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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of)
)
Nelcon, Inc.) DOCKET NO. CWA-08-2012-0025
)
Respondent)

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

The Report of April 11, 2013 provides that this alternative dispute resolution (ADR) process terminates on May 3, 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 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.



M. Lisa Buschmann
Administrative Law Judge
Dated: May 6, 2013

Approved: 

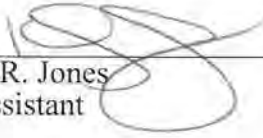
Susan L. Biro
Chief Administrative Law Judge

Dated: May 6, 2013

In the Matter of Nelcon, Inc., Respondent
Docket No. CWA-08-2012-0025

CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Judge for Litigation**, dated May 6, 2013, was sent this day in the following manner to the addressees listed below.



Knolyn R. Jones
Staff Assistant

Dated: May 6, 2013

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