Pollution Control Hearings Board
Shorelines Hearings Board
Forest Practices Appeals Board
Hydraulic Appeals Board
Environmental and Land Use Hearings Board

Telephone: (360) 459-6327
FAX: (360) 438-7699
Email: eho@eho wa gov
Website:www.eho wa gov

STATE OF WASHINGTON

ENVIRONMENTAL HEARINGS OFFICE

Mailing Address: PO Box 40903, Olympia, WA 98504-0903
Physical Address: 4224 - 6th Ave. SE, Bldg. 2, RoweSix, Lacey, WA 98504-0903

DEPARTMENT OF ECOLOGY
JAN 0 9 2008
WATER QUALITY PROGRAM

January 8, 2008

Frank M Hruban
Assistant Attorney General
WSU
PO Box 641031
Pullman WA 991164-1031

Ronald L. Lavigne & Thomas J. Young
Assistant Attorney's General
Department of Ecology
PO Box 40117
Olympia WA 98504-0117

RE: PCHB NO 07-025 & 058
WSU v. ECOLOGY

Dear Parties:

Enclosed is a Stipulation and Agreed Order of Dismissal, thereby canceling any further proceedings in this matter.

Sincerely yours,

William H Lynch

William H Lynch, Presiding

WHL/jg/P 07-0925
Enc.
Cc: Kathleen Emmett

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid to the attorneys of record herein

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct

DATED Jan 8, 2008 at Lacey, WA

DEPARTMENT OF ECOLOGY
JAN 0 9 2008
WATER QUALITY PROGRAM

POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

WASHINGTON STATE UNIVERSITY, Appellant, v STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, Respondent.	PCHB Nos 07-025 & 07-058 **STIPULATION AND AGREED ORDER OF DISMISSAL**

COMES NOW Appellant, Washington State University (WSU), by and through its attorneys, Robert M. McKenna, Attorney General, and Frank M. Hruban, Assistant Attorney General, and Respondent, State of Washington, Department of Ecology (Ecology), by and through its attorneys, Robert M. McKenna, Attorney General, and Thomas J Young, Assistant Attorney General, and agree to the entry of this Stipulation and Agreed Order of Dismissal in the form attached

I. RECITALS

1. On or about January 17, 2007, Ecology issued the Eastern and Western Washington Phase II Municipal Stormwater Permits.

2. On or about February 15, 2007, WSU appealed certain aspects of the Eastern Washington Phase II Municipal Stormwater Permit

ATTORNEY GENERAL OF WASHINGTON
Washington State University Division
P O Box 641031
Pullman, WA 99164-1031
(509) 335 2636 // FAX (509) 335 1663

3 On or about April 19, 2007, Ecology issued Permit No. WAR04-6700 granting Phase II Municipal Stormwater Permit coverage to each of the WSU campuses at Pullman, Spokane, Vancouver, and Tri-Cities.

4. On or about May 15, 2007, WSU appealed Ecology's issuance of Permit No. WAR04-6700

5 Since issuing the Phase II Municipal Stormwater Permits, Ecology has completed a portion of the Total Maximum Daily Load studies concerning water quality in and near Pullman.

6. Both Ecology and WSU are committed to effective regulation of municipal stormwater in the Palouse Basin to include the South Fork of the Palouse River and Paradise Creek, which both originate in Idaho before entering Washington and Pullman

7. This Stipulation is intended to resolve WSU's appeals of the Phase II Municipal Stormwater Permits and Permit No WAR04-6700 as described in PCHB Nos. 07-025 and 07-058.

II. STIPULATION

1. The parties stipulate that Ecology will support WSU's individual efforts and any collective efforts of WSU and other institutions of higher education to obtain funding from the Legislature for Phase II Municipal Stormwater Permit compliance costs.

2 The parties also stipulate that the dismissal of PCHB Nos 07-025 and 07-058 will not impact PCHB No. 07-023, the appeal to which the City of Pullman is a party, and the issues raised in that appeal. The parties further stipulate that should the PCHB No. 07-023 Appellants receive any relief or benefit as a result of their appeal of the Phase II Municipal Stormwater Permit, WSU will receive the corresponding relief or benefit as a secondary permittee or co-permittee

3 The undersigned representatives for WSU and Ecology certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of

ATTORNEY GENERAL OF WASHINGTON
Washington State University Division
P O Box 641031
Pullman, WA 99164-1031
(509) 335 2636 // FAX (509) 335 1663

this Stipulation and Agreed Order of Dismissal and legally to bind such party thereto. Ecology and WSU consent to the submission of this Stipulation and Agreed Order of Dismissal to the Pollution Control Hearings Board for approval and entry.

RESPECTFULLY SUBMITTED this 3 day of December, 2007.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

DAVE PEELER
Water Quality Program Manager

STATE OF WASHINGTON
WASHINGTON STATE UNIVERSITY

GREG ROYER
Vice President for Business and Finance

ROBERT M. MCKENNA
Attorney General

THOMAS J. YOUNG, WSBA #17366
Assistant Attorney General
Attorneys for Respondent
Department of Ecology
(360) 586-4608

ROBERT M. MCKENNA
Attorney General

FRANK M. HRUBAN, WSBA#35258
Assistant Attorney General
Attorneys for Appellant
Washington State University
(509) 335-2636

//

//

//

//

//

//

//

//

ATTORNEY GENERAL OF WASHINGTON
Washington State University Division
P.O. Box 641031
Pullman, WA 99164-1031
(509) 335 2636 // FAX (509) 335 1663

AGREED ORDER OF DISMISSAL

Having reviewed the foregoing Stipulation and the file and pleadings herein, and it appearing that the parties have reached an agreement, it is

HEREBY ORDERED that the foregoing Stipulation is entered ~~as an Order of this Board~~ and these cases, *Washington State University v. Ecology*, PCHB 07-025 and PCHB 07-058, are hereby DISMISSED with prejudice and without costs or attorneys fees.

DATED this 8th day of January 2008

POLLUTION CONTROL HEARINGS BOARD

WILLIAM H LYNCH, Presiding

ANDREA MCNAMARA DOYLE, Member

KATHLEEN D MIX, ~~Member~~ Chair

Presented by:

ROBERT M. MCKENNA
Attorney General

THOMAS J. YOUNG, WSBA #17366
Assistant Attorney General
Attorneys for Respondent
Department of Ecology
(360) 586-4608

Approved as to form; Notice of Presentation Waived:

ROBERT M. MCKENNA
Attorney General

FRANK M HRUBAN, WSBA #35258
Assistant Attorney General
Attorneys for Appellant
Washington State University
(509) 335-2636

ATTORNEY GENERAL OF WASHINGTON
Washington State University Division
P O Box 641031
Pullman, WA 99164-1031
(509) 335 2636 // FAX (509) 335 1663