All,

Please consider adding a mediation provision for contested cases. Here is some suggested language:

"Mediation. In all contested cases, upon request of one or more parties and with the consent of all parties, the department may assign a mediator. The mediator must be a department hearing officer, other duly authorized agent of the department, or attorney who has received training in dispute resolution techniques or has a demonstrated history of successfully resolving disputes, as determined by the department. A person who mediates in a particular contested case may not participate in a hearing in that case and may not prepare the proposed, recommended or final order in the case. The mediator may not communicate with employees or agents of the department regarding the mediation other than to inform them of the pendency of the mediation and whether the contested case settled."

*Modeled after the Washington Pollution Control Hearings Board Rules of Procedure, WAC 371-08-395.*
Sean,

Thanks again for the opportunity to comment and participate in this important process. All indications are that IDWR’s procedures will be streamlined, with attendant efficiencies and cost savings for all. I am attaching identical Word and searchable pdf versions of SUEZ’s comments on Strawman 2.

-Chris

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Subject: IDWR Procedural Negotiated Rulemaking Meeting Summary

All – As promised I’ve attached a Word version of Strawman 2.0 to this email. The meeting audio will be available on the Procedural Rulemaking webpage later today.

Here is our anticipated schedule:

Second round of written comments due July 7, 2021;
Notice of Rulemaking – Proposed Rule & Proposed Text submitted July 30 for publication September 1; Around the time of the submission to OAR, IDWR will provide a second response document to stakeholders; Comment period on Proposed Text and Notice will be September 1 – September 22; and I will send out a specific link to the Notice and Proposed Text to the group once the Bulletin publishes.

Thanks again,

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