

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

2008 SEP 17 PM 1:32

BEFORE THE ADMINISTRATOR


FILED  
EPA REGION VIII  
HEARING CLERK

In the Matter of )  
 )  
U.S. DEPARTMENT OF INTERIOR, ) DOCKET NO. RCRA-08-2008-0004  
BUREAU OF INDIAN EDUCATION, )  
 )  
Respondent )

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

The Report of August 15, 2008 provides that this alternative dispute resolution (ADR) process terminates September 14, 2008. The parties continue to make significant progress toward settlement in this matter, but a final settlement has not been reached.

Although the parties have expended a great deal of effort and time in discussing settlement, the case should now be assigned to a Judge to preside over a litigated resolution of this case. The undersigned expresses her appreciation to the parties for the courtesy and candor with which they participated in the ADR process.

  
Barbara A. Gunning  
Administrative Law Judge  
Dated: September 15, 2008

Approved:   
Susan L. Biro  
Chief Administrative Law Judge

Dated: 9/15/08

**In the ADR Matter of U.S. Department of Interior, Bureau of Indian Affairs, Respondent.  
Docket No. RCRA-08-2008-0004**

CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Judge for Litigation**, dated September 15, 2008, was sent this day in the following manner to the addressees listed below.



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**Dated: September 15, 2008  
Washington, D.C.**