

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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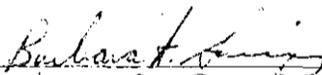
In the Matter of )  
 )  
RUSSELL WISE, ) DOCKET NO. CWA-04-2009-5504  
 )  
 )  
Respondent )

REPORT RECOMMENDING TERMINATION  
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS  
AND ASSIGNMENT OF A JUDGE FOR LITIGATION

The Report of February 3, 2010 provides that this alternative dispute resolution (ADR) process terminates March 5, 2010. The parties continue to make significant progress toward settlement in this matter and are in the process of preparing the Consent Agreement and Final Order ("CAFO"). Nonetheless, the CAFO has not been executed.

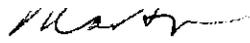
Therefore, I am recommending to the litigation judge that the parties, who have expended a great deal of effort and time in negotiating this settlement, be afforded additional time to finalize their settlement before the litigation process is initiated.

The undersigned expresses her appreciation to the parties for the courtesy and candor with which they participated in the ADR process.

  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge  
Dated: March 9, 2010

Approved:   
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: 3/9/10



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Mary Angeles  
Legal Staff Assistant

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**Dated: March 9, 2010**  
**Washington, D.C.**