

Washington Navy Yard Case

July 2000-January 2002

Location: District of Columbia

Background

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

The 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 parties decided on a formal mediation process to resolve the dispute. The U.S. Institute contracted with an attorney-mediator from its National Roster to handle the case. The case proceeded through a series of individual and joint sessions among the parties.

Highlights/Innovation

- This case highlights the potential cost savings of mediation over litigation and the potential benefits of cooperatively developed, joint solutions.
- Rear Admiral Christopher Weaver, Commandant, of the Navy's Alternative Dispute Resolution team 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 the dispute. The settlement effectively ended 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 interests of each party. For the U.S. Navy, it reduced monitoring requirements and eliminated certain effluent limits. This resulted 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 of the mediation was \$103,400.

Credits

Partner from National Roster of ECR Practitioners

John Bickerman, Bickerman Dispute Resolution PLLC., mediation

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