



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

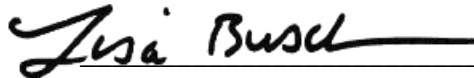
In the Matter of)
)
Marina PDR Operations, LLC,) Docket No. CWA-02-2017-3452
)
Respondent.)
_____)


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

The Chief Administrative Law Judge’s Order of December 27, 2016, provides that this alternative dispute resolution (“ADR”) process terminates February 27, 2017. 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 one of the parties has elected to withdraw from the ADR process and to proceed to litigation.

Both parties made good faith efforts in the ADR process to negotiate a framework for a possible settlement. They are encouraged to continue their negotiations to try to conclude a final settlement agreement. I would like to express my appreciation to the parties for the courtesy, professionalism and candor with which they participated in the ADR process.

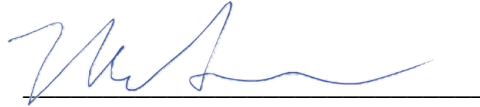

M. Lisa Buschmann
Administrative Law Judge
Dated: February 27, 2017

Approved: _____

Susan L. Biro
Chief Administrative Law Judge
Dated: February 27, 2017

In the Matter of *Marina PDR Operations, LLC*, Respondent.
Docket No. CWA-02-2017-3452

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 February 27, 2017, 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:

Evelyn Rivera-Ocasio, Esq.
Assistant Regional Counsel
ORC, U.S. EPA, Region II – Caribbean Team
Caribbean Environmental Protection Division
City View Plaza 2, Suite 7000
#48 Rd. 165 km 1.2
Guaynabo, PR 00968-8069
Email: rivera-ocasio.evelyn@epa.gov
For Complainant

Edwin R. Cruz, Esq.
Doira Diaz-Rivera, Esq.
Pietrantonio Mendez & Alvarez, LLC
Popular Center, 19th Floor
208 Ponce de Leon Avenue
San Juan, PR 00918
Email: ecruz@pmalaw.com
Email: ddiaz@pmalaw.com
For Respondent

Dated: February 27, 2017
Washington, D.C.