

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)	
In re:)	
)	
Florence Copper, Inc.)	Appeal Nos. UIC 17-01; UIC 17-02;
)	UIC 17-03.
UIC Permit No. R9UIC-AZ3-FY11-1)	
)	
_____)	

REGION IX’s RESPONSE REGARDING OFFER OF ADR

On January 26, 2017, the Environmental Appeals Board (“EAB” or “Board”) provided all parties in the above captioned proceeding an offer letter (“Offer Letter”) for voluntary alternative dispute resolution (ADR). The United States Environmental Protection Agency (EPA) Region 9 (“Region”) contacted counsel for the other parties and Mr. Anderson regarding the offer of ADR. The EPA carefully considers ADR in matters where the possibility for a facilitated dispute resolution process can yield positive outcomes. While the Region and some of the parties communicated that they were open to considering ADR, more than one party respectfully declined the offer of ADR. As noted in the Offer Letter, ADR will not take place absent approval from all parties, and therefore, the Region hereby notifies the Board that the parties will not be participating in the ADR process offered by the Board at this time.

Date: February 8, 2017

Respectfully submitted,

/S/ Alexa Engelman

Alexa Engelman
Office of Regional Counsel
EPA Region 9 (MC ORC-2)
75 Hawthorne St.
San Francisco, CA 94105
Telephone: (415) 972-3884
Facsimile: (415) 947-3570
Email: Engelman.Alexa@epa.gov

CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the attached **REGION IX's RESPONSE REGARDING OFFER OF ADR** to be served by electronic mail upon the persons listed below.

Dated: February 8, 2017

/S/ Alexa Engelman

Alexa Engelman
Office of Regional Counsel
EPA Region 9 (MC ORC-2)
75 Hawthorne St.
San Francisco, CA 94105
Telephone: (415) 972-3884
Facsimile: (415) 947-3570
Email: Engelman.Alexa@epa.gov

John L. Anderson
2631 N. Presidential Dr.
Florence, AZ 85132-6671
(520) 840-1573
jla@johnlanderson.com

Ronnie P. Hawks
rph@jhc-law.com
Russell R. Yurk
rry@jhc-law.com
Jennings, Haug & Cunningham, L.L.P.
2800 N. Central Avenue, Suite 1800
Phoenix, AZ 85004-1049
Telephone: 602-234-7800
Fax: 602-277-5595
Attorneys for SWVP-GTIS MR, LLC

Christopher Kramer
CKramer@gustlaw.com
Barbara U. Rodriguez-Pashkowski
bpashkowski@gustlaw.com
GUST ROSENFELD P.L.C.
One E. Washington, Suite 1600
Phoenix, AZ 85004
Telephone: 602-257-7422
Fax: 602-254-4878
Attorneys for the Town of Florence, Arizona

Linus Everling
linus.everling@gric.nsn.us
Thomas L. Murphy
thomas.murphy@gric.nsn.us
Gila River Indian Community
525 W. Gu u Ki
P.O. Box 97
Sacaton, AZ 85147
(520) 562-9760

Merrill C. Godfrey
Ian A. Shavitz
Michael-Corey Hinton
Akin Gump Strauss Hauer & Feld, LLP
1333 New Hampshire Avenue
N.W. Washington, D.C. 20036-1564
Telephone: (202) 887-4000
Facsimile: (202) 887-4288
mgodfrey@akingump.com
ishavitz@akingump.com
mhinton@akingump.com
Counsel for Gila River Indian Community

Rita Maguire, Esq.
Maguire, Pearce & Storey, PLLC
2999 North 44th Street, Suite 650
Phoenix, AZ 85018
(602) 277-2195
rmaguire@azlandandwater.com

George A. Tsiolis
Attorney at Law
351 Lydecker Street
Englewood, NJ 07631
(201) 408-4256
gtsiolis@nj.rr.com
Attorneys for Florence Copper, Inc.