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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,)	PCHB No. 01-160
)	
Appellant,)	
)	DECLARATION OF BRETT FISH
v.)	SUPPORTING CASE'S MOTION TO
)	INTERVENE
WASHINGTON STATE DEPARTMENT OF)	
ECOLOGY and THE PORT OF SEATTLE,)	
)	
Respondents.)	
)	

I, BRETT FISH, declare:

1. I state the following from personal knowledge and am competent to testify thereto. I am the President of Citizens Against Seatac Expansion ("CASE").

2. CASE is a non-profit corporation organized and in good standing under Washington law. CASE is a broad-based, local citizen's group which, among other things, acts to protect the local environment and communities from the impacts of Seatac Airport. CASE and its members have consistently fought for clean water, including fighting for better enforcement of the Port of Seattle's NPDES permit for discharges from Seatac into local streams.

DECLARATION OF BRETT FISH - 1

SMITH & LOWNEY, P.L.L.C.
2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883

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1 3. CASE has a long history of responsible environmental and civic activism.
2 CASE's efforts to safeguard its members, local communities, and local ecosystems from the
3 impacts of Sea-Tac Airport have included appealing the reissuance of the Port of Seattle's
4 NPDES permit for discharges at Sea-Tac, and appealing the Washington State Department of
5 Ecology's recent modification of the Port's NPDES permit. The latter appeal is presently
6 pending before the Pollution Control Hearings Board as PCHB No. 01-090.
7

8 4. CASE is interested in this action for several reasons. CASE submitted oral and
9 written comments on the proposed 401 Certification. CASE does not believe that Ecology's
10 Certification that the proposed third runway and master plan update projects fairly addresses
11 the substance of CASE's comments and concerns. Further, CASE does not believe that
12 Ecology had sufficient information to satisfy the legal standard of reasonable assurance that
13 the proposed projects will not violate water quality standards. By definition, violations of
14 water quality standards in Miller, Walker, Des Moines, or Gillian Creek would impair water
15 quality and beneficial uses in those creeks. Further degradation and pollution of these creeks
16 will impact CASE and its members, through their use and enjoyment of the creeks and the
17 fish and wildlife that depend on them.
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21 5. CASE believes that the conditions contained in Ecology's 401 certification are
22 inadequate to protect water quality and to assure the Port's compliance with water quality
23 standards in Miller, Walker, Des Moines, and Gillian Creek.
24

25 6. CASE is also interested in the present appeal because of the procedural invalidity
26 of Ecology's negotiation and settlement of the Port's appeal of the initial 401 Certification.
27 CASE and the public were deprived of any meaningful opportunity to participate in or to
28

1 comment upon the revision of the conditions contained in the initial certification. Ecology
2 cut a deal with the Port without giving the public any opportunity -- short of appealing the
3 revised certification -- to comment.

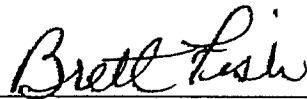
4 7. The existing parties will not provide adequate representation of CASE's interests
5 because none of the existing parties is a grass roots citizens' group representing individual
6 citizens. Instead, the parties represent governmental entities and organizations. The existing
7 parties have organizational perspectives, and do not adequately represent the individual
8 citizens who live in the areas that will be impacted by the proposed discharges. Ecology's
9 willing acquiescence in the revisions requested by the Port confirms that Ecology is not
10 adequately representing the public interest in this matter.
11

12 8. CASE's intervention will cause no undue delay or prejudice to the rights of the
13 existing parties to this action because the appeal is still in its early stages. CASE will agree
14 to be bound by the case schedule order that is presently in force. CASE's intervention and
15 participation will not impact the case schedule in any way.
16

17 9. CASE understands that the ACC's Motion for a Stay of the 401 Certification has
18 already been fully briefed and argued. CASE does not ask to submit its own arguments
19 supporting the stay motion. Because CASE believes that a stay is needed to protect the local
20 creeks, fish, and wildlife, CASE urges the Board to rule on the stay motion without delay.
21 CASE respectfully requests that its motion to intervene not be allowed to interfere with the
22 pending stay motion.
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1 I declare under penalty of perjury under the laws of the State of Washington that the
2 foregoing is true and correct.
3

4 Dated November 30, 2001, at Seattle, Washington.
5

6 
7 _____
8 **Brett Fish**