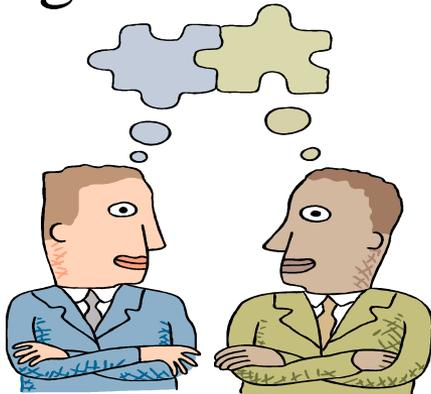


OFFICE OF DISPUTE RESOLUTION

- Voluntary program that provides a non-court based forum for resolution of disagreements between the regulated community and the DEP. The ODR will entertain any request to resolve a dispute other than
 - 1) a direct challenge to a DEP regulation, rule or policy; or
 - 2) a dispute solely between private parties.
- ODR staff act as neutrals and offer mediation and facilitation services.
- Frequently handle objections to and appeals from permit conditions and denials, compliance issues and penalty assessments.
- 75% of the cases where the parties have agreed to participate in Alternative Dispute Resolution have resulted in a mutually satisfactory agreement.
- For more information: www.nj.gov/dep/odr or contact Linda Taylor at 609-633-1432 or linda.taylor@dep.nj.gov

Goals of ODR

- To define and clarify issues being disputed;
- To Facilitate communication between regulated parties and DEP staff;
- To Encourage collaborative problem-solving;
- To Explore options for resolution of the issues; and
- To Promote and document a mutually satisfactory agreement.



ODR Formats

ODR uses two forms of alternative dispute resolution to bring parties together to resolve disagreements:

- ❖ Mediation involves the parties developing the joint resolution of a dispute/disputed issues and, if necessary, agreeing on a future course of action. The resolution is memorialized in a Settlement Document. A neutral helps the parties' collaboratively problem-solve and explore options for resolution that may not previously have been considered.
- ❖ Facilitation involves an informal meeting between the individual or organization and the DEP program to ascertain if the parties can mutually resolve whatever differences separate them. ODR structures the meeting so that it focuses on the issues and the ultimate goal, which may be to remediate a site, set a permit compliance schedule or resolve technical issues.





ODR Process



See website <http://www.nj.gov/dep/odr/>

- Prepare a concise, factual and persuasive request - provide as much relevant information as possible.
- ODR reviews the request and submits to DEP program (or if request is from program or Division of Law, to other parties) to see if they will participate in ADR
- Program identifies staff to participate and inquires whether a DAG will participate;
- Once all parties agree to ADR, conduct organizational conference call, determine whether information exchange may be necessary and schedule meeting or mediation session.
- Conduct Mediation or Facilitative meeting.
- Essential terms of any agreement are documented on the ADR Term Sheet
- Mediation Summary letter sent
- ODR is point of contact for exchange of information.
- Draft Settlement Agreement/Document for parties' review and approval.
- Finalize Settlement Agreement.
- Public Notice if necessary
- Discussions and information exchange are confidential, unless already part of public record. Executed Settlement Agreement is public document.

ODR Process

Mediations

Confidentiality: All requests, documentation submitted and information discussed remain confidential in accordance with Uniform Mediation Act.

- Mediation Agreement signed at mediation session provides for confidentiality, non disclosure of information, non subpoena of mediator in any subsequent proceedings, that mediation is in good faith; and that mutually accepted decisions are binding and enforceable.
- Essential terms of any settlement are set down in writing and agreed to by the parties at the conclusion of any successful mediation.
- A detailed Mediation Summary Letter is prepared by ODR and subsequent documentation is exchanged, if necessary.
- Draft Settlement Agreements/Documents are prepared by ODR (or by a party) and provided to the parties for review and approval prior to execution.

Benefits of ADR

- ❖ Helps reduce litigation costs.
- ❖ Saves time; promotes program efficiency
- ❖ Customer Service. Provides additional access to regulated community for meaningful dialogue with the DEP.
- ❖ Allows direct participation in developing a mutually agreeable solution to the problem.

Examples of ODR Cases

- Cases from throughout the Department - Land Use Permitting and Enforcement cases have, historically, been most frequently requested
- Multiple parties or programs may participate
- With DAGs/Attorneys participating, but not always
- We will combine matters and parties, if requested, in an effort to effect efficiencies

Contact Information

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