

November 25, 2013

VIA ELECTRONIC FILING

Clerk of The Board
U.S. Environmental Protection Agency
Environmental Appeals Board
1200 Pennsylvania Avenue, N.W.
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Washington, DC 20460-0001

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Re: In The Matter of Elementis Chromium, Inc.
Docket No. TSCA-HQ-2010-5022

Dear Sir or Madam:

Enclosed for filing, please find the Joint Motion for Enlargement of Time and Revised Briefing Schedule, in the above-referenced matter.

Thank you for your assistance and cooperation.

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Respectfully submitted,



John J. McAleese III

JJM:drw

Enclosure

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WILMINGTON

cc: Regional Hearing Clerk (via Overnight Courier & E-mail)
Mark A. R. Chalfant, Esq. (via Overnight Courier & E-mail)
Erin K. Saylor, Esq. (via Overnight Courier & E-mail)

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

In the Matter of:)	
)	
Elementis Chromium Inc.,)	Docket No. TSCA-HQ-2010-5022
f/k/a Elementis Chromium, L.P.,)	
)	
Appellant.)	
)	

**JOINT MOTION FOR ENLARGEMENT OF TIME AND
REVISED BRIEFING SCHEDULE**

Appellant, Elementis Chromium, Inc. (“Appellant”), and Appellee, the United States Environmental Protection Agency (“Appellee”), through their undersigned counsel, hereby jointly request an enlargement of time to file their respective briefs with regard to Appellant’s appeal of the Initial Decision of Presiding Officer Susan L. Biro dated November 12, 2013 (the “Initial Decision”). In support of this Motion, Appellant states:

1. Appellant received the Initial Decision by e-mail on November 12, 2013 and filed a timely Notice of Appeal on November 25, 2013. The underlying matter involves allegations that Appellant failed to file information with the Agency required to be filed under the Toxic Substances Control Act (“TSCA”), Section 8(e), thereby violating TSCA.
2. Pursuant to 40 C.F.R. § 22.30(a), Appellant’s Appeal Brief is due on December 12, 2013.
3. Pursuant to this Motion, the parties jointly request an enlargement of the time and revised briefing schedule whereby Appellant shall file it Appeal Brief on or before January 15, 2014, and

Appellee will file its brief in response on or before February 24, 2014. In support of this joint request, the parties state:

- a. The Initial Decision is quite extensive, totaling 93 single-spaced pages. Furthermore, the record for the matter includes a multi-day hearing with numerous expert witnesses testifying, as well as extensive written materials that were entered through party stipulation. Briefing by both parties will require substantial analysis and review of the Initial Decision as well as of the extensive Record, which consists of more than 6,000 pages.
- b. The requested enlargement of time and revised briefing schedule will permit the parties to adequately analyze and address issues for appeal, especially given the length of the Initial Decision.

WHEREFORE, Appellant and Appellee respectively request that the Environmental Appeals Board grant their Joint Motion for Enlargement of Time and Revised Briefing Schedule.

Respectfully submitted,

/s/

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/s/

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*Attorneys for Appellee, the United States
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CERTIFICATE OF SERVICE

I, John J. McAleese, III, hereby certify that on this 25th day of November, 2013, I served a copy of the foregoing Joint Motion for Enlargement of Time and Revised Briefing Schedule via e-mail and Federal Express on the following:

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/s/

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