

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

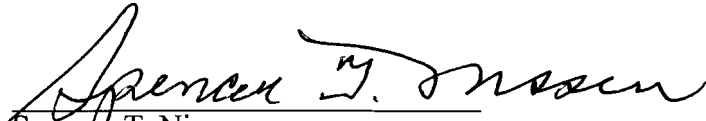
U.S. ENVIRONMENTAL
PROTECTION AGENCY
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CONCURRENCE HEARING
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In the ADR Matter of)
)
Dependable Towing & Recovery, Inc. &) Docket No. CWA-02-2011-3601
David A. Whitehill)
)
Respondent)

ORDER RETURNING PROCEEDING TO CHIEF JUDGE

Under date of June 23, 2011, Respondents filed a motion to amend the answer to the complaint in this proceeding under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). The motion points out that the majority of the fill material was placed on the property more than five years prior to the commencement of the action and seeks to add the defense of the statute of limitations, 28 U.S.C. § 2462. While complainant has not yet responded to the motion, the undersigned neutral lacks jurisdiction to rule thereon and this proceeding is returned to the chief judge so that she or her designee may rule on the motion.

Dated this 29th day of June 2011.



Spencer T. Nissen
Administrative Law Judge

So Ordered.

In the ADR matter of *Dependable Towing & Recovery, Inc. & David A. Whitehill*, Respondent.
Docket No. CWA-02-2011-3601

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Returning Proceeding to Chief Judge**, dated June 29, 2011, was sent this day in the following manner to the addressees listed below.



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Legal Staff Assistant

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Dated: June 29, 2011
Washington, D.C.