



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

In the Matter of: )  
)  
Brenntag Northeast, Inc. ) Docket No. RCRA-03-2015-0240  
) CWA-03-2015-0240  
Respondent )

**ORDER GRANTING COMPLAINANT’S MOTION TO AMEND COMPLAINT,  
REINITIATING ALTERNATIVE DISPUTE RESOLUTION, AND REAPPOINTING  
NEUTRAL**

On November 17, 2015, I issued an order initiating Alternative Dispute Resolution (ADR) pursuant to the request of the parties, and designating Judge Barbara A. Gunning as a neutral to conduct the process. On December 24, 2015, following the recommendation of Judge Gunning, I issued an order continuing the ADR process and setting a new termination date of February 17, 2016.

On January 27, 2016, the Agency filed an unopposed motion seeking to amend its complaint. The motion states that the parties have reached agreement on a settlement through the ADR process, and that the Agency therefore wishes to withdraw several counts from its original complaint and to alter its proposed penalty.

The Rules of Practice (“Rules”) governing this proceeding state that once an answer has been filed, “the complainant may amend the complaint only upon motion granted by the Presiding Officer.” 40 C.F.R. § 22.14(c). As this motion is unopposed, and this tribunal favors settlement as the means of resolving disputes, the Agency’s motion to amend the complaint is hereby **GRANTED**.

As I understand the parties to be preparing a Consent Agreement and Final Order reached through the ADR process, I am also reassigning the case to ADR, and redesignating Judge Gunning as neutral. The previous termination date of February 17, 2016 will remain in effect.

**SO ORDERED.**

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Susan L. Biro  
Chief Administrative Law Judge

Date: February 1, 2016  
Washington, D.C.

In the Matter of Brenntag Northeast Inc Respondent  
Docket No RCRA-03-2015-0240  
Docket No CWA-03-2015-0240

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order Granting Complaint's Motion to Amend Complaint, Reinitiating Alternative Dispute Resolution and Reappointing Neutral**, issued by Chief Administrative Law Judge Susan L. Biro dated February 1, 2016, was served on this day to the addresses indicated below:

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Paralegal

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Dated: February 1, 2016  
Washington, DC