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POLLUTION CONTROL HEARINGS BOARD  
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,  
  
Appellant,  
  
CITIZENS AGAINST SEA-TAC EXPANSION,  
  
Intervenor/Appellant,  
  
v.  
  
STATE OF WASHINGTON DEPARTMENT  
OF ECOLOGY, and THE PORT OF SEATTLE,  
  
Respondents.

NO. 01-160

NOTICE OF SUPPLEMENTAL  
AUTHORITY

ACC requests that the Board consider the following cites of recent decisions of the Washington State Supreme Court as supplemental authority in this matter relating to the following issues in this case:<sup>1</sup>

**AR 000913**

<sup>1</sup>Issue numbers conform to the "Airport Opinion Structure" issued by the Board on April 8, 2002.

**ORIGINAL**

1           *Public Utility District No. 1 of Pend Oreille County v. Washington Department of*  
2 *Ecology*, \_\_\_ Wn.2d \_\_\_, \_\_\_ P.3d \_\_\_, 2002 Wash. Lexis 473 (Docket No. 70372-8, slip op.  
3 July 18, 2002).

4           General applicability to all issues presented to the Board, including but not limited to  
5 Issues VI.E.1.e, g, h, i, j; Issue IV.E.3; Issue IV.E.4.a; Issue IV.E.5.b; Issue IV.E.7; Issue IV.E.8  
6 (describing state authority and obligations under Section 401 certification authority; state is  
7 required to enforce state water quality standards; state must consider and apply all appropriate  
8 requirements of state law; state must set effluent limits in 401 certifications).

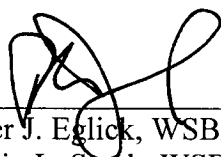
10           *Hubbard v. County of Spokane*, \_\_\_ Wn.2d \_\_\_, \_\_\_ P.3d \_\_\_, 2002 Wash. Lexis 470  
11 (Docket No. 70975-1, slip op. July 18, 2002).

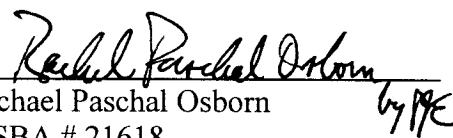
12           General applicability to all issues presented to the Board (government officials are held to  
13 a high standard and must conduct business in a manner that advances the public interest; officials  
14 are prohibited from granting special privileges or exemptions to others)

15           DATED this 24 day of July, 2002.

17 HELSELL FETTERMAN LLP

18  
19 By:

  
Peter J. Eglick, WSBA #8809  
Kevin L. Stock, WSBA #14541  
Michael P. Witek, WSBA #26598  
Attorneys for Appellant

  
Rachael Paschal Osborn  
WSBA # 21618  
Attorney for Appellant

22  
23 GALU\ACC\PCHB\SUPP-AUTHORITY

24  
25 **AR 000914**

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POLLUTION CONTROL HEARINGS BOARD  
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION )  
And CITIZENS AGAINST SEA-TAC )  
EXPANSION, )  
Appellant, )  
v. )  
STATE OF WASHINGTON, )  
DEPARTMENT OF ECOLOGY; and )  
THE PORT OF SEATTLE, )  
Respondents. )

No. 01-160

CERTIFICATE OF SERVICE

I, Michael Dennis, an employee of Helsell Fetterman LLP, attorneys for the Airport

Communities Coalition, certify that:

I am now, and at all times herein mentioned was, a resident of the State of Washington, and  
over the age of eighteen years.

On July 24, 2002, I sent via facsimile, a true and correct copy of Notice of Supplemental

Authority to:

Joan Marchioro  
Thomas Young  
Jeff Kray  
Assistant Attorneys General

Linda Strout  
Traci Goodwin  
Port of Seattle, Legal Dept.

Fax No: (360) 586-6760

Fax No: (206) 728-3252

**AR 000915**

CERTIFICATE OF SERVICE - 1

**ORIGINAL**

HELSELL  
FETTERMAN  
*A Limited Liability Partnership*

1500 PUGET SOUND PLAZA P.O. BOX 21846  
SEATTLE, WA 98111-3846 PH: (206) 292-1144

1 Gillis Reavis  
2 Jay Manning  
3 Brown Reavis & Manning

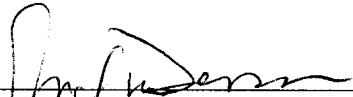
Roger Pearce  
Steven Jones  
Foster Pepper & Shefelman

4 Fax No: (206) 292-6301

Fax No. (206) 447-9700

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

7 DATED this 24<sup>th</sup> day of July, 2002, at Seattle, Washington.

8   
9 \_\_\_\_\_  
10 Michael Dennis

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25 **AR 000916**

CERTIFICATE OF SERVICE - 2

HELSELL  
FETTERMAN  
*A Limited Liability Partnership*

1500 PUGET SOUND PLAZA P.O. BOX 21846  
SEATTLE, WA 98111-3846 PH: (206) 292-1144