

**POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON**

PIERCE COUNTY; SNOHOMISH COUNTY, a political subdivision of the State of Washington; CLARK COUNTY, WASHINGTON; KING COUNTY, a political subdivision of the State of Washington; and BUILDING INDUSTRY ASSOCIATION OF CLARK COUNTY,

Appellants,

and

CITY OF SEATTLE, a municipal corporation; and CITY OF TACOMA, a municipal corporation, and STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION,

Intervenors,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent,

and

PUGET SOUNDKEEPER ALLIANCE, WASHINGTON ENVIRONMENTAL COUNCIL, and ROSEMERE NEIGHBORHOOD ASSOCIATION,

Respondent Intervenors.

and

PCHB No. 12-093c

PCHB No. 12-097c

(Phase 1 and Phase II Consolidated Issues)

ORDER DISMISSING PHASE I ISSUES
NO. 1, NO. 2 AND NO. 12

1 COALITION OF GOVERNMENT
2 ENTITIES: CITY OF AUBURN, CITY OF
3 BAINBRIDGE ISLAND, CITY OF
4 BURLINGTON, CITY OF DES MOINES,
5 CITY OF EVERETT, CITY OF KENT,
6 CITY OF ISSAQUAH, CITY OF MOUNT
7 VERNON, CITY OF RENTON, CITY OF
8 SEATAC, CITY OF SNOQUALMIE, CITY
9 OF SUMNER, all municipal corporations of
10 the State of Washington; COWLITZ
11 COUNTY; and KING COUNTY, political
12 subdivisions of the State of Washington,

Appellants,

and

9 CITIES OF KIRKLAND, KELSO,
10 SAMMAMISH, CAMAS, LONGVIEW,
11 LYNNWOOD, POULSBO, BREMERTON,
12 BOTHELL and FERNDALE; and STATE
13 OF WASHINGTON, DEPARTMENT OF
14 TRANSPORTATION

Appellant Intervenors,

v.

14 STATE OF WASHINGTON,
15 DEPARTMENT OF ECOLOGY,

Respondent.

and

18 PUGET SOUNDKEEPER ALLIANCE,
19 ROSEMERE NEIGHBORHOOD
20 ASSOCIATION,

Respondent Intervenors.

1 On September 9, 2013, Appellant Snohomish County filed a Motion to Dismiss Phase I
2 Issue No. 2, stating that based on the Department of Ecology's (Ecology) clarifications regarding
3 MR#2 Stormwater Site Plan requirements, the County was withdrawing Issue No. 2. In a letter
4 dated September 10, 2013, the Board requested the parties to file any responses to the
5 withdrawal of Phase I Issue No. 2. No parties responded and therefore, the Phase I Issue No. 2 is
6 dismissed.

7 On September 10, 2013, Respondent Ecology, Appellants Snohomish County, King
8 County, Pierce County, Clark County, Building Industry Association of Clark County,
9 Intervenor City of Seattle, Respondent-Intervenors Puget Soundkeeper Alliance, Washington
10 Environmental Council and Rosemere Neighborhood Association, filed a Stipulated Order
11 Dismissing Phase I Issue No. 1 and requesting dismissal of said issue. In the letter dated
12 September 10, 2013, the Board stated that based on the agreement of the parties, Phase I Issue
13 No. 1 was stricken, and the final order shall incorporate the agreement of the parties to amend
14 Special Condition S5.C.1.b.iv. of the 2013 Phase I Permit.

15 On September 26, 2013, Respondent Ecology, Appellants Snohomish County, King
16 County, Pierce County, Clark County, Building Industry Association of Clark County,
17 Intervenors the City of Tacoma and the City of Seattle, Respondent-Intervenors Puget
18 Soundkeeper Alliance, Washington Environmental Council, and Rosemere Neighborhood
19 Association, filed a Stipulated Order Dismissing Phase I Issue No. 12 based on agreement of the
20 parties to amend Special Condition S5.C.8.c.i.(1) of the 2013 Phase I Permit and adding a
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1 definition of “Conveyance System”. Based on the agreement of the parties, the final order shall
2 include the amendments as provided in the Stipulation.

3 **ORDER**

4 Based upon the above background, which is incorporated herein,

- 5 1. Phase I Issue No. 1 is dismissed.
6 2. Phase I Issue No. 2 is dismissed.
7 3. Phase I Issue No. 12 is dismissed.

8
9 SO ORDERED this 30th day of September, 2013.

10 **POLLUTION CONTROL HEARINGS BOARD**

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12 Tom McDonald, Presiding, PCHB No. 12-093c

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14 Joan M. Marchioro, Presiding, PCHB No. 12-097c

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16 Kathleen D. Mix, Member
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