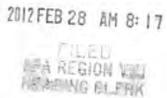
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ADMINISTRATIVE LAW JUDGES

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FAX TRANSMITTAL PAGE

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Case: ADR Morros Constitutes	et al.
Docket No. CW4 - 09-2011- 0039	_
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UNITED STATES 2012 FEB 28 AM 8: 17

FRARING OF FRAN

BEFORE THE ADMINISTRATOR

In the Matter of)
GOWAN CONSTRUCTION, INC.) DOCKET NO. CWA-08-2011-0039
NORTH DAKOTA DEPT. OF	;
TRANSPORTATION,)
)
Respondents)

REPORT RECOMMENDING CONTINUATION OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Chief Administrative Law Judge's Order of January 4, 2012 provides that this alternative dispute resolution (ADR) process terminates March 5, 2012. The recommendation of this Report is that the ADR process be continued for another month, to April 5, 2012.

This continuation of the ADR process is recommended because the parties have agreed to settle this matter, but additional time is needed for the execution and filing of the Consent Agreement and Final Order. The parties are commended for their success in negotiating their agreement.

Barbara A. Gunning

Administrative Law Judge Dated: February 24, 2012

Approved:

Susan L. Biro

Chief Administrative Law Judge

Dated: 2/24/2012

In the ADR Matter of Gowan Construction, Inc., and North Dakota Dept. of Transportation, Respondent.

Docket No. CWA-08-2011-0039

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Report Recommending Continuation of Alternative Dispute Resolution Process, dated February 24, 2012, was sent this day in the following manner to the addressees listed below.

Mary Angeles

Legal Staff Assistant

Original and One Facsimile and Regular Mail to:

Tina Artemis Regional Hearing Clerk U.S. EPA / Region VIII 1595 Wynkoop Street Denver, CO 80202-1129

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One Copy by Facsimile and Regular Mail to:

DeWayne Johnston, Esq. Johnston Law Office 221 South 4th Street Grand Forks, ND 58201

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Dated: February 24, 2012

Washington, D.C.