



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

In the Matter of:)
)
New York State) **Docket No. CWA-02-2016-3403**
Department of Transportation,)
)
Respondent.)

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

Pursuant to the request of the parties, Judge M. Lisa Buschmann 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 Judge 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 **April 10, 2017**. An extension of up to 60 days may be granted by the undersigned upon request of the neutral Judge, but in no event shall ADR continue for longer than four months. At that time, if no settlement has been reached, the case will be assigned to a litigation Judge to proceed with the litigation process.
4. A party requesting termination of this process shall so advise the neutral Judge either orally or in writing. The neutral Judge shall forward the request to the undersigned. The ADR process initiated by this Order shall terminate upon order of the undersigned.
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 made available to the neutral Judge and others only in a composite format.



Susan L. Biro
Chief Administrative Law Judge

Dated: February 8, 2017
Washington, D.C.

In the Matter of *New York State Department of Transportation*, Respondent.
Docket No. CWA-02-2016-3403

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Initiating Alternative Dispute Resolution Process and Appointing Neutral**, dated February 8, 2017, and issued by Chief Administrative Law Judge Susan L. Biro, was sent this day to the following parties in the manner indicated below.



Mary Angeles
Paralegal Specialist

Original and One Copy by Hand Delivery to:

Mary Angeles
Headquarters Hearing Clerk
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Copy by Electronic and Regular Mail to:

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Copy by Regular Mail to:

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Attorney for Respondent

Dated: February 8, 2017
Washington, D.C.