

Environmental Experience: Joseph P. McMahon

Rev: June 18, 2014

Mediating and arbitrating for more than twenty years
M.S. in Civil Engineering
Registered Professional Engineer, Colorado, 1975
Experience in the mediation, facilitation, arbitration and litigation of environmental disputes.

Panels, memberships:

- CPR Institute on Dispute Resolution
- American Arbitration Assn., Energy Panel
- College of Commercial Arbitrators
- American Arbitration Assn., Large and Complex Case Panel
- Panel, U.S. Institute for Environmental Conflict Resolution

General experience. Joe has been working in ADR since his initial mediation training in 1991, and also began service as an arbitrator at that time. In addition to law, Joe is a registered professional engineer (civil). As an engineer, he worked in construction scheduling, on site management, change orders, contract oversight, quality control, contract specifications, hydrology and materials science. Joe has an MS in Civil Engineering from the University of Denver.

Agency experience. Joe has worked with various regions of the EPA, Corps of Engineers, USFS, Fish & Wildlife Service, Bureau of Reclamation, Departments of Army and Navy, DOJ, National Park Service, federally connected foundations and the departments of health and environmental protection from many states.

Environmental subjects.

Experience in disputes involving, among others, the following:

- Superfund sites/CERCLA
- RCRA
- Endangered Species Act
- Clean Water Act
- Clean Air Act
- Mine site remediation
- Landfills, barrel fill sites
- River flow and hydrology disputes
- Municipal water supply
- NEPA
- Growth management and environment
- Slope stability
- Groundwater pollution and pathways
- Cost sharing among PRPs
- Former military bases

Relevant presentations or articles

- *Decision Errors in Settlement and Mediation*, The Colorado Lawyer, April 2013, Vol. 42, No. 4
- ADR in NEPA and Environmental Disputes, NEPA, 5th Annual Conference, CLE Intl, Denver, December, 2007.
- Using Conflict Assessments in Environmental ADR, CLE Intl. 4th Annual NEPA

- Conference, Denver, January, 2007.
- Interest-based Bargaining in Environmental Disputes, Rocky Mountain Association of Environmental Professionals, May 2001.
- Interest-based Bargaining in Environmental Disputes, Colo. Bar. Assn., Environmental Law Section, January 2001.
- Mediation Styles, US Institute for Environmental Conflict Resolution, May 2000.

Example environmental engagements:

- Mediator, dispute over compliance with regulations for landfill closure, Colorado, 2014
- Facilitator, hazardous waste remediation/groundwater protection, Ohio, 2014.
- Mediator, groundwater pollution dispute/class action, Oklahoma, 2013.
- Mediator, RCRA claims and enforcement/penalties, Montana, 2013.
- Facilitator, CERCLA mine site remediation planning, Washington, 2013.
- Facilitator, CERCLA mine site remediation planning, New Mexico, 2013-14.
- Mediator, Clean Air Act disputes, Utah, 2012.
- Facilitator, intra-agency/community working relationships, mill site remediation, 2012-14.
- Facilitator, Edwards Aquifer Restoration and Implementation Program, Texas, 2009-2011 (Facilitation of ESA and water use issues regarding Edwards Aquifer water withdrawals).
- Facilitator, Rathdrum Prairie and Treasure Valley Aquifer plans, Idaho, 2009-2011, Including climate change and environmental water need conversations.
- Facilitator, California Gulch Superfund, EPA, Colo Dept of Health, Lake County and City of Leadville, 2007-08 (facilitation of relationship and work among multiple actors in steps to delete the site from the NPL).
- Co-Facilitator, Missouri River Restoration Implementation Committee (COE, FWS, EPA, NPS, States of the Missouri River Basin and various stakeholders), 2005.
- Facilitator, Lowry Landfill Superfund site (EPA, State of Colorado, City of Denver and Waste Management Inc.), 2004-05.
- Facilitator-mediator, Rocky Mountain Arsenal, (US Army, State of Colorado, citizen groups) 2002.
- Mediator, Jarbidge/Elko Nevada Public Lands Litigation, (State of Nevada, Elko County, U.S. Department of Justice, and others) 2001.
- Mediator, Superfund PRP Cost Allocation Dispute, Wyoming, 2003.
- Arbitrator, Mining Agreement dispute, 2003-4 (disputes concerning the effect of environmental enforcement actions on the parties' mining agreement obligations).