



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

ENVIRONMENTAL APPEALS BOARD

SEP 18 2009

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Re: Rocky Well Service, Inc. and Edward J. Klockenkemper  
Appeal Numbers: SDWA 08-03 & 08-04

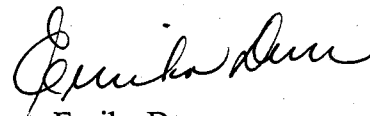
Dear Counsel:

The Environmental Appeals Board ("Board") has determined that this matter is appropriate for alternative dispute resolution ("ADR") and encourages the parties to consider this option. The Board is initiating a pilot ADR program to assist parties in resolving disputes before the Board. *Participation is completely voluntary.* Should the parties agree to participate, an Environmental Appeals Judge will be assigned as a "Settlement Judge." The Settlement Judge will serve as a neutral evaluator/mediator and may be assisted by a staff attorney. As part of this process, the Settlement Judge may, in private sessions, provide the parties with a confidential, oral assessment of the strengths and weaknesses of their respective cases, and assist the parties in reaching a mutually agreeable resolution. If ADR proves unsuccessful, the Settlement Judge will not participate in any way in the Board's ultimate resolution. Should the parties express interest in pursuing ADR, the Board will provide further information on the pilot program.

If you would like to participate in the Board's ADR pilot program, please notify the Clerk of the Board no later than October 2, 2009. The Board encourages consultation with opposing counsel prior to notifying the Board. A joint notification of the parties' interest in participating in this program is preferred.

If the Board does not receive a response by October 2, 2009, the matter will remain on the Board's docket for resolution. You may inform the Clerk of the Board of your interest either through the Board's electronic filing system, by facsimile at (202) 233-0121, or by letter filed with the Clerk of the Board by the deadline. For instructions on electronic filing, visit the Board's website and [www.epa.gov/eab](http://www.epa.gov/eab). Please note that documents are "filed" with the Board on the date they are *received*.

Sincerely,

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

Eurika Durr  
Clerk of the Board