

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

2010 JUL 26 PM 4:42

FILED  
EPA REGION VIII  
HEARING CLERK

IN THE MATTER OF )

47<sup>th</sup> Street Townhomes, LLC, )  
Jordahl Custom Homes, Inc., )  
and )  
Master Construction Co., Inc., )

Respondents. )

) Docket No. CWA-08-2009-0021

) **COMPLAINANT'S**  
) **REQUEST TO RESUME**  
) **ALTERNATIVE DISPUTE**  
) **RESOLUTION**

EPA Region 8, the Complainant in this matter, respectfully requests another Alternative Dispute Resolution (ADR) session with the Hon. Spencer T. Nissen and the Respondents in this matter.

On June 17, 2010, during the parties' first ADR session with Judge Nissen, the parties mentioned a settlement figure. The attorneys agreed to confirm with their respective clients whether they would settle for this amount.

Later on June 17<sup>th</sup>, counsel for EPA notified counsel for Respondents that EPA would accept that amount. Although EPA's counsel received a voice message from one of the attorneys for the Respondents the following week, it is not clear whether the Respondents have accepted this settlement offer. EPA counsel has not received any response from Respondents' attorneys to subsequent emails and telephone messages.

Another ADR session would help clarify the Respondents' settlement position. Consequently, EPA requests that Judge Nissen schedule another ADR session by telephone at

some date on or before August 2, 2010, when ADR is to expire. EPA will be available any time during the week of July 26<sup>th</sup> - 30<sup>th</sup>, except for Tuesday, July 27<sup>th</sup>, between 2:30 pm and 3 pm Eastern time and Wednesday, July 28<sup>th</sup>. EPA is also available any time on Monday, August 2<sup>nd</sup>.

Respectfully submitted,

*Margaret J. (Peggy) Livingston*  
Margaret J. (Peggy) Livingston  
Enforcement Attorney  
Office of Enforcement, Compliance  
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Telephone Number: (303) 312-6858  
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Certificate of Service

The undersigned certifies that on the date indicated below, copies of the preceding Complainant's Request to Resume Alternative Dispute Resolution were sent or delivered to each of the following:

Original and one copy hand delivered to:

Tina Artemis  
Regional Hearing Clerk  
U.S. EPA Region 8  
1595 Wynkoop Street  
Denver, CO 80202

One copy sent by pouch mail to:

Hon. Spencer T. Nissen  
Office of the Administrative Law Judges  
Mail Code 1900L  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-2001

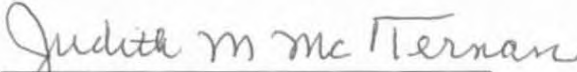
One copy sent by facsimile transmission to

James R. Bullis, Esq.  
Kyle Pender, Esq.  
Fax. No. 701-281-8007

One copy sent by certified mail, return receipt requested to:

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Dated: 7/26/10

  
Judith McTernan