



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

\_\_\_\_\_  
In the Matter of: )  
 )  
New York State )  
Department of Transportation, )  
 )  
Respondent. )  
\_\_\_\_\_

Docket No. CWA-02-2016-3403

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

The Report of April 14, 2017 provides that this alternative dispute resolution (“ADR”) process terminates June 12, 2017. The recommendation of this Report is that the ADR process be terminated as scheduled, and that the case be assigned to another judge for resolution through litigation.

The parties in this matter have not yet reached an agreement to settle the 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, I would like to express my appreciation to the parties for the courtesy, professionalism and candor with which they participated in the ADR process. Accordingly, the case should now be assigned to a Judge to preside over a litigation resolution of this case.

\_\_\_\_\_  
M. Lisa Buschmann  
Administrative Law Judge  
Dated: June 13, 2017

Approved:


\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: June 13, 2017

In the Matter of *New York State Department of Transportation*, Respondent.  
Docket No. CWA-02-2016-3403

### 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 June 13, 2017, and issued by Administrative Law Judge M. Lisa Buschmann, was sent this day to the following parties in the manner indicated below.

  
\_\_\_\_\_  
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Dated: June 13, 2017  
Washington, D.C.