UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

| | | |
|---|---|---|
| **In the Matter of:** | ) | |
| | ) | |
| | ) | |
| **Meleen Corporation** | ) | **Docket No. RCRA-05-2013-0013** |
| | ) | |
| | ) | |
| **Respondent** | ) | |

## ORDER INITIATING ALTERNATIVE DISPUTE RESOLUTION PROCESS AND APPOINTING NEUTRAL

Pursuant to the request of the parties, Judge Barbara A. Gunning, is hereby designated as a neutral to initiate and conduct such processes as may facilitate a settlement of this proceeding.

The following procedures shall apply:

1. The Alternative Dispute Resolution (ADR) process will be conducted in a confidential manner. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.

2. For the ADR process to be effective, the persons communicating with the neutral must either have authority to commit his or her side to a settlement, or have ready access to someone with such authority.

3. Unless terminated earlier at the request of either party, the ADR process shall automatically terminate on **January 7, 2014**. An extension of up to 60 days may be granted by the undersigned upon request of the ADR neutral, but in no event shall ADR continue for longer than 4 months. At that time, if no settlement has been reached, the case will be remanded to the litigation Judge to proceed with the litigation process in an expedited manner.

4. A party requesting termination of this process shall so advise the assigned neutral Judge either orally or in writing. The neutral Judge shall forward the request to the Chief Administrative Law Judge. The dispute resolution process initated by this Order shall terminate upon order of the Chief Administrative Law Judge.

5. At the termination of the ADR process, the parties will be sent a questionnaire to elicit their views and the experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.

6. Please note that pursuant to an official EPA pilot program, rather than filing all documents with the Regional Hearing Clerk as specified in 40 C.F.R. § 22.5(a), **all documents and correspondence filed in this matter shall be filed with the Headquarters Hearing Clerk** at the following address: Sybil Anderson, Headquarters Hearing Clerk, Office of Administrative Law Judges, 1200 Pennsylvania Avenue, N.W., Mail Code 1900R, Washington, D.C. 20460. If filings are sent by commercial carriers, such as UPS and Fedex, or hand-delivered, the following physical address should be used: Ronald Reagan Building, Rm. M1200, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20004. The Regional Hearing Clerk may properly reject any documents that a party attempts to file in the Regional Office while this matter is before the Administrative Law Judge.

Susan L. Biro
Chief Administrative Law Judge

Dated: November 8, 2013
Washington, DC



EPA-R5-2018-000306_0000067

In the Matter of Meleen Corporation, Respondent
Docket No. RCRA-05-2013-0013

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Initiating Alternative Dispute Resolution Process And Appointing Neutral**, dated November 8, 2013, was sent this day in the following manner to the addressees listed below.

Maria Whiting-Beale

Maria Whiting-Beale
Staff Assistant

Dated: November 8, 2013

Original And One Copy To:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA
Mail Code 1900R
1200 Pennsylvania Avenue, NW
Washington, DC 20460-2001

Copy By Regular Mail And E-Mail To:

Kevin Chow
Associate Regional Counsel
U.S. EPA
77 West Jackson Boulevard, C-14J
Chicago, IL 60604-3590
chow.kevina@epa.gov

Timothy P. McCarthy, Esquire
Chestnut Cambronne PA
17 Washington Avenue North, Suite 300
Minneapolis, MN 55401-2048
tmccarthy@cclawmn.com