



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

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March 27, 2012

EPA/CBC OFFICE OF ADMINISTRATIVE LAW JUDGES
OFFICE OF REGIONAL HEARING CLERK

Steven J. Viggiani, Esquire
Enforcement Counsel
U.S. EPA
Mail Code OES04-3
5 Post Office Square, Suite 100
Boston, MA 02109-3219

Re: Rhodes Technologies, Inc.
Docket No. RCRA-01-2011-0124

Dear Mr. Viggiani:

This Office, the Office of Administrative Law Judges, offers an Alternative Dispute Resolution (ADR) process to facilitate the settlement of adjudicative cases. Please inform my legal staff assistant, Maria Whiting-Beale by **April 10, 2012**, as directed below, whether you accept or decline this offer to participate in ADR in an effort to settle the above cited case. The ADR process will be conducted pursuant to the Administrative Dispute Resolution Act of 1996, as amended, 5 U.S.C. §§ 571-584, by a Judge of this Office serving as a neutral. The process will be entirely voluntary and completely confidential; both of these points, together with general procedures, are reviewed below.

Voluntary. Both EPA and Respondent(s) must elect to participate in ADR. The choice to use or not to use ADR does not prejudice either party. If ADR is utilized, either party may terminate the ADR process at any time.

Confidential. The ADR process will be conducted in a confidential manner, in accordance with Section 574 of the Administrative Dispute Resolution Act of 1996. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.

Initial Procedures and Method. A Judge in this Office will serve as a neutral. The ADR Judge will ordinarily begin by arranging a telephone conference with the parties to establish procedures. The parties are encouraged to discuss their expectations of the ADR process with the neutral Judge. As a general practice, our Office offers mediation as the method of ADR. The neutral Judge, as mediator, hears each party's position and arguments, either in writing, orally or both, may ask the parties questions, may request the parties submit documents or other information, helps identify the factual and legal issues, enables each party to understand the other party's position and arguments, keeps the focus on the facts and issues that may lead toward settlement, and helps the

U.S. EPA
Office of the Administrative Law Judges
1200 Pennsylvania Avenue, N.W., Mail Code 1900L
Washington, DC 20460

For hand-delivery by Federal Express or another delivery service that x-rays their packages as a routine security procedure, the address is:

U.S. EPA
Office of the Administrative Law Judges
1099 14th Street, N.W., Suite 350
Washington, DC 20005

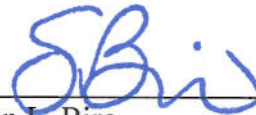
Please also send a copy of your response to the Regional Hearing Clerk.

Your email, fax, letter or phone message must state: (1) your name and phone number; (2) the name(s) of the respondent(s) named in the complaint; (3) the case docket number; (4) the name of the party you represent; and (5) whether you elect to participate in ADR. You may also inform Ms. Whiting-Beale as to whether another party in the case elects ADR, if that party has requested that you convey its choice on its behalf. In that event, your correspondence must also state: (1) the name and telephone number of the person who requested you to convey the message; (2) the name of the party represented by that person; and (3) whether that party elects ADR.

If you have another party convey your choice regarding ADR, then you should confirm, on or before the due date stated herein, that this Office has received the message.

If no response is received in this Office by the deadline from you or another party on your behalf, it will be assumed that you **do not** wish to participate in ADR and the case will be assigned immediately to a Judge for litigation. **No extension of the deadline for deciding whether you wish to participate in ADR will be granted.** However, ADR may be available later in the litigation process upon joint motion of all parties to initiate ADR, which may be granted at the sole discretion of the presiding litigation Judge.

Very truly yours,



Susan L. Biro
Chief Administrative Law Judge

cc: Christopher D. Wiest, Esquire
Wanda I. Santiago, Regional Hearing Clerk