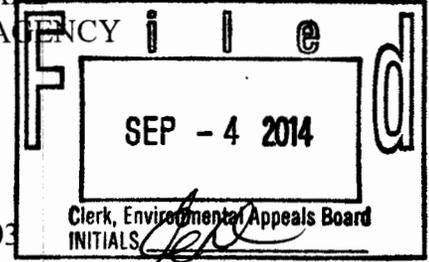


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



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

TSCA Appeal No. 13-03

ORDER SCHEDULING ORAL ARGUMENT

On November 12, 2013, Administrative Law Judge, Susan L. Biro, issued an Initial Decision imposing a civil penalty of \$2,571,800 against Elementis Chromium, Inc. (“Elementis”) for noncompliance with sections 8(e) and 15(3)(B) of the Toxic Substances Control Act, 15 U.S.C. §§ 2607(e), 2614(3)(B). Elementis appealed the Initial Decision arguing that the statute of limitations barred the complaint and questioning the liability determination.

After reviewing the appellate briefs, the Environmental Appeals Board has determined that oral argument would assist it in its deliberations regarding this appeal. Accordingly, the parties to this appeal are hereby ordered to participate in oral argument beginning at 10:30 a.m. EST on Thursday, October 30, 2014, in the Administrative Courtroom, U.S. Environmental Protection Agency, William Jefferson Clinton East Building, 1201 Constitution Avenue, N.W., Room 1152, Washington, D.C. The Board has allocated ninety minutes (90) for this oral argument, divided as follows: (1) forty-five (45) minutes for Elementis and (2) forty-five (45) minutes for the Region. Elementis will proceed first and may reserve five (5) minutes of its

allotted time for rebuttal if it so chooses. The Region will proceed second.

The parties must notify the Clerk of the Board in writing by Monday, October 14, 2014, of the names of counsel who will present oral argument on October 30th. If counsel for any of the parties wishes to participate in the argument using the EPA video-conferencing equipment in the Administrative Courtroom, counsel must contact the Clerk of the Board, at 202-233-0122, also by Monday, October 14, 2014, to make arrangements for the use of such equipment.¹

So Ordered.

Dated:

September 4, 2014

ENVIRONMENTAL APPEALS BOARD

By: _____

Kathie A Stein

Kathie A. Stein
Environmental Appeals Judge

¹ The panel of judges presiding over this matter is comprised of Environmental Appeal Judges Leslye M. Fraser and Kathie A. Stein.

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Order Scheduling Oral Argument in the matter of Elementis Chromium, Inc., TSCA Appeal No. 13-03, were sent to the following persons in the manner indicated:

By First Class Mail:

John J. McAleese, III
McCarter & English, LLP
1735 Market Street, Suite 700
Philadelphia, PA 19103

Ronald J. Tenpas
Morgan, Lewis & Bockious, LLP
1111 Penn. Ave., NW
Washington, DC 20004-2541

By Pouch Mail:

Mark A.R. Chalfant
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. EPA Region 8
1595 Wynkoop Street (Mailstop: 8ENF-L)
Denver, CO 80202-1129

By Interoffice Mail:

Erin K. Saylor
Waste and Chemical Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
1200 Penn. Ave., NW
Washington, DC 20460

Sybil Anderson
U.S. Environmental Protection Agency
Office of Administrative Law Judges
Ronald Reagan Building, Room M1200
1300 Penn. Ave., NW
Washington, DC 20460

Dated: SEP 4 2014



Annette Duncan
Secretary