



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
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CHICAGO, IL 60604-3590

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U.S. EPA REGION 5

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Ms. LaDawn Whitehead
Regional Hearing Clerk
United States
Environmental Protection Agency-Region V
77 West Jackson Blvd. - 19th Fl.
Chicago, IL 60604-3590

REPLY TO THE ATTENTION OF:
C-14J

Re: U.S. EPA v. Joseph L. Bollig and Sons, Inc.
Docket No. CWA-05-2011-0008 - Complainant's Proposal for Structure of Alternative
Dispute Resolution

Dear Ms. Whitehead:

Enclosed please find an original and one copy of Complainant's Proposal for Structure of
Alternative Dispute Resolution in the above-mentioned case. I have served copies of this Status
Report with the Administrative Law Judge (ALJ) and a copy on Respondent by certified mail,
return receipt requested.

Sincerely yours,

Thomas P. Turner
Assistant Regional Counsel

Enclosure

cc: Hon. Spencer T. Nissen, ALJ (mail code: 1900L)
Greg Carlson, Water Division (WW-16J)
Kevin C. Chow, Assoc. Regional Counsel (C-14J)

Joseph L. Bollig and Sons, Inc.
c/o: William T. Curran, Esq.
Curran, Hollenbeck & Orton, SC
111 Oak Street, PO Box 140
Mauston, WI 53948-0140

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

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CLERK

In the Matter of:)	Docket No. CWA-05-2011-0008
)	
Joseph L. Bollig and Sons, Inc.)	
New Lisbon, Wisconsin,)	Complainant's Proposal For
)	Structure of Alternative
)	Dispute Resolution Before
)	Hon. Spencer T. Nissen, Mediator and
Respondent.)	U.S. Administrative Law Judge (ALJ)
<hr style="border: 1px solid black;"/>		

COMES NOW the Complainant, United States Environmental Protection Agency ('EPA'), in the above referenced case and proposes the following approach to structure of the process of Alternative Dispute Resolution (ADR) initiated on October 17, 2011, by Chief Administrative Law Judge Susan L. Biro.

Complainant proposes the following general approach to the ADR session, in the hopes of achieving an efficient and equitable use of the Court's time and resources, as between the Parties.

- (1) Mediator-ALJ Nissen meets initially, separately, with each party and directs that each communicate its respective position statement regarding the case to the Mediator-ALJ (and respond to any questions or concerns of the Mediator-ALJ);
- (2) Mediator-ALJ Nissen then holds a joint meeting/tele-conference call with both parties, and directs the Complainant and Respondent to each communicate its respective case in chief to the opposing party (and to respond to any questions or concerns of opposing party or the Mediator-ALJ);
- (3) Mediator-ALJ again meets with each party, separately, and informs each party of his confidential assessment of the strength of their respective positions;
- (4) Mediator-ALJ then holds a second joint meeting/teleconference call with both parties, thereby allowing them to offer any potentially modified positions towards a settlement; and,
- (5) The parties thereafter work either independently, or through the Mediator-ALJ's office, to attempt to achieve settlement in principle during the allotted time for ADR.

This schedule presumes a limited time for internal party discussions between activity Nos. 1, 2, 3, and 4.

Complainant's counsel has apprised Respondent's counsel of this proposed approach to ADR, and requested that he consider a joint filing. Respondent's counsel has not, as of this filing, replied. Complainant does not believe that the (above) proposed approach to ADR would in any way prejudice Respondent.

Dated: November 3, 2011

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Thomas P. Turner".

Thomas P. Turner
Counsel for U.S. EPA

cc: U.S. EPA Regional Hearing Clerk

Kevin C. Chow, Counsel for U.S. EPA

Greg T. Carlson, U.S. EPA (WW-16J)
Water Division

Joseph L. Bollig and Sons, Inc.
c/o: William T. Curran, Esq.
Curran, Hollenbeck & Orton, SC
111 Oak Street, PO Box 140
Mauston, WI 53948-0140

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In the Matter of: Joseph L. Bollig and Sons, Inc.
Docket No. CWA-05-2011-0008

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CERTIFICATE OF SERVICE

I hereby certify that today, I filed the original and a copy of Complainant's Proposal for Structure of Alternative Dispute Resolution in the matter cited above with the office of the Regional Hearing Clerk, (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, IL 60604-3590. I also e-mailed and promptly mailed a copy of the Complainant's Proposal for Structure of Alternative Dispute Resolution, via Regular Mail, to:

Joseph L. Bollig and Sons, Inc.
c/o: William T. Curran, Esq.
Curran, Hollenbeck & Orton, S.C.
111 Oak Street, P.O. Box 140
Mauston, WI 5398-0140

I also mailed a copy of the Complainant's Proposal for Structure of Alternative Dispute Resolution to:

Hon. Spencer T. Nissen, (1900L)
Administrative Law Judge
c/o: Ms. Maria Whiting Beale
Office of the Administrative Law Judges
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, SW
Washington, D.C. 20460

Date: November 3, 2011



Thomas P. Turner
Assoc. Regional Counsel
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, IL 60604-3590
(312) 886-6613