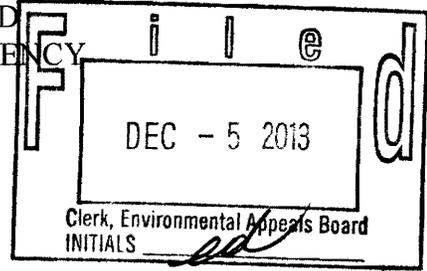


BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.



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

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ORDER GRANTING JOINT MOTION FOR ENLARGEMENT OF TIME  
AND REVISED BRIEFING SCHEDULE

On November 25, 2013, the parties in the above-captioned matter, Elementis Chromium, Inc. (“Elementis”) and U.S. EPA Region 8 (the “Region”), filed a joint motion requesting an extension of time to file their respective briefs with regard to Elementis’ appeal of Judge Susan Biro’s Initial Decision.<sup>1</sup> The current deadline for Elementis to file its appeal brief is December 17, 2013,<sup>2</sup> while the Region has 20 days from the day of service of the appeal brief to file a response. The parties request to extend the appeal brief’s deadline to January 15, 2014, and the response brief’s deadline to February 24, 2014. According to the parties the additional time is necessary because the case involves analysis and evaluation of an extensive Initial Decision (a 93 single-spaced pages long decision) and a voluminous record consisting of more than 6,000

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<sup>1</sup> On November 12, 2013, Administrative Law Judge, Susan L. Biro, issued an Initial Decision imposing a civil penalty of \$2,571,800 against Elementis for alleged noncompliance with sections 8(e) and 15(3)(B) of the Toxic Substances Control Act, 15 U.S.C. §§ 2607(e), 2614(3)(B).

<sup>2</sup> The 30-day deadline to file an appeal of the Initial Decision is December 12, 2013. *See* 40 C.F.R. § 22.30. However, the regulations allow an extra five days to file responsive documents, where as here, the Initial Decision is served by regular mail. *See* 40 C.F.R. § 22.7(c).

pages.

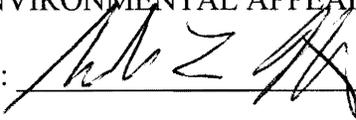
For good cause shown, the Environmental Appeals Board hereby grants the parties' request.<sup>3</sup> Elementis must now file its appeal brief no later than **January 15, 2014**, and the Region its response brief no later than **February 24, 2014**.<sup>4</sup>

So Ordered.

Dated: *December 5, 2013*

ENVIRONMENTAL APPEALS BOARD

By: \_\_\_\_\_



Randolph L. Hill  
Environmental Appeals Judge

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<sup>3</sup> See 40 C.F.R. § 22.7(b) allowing the Environmental Appeals Board (“Board”) to extend the deadline for the filing of any document upon showing of good cause and no prejudice to other parties.

<sup>4</sup> Documents are “filed” with the Board on the date they are *received* by the Clerk.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Order Granting Joint Motion for Enlargement of Time and Revised Briefing Schedule 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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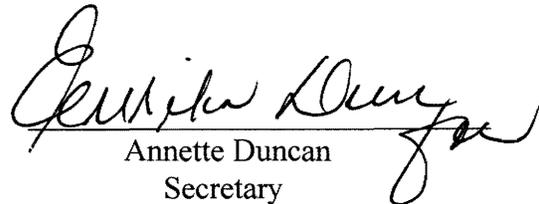
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Dated: *12/5/2013*

  
Annette Duncan  
Secretary