

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re: ESSROC Cement Corporation
RCRA Permit No. 005 081 542

)
)
) RCRA Appeal No. 13-03
)
)

**JOINT MOTION TO RESCHEDULE ORAL ARGUMENT TO
ALLOW SETTLEMENT DISCUSSIONS**

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ARGUMENT

I. The Board should reschedule the oral argument currently scheduled for December 12, 2013 to allow settlement discussions between the Parties.

The Board has rescheduled this matter for oral argument on December 12, 2013. See Order Rescheduling Oral Argument (rescheduling argument originally set to be held on November 7, 2013). Petitioner ESSROC Cement Corporation (“ESSROC”) and United States Environmental Protection Agency, Region 5 (collectively, “the Parties”) report to the Board that they have expressed interest in initiating settlement discussions to resolve the matters in ESSROC’s Petition for Review and have scheduled such discussions to commence on November 20, 2013. To that end, the Parties respectfully move the Board to reschedule the oral argument in this matter for 60 days beyond December 12, 2013 pursuant to its inherent authority to govern oral argument under 40 C.F.R. § 124.19(h). See, e.g., *In re: Shell Gulf of Mexico, Inc., Shell Offshore, Inc., Frontier Discovery Drilling Unit*, OCS Appeal No. 10-01 through 10-04 (“Second Order Rescheduling Oral Argument”) (Aug. 10, 2010). The Parties request this extension to allow the Parties to focus resources that they otherwise would expend to prepare for oral argument to fully engage in settlement discussions in an effort to cooperatively resolve the matters raised by the Petition for Review without need for further action by the Board. The Parties will 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.

CONCLUSION

For the foregoing reasons, the Parties respectfully move the Board to delay the oral argument scheduled in this matter for 60 days.

Respectfully submitted,



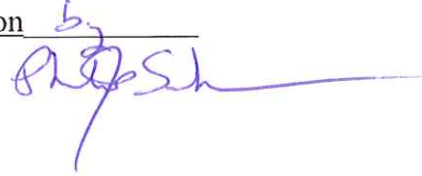
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Dated: November 4, 2013

/s/ per electronic authorization

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STATEMENT OF COMPLIANCE WITH WORD LIMITATION

I hereby certify that this Joint Motion, including all relevant portions, contains less than 7,000 words.

Dated: November 4, 2013


Philip J. Schworer

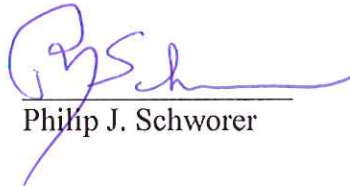
CERTIFICATE OF SERVICE

I hereby certify, pursuant to the Rules of the Environmental Appeals Board of the U.S. Environmental Protection Agency, that I caused to be electronically filed the foregoing Joint Motion with the Environmental Appeals Board via Central Data Exchange, and caused to be mailed a true and accurate copy to the following:

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