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**RENEWAL APPLICATION  
ADDENDUM B3  
DISPUTE RESOLUTION**



1 **RENEWAL APPLICATION**  
2 **ADDENDUM B3**

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4 **DISPUTE RESOLUTION**

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7 Applicability

8 In the event the Permittees disagree, in whole or in part, with either an action on a final audit  
9 report by New Mexico Environment Department (NMED) or an evaluation by NMED of the  
10 Permittees' provisional approval of an Acceptable Knowledge Sufficiency Determination  
11 (AKSD) Request for a particular waste stream (as specified in Renewal Application Chapter B),  
12 the Permittees may seek dispute resolution. The dispute resolution procedure shall be the  
13 exclusive mechanism for resolving disputes related to NMED's final audit report action or a  
14 determination that the Permittees' provisional approval of an AKSD for a particular waste stream  
15 is inadequate.

16 Notice to NMED

17 To invoke dispute resolution, the Permittees shall notify NMED in writing within seven calendar  
18 days of receipt of the action or determination in dispute. Such notice shall be sent to the  
19 hazardous Waste Bureau Chief and must set forth the specific matters in dispute, the position the  
20 Permittees assert should be adopted, a detailed explanation for the Permittees' position, and any  
21 other matters considered necessary for the dispute resolution. For AKSD disputes, the  
22 Permittees shall also submit all factual data, analysis, opinion, and other documentation upon  
23 which they relied for their provisional approval, and any other information that supports their  
24 position. NMED shall acknowledge receipt of notification by e-mail sent to the Permittees'  
25 representative as designated in their written notification.

26 Tier I - Informal Negotiations

27 The Permittees and NMED shall make all reasonable, good faith efforts to informally resolve  
28 disputes related to NMED's determination. The Permittees and NMED shall meet or  
29 teleconference within 15 calendar days from NMED's receipt of notice to commence  
30 negotiations to resolve the dispute. The Permittees and NMED shall have 30 calendar days from  
31 NMED's receipt of notice to resolve the dispute. If an agreement is reached, NMED shall  
32 promptly inform the Permittees of the terms of the agreement in writing. The Permittees shall  
33 comply with the terms of such agreement or, if appropriate, submit a revised submittal and  
34 implement the same in accordance with such agreement. If an agreement is not reached, NMED  
35 shall promptly inform the Permittees in writing that an agreement has not been reached.

36 Tier II - Final Decision of the Secretary

37 In the event agreement is not reached within the 30 calendar day period, the Permittees may  
38 submit a written Request for Final Decision to the Secretary. The Request must be submitted  
39 within seven calendar days after receipt of notification from NMED that an agreement under Tier

1 I was not reached. The Secretary will notify the Permittees in writing of the decision on the  
2 dispute, and the Permittees shall comply with the terms and conditions of the decision. Such  
3 decision shall be the final resolution of the dispute.

4 Actions Not Affected by Dispute

5 With the exception of those matters under dispute, the Permittees shall proceed to take any action  
6 required by those portions of the submission and of this Renewal Application that NMED  
7 determines are not affected by the dispute.

8 E-Mail Notifications

9 If the Permittees submit a notice to NMED, the Permittees shall concurrently post a link to the  
10 notice on the Waste Isolation Pilot Plant (**WIPP**) Home Page, and inform those on the e-mail  
11 notification list. Within seven calendar days after receipt of NMED's letter concerning the  
12 conclusion of any Tier I negotiations, the Permittees shall post a link to the NMED letter on the  
13 WIPP Home Page, and shall inform those on the e-mail notification list. If a Tier I agreement is  
14 not reached and the Permittees submit a Tier II request for final decision to the Secretary, the  
15 Permittees shall concurrently post a link to the request on the WIPP Home Page, and shall  
16 inform those on the e-mail notification list. Within seven calendar days after receiving notice of  
17 the final action by the Secretary, the Permittees shall post a link to the final action on the WIPP  
18 Home Page and shall inform those on the e-mail notification list.