

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY


05 AUG 11 AM 11:30
ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

In the ADR Matter of)
Yates Center Elevator, Inc.) Docket No. FIFRA-07-2005-0235
Respondent)

**REPORT RECOMMENDING TERMINATION OF
ALTERNATIVE DISPUTE RESOLUTION**

During a conference call with the parties on July 11, 2005, EPA was instructed to provide a joint status report to the undersigned neutral no later than July 26, 2005. Specifically, the status report was to inform the neutral whether ADR was needed and, if so, the issues that remained outstanding. To date, no such status report has been filed. Accordingly, it is recommended that ADR be terminated.



Carl C. Charneski
Administrative Law Judge



Susan L. Biro
Chief Administrative Law Judge

Dated: 8/8/05
Washington, D.C.

In the ADR Matter of *Yates Center Elevator, Inc.*, Respondent.
Docket No. FIFRA-07-2005-0235

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution**, dated August 8, 2005, was sent in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Kathy Robinson
Regional Hearing Clerk
U.S. EPA-Region VII
901 North 5th Street
Kansas City, KS 66101
Fx: 913.551.7925

Copy by Facsimile and Pouch Mail to:

Chris R. Dudding, Esq.
Assistant Regional Counsel
U.S. EPA-Region VII
901 North 5th Street
Kansas City, KS 66101
Fx: 913.551.7925

Copy by Facsimile and First Class Mail

John T. Davis
Yates Center Elevator, Inc.
109 N. Pratt
Yates Center, KS 66783

Dated: August 8, 2005
Washington, DC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ADMINISTRATIVE LAW JUDGES
MAIL CODE 1900L
1200 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20460-2001
TELEPHONE 202:564-6255
FACSIMILE: 202-565-0044



FAX TRANSMITTAL PAGE

Date: 8/9/05

From the office of: Judge Barbara Gunning

Judge Carl Charneski

To: Kathy Robinson, RHC

Fax: 913.551.7925
551 9267

Of: U.S. EPA, Region III

To: Chris R. Dunning, Esq.

Fax: 913.551.7925

Of: U.S. EPA, Region VII

To: John T. Davis,

Fax: 620.456.2649
625

Of: Yates Center Elestata

Re: Yates Center Elestata, Inc.

Docket No. FIFRA-07-2805-0235

Urgent For Review For Your Information /Files

No. of Pages (incl. cover): 3

Hard Copy To Be Mailed: Yes, by _____ No

Type of Document

REMARKS/COMMENTS:

Questions Or Problems May Be Directed by calling Mary Angeles at (202) 564-6281 or the front desk at (202) 564-6255.

TRANSMISSION JOURNAL

AUG-09-2005 08:36 AM TUE

FAX NUMBER :
NAME :

NO.	NAME/NUMBER	START TIME	TIME	MODE	PAGE	RESULTS
480	916179181809	08-03 09:01AM	00' 22"	ECM	003/003	[O.K]
481	912077747499	08-03 09:02AM	00' 42"	ECM	003/003	[O.K]
482	915082261645	08-03 09:16AM	00' 58"	G3	001/001	[O.K]
483	915082261645	08-03 09:20AM	00' 56"	G3	001/001	[O.K]
484	97036740118	08-03 10:26AM	00' 58"	ECM	003/003	[O.K]
485	919516863083	08-03 10:51AM	01' 08"	ECM	007/007	[O.K]
486	914045629598	08-03 10:59AM	00' 19"	ECM	003/003	[O.K]
487	917047843211	08-03 11:00AM	00' 21"	ECM	003/003	[O.K]
488	914045629598	08-03 11:01AM	00' 22"	ECM	003/003	[O.K]
489	913104552495	08-03 11:09AM	16' 18"	G3	027/027	[O.K]
490	95511705	08-03 01:30PM	01' 12"	ECM	004/004	[O.K]
491	912158142603	08-03 01:42PM	00' 42"	ECM	003/003	[O.K]
492	912155752480	08-03 01:43PM	00' 00"	G3	000/003	[STOP PRESSED]
493	912155759226	08-03 01:45PM	00' 40"	ECM	003/003	[O.K]
494	912158142603	08-03 01:47PM	00' 42"	ECM	003/003	[O.K]
495	912126373115	08-03 02:24PM	01' 21"	ECM	005/005	[O.K]
496	917324691957	08-03 02:26PM	00' 44"	ECM	005/005	[O.K]
497	912126373199	08-03 02:27PM	01' 20"	ECM	005/005	[O.K]
498	913033338081	08-04 08:15AM	00' 00"	G3	000/052	[NO ANSWER]
499	913033338081	08-04 08:19AM	00' 00"	G3	000/052	[NO ANSWER]
500	913033826210	08-04 08:42AM	13' 35"	ECM	051/051	[O.K]
501	913033942868	08-04 09:03AM	23' 30"	G3	031/051	[COMM. ERROR]
502	913033942868	08-04 09:30AM	00' 00"	G3	000/051	[NO ANSWER]
503	913033942868	08-04 09:34AM	00' 00"	G3	000/051	[NO ANSWER]
504	913033126953	08-04 10:28AM	11' 14"	ECM	051/051	[O.K]
505	912146652181	08-08 02:01PM	00' 00"	G3	000/003	[STOP PRESSED]
506	912146652182	08-08 02:02PM	00' 22"	ECM	003/003	[O.K]
507	9121452181	08-08 02:03PM	00' 00"	G3	000/003	[NO ANSWER]
508	917136564892	08-08 02:04PM	00' 24"	ECM	003/003	[O.K]
509	9121452181	08-08 02:07PM	00' 00"	G3	000/003	[NO ANSWER]
510	912146652182	08-08 02:12PM	00' 22"	ECM	003/003	[O.K]
511	912158142603	08-08 02:38PM	00' 40"	ECM	003/003	[O.K]
512	912157313719	08-08 02:41PM	00' 28"	ECM	003/003	[O.K]
513	912126373104	08-08 03:06PM	00' 26"	ECM	003/003	[O.K]
514	96897497	08-08 03:07PM	00' 46"	ECM	003/003	[O.K]
515	912126373104	08-09 06:32AM	00' 25"	ECM	003/003	[O.K]
516	96897497	08-09 06:33AM	00' 44"	ECM	003/003	[O.K]
517	912158142603	08-09 06:39AM	00' 44"	ECM	003/003	[O.K]
518	912157313719	08-09 06:40AM	00' 32"	ECM	003/003	[O.K]
519	912158142603	08-09 07:21AM	00' 50"	ECM	003/003	[O.K]
520	917173977119	08-09 07:22AM	00' 19"	ECM	003/003	[O.K]
521	912158142603	08-09 07:23AM	00' 42"	ECM	003/003	[O.K]
522	913012319600	08-09 08:22AM	00' 00"	G3	000/004	[STOP PRESSED]
523	913012310144	08-09 08:24AM	01' 04"	ECM	004/004	[O.K]
524	919135517925	08-09 08:25AM	00' 00"	G3	000/003	[STOP PRESSED]
525	916204962649	08-09 08:26AM	00' 00"	G3	000/003	[NO ANSWER]
526	916204962649	08-09 08:30AM	00' 00"	G3	000/003	[STOP PRESSED]
527	919135519567	08-09 08:32AM	01' 12"	ECM	003/003	[O.K]
528	916206252649	08-09 08:34AM	00' 32"	ECM	003/003	[O.K]
529	919135519567	08-09 08:35AM	01' 10"	ECM	003/003	[O.K]

TOTAL TIME : 01:29:06