

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

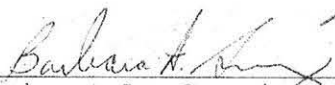
In the Matter of )  
)  
ROBINSON CONCRETE, INC. d/b/a ) DOCKET NO. CWA-02-2009-3404  
FRANKLIN STREET READY MIX )  
FACILITY, ROBINSON CONCRETE, )  
INC. FRANKLIN STREET PIT SAND )  
AND GRAVEL MINE, and VITALE )  
READY MIX CONCRETE, INC., )  
)  
Respondent )


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

The Report of January 21, 2010 provides that this alternative dispute resolution (ADR) process terminates February 15, 2010. The parties continue to make significant progress toward settlement in this matter. Nonetheless, the Consent Agreement and Final Order have not been executed.

Therefore, I am recommending to the litigation judge that the parties, who have expended a great deal of effort and time in negotiating this settlement, be afforded additional time to finalize their settlement before the litigation process is initiated.

The undersigned expresses her appreciation to the parties for the courtesy and candor with which they participated in the ADR process.

  
\_\_\_\_\_  
Barbara A. Gunning  
Administrative Law Judge  
Dated: February 18, 2010

  
Approved: \_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

Dated: 2/18/2010

**In the ADR Matter of *Robinson Concrete, Inc., d/b/a Franklin Street Ready Mix Facility, Robinson Concrete, Inc., Franklin Street Pit Sand and Gravel Mine, and Vitale Ready Mix Concrete, Inc., Respondent.***

**Docket No. CWA-02-2009-3403**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process**, dated February 18, 2010, was sent this day in the following manner to the addressees listed below.



---

Mary Angeles  
Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Karen Maples  
Regional Hearing Clerk  
US EPA, Region II  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

One Copy by Pouch Mail to:

Melva J. Hayden, Esq.  
Office of Regional Counsel  
U.S. EPA, Region II  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866

One Copy by Regular Mail to:

Amy K. Kendall, Esq.  
Hiscock & Barclay, LLP  
2000 HSBC Plaza  
100 Chestnut Street  
Rochester, NY 14604

**Dated: February 18, 2010**  
**Washington, D.C.**