



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY RECEIVED
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
U.S. EPA, HEADQUARTERS

AUG 27 2018

BY U.S. MAIL

AUG 23 2018

ENVIRONMENTAL APPEALS BOARD

Ms. Eurika Durr, Clerk of the Board
Environmental Appeals Board
U.S. Environmental Protection Agency
1201 Constitution Avenue, NW
WJC East Building, Room 3334
Washington, DC 20004

REPLY TO THE ATTENTION OF:
C-14J

Re: **EPA Response to Environmental Appeals Board August 21, 2018 Offer of Alternative Dispute Resolution: In re: Muskegon Development Company, UIC Appeal 18-05 (Permit No. MI-035-2R-0034)**

Dear Ms. Durr:

On August 21, 2018, the Environmental Appeals Board ("EAB") issued a letter to EPA, Region 5 ("Region 5"), offering the Parties in the above referenced case the opportunity to engage in Alternative Dispute Resolution ("ADR"). Region 5 appreciates this opportunity, and Region 5 agrees with the principles of ADR and believes that it is a useful and creative means of achieving equitable resolution to many issues which may come before the EAB.

However, in the present matter, Region 5 must decline the offer of ADR. Unfortunately, Region 5 believes that the nature of a UIC Class II Permit Petitioner challenge, particularly in the present matter, does not offer many alternatives for creative resolution. Based upon the present record, Region 5 elects to move forward with the standard EAB process.

Thank you for your attention to this matter. If you have any questions, please contact me at (312) 886-6613 or by email to turner.thomas@epa.gov.

Sincerely,

Tom Turner
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cc: Emerson Joseph Addison III, Petitioner