

Enforcement Mediation

Status Report On The Use Of Alternative Dispute Resolution In Environmental Protection Agency Enforcement Actions

Calendar Year 1992

(Last Three Quarters FY 1992 and First Quarter FY 1993)

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STATUS REPORT
ON THE USE OF
ALTERNATIVE DISPUTE RESOLUTION
IN ENVIRONMENTAL PROTECTION AGENCY
ENFORCEMENT ACTIONS

CALENDAR YEAR 1992

(Last Three Quarters FY 1992 and First Quarter FY 1993)

Prepared by

RESOLVE

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OVERVIEW OF EPA'S ENFORCEMENT ADR PROGRAM

The Environmental Protection Agency (EPA, or the Agency) utilizes alternative dispute resolution (ADR) in the resolution of conflicts related to environmental enforcement actions. It is the policy of the Agency to use ADR whenever there is a potential that it may result in a more efficient or equitable resolution of a dispute. The Agency's "Final Guidance on Use of Alternative Dispute Resolution Techniques in Enforcement Actions" describes ADR processes, criteria for deciding when to submit cases to these procedures, and guidelines for obtaining the services of qualified ADR professionals.

Responsibility for the Enforcement ADR Program was delegated to the Assistant Administrator for Enforcement in June, 1990. The Office of Enforcement adopted an Agency-wide "ADR Implementation Plan" in November, 1990. The Plan includes a program for institutionalizing mediation, arbitration and similar approaches as standard operating procedures for resolving civil actions in which the Agency is a party.

The Office of Enforcement, through the Agency's ADR Liaison, provides assistance to staff from regional offices of the EPA and the Department of Justice (DOJ), state and local governments, and private parties to facilitate the adoption and appropriate use of ADR to resolve environmental enforcement actions. This assistance includes: training; technical assistance in the review of potential cases and preparation of required procurement documents; identification of qualified ADR practitioners; payment of government expenses related to the use of ADR for environmental enforcement cases (particularly Superfund cases); and publication of a periodic status report on Agency-wide ADR activities.

The Agency's use of ADR to support enforcement actions increased dramatically during calendar year 1992, with a total of 15 cases initiated/nominated and four cases successfully settled using mediation. The Agency is considering the use of ADR to resolve cases under a broad range of authorities, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA) and the Clean Water Act. Moreover, dispute resolution procedures were incorporated into three settlement documents during calendar year 1992, providing for the use of mediation in the event that a dispute arises in the future as the settlement is implemented. Information about these cases and settlement provisions is contained in the summary charts and descriptions that follow.

For additional information about the EPA Enforcement ADR Program, contact David C. Batson, ADR Liaison, at (202) 260-8173, EPA Headquarters (mail code LE-134S).

RECENT DEVELOPMENTS IN ADR

FEDERAL LAW AND POLICY

1. Administrative Dispute Resolution Act

The Alternative Dispute Resolution Act (P.L. 101-551) (ADR Act) encourages each federal agency and department to use ADR techniques, including mediation, conciliation and arbitration, to resolve public conflicts over which it has jurisdiction. The statute requires each federal agency and department to designate a "Dispute Resolution Specialist," to implement the ADR Act's provisions within that agency or department, and provide dispute resolution training for its staff. The statute also provides guidelines for procuring dispute resolution assistance, sets parameters for the use of arbitration, and provides for the confidentiality of ADR procedures.

The Assistant Administrator for Enforcement is EPA's designated "Dispute Resolution Specialist." The Agency's ADR activities are coordinated by an Agency-wide "ADR Task Force," chaired by the "ADR Liaison" within the Office of Enforcement.

2. Department of Justice Guidance on the Use of ADR

The 1991 Executive Order on Civil Justice Reform (Executive Order No. 12778, 56 Fed. Reg. 55, 195 October 23, 1991) directed that attorneys representing the federal government utilize ADR to promote the prompt and proper settlement of public disputes.

To implement the Executive Order, the Justice Department issued a "Guidance on the Use of Alternative Dispute Resolution for Litigation in the Federal Courts" in August, 1992. The guidance document specifies that government attorneys should use ADR whenever this practice is likely to contribute to a prompt, fair and efficient resolution of a civil action. The guidance document also discusses ADR processes, the characteristics of cases suitable for ADR, and procedures for the selection of neutral parties for dispute resolution.

NATIONAL ROSTERS OF ADR PRACTITIONERS

The Administrative Conference of the United States (ACUS) has established, with EPA's support, a comprehensive nationwide roster of dispute resolution specialists, which is currently available through a computerized database. The roster allows for identification of ADR professionals from a list with more than five hundred neutrals, based on criteria including substantive expertise, training, experience, and geographic location.

In addition, the Agency, through its Consensus and Dispute Resolution Services Contract with RESOLVE, maintains a list of dispute resolution professionals throughout the U.S. that have experience with environmental enforcement cases.

PILOT PROGRAMS IN THE USE OF ADR

1. Regional Superfund Mediation Pilot Programs

During FY 1991, the Office of Regional Counsel in Region V completed a successful pilot program to test the use of mediation in civil actions under the Superfund program. The pilot included mediation of six cases, including cost recovery and remedial design/remedial action (RD/RA) disputes. The negotiations that led to these settlements were conducted with the assistance of neutral mediators selected and funded by all parties in the dispute, including EPA. Settlement agreements were reached in five of the six cases. For their efforts leading to the success of the pilot program, the Assistant Administrator for Enforcement awarded a Bronze Medal for Commendable Service to Michael Berman, Thomas Kruger, Lynn Peterson, John Tielsch and Carolyn Lane-Wenner of Region V's Office of Regional Counsel.

Based on the success of the Region V program, the Agency is working to expand the use of ADR in all regions. During FY 1992, the Region I Office of Regional Counsel initiated an extensive program to use ADR in the resolution of Superfund actions. Six cases were nominated for ADR in Region I and settlements were reached in two cases. Other regions are considering initiating the use of ADR and are reviewing cases to determine whether any might be appropriate for ADR.

2. Use of Arbitration in Superfund Cases

Section 122(h)(2) of CERCLA, as amended, authorizes EPA to use arbitration to resolve Section 107(a) cost recovery claims not exceeding \$500,000. Arbitration procedures for these claims are specified in 40 C.F.R. 304. More broadly, the ADR Act authorizes the use of arbitration to resolve any dispute for which an agency has settlement authority.

EPA has established a pilot project to explore the potential for using arbitration to resolve selected Superfund claims. The Agency is working with arbitration specialists to develop procedures, in addition to those set forth in existing regulations, for commencing and conducting arbitration proceedings. Through the pilot, the Agency also will develop criteria for the use of this process and for the selection of arbitrators. Agency staff will attempt to use arbitration in selected cases during FY 1993.

3. Use of ADR in Clean Water Act Cases

EPA's Office of Wastewater Enforcement and Compliance is conducting a pilot program in the use of ADR in settlement of enforcement cases under the Clean Water Act, particularly those that involve a penalty. Agency staff plan to initiate ADR for selected cases during FY 1993. For more information, contact Walter Broadtman, Office of Wastewater Enforcement Compliance, at (202) 260-5998.

4. Use of ADR in Resource Conservation and Recovery Act Cases

The Office of Waste Programs Enforcement has established a pilot program to use ADR in settlement of cases arising under RCRA, particularly corrective action cases. This program is planned to begin in Spring, 1993. For more information, contact Ellen Kandell, Office of Waste Programs Enforcement, at (202) 260-9315, or David Batson at (202) 260-8173.

FINANCIAL SUPPORT FOR REGIONAL USE OF ADR

Beginning in fiscal year 1990, the Office of Enforcement has dedicated funds to provide ADR training for EPA staff, to support regional offices considering the use of ADR, and to pay for the services of ADR professionals in Superfund cases. The ADR Fund, which has been extended through fiscal year 1993, is available through the ADR Liaison.

As part of the pilot programs being conducted by the Office of Waste Programs Enforcement and the Office of Wastewater Enforcement and Compliance, funds will be dedicated for regional offices to employ neutral ADR professionals on selected enforcement cases. Funds for the use of ADR professionals in enforcement actions under other statutory authorities are available on a case-by-case basis. For additional information, contact the ADR Liaison, David Batson at (202) 260-8173.

1993 ADR TRAINING

Training programs on the use of ADR in environmental enforcement cases will be provided to all regional offices and EPA headquarters during fiscal year 1993. The intensive one-day training sessions are designed for all staff who support or participate in enforcement activities. Focusing on Superfund and RCRA corrective action cases, the course will be taught by ADR professionals with experience as mediators in EPA enforcement cases.

AGENCY ADR LIAISON

David C. Batson serves as the Agency's ADR Liaison for enforcement matters. As ADR Liaison, he coordinates ADR case activities and provides ADR training programs for staff from EPA, DOJ, and state agencies. Mr. Batson also serves as a mediator and facilitator in Agency policy dialogues and intraagency disputes. He has extensive training and experience as an ADR professional, with private and government clients in public and organizational disputes. Mr. Batson, is available for consultation on the use of ADR generally and in specific cases. He can be reached at (202) 260-8173, or FAX (202) 260-3069 (Mail Code LE-134S).

In addition, ADR contacts have been designated in all regional offices. An informal group of ADR contacts meets monthly, by telephone, to discuss the use of ADR in enforcement cases. EPA staff working on enforcement cases are welcome to participate in these meetings. For more information, contact David Batson at (202) 260-8173.

ADR SUMMARY FOR ALL REGIONS

This table is an overview of the information in the charts for "ADR Summary by Region" that begin on the next page:

	<u>Calendar Year 1992</u>	<u>Total Through Dec. 31, 1992</u>
ADR cases nominated/initiated	15	45
Cases resolved using ADR	4	13
Cases in which ADR was terminated following convening	3	22
Cases in which a neutral was consulted about ADR, but were not nominated	17	37
Settlement documents with ADR provisions	3	13

Ongoing ADR cases as of March 1, 1993:

13 (est.)

ADR SUMMARY BY REGION

ADR CASES NOMINATED/INITIATED DURING CALENDAR YEAR 1992:

REG.	NAME	TYPE OF CASE	PROPOSED ADR PROCESS	NOM. DATE	EPA CONTACT	NEUTRAL
I	Auburn Road	CERCLA	Convening/Mediation	8/7/92	Marcia Lamel	Robert Fisher
I	Laurel Park	CERCLA	Convening/Mediation	12/92	Daniel Winograd	N/A
I	Norwood	CERCLA	Convening/Mediation	5/15/92	Beth Tomasello	Robert Fisher
I	Ottati & Goss	CERCLA	Convening/Mediation	6/25/92	Julie Taylor Greg Dain	Robert Fisher
I	Sullivan's Ledge	CERCLA	Mediation	1992	Brian Rohan	David O'Connor
I	U.S. v. Mastex	CWA	Mediation	1992	Dianne Chabot	Peter Contuzzi
III	U.S. v. District of Columbia	CAA	Mediation	5/28/92	William C. Smith	Daniel Dozier
IV	Dickerson Post	CERCLA	Convening/Mediation	12/23/92	Virginia Myre	Rich Collins Bruce Dotson
V	HOD Landfill	CERCLA	Convening/Mediation	5/14/92	Cynthia Kawakami	Michael Lewis Robert Fisher
V	Muskego Sanitary Landfill	CERCLA	Convening/Mediation	12/18/92	Tom Kreuger	Robert Fisher (c) Chester Tisdale (m)
V	Spiegelberg Site	CERCLA	Convening/Mediation	6/92	Mary McAuliffe	Howard Bellman Robert Fisher
VIII	Layton Salvage Yard	CERCLA	Convening/Mediation	12/92	Suzanne Bohan	Robert Fisher

REG.	NAME	TYPE OF CASE	PROPOSED ADR PROCESS	NOM. DATE	EPA CONTACT	NEUTRAL
IX	Del Norte	CERCLA	Convening/Mediation	9/2/92	Robert Ogilvie	N/A
HQ	R&C Trucks, Inc.	CWA	Settlement Judge	9/28/92	Elvana R. Sutin	J.F. Green
HQ	South Texas Chlorine, Inc.	EPCRA	Settlement Judge	12/2/92	Hortense Haynes	Gerald Harwood

ADR CASES RESOLVED DURING CALENDAR YEAR 1992:

REG.	NAME	TYPE OF CASE	NEUTRAL	EPA CONTACT	OUTCOME
I	Sullivan's Ledge	CERCLA	David O'Connor	Brian Rohan	Settlement reached
I	US v. Mastex	CWA	Peter Contuzzi	Diane Chabot	Settlement reached
V	Union Scrap	CERCLA	Brian Short	John Tielsch	Settlement reached
V	Kummer Landfill	CERCLA	Linda Singer	Elizabeth Murphy	Settlement reached

CASES WHERE ADR PROCESS WAS TERMINATED FOLLOWING CONVENING DURING CALENDAR YEAR 1992:

REG.	NAME	TYPE OF CASE	NOM. DATE	EPA CONTACT	STATUS
I	Auburn Road	CERCLA	8/7/92	Marcia Lamel	Parties declined to participate
I	Ottati & Goss	CERCLA	6/25/92	Julie Taylor Greg Dain	Although parties declined to participate, the convening process lead to continuation of settlement discussions
I	Norwood	CERCLA	5/15/92	Beth Tomasello	One party declined to participate following commencement of litigation by another potentially responsible party

ONGOING ADR CASES AS OF 3/1/93:

REG.	NAME	TYPE OF CASE	STATUS	EPA CONTACT	NEUTRAL
I	Laurel Park	CERCLA	ADR on hold	Daniel Winograd	N/A
I	Nyanza	CERCLA	Convening	Joanna Jerison	Robert Fisher
III	US v. District of Columbia	CAA	Mediation	William C. Smith	Daniel Dozier
IV	Dickerson Post	CERCLA	In Mediation	Virginia Myre	Rich Collins Bruce Dotson
V	Spiegelberg Site	CERCLA	In Mediation	Mary McAuliffe	Howard Bellman Robert Fisher
V	HOD Landfill	CERCLA	In Mediation	Cynthia Kawakami	Michael Lewis Robert Fisher
V	Muskego Sanitary Landfill	CERCLA	In Mediation	Tom Kreuger	Chester Tisdale
V	Main Street	CERCLA	Mediation Completed	Elizabeth Murphy	Jim Kohanek
V	Union Scrap	CERCLA	Mediation	John Tielsch	Brian Short
VIII	Layton Salvage Yard	CERCLA	Convening	Suzanne Bohan	Robert Fisher
IX	Del Norte	CERCLA	ADR on hold	Robert Ogilvie	N/A
HQ	South Texas Chlorine, Inc.	CWA	In Mediation	Hortense Haynes	N/A
HQ	R & C Trucks, Inc.	CWA	In Mediation	Elvana R. Sutin	N/A

SETTLEMENT DOCUMENTS WITH ADR PROVISIONS:¹

REG.	NAME	TYPE OF CASE	TYPE OF DOCUMENT	NOM. DATE	PROPOSED ADR PROCESS	EPA CONTACT
III	Rohm & Haas Bristol	RCRA	Order	1992	Mediation	Judith Hykel
V	US v. Midwest Solvent Recovery, Inc.	CERCLA	Consent Decree	1992	Mediation	Michael Berman
IX	In re Dynamac Corp.	TSCA	Agreement	10/13/92	Arbitration	Kara Christenson

¹ Copies of the ADR provisions in these settlements can be obtained from David Batson, the ADR Liaison.

SELECTED CASES RESOLVED THROUGH THE USE OF ADR
DURING CALENDAR YEAR 1992

Name: Sullivan's Ledge Statute: CERCLA ADR Process: Mediation

This Superfund case involved performance of a remedy by 40 potentially responsible parties (PRPs) and coordination of future remedial activities with an ongoing cleanup which was the subject of a prior settlement obtained through mediation. The parties to the settlement included a municipality, private party and the State of Massachusetts. The case involved difficult factual and equitable issues involving the State and private parties.

Name: U.S. v. Mastex Statute: CWA ADR Process: Mediation

This case involved payment of a civil penalty by a small manufacturing company for violations of pre-treatment standards. The mediation, held in the company's community, helped build understanding with, and achieve cooperation from, the company. As part of the settlement, the company agreed to pay the penalty sought by EPA and the Agency's costs of participation in the mediation.

Name: Union Scrap Statute: CERCLA ADR Process: Mediation

This was a cost recovery case involving 20 PRPs and approximately 45 third party defendants. EPA was seeking to recover over \$1.4 million in past costs. When mediation was commenced, the case was pending in federal district court and a trial date had been set. The mediation proceeded in two phases. Initially, the mediator helped resolve claims against *de minimis* parties leading to a settlement with 10 parties. The mediator then was brought back into the case as the trial date was approaching and the parties were in the final stages of discovery. The mediator assisted the remaining parties in reaching a settlement.

Name: Kummer Landfill Statute: CERCLA ADR Process: Mediation

This was a cost recovery case involving PRPs including the State of Minnesota, the City of Bemidj MN, a public hospital and several corporate PRPs. The mediation occurred within the 120 days before the expiration of the statute of limitations for recovery of initial costs. The negotiations for recovery of past costs were linked to and contingent on cost sharing by the PRPs of all future costs. The goal of the mediation was to develop an agreement on cost allocation among EPA and the parties for a final settlement of all cleanup costs for the site. The mediator assisted the parties in reaching an agreement that included payment of past costs by the PRPs, a plan for funding of future work by EPA, and mixed funding by EPA.

SELECTED CASES ASSISTED BY CONVENING DURING CALENDAR YEAR 1992

Name: Ottati and Goss Statute: CERCLA ADR Process: Convening

Litigation in this case was commenced in 1980 under RCRA. CERCLA claims were added after the statute was enacted. The Court issued opinions regarding the liability of the defendants and regarding remediation of the site in 1985 and 1988, respectively. The services of a neutral convener were employed in mid-1992, as the parties were preparing for the third trial, scheduled for September 1992. At that time, there was one major PRP remaining in the case, who had commenced a third party contribution action against a number of parties including EPA. The convening process enabled EPA and DOJ to open communications with the PRP outside of the courtroom and pursue stalled settlement discussions.

SELECTED SETTLEMENT DOCUMENTS IN WHICH ADR PROVISIONS WERE INCLUDED DURING CALENDAR YEAR 1992

Name: Rohm & Haas Bristol (PA) Statute: RCRA ADR Process: Mediation

The dispute resolution provision of this Section 3008(h) Administrative Order on Consent (AOC) provides for the mediation of negotiations which might arise over the Agency's determination of future corrective actions regarding the site. Mediation, if used, would occur after informal negotiations and before the Agency's final determination of the dispute.

Name: In re Dynamac Corporation Statute: AHERA ADR Process: Arbitration

In this case, a large government contractor was accused of not abiding by the terms of an agreement to remove asbestos from school buildings. The Company requested an arbitration option in the consent agreement as protection against being disqualified from all government contracting, a remedy within EPA's authority. Arbitration is limited to disputes which arise over remedy implementation, and if used, would occur after informal negotiations and submission by the Company of a written statement describing the dispute. EPA and the Company will jointly select the arbitrator. Dynamac paid a substantial fine and agreed to review and correct the asbestos removal work in each of the schools included in the original contract.

ADR ACTIVITIES PRIOR TO 1992²

CASES IN WHICH ADR WAS UTILIZED:

REG.	NAME	STATUTE	ADR PROCESS ³	NEUTRAL	EPA CONTACT	YEAR OF ADR ACTIVITY
V	Buckey Landfill	CERCLA	M	Suzanne Orenstein	M. Berman	1990
V	E.H. Schilling Landfill	CERCLA	M	S. Orenstein; J. McGlennon	Williams/L.-Wenner	1990
V	Greiner's Lagoon	CERCLA	M	S. Orenstein; S. Rennie	Rick Nagel	1989
V	Onalaska Landfill	CERCLA	M	S. Orenstein	J. Tielisch	1990
V	Republic Hose	CERCLA	M	S. Orenstein; L. Singer	Dunmire/Andrews	1988
V	Spectra-Chem	CERCLA	M	S. Orenstein	Tom Krueger	1988
VIII	Sheridan, Wyoming	SDWA	M	Ben Moya/Western Network	Alfred C. Smith	1987
X	Bunker Hill Superfund Site	CERCLA	M		Allan Bakalian	1989
HQ	3M	TSCA	SJ	Judge J.F. Greene	David C. Batson	1989
HQ	Birken Manufacturing Co.	RCRA	SJ	Judge Frank Vanderheyden	David C. Batson	1989
HQ	Collins and Tuttle	TSCA	SJ	Judge J.F. Greene	Charles McPhedran	1991
HQ	Eastman Chem. Div./Kodak Co.	TSCA	SJ	Judge H.B. Frazier, III	David C. Batson	1989
HQ	Jenny Rose Inc.	FIFRA	SJ	Thomas W. Hoya	Charles McPhedran	1991
HQ	Midwest Asb. Consult.	TSCA	SJ	Judge J.F. Greene	Mr. Figur	1991
HQ	Thoro Products Co.	CERCLA/EPCRA	SJ	Judge Vanderheyden	Wendy Silver	1991
HQ	Western Lighting Stds., Inc.	RCRA	SJ	Judge J.F. Greene	Mr. Figur	1991

² See the Status Report for the period First Quarter FY 1991 through First Quarter FY 1992 for additional information about the ADR matters listed below.

CASES IN WHICH ADR PROVISIONS WERE INCLUDED IN THE SETTLEMENT DOCUMENT:

REG.	NAME	STATUTE	ADR PROCESS	EPA CONTACT	YEAR OF ADR ACTIVITY
IV	Kimberly-Clark	RCRA	M	Mike Arnett	1989
V	Rasmussen Landfill	CERCLA	M	John Tielsch	1989
V	Safety-Kleen	RCRA	M	John Tielsch	1988
VII	Aluminum Corp. of America	CERCLA	M	Bob Richards	1990
VIII	Lowry Landfill	CERCLA	M	Lorraine Rose	1989
VIII	Texaco Refining/Marketing	RCRA	M	Thomas Sitz	1989
IX	Hassayampa Landfill	CERCLA	NE	Keener/Ogilvie/Karr	1988
HQ	Union Carbide Corp.	TSCA	FF	David C. Batson	1986
HQ	AT&T	TSCA	NB	David C. Batson	1987

CASES IN WHICH ADR WAS NOMINATED BUT NOT USED:

REG.	NAME	STATUTE	PROPOSED ADR PROCESS	EPA CONTACT	YEAR OF ADR ACTIVITY
II	In the matter of SCA	TSCA	MT	W. Sawyer	1987
III	West VA. Coal Assoc. v. Reilly	CWA	M	Pat Hillsinger	1987
III	US vs. Fischer & Porter Co.	RCRA;SDWA(E)	M	Pat Hillsinger	1987
III	US vs. Sharon Steel Corp.	CAA;CWA;RCRA	M	Pat Hillsinger	1988
IV	ITT Rayonier, Inc.	CWA	M	Andrew Harrison	1987
V	Chemetco, Inc.	RCRA	M	John Tielsch	1987
V	City of Bedford	CWA	M	John Tielsch	1987

REG.	NAME	STATUTE	PROPOSED ADR PROCESS	EPA CONTACT	YEAR OF ADR ACTIVITY
V	Ottawa Radiation	CERCLA	M	Jane Lupton	1989
V	Revere Copper	CERCLA	M	Tom Kenney	1989
VII	Peoples Natural Gas	CERCLA	M	David C. Batson	1990
X	U.S. v. WA Dept. of Trans.	CAA	NB/MT	David C. Batson	1986

3 KEY: BA-Binding Arbitration FF-Fact Finding M-Mediation MT-Mini Trial NB-Non-Binding Arbitration
NE-Neutral Evaluation SJ-Settlement Judge ST-Summary Jury Trial

EXPLANATION OF TERMS

ADR Processes

Arbitration: A process in which a neutral party considers the facts and arguments presented by the parties to a dispute and renders a binding or non-binding decision using applicable law and procedures.

Convening: The first step in a dispute resolution process, in which a neutral party explores with the parties whether they are interested in using ADR, makes a recommendation about the most appropriate way to proceed, and assists the parties in selecting a neutral.

Fact Finding: The investigation of issues by a neutral party who gathers information from all sides and prepares a summary of key issues. (Fact finding is often used as a part of a negotiation process.)

Mediation: The assistance of a neutral party in a negotiation process. Mediators have no power to render a decision.

Mini-Trial: A process in which the decision-makers for each side of a dispute hear a summary of the best case presented by the attorneys for each side. Following the presentations, the principals engage in negotiations, often with the assistance of the neutral party.

Neutral Evaluation: An evaluation conducted by a neutral party who provides the parties to a dispute with an assessment of the strengths and weaknesses of each party's case, and a prediction about the potential outcome of the case.

Settlement Judge: A judge, but not the judge who would decide the case, who is appointed to assist the parties negotiating the settlement of a case, and who may provide a prediction about the potential outcome of the case.

Type of Case

CAA:	Clean Air Act
CERCLA:	Comprehensive Environmental Response, Compensation, and Liability Act
CWA:	Clean Water Act
EPCRA:	Emergency Planning and Community Right-to-Know Act
FIFRA:	Federal Insecticide, Fungicide, and Rodenticide Act
RCRA:	Resource Conservation and Recovery Act
SDWA:	Safe Drinking Water Act
TSCA:	Toxic Substances Control Act

Other Terms

Nom. Date: The date a case was nominated for use of ADR.

For additional information on ADR enforcement activities, contact ADR Liaison David C. Batson at (202) 260-8173, EPA Headquarters (Mail Code LE-134S).

