



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 25 2010

ENVIRONMENTAL APPEALS BOARD

Karen L. Peaceman, and Gary Steinbauer, Attorneys
Associate Regional Counsels
U.S. Environmental Protection Agency (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

Re: John A. Biewer Company of Toledo, Inc. Et al
Docket Number: RCRA-05-2008-0006
Appeal Number: RCRA 10-01

John A. Biewer Company of Ohio, Inc. Et al
Docket Number: RCRA-05-2008-0007
Appeal Number: RCRA 10-02

Dear Counsels:

The Environmental Appeals Board ("Board") has initiated a pilot alternative dispute resolution ("ADR") program to assist parties in resolving disputes before the Board. Participation is completely voluntary. Please refer to the enclosed Pilot Alternative Dispute Resolution Program Information Sheet for more information on the Board's pilot ADR program.

If you would like to participate in the Board's ADR program, you must notify the Clerk of the Board no later than June 9, 2010. Because ADR will not take place absent approval from all parties, the Board encourages consultation with opposing counsel or representative prior to notifying the Board. A joint notification of the parties' interest in participating in this program is preferred. As stated in the enclosed information sheet, if all parties agree to participate in the Board's ADR pilot program, the matter will be stayed for a limited time and the parties will be required to submit brief written summaries of the disputed issues. In limited circumstances, the Board may determine that use of the ADR pilot program is not appropriate.

If the Board does not receive a request to participate in ADR from both parties, either jointly or individually, by June 9, 2010, the matter will remain on the EAB's docket for resolution. You may inform the Clerk of your interest either through the Board's electronic filing system,¹ by facsimile at (202) 233-0121, or by letter filed with the Clerk of the Board by the deadline.

¹ Visit the Board's website for instructions on electronic filing.

Please note that this letter does not extend any existing deadlines for submissions to the Board.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erika Durr".

Erika Durr
Clerk of the Board

Enclosure

cc: Douglas A. Donnell
Mika Meyers Beckett & Jones, PLC
900 Monroe Avenue, NW
Grand Rapids, MI 49503-1423