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September 10, 2001

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DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR

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Water's Director
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ENVIRONMENTAL
HEARINGS OFFICE

The Honorable Kaleen Cottingham, Presiding
Pollution Control Hearings Board
Environmental Hearings Office
4224 6th Avenue SE
Building 2, Row Six
P.O. Box 40903
Lacey, WA 98504-0903

RE: *Port of Seattle Appeal of Water Quality Certification (Order #1996-4-02325) and Stipulated Agreement and Order of Dismissal*

Dear Ms. Cottingham:

Enclosed please find the Port of Seattle's appeal of Water Quality Certification #1996-4-02325 issued by the Department of Ecology for various improvements at Seattle Tacoma International Airport, including a third runway and associated construction projects. We are also filing today a Stipulated Agreement and Agreed Order of Dismissal by which the Port and the Department of Ecology have agreed to resolve the issues raised by the Port's appeal.

We suggest that the Board schedule a status conference to discuss the appropriate process for moving forward. In short, the Port's position is as follows: The Port and the Department have agreed that the water quality certification should be amended consistent with the terms of the enclosed stipulation. Because the Airport Communities Coalition has already appealed the certification, we believe the Coalition is entitled to raise whatever objections it may have to the amended provisions of the certification. Because this litigation has just commenced, and because the Coalition is free to raise any issues it may have with the amended certification provisions, we believe the Board should accept the enclosed stipulation, dismiss the Port's appeal and proceed with the Coalition's appeal using the revised certification as the order under appeal.



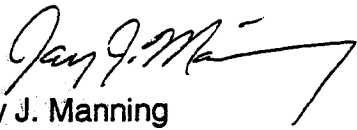
Marten Brown Inc.

AR 024551

The Honorable Kaleen Cottingham, Presiding
September 10, 2001
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If you have any questions or concerns please do not hesitate to contact me.

Sincerely,


Jay J. Manning

JJM:jab

Enclosure

Copy: Port Commissioners, Port of Seattle
M. R. Dinsmore
Tom Fitzsimmons
Gordon White
Joan Marchioro

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