2.

Upon consideration, the Board grants Elementis' request. Elementis must file a reply brief addressing the issues it identifies in its motion by no later than **April 8, 2014**. The Region has until **April 22, 2014** to file a surreply.¹

So Ordered.

Dated: *March 25, 2014*

ENVIRONMENTAL APPEALS BOARD

By: *Kathie A. Stein*

Kathie A. Stein
Environmental Appeals Judge

¹ Documents are "filed" with the Board on the date they are *received* by the Clerk. Each brief should not exceed 20 pages in length.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Order Granting Motion for Leave to File Reply Brief in the matter of Elementis Chromium, Inc., TSCA Appeal No. 13-03, were sent to the following persons in the manner indicated:

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Dated: MAR 25 2014



Annette Duncan
Secretary