

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of)	
)	
Columbia Gas Transmission, LLC,)	Docket No. CWA-03-2012-0078
)	Docket No. CWA-03-2012-0130
)	
Respondent)	

**ORDER OF CONSOLIDATION AND ORDER APPOINTING NEUTRAL
FOR ALTERNATIVE DISPUTE RESOLUTION**

The Complaints in Docket Nos. CWA-03-2012-0078 and CWA-03-2012-0130 were filed on June 29, 2012, and Respondent filed Answers in both cases on August 2, 2012.

By Order dated September 4, 2012, the undersigned designated Judge Barbara A. Gunning as a neutral to conduct an alternative dispute resolution (“ADR”) process in Docket No. CWA-03-2012-0078. On November 19, 2012, the parties filed a Joint Motion for Consolidation with Docket No. CWA-03-2012-0130 (“Motion”), pursuant to Rule 22.12 (40 C.F.R. § 22.12). The Motion states that both these cases involve the same parties, both cases are captioned as Proceedings to Assess Class II Penalty under Section 309(g)(2)(B) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(B), and both cases involve “some similar facts and overlapping potential witness and other evidence.” Mot. at 1. Further, the Motion states that “[n]o party will be adversely affected by consolidation,” *Id.*, and “[c]onsolidation will expedite and simplify the consideration of both factual and legal issues....” Mot, at 2.

Responding to this Motion, on November 21, 2012, Judge Gunning issued an Order Returning Case to Chief Administrative Law Judge, so that the undersigned can rule on the pending Motion. Judge Gunning’s Order also recommends that the ADR process be continued for another month, to December 28, 2012. Thus, on November 21, 2012, the undersigned issued an Order of Designation designating the undersigned to preside in the proceeding identified as Docket No. CWA-03-2012-0078.

As the Motion satisfies all the requirements specified in Rule 22.12(a), the Motion is hereby **GRANTED** and the two above-captioned cases are hereby **CONSOLIDATED**. Furthermore, both cases are hereby assigned to Judge Barbara A. Gunning for ADR, according to the terms of my Order dated September 4, 2012. Additionally, the ADR period is hereby extended to **December 28, 2012**.

SO ORDERED.



Susan L. Biro
Chief Administrative Law Judge

Dated: November 27, 2012
Washington, D.C.

In the Matter of Columbia Gas Transmission, LLC, Respondent
Docket Nos. CWA-03-2012-0078 & CWA-03-2012-0130

CERTIFICATE OF SERVICE

I certify that the foregoing **Order Of Consolidation And Order Appointing Neutral For Alternative Dispute Resolution**, dated November 27, 2012, was sent this day in the following manner to the addressees listed below:



Maria Whiting-Beale
Staff Assistant

Dated: November 27, 2012

Original And One Copy To:

Sybil Anderson
Headquarters Hearing Clerk
U.S. EPA
Mail Code 1900L
1200 Pennsylvania Avenue, NW
Washington, DC 20460-2001

Copy By Regular Mail To:

Stefania D. Shamet, Esquire
Assistant Regional Counsel (3RC20)
U.S. EPA
1650 Arch Street
Philadelphia, PA 19103-2029

Jane E. Montgomery, Esquire
Schiff Hardin, LLP
233 S. Wacker Drive, Suite 6600
Chicago, IL 60606