

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

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BEFORE THE ADMINISTRATOR

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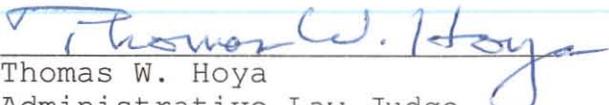
In the Matter of)	HEARINGS CLERK
)	EPA -- REGION 10
Gilbert Agee, individually,)	Docket No. CWA-10-2002-0070
d/b/a Agee Construction Co.)	
)	
Respondent)	

REPORT RECOMMENDING CONTINUATION
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Chief Administrative Law Judge's Order of November 5, 2002 provided that this Alternative Dispute Resolution (ADR) process would terminate January 6, 2003. The recommendation of this Report is that the ADR process be continued for a final two months, to March 6, 2003.

This continuation of the ADR process is recommended because the parties are still exploring the possibilities of settlement, and need more time to determine whether a settlement is achievable. In a telephone conference with the undersigned January 2, 2003 Respondent agreed to this two-month continuation of the ADR process, and in a telephone conference with the undersigned January 6, 2003 Complainant agreed to it. The parties' chances for reaching a settlement remain sufficient to warrant the requested continuation.

Accordingly, the undersigned will continue to work as a Neutral in this case and will file another report with the Chief Administrative Law Judge by March 6, 2003, unless otherwise directed by her. As a final point, the undersigned expresses his appreciation to the parties for the courtesy and candor with which they have expressed their views.


Thomas W. Hoya
Administrative Law Judge

Dated: January 6, 2003

Approved: 
Susan L. Biro
Chief Administrative Law Judge

Dated: 1/7/03

In the matter of Gilbert Agee, individually, d/b/a Agee Construction Co.
Respondent_Docket No. CWA-10-2002-0070

CERTIFICATE OF SERVICE

I certify that the foregoing **REPORT RECOMMENDING CONTINUATION OF ALTERNATIVE DISPUTE RESOLUTION PROCESS** dated January 7, 2003 was sent to the addressees listed below:

Original copy by regular mail to:

Carol Kennedy
Regional Hearing Clerk
U.S. EPA - Region 10
1200 Sixth Avenue
Seattle, WA 98101

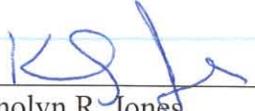
Copy by regular mail to:

Attorney for Complainant:

Deborah Hilsman, Esq.
Assistant Regional Counsel
U.S. EPA - Region 10
1200 Sixth Avenue
Seattle, WA 98101

Respondent:

William Sherlock
Hutchinson, Cox, Coons, Dupriest, Orr &
Sherlock, P.C.
200 Forum Building
777 High Street
Eugene, Oregon 97401


Knolyn R. Jones
Staff Assistant

Dated: January 7, 2003
Washington, DC