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DEPARTMENT OF ECOLOGY

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May 19, 2011

Kari L. Vander Stoep
K&L Gates LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158

Subject: Pend Oreille River TMDL Dispute Resolution Oral Presentations

Dear Ms. Vander Stoep:

The Department of Ecology (Ecology) accepts your request for an oral presentation to present your disputed claims to a Dispute Resolution Panel. The oral presentations are a chance for you to clarify or reinforce your disputed claims and the items included with your dispute resolution request. Since you share a dispute claim with the other disputing party (not using flow-weighted averages), you may want to clarify any differences between your dispute claims in your presentation.

The oral presentation meeting has been scheduled for:

Date & Time: **June 8, 2011 from 2:30pm to 5:30pm**

Location: *Ecology Headquarters Building*
300 Desmond Drive, Lacey WA 98504

And *Ecology Eastern Regional Office*
4601 N Monroe St, Spokane WA 99205

The oral presentation will be facilitated. Each disputing party will be given 45 minutes to speak to the panel. A videoconference connection between Ecology HQ and Ecology ERO will be available if you have issues with travel. The videoconference will allow you to display digital information on the television screen while you are talking if you are not physically present in Lacey.

Representatives from Ecology who are responsible for the Pend Oreille River Temperature TMDL will be given time to present their information and answer questions from the panel as well. During each presentation, the panel may ask questions for clarification. The panel will have up to 15 minutes for a question and answer period at the end of each presentation.

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It is important to note that this is not a public hearing or judicial procedure. It is an opportunity for this TMDL to be reviewed by a dispute resolution panel. The panel consists of Ecology officials and an external expert not involved in the development of the TMDL to ensure Ecology and EPA procedures were correctly followed. No cross-questioning of the parties will be allowed.

A digital audio/visual projector will be available to connect with a laptop computer if you wish to present digital information. If you would like to use our laptop instead of your own, I suggest the format of your materials be compatible with standard Microsoft Office applications and that you bring that information on a portable memory device (like a USB flash drive). If you bring your own laptop, you will be able to connect it to the projector with a standard digital video connector (provided). It would also be good for you to bring five printed copies of the presented material to give to the panel members.

If you have questions or concerns, please contact me.

Sincerely,



Dustin Bilhimer
Pend Oreille River TMDL Dispute Resolution Coordinator
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Cc: Helen Rueda, EPA
Karin Baldwin, Ecology
Jerry K. Boyd, Attorney for Pend Oreille PUD