

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of)	
)	
Tony L. Brown and Joshua A. Brown,)	Docket No. CWA-07-2016-0053
d/b/a Riverview Cattle)	
)	
Respondent.)	
_____)	

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

The Report of October 19, 2016 provides that this alternative dispute resolution (“ADR”) process terminates on November 7, 2016. The recommendation of this Report is that the ADR process be terminated as scheduled, 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 discussed a possible settlement, which includes a Supplemental Environmental Project (“SEP”), but have not yet reached a final agreement. Accordingly, the case should now be assigned to a Judge to preside over a litigated resolution of this case.

However, the parties 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 their final settlement agreement and SEP. Finally, I express my appreciation to the parties for the courtesy and candor with which they participated in the ADR process.



M. Lisa Buschmann
Administrative Law Judge
Dated: November 7, 2016

Approved:  _____
Susan L. Biro
Chief Administrative Law Judge

Dated: November 7, 2016

In the Matter of *Tony L. Brown and Joshua A. Brown, d/ba/ Riverview Cattle*, Respondents.
Docket No. CWA-07-2016-0053

Certificate of Service

I hereby certify that copies of the foregoing Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Judge for Litigation, dated November 7, 2016, were sent to the following in the manner indicated.



Mary Angeles
Paralegal Specialist

Original by Hand Delivery

Mary Angeles
Headquarters Hearing Clerk
U.S. EPA / Office of Administrative Law Judges
Mail Code 1900R
1200 Pennsylvania Ave., NW
Washington, DC 20460

Copy By Electronic and Regular Mail To:

Howard Bunch, Esq.
Assistant Regional Counsel
U.S. EPA, Region VII
11201 Renner Boulevard
Lenexa, KS 66219
Email: bunch.howard@epa.gov

Eldon L. McAfee, Esq.
Brick Gentry, P.C.
6701 Westown Parkway, Suite 100
West Des Moines, IA 50266
Email: eldon.mcafee@brickgentrylaw.com

Dated: November 7, 2016
Washington, D.C.