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ENVIR. APPEALS BOARD



September 12, 2007

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U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board
Colorado Building
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Dear Ms. Gade, Mr. Kaplan, and Clerk: Re: UIC Permits Nos. M1 163 C007 and M1 163 C008 (the "Permits") Issued to Environmental Disposal Systems, Inc. ("EDS"), Romulus, Michigan

I am writing on behalf of the proposed transferee of the Permits, Environmental Geo-Technologies, LLC ("EGT"), to request that EPA and EAB stay the proposed termination of the Permits (the "Termination Proceeding") and the July 11, 2007 and July 27, 2007 Orders of the Environmental Appeals Board United States Environmental Protection Agency ("EAB"), which pertain to EGT's request to transfer the Permits (the "Orders"). Additionally, the Police and Fire Retirement System of the City of Detroit, RDD Investment Corporation and RDD Operations, LLC (collectively, "RDD") have requested that EPA re-open or extend the comment period regarding the Termination Proceeding.

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As you will recall, EGT, RDD, and EDS requested that the Permits be transferred (the "Permit Transfer Request") on February 28, 2007. EGT and RDD subsequently submitted all required documentation regarding the Permit Transfer Request. RDD also addressed various compliance issues. However, on April 12, 2007, EPA notified EGT and RDD that EPA would not consider the Permit Transfer Request due to its intention to terminate the UIC Permits. On the same date, EPA sent EDS a Notice of Intent to Terminate the UIC Permits. On June 21, 2007, EGT filed a Comment on the Termination Proceeding.

EGT also filed a May 10, 2007 informal letter of appeal of the April 12, 2007 EPA decision not to consider the Permit Transfer Request. EPA responded on June 26, 2007. On July 16, 2007, EGT motioned for leave to file a reply brief. On July 19, 2007, EGT received the EAB's July 11, 2007 Order declining to review EGT's appeal. On July 23, 2007, EGT motioned the EAB for reconsideration. The EAB's July 27, 2007 Order denied EGT's motions. EGT then filed a petition for review with the United States Court of Appeals for the Sixth Circuit.

EGT joins RDD's request that EPA re-open or extend the comment period for the Termination Proceeding. EGT also requests that EPA stay the Termination Proceeding and the Orders pending the Sixth Circuit's review of EGT's petition. Under 5 U.S.C. section 705, EPA "may postpone the effective date of action taken by it, pending judicial review." EGT believes that it would be in the best interests of all parties to allow the court of appeals to address the issues raised in EGT's petition for review before EPA proceeds with the Termination Proceedings.

However, if EPA/EAB is willing to stay the Termination Proceeding and the Orders, EGT would be amenable to staying the Sixth Circuit review in order to allow all the parties to meet and resolve this matter without further litigation. EGT believes that such a course of action would benefit everyone involved. On behalf of EGT, Mr. Francis Lyons sent a June 28, 2007 letter to EPA Region 5 requesting a meeting to facilitate a resolution of this matter that would address the concerns of all parties without litigation. Region 5 declined the request on July 18, 2007. Nevertheless, EGT's goal continues to be a resolution without litigation and believes that its August 27, 2007 meeting with Ms. Lynn Buhl at EPA headquarters in Washington D.C. was beneficial and could serve as the first step in amicably working through the various

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issues relating to the Romulus facility. Staying the Termination Proceeding, the Orders, and the Sixth Circuit's review would facilitate a such a resolution.

I would appreciate your prompt response. Thank you for your consideration.

Yours very truly,



Donald P. Gallo

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cc Mr. Stephen L. Johnson
Lynn Buhl, Esq.
Thomas J. Krueger, Esq.
Mr. Dimitrios Papas
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FROM: Donald P. Gallo
DATE: September 12, 2007

REQUESTED BY	Theresa M. Skrove	ATTORNEY NO.	00660
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