



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

September 24, 2009

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2009 SEP 28 P 12:39

OFFICE OF
ADMINISTRATIVE LAW JUDGES
EPA ORC
OFFICE OF
REGIONAL HEARING CLERK

Richard Cowles
CRC Excavating, LLC
P.O. Box 224
Jonesville, VT 05466

Re: JIDDU/SITTU Trust and CRC Excavating, LLC
Docket No. CAA-01-2009-0090

Dear Mr. Cowles:

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 **October 8, 2009**, 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, 5 U.S.C. §§ 571 *et seq.*, 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.

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Facilitation is a method in which the neutral Judge acts as a facilitator, promoting communication and understanding of the issues, in a less active role than as a mediator. The focus of the facilitator Judge is to provide structure and moderate the discussion among the parties to assist them in coming to a settlement. Facilitation

may be particularly useful in cases where there is more than one respondent, where the parties are represented by counsel who are very experienced in settling environmental enforcement cases and who agree that settlement is very likely, where a Supplemental Environmental Project is likely to be proposed, or other cases where flexibility in the ADR process is needed.

Neutral Evaluation is a method in which the neutral Judge, to assist the parties in reaching a settlement, hears each party's position and arguments, either in writing, orally or both, may request the parties to submit documents or other information, then gives an oral opinion on the strong and weak points of each party's case, and may, if requested by the parties, provide an opinion of the likely outcome of the case if it went to hearing. Neutral Evaluation may be particularly useful in cases in which the respondent has one or more affirmative defenses, or where a crucial issue in the case is a question of law.

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Very truly yours,

A handwritten signature in dark ink, appearing to be 'S. Bho', written over a horizontal line.

Susan L. Bho
Chief Administrative Law Judge

cc: David M. Peterson, Esquire
Robert J. Perry, Esquire
Judy Lao-Ruiz, Acting Regional Hearing Clerk



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L. Randolph Amis, Esquire, P.C.
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Burlington, VT 05402-0238

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