



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

October 16, 2007

REPLY TO THE ATTENTION OF:

C-14J

BY FAX (517) 318-3099  
AND FIRST-CLASS MAIL

Joseph E. Turner  
Ronald A. King  
Kristin B. Bellar  
Clark Hill PLC  
212 East Grand River Avenue  
Lansing, Michigan 48906

Re: In re Environmental Disposal Systems, Inc., No. SDWA-05-2007-0003  
Motion for Leave to Intervene as Respondents

Dear Counsel:

I have recently received the Motion for Leave to Intervene as Respondents filed October 10, 2007, on behalf of RDD Investment Corp. and RDD Operations, LLC (collectively referred to as RDD). In the motion, RDD claims an interest relating to the cause of action and states that the disposition of this administrative proceeding may impair RDD's ability to protect its ownership interest in the facility and property at issue.

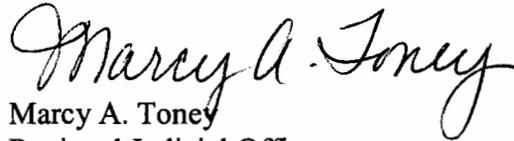
This matter is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22. I served as the Presiding Officer in this proceeding pursuant to 40 C.F.R. § 22.4(b).

This is to advise you that on August 3, 2007, counsel for Complainant filed a Notice of Consent Agreement and Proposed Final Order, and provided copies of that Proposed Final Order to all parties who submitted comments on the Complaint pursuant to 40 C.F.R. § 22.45(b) and (c). By regulation, a person who comments on the Complaint can petition the Regional Administrator to set aside the Consent Agreement and Proposed Final Order on the basis that material evidence was not considered. 40 C.F.R. § 22.45(c)(4)(ii). No such petition was received by the agency regarding the Proposed Final Order and the Regional Administrator entered it on September 14, 2007. A final order constitutes the final agency action in a proceeding. 40 C.F.R. § 22.31(a). Thus, this matter is now closed.

In addition, this matter was initiated pursuant to Section 1423(c) of the Safe Drinking Water Act, 42 U.S.C. § 300h-2(c), and is governed by Subpart I of the Consolidated Rules. Section 22.11(a) of the Consolidated Rules, pertaining to intervention, does not apply to proceedings under Subpart I. See 40 C.F.R. § 22.50(b).

If you have any questions regarding this matter, I suggest you contact Erik Olson, counsel for Complainant, at (312) 886-6829.

Sincerely,

A handwritten signature in black ink that reads "Marcy A. Toney". The signature is written in a cursive, flowing style.

Marcy A. Toney  
Regional Judicial Officer

cc: Erik Olson, ORC  
Regional Hearing Clerk