



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 CONTINUATION OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Chief Administrative Law Judge's Order of February 8, 2017 provides that this alternative dispute resolution (ADR) process terminates April 10, 2017. The recommendation of this report is that the ADR process be continued for two months until June 12, 2017.

The continuation of the ADR process is recommended because the parties' negotiations are ongoing. Furthermore, during the initial teleconference with the parties held on 3/2/17, Respondent's counsel gave notice that she will be on maternity leave until mid-May and unable to participate in ADR until then. The parties' chances of achieving a settlement are sufficient to justify continuation of ADR for two months, or until June 12, 2017. Counsel for Respondent stated that she has no alternate counsel to represent New York State Department of Transportation during her absence.

Accordingly, I will continue to work as a Neutral in this case and will file another report with the Chief Administrative Law Judge by June 12, 2017 unless otherwise directed by her.

[Handwritten signature of Lisa Buschmann]

M. Lisa Buschmann
Administrative Law Judge
Dated: April 14, 2017


Approved: [Handwritten signature of Susan L. Biro]
Susan L. Biro
Chief Administrative Law Judge

Dated: April 14, 2017

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Report Recommending Continuation of Alternative Dispute Resolution Process**, dated April 14, 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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Paralegal Specialist

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Dated: April 14, 2017
Washington, D.C.