



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

May 10, 2011

JoAnn E. Gould, Esquire  
Senior Environmental Counsel  
Harter Secrest & Emery LLP  
1600 Bausch & Lomb Place  
Rochester, NY 14604-2711

Re: Eastman Kodak Company  
Docket No. CAA-02-2011-1209

Dear Ms. Gould:

This Office, the Office of Administrative Law Judges, offers an Alternative Dispute Resolution (ADR) process to facilitate the settlement of adjudicative cases. Please inform my staff assistant, Maria Whiting-Beale by **May 24, 2011**, as directed below, whether you accept or decline this offer to participate in ADR in an effort to settle the above cited case. The ADR process will be conducted pursuant to the Administrative Dispute Resolution Act of 1996, 5 U.S.C. §§ 571 *et seq.*, by a Judge of this Office serving as a neutral. The process will be entirely voluntary and completely confidential; both of these points, together with general procedures, are reviewed below.

Voluntary ADR will be used in a case only if both EPA and Respondent accept ADR; the choice to use or not to use ADR does not prejudice either party. If ADR is utilized, either party may terminate the ADR process at any time.

Initial Procedures A Judge in this Office will serve as a neutral. The ADR Judge will ordinarily begin by arranging a telephone conference with the parties to establish procedures.

Types of mediation available Our office offers the following types of ADR: mediation, facilitation, and neutral evaluation. The parties are encouraged to discuss with the neutral Judge the type of ADR they prefer, and come to an agreement with the neutral Judge as to which type of ADR will be employed in the case. If, during the course of ADR, the parties mutually decide that they would prefer another type of ADR, they may jointly request that the neutral Judge adjust the process accordingly.

*Facilitation* is a method in which the neutral Judge acts as a facilitator, promoting communication and understanding of the issues, in a less active role than as a mediator. The focus of the facilitator Judge is to provide structure and moderate the discussion among the parties to assist them in coming to a settlement. Facilitation

