



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

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In the Matter of:)
)
UTA of KJ, Inc.,) Docket No. CWA-02-2014-3401
)
Respondent.)
)

**ORDER ON JOINT MOTION TO MOVE CASE
TO ALTERNATIVE DISPUTE RESOLUTION**

On September 8, 2014, the U.S. Environmental Protection Agency (“Agency”), Region 2 (“Complainant”), initiated this proceeding by filing an Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing (“Complaint”) against UTA of KJ, Inc. (“Respondent”). Through its counsel, Respondent filed an Answer with Affirmative Defenses (“Answer”) on October 1, 2014.

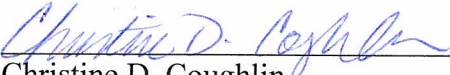
By letter dated October 3, 2014, the Agency’s Office of Administrative Law Judges (“OALJ”) invited the parties to participate in the Alternative Dispute Resolution (“ADR”) process offered by the OALJ. As the record reflects, the parties agreed to request an extension of the deadline by which they were required to respond to the invitation to engage in ADR on account of Respondent’s representative being out of the country and unable to respond until after the deadline had passed.¹ However, by email dated November 13, 2014, the OALJ notified the parties that such an extension would not be granted and that the case would be assigned to an Administrative Law Judge for adjudication. Thereafter, I was designated to preside over this proceeding.

On November 25, 2014, a staff attorney from the OALJ informed counsel for Complainant that the ADR process could still be available upon joint motion of the parties to initiate the process. Subsequently, Complainant filed a Joint Motion to Move Administrative Enforcement Case to Alternative Dispute Resolution (“Joint Motion”), in which the parties request that I issue an order allowing the case to move to ADR. In consideration of the parties’

¹ The letter directed the parties to respond to the invitation to engage in ADR by December 2, 2014. However, by subsequent letter dated October 27, 2014, the parties were directed to respond by November 10, 2014.

desire to participate in ADR and the circumstances preventing them from opting into the process earlier, the Joint Motion is **GRANTED**. Accordingly, I am returning this case to the Chief Administrative Law Judge for assignment of a neutral to preside over the ADR process.

SO ORDERED.



Christine D. Coughlin
Administrative Law Judge

Dated: December 18, 2014
Washington, D.C.

**In the Matter of *UTA of KJ, Inc.*, Respondent.
Docket No. CWA-02-2014-3401**

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Order on Joint Motion to Move Case to Alternative Dispute Resolution**, dated December 18, 2014, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Lead Legal Assistant

Original and One Copy by Hand Delivery to:

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**Dated: December 18, 2014
Washington, D.C.**