

DISPUTE RESOLUTION
Guidance (June 1, 2010)

The process described in this guidance is designed to facilitate the application review process. Any decisions made during the dispute resolution process do not constitute a final action of the director. The applicant retains all rights of appeal on the final action taken by the Agency regarding the application in question.

- A. At the completion of the technical review, the application reviewer will transmit written Agency comments to the applicant. Depending on the applicant's response to those comments, a second Agency comment letter may be needed.
- B. In the event that a disagreement is identified through the second Agency comment letter for which no immediate resolution is anticipated, the applicant may notify the application reviewer, in writing, of the disputed issue. This notification shall occur within 15 days of the second comment letter.
- C. The applicant will provide written information supporting his position to the section 401/IWP program manager (Manager) within 15 days of the notification specified in Part B, above. This information should include:
 - 1. a one page summary of the applicant's position;
 - 2. a list of materials already provided to the Agency to support that position; and,
 - 3. a copy of new materials, not previously provided to the Agency, to support that position.
- D. At the time dispute notification occurs (Part B, above) the application reviewer will organize the project file, flag pertinent information and provide it to the Manager within 15 days.
- E. The Manager shall make a decision on the dispute within 10 days of receiving the written arguments from the applicant and project file from the application reviewer and shall notify both parties of the decision, in writing. During the 10 day review the Manager may request additional information from the applicant and/or application reviewer to aid in making a decision.