

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

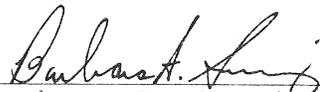
In the Matter of)
)
AMEX, INC.,) DOCKET NO. RCRA-01-2007-0153
)
)
Respondent)

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

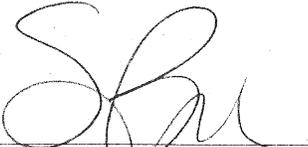
The Report of January 30, 2008 provides that this alternative dispute resolution (ADR) process terminates March 28, 2008. The recommendation of this Report is that the ADR process be terminated, and that the case be assigned to a Judge for resolution through litigation.

The reason for this recommendation is that the parties, after four months of the ADR process, have not reached an agreement to settle this matter. The parties, however, 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 a final settlement agreement.

Finally, the undersigned expresses her appreciation to the parties for the courtesy and candor with which they participated in the ADR process. Accordingly, the case should now be assigned to a Judge to preside over a litigated resolution of this case.



Barbara A. Gunning
Administrative Law Judge
Dated: March 28, 2008

Approved: 

Susan L. Biro
Chief Administrative Law Judge

Dated: 3/31/08

**In the ADR Matter of *Amex, Inc.*, Respondent.
Docket No. RCRA-01-2007-0153**

CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process**, dated March 28, 2008, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA / Region I
One Congress Street, Ste. 1100
Boston, MA 02114-2023

One Copy by Facsimile and Pouch Mail to:

Amelia Katzen, Esq.
Sr. Enforcement Counsel
U.S. EPA, Reg. I
One Congress Street, Ste.
Boston, MA 02114-2023
Fx: 617.918.1869

One Copy by Facsimile and Regular Mail to:

Barry P. Fogel, Esq.
Keegan Werlin, LLP
265 Franklin Street
Boston, MA 02110
Fx: 617.951.1354

**Dated: March 31, 2008
Washington, D.C.**

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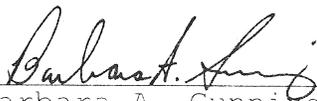
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