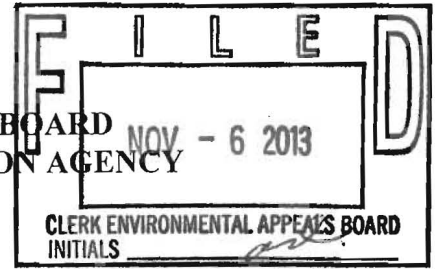


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



\_\_\_\_\_  
In re: )  
)  
)

ESSROC Cement Corporation, )

RCRA Appeal No. 13-03

RCRA Permit No. IND 005 081 541 )  
\_\_\_\_\_)

**ORDER STAYING PROCEEDINGS AND RESCHEDULING ORAL ARGUMENT**

By order dated October 23, 2013, the Environmental Appeals Board (Board) rescheduled oral argument in the above-captioned matter to begin at 10:30 a.m. Eastern Time on Thursday, December 12, 2013, in the U.S. Environmental Protection Agency's Administrative Courtroom. By motion dated November 4, 2013, ESSROC Cement Corporation (ESSROC) and U.S. Environmental Protection Agency Region 5 (Region) jointly request that the Board reschedule the oral argument for sixty days beyond the rescheduled December 12, 2013 oral argument date.

The parties represent that they have agreed to initiate settlement discussions to resolve the matters in ESSROC's petition for review and have scheduled such discussions to commence on November 20, 2013. Joint Motion to Reschedule Oral Argument at 3. The parties further propose to provide a Joint Status Report to the Board by no later than December 12, 2013 on the discussions to resolve the matters in the Petition for Review. *Id.*

In light of this agreement, the Board finds it appropriate to stay the proceedings in the

above-captioned matter to allow the settlement discussions to proceed.

Accordingly, all proceedings in this matter are STAYED until February 10, 2014. The oral argument scheduled to take place on December 12, 2013 is hereby RESCHEDULED to 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.

The parties shall file a joint status report no later than January 9, 2014. This status report shall provide the status of settlement discussions, and/or an indication of the intention of any party to participate by video-conferencing at oral argument in the event the parties do not believe they are on a path to settle the case during the period of the stay.

The parties' Joint Motion to Reschedule Oral Argument is hereby GRANTED IN PART.

So ordered.

Dated: *November 6, 2013*

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

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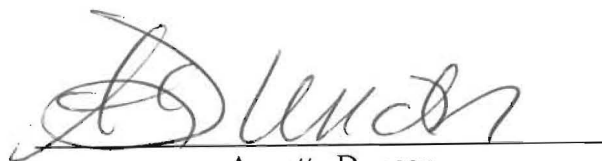
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Date: NOV - 6 2013



Annette Duncan  
Secretary