UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

August 19, 2015

OFFICE OF
THE ADMINISTRATIVE
LAW JUDGES

Amy Swanson
Senior Enforcement Attorney
U.S. EPA (8ENF-L)
1595 Wynkoop Street
Denver, CO 80202-1129

Christopher R. Schraff, Esquire
Porter Wright Morris & Arthur LLP
41 South High Street
Columbus, OH 43215-6194

Mark L. Stermitz, Esquire
Gregory F. Dorrington, Esquire
Crowley Fleck, PllP
305 South 4th Street East, Suite 100
Missoula, MT 59801

Stephen Stockdale, Esquire
Tolliver Law Group
1004 Division Street
Billings, MT 59101

Karen L. Dunnigan, Attorney
Bryan P. Wilson, Attorney
Unites States Department Of The Interior
Office of the Solicitor
Billings Field Office
2021 4th Avenue North, Suite 112
Billings, MT 59101

Re: The U.S. Bureau of Reclamation, National Electric Coil,
Environmental Contractors, LLC, and CTA Construction
And Environmental, LLC
Docket No. CAA-08-2015-0014

Printed on Recycled Paper

Dear Ms. Swanson, Mr. Schraff, Mr. Dorrington, Mr. Tolliver, Ms. Dunningan, and Mr. Wilson:

This Office, the Office of Administrative Law Judges, offers an Alternative Dispute Resolution (ADR) process to facilitate the settlement of adjudicative cases. Please inform my legal staff assistant, Maria Whiting-Beale by **September 2, 2015**, as directed below, whether you accept or decline this offer to participate in ADR in an effort to settle the above cited case. The ADR process will be conducted pursuant to the Administrative Dispute Resolution Act of 1996, as amended, 5 U.S.C. §§ 571-584, by a Judge of this Office serving as a neutral. The process will be entirely voluntary and completely confidential; both of these points, together with general procedures, are reviewed below.

Voluntary. Both EPA and Respondent(s) must elect to participate in ADR. The choice to use or not to use ADR does not prejudice either party. If ADR is utilized, either party may terminate the ADR process at any time.

Confidential. The ADR process will be conducted in a confidential manner, in accordance with Section 574 of the Administrative Dispute Resolution Act of 1996. The Judge who serves as the neutral will not disclose to anyone the contents of any of the parties' ADR communications.

Initial Procedures and Method. A Judge in this Office will serve as a neutral. The ADR Judge will ordinarily begin by arranging a telephone conference with the parties to establish procedures. The parties are encouraged to discuss their expectations of the ADR process with the neutral Judge. As a general practice, our Office offers mediation as the method of ADR. The neutral Judge, as mediator, hears each party's position and arguments, either in writing, orally or both, may ask the parties questions, may request the parties submit documents or other information, helps identify the factual and legal issues, enables each party to understand the other party's position and arguments, keeps the focus on the facts and issues that may lead toward settlement, and helps the parties explore their options, including practical concerns, to assist in reaching a settlement. At the parties' request, the neutral Judge may offer an opinion as to the strengths and/or weaknesses of a case and/or defenses, however the decision to do so, and whether to deliver the opinion in writing or orally, is entirely within the discretion of the neutral Judge. If the neutral Judge does offer an opinion, the parties may elect to discuss it with the neutral Judge separately or in conjunction with the other party or parties.

Authorization to Commit. For the ADR process to be effective, the persons communicating with the neutral Judge must either have authority to commit his or her side to a settlement, or have ready access to a person with such authority.

Method of Communication. All ADR discussions and conferences are held by telephone, except where the parties can demonstrate, and the neutral Judge agrees, that an in-person or video settlement conference, or that a visit to the facility by the parties and the neutral Judge, is necessary.

Non-Binding. The neutral Judge has no authority to impose a decision or settlement of the case on the parties. The purpose of ADR is to facilitate a settlement between the parties.

Impartial. The neutral Judges, like all Judges in this Office, render their decisions and opinions independent of any supervision or direction by any prosecuting or investigating employee or agent of the Environmental Protection Agency, and independent of the influence of any interested person outside the Agency, pursuant to Sections 554(d) and 557 of the Administrative Procedure Act. The Judges are certified as administrative law judges by the Office of Personnel Management and are appointed in accordance with 5 U.S.C. § 3105. The Judges are not subject to evaluation by the Environmental Protection Agency, or by any component or employee of EPA. These measures ensure the fair and impartial resolution of proceedings before this Office.

Duration. Unless terminated earlier by either party, the ADR process will continue for 60 days from the date the case is assigned to the neutral Judge. After that time, if no settlement has been reached, the case will be assigned to another Judge to commence the litigation process.

Follow-Up. At the termination of the ADR process, I will send the parties a questionnaire to elicit their views and experience with the process. The contents of individual questionnaires will be kept confidential and will be made available to the neutrals and others only in a composite format.

Again, please inform Ms. Maria Whiting-Beale by **September 2, 2015**, whether you elect to participate in the ADR process that I have described. It is preferred that you email Ms. Whiting-Beale at whiting-beale.maria@epa.gov or send a facsimile to (202) 565-0044, however, you may also inform her by calling this Office at (202) 564-6271 and leaving a message for her, or by mailing a letter that will be received in this Office on or before the due date. The Office's mailing address is:

U.S. EPA
Office of the Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

For hand-delivery by Federal Express or another delivery service that x-rays their packages as a routine security procedure, the address is:

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Ronald Reagan Building, Rm. M1200
1300 Pennsylvania Avenue, NW
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Your email, fax, letter or phone message must state: (1) your name and phone number; (2) the name(s) of the respondent(s) named in the complaint; (3) the case docket number; (4) the name of the party you represent; and (5) whether you elect to participate in ADR. You may also inform Ms. Whiting-Beale as to whether another party in the case elects ADR, if that party has requested that you convey its choice on its behalf. In that event, your correspondence must also state: (1) the name and telephone number of the

person who requested you to convey the message; (2) the name of the party represented by that person; and (3) whether that party elects ADR.

If you have another party convey your choice regarding ADR, then you should confirm, on or before the due date stated herein, that this Office has received the message.

If no response is received in this Office by the deadline from you or another party on your behalf, it will be assumed that you **do not** wish to participate in ADR and the case will be assigned immediately to a Judge for litigation. **No extension of the deadline for deciding whether you wish to participate in ADR will be granted**. However, ADR may be available later in the litigation process upon joint motion of all parties to initiate ADR, which may be granted at the sole discretion of the presiding litigation Judge.

Please note that pursuant to an official EPA pilot program, rather than filing all documents with the Regional Hearing Clerk as specified in 40 C.F.R. § 22.5(a), **all documents and correspondence filed in this matter shall be filed with the Headquarters Hearing Clerk** at the following address: Sybil Anderson, Headquarters Hearing Clerk, Office of Administrative Law Judges, 1200 Pennsylvania Avenue, N.W., Mail Code 1900R, Washington, D.C. 20460. If filings are sent by commercial carriers, such as UPS and Fedex, or hand-delivered, the following physical address should be used: Ronald Reagan Building, Rm. M1200, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20004. The Regional Hearing Clerk may properly reject any documents that a party attempts to file in the Regional Office while this matter is before the Administrative Law Judge.

Very truly yours,

Susan L. Biro
Chief Administrative Law Judge

cc: Sybil Anderson, Headquarters Hearing Clerk

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Re: The U.S. Bureau of Reclamation, National Electric Coil,
Environmental Contractors, LLC, and CTA Construction
And Environmental, LLC
Docket No. RCRA-08-2015-0002

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Susan L. Biro
Chief Administrative Law Judge

cc: Sybil Anderson, Headquarters Hearing Clerk