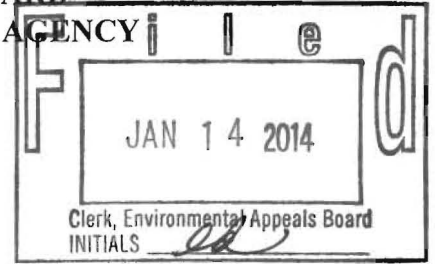


**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**



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

RCRA Appeal No. 13-03

ORDER LIFTING STAY AND ON ORAL ARGUMENT

By order dated November 6, 2013, the Environmental Appeals Board stayed the above-captioned matter until February 10, 2014, to allow the parties time to pursue settlement. Order Staying Proceedings and Rescheduling Oral Argument (Nov. 6, 2013). After participating in an in-person settlement conference, the parties determined that they are at an impasse and unlikely to resolve this prior to oral argument on February 20, 2014. Joint Status Report (Jan. 8, 2014). Accordingly, the stay in this matter is lifted.

Oral argument in this matter will begin at 10:30 a.m. Eastern Time on February 20, 2014, 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's order of October 23, 2013, allocating the amount of time for each participant's argument and participation by video conferencing equipment applies to the rescheduled oral argument date of February 20, 2014.

To date, the parties and amicus Cement Kiln Recycling Coalition have advised the Board

of the individuals who will be presenting oral argument in person and by video conference. The parties shall notify the Clerk of the Board in writing by Thursday, February 13, 2014, of the names of any changes to or 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, February 7, 2014, to make arrangements for the use of the video conference equipment.

So ordered.

Dated: *January 14, 2014*

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 Lifting Stay and on Oral Argument in the matter of *ESSROC Cement Corporation*, RCRA Appeal No. 13-03, were sent to the following persons in the manner indicated:

By U.S. First Class Mail & Facsimile:

Counsel for Petitioner

ESSROC Cement Corporation

Philip J. Schworer
Thaddeus H. Driscoll
Frost Brown Todd, LLC
7310 Turfway Road, Suite 210
Florence, KY 41042-1374
facsimile: (859) 283-5902

Counsel for Amicus Curiae

Cement Kiln Recycling Coalition

Richard G. Stoll
Catherine M. Basic
Foley & Lardner LLP
3000 K Street, N.W.
Washington, DC 20007-5109
facsimile: (202) 672-5399

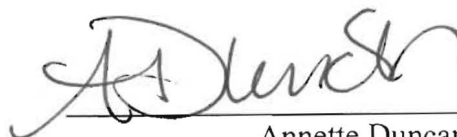
By EPA Pouch Mail & Facsimile:

Sabrina Argentieri
Mark J. Palermo
U.S. EPA, Region 5
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604
facsimile: (312) 385-5527

By Inter-Office Mail & Facsimile:

Laurel Celeste
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W. (MC-2333A)
Washington, DC 20460
facsimile: (202) 564-5644

Date: JAN 14 2014



Annette Duncan
Secretary