



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

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In the Matter of )  
)  
Amerimart Development Company, )  
Inc., Qual-Econ Lease Co., Inc, )  
Commercial Realty Fund II, )  
MJG Enterprises, Inc, and )  
Clear Alternative or Western NY, )  
Inc., (d/b/a G & G Petroleum), )  
)  
Respondent. )

DOCKET NO. RCRA-02-2012-7501

REPORT RECOMMENDING TERMINATION  
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS  
AND ASSIGNMENT OF A JUDGE FOR LITIGATION

The Report approved January 22, 2013 provides that this alternative dispute resolution (ADR) process terminates February 19, 2013. The recommendation of this Report is that the ADR process be terminated, and that the case be assigned to a judge for resolution through litigation.

The reason for this recommendation is that the parties, after several months of the ADR process, have developed a framework for settlement to settle the charges raised in the Complaint in this matter but have not reached a final agreement. In a conference call on February 7, 2013, the parties requested an extension of the ADR process based on the extraordinary circumstances of this case, but the undersigned is without authority to grant an extended period of ADR. Accordingly, the case is returned to the Chief Administrative Law Judge. Any joint request for reappointment of the ADR neutral must be filed with the judge assigned for adjudication of this case.

Finally, the undersigned expresses her appreciation to the parties for the courtesy and candor with which they participated


in the ADR process.



\_\_\_\_\_  
M. Lisa Buschmann  
Administrative Law Judge  
Dated: February 14, 2013

Approved: 

\_\_\_\_\_  
Susan L. Biro, Chief Administrative Law Judge

Dated: 


\_\_\_\_\_

In the ADR Matter of Amerimart Development Company, Inc., Qual-Econ Lease Co., Inc., Commercial Realty Fund, II, MJG Enterprises, Inc., and Clear Alternative of Western NY, Inc., d/b/a G & G Petroleum, Respondents

Docket No. RCRA-02-2012-7501

CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Judge for Litigation** dated February 14, 2013 was sent in the following manner to the addressees listed below.

  
\_\_\_\_\_  
Knolyn R. Jones  
Legal Staff Assistant

Dated: February 14, 2013

Original and One Copy To:

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