



In the Matter of:

**DENNIS MCQUADE, COMMIE R. BYRUM,
VIRGINIA JOHNSON, and KENNETH WARDEN,**

**ARB CASE NOS. 01-093
01-094**

COMPLAINANTS,

**ALJ CASE NOS. 99-CAA-7
99-CAA-8
99-CAA-9
99-CAA-10**

v.

**OAK RIDGE OPERATIONS OFFICE,
U.S. DEPARTMENT OF ENERGY,**

DATE: November 28, 2001

RESPONDENT.

BEFORE: THE ADMINISTRATIVE REVIEW BOARD^{1/}

Appearances:

For the Complainants:

Loring E. Justice, Esq., *Whelchel, May & Associates, Knoxville, Tennessee*

For the Respondent:

Ivan Boatner, Esq., *U.S. Department of Energy, Oak Ridge, Tennessee*

**ORDER APPROVING JOINT MOTION TO DISMISS
AND SETTLEMENT AGREEMENT**

A Department of Labor Administrative Law Judge (ALJ) issued a recommended decision in this case arising under the employee protection provisions of seven environmental statutes,^{2/} finding in favor of the Complainants (Dennis McQuade, Commie R. Byrum, Virginia Johnson, and Kenneth Warden) on most issues and against Respondent Oak Ridge Operations Office, U.S.

^{1/} This appeal has been assigned to a panel of two Board members, as authorized by Secretary's Order 2-96. 61 Fed. Reg. 19,978 §5 (May 3, 1996).

^{2/} The Toxic Substances Control Act, 15 U.S.C. §2622 (1994)(TSCA); the Water Pollution Prevention and Control Act, 33 U.S.C. §1367 (1994)(WPCA); the Safe Drinking Water Act, 42 U.S.C. §300j-9(i) (1994)(SDWA); the Solid Waste Disposal Act, 42 U.S.C. §6971 (1994)(SWDA); the Clean Air Act, 42 U.S.C. §7622 (1994)(CAA); the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §9610 (1994)(CERCLA) and the Energy Reorganization Act, 42 U.S.C. §5851 (1995)(ERA)(collectively, "the environmental statutes").

Department of Energy (DOE). *McQuade v. Oak Ridge Operations Office*, ALJ Nos. 1999-CAA-00007, 1999-CAA-00008, 1999-CAA-00009, 1999-CAA-00010 (July 31, 2001). Both the Complainants and the Respondent appealed various aspects of the ALJ's recommended decision to the Administrative Review Board.

Complainants and Respondent subsequently entered into a Settlement Agreement intended to resolve the case and filed a Joint Motion to Dismiss and for Approval of Settlement Agreement with the Board. Shortly thereafter, the parties filed a Joint Stipulation amending the settlement agreement "in an effort to make the settlement conform to existing law . . ." Joint Stipulation of the Parties at 1.

We find the agreement, as amended, to be a fair, adequate and reasonable settlement of the complaint. Accordingly, we **APPROVE** the agreement and **DISMISS** the appeals.

SO ORDERED.

PAUL GREENBERG

Chair

CYNTHIA L. ATTWOOD

Member