

Washington Navy Yard Case

Location: District of Columbia

Background

This case involved a multi-party dispute over a National Pollutant Discharge Elimination System (NPDES) storm water permit for the Washington, D.C., Navy Yard issued by the Environmental Protection Agency (EPA). The U.S. Navy appealed the permit alleging that certain permit conditions involving effluent limits, monitoring parameters and frequency, and additional study requirements, were based on erroneous findings of fact or conclusions of law. The Anacostia Watershed Society (AWS), represented by the Earthjustice Legal Defense Fund, also appealed the permit.

The U.S. Institute for Environmental Conflict Resolution (U.S. Institute) convened the parties at the request of the Navy and helped negotiate the selection of a mediator and the agreement to mediate. The alternative dispute resolution technique used for this process was a formal mediation. The parties chose John Bickerman, an attorney-mediator from the National Roster of Environmental Practitioners maintained by the U.S. Institute. Bickerman mediated the case through a series of individual and joint sessions among the parties.

Highlights/Innovation

The Navy's Alternative Dispute Resolution (ADR) team, including Rear Admiral Christopher Weaver, Commandant, Naval District Washington, believes this case positively demonstrates *"the win-win possibilities of cooperative environmental conflict resolution and is squarely in line with environmental stewardship."*



Results and Accomplishments

Under the auspices of the U.S. Institute, the parties settled this dispute, effectively ending four years of legal wrangling. From start to finish, the mediation process lasted only five months.

The mediated agreement produced an environmentally protective permit that met the different interests of each party. For the U.S. Navy, it reduced monitoring requirements and eliminated certain effluent limits, resulting in an estimated \$1.2 million in monitoring and compliance savings over the five-year life of the permit.

The costs of litigating the disputed appeal were estimated in the hundreds of thousands of dollars. The approximate cost (personnel and direct) of the mediation was \$103,400.

This case highlights both the potential process savings of mediation over litigation and the potential benefits of cooperatively developed, joint solutions.

Project Contact

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