

ENVIRONMENTAL HEARINGS
Pollution Control Hearings Office
Shorelines Hearings Office



Telephone: (360) 664-9160
FAX: (360) 586-2253
Email: eluho@eluho.wa.gov
Website: www.eluho.wa.gov

STATE OF WASHINGTON

ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

Physical Address: 1111 Israel Rd. SW Suite 301, Tumwater, WA 98501

Mailing Address: PO Box 40903, Olympia, WA 98504-0903

October 18, 2022

Sent by Email only

Grace King
Christopher Page
Monica Sheets
U.S. Dept. of Energy
PO Box 550, MSIN H5-30
Richland WA 99352
Grace.king@rl.doe.gov
christa.fuhrer-warrington@rl.doe.gov
christopher_b_page@rl.gov
monica.sheets@rl.doe.gov

Kelly Wood
Caroline Cress
Jennifer Slocum
Alexandria Doolittle
Attorney General's Office – Ecy Div.
Po Box 40117
Olympia WA 98504
kelly.wood@atg.wa.gov
caroline.cress@atg.wa.gov
Danielle.French@atg.wa.gov
jenna.slocum@atg.wa.gov
alex.doolittle@atg.wa.gov
ruth.wilson@atg.wa.gov

Anissa Siefken, Deputy Chief Counsel
Hanford Office of Chief Counsel
2430 Stevens Center Place
Richland, WA 99354
Anissa.Siefken@rl.doe.gov

James A. Tupper, Jr.
Tupper Mack Wells, PLLC
2025 First Ave Ste 1100
Seattle WA 98121
tupper@tmw-law.com
barragan@tmw-law.com

Re: **PCHB No. 22-001**
UNITED STATES DEPARTMENT OF ENERGY AND CENTRAL PLATEAU
CLEAN UP COMPANY LLC V. WASHINGTON STATE DEPARTMENT OF
ECOLOGY

Dear Parties:

Enclosed is a Continuance Order in the above referenced matter.

If you have any questions, please feel free to contact the staff at the Environmental and Land Use Hearings Office at 360-664-9160.

Sincerely,



Michelle Gonzalez, Presiding

MG/cj/P22-001

Encl

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via email only.

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

DATED October 18, 2022, at Tumwater, WA.



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AGO Rec'd 10/18/2022

**POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON**

UNITED STATES DEPARTMENT OF
ENERGY, and CENTRAL PLATEAU
CLEANUP COMPANY, LLC,

Appellants,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent.

PCHB No. 22-001

CONTINUANCE ORDER

THIS MATTER came before the Board on the parties' Joint Motion for Continuance filed on October 4, 2022. The Board having considered the pleadings filed, hereby continues this proceeding as follows:

Appellants appealed a permit decision made by Respondent on December 6, 2021, in regard to a modification of Permit No. WA7890008967. The parties have reached a settlement of the appeal. The settlement provides, in relevant part, that the parties will initiate a permit modification pursuant to WAC 173-303-830(3)(a)(ii). The parties have requested that the Board continue proceedings in this appeal during the pendency of the permit modification. In particular, the parties have requested that the Board cancel the hearing scheduled on January 17-20, 2023, and to suspend all deadlines related to discovery, dispositive motions, the

1 exchange of witness and exhibit lists, and prehearing briefs that the Board had set in its
2 February 2, 2022, Prehearing Order.

3 **ORDER**

4 This appeal is continued pending the modification of Permit No. WA7890008967. The
5 hearing currently scheduled for January 17-20, 2023, is cancelled, and removed from the
6 Board's calendar. The deadlines set in the Board's February 2, 2022, Prehearing Order
7 regarding discovery, dispositive motions, the exchange of witness and exhibit lists, and
8 prehearing briefs are suspended.

9 The parties are directed to submit a Status Update to the Board on or before May 1,
10 2023.

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12 SO ORDERED this 18th day of October 2022.

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14 POLLUTION CONTROL HEARINGS BOARD

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MICHELLE GONZALEZ, Presiding

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18 Presented by:

19 U.S DEPARTMENT OF ENERGY

20
21 s/ Don Willoh
22 Don Willoh, Missouri Bar No. 44331
Attorney for Appellant, U.S. DOE

23 TUPPER MACK WELLS, PLLC

24
25 s/James A. Tupper, Jr.
26 James A. Tupper, Jr., WSBA No. 16783
Attorneys for Appellant, CPCCo, LLC

1 ROBERT W. FERGUSON
2 Attorney General

3 *s/Kelly Wood*
4 Kelly Wood, WSBA No. 40067
5 Attorneys for Respondent State of Washington Department of Ecology

6 4858-7866-3734, v. 1
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