



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

2012 JAN -9 AM 8:09

BEFORE THE ADMINISTRATOR

FILED EPA REGION VIII

In the Matter of:

Gowan Construction, Inc., and North Dakota Department of Transportation

Respondent

)
Docket No. CWA-08-2011-0039

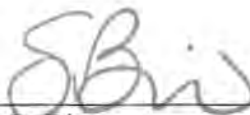
ORDER INITIATING ALTERNATIVE DISPUTE RESOLUTION PROCESS AND APPOINTING NEUTRAL

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.
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 March 5, 2012.
4. A party requesting termination of this process shall so advise the assigned neutral Judge either orally or in writing.

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.



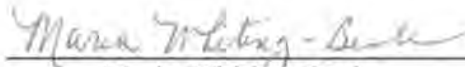
Susan L. Biro
Chief Administrative Law Judge

Dated: January 4, 2012
Washington, DC

In the Matter of Gowan Construction, Inc., and North Dakota Department of Transportation,
Respondent
Docket No. CWA-08-2011-0039

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Initiating Alternative Dispute Resolution Process And Appointing Neutral**, dated January 4, 2012, was sent this day in the following manner to the addressees listed below.



Maria Whiting-Beale
Staff Assistant

Dated: January 4, 2012

Original And One Copy By Regular Mail To:

Tina Artemis
Regional Hearing Clerk
U.S. EPA
1595 Wynkoop Street
Denver, CO 80202-1129

Copy By Regular Mail To:

Sheldon Muller, Esquire
Enforcement Attorney
U.S. EPA
Mail Code 8ENF-L
1595 Wynkoop Street
Denver, CO 80202-1129

DeWayne Johnston, Esquire
Johnston Law Office
221 South 4th Street
Grand Forks, ND 58201