

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

In the Matter of )  
 )  
Fivestar Realty, Inc., ) Docket No. TSCA-07-2009-0011  
 )  
Respondent )

Order Of Designation

Chief Administrative Law Judge Susan L. Biro, U.S. Environmental Protection Agency, Washington, D.C., is hereby designated as the Administrative Law Judge to preside in this proceeding under Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615 (a) and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR Part 22.



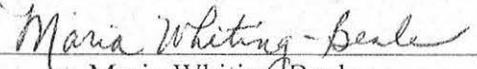
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: September 9, 2009  
Washington, D.C.

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

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Of Designation**, dated September 9, 2009, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: September 9, 2009

Original And One Copy By Pouch Mail To:

Kathy Robinson  
Regional Hearing Clerk  
U.S. EPA  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

Copy By Pouch Mail To:

Chris Muehlberg, Esquire  
Assistant Regional Counsel  
U.S. EPA  
901 North 5<sup>th</sup> Street  
Kansas City, KS 66101

Copy By Regular Mail To:

Nelson L. Mitten, Esquire  
Jennifer L. Geschke, Esquire  
Riezman Berger, P.C.  
7700 Bonhomme Avenue, 7<sup>th</sup> Floor  
St. Louis, MO 63105

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
  
BEFORE THE ADMINISTRATOR

In the Matter of	)	
	)	
Cycle Chem, Inc.,	)	Docket No. TSCA-03-2009-0209
	)	
	)	
	)	
Respondent	)	

**ORDER INITIATING ALTERNATIVE DISPUTE  
RESOLUTION PROCESS AND APPOINTING NEUTRAL**

Pursuant to the request of the parties, Judge Spencer T. Nissen, is hereby designated as a neutral to initiate and conduct such processes as may facilitate a settlement of this proceeding.

The following procedures shall apply:

1. The Alternative Dispute Resolution (ADR) process will be conducted in a confidential manner. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.
2. For the ADR process to be effective, the persons communicating with the neutral must either have authority to commit his or her side to a settlement, or have ready access to someone with such authority.
3. Unless terminated earlier at the request of either party, the ADR process shall automatically terminate on **November 9, 2009**. An extension of up to 60 days may be granted by the undersigned upon request of the ADR neutral, but in no event shall ADR continue for longer than 4 months. At that time, if no settlement has been reached, the case will be remanded to the litigation Judge to proceed with the litigation process in an expedited manner.
4. A party requesting termination of this process shall so advise the assigned neutral Judge either orally or in writing. The neutral Judge shall forward the request to the Chief Administrative Law Judge. The dispute resolution process initiated by this Order shall terminate upon order of the Chief Administrative Law Judge.

5. At the termination of the ADR process, the parties will be sent a questionnaire to elicit their views and the experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.



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Susan L. Biro

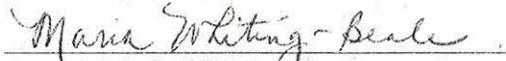
Chief Administrative Law Judge

Dated: September 8, 2009  
Washington, DC

In the Matter of Cycle Chem, Inc., Respondent  
Docket No. TSCA-03-2009-0209

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Initiating Alternative Dispute Resolution Process And Appointing Neutral**, dated September 8, 2009, was sent this day in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Maria Whiting-Beale  
Staff Assistant

Dated: September 8, 2009

Original And One Copy By Pouch Mail to:

Lydia A. Guy  
Regional Hearing Clerk (3RC00)  
U.S. EPA  
1650 Arch Street  
Philadelphia, PA 19103-2029

Copy by Pouch Mail to:

A.J. D'Angelo, Esquire  
Assistant Regional Counsel (3RC30)  
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1650 Arch Street  
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Copy by Regular Mail To:

James M. Hazen, Esquire  
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One River Centre  
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