

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

In re:

Buckley Air Force Base Municipal
Separate Storm Sewer System

NPDES Permit No. CO-R042003

NPDES Appeal No. 13-07

Date: November 22, 2013

NOTIFICATION OF ACCEPTANCE OF ADR

In response to the letter of the Clerk of the Environmental Appeals Board (“Board”) dated October 24, 2013, and within the extended timeline established by the letter from the Board dated November 12, 2013, the United States Department of the Air Force (“Air Force”) states that it is committed to the Alternate Dispute Resolution (“ADR”) process and is interested in participating in the Board’s Pilot ADR Program for this matter. During discussions with Everett Volk, Assistant Regional Counsel for the Environmental Protection Agency (“EPA”) Region 8, the undersigned expressed the Air Force’s desire to commence the ADR procedures, as outlined in Section II of the Board’s ADR Program Information Sheet, *after* EPA Region 8 files its Response to the Petition for Review. The Air Force believes that commencing ADR after the filing of EPA Region 8’s Response will aid the ADR process by (1) allowing the parties to fully evaluate each side’s legal position; (2) helping to narrow the issues presented for review; and (3) potentially allowing the parties to reach a resolution. As such, the Air Force accepts the Board’s offer to participate in the ADR Program and is willing to work with EPA Region 8 and the Board in establishing a timeline for the commencement of ADR. The Air Force further states that it has no objection to extending, as needed, the deadline for filing EPA Region 8’s Response to the Petition for Review, currently set for November 27, 2013.

Date: November 22, 2013

U.S. DEPARTMENT OF THE AIR FORCE,
ENVIRONMENTAL LITIGATION CENTER

By: 

Jerald C. Thompson
Kent I. Scott-Smith
AFLOA/JACE
1500 West Perimeter Road, Suite 1500
Joint Base Andrews, MD 20762
Tel: (240) 612-4680
Fax: (240) 612-4359
E-mail: *kent.i.scott-smith.civ@mail.mil*

CERTIFICATE OF SERVICE

I, Kent I. Scott-Smith, hereby certify that, on November 22, 2013, I caused to be served a true and correct copy of the foregoing Notification of Acceptance of ADR, via certified U.S. mail, to the following:

Shaun McGrath, Regional Administrator
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202

and via e-mail and certified U.S. mail, to the following:

Everett Volk
Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202
E-mail: *volk.everett@epa.gov*

Dated on the 22nd day of November, 2013.


Kent I. Scott-Smith