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HEARINGS OFFICE

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,)

No. 01-133

Appellant,)

DECLARATION OF KEVIN L. STOCK
IN SUPPORT OF ACC'S MOTION FOR
STAY

v.)

STATE OF WASHINGTON,)

DEPARTMENT OF ECOLOGY; and)

THE PORT OF SEATTLE,)

(Section 401 Certification No.
1996-4-02325 and CZMA concurrency
statement, issued August 10, 2001,
Related to Construction of a Third
Runway and related projects at Seattle
Tacoma International Airport)

Respondents.)

I, Kevin L. Stock, declare as follows:

1. I am one of the attorneys for the Airport Communities Coalition. I make this declaration based upon personal knowledge and am competent to do so.

1. On August 20, 2001, I attended a meeting held among the Federal Aviation Administration, the Army Corps of Engineers and the Airport Communities Coalition to discuss alternatives to the proposed third runway. The meeting was held at the FAA's regional offices in Renton. Attending the meeting for the Army Corps of Engineers was District Engineer Colonel Ralph Graves, Corps Regulatory Section Manager Tom Mueller and Muffy Walker, the Corps' project manager for

ORIGINAL

HILSELL FETTERMAN LLP
1500 Puget Sound Plaza
1325 Fourth Avenue
Seattle, WA 98101-2509

Rachael Paschal Osborn
Attorney at Law
2421 West Mission Avenue
Spokane, WA 99201

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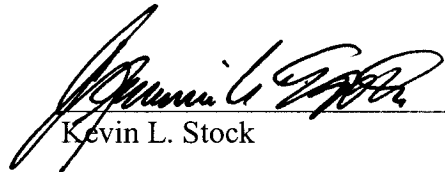
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1 review of the Port's application for a Clean Water Act Section 404 permit for the proposed third runway
2 project.

3 3. During the course of the meeting Colonel Graves told those present that the Army Corps
4 of Engineers anticipates issuing its decision on the Port's application for a Section 404 permit within the
5 next two months. This statement comports with statements made by Corps regulatory staff to the press
6 when the Department of Ecology issued its 401 certification on August 10, 2001. See, August 11, 2001,
7 article appearing in *The Seattle Post Intelligencer*, attached hereto as Exhibit A.
8

9 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
10 is true and correct.

11 DATED this 17th day of September, 2001, at Seattle, Washington.

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14 
Kevin L. Stock

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DECLARATION OF KEVIN L. STOCK IN
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HELSELL FETTERMAN LLP
1500 Puget Sound Plaza
1325 Fourth Avenue
Seattle, WA 98101-2509

Rachael Paschal Osborn
Attorney at Law
2421 West Mission Avenue
Spokane, WA 99201

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A major win for third runway

State approves water-quality permit, with conditions

Saturday, August 11, 2001

By **LARRY LANGE**
SEATTLE POST-INTELLIGENCER REPORTER

A key environmental permit for the controversial third runway at Seattle-Tacoma International Airport was approved by a state agency yesterday, but well-organized opponents said they'll appeal the decision within a few days.

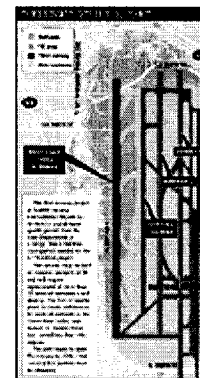
The state Department of Ecology approved a water-quality certificate for the runway, which the Port of Seattle proposes to build on a slope on the west side of the airport. Several conditions were attached.

"It's a key step," port spokesman Bob Parker said.

The runway, which was first conceived in 1987, is scheduled for completion in 2006, assuming all permits are obtained.

But the port can't begin building the runway until the U.S. Army Corps of Engineers issues permits to allow construction in 20 acres of wetlands that will be destroyed when more fill is brought in to support the facility. The corps expects to decide on the issue in about two months.

Ecology's decision will be appealed to the state Pollution Control Hearings Board by the Airport Communities Coalition, composed of five cities and a school district fighting the runway. The coalition said the facility would contaminate three nearby creeks,



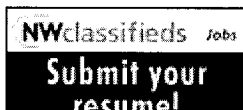
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possibly harming fish, even with the environmental controls the state will require. The Pollution Control Hearings Board would rule on an appeal within 180 days.

Miller, Des Moines and Walker creeks "are going to end up as the port's drainage ditches for Sea-Tac Airport if this (project) goes through," said coalition attorney Kevin Stock.

Port officials say the new runway is needed and would reduce the average flight delay time by two-thirds. Opponents say the runway can't be justified given the relatively low percentage of delayed flights, and that the solution is a new airport.

The state's approval came on the port's third attempt to get construction clearance for the 8,500 foot-long runway, estimated to cost \$773 million. The state issued a permit in 1998 but it was rescinded after the port discovered it would destroy more wetlands than originally thought.

The port withdrew a second application in September 2000 after the state warned it the proposal would be rejected because of environmental issues.

While approving the permit yesterday the state said it will require the port to capture and store storm water from the runway during wet months and return it to the creeks to maintain adequate flow for fish life and recreation in dry months.

It said it will require the port to build storm water ponds and vaults for that purpose, and that the port will retrofit storm water facilities serving the existing runways to avoid further contamination problems of the type it has caused in the past at the airport.

The state said it also will require the port to screen the fill material it uses to build the base of the runway. The port already has placed about 3 million cubic yards of material on land it bought for the runway; the other 17 million cubic yards needed for completion would fill 34 football fields 300 feet high, the state estimated. The state said it will require the port to monitor creek water quality when construction gets into full swing.

"It's a monumental plan for a monumental project and it's a heck of an achievement for us to get through and for us to be able to say we can issue a permit ... because they have met the applicable state and federal environmental laws," said Ecology Department spokesman Curt Hart.

But opponents dispute that conclusion, saying the port's application was incomplete and failed to answer and resolve several issues. The coalition has contended that the project application has been pushed through the agency by politics, not science.

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Part of the wetlands destruction under the new runway will be made up through creation of 60 acres of new wetlands near Auburn in the Green River Valley. Coalition attorneys say that doesn't really make up for the loss of water-cleaning and supply functions that will be lost west of the airport when wetlands in that area are filled in.

They also said water trickling through the flow, which will replenish low summer creek flows, is likely to carry contamination into the creeks -- also a likely outcome when winter storm waters are released from vaults into the creeks in summer.

"There are fish in these streams and when they get a slug of this water I think ... they're going to die," said coalition attorney Peter Eglick.


The Army Corps of Engineers is still reviewing the port's proposal in preparation for deciding whether to issue the permits for wetland construction.


Corps analyst Gail Terzi said her agency hopes to make its decision within two months but "we're not there yet. We still have some information gaps."

She said the corps has yet to be convinced that the port's plans to make up for the loss of wetlands will work.

She said state approval "does not mean we're going to say OK. The reality now is that the port is going to put pressure on us rather than on Ecology."

P-I reporter Larry Lange can be reached at 206-448-8313 or larrylange@seattlepi.com

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