

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

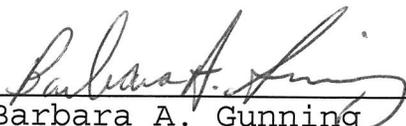
In the Matter of )  
)  
ALBUQUERQUE BERNALILLO ) DOCKET NO. CWA-06-2015-1777  
COUNTY WATER UTILITY )  
AUTHORITY, )  
)  
Respondent )

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

The Order of November 19, 2015 provides that this alternative dispute resolution (ADR) process terminates Decemeber 21, 2015. The recommendation of this Report is that the ADR process be terminated and that the case be assigned to a litigation Judge.

In an Unopposed Status Report filed January 22, 2016, the parties state that they have reached a settlement in principle which includes a Supplemental Environmental Project ("SEP") proposed by Respondent and that they have agreed to the language of a Consent Agreement and Final Order which includes the SEP. However, another entity, who is not a party, has claimed it was affected by Respondent's discharge and would like to provide input on the settlement. As such, the parties have not reached a final agreement.

The parties are encouraged to continue expeditiously their negotiations to try to conclude a final settlement agreement.

  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge  
Dated: January 28, 2016

Approved: \_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge  
Dated: January 28, 2016  
\_\_\_\_\_

In the Matter of *Albuquerque Bernalillo County Water Utility Authority*, Respondents.  
Docket No. CWA-06-2015-1777

**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, issued by Barbara Gunning, Senior Administrative Law Judge, on this 28th day of January 2016, were sent to the following in the manner indicated.



---

Mary Angeles  
Paralegal Specialist

Original and One Copy by Hand Delivery

Sybil Anderson  
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:

Ellen Chang-Vaughan, Esq.  
Assistant Regional Counsel (6RC-EW)  
U.S. EPA, Region VI  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733  
chang-vaughan.ellen@epa.gov

Charles W. Kolberg, Esq.  
General Counsel  
Albuquerque Bernalillo County Water Utility Authority  
P.O. Box 568  
Albuquerque, NM 87103  
ckolberg@abcwua.org

**Dated: January 28, 2016**  
**Washington, D.C.**