



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

March 31, 2009

Jan Hasselman
Janette Brimmer
Joshua Osborn Klein
Earthjustice
705 Second Ave Ste 203
Seattle WA 98104

Stephen Klasinski
Asst. Attorney General
DOT
PO Box 40113
Olympia WA 98504-0113

Ronald Lavigne
Senior Counsel
Ecology
PO Box 40117
Olympia WA 98504-0117

Re: PCHB No. 09-023
PUGET SOUNDKEEPER ALLIANCE v. DOT and ECOLOGY

Dear Parties:

I see from my notes that the issue identified by PSA in their March 30, 2009 letter should have been included in the pre-hearing order. That issue is "Does the permit unlawfully fail to require compliance with total maximum daily loads ("TMDLs") that are issued subsequent to the date of issuance of the permit?"

I will be sending out an updated pre-hearing order after I receive the list with references to the permit sections. I will add the omitted issue into the updated pre-hearing order as issue number 13. Thank you for calling this to my attention.

If you have questions, please do not hesitate to call.

Sincerely,

Kay M. Brown
Administrative Appeals Judge, Presiding

KMB/dj/P09-023

Enc.

Cc: Kathleen Emmett, Ecology

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 parties 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 March 31, 2009, at Lacey, WA