



**Issue Date: 14 July 2005**

CASE NO. 2004-SWD -00003

*In the Matter of:*

**Steve and Virginia Wallace,**  
Complainants,

vs.

**CH2M Hill Group, Inc.,**  
Respondent.

### **Recommended Decision And Order Approving Settlement Agreement**

This proceeding arises from a complaint filed with the Department of Labor against CH2M Hill Group, Inc., that made claims under the following statutes, as they have been amended: Section 7001 of the Solid Waste Disposal Act of 1976, 42 U.S.C. § 6971; Section 10 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9610; Section 211 of the Energy Reorganization Act of 1974, 42 U.S.C. § 5851; Section 23 of the Toxic Substances Control Act of 1976, 42 U.S.C. § 2622; and Section 322 of the Clean Air Act Amendments of 1977, 42 U.S.C. § 7622. A request for hearing was filed seeking review of the conclusions the Department reached in its investigation. *See*, the report dated August 10, 2004.

On July 14, 2005, the parties submitted a confidential settlement agreement for approval, executed by all parties to this litigation, and a memorandum of points and authorities supporting their approval request. They agree that the settlement documents include confidential commercial information that entitles CH2M Hill Group, Inc. to pre-disclosure notification if the agreement becomes the subject of a Freedom of Information Act request. Review of the agreement and its supporting memorandum leads me to make these findings:

- 1) The settlement agreement appears to be fair, adequate and reasonable on its face, and to effectuate the purposes and policies of the statutes under which it arises;
- 2) This Decision and Order shall have the same force and effect as one made after a full hearing on the merits;
- 3) The entire record on which this Decision and Order is based consists of the Complaint, the report of the Department's investigation dated August 10, 2004 and the Confidential Settlement agreement of the parties; and,

- 4) The parties are deemed to waive any further procedural steps before the Office of Administrative Law Judges or the Secretary of Labor, as appropriate, regarding the matters which are the subject of their settlement agreement.

Based on these findings, it is ordered that:

1. The settlement agreement shall be sealed in this case file, and treated as confidential commercial information; it shall not be disclosed without providing CH2M Hill Group, Inc. the opportunity to object to its disclosure under 29 C.F.R. § 70.26 (2004);
2. The settlement agreement is approved by the Secretary of Labor and shall be implemented by the parties ; and
3. The Complaint in this matter is dismissed with prejudice.

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William Dorsey  
Administrative Law Judge

NOTICE: Under 29 C.F.R. § 24.8, this Recommended Decision and Order becomes the final order of the Secretary of Labor unless a timely petition for review is filed with the Administrative Review Board, United States Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210. A review petition is timely if it is received by the Administrative Review Board within ten business days of the date of this Recommended Decision and Order, and served on all parties and on the Chief Administrative Law Judge. *See*, 29 C.F.R. §§ 24.7(d) and 24.8.