

RECEIVED
APR 11 2002
ENVIRONMENTAL
HEARINGS OFFICE

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

1			
2			
3			
4			
5			
6	AIRPORT COMMUNITIES COALITION,)	
7)	PCHB No. 01-160
8	Appellant,)	
9)	DECLARATION OF PETER J. EGLICK IN
10	CITIZENS AGAINST SEA-TAC)	SUPPORT OF ACC'S MOTION TO
11	EXPANSION,)	REDACT PRE-FILED TESTIMONY OF
12)	PAUL FENDT
13	Intervenor/Appellant,)	
14)	
15	v.)	
16)	
17	STATE OF WASHINGTON,)	
18	DEPARTMENT OF ECOLOGY; and)	
19	THE PORT OF SEATTLE,)	
20)	
21	Respondents.)	
22)	

Peter J. Eglick declares as follows:

1. I am attorney of record for the Airport Communities Coalition (ACC). I have personal knowledge of the matters set forth below and am competent to be a witness herein.

2. Attached to this declaration as Attachment 1 is a true and correct copy of an excerpt from the deposition of Kelly Whiting (title page and page 173), conducted on February 28, 2002. **AR 001907**

3. Attached to this Declaration as Attachment 2 is a true and correct copy of the Walker Creek low flow occurrence chart from the July 2001 version of the Low Stream Flow

ORIGINAL

1 Analysis and Flow Impact Offset Facility Plan prepared for the Port of Seattle by Parametrix,
2 Inc.

3 4. Attached to this Declaration as Attachment 3 is a true and correct copy of the
4 Walker Creek low flow occurrence chart from the December 2001 version of the Low Stream
5 Flow Analysis and Flow Impact Offset Facility Plan prepared for the Port of Seattle by
6 Parametrix, Inc.
7

8 5. Attached to this Declaration as Attachment 4 is a true and correct copy of the
9 March 2002 Walker Creek low flow occurrence chart submitted as the third page of Exhibit C to
10 the Pre-Filed Direct Testimony of Paul S. Fendt, P.E. (3/7/02).

11 I declare under penalty of perjury under the laws of the State of Washington that the
12 foregoing is true and correct.
13

14 DATED this 11th day of April, 2002, at Seattle, Washington.

15
16 
17 _____
Peter J. Eglick

18
19 g:\u\acc\pchb\decl-eglick-fendt.doc
20
21
22
23
24
25

AR 001908

HELSELL
FETTERMAN
A Limited Liability Partnership

DECLARATION OF PETER J. EGLICK - 2

1500 PUGET SOUND PLAZA P.O. BOX 21846
SEATTLE, WA 98111-3846 PH: (206) 292-1144

POLLUTION CONTROL HEARINGS BOARD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AIRPORT COMMUNITIES COALITION,)	
)	
Appellant,)	
)	
vs.)	PCHB NO. 01-160
)	
DEPARTMENT OF ECOLOGY and THE)	
PORT OF SEATTLE,)	
)	
Respondents.)	

DEPOSITION UPON ORAL EXAMINATION
OF
KELLY WHITING
VOLUME II

8:33 A.M.

FEBRUARY 28, 2002

1325 FOURTH AVENUE, SUITE 1500

SEATTLE, WASHINGTON

MARY L. GREEN, CCR, RPR
CSR NO. GREENML497RZ

AR 001910

1 that occur in November of that -- which is also outside
2 the 92-day mitigation window that was proposed.

3 However, these reserve storage vaults have
4 been shown that in many years they will have excess
5 storage in them that will be allowed to drain out after
6 the mitigation window but before they do their
7 inspection and maintenance in December, and, therefore,
8 it may be possible that these events occurring in
9 November would actually have been mitigated because of
10 the excess storage in the vault, and I don't know the
11 answer to that.

12 Q. Just for the record, could you identify the
13 table that you're looking at?

14 A. I'm looking at a table entitled seven-day low
15 flow occurrences in Walker Creek 1949 to 1995, and in
16 parentheses, 1994 HSPF.

17 Q. And could you identify or locate the low flow
18 frequency analysis in the December plan?

19 A. Yes, I can.

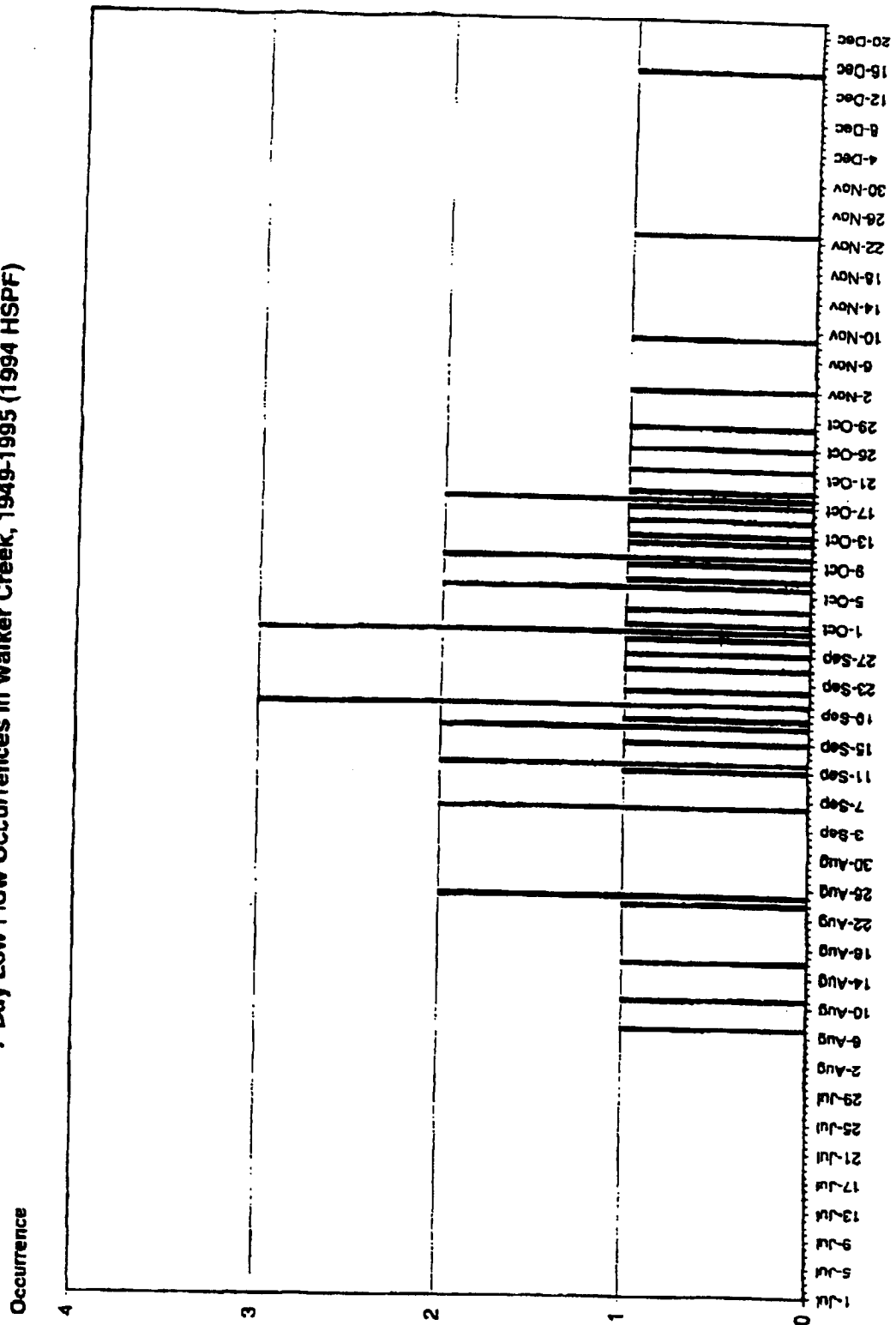
20 Q. And this December 2001 version of supposedly
21 the same chart, right?

22 A. It is entitled the same.

23 Q. What does that indicate about low flow events
24 outside the mitigation period?

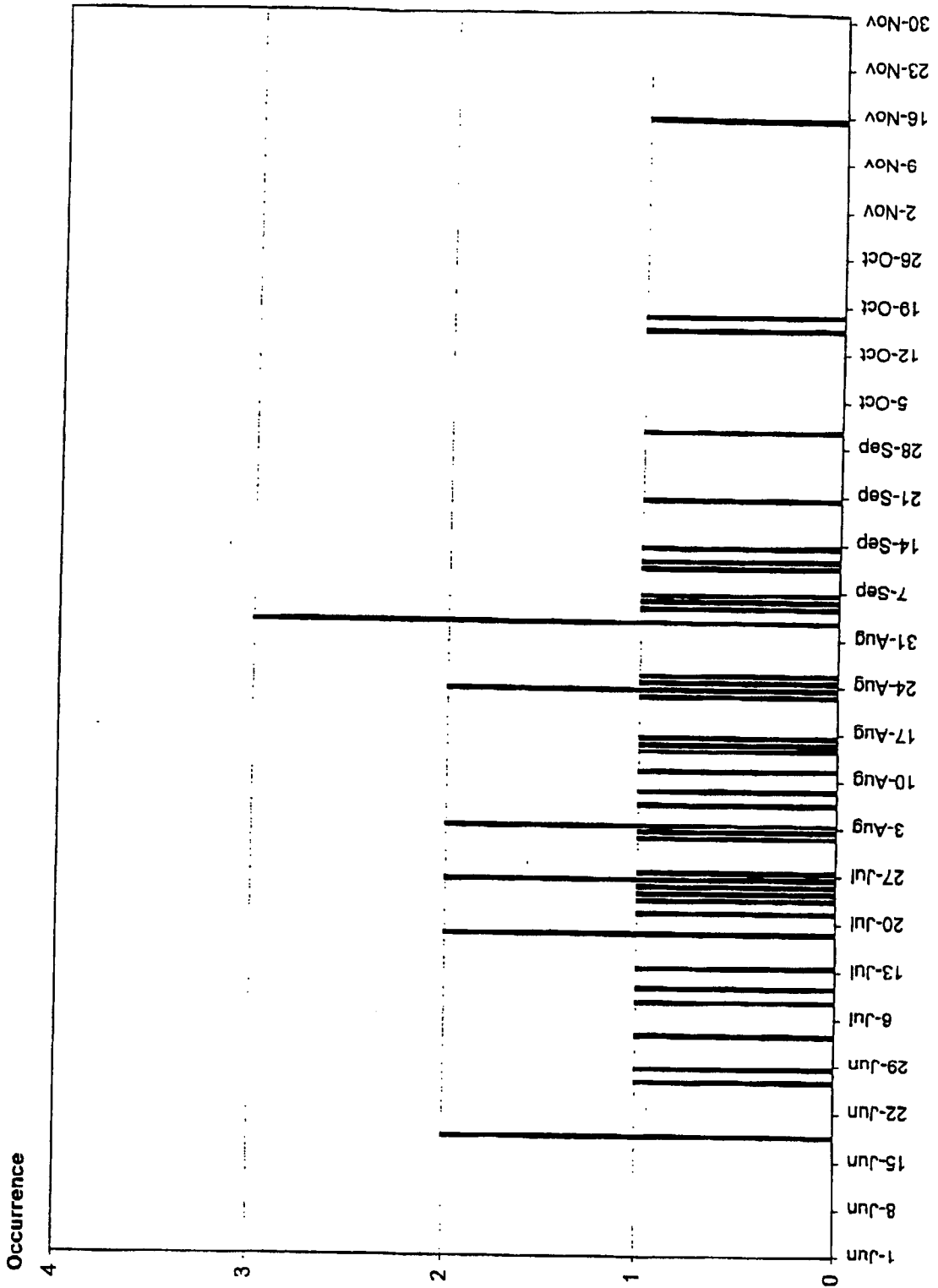
25 A. Well, according to my review comments and

7-Day Low Flow Occurrences in Walker Creek, 1949-1995 (1994 HSPF)



July 2001 LFP

7-Day Low Flow Occurrences in Walker Creek, 1949-1995 (1994 HSPF)



Dec. 2001 LFP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION and
CITIZENS AGAINST SEA-TAC EXPANSION,

Appellants,

v.

DEPARTMENT OF ECOLOGY and
THE PORT OF SEATTLE,

Respondents.

No. PCHB 01-160

PRE-FILED DIRECT TESTIMONY OF
PAUL S. FENDT, P.E.

Table of Contents

STORMWATER IMPACTS FROM THE MPU IMPROVEMENTS.....2

THE PORT'S STORMWATER MANAGEMENT PLAN CONTROLS FOR PEAK FLOW, LOW FLOW, AND WATER
QUALITY IMPACTS.....3

STORMWATER DETENTION AND TREATMENT.....5

MILLER CREEK.....7

WALKER CREEK.....7

DES MOINES CREEK.....7

SDS3 VAULT.....7

LOW FLOW MODELING AND MITIGATION.....8

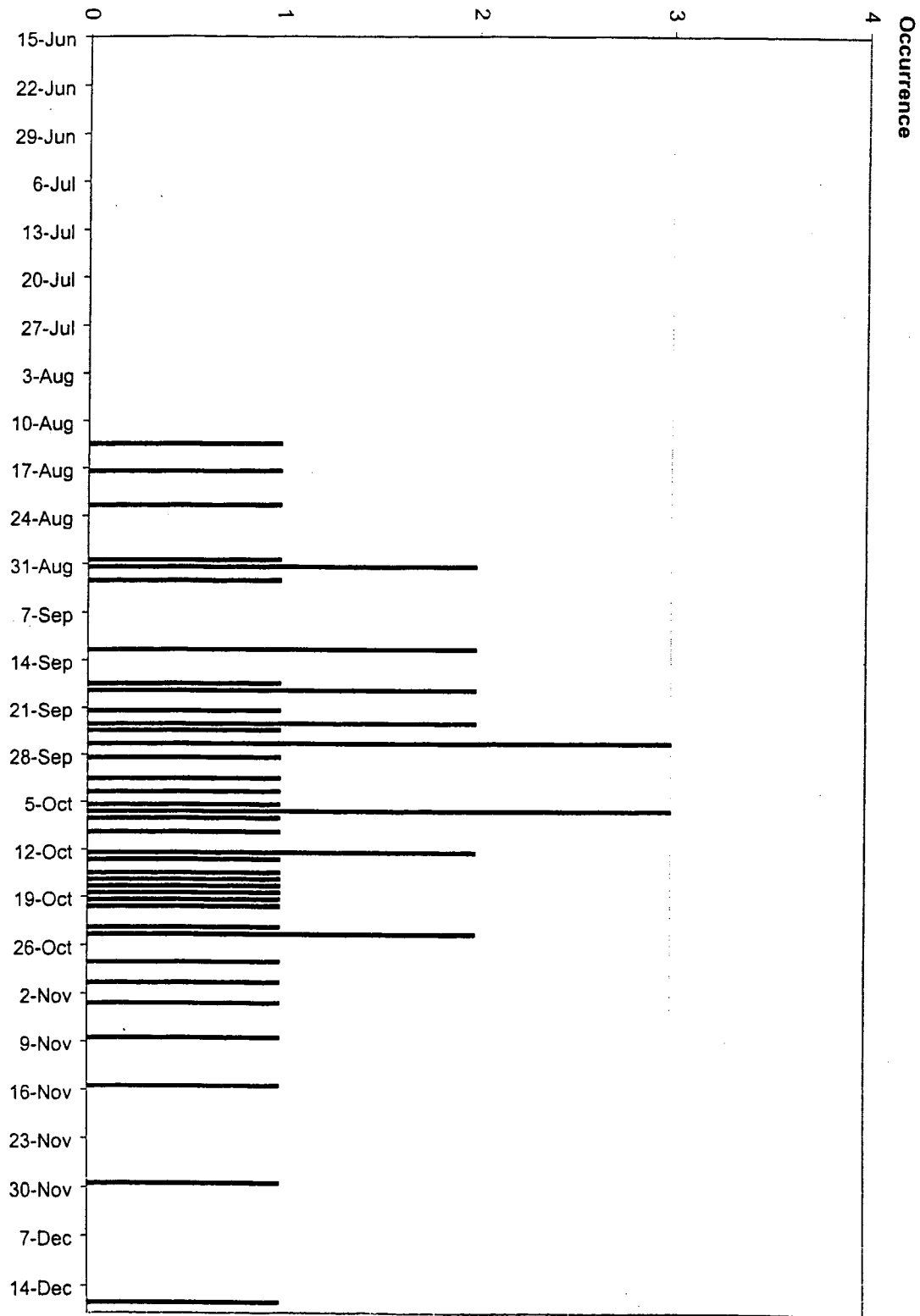
OTHER STORMWATER ISSUES22

PRE-FILED DIRECT TESTIMONY OF
PAUL S. FENDT, P.E. - i

FOSTER PEPPER & SHEFELMAN PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
206-447-4400

COPY

7-Day Low Flow Occurrences in Walker Creek, 1949-1995 (1994 HSPF)



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION)	
And CITIZENS AGAINST SEA-TAC)	No. 01-160
EXPANSION,)	
)	CERTIFICATE OF SERVICE
Appellant,)	
)	
v.)	
)	
STATE OF WASHINGTON,)	
DEPARTMENT OF ECOLOGY; and)	
THE PORT OF SEATTLE,)	
)	
Respondents.)	
)	

I, Andrea Grad, an employee of Helsell Fetterman LLP, attorneys for the Airport
Communities Coalition, certify that:

I am now, and at all times herein mentioned was, a resident of the State of Washington, and
over the age of eighteen years.

On April 11, 2002, I caused to be hand-delivered ACC's Motion to Redact Pre-Filed
Testimony of Paul Fendt; the Declaration of Rachael Paschal Osborn in Support of ACC's
Motion to Redact Pre-Filed Testimony of Paul Fendt; and the Declaration of Peter J. Eglick in
Support of ACC's Motion to Redact Pre-Filed Testimony of Paul Fendt (with attachments) in the
above-captioned matter to:

AR 001919

CERTIFICATE OF SERVICE - 1

ORIGINAL

1 Joan Marchioro
2 Thomas Young
3 Jeff Kray
4 Assistant Attorneys General
5 Ecology Division
6 2425 Bristol Court S.W., 2nd Floor
7 Olympia, WA 98504

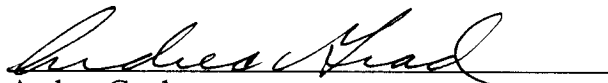
Linda Strout
Traci Goodwin
Port of Seattle, Legal Dept.
2711 Alaskan Way, Pier 69
Seattle, WA 98111

6 Gillis Reavis
7 Jay Manning
8 Brown Reavis & Manning
9 1191 Second Avenue, Suite 2200
10 Seattle, WA 98101

Roger Pearce
Steven Jones
Foster Pepper & Shefelman
1111 Third Avenue, Suite 3400
Seattle, WA 98101

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

12 DATED this 17th day of April, 2002, at Seattle, Washington.

14 
15 Andrea Grad

16 g:\u\acc\pchb\certserv-041102-pf.doc

25 **AR 001920**

CERTIFICATE OF SERVICE - 2

HELSELL
FETTERMAN
A Limited Liability Partnership

1500 PUGET SOUND PLAZA P.O. BOX 21846
SEATTLE, WA 98111-3846 PH: (206) 292-1144