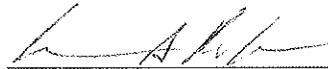


3. Elementis's Request for Oral Argument is not a motion because it does not seek relief from the Presiding Officer. Rather, Elementis seeks only to be heard on Complainant's motion, which itself seeks relief, and Elementis's opposition to the motion.

4. Under Section 22.16(d) of the Consolidated Rules, the Presiding Officer "may permit oral argument on motions in its discretion." By exercising its discretion to hear oral argument, no relief would be granted to Elementis.

5. Elementis's Request for Oral Argument simply requests that the Presiding Officer exercise her discretion and hear oral argument on issues that have been fully briefed and, given the technical issues raised by both parties, would benefit from oral presentation. Whether or not the Presiding Officer elects to exercise her discretion, the Complainant's motion is still pending and the parties are in the same position as immediately before Elementis filed its Request for Oral Argument.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, William S. Pufko, hereby certify that on June 16, 2011, I served a copy of **Respondent's Reply to Complainant's Response to Request for Oral Argument on Complainant's Motion for Accelerated Decision on Liability**, via e-mail and Federal Express on the following:

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

Karin Koslow, Esquire
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