

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

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	)	
In re: ESSROC Cement Corporation	)	
	)	
RCRA Permit No. IND 005 081 542	)	Appeal No. RCRA 13-03
	)	

**JOINT STATUS REPORT**

In accordance with the Order Staying Proceedings and Rescheduling Oral Argument issued by the Environmental Appeals Board on November 6, 2013, the U.S. Environmental Protection Agency (Region 5) and Petitioner ESSROC Cement Corporation, by and through its attorneys, respectfully file this Joint Status Report regarding the status of settlement discussions in this matter.

The November 6, 2013 Order provides that the parties shall file a joint status report no later than January 9, 2014, and that 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 report that the parties held an in-person settlement conference on November 20, 2013 at the offices of Region 5. After the conference, the parties determined that they are at an impasse and are unlikely to settle the issues that were raised in the petition in this matter prior to oral argument. Therefore, the parties recommend that the Board lift the stay of proceedings in this matter and that oral argument proceeds as ordered for February 20, 2014. Region 5 has previously requested a video linkup of the oral argument for the purpose of viewing the

argument, which was granted by Board order dated October 23, 2013. The parties advise that both parties will participate in person at the oral argument scheduled February 20, 2014.

Amicus, Cement Kiln Recycling Coalition (CKRC) will participate in the oral argument by videoconference.

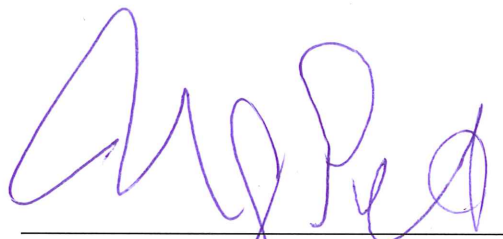
Region 5 notifies the Board that Laurel Celeste from the U.S. EPA Office of General Counsel, and Sabrina Argentieri from Region 5 Office of Regional Counsel and attorney of record in this matter, will present argument on behalf of the Region. Petitioner ESSROC Cement Corporation (ESSROC) notifies the Board that Philip Schworer will present argument on behalf of ESSROC.

Respectfully submitted,

/s per electronic authorization

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*Counsel for U.S. Environmental Protection Agency, Region 5*

Dated: January 8, 2014

## CERTIFICATE OF SERVICE

**Appeal No. RCRA 13-03**

**ESSROC Cement Corporation  
RCRA Permit IND 005 081 542**

I hereby certify that on this 8th day of January 2014, I caused to be electronically filed the foregoing Joint Status Report regarding the above-referenced matter via the Environmental Appeals Board's electronic filing system, and caused to be mailed at true and correct copy to the Petitioner and Amicus in this matter by United States Postal Mail addressed as follows:

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Dated: January 8, 2014



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