

2009 MAY -7 PM 3:28

BEFORE THE ADMINISTRATOR

In the Matter of )  
 )  
 CHEMSTATION OF DENVER, ) DOCKET NO. FIFRA-08-2008-0025  
 )  
 )  
 Respondent )

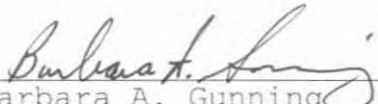
ENVIRONMENTAL  
HEALTH & SAFETY  
CLERK

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

The Order of February 3, 2009 provides that this alternative dispute resolution (ADR) process terminates May 4, 2009. The recommendation of this Report is that the ADR process be terminated as scheduled, and that the case be assigned to a litigation Judge.

The parties have reached a settlement in principle regarding a penalty amount and are currently working to include a Supplemental Environmental Project as a component of the settlement. As such, the parties have not reached a final agreement.

The parties are encouraged to continue expeditiously their negotiations to try to conclude a final settlement agreement.

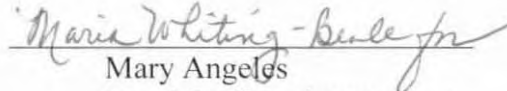
  
 Barbara A. Gunning  
 Administrative Law Judge  
 Dated: May 5, 2009

Approved:   
 Susan L. Biro  
 Chief Administrative Law Judge

Dated: 5/5/09

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Judge for Litigation**, dated May 5, 2009, was sent this day in the following manner to the addressees listed below.

  
Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

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One Copy by Regular Mail to:

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**Dated: May 6, 2009**  
**Washington, D.C.**