



**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

**In the Matter of:** )  
 )  
**Dr. Daniel J. McGowan,** ) **Docket No. CWA-07-2014-0060**  
 )  
 )  
 )  
**Respondent.** )

**ORDER INITIATING ALTERNATIVE DISPUTE  
RESOLUTION PROCESS AND APPOINTING NEUTRAL**

Pursuant to the request of the parties, Judge Barbara Gunning is hereby designated as a 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 either have authority to commit his or her side to a settlement, or have ready access to someone with such authority.
3. Unless terminated earlier at the request of either party, the ADR process shall automatically terminate on **October 12, 2016**. At that time, if no settlement has been reached, the case will be reassigned to Judge M. Lisa Buschmann to proceed with the litigation process. Further, because of the unusual circumstances of this limited period of ADR, the deadlines contained in Judge Buschmann’s Order Scheduling Hearing are hereby reinstated. Accordingly, the hearing will be held beginning on November 29, 2016, as scheduled, in the absence of a settlement either during ADR or outside of that process.
4. A party requesting termination of this process shall so advise the assigned neutral Judge either orally or in writing. The neutral Judge shall forward the request to the Chief Administrative Law Judge, and the ADR process initiated by this Order shall terminate upon order of the Chief Administrative Law Judge.

5. At the termination of the ADR process, the parties will be sent a questionnaire to elicit their views and experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.



---

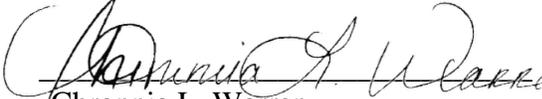
Susan L. Biro  
Chief Administrative Law Judge

Dated: September 28, 2016  
Washington, D.C.

**In the Matter of Dr. Daniel J. McGowan, Respondent.**  
**Docket No. CWA-07-2014-0060**

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **Order Initiating Alternative Dispute Resolution Process and Appointing Neutral**, issued by Chief Administrative Law Judge Susan L. Biro and dated September 28, 2016, was served this day in the following manner to the addressees listed below:

  
Chronnia L. Warren  
Paralegal Specialist

**Original and One Copy by Hand Delivery to:**

Mary Angeles  
Headquarters Hearing Clerk  
U.S. Environmental Protection Agency  
Office of Administrative Law Judges  
Mail Code 1900R  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460-2001

**Copy by Regular Mail and Email to:**

Chris Muehlberger, Esq.  
Elizabeth Huston, Esq.  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region VII  
11201 Renner Boulevard  
Lenexa, KS 66219  
Email: muehlberger.christopher@epa.gov  
Email: huston.liz@epa.gov

Stephen D. Mossman, Esq.  
Mattson, Ricketts, Davies, Stewart & Calkins  
134 South 13th Street, Suite 1200  
Lincoln, NE 68508  
Email: sdm@mattsonricketts.com

Dated: September 28, 2016  
Washington, D.C.