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**RENEWAL APPLICATION
ADDENDUM B1

DISPUTE RESOLUTION**

1 **RENEWAL APPLICATION**
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3 **DISPUTE RESOLUTION**

4 Applicability

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

13 Notice to NMED

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

23 Tier I - Informal Negotiations

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

33 Tier II - Final Decision of the Secretary

34 In the event agreement is not reached within the 30 calendar day period, the Permittees may
35 submit a written Request for Final Decision to the Secretary. The Request must be submitted

1 within seven calendar days after receipt of notification from NMED that an agreement under Tier
2 I was not reached. The Secretary will notify the Permittees in writing of the decision on the
3 dispute, and the Permittees shall comply with the terms and conditions of the decision. Such
4 decision shall be the final resolution of the dispute.

5 Actions Not Affected by Dispute

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

9 E-Mail Notifications

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