



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY BEFORE THE ADMINISTRATOR

2015 MAR 19 AM 11:21

In the Matter of)
Pacific Air Research, Inc.,)
Respondent)

Docket No. FIFRA-10-2014-0141

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

The Chief Administrative Law Judge's ("Chief Judge's") Order of November 18, 2014 provided that this alternative dispute resolution ("ADR") process terminate on January 17, 2015. In a Report Recommending Continuation of Alternative Dispute Resolution Process, dated January 13, 2015, I recommended, and the Chief Judge approved, continuation of the ADR process, until February 17, 2015, since the parties expressed a desire to pursue further settlement discussions and negotiations were ongoing. Following a joint session on February 4, 2015, the parties expressed that they reached agreement in this matter. Since the parties needed additional time to file a fully executed Consent Agreement and Final Order ("CAFO"), I recommended, and the Chief Judge approved, continuation of the ADR process for one final month, until March 16, 2015.

The parties have represented that they reached final agreement on the terms of settlement and are currently awaiting signatures of the CAFO. It is my recommendation, therefore, that the assigned litigation judge hold this case in abeyance for a few weeks to afford the parties additional time to finalize settlement before having to expend resources in preparation for a hearing. I have made the parties aware of the usefulness in providing status reports to the assigned litigation judge regarding their progress toward final settlement of this matter.

I commend the parties for their efforts toward settlement and I appreciate the courtesy and candor with which they participated in the ADR process.

Christine Donelian Coughlin
Christine Donelian Coughlin
Administrative Law Judge

Dated: March 19, 2015

S. Biro

Approved:

Susan L. Biro
Chief Administrative Law Judge

Dated:

3/19/15

In the Matter of *Pacific Air Research, Inc*
Docket No. FIFRA-10-2014-0141

Certificate of Service

I hereby certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process and Assignment of a Litigation Judge** issued by Administrative Law Judge Christine D. Coughlin, on this 19th day of March 2015, was sent to the following, in the manner indicated.



Mary Angeles
Lead Legal Staff Assistant

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

One Copy by Electronic and Regular Mail to:

Juliane Matthews, Esq.
Associate Regional Counsel
U.S. EPA, Region X
Mail Stop ORC - 158
1200 Sixth Ave., Suite 900
Seattle, WA 98101
Email: matthews.julie@epa.gov

One Copy by Electronic and Regular Mail to:

Stuart W. Smith, Esq.
Thomas E. Miller, Esq.
Miller & Associates
5005 SW Meadows Road, Suite 405
Lake Oswego, OR 07035
Email: stuartsmith@millerandassociatesavn.com

Issued: March 19, 2015
Washington, D.C.