

RECEIVED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 12 OCT 23 AM 8:18

BEFORE THE ADMINISTRATOR

HEARINGS CLERK EPA -- REGION 10


In the Matter of )  
 )  
 EMPIRE LUMBER CO., ) DOCKET NO. CAA-10-2012-0054  
 )  
 )  
 Respondent )

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

The Report of September 14, 2012 provides that this alternative dispute resolution (ADR) process terminates October 17, 2012. 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 parties have not reached an agreement to settle this matter. The parties, however, did successfully use the ADR process to negotiate the framework for a possible settlement. They are encouraged to continue their negotiations to try to conclude a settlement agreement.

Finally, the undersigned expresses her appreciation to the parties for the courtesy and candor with which they participated in the ADR process. Accordingly, the case should now be assigned to a Judge to preside over a litigated resolution of this case.

  
 Barbara A. Gunning  
 Administrative Law Judge  
 Dated: October 17, 2012



Approved: \_\_\_\_\_  
 Susan L. Biro  
 Chief Administrative Law Judge

Dated: 10/17/2012

**In the Matter of *Empire Lumber*, Respondent.  
Docket No. CAA-10-2012-0054**

---

CERTIFICATE OF SERVICE

I certify that copies of the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process**, dated October 17, 2012, issued by Barbara Gunning, Administrative Law Judge, was sent this 17<sup>th</sup> day of October 2012, in the following manner to the addressees listed below.



---

Mary Angeles  
Legal Staff Assistant

Original and One Copy by Regular Mail to:

Candace H. Smith  
Regional Hearing Clerk  
U.S. EPA, Region X, Mail Stop ORC-158  
1200 Sixth Ave., Suite 900  
Seattle, WA 98101

Copy by Regular Mail to:

Shirin Venus, Esq.  
Assistant Regional Counsel  
U.S. EPA, Region X, Mail Stop ORC-158  
1200 Sixth Ave., Suite 900  
Seattle, WA 98101

Copy by Regular Mail to:

Richard A. Du Bey, Esq..  
Jennifer L. Sanscrainte, Esq.  
Short Cressman & Burgess, PLLC  
999 Third Ave., Suite 3000  
Seattle, WA 98104-4088

**Dated: October 17, 2012  
Washington, D.C.**