

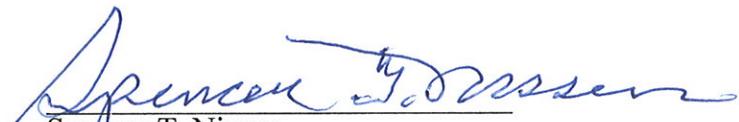
UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Elementis Chromium, LP)	
)	TSCA-HQ-2010-5022
)	
Respondent)	

**ORDER TERMINATING ALTERNATIVE DISPUTE RESOLUTION PROCESS AND
RETURNING PROCEEDING TO CHIEF ADMINISTRATIVE LAW JUDGE**

On December 15, 2010, Respondent (Elementis) filed a motion for judgement on the pleadings alleging, inter alia, that no penalty could be assessed against Elementis for the violation alleged in the complaint, i.e., Elementis alleged failure to immediately inform the Administrator that Elementis was in receipt of information (Final Four Plant Report) supporting the conclusion that hexavalent chromium exposure presents a substantial risk of injury to the health of certain workers, in modern chromium production facilities using "low- lime or no-lime kiln manufacturing process". Elementis allegedly received the mentioned report on October 8, 2002, and according to Elementis, the five year statute of limitations specified by 28 U.S.C. § 2462 began running from that or date within 30- days thereafter. Elementis moves that the complainant be dismissed with prejudice as barred by the statute of limitations (28 U.S.C. § 2462) Because ruling on the motion is beyond the jurisdiction of the assigned "neutral" the ADR Process is terminated and this proceeding is returned to the Chief Judge.

Dated this 7th day of January 2011


Spencer T. Nissen
Administrative Law Judge

So Ordered.

In the ADR Matter of *Elementis Chromium*, LP Respondent.
Docket No. TSCA-HQ-2010-5022

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Terminating Alternative Dispute Resolution Process**, dated January 7, 2011, was sent this day in the following manner to the addressees listed below.


Knolyn R. Jones
Legal Staff Assistant

Original and One Copy to:

Sybil Anderson
Hearing Clerk
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Dated: January 7, 2011
Washington, D.C.