POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION, Appellant, CITIZENS AGAINST SEATAC EXPANSION, Intervenor, v. STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY and THE PORT OF SEATTLE, Respondents.	PCHB 01-160 ORDER GRANTING APPELLANT'S MOTION TO STRIKE CERTAIN PRE-FILED TESTIMONY AND LIMIT ORAL TESTIMONY

On March 21, 2002, at 1:30 p.m., during the hearing on the merits, the Board entered its ruling on appellant ACC's Motion to Strike Certain Pre-filed Testimony and Limit Oral Testimony. Kaleen Cottingham presided for the Board. The following reflects the decisions made after hearing oral argument from all parties:

RULING ON MOTION TO STRIKE PRE-FILED TESTIMONY AND LIMIT ORAL TESTIMONY

The Pre-hearing order was clear. There needed to be a date for discovery cut off. The date established is February 28, 2002.

Therefore any party is prohibited from relying on information created after February 28, 2002. In ruling on this motion, the Board will allow counsel to use the pre-filed testimony and

direct and cross examination of witnesses to elicit how Ecology or the Port felt about or evaluated the comments of Kelly Whiting produced on or before the discovery deadline. But those witnesses may not indicate either in pre-filed testimony or in oral testimony what the Port or Ecology has done since February 28, 2002, in response to the comments of Kelly Whiting, to revise, clarify, explain or modify the Low Flow Plan. This ruling requires the parties to identify the particular sections of pre-filed testimony and/or attachments which will need redacting. The redacted sections of pre-filed testimony will be attached to this order.

ORDER

The Board GRANT'S ACC's Motion to Strike Pre-filed Testimony and Limit Oral Testimony.

SO ORDERED this 22nd day of March, 2002.

POLLUTION CONTROL HEARINGS BOARD

KALEEN COTTINGHAM,
Presiding

ORDer Exhibit

calculations, which we derived from the $1.35x10^{-4}$ cm/sec value cited above, and concludes that we have modeled more water moving into the embankment than is likely to occur. In consulting with Joe Brascher, the Port's HSPF modeler, we have concluded that the INFILT parameter cannot be compared directly to saturated hydraulic conductivity as performed by Dr. Leytham. Nonetheless, even assuming the comparison is at least roughly valid, differences of a factor of 4 occur in nature within soil types that may be virtually indistinguishable by other measures. Further, no measures currently exist for determining the ultimate infiltration capacity of the embankment. In my opinion, the Port has properly scheduled further refinement of infiltration capacity knowledge for a time at which it can be measured with greater reliability than the present – that is, during and after construction.

17. Our method of calculating water infiltrating to the pervious areas was compared to a slightly different method performed by Kelly Whiting of King County. I understand that the results of Mr. Whiting's alternative analysis were similar to ours, with our method infiltrating slightly more water than the alternative.

18. Relating to these water balance issues, Mr. Whiting also suggested a modification to Table 3-1 of PGG's November 2001 report, which summarizes water volumes for the test period. [redacted] Mr. Whiting also requested that information regarding mass balance, which is discussed in detail in Sections 4 and 5 of PGG's November 2001 report. [redacted]

Plus Exhibits C and D.

HYDRUS MODELS
MODELING VERTICAL FLOW THROUGH EMBANKMENT FILL

General Description of Hydrus

19. PGG evaluated vertical flow of recharge between the root zone and the water table within the embankment drainage layer using the model Hydrus-1D, which I refer to as

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SEATTLE, WA 98101
(206) 292-6300

12. Our calibration process included the use of all available data related to the stream reach and its tributary watershed. During the calibration process we attempted to match as closely as possible all existing recorded streamflow data and to reflect the general behavioral characteristics of each watershed without sacrificing accuracy and defensibility. We used the HSPF model to simulate continuous watershed hydrology and to design stormwater detention facilities for the Port's Master Plan Update. Because the third runway project encompasses three watersheds, we developed three separate HSPF models, one each for Miller, Walker, and Des Moines Creeks. Calibration of Des Moines Creek was performed by Dr. David Hartley of the King County Department of Natural Resources. The Miller and Walker Creek models were calibrated by the Calibration team, which was comprised of David Harms, Kelly Whiting from King County, and myself. Following calibration, the models could then be run to compare base conditions (1994) with post-project conditions (2006).

13. I understand that King County has raised concerned about the potential impact to the Miller and Walker Creek calibrations based on the minor changes that have been made to 1994 land use conditions. These impacts have been examined and have been determined to be inconsequential. [redacted]

Miller Creek Low Streamflow Calibration

14. We used two streamflow gages in the Miller Creek watershed to perform low-streamflow analysis calibration. One gage was located near the mouth of Miller Creek and a second gage was located further upstream at the Miller Creek detention facility. The results of our analysis are summarized in Tables 2-1 and 2-2 of the December 2001 Low Streamflow Report prepared by Parametrix, which has been submitted as an Exhibit. Those tables list average simulated and observed streamflows for each 7-day low-flow period during 1991 through 1996 for the downstream gage (Table 2-1) and the upstream gage (Table 2-2). Gage locations are depicted in Figure 2-1. For the Board's convenience, all tables and figures from the 2001 Low Streamflow Report that I refer to in my testimony are attached collectively as

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(206) 292-6300

reach 35. Till seepage flow was routed to PERLND (Pervious Land Segment) 80, which represents the soil beneath the till layer underlying the embankment area and possesses the same parameter values as a Till Grass PERLND. The groundwater outflow from PERLND 80 was then routed the appropriate downstream receiving waters.

37. I am aware that King County has recently raised some concerns relating to precipitation being applied to PERLND 80 and the final destination of PERLND 80 groundwater. [redacted] The County also expressed concerns regarding the routing of the PGG surface flow time series, proposing that the new embankment model surface discharge time series should be routed to the same point as other surface discharges. [redacted]

38. Finally, I understand that King County has recommended that the point of compliance (POC) defined at SR509 crossing should include MC7B and MC7 in the 1994 HSPF stream model. Specifically, the County proposed that the area associated with the MC7B subbasin (1994 model: 46.5 pervious acres) become the 2006 SDW1B subbasin (groundwater included to POC in 2006 model) and suggested that the POC in the HSPF model should be the outlet of RCHRES16 in both 1994 and 2006 models. An additional benefit identified by the County is that RCHRES16 would also include the MC7 subbasin, which loses 4 pervious groundwater acres and was found to be the furthest downstream subbasin subject to STIA related land cover changes. [redacted]

Walker Creek

39. For Walker Creek, the surface runoff from the embankment area was routed directly to the SDW2 pond. The flow through the drain at the bottom of the embankment area was connected directly to the wetland near Des Moines Memorial Drive. Till seepage flow was routed to PERLND 80, which represents the soil beneath the till layer underlying the

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