

SPALDING & HILMES, PC

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August 26, 2010

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Ms. Maria Whiting-Beale
Staff Assistant to Judge Susan L. Biro
U.S. Environmental Protection Agency
Office of the Administrative Law Judge
Washington, D.C. 20460

Re: Batesville Water & Gas Utility And Don Gunter Excavating, LLC, Docket
No. CWA-05-2010-0013

Dear Ms. Whiting-Beale:

In accordance with the August 18, 2010 letter of Judge Susan L. Biro, my client, Don Gunter Excavating, LLC, elects to participate in ADR pursuant to the Administrative Dispute Resolution Act of 1996, 5 U.S.C. §§ 571 *et seq.*

Please let me know if you need anything else in this regard. Thank you.

Sincerely,



Kathryn A. Watson
Counsel for Don Gunter Excavating, LLC

cc: Don and Brenda Gunter
Jeffrey A. Cahn, Esq.
Larry Kane, Esq.
La Dawn Whitehead, Regional Hearing Clerk