

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

SEP -4 PM 3:33

BEFORE THE ADMINISTRATOR

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

In the Matter of:)
)
Fivestar Realty, Inc.,)
)
)
Respondent)

Docket No. TSCA-07-2009-0011

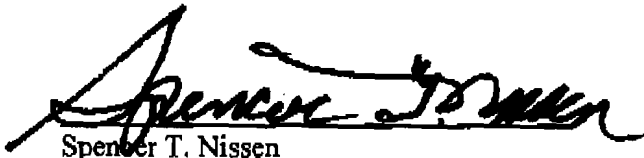
**ORDER TERMINATING ALTERNATIVE DISPUTE RESOLUTION PROCESS
and RETURNING PROCEEDING TO THE CHIEF JUDGE**

This matter was placed on the undersigned's docket on April 28, 2009. A conference call was held with the parties on June 24, 2009. During that conference call Respondent was directed to submit financial documentation needed to support its inability to pay claim. It is understood that thorough review of financial documentation and other settlement proposals have not concluded.

The period for Alternative Dispute Resolution (ADR) in this proceeding as extended, expired on August 28, 2009. Therefore, this matter is returned to the Chief Administrative Law Judge.

Dated this 4th day of September 2009.

So Ordered.


Spencer T. Nissen
Administrative Law Judge

Issued: September 4, 2009
Washington, D.C.

In the ADR matter of *Fivestar Realty, Inc.*, Respondent.
Docket No. TSCA-07-2009-0011

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Terminating Alternative Dispute Resolution Process and Returning Proceeding to the Chief Date**, dated September 4, 2009, was sent this day in the following manner to the addressees listed below.

Original and One Copy by Facsimile and Pouch Mail to:

Kathy Robinson
Regional Hearing Clerk
ORC, U.S. EPA, Region VII
901 North 5th Street
Kansas City, KS 66101
Fx: 913.551.7925

One Copy by Facsimile and Pouch Mail to:

Chris Muehlberger, Esq.
Associate Regional Counsel
U.S. EPA / Region VII
901 North 5th Street
Kansas City, KS 66101
Fx: 913.551.7925

One Copy by Regular Mail to:

Nelson L. Mitten, Esq.
Jennifer L. Geschke, Esq.
RiezmanBerger, PC
Attorneys and Counselors at Law
7700 Bonhomme Ave., 7th Ave.
St. Louis, MO 63105
Fx: 314.727.6458

Dated: September 4, 2009
Washington, D.C.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 OFFICE OF ADMINISTRATIVE LAW JUDGES
 MAIL CODE 1900L
 1200 PENNSYLVANIA AVENUE, NW
 WASHINGTON, DC 20460-2001
 TELEPHONE 202-564-6255
 FACSIMILE: 202-565-0044



FAX TRANSMITTAL PAGE

Date: 9/4/09

From the office of: Judge Barbara Gunning
 Judge Spencer Nissen

Chief Judge Susan Biro
 Judge William Moran

To: Kathy Robinson, RAC

Fax: 913-581-7925

Of: U.S. EPA - Reg. 7

Ph:

To: Chris Muehlberger, OY

Fax: 913-581-7925

Of: ORC - USEPA - Reg. 7

Ph:

To: Nelson Mitter, Esq.
Jennifer Ruschke, Esq.

Fax: 314-727-6457

Of: Rizwan Asghar, DC

Ph:

To:

Fax:

Of: _____

Ph:

Re: Fiveston Realty
 Docket No. TSCA-07-2007-0011

Urgent For Review For Your Information / Files

No. of Pages (incl. cover): 3

Hard Copy To Be Mailed: Yes, by Postal & Reg. Mail No

REMARKS/COMMENTS:

Type of Document:

--