

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

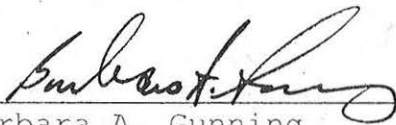
In the Matter of)
)
ROBINSON CONCRETE, INC. d/b/a) DOCKET NO. CWA-02-2009-3404
FRANKLIN STREET READY MIX)
FACILITY, ROBINSON CONCRETE,)
INC. FRANKLIN STREET PIT SAND)
AND GRAVEL MINE, and VITALE)
READY MIX CONCRETE, INC.,)
)
Respondents)

REPORT RECOMMENDING CONTINUATION
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Report approved December 17, 2009 provides that this alternative dispute resolution (ADR) process terminates January 15, 2010. The recommendation of this Report is that the ADR process be continued for a final month, to February 15, 2010.

This continuation of the ADR process is recommended because the parties' negotiations have developed the possibility of a settlement, but additional time is needed if a settlement is to be actually concluded. In a conference call on January 21, 2010 the parties agreed that the ADR process should be continued.

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 February 15, 2010 unless otherwise directed by her.



Barbara A. Gunning
Administrative Law Judge

Dated: January 21, 2010

Approved: 

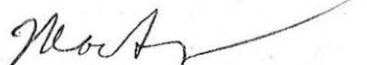
Susan L. Biro
Chief Administrative Law Judge

Dated: 1/21/10

In the ADR Matter of *Robinson Concrete, Inc., d/b/a Franklin Street Ready Mix Facility, Robinson Concrete, Inc., Franklin Street Pit Sand and Gravel Mine, and Vitale Ready Mix Concrete, Inc., Respondent.*
Docket No. CWA-02-2009-3403

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Report Recommending Continuation of Alternative Dispute Resolution Process**, dated January 21, 2009, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

One Copy by Pouch Mail to:

Melva J. Hayden, Esq.
Office of Regional Counsel
U.S. EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866

One Copy by Regular Mail to:

Amy K. Kendall, Esq.
Hiscock & Barclay, LLP
2000 HSBC Plaza
100 Chestnut Street
Rochester, NY 14604

Dated: January 21, 2009
Washington, D.C.