



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Sq., Suite 100
BOSTON, MASSACHUSETTS 02109-3912

July 12, 2012

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

Re: Offer for ADR
In the Matter of Munce's Superior Petroleum Products, Inc.
Docket No. CWA-01-2010-0040

Dear Ms. Durr:

I am writing in response to your letter of June 28, 2012 in which the Environmental Appeals Board extended an offer to Complainant, U.S. Environmental Protection Agency, Region 1 ("EPA"), and Appellant in the above-cited appeal to participate in the Alternative Dispute Resolution ("ADR") program. We appreciate the offer to use the ADR process; however, based on a phone conference call the parties had this week, EPA believes it would be more efficient to continue with direct negotiations before committing to an ADR process.

EPA has consulted with Appellant's counsel regarding both the ADR program and the possible framework for a settlement agreement. The parties' limited negotiation to date has been promising, and Appellant plans to provide Complainant with information that will help facilitate a possible settlement. Once EPA receives this information, the parties will have the opportunity to engage in further negotiations. If such negotiations are not successful, then the parties may wish to request ADR, if that option is still available.

Thank you again for this opportunity.

Sincerely,

Tonia Bandrowicz
Senior Enforcement Counsel
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U.S. Environmental Protection Agency
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cc: Jessica Lewis, Counsel for Appellant (via email)
Robert Keach, Counsel for Appellant (via email)
Wanda Santiago, Regional Hearing Clerk (via hand delivery)