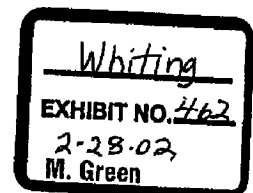


Phone call from Ann Kenny, WDOE, 3rd Runway permit lead
on September 18, 2001 at 2:45pm

- Airport Communities Coalition (ACC) appealed WDOE permit. ACC filed a Motion for Stay indicating there is an imminent threat to the environment.
- Port of Seattle (POS) appealed WDOE permit. Side negotiations resulted in an agreement to revise permit conditions. This will be done via a reissuance of a revised permit. This will have an appeal period, and is likely to be appealed by the ACC with similar claims.
- The ACC has statements from numerous technical experts supporting their position for Appeal and Stay. This includes NHC, Peter Willig (sp?), Amanda Azous, Tom Luster, etc.
- The contract amendment to cover the recently completed work, and to extend hours to cover future support is not in place. Apparently there is agreement by POS to OK this amendment.
- WDOE attorneys, Tom Young and Joanne Marchiotti (sp?), have indicated they want King County to provide the rebuttal to the statements by the ACC technical experts. The work product requested has not been well described, but may include a request for the County to provide affidavits that the ACC technical issues are without merit. This work is to be completed by October 1, 2001.
- King County does not have copies of the appeal documents, nor the statements by the ACC's technical experts. King County technical staff has not spent time reviewing the current permit conditions, and is totally unaware of recent agreements between WDOE and POS.
- King County does not have a contract amendment in place to cover this additional work request.
- King County indicated that review staff is better suited in answering specific WDOE technical questions as they relate to our letter of concurrence on the Stormwater Management Plan, and comment letter on the separate Low Flow Augmentation Plan. King County supported the completion of the low flow plan prior to permit issuance. Ecology chose to issue the permit with conditions to require completion of the low flow plan.
- King County indicated that we may find validity in the ACC claims. King County technical staff is not legally trained, and are not willing to make legal determinations.
- The short turn-around time does not appear to provide adequate time for complete review of related documents, and time to provide written response by October 1, 2001.
- King County technical staff contacted the KC-DNR Project Manager, David Masters, on September 18, 2001 to inform him of these developments and request for continued support.
- WDOE indicated they may subpoena County staff if County commitment not made to provide the requested support. WDOE indicated they may have their technical staff (John Drabek and Kevin Fitzpatrick) may be able to provide the needed technical lead and County staff may be able to provide them assistance as needed.



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