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ENVIRONMENTAL
HEARINGS OFFICE

**POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON**

AIRPORT COMMUNITIES COALITION,)

Appellant,)

v.)

DEPARTMENT OF ECOLOGY and
THE PORT OF SEATTLE,)

Respondents.)

THE PORT OF SEATTLE,)

Appellant,)

v.)

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,)

Respondents.)

PCHB No. 01-133
PCHB No. 01-150
PCHB No. 01-160

STIPULATION AND ORDER

(CLEAN WATER ACT SECTION 401
CERTIFICATIONS #1996-4-02325,
#1996-4-02325 (AMENDED-1))

On September 20, 2001, the Pollution Control Hearings Board ("Board") entered an Agreement and Order Re Rescission of 401 Certification in PCHB Case Nos. 01-133 and 01-150 (the "Agreement and Order").

The Department of Ecology subsequently rescinded on September 21, 2001, the Section 401 Certification which was issued by Ecology under Ecology Order Number 1996-4-02325 on August 10, 2001, and issued an amended 401 Certification under Order Number 1996-4-02325 (Amended-1).

On October 1, 2001, the Airport Communities Coalition filed and served per the Agreement and

STIPULATION AND ORDER - 1

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10-03-2001 12:43pm From-HELSELL FETTERMAN

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T-815 P.004/006 F-738

1 Order an appeal of the amended 401 Certification.

2 Pursuant to the Agreement and Order, the original appeal and attachments filed in Case No. 01-
3 133, all pleadings and supporting documents filed in Case No. 01-150, and all pleadings and supporting
4 documents filed by parties supporting or opposing the motion for stay brought by the Airport
5 Communities Coalition under PCHB No. 01-133 shall be transferred over to PCHB No. 01-160, the new
6 appeal number that the Board has assigned to ACC's October 1, 2001, appeal.

7
8 Based on the foregoing transfer and pursuant to the Agreement and Order, the parties hereby
9 jointly request the Board to dismiss PCHB Case Nos. 01-150 and 01-133.

10 SO STIPULATED:

11 PORT OF SEATTLE

12 *Rogers Jones*
13 Linda J. Strout, General Counsel, WSBA No. 9422
14 Traci M. Goodwin, Senior Port Counsel, WSBA No. 14974

15 FOSTER PEPPER & SHEFELMAN PLLC

16 *Rogers Jones*
17 Roger A. Pearce, WSBA No. 21113
18 Steven G. Jones, WSBA No. 19334

19 MARTEN BROWN INC.

20 *Rogers Jones*
21 Jay J. Manning, WSBA No. 13579
22 Gillis E. Reavis, WSBA No. 21451

23 Attorneys for Port of Seattle

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25 STIPULATION AND ORDER - 2

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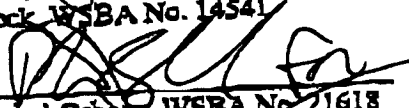

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STIPULATION AND ORDER - 3

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II ORDER

Pursuant to the foregoing stipulation of the parties and to the Agreement and Order Re Rescission of 401 Certification entered herein,

IT IS HEREBY ORDERED that, as set forth in the Agreement and Order, the original appeal and attachments filed in Case No. 01-133, all pleadings and supporting documents filed in Case No. 01-150, and all pleadings and supporting documents filed by parties supporting or opposing the motion for stay brought by the Airport Communities Coalition under PCHB No. 01-133 shall be transferred over to PCHB No. 01-160, the new appeal number that the Board has assigned to ACC's October 1, 2001, appeal of Ecology's Order Number 1996-4-02325 (Amended-1). It is further ordered that PCHB Case No. 01-150 and PCHB Case No. 011-33 should be, and hereby are, dismissed.

DATED this _____ day of October, 2001.

KALEEN COTTINGHAM, Presiding

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STIPULATION AND ORDER - 6

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A LIMITED LIABILITY PARTNERSHIP

OCTOBER 8, 2001

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PAGES: 6 RETURN TO: Rachel Parks
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MESSAGE/CONTENTS:

RE: ACC v. Dept. of Ecology and Port of Seattle

Letter dated October 8, 2001, from Peter Eglick to Presiding Officer Cottingham and signed Stipulation and Order

THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS TRANSMITTED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL COMMUNICATION TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR THE MAILING COSTS. THANK YOU.

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