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# ❖ Brief CASE News ❖

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--November, December 1997--

## Parking Lot and Ecology Meetings

**T**he Department of Ecology met with citizens and representatives at the Burien Library to discuss the NPDES permit and other water related issues. Citizens questioned the existing condition contamination, glycol in the creeks, the fuel lines, etc. Although Ecology insists the new permit will adequately protect the environment, it seems clear that the majority of citizens attending the meetings disagree.

As you may have noticed, the parking lot is that big strip mine looking hill to the north of SR 518. It was previously home to homes and recently, wetlands, trees and plants. What happens when you remove wetlands, trees and plants that all retain water and replace it with impervious surface? You get a water problem downhill from the site unless water retention is built and in this case, they need a lot of retention. Maybe you have also noticed that large lake that has formed to the south of SR 518. That would be Lake Reba, once a small retention pond, now a burgeoning water reservoir just waiting to swamp the highway, Miller Creek and ultimately, Normandy Park.

Seems that Kathleen Vermiere, councilmember of Normandy Park, has taken a very active role in this obvious mess-up on the part of Ecology and the Port of Seattle.

She has actually visited the lot along with Greg Wingard and looked a little closer at the situation to try to find out what could happen to Normandy Park if we have a real bad rain storm.

CASE thanks Kathleen for her activities to protect our communities and environment. We know it takes time to care and that this is a tough job with little reward.

Also, thank you Greg for working for and with us for to protect our environment.

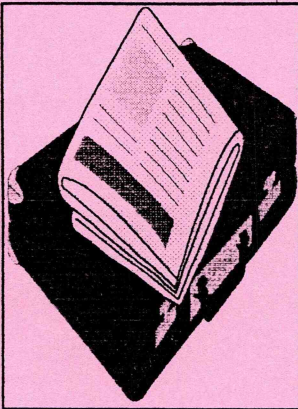
## Wetlands and Aquifers

**O**ne of the requirements for building the entire runway project was for the Port of Seattle to obtain permits to destroy wetlands around the airport. A citizen found out last month that the Port has never received a permit from the Army Corps of Engineers to destroy the wetlands located where the parking lot is being built north of 518 and near 24th Avenue South. There were two wetlands located there and a wellfield protection area controlled by the City of Seattle Water Department.

According to the Army Corps, the Port has never received a permit to destroy any third runway project related wetland areas.

Seattle Water Department has been concerned that the parking lot, borrow area and warehouse project would disturb the water quality of the drinking water they draw from Riverton Heights Wells #1 and #2 which are both near the new parking lot structure. So they wrote an agreement in the form of a resolution requiring the Port to implement a number of mitigation measures that would protect this area from spills, leaks, etc., from haul trucks and that dredging and removing of dirt would not disturb the layer of till overlying the water supply. In some places around this project area, the water table is only 20 feet below surface. Much of the well water that recharges the aquifers used by Seattle Water Department and Highline Water Districts comes from recharge that enters the ground and water table from rain water. Should the surface of the area become contaminated with oil, grease, gasoline, etc., this will possibly, eventually enter the water table.

Not only has this project caused a lot of problems in Miller Creek, it also appears that the City of Seattle's mitigation requests are being ignored as well.



*Watch the Highline News. In the next few weeks, CASE will be printing an ad and sponsoring a contest offering a prize to the individual who can most accurately guess the date of the next Port project related problem (disaster). A bonus will be added for anyone who can also guess the PROJECT causing the problem.*

**HAVE A MERRY CHRISTMAS AND A VERY HAPPY NEW YEARHOPE THIS NEXT YEAR BRINGS VICTORY FOR US AND A REST FROM OUR WORK!!!**

- Thank you for all
- you have done to
- make CASE run
- smoothly these
- past two years.
- Thank you
- callers, board
- members and
- CASE members
- for going to
- meetings, making
- cookies, bringing
- materials, writing
- letters, for
- making it a little
- rough on the Port.
- Thank you
- officers, Jim
- Bartlemy for
- doing so much
- and for your effort
- to win the
- election, David
- Wagner for
- giving to the
- cause, Wally
- Mayer for keeping
- track...and to Dan
- Caldwell who also
- ran and got 46%
- of the vote!!!

**Peter Kirsch wins victory in Burbank.**

Peter Kirsch of Cutler & Stanfield and ACC attorney recently won a victory for the city of Burbank.

The Airport authority was claiming that they needed to move and expand an existing terminal because the present structure was located too close to an active runway. The Airport said that its close proximity was causing a safety hazard and did not comply with current FAA regulations.

The City of Burbank on the other hand, cited State of California law which says that cities and local jurisdictions affected by airport expansion plans have a say in land use decisions. The judge did not accept the claim of the airport authority and stated::

“There is no evidence before this court indicating that Congress intended to deprive local governments of the right to control the use of land in their communities when it passed the Federal Aviation Act or any of the noise control legislation.” (City of Burbank v. Burbank-Glendale-Pasadena Airport Authority Case No. -0022341).

Peter Kirsch said that this ruling is “a major setback” for the airport authority and also thinks it has implications for airports around the country. “The issue squarely presented here says that just because a project has something to do with safety, it doesn’t mean that the airport is exempted from land use laws.”

So often, airports will cite safety and international commerce clause to justify continual expansion. Oftentimes, these plans for expansion are done at the expense of local communities who bear the burden for loss of tax revenue from takings of land for airport use, additional noise burdens, etc. Kirsch thinks this ruling is a tool that can be used to bargain for better controls such as putting a cap on operations and nighttime curfews. Basically, it makes sense that if you have to move a terminal for safety reasons, it shouldn’t mean that you can also double the size of it and increase operations at the same time.

National Organization, US CAW, Testifies in Washington D.C.

“US CAW (Citizens Aviation Watch), the new national organization comprised of individual organizations across the US with ties to 17 European countries, Canada and Australia, has testified three times since September in Washington D.C. regarding noise issues, environmental impacts of airports for the committee on Environment and Energy, and most recently, sent and read into the record, testimony regarding EPA’s control of airport reporting of their toxic releases in the TRI inventory. Agencies are starting to refer people and groups to us to get their questions answered. Reporters are calling and key officials are reacting to this movement. Many member groups were able to get their representatives to co-sponsor HR 536 and SB 951.

**WHAT HAPPENS WHEN YOU CALL A PORT COMMISSIONER EARLY AT THEIR HOME ON A SUNDAY MORNING???**

On Sunday, November 21, a CASE member called Paige Miller at 8:15 a.m. The CASE member asked if this was the Port Commissioner, not knowing if it was the right person. She curtly asked, who wants to know? CASE member replied that she lives near the airport. Paige asked; “Is it appropriate for you to be calling me this early on a Sunday Morning, waking me and my family up? The CASE member replied; “Well is it appropriate for your airplanes to be running up their engines at 7:15 a.m. waking me and my family up? And thousands of other people who live by the airport? The run-ups ended at 9:05 approximately.

