

# PRESS, POTTER & DOZIER, LLC

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DANIEL PRESTON DOZIER

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**Dan Dozier** is an internationally recognized pioneer in conflict management and the law. He has nearly 35 years of experience as an attorney, negotiator, and mediator, including 25 years of experience as a mediator and facilitator of complex multiparty environmental and public policy, employment, contract, and commercial disputes. He has been appointed by United States District Courts from around the Nation to mediate complex environmental cases and is listed on the U.S. District Court for the District of Columbia roster of mediators, the U.S. Court of Appeals for the D.C. Circuit Appellate Mediation Program, the roster of senior environmental mediators maintained by the U.S. Institute of Environmental Conflict Resolution ([www.ecr.gov](http://www.ecr.gov)); the roster of mediators maintained by the U.S. Environmental Protection Agency; and other rosters of senior mediators.

Mr. Dozier is an expert in CERCLA and RCRA hazardous waste matters, having mediated hazardous waste issues for groups of responsible parties around the nation. He has designed allocation procedures, managed the construction of large waste-in databases, mediated database and other records disputes, drafted non-binding allocation of responsibility for cleanup costs, and mediated settlement negotiations at more than three dozen sites around the nation. He has also served as an expert witness on cost allocation issues for parties at three sites, the Waste, Inc. site in Indiana, the Pennsauken Landfill in New Jersey, and as an expert for the Court at the Stringfellow site in California. Mr. Dozier is a member of the law firm of Press, Potter & Dozier, LLC, which has practice areas in alternative dispute resolution, commercial real estate, business and commercial law, bankruptcy and creditor's rights, commercial loan restructuring, government contracts, real estate financing, estate planning and probate administration, environmental law, employment law, nonprofit organizations law, civil litigation and stakeholder involvement services. (See [www.presspotterlaw.com](http://www.presspotterlaw.com))

Previously, Mr. Dozier served as manager of CDR Associates Washington DC office, a leading conflict management and mediation firm that provides ADR services to parties in the United States and around the world. Mr. Dozier has facilitated or mediated a wide range of civil litigation, environmental, and public policy issues, such as: land use, community redevelopment, facilities siting, housing and growth; regulatory negotiations; clean up of Superfund sites and hazardous materials; air quality policies and enforcement; waste management; remediation of mining sites; cleanup of nuclear facilities; streamlining permitting processes; licensing and operation of dams and hydropower sites; and natural resource issues.

Mr. Dozier was an adjunct professor at the Vermont Law School where he taught Environmental Dispute Resolution from 1989 to 2000.

He was awarded his J. D. by Wayne State University Law School, Detroit, Michigan in 1971 and was a recipient of the University's Center for Urban Studies Fellowship. He received a Bachelor of Arts degree in History at Wayne State University, Detroit, Michigan in 1968. Mr. Dozier has been admitted to practice in Michigan, the District of Columbia, and Maryland.

***PROFESSIONAL EXPERIENCE***

**Member, *Press, Potter & Dozier, LLC*** Member of the law firm of Press, Potter & Dozier, LLC, which has practice areas in Alternative Dispute Resolution (ADR), Commercial Real Estate, Commercial Finance, Business Law, Creditors Rights, Non-Profit Organizations, Government Contracts, Estate Planning, and Aviation Law. Practice focused on providing the full range of ADR services including mediation, facilitation, and stakeholder consultation services as a neutral, and process design and settlement consultation services to clients. Facilitates negotiated rulemaking and public policy dialogues between representatives of federal, state, local government, environmental, community, industrial, and trade association groups, designs dispute resolution procedures and mediates civil litigation and environmental and policy disputes for both public and private sector clients. Provides training on ADR techniques and skills to industry and government professionals.

**Director, Washington DC Office, *CDR Associates*** CDR is a leading conflict management and mediation firm that provides ADR services to parties in the United States and around the world; Mr. Dozier managed the firm's Washington, DC operations, where he facilitated or mediated a wide range of employment, civil litigation, environmental, and public policy issues.

**Director, Consensus and Dispute Resolution, *SRA International, Inc.*** Mr. Dozier managed alternative dispute resolution (ADR) programs for this 3000-person consulting firm, serving as a mediator in complex technical multi-party disputes, provided consultation and coaching to staff and junior mediators, and designed conflict management systems and consulted with organizations regarding organizational development, training, and conflict management programs. Mr. Dozier also provided mediation and other ADR services to Federal Agencies, private companies and non-profit organizations.

**Vice President, *TLI Systems, Inc.*** Mr. Dozier managed programs providing mediation services in complex multi-party environmental disputes, major negotiated rulemaking proceedings, public policy and technical disputes. He facilitated policy dialogues between varied groups regarding environmental and complex technical issues, and acted as an expert cost allocation neutral to assist parties to settle hazardous waste cost allocation disputes. Mr. Dozier provided mediation services to parties and managed all aspects of dozens of hazardous waste cost allocation disputes, including the construction of large databases and quality control verification, site and facility reviews, research projects, technical reports, and interviews and depositions of witnesses.

**Senior Mediator and Project Manager, *Clean Sites, Inc.*** Mr. Dozier served as a senior mediator for this private not-for-profit neutral hazardous waste cleanup organization, mediated private party settlements in more than 20 environmental cases and provided facilitation services for negotiated rulemaking proceedings, policy dialogues and advisory committees; dispute resolution system designs and conflict management services. He organized, planned and facilitated a public meeting for Negotiated Rulemaking Advisory Committees; managed the development of databases, including one in excess of 100,000 records; and was the project leader for analysis of the proposed National Contingency Plan. Mr. Dozier facilitated several significant multi-party public policy dialogues.

**Legal Counsel, *Federal Mediation and Conciliation Service*** As chief legal official for the Agency, Mr. Dozier represented mediators in protecting the confidentiality of information obtained during the course of mediation; provided information and responded to problems and provided advice regarding legal issues in difficult cases, represented the Agency in litigation and administrative hearings before the Merit Systems Protection Board, the Federal Labor Relations Authority and private arbitrators. Mr. Dozier mediated two negotiated rulemaking cases, one for the Environmental Protection Agency, and one for the Education Department. Mr. Dozier was appointed as a Liaison Member to the Administrative Conference of the United States, where he participated in the drafting of several Conference recommendations regarding the use of alternative methods of resolving disputes involving Federal agencies or programs.

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**Director, Congressional Liaison Office, Department of Health, Education, and Welfare** Mr. Dozier was the chief Congressional relations official for this Cabinet department responding to congressional inquiries about programs, policies and legislation. He supervised a staff of 15.

**Platform Committee Coordinator, Labor Coalition Clearinghouse** Mr. Dozier represented nine labor unions before the 1976 Democratic Party Platform Committee and Convention.

**Executive Assistant to the Mayor, City of Detroit** Mr. Dozier was a member of the Mayor's executive staff, responsible for programs and policies of the City's finance, budget, and labor relations departments. He conceived, designed, and obtained Ford Foundation funding to start up the City's office of productivity studies.

**Assistant General Counsel, International Union, United Automobile Workers (UAW)**. Mr. Dozier represented the International Union in various civil litigation appellate matters, including litigation before the United States Court of Appeals for the 6th Circuit, the Michigan Supreme Court, trial courts and administrative agencies.

***SELECTED CASE EXPERIENCE***

**Carter Industrials site, Detroit, MI.** Managed the construction of a large (100,000+ documents) waste-in database, mediated difficult allocation disputes among more than thirty PRPs, issued non-binding arbitration award to settle allocation disputes to settle the allocation disputes at this scrap metal site.

**Folkertsma Landfill, Walker, MI.** Facilitated procedural agreements, interviewed drivers to obtain information about the site, and wrote an arbitration award that settled all issues among participating and most non-participating parties.

**Rhineland Landfill, Rhineland, WI.** Mr. Dozier mediated the settlement of a cost allocation dispute between generators and the owner/operator of the site.

**Mid-State Landfill, Cleveland Township, WI.** Mr. Dozier mediated the settlement of a contribution dispute between industrial PRPs and a group of local governments.

**Envirotek II, Towawanda, NY.** Managed the establishment of a large database, mediated *de minimis* buyout, and arbitrated the settlement of the clerical and substantive disputes among the 250+ parties.

**Mini-trial, Greensboro, NC.** Mr. Dozier presided in a mini-trial, and then mediated discussions among the parties to settle contribution litigation over the cleanup of groundwater in Van Waters & Rogers v. RECO Industries et al., United States District Court for the District of North Carolina.

**U.S. EPA Deferral Policy Dialogue.** Mr. Dozier designed and facilitated a policy dialogue among Congressional staff, environmental and public interest groups, state and Native American hazardous program administrators, and senior EPA headquarters and regional staff, regarding the deferral policy announced in the preamble to the proposed National Contingency Plan.

**U.S. EPA Cost Allocation Workshop, Washington, DC.** Mr. Dozier was a project manager and facilitator of a conference convened to discuss cost allocation issues. Participants included senior EPA headquarters and regional staff, Department of Justice environmental enforcement attorneys, corporate and outside counsel and other interests.

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**American Arbitration Association, Charlotte, NC.** Selected by the parties from AAA commercial panel, Mr. Dozier mediated an environmental dispute about cleanup levels, future use and funding the cleanup of a parcel of property, formerly a scrap yard, adjacent to the Charlotte professional football stadium complex. The parties included generator and landowner responsible parties, the city government, and a community group.

**Novak Sanitary Landfill, Allentown, PA.** Mr. Dozier managed the design and construction of a very large and complex database of 100,000+ records, established an allocation procedure among the participating parties to resolve the clerical and substantive database disputes, and mediated the final settlement among the participating parties.

**Lemberger Landfill and Transport and Recycling sites, Manitowoc, WI.** Mr. Dozier managed the establishment of a database largely from non-transactional documents, conducted a clerical and substantive dispute resolution process, established a process to resolve the allocation disputes, drafted an allocation recommendation, including suggesting a settlement of an "arranger" share for a local government, and mediated the negotiations where the parties agreed on the final allocation. Mr. Dozier was selected as the neutral to revise database and incorporate newly discovered records and to recommend an allocation to settle contribution litigation, all parties settled based on Mr. Dozier's mediation.

**U.S. EPA Conference on the Use of ADR Techniques in Superfund Cases, Washington, DC.** Mr. Dozier was a project manager and facilitator for conference convened for EPA's Office of Enforcement about the use of ADR to settle Superfund disputes. Participants included experienced practitioners from the private sector (industry and outside counsel), EPA headquarters and regions, Department of Justice environmental enforcement management, state and local governments, and federal facilities.

**Sharkey Landfill, Parsippany, NJ.** Mr. Dozier mediated negotiations that resulted in an agreement for a *de minimis* buyout among the participating parties.

**Niagara County Refuse site, Wheatfield, NY.** Mr. Dozier drafted an allocation recommendation to settle an allocation dispute between a group of generator/transporters and local government owner/operators. He then mediated settlement of the allocation dispute between the generators and the transporters.

**Pendleton Chemical Processing Facility, Pendleton, NY.** Project manager and cost allocation neutral for an investigation to locate information about waste shipments to the site, construction of a database based on transactional and nexus information. Mr. Dozier established a procedure under which the participating parties submitted all data disputes and argument to him for resolution. He resolved all technical disputes and allocation issues in preliminary and final allocation recommendations. All parties accepted his final allocation recommendation.

**Air Force Tiered Oversight Stakeholders Facilitation, Springfield, VA.** Mr. Dozier facilitated meetings with the Air Combat Command, state environmental agencies, environmental groups, the Air Force Headquarters Environmental Quality Office, EPA Headquarters and Regional Federal Facilities staff, citizens groups, the Army Corps of Engineers and others to analyze the flow of information and to consider opportunities for streamlined regulatory oversight of the cleanup of Federal Facilities under CERCLA.

**Tri-City Barrels Site, Fenton, NY.** Mr. Dozier successfully mediated allocation issues among parties at site. He was then authorized by parties to provide expert assistance reviewing database suggesting alternative allocation schemes for the group of participating parties.

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***EDO Corp., et al. v. Elinco Assocs., et al.*, United States District Court for the Southern District of New York.** Mr. Dozier mediated the settlement of lengthy CERCLA cost recovery litigation between plaintiff and defendants. Issues mediated by Mr. Dozier included intra-generational family inheritance issues.

**South Eight Street Landfill Site, West Memphis, AR.** Mr. Dozier convened a PRP group and facilitated discussions among the PRPs and between the PRPs and EPA Region 6 regarding formation of the PRP group and whether EPA would issue a unilateral administrative order. He facilitated discussions among the PRPs about a participation agreement and mediated discussions among the PRPs about a participation agreement. Finally, Mr. Dozier mediated negotiations between EPA and a PRP Group regarding the Orphan Share amount and mediated settlement discussions between the PRP Group and EPA about the Consent Decree and funding and performance of the remedy.

**Tulalip Landfill, Marysville, WA.** Mr. Dozier convened a PRP group and mediated discussions between PRPs, EPA and Federal defendants about allocation procedure at the site. He also facilitated discussions among parties and between PRPs, EPA and tribal government about future use and potential remedies at the site. Mr. Dozier was then selected by parties to issue Pilot Project allocation award to settle allocation disputes between non-settling parties and produced a final allocation award settling remaining issues.

**Spickler Landfill, Spenser, WI.** Mr. Dozier convened a group of parties to form a PRP group, facilitated a meeting among potential parties regarding the site and possible allocation procedures. He designed a questionnaire and allocation procedure to enable parties to obtain allocation information and was authorized by the group to issue an allocation recommendation. Mr. Dozier also mediated a dispute between two of the parties and, if necessary, to issue a binding arbitration award, which was unnecessary as the parties settled based on the mediation.

**Bush Valley Landfill, Harford County, MD.** Selected by the County to obtain information regarding county landfill operations, interviewed former and current site employees regarding landfill operations, drivers and transporters, and others regarding parties that may have sent waste to the site, prepared reports identifying information. Mr. Dozier was able to identify and recover old computerized records regarding landfill operations, saving the parties significant time and money by avoiding entry of the hard copy information into a database.

**Skinner Landfill, Dayton, OH.** Mr. Dozier convened and facilitated the formation of a PRP Group formed to respond to EPA enforcement actions. He then assisted the Group to form, establish a court-based allocation procedure, and select an allocator.

**City of Rice Lake Landfill, Rice Lake WI.** Mr. Dozier was a consultant to City to assist in identifying records regarding landfill operations, identify parties, and prepare an allocation pursuant to Wisconsin Statute that mandates settlement offers from municipally owned or operated landfills.

**Cities of Gloversville and Johnstown Landfills, Albany, NY.** United States District Court for the Northern District of New York Mr. Dozier as cost allocation mediator to collect and organize data, mediate disputes among the group and produce a recommendation to settle cost recovery litigation pursuant to a case management order. Mr. Dozier produced a recommendation that settled the dispute.

**Barrow Landfill, Barrow, AK.** Mr. Dozier mediated establishment of an allocation procedure and was then selected by the parties to allocate costs of the cleanup of a landfill located in the northern-most community in North America. Parties include the U.S. Navy, the U.S. Air Force, the North Slope

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Borough and others. Mr. Dozier obtained information regarding waste disposal practices on the North Slope, including conducting 20 interviews with witnesses. He then drafted a lengthy report summarizing and evaluating the history of waste generation, disposal, and landfill facility operations in Barrow and recommended an allocation framework. The parties then authorized Mr. Dozier to mediate their successful negotiations to settle the allocation dispute.

**Industrial Excess Landfill, Uniontown Ohio.** Mr. Dozier planned, established an agenda and facilitated a public meeting to discuss the very controversial remedy selected by EPA to cleanup up the landfill. EPA, State of Ohio, Agency for Toxic Substances and Disease Registry (ATSDR), local government officials, concerned citizens, citizens groups, and local residents.

***United States of America, et al. v. J.B. Stringfellow, et al., United States District Court for the Central District of California, Los Angeles Division.*** Mr. Dozier was appointed by the United States District Court for the Central District of California as the neutral expert to evaluate an allocation disputes between two groups of parties. He evaluated the record regarding the dispute, including reports from expert witnesses, and submitted a written recommendation to the Court.

**U.S. EPA Institutional Controls Stakeholders Facilitation, Santa Fe, NM.** Mr. Dozier facilitated a workshop convened by U.S. EPA to discuss Agency policy regarding the use of Institutional Controls at hazardous waste site cleanups. Participants included EPA HQ and Regional staff, state, tribal and local government representatives, citizen group representatives and private parties.

***The South Carolina Department of Health and Environmental Control v. Henkel Corp., et al. U.S. District Court for the District of South Carolina, Greenville Division.*** Mr. Dozier was selected by the State and a group of responsible parties to mediate litigation regarding the extent to which costs, expended by the State to remove hazardous substances from a property, were inconsistent with the National Contingency Plan. All parties settled based on the mediation.

***South Carolina Department of Health and Environmental Control vs. Western Atlas, Inc. (f/k/a Litton Industrial Automation Systems, Inc., and successor-in-interest to Litton Business Systems, Inc.), Safety-Kleen (TG), Inc., Safety-Kleen Systems, Inc., and Hoover Building Systems, Inc.; United States District Court for the District of South Carolina, Columbia Division.*** Mr. Dozier was selected jointly by the PRPs and the state Department of Health and Environmental Control to mediate a complex case regarding groundwater contamination, liability, and cost allocation. Some of the issues included whether one of the parties arranged to dispose the hazardous substances that had contaminated the groundwater and scientific reliability of some of the evidence. Based on the mediation, the parties settled the case.

***Dixie-Narco, Inc. and Maytag Corporation v. Rheem Manufacturing Company, et al., U.S. District Court for the District of South Carolina, Columbia, SC.*** Mr. Dozier was selected by the parties to mediate litigation regarding cleanup and restoration costs at a manufacturing facility located in Williston, SC. Parties included the owner of the facility, a previous owner, and a local government. The parties settled the litigation based on the mediation.

**I-73 Interagency Coordination Process Facilitation, Columbia, SC.** Mr. Dozier facilitated a set of interagency coordination meetings over a period of two years that reached consensus on matters related to the permitting of a new interstate multi-modal transportation corridor in South Carolina, I-73. The process was designed to increase agency and public involvement; enable parties to reach consensus on decisions that stick; improve the process and decrease the time taken to permit the project by merging the NEPA and Sections 404/401 procedures; and to enhance interagency communication and relationships. Participants included South Carolina and federal natural resource, environmental, historic, Native American, economic, and transportation agencies.

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**Midnite Mine Site Facilitation, Spokane Reservation, WA.** Selected by the parties, Mr. Dozier mediated discussions between the Spokane Tribe of Indians, the Bureaus of Land Management and Indian Affairs and EPA regarding federal Indian law, land-management, future use, and cleanup issues related to this inactive, open-pit, uranium mine that is located approximately 45 miles northwest of Spokane, Washington, within the reservation of the Spokane Indian Tribe on both tribal trust and individual allotment lands. Parties included EPA Region 10, the Spokane Tribe of Indians, and the Department of Interior.

***South Carolina Department of Health and Environmental Control (“SCDHEC”) v. the United States Department of Defense, the United States Army (f/k/a the United States War Department), and the United States Army Corps of Engineers, U. S. District Court for the District of South Carolina, Charleston.*** Mr. Dozier was selected jointly by the parties to mediate settlement of a lawsuit involving CERCLA cost recovery action by SC DHEC at a Formerly Used Defense Site in South Carolina against the Army Corps of Engineers. Attorneys for the parties included the local Assistant U.S. Attorney, a Department of Justice Environment Defense Section headquarters attorney, an attorney for the Army Corps of Engineers, house and outside counsel for SC DHEC, and the senior program staff for DHEC. Mr. Dozier designed a mediation process and successfully mediated settlement of the case.

***The South Carolina Department of Health and Environmental Control v. American Fast Print Ltd. (U.S.) (d/b/a U.S. Finishing), Duke Energy Corporation (f/k/a Duke Power Company) and Piper Properties of Greenville, LLC, U.S. District Court for the District of South Carolina, Greenville Division.*** Mr. Dozier was selected by the parties to mediate a dispute about cleanup standards, Consent Decree language, prospective purchaser agreements, and allocation of cleanup costs among responsible parties.

***State of Vermont v. Howe Cleaners et al., Superior Court, Washington County Vermont.*** Mr. Dozier was engaged by EPA with the agreement of all parties, to mediate a cost allocation and cost recovery dispute among a group of potentially responsible parties, the State of Vermont, and EPA regarding the cleanup of the Howe Cleaners/9 Depot Square site.

***Ashley II of Charleston, LLC v. PCS Nitrogen and James H. Holcombe and J. Henry Fair, Jr. U.S. District Court for the District of South Carolina, Charleston Division.*** Mr. Dozier was engaged by EPA and, with agreement of the parties, is mediating a cost recovery and allocation dispute regarding the cleanup and restoration of a brownfields site along the Ashley River in Charleston, South Carolina.

**R & H Oil/Tropicana Superfund Site, San Antonio, TX.** Mr. Dozier was selected by EPA to facilitate a meeting of hundreds of small PRPs regarding a *de minimis* buyout offer prepared by EPA and sent to parties for their consideration and possible acceptance of the buyout offer. Mr. Dozier consulted with EPA and many PRPs about the nature and timing of the offer and the design and management of the meeting.

**Former Admiral Home Appliances Site, Williston, SC.** The mediation was a "continuance" of the mediation between Maytag Corp./Dixie-Narco, Inc., Rheem Manufacturing Company ("Rheem"), and the Town of Williston conducted by Mr. Dozier in 2004. Through the 2004 mediation Rheem and Maytag Corp./Dixie-Narco, Inc. entered into a settlement agreement concerning investigation and cleanup efforts at the Admiral Home Appliances Site in Williston, South Carolina. Mr. Dozier was requested by Rheem and Maytag (now owned by Whirlpool Corporation) to mediate buy-out negotiations to address one of the party's interest in completely cashing out of the site. Issues included the estimated cost of the soils and sediment remediation work at the site, premium for

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different aspects of the cash-out, and insurance-based fixed price cleanups. Based on the mediation, the parties settled.

**Valley Forge National Historical Park, Valley Forge, PA.** Mr. Dozier was jointly selected by the Commonwealth of Pennsylvania and the United States Park Service to mediate a dispute regarding allocation of cleanup costs of asbestos contamination in this historic National Park. Based on the mediation, the parties settled

**Tittabawassee and Saginaw Rivers Mediation, Midland, MI.** Mr. Dozier was jointly selected by the United States, the State of Michigan, the Saginaw Chippewa Indian Tribe of Michigan, and The Dow Chemical Company to mediate negotiations for response costs, response actions, corrective action, and natural resource damages regarding the nature and extent of hazardous substances in soils and sediments in the City of Midland; the Tittabawassee River; the Saginaw River; and the Saginaw Bay of Lake Huron pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; the Clean Water Act, 33 U.S.C. § 1251 et seq.; and Parts 31, 111 and 201 of the Michigan Natural Resources and Environmental Protection Act, MCL 324.101 et seq.

**Stoller Site, Jericho, SC.** Mr. Dozier was jointly selected by the SC Department of Health and Environmental Control (DHEC) and the members of a PRP group to mediate dispute related to technical site cleanup issues, the respective rights and obligations of the parties regarding a previous Settlement Agreement, and payment of money to DHEC for a complete release and covenant not to sue. Based on the mediation, the parties settled all issues.

**RMT, Inc. and Southwire Company Mediation, Wisconsin and South Carolina.** Mr. Dozier was jointly selected to mediate a dispute regarding a Master Environmental Services Agreement and a Contract for Comprehensive Corrective Action and Environmental Management Services, both related to the remediation of contamination at the Gaston Copper Recycling Corporation (“GCRC”), a former copper and precious metals recycler and secondary copper smelting facility.

**Sulfuryl Fluoride Situation Assessment, Washington, DC.** Mr. Dozier and another ADR contractor from Seattle, WA were selected by EPA to assist the Office of General Counsel and the Office of Pesticide Programs, the Office of Water and the Office of Air and Radiation to evaluate and suggest methods to address complex cross-media issues related to pesticide tolerance, drinking water standards, and air emissions issues associated with sulfuryl fluoride and its breakdown products. EPA’s Office of Pesticide Programs (OPP) is in litigation with environmental groups who want EPA to revoke the established tolerance levels for sulfuryl fluoride and fluoride. Because sulfuryl fluoride is a replacement product for some uses of the pesticide methyl bromide, which the United States has agreed to phase out under the Montreal Protocol as part of a program to protect the stratospheric ozone layer, environmental groups have been concerned about cumulative risks posed by exposure to fluoride from a variety of sources. EPA selected Mr. Dozier to explore whether and under what circumstances the environmental groups might be willing to discuss the issue of fluoride exposures and tolerances.

**Breslube-Penn Site Mediation, Pittsburgh, PA.** Mr. Dozier was selected by the parties litigating hazardous waste cost recovery and contribution issues in *United States v. AK Steel Corp.*, W. Dist. of Pa. at the Breslube Penn Superfund site, an oil dewatering, filtering, recycling and recovery facility located near Pittsburgh. Based on Mr. Dozier’s mediation assistance all but one party settled; negotiations with that one party continue.

***Defenders of Wildlife, et al., v. Kenneth Salazar, Secretary of the Interior and the State of Wyoming.*** United States Court of Appeals for the District of Columbia. Mr. Dozier was appointed by the



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Court to mediate a dispute over the comprehensive Bison and Elk Management Plan adopted jointly by the U. S. Fish and Wildlife Service and the National Park Service for the National Elk Refuge in Jackson, Hole, Wyoming.

***City of Unalaska v. United States of America Department of Defense, United States District Court for the District of Alaska.*** Mr. Dozier was selected by the City and the U. S. Department of Justice representing the Corps of Engineers and the Navy to mediate a dispute related to the recovery of response costs in connection with the cleanup of hazardous substances at the site of a former military power plant in Unalaska, Alaska, a city located in the Aleutian Islands. The parties settled based on the mediation.

**Gulf Oil Spill Expert Witness.** Mr. Dozier provided expert consulting services to a party involved in the Gulf Oil Spill related to the allocation of liability between potentially responsible parties under the Oil Pollution Act, the Clean Water Act and other related laws.

**Orlando Gasification Plant Site Early Neutral Evaluation, Orlando, FL.** Mr. Dozier was selected by parties to a Participation Agreement regarding the allocation of response costs for the EPA-selected soil and groundwater remedial measures at this former gasification plant located in Orlando. The parties entered into a process of evaluative mediation to assist them to reach agreement regarding allocation of liability for future response costs at the site. The project began in early 2011 and is scheduled to continue through 2013.

***United States v. Coffeyville Resources Refining & Marketing, U.S. District Court, District of Kansas.*** Dozier was jointly selected by the United States and Coffeyville Resources company to mediate settlement negotiations and develop a Consent Decree regarding claims for penalties and injunctive relief filed by the U.S. Coast Guard for alleged violations of Section 301 and 311 of the Clean Water Act (33 U.S.C. §§ 1311, 1312) related to an oil spill of approximately 2145 barrels; for reimbursement of removal costs, interest, administrative costs and attorneys' fees under Section 1002(a) of the Oil Pollution Act of 1990 (33 U.S.C. § 2702(a)) incurred by the United States; and for alleged violations of the Risk Management Program regulations (40 CFR Part 68) and Section 112(r) of Clean Air Act I42 U.S.C. § 7412(r). Based on the mediation, the parties settled issues, including the penalty amount and consent decree language issues.

***Diamond Shamrock Refining Company, L.P., Ultramar, Inc., Valero Refining Company – California, Valero Refining Company – Oklahoma, Valero Refining – New Orleans, L.L.C, and Valero Services, Inc., Claimants, v. Alon Refining Krotz, Springs, Inc., Respondent. AAA Arbitration Case.*** Dozier was jointly selected by the parties to mediate a dispute regarding to enforcement of a contract between the parties regarding compliance with a Consent Decree governing NOx emission limits from the Fluid Catalytic Cracking Units (“FCCU”) units at the parties’ refineries.

***SELECTED PUBLICATIONS***

Contributor to ***Mediation Ethics: Cases and Commentaries*** Edited by Ellen Waldman, Jossey-Bass, 2011.

Profiled in ***Expert Mediators*** by Jean Poitras and Susan Raines published by Jason Aronson. One of 85 experienced mediators empanelled to develop best mediation practices.

“Stakeholder Collaborative Processes for Consensus Building on Planning Issues” with James L. Ariail III, AICP and Allyn Finegold in the on line journal of the American Planning Association, ***Practicing Planner*** ([www.planning.org/practicingplanner/default.htm](http://www.planning.org/practicingplanner/default.htm)) (December 2003).

*Finding the Common Good: the Sugarbush Water Withdrawal Case* with John H. Fitzhugh, 1996  
(<http://www.mediate.com/people/personprofile.cfm?auid=544>)

*Analysis of Some Issues Affecting Federal Facilities in the Proposed National Contingency Plan*, prepared for the Office of the Assistant Secretary of Defense (Environment), February 1989.

*Ethical Standards of Professional Conduct*, Adopted by the International Society of Professionals in Dispute Resolution Board of Directors, June 1986.

*ADR Law Blog*, weekly essays on alternative dispute resolution and environmental law. Selected as one of the Top 50 Blogs on Environmental Law and Climate Change by LexisNexis. See <http://adrlawblog.blogspot.com/>

### **PROFESSIONAL AFFILIATIONS**

Member of the District of Columbia Bar and the Maryland State Bar Association  
Member of the Council of the ADR Section of the Maryland State Bar Association.  
Member of the Bar Association of Montgomery County Maryland  
Maryland Circuit Courts Business and Technology Panel of Mediators  
Member U. S. District Court for the District of Columbia Circuit Panel of Mediators  
Member U. S. Court of Appeals for the District of Columbia Circuit Roster of Mediators  
Member American Bar Association, Sections of Environment, Energy and Natural Resources (SEER) and Dispute Resolution. Editor of SEER ADR Committee Newsletter (2009 – 2010)  
Founding Member, Board of Directors, Community Mediation Center of Montgomery County  
Member, Administrative Conference of the United States (1986 – 1988)  
Member, Board of Directors, Friend's Non-Profit Housing Corporation, Inc., owner of Friendly Gardens an 84 unit low-income apartment complex in Silver Spring, Maryland.  
Public Member of the Montgomery County Water Quality Advisory Group. Appointed by the County Executive and approved by the County Council for a three year term ending in 2015.