

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY 08 FEB -7 AM 9:04

BEFORE THE ADMINISTRATOR ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARING CLERK

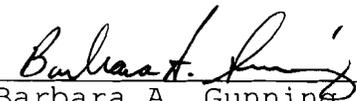
In the Matter of)
)
LOWELL VOS) DOCKET NO. CWA-07-2007-0078
d/b/a LOWELL VOS FEEDLOT,)
)
Respondent)

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

The Order of December 20, 2007 provides that this alternative dispute resolution (ADR) process terminates February 3, 2008. 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 reason for this recommendation is that the parties, after four months of the ADR process, have not reached a settlement. Accordingly, the case should now be assigned to a Judge to preside over a litigated resolution of this case.

The parties did, however, successfully use the ADR process to negotiate the framework for a possible settlement. They are encouraged to continue their negotiations to try to reach a settlement. Finally, 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: February 4, 2008

Approved: 
Susan L. Biro
Chief Administrative Law Judge

Dated: 2/4/08

**In the Matter of *Lowell Voss, d/b/a Lowell Voss Feedlot*, Respondent.
Docket No. CWA-07-2007-0078**

CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Termination of Alternative Dispute**

Original and One Copy by Pouch Mail to:

Kathy Robinson
Regional Hearing Clerk
U.S. EPA, Region VII
901 North 5th Street
Kansas City, KS 66101

Copy by Pouch Mail to:

J. Daniel Breedlove, Esq.
Office of Regional Counsel
U.S. EPA - Region VII
75 Hawthorne Street
San Francisco, CA 94105

Copy by Regular Mail to:

Eldon McAfee, Esq.
Beving, Swanson & Forrest, P.C.
321 E. Walnut St., Suite 200
Des Moines, IA 50309

**Dated: February 4, 2008
Washington, D.C.**