

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

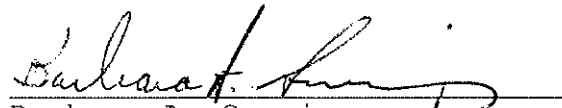
In the Matter of)
)
ASNAT REALTY, LLC and) DOCKET NO. TSCA-01-2011-0125
EVERGREEN POWER, LLC,)
)
)
Respondents)

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

The Report of July 13, 2012 provides that this alternative dispute resolution (ADR) process terminates August 30, 2012. 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 several months of the ADR process, have agreed upon a civil administrative penalty to settle the charges raised in the Complaint in this matter but have not reached a final agreement. Region 1 seeks additional conditions concerning site remediation to be met by Respondent as part of the Consent Agreement. Accordingly, the case should now be assigned to a Judge to preside over a litigated resolution of this case.

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: September 19, 2012

Approved: _____
Susan L. Biro
Chief Administrative Law Judge

Dated: 9/19/2012

**In the ADR Matter of *ASNAT Realty, LLC and Evergreen Power, LLC*, Respondent.
Docket No. TSCA-01-2011-0125**

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 September 19, 2012, was sent this day in the following manner to the addressees listed below.



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**Dated: September 19, 2012
Washington, D.C.**