

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

e Matter of)
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ig Khera) Docket No. RCRA-UST-04-2009-0001
Food and Gas,)
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Respondents)

ORDER INITIATING ALTERNATIVE DISPUTE
RESOLUTION PROCESS AND APPOINTING NEUTRAL

Pursuant to the request of the parties, Judge Spencer T. Nissen, is hereby designated as 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. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.
2. For the ADR process to be effective, the persons communicating with the neutral must have authority to commit his or her side to a settlement, or have ready access to someone with authority.
3. Unless terminated earlier at the request of either party, the ADR process shall automatically terminate on **September 22, 2009**. An extension of up to 60 days may be granted by the assigned neutral upon request of the ADR neutral, but in no event shall ADR continue for longer than 60 days. At that time, if no settlement has been reached, the case will be remanded to the litigation process to proceed with the litigation process in an expedited manner.
4. A party requesting termination of this process shall so advise the assigned neutral Judge orally or in writing. The neutral Judge shall forward the request to the Chief Administrative Law Judge. The dispute resolution process initiated by this Order shall terminate upon order of the Chief Administrative Law Judge.