



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

JUN 29 2006

ENVIRONMENTAL APPEALS BOARD

Bertram C. Frey
(Acting) Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Re: The Dow Chemical Company, Hanging Rock Plant
Permit Number: OHD 039 128 913
Appeal Number: RCRA 06-01

Dear Mr. Frey:

Enclosed is a petition dated June 22, 2006 (received by the Environmental Appeals Board on June 23, 2006), filed by Robert J. Schmidt, Jr., attorney, Porter Wright Morris & Arthur on behalf of The Dow Chemical Company, asking the Environmental Appeals Board to review U. S. Environmental Protection Agency, Region 5 permit determination in this case.

To assist the Environmental Appeals Board in deciding whether the matters raised by Petitioner should be reviewed, please have your staff prepare a response that addresses the petitioner's contention and whether petitioner has satisfied the requirements for obtaining review under 40 CFR §124.19(a). Include relevant portions of the administrative record with the response, together with a certified index of the entire administrative record. Please file an original (signed in blue ink) and five copies of these materials no later than August 18, 2006, and send a copy of the response and the certified index to Petitioner with a certificate of service showing the date and method of service.

All documents, including the materials due August 18, 2006, must reference the appeal number. **IMPORTANT:** In addition, any envelope or other packaging containing documents sent to the Environmental Appeals Board's mailing address or hand-delivery address, as prescribed below, must bear a complete and accurate return address in the upper left hand corner. The envelope or packaging must also clearly state the case name and appeal number in the lower left hand corner.

Mailing and Hand Delivery Instructions¹

All documents that are sent through the U.S. Postal Service (except by Express Mail) MUST be addressed to the Environmental Appeals Board's mailing address which is:

*U.S. Environmental Protection Agency
Clerk of the Board
Environmental Appeals Board 1103B
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001*

Documents that are sent to the Environmental Appeals Board's hand-delivery address (below) through the U.S. Postal Service (except by Express Mail) will be returned to the sender and shall not be considered as filed.

Documents that are hand-carried in person, delivered via courier, mailed by Express Mail, or delivered by a non-U.S. Postal Service carrier (e.g., Federal Express or UPS) MUST be delivered to:

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


Documents that are hand-carried may be delivered to the Clerk of the Board from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m., Monday through Friday (excluding federal holidays).

A copy of this letter is being sent to the petitioner as notification of these filing requirements.

¹ The Environmental Protection Agency is experiencing delays in delivery of mail from the U.S. Postal Service. These delays are due to a new sterilization procedure applied to all U.S. Postal Service mail delivered to the federal government. Parties are encouraged to utilize non-U.S. Postal Service carriers and the Board's hand-delivery address when filing time-sensitive pleadings with the Board. Additional information regarding mail delivery to the Board is available on the Environmental Appeals Board website (www.epa.gov/eab) at Frequently Asked Questions.

Thank you for your attention to these matters

Sincerely,

A handwritten signature in cursive script, appearing to read "Eurika Durr".

Eurika Durr
Clerk of the Board

Enclosure

cc w/o encl.: Robert J. Schmidt, Jr.
Porter Wright Morris & Arthur LLP
Attorneys & Counselors at Law
41 South High Street
Columbus, OH 43215

w/encl.: Margaret Guerriero, Director
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