



**Job Title:** Senior Counsel to the Environmental Appeals Board

**Agency:** U.S. Environmental Protection Agency

<b>SALARY RANGE:</b>	<b>\$126,245-\$158,700</b>
<b>OPEN PERIOD:</b>	<b>July 15-29, 2015</b>
<b>SERIES &amp; GRADE:</b>	<b>GS-905-15</b>
<b>POSITION INFORMATION:</b>	<b>Senior Counsel</b>
<b>PROMOTION POTENTIAL:</b>	<b>None</b>
<b>DUTY LOCATIONS:</b>	<b>Washington, DC</b>
<b>WHO MAY APPLY:</b>	<b>All qualified applicants</b>
<b>SECURITY CLEARANCE:</b>	<b>None</b>
<b>SUPERVISORY STATUS:</b>	<b>None</b>

**JOB SUMMARY:** As a Senior Counsel to the Environmental Appeals Board, the incumbent serves as an expert attorney-advisor and principal assistant to the Environmental Appeals Board in its consideration and resolution of permit, enforcement and other administrative appeals under all the major environmental statutes administered by the Agency, including the Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act, Toxic Substances Control Act, and Comprehensive Environmental Response, Compensation and Liability Act (or Superfund). *See DUTIES* section below for further information.

#### **ABOUT THE AGENCY AND THE ENVIRONMENTAL APPEALS BOARD:**

Earth Day is every day at EPA! Our diverse workforce connects to more than just a career—we share a common passion to promote a cleaner, healthier environment. We consistently rank as one of the top Federal agencies in which to work, with great benefits and work flexibilities. Find yourself at EPA. The position of Senior Counsel to EPA’s Environmental Appeals Board is located at EPA Headquarters in Washington, DC. For more information on this office, visit our website: [www.epa.gov/eab](http://www.epa.gov/eab).

The Environmental Appeals Board (EAB) is the final U.S. Environmental Protection Agency (EPA) decision maker on permit, enforcement and other administrative appeals under all major environmental statutes that EPA administers, including the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, Toxic Substances Control Act, and Comprehensive Environmental Response, Compensation and Liability Act (or Superfund). It is an impartial tribunal independent for substantive purposes of all Agency components outside the Immediate Office of the Administrator. The EAB has four co-equal judges who are members of the Senior Executive Service. Seven counsel and two administrative professionals provide support to the judges. The EAB operates similar to appellate boards created by other federal agencies and federal Courts of Appeal by typically resolving cases in panels of three judges. The EAB also offers parties an opportunity to settle cases before the Board using the EAB’s Alternate Dispute

Resolution process, pursuant to which an off-panel EAB Judge and a Senior Counsel serve as co-mediators to help the parties settle. Organizationally, the EAB is housed in EPA's Office of Administrative and Resource Management; however, the EAB judges are selected by and report to the EPA Administrator.

The EAB's decisions are of the utmost significance to Agency enforcement and environmental policies. The political, social, environmental, economic, and employment impacts of the decisions rendered by the Board are extremely significant, highly complex, and can have far-reaching consequences as EAB decisions serve as controlling precedent applicable to subsequent Agency regulatory and enforcement matters.

#### **TRAVEL REQUIRED:**

- Occasional travel
- This position involves occasional domestic travel and may require occasional international travel

#### **RELOCATION AUTHORIZED:**

- No

#### **KEY REQUIREMENTS:**

- You must be a U.S. citizen.
- If you are selected, a pre-employment background check is required.
- Position has portable work and selectee may be eligible to telework.
- You must submit a cover letter, resume, and list of references (See How to Apply)

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#### **DUTIES:**

As a Senior Counsel to the Environmental Appeals Board, the incumbent serves as an expert attorney-advisor and principal assistant to the Environmental Appeals Board in its consideration and resolution of permit, enforcement and other administrative appeals under all the major environmental statutes administered by the Agency, including the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, Toxic Substances Control Act, and Comprehensive Environmental Response, Compensation and Liability Act (or Superfund).

At the GS-15 level, the incumbent routinely handles extremely complex matters requiring resolution of difficult legal questions and/or factual disputes. Decisions in matters handled at this level typically have far-reaching impacts on the Agency, private activities and the public interest, and may involve, directly or indirectly, very large sums of money and generate interest nationwide. The impact of the advice and recommendations of the incumbent often shapes Agency litigation and enforcement policies and can have the effect of substantially broadening or restricting the activities of the Agency in administering its statutory responsibilities. At the GS-15 level, the incumbent independently conducts all work necessary to resolve matters that come

before the Board, with no preliminary instruction in carrying out assignments. That work includes:

- Reviewing and analyzing briefs, hearing records and transcripts, and other papers relevant to the particular matter under review.
- Researching applicable laws, regulations, legal opinions, and Agency guidance bearing on legal issues and analyzing factual and legal issues before the Board.
- Preparing memoranda or reports to outline facts and legal issues involved in pending matters, analyzing applicable legal precedents and justifying recommendations and conclusions.
- Preparing draft decision documents setting forth proposed conclusions on the factual and legal issues the Board must resolve.
- Reviewing proposed administrative consent decrees and providing comments and recommendations to the Board.
- Assisting in the preparation for, and the conduct of, oral argument and the analysis of the hearing record of such arguments.
- Assisting in the preparation for, and conduct of, mediation of matters before the Board.

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## **QUALIFICATIONS REQUIRED:**

Applicants must have an LL.B. or J.D. degree from an accredited law school; must be admitted to practice before the highest court of a State, U.S. territory, the District of Columbia, or the Commonwealth of Puerto Rico; and must maintain active status as a member of the bar of one of these jurisdictions.

Applicants must have extensive knowledge of EPA's major environmental statutes and implementing regulations, the Administrative Procedure Act, and Equal Access to Justice Act.

Applicants must have the skill and ability to understand and apply complex statutory and regulatory requirements and procedures; to digest, synthesize, and summarize complex and lengthy administrative records, hearing transcripts and briefs or similar materials; to resolve difficult and often novel factual and legal issues in accordance with applicable statutory, procedural and other legal requirements or precedents; and to communicate effectively complex factual and legal issues orally and in writing.

To qualify, applicants must have six (6) or more years of post-LL.B or J.D. professional law experience, at least one (1) year of which is specialized professional law experience equivalent to the GS-14 level (or higher), in or related to the work of this position that provided the specific knowledge, skills and abilities to perform successfully the duties of this position. Examples of specialized experience include working independently on complex civil, criminal or administrative litigation, rulemakings or permit proceedings, including identifying and conducting necessary research on factual and legal issues; preparing briefs or memoranda analyzing applicable legal precedents and justifying recommendations and conclusions; preparing decision documents setting forth proposed conclusions on factual and legal issues; and preparing for or participating in oral argument in a case.

Significant experience with negotiations, mediation or other means of alternative dispute resolution will be favorably considered.

For applicants seeking initial placement into the GS-15 level, three or more years of relevant experience at the GS-14 level or equivalent will be favorably considered.

Significant academic achievement in law school (e.g., graduation in the top 15% of your class, graduation with honors, judicial clerking experience, previous public interest work, or participation in moot court or law review) will be favorably considered.

Applicants must meet all requirements (including Key Requirements) described above by the closing date of this announcement.

### **HOW YOU WILL BE EVALUATED:**

Initially you will be evaluated based on the information contained in your application materials. If an interview is granted, you will be evaluated based on the responses you provide during an interview. In responding to interview questions, you should be sure to cite to specific examples of experience, explain exactly what you did and the outcome.

### **BENEFITS:**

You can review our benefits at: [https://help.usajobs.gov/index.php/Pay\\_and\\_Benefits](https://help.usajobs.gov/index.php/Pay_and_Benefits)

Join EPA in protecting human health and the environment and enjoy many work life quality options! Working for the EPA offers you a comprehensive benefits package that includes, in part, paid vacation, sick leave, holidays, life insurance, health benefits, and participation in the Federal Employees Retirement System. To learn more about us, visit [Life and Careers at EPA](#).

### **OTHER INFORMATION:**

The following information is used to determine your qualifications for employment. The use of this information is authorized under Title 5 USC, Sections 3302 and 3361.

Are you a Displaced Federal Employee? If so, please read the Required Documents and visit the EPA website for additional information [http://epa.gov/ohr/ezhire/vacancy\\_requirements.htm](http://epa.gov/ohr/ezhire/vacancy_requirements.htm) .

If you have part-time work experience, read this:  
([http://epa.gov/ohr/ezhire/vacancy\\_requirements.htm](http://epa.gov/ohr/ezhire/vacancy_requirements.htm) )

If you are selected, travel, transportation, and relocation expenses will not be paid by EPA. Any travel, transportation, and relocation expenses associated with reporting to work in this position will be your responsibility.

EPA participates in e-Verify. E-Verify is an Internet based system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA) that enables participating employers to electronically verify the employment eligibility of their newly hired employees. For additional information, *see* [http://epa.gov/ohr/ezhire/vacancy\\_requirements.htm](http://epa.gov/ohr/ezhire/vacancy_requirements.htm).

### **REQUIRED DOCUMENTS:**

A complete application consists of a (1) cover letter; (2) resume; and (3) list of three references who the EAB can contact upon receipt of your application. At least one of your references must be a current or former supervisor (or someone else well very familiar with the quality, complexity, and scope of your work).

In your cover letter, please briefly explain how your experience and education relate to the qualifications described in this announcement and what interests you in working for the EAB.

### **HOW TO APPLY:**

**All required documents must be e-mailed to EAB\_Hiring@epa.gov (there is an underscore “\_” between “EAB” and “Hiring”) by 5:00 pm EDT Wednesday, July 29, 2015.** Make sure that your name is on each page of your submission and your pages are sequentially numbered (e.g., Chris Smith, page 1 of 10).

Applications not received by this date and time will not be considered. Incomplete applications will not be considered.

### **AGENCY CONTACT INFORMATION:**

Annette Duncan, (202) 233-0122

### **WHAT TO EXPECT NEXT:**

Once your complete application package is received, it will be reviewed to ensure you meet all qualifications for this position. Interviews may be arranged at the discretion of the Environmental Appeals Board for those who will be considered further based upon a review of their qualifications. You will be notified if selected for an interview.