	RECEIVE FEB 2 1 2002 ENVIRONMENTAL		
1	HEARINGS OFFICE		
2	POLLUTION CONTROL HEARINGS BOARD FOR THE STATE OF WASHINGTON		
3	AIRPORT COMMUNITIES COALITION, )		
4	) PCHB No. 01-160 Appellant, )		
5	<ul> <li>v.</li> <li>APPELLANT AIRPORT COMMUNITIES</li> <li>COALITION'S EXHIBIT LIST</li> </ul>		
6	v. ) COALITION'S EXHIBIT LIST )		
7 8	STATE OF WASHINGTON,)DEPARTMENT OF ECOLOGY; and)THE PORT OF SEATTLE,)		
-	)		
9	Respondents. )		
10			
11	Pursuant to the Board's October 30, 2001, Pre-Hearing Order and January 22, 2002,		
12	Discovery Order and Modification of Pre-Hearing Deadlines, appellant Airport Communities		
13	Coalition ("ACC") submits the following Exhibit List.		
14	Coantion (ACC) submits the following Exhibit List.		
15	ACC anticipates that this list will overlap with the Port's and Ecology's exhibit lists. Per the		
16	Board's October 30 Order, the parties will coordinate to eliminate duplicate exhibits, as well as to		
17	stipulate (or not) to each exhibit's authenticity, by March 8, 2002, at which time another list will be		
18	prepared and submitted which will be numbered as suggested in the Prehearing Order.		
19	This list is submitted with the following caveats:		
20	A. Exhibits to ACC's experts' pre-filed testimony (due February 22) may be added to		
21			
22	ACC's March 8 exhibit list (learned treatises, articles, and similar references cited by ACC experts		
23	are not listed as separate exhibits. AR 003556		
24	B. As of February 20, six depositions remain to be taken or completed and reported		
25	(Ann Kenny, 2/20; Charles Ellingson, 2/20; Scott Tobiason, 2/20, Pat Lucia, 2/22; Kelly Whiting,		
	ACC's EXHIBIT LIST - 1 ACC's EXHIBIT LIST - 1 ACC's EXHIBIT LIST - 1 HELSELL FETTERMAN LLP 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509 Action 24 Action 24 Ac		

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

1	2/28; and Joe Stohr, 2/28). Additionally, ACC has recently been provided with large volumes of			
2	documents and computer disks from Hart Crowser, Parametrix and their subcontractors produced by			
3	the Port pursua	he Port pursuant to ACC's discovery requests. ACC also continues to receive documents from the		
4	Department of	Ecology at irregular intervals. Accordingly, ACC may supplement and/or modify		
5 6	March 8 exhib	it list after the results of discovery are evaluated.		
7	C.	C. To the extent that documents from the Port's or Ecology's November 15, 2001,		
8	Exhibit Lists a	re not included on their February 20, 2002, Exhibit Lists, ACC reserves the right to		
9	add such omit	ted documents to its March 8, 2002, Exhibit List.		
10	Exhibits:			
11	1.	Dept. of Ecology 401 Certification, Order No. 1996-4-02325, dated September 21,		
12	2001			
13	2.	Dept. of Ecology 401 Certification, Order No. 1996-4-02325, dated August 10, 2001		
14 15	3. Resume of Amanda Azous;			
16	<ol> <li>Letter from Amanda Azous to Dept. of Ecology dated May 23, 2000;</li> </ol>			
17	<ol> <li>Letter from Amanda Azous to Dept. of Ecology dated May 24, 2000;</li> </ol>			
18	6.	Letter from Amanda Azous to Dept. of Ecology dated June 5, 2000;		
19	7.	Letter from Amanda Azous to Dept. of Ecology dated August 16, 2000, with		
20	attachment (June 27, 2000, Memo from John A. Strand, Ph.D., to Peter Eglick)			
21	8.	Letter from Amanda Azous to Dept. of Ecology dated September 1, 2000		
22	9.	Letter from Amanda Azous to Dept. of Ecology dated September 15, 2000		
23 24	10.	Letter from Amanda Azous to Dept. of Ecology dated February 16, 2001		
25				
-		Letter from Amanda Azous to Dept. of Ecology dated May 14, 2001		
	ACC's EXHIBIT	LIST - 2 HELSELL FETTERMAN LLP Rachael Paschal Osborn 1500 Puget Sound Plaza AR003557 AR003557 HELSELL FETTERMAN LLP Rachael Paschal Osborn 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509 Seattle, WA 98101-2509 1500 PUGET SOUND PLAZA P.O. B0X 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144		

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1	12.	Letter from Amanda Azous to Dept. of Ecology dated July 6, 2001
2	13.	Declaration of Amanda Azous in Support of ACC's Motion for Stay, dated
3	September 11,	2001, in PCHB No. 01-133 (now 01-160), with attachments
4	14.	Declaration of Amanda Azous in Support of ACC's Reply on Motion for Stay, dated
5 6	October 8, 200	01, in PCHB No. 01-133 (now 01-160), with attachments
7	15.	Declaration of Amanda Azous in Support of ACC's Sur-Reply on Motion for Stay,
8	dated October	10, 2001, in PCHB No. 01-133/01-160 (no exhibits)
9	16.	Declaration of Amanda Azous on Late Attachments to Stockdale Declaration, dated
10	October 18, 20	001, in PCHB No. 01-160 (no exhibits)
11	17.	Assessment of Spawning and Habitat in three Puget Sound Streams, Washington
12	(BioAnalysts,	Inc., April 1999)
13	18.	CENWS-OD-RG. Memorandum for the Record (MFR). Subject: Meeting with
14 15	the Port. Enc	losures 1 and 2 containing water level data and data sheets from the Wetland
16	Functional Ar	nalysis. Parametrix, Inc.
17	19.	Memo from Sally Marquis, Manager, Aquatic Resources Unit, United States
18		al Protection Agency Region 10, to Colonel Ralph Graves, District Engineer,
19		et, Corps of Engineers, dated June 8, 2001 listing issues of concern related to 1996-
20	4-02325	
21	20.	Corps of Engineers Memorandum for the Record (MFR). CENWS-OD-RG.
22		
23		1. Subject: Summary of telephone conversations with Elizabeth Leavitt and/or Jim AR 003558
24 25	Kelly	
23	21.	Compensating for Wetland Losses Under the Clean Water Act, by the National
	ACC's EXHIBIT	LIST - 3 HELSELL FETTERMAN LLP Rachael Paschal Osborn 1500 Puget Sound Plaza - Attorney at Law 1325 Fourth Avenue <b>E42</b> I West MAtiAnN ve.

ASpokkane;///WA/199201 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144

Seattle, WA 98101-2509

1	Research Council (Committee on Mitigating Wetland Losses, Board on Environmental Studies and			
2	Toxicology,	Toxicology, Water Science and Technology Board, Division on Earth and Life Studies), published		
3	by the Natior	nal Academy Press, 2001		
4	22.	Resume of Dyanne Sheldon;		
5	23.			
6				
7	Department of	DI Ecology;		
8	24.	Declaration of Dyanne Sheldon in Support of ACC's Motion for Stay, dated October		
9	5, 2001, in P	CHB No. 01-160, with attachments		
10	25.	Declaration of Dyanne Sheldon in Support of ACC's Sur-Reply on Motion for Stay,		
11	dated Octobe	r 10, 2001, in PCHB No. 01-160		
12	26.	Declaration of Dyanne Sheldon on Late Attachments to Stockdale Declaration,		
13	dated October 18, 2001, in PCHB No. 01-160			
14				
15	27.	Resume of Bill Rozeboom		
16	28.	Resume of Dr. Malcolm Leytham		
17	29. Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated November			
18	24, 1999			
19	29.	Port response to NHC's November 24, 1999, letter dated March 10, 2000		
20	30.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated May 3,		
21		Letter from Northwest Hydraune Consultants to Dept. of Leology dated May 9,		
22	2000;			
23	31.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated July 31,		
24	2000	AR 003559		
25	32.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated September		
	ACC's EXHIBIT	FLIST - 4       HELSELL FETTERMAN LLP       Rachael Paschal Osborn         1500 Puget Sound Plaza       -Attorney at Law         1325 Fourth Avenue       E42 TWest Rinsian N ve.         Seattle, WA 98101-2509       Aspokane, WA 99201         1500 PUGET SOUND PLAZA       P.O. BOX 21846         SEATTLE, WA 98111-3846       PH: (206) 292-1144		

1	7, 2000	
2	33.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated September
3	21, 2000	
4	34.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated September
5	25, 2000	
6	35.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated September
7		Letter from Northwest Hydraune Consultants to Dept. of Ecology dated September
8	27, 2000	
9	36.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated February
10	15, 2001	
11	37.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated April 11,
12	2001	
13 14	38.	Dept. of Ecology response to NHC's April 11, 2001, letter, by Ann Kenny, dated
15	April 27, 200	00 [sic]
16	39.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated April 30,
17	2001	
18	40	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated June 25,
19		Letter nom Northwest Hydraune Consultants to Dept. of Ecology dated Julie 23,
20	2001	
21	41.	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated July 23,
22	2001	
23	42	Letter from Northwest Hydraulic Consultants to Dept. of Ecology dated August 6,
24	2001	AR 003560
25	43.	Declaration of William A. Rozeboom in Support of ACC's Motion for Stay, dated
	ACC's EXHIBIT	F LIST - 5 HELSELL FETTERMAN LLP Rachael Paschal Osborn 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144

1	September 11	, 2001, in PCHB No. 01-133 (now 01-160), with attachments		
2	44.	Declaration of William A. Rozeboom in Support of ACC's Reply on Motion for		
3	Stay, dated O	Stay, dated October 8, 2001, in PCHB No. 01-133 (now 01-160), with attachments		
4	45.	1998 King County Surface Water Design Manual (or excerpts thereof);		
5	46.	All review comments and accompanying cover letters by the King County		
6	Department of	f Natural Resources on the Port's Comprehensive Stormwater Management Plan		
7 8	47.	All review comments and accompanying cover letters by the King County		
9	Department o	f Natural Resources on the Port's Low Flow Impact Analysis and Low Flow Impact		
10	Offset Facility	/ Proposal		
11	48.	Resume of Dr. John Strand		
12 13	49.	Letter dated December 13, 1999, from Dr. John Strand, Columbia Biological		
13	Assessments,	to Dept. of Ecology		
15	50.	Letter dated June 27, 2000, from Dr. John Strand, Columbia Biological		
16	Assessments,	to Dept. of Ecology		
17	51. Letter dated August 21, 2000, from Dr. John Strand, Columbia Biological			
18	Assessments,	to Dept. of Ecology		
19	52.	Letter dated August 31, 2000, from Dr. John Strand, Columbia Biological		
20	Assessments, to Dept. of Ecology			
21	53.	Letter dated September 5, 2000, from Dr. John Strand, Columbia Biological		
22 23	Assessments,	to Dept. of Ecology AR 003561		
24	54.	Letter dated December 8, 2000, from Dr. John Strand, Columbia Biological		
25	Assessments,	to Dept. of Fish & Wildlife, re JARPA Application for Miller Creek Project HPA		
	ACC's EXHIBIT			

prepared by Parametrix

1

2 55. Letter dated December 19, 2000, from Dr. John Strand, Columbia Biological 3 Assessments, to U.S. Environmental Protection Agency 4 56. Letter dated February 16, 2001, from Dr. John Strand, Columbia Biological 5 Assessments, to Dept. of Ecology, with attachments 6 57. Letter dated March 12, 2001, from Dr. John Strand, Columbia Biological 7 Assessments, to Dept. of Ecology 8 9 58. Letter dated June 20, 2001, from Dr. John Strand, Columbia Biological 10 Assessments, to Department of Ecology, w/attachment 11 59. Letter dated August 6, 2001, from Dr. John Strand, Columbia Biological 12 Assessments, to Department of Ecology 13 60. Declaration of Dr. John Strand in Support of ACC's Motion for Stay, dated 14 September 11, 2001, in PCHB No. 01-133 (now 01-160), with attachments 15 61. Declaration of Dr. John Strand in Support of ACC's Reply on Motion for Stay, 16 17 dated October 8, 2001, in PCHB No. 01-133/01-160, with attachments 18 62. Declaration of Dr. John Strand in Support of ACC's Sur-Reply on Motion for Stay, 19 dated October 10, 2001, in PCHB No. 01-133/01-160 (no exhibits) 20 63. Port of Seattle. 1997. Storm Water Receiving Environmental Monitoring report 21 for NPDES Permit No. WA-002465-1 22 64. Port of Seattle. 1998. Annual Stormwater Monitoring Report for Seattle-Tacoma 23 AR 003562 24 International Airport for Period June 1, 1997 through June 30, 1998 25 65. Port of Seattle. 1999. Annual Stormwater Monitoring report for Seattle-Tacoma ACC's EXHIBIT LIST - 7 HELSELL FETTERMAN LLP Rachael Paschal Osborn

HELSELL FETTERMAN LL 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509

Attorney at Law 242 TWest Mission Xve. Aspokane, WA 99201

International Airport for the Period July 1, 1998 through June 30, 1999 1 2 66. Port of Seattle. 2000. Annual Stormwater Monitoring Report for Seattle-Tacoma 3 International Airport for the Period July 1, 1999 through June 30, 2000 4 67. Port of Seattle. 2001. Annual Stormwater Monitoring Report for Seattle-Tacoma 5 International Airport for the Period July 1, 2000 through June 30, 2001 6 68. Washington Department of Ecology. 1995. Guidance for Remediation of 7 Petroleum Contaminated Sites. Publication 91-30 8 9 69. Letter from Elizabeth Clark, Port of Seattle to Roger Nye, Washington 10 Department of Ecology, dated Feb 4, 2000, Re: fill materials used at STIA in 1998 and 1999 11 70. Memo from Paul Agid, Port of Seattle to Chung Yee, Washington Department of 12 Ecology, dated July 27, 2000, Re: fill materials used at STIA in 2nd Quarter 2000 13 71. Memo from Beth Clark to Paul Agid, both of the Port of Seattle, dated April 30, 14 2001, Re: fill from 1st Ave Bridge site 15 16 72. Memo from Beth Doan, Army Corps to Paul Agid, Port of Seattle, dated March 17 24, 1999 re: Hamm Creek sediments 18 73. USACOE. 1997. Sediment Characterization for the Hamm Creek Restoration 19 Project, Duwamish Turning Basin, Seattle, Washington. Prepared for USACOE, Seattle District 20 by Science Applications International Corp, Bothell, Washington 21 74. Boeing Environmental Affairs. 1990. Baseline Soil and Groundwater Quality 22 Assessment. Seattle City Light Long-term Lease Option, Seattle, Washington. WO 3709-04-01. 23 24 Prepared for Boeing by Roy F. Weston, Inc., Seattle, Washington AR 003563 25 75. Resume of Dr. Peter Willing ACC's EXHIBIT LIST - 8 HELSELL FETTERMAN LLP hagi Paschal Osborn

HELSELL FETTERMAN LL 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509

Attorney at Law E42T West MMsianNave. AspokanojiWArr99201

1	76.	Letter dated September 5, 2000, from Dr. Peter Willing, Water	Resources	
2	Consulting, Inc., to Dept. of Ecology			
3	77.	Letter dated September 15, 2000, from Dr. Peter Willing, Wate	er Resources	
4	Consulting, In	Consulting, Inc., to Dept. of Ecology		
5	78.	Letter dated September 19, 2000, from Dr. Peter Willing, Wate	er Resources	
6 7	Consulting, In	nc., to Dept. of Ecology		
, 8	79.	Letter dated September 26, 2000, from Dr. Peter Willing, Wate	er Resources	
9	Consulting, In	nc., to Dept. of Ecology		
10	80.	Letter dated October 20, 2000, from Dr. Peter Willing, Water F	Resources Consulting,	
11	Inc., to David	McCraney, Port of Seattle	3,	
12	81.	Letter dated February 16, 2001, from Dr. Peter Willing, Water	Resources	
13		nc., to Dept. of Ecology	icesources	
14				
15	82.	Letter dated March 12, 2001, from Dr. Peter Willing, Water Re	esources Consulting,	
16	Inc., to Dept.	of Ecology		
17	83.	Letter dated July 3, 2001, from Dr. Peter Willing, Water Resou	rces Consulting, Inc.,	
18	to Dept. of Ec	cology, w/attachment		
19	84.	Letter dated July 6, 2001, from Dr. Peter Willing, Water Resou	rces Consulting, Inc.,	
20	to Dept. of Ec	cology		
21	85.	Letter dated July 18, 2001, from Dr. Peter Willing, Water Reso	urces Consulting	
22			dices consulting,	
23	Inc., to Dept.	of Ecology		
24	86.	Declaration of Dr. Peter Willing in Support of ACC's Motion f	for Stay, dated	
25	September 12	2, 2001, in PCHB No. 01-133 (now 01-160), w/attachments	AR 003564	
	ACC's EXHIBIT	1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509	Rachael Paschal Osborn <u>Attorney at Law</u> <b>E42 II West Nitstiøn N</b> ive. A <del>Spoktine (</del> MWA:19920) DPUGET SOUND PLAZA P.O. BOX 21846	
			TLE, WA 98111-3846 PH: (206) 292-1144	

1	87.	Declaration of Dr. Peter Willing in Support o	of ACC's Reply	on Motion for Stay.
2	dated October 8, 2001, in PCHB No. 01-133/01-160, w/attachments			
3	88. Declaration of Dr. Peter Willing in Support of ACC's Sur-Reply on Motion for Stay,			
4				
5	dated October 10, 2001, in PCHB No. 01-133/01-160 (no attachments)			
6	89.	Resume of Dr. Patrick Lucia		
7	90.	Resume of Dr. Edward Kavazanjian		
8	91.	Letter dated February 16, 2001, from GeoSyn	ntec Consultants	to Dept. of Ecology
9	92.	Letter dated March 2, 2001, from GeoSyntec	Consultants to	Dept. of Ecology
10	(correction to	Comment #7 in February 16 letter)		
11	93.	Letter dated March 15, 2001, from GeoSynte	c Consultants to	Dept. of Ecology
12	94.	Letter dated June 22, 2001, from GeoSyntec	Consultants to I	Dept. of Ecology
13	95.	Letter dated August 6, 2001, from GeoSyntee	c Consultants to	Dept. of Ecology
14 15	96.	Declaration of Dr. Patrick Lucia in Support o		
16	October 8, 200	01, in PCHB No. 01-133/01-160, w/attachmen		
17	97.			s Motion for Stav dated
18	97. Second Declaration of Dr. Patrick Lucia in Support of ACC's Motion for Stay, dated October 10, 2001, in PCHB No. 01-133/01-160 (no exhibits)			
19	October 10, 20	501, III FCHB 100. 01-155/01-100 (no exhibits)	)	
20	98.	Declaration of Thomas R. Luster, dated Septe	ember 10, 2001,	in PCHB No. 01-133
21	(now 01-160)			
22	99.	Reply Declaration of Tom Luster in Support	of Stay, dated C	October 7, 2001, in
23	PCHB No. 01-133/01-160			
24	100.	Attachments to Declaration of Peter J. Eglick	t in Support of A	ACC's Motion for Stay,
25	dated Septemb	per 12, 2001, in PCHB No. 01-133 (now 01-16	50)	AR 003565
	ACC's EXHIBIT	1500   1325		P Rachael Paschal Osborn <u>Attorney at Law</u> E42 IT West Ritsian Nive. <u>ASpokaney WA 999201</u> 1500 PUGET SOUND PLAZA P.O. BOX 21846 EATTLE, WA 98111-3846 PH: (206) 292-1144

1	101.	Attachments to Declaration of Peter	J. Eglick in Support of A	CC's Reply on Motion
2	for Stay, dated	d October 8, 2001, in PCHB No. 01-1	33/01-160	
3	102.	NPDES Permit No. No. WA-00246	5-1, and Major Modifica	tion thereto
4	103.	Letter from Helsell Fetterman to D	epartment of Ecology, da	ted February 16, 2001
5 6	104.	Letter from Helsell Fetterman to D	epartment of Ecology, da	ted March 9, 2001
7	105.	Letter from Helsell Fetterman to D	OE Director Tom Fitzsin	mons, dated March
8	30, 2001			
9	106.	Letter from DOE Director Tom Fit	zsimmons to Kevin Stock	x, Helsell Fetterman,
10	dated April 1	1, 2001		
11	107.	Governor Locke's Certification to	federal Department of Tra	ansportation, dated
12	June 30, 1997	7		
13	108.	Memorandum dated March 11, 199	99, from Roger Nye, DOI	E Project Manager,
14 15	Sea-Tac Airp	ort Groundwater Study, to Kathy Ge	rla, Assistant Attorney G	eneral, Re: Request
16	for Ruling			
17	109.	Request for Contract Services date	d April 21, 1999, from Ro	oger Nye, DOE
18	Project Mana	ger, Sea-Tac Airport Groundwater S	tudy, to Steve Alexander,	DOE Section Head,
19	Toxic Cleanu	p Program, DOE Northwest Regiona	al Office	
20	110.	Email exchange between Steve Ale	exander, Section Head, To	oxic Cleanup
21 22	Program, DO	E Northwest Regional Office, and R	.oger Nye, DOE Project N	Ianager, Sea-Tac
22	Airport Grou	ndwater Study, dated May 17-26, 19	99, Re: Request for Cont	ract Services
24	111.	Department of Ecology Agreed Or	der # 97TC-N122, to Por	t of Seattle, In the
25	Matter of Sea	-Tac International Airport, dated Ma	ay 25, 1999	AR 003566
	ACC's EXHIBIT	<b>-</b>	HELSELL FETTERMAN LLP 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509	Rachael Paschal Osborn Attorney at Law E42 If West Rithsion N.ve. <sup>ASpokaney/WMA/99201</sup> 00 PUGET SOUND PLAZA P.O. BOX 21846 ATTLE, WA 98111-3846 PH: (206) 292-1144

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## 112. Public Participation Plan for Agreed Order, May 1999

113. Email from Roger Nye, DOE Project Manager, Sea-Tac Airport Groundwater Study, to Port of Seattle's Elizabeth Leavitt and Paul Agid, dated June 8, 1999 (then forwarded to DOE's John Wietfeld on June 9, 1999), Re: Possible Utilization of Ecology Contract Services

114. Memorandum dated August 23, 1999, from Roger Nye, DOE Project Manager,
Sea-Tac Airport Groundwater Study, to Steve Alexander, Toxic Cleanup Program Section Head,
DOE Northwest Regional Office, Subject: Requested Write Ups Regarding Sea-Tac Airport

115. Ground Water Flow Map from Conceptual Ground Water Study, December 2,1999

116. Memorandum dated October 16, 2000, from Roger Nye, DOE Project Manager,
Sea-Tac Airport Groundwater Study, to Steve Alexander, Toxic Cleanup Program Section Head,
DOE Northwest Regional Office, Regarding Clarifications Regarding Issue of Changing Scope
of Agreed Order to Include Cleanup Actions or a CAP; and Attachments:

-- Letter dated "April ?, 1997," from Michael J. Gallagher, Section Manager, Toxics Cleanup Program, DOE Northwest Regional Office, to Paul Agid, Port of Seattle

-- Memorandum dated July 2, 1996, from Kathy Gerla, Assistant AG, to Mary Burg, Mike Gallagher, and Roger Nye, Re: SeaTac Airport -- Status Update for July 16 Meeting

Draft, unsigned Letter dated 3/22/96 to Port of Seattle)

117.Memorandum dated October 16, 2000, from Roger Nye, DOE Project Manager,Sea-Tac Airport Groundwater Study, to Steve Alexander, Toxic Cleanup Program Section Head,

DOE Northwest Regional Office, Subject: Addendum to Update Previous Write up Dated

ACC's EXHIBIT LIST - 12

AR 003567

HELSELL FETTERMAN LLP 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509

Rachael Paschal Osborn Artorney ar Law 242 ITWest Mission Nove. Aspokeney: WAA99201

August 23, 1999, Regarding Sea-Tac Airport, and attachment:

-- Letter dated July 24, 2000, from John Wietfeld, DOE, to Elizabeth Leavitt, Port of Seattle

118. Email exchange between Ray Hellwig, Director of the Department of Ecology's
Northwest Regional Office, and Tom Luster, (then) DOE, dated October 23-24, 2000, Re: 3rd
Runway Notes and Next Meetings

119. Email exchange between Ray Hellwig, Director of the Department of Ecology's Northwest Regional Office, and Steve Alexander, head of Ecology's Toxic Cleanup Program
Section at its Northwest Regional Office, dated October 21-26, 2000, Re: Port of Seattle-SeaTac
International Airport (POS-STIA) Agreed Order (AO) and Remedial Action Grant (RAG)

120. Memorandum dated November 13, 2000, from Roger Nye, formerly DOE Project Manager, Sea-Tac Airport Groundwater Study, to John Wietfeld and Ching-Pi Wang, DOE Project Managers for the Sea-Tac Groundwater Study, Re: Information to Include in the "Questions-To-Port" List

121. Letter dated November 15, 2000, from John Wietfeld, DOE Toxic Cleanup Program, to Paul Agid, Port of Seattle, attaching November 2, 2000, DOE Checklist for Sea-Tac Agreed Order Tasks

 122. Port of Seattle's December 7, 2000, Response to DOE's November 13 and 15,

 2000, letters (and attached November 2, 2000, Checklist of complete/incomplete Agreed Order tasks)

 AR 003568

123. Letter dated January 24, 2001, from Paul Agid, Port of Seattle, to John Wietfeld,DOE Toxic Cleanup Section, enclosing Meeting Notes by Port of Seattle (Marilyn Guthrie) ofACC's EXHIBIT LIST - 13HELSELL FETTERMAN LLPRaehael Paschal Osborn

IELSELL FETTERMAN LL 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509

 P
 Rachael Paschal Osborn

 -Attorney at Law
 -Attorney at Law

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 -Asposed free

 1500 PUGET SOUND PLAZA
 P.O. B0X 21846

 SEATTLE, WA 98111-3846
 PH: (206) 292-1144

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January 23, 2001, meeting between DOE and Port regarding Agreed Order Status

124. Ray Hellwig's Q&A Outline for January 26, 2001, Public Hearing on Port's 401 Application

125. Memorandum dated February 8, 2001, from John Wietfeld, DOE Toxic Cleanup Section, to Diane Singer, DOE Grants Administrator, requesting audit of the Port of Seattle grant for the Agreed Order (attaching copy of Grant No. G0000052 in the amount of \$430,000 for STIA Phase 1 Ground Water Study Agreement with the Port of Seattle dated September, 1999) 126. Email dated September 27, 2000, at 4:47 p.m. from Barb Patrick of DOE to Tom

Fitzsimmons, et al., of DOE, Re: Dinsmore letter; attaching letter dated September 28, 2000,

from DOE to Port, presented to Port 9/28/00

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127. Letter dated October 25, 2000, from ACC to Dept. of Ecology

128. Draft letter from Department of Ecology to Port denying the Section 401 Certification (not finalized due to Port's withdrawal of application)

129. Email from Tom Luster to Gordon White dated September 27, 2000, at 2:41 p.m., Re: Dinsmore Draft and draft denial letter; includes previous email from Tom Luster to Ray Hellwig, et al., dated September 27, 2000, at 10:01 a.m., Re: Dinsmore Draft

19 130. Email from Tom Luster to Tom Luster dated October 20, 1999, at 10:38 a.m., Re: 20 SeaTac/Reasonable Assurance 21

131. Email from Ray Hellwig to Tom Luster, et al., dated October 24, 2000, at 7:39 22 a.m., Re: 3rd Runway Notes and Next Meetings; includes previous email from Tom Luster to 23 Ray Hellwig, et al., dated October 23, 2000, at 4:07 p.m., Re: 3rd Runway Notes and Next 24 25 Meetings

AR 003569

ACC's EXHIBIT LIST - 14

HELSELL FETTERMAN LLP 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509

Rachael Paschal Osborn E42TWebt MMsionNive. AStockaneiliWAv99201

132. Email dated April 19, 2000, at 10:33 p.m., from Martha Choe, Director,Washington State Office of Trade and Economic Development (OTED), to John Savich, OTED,Re: Port of Seattle

133. Email dated April 24, 2000, at 12:26 p.m., from Gina Marie Lindsey, Port of Seattle, to Martha Choe, OTED, Re: Permit Challenges

134. Email dated April 25, 2000, at 9:38 a.m. from Martha Choe, OTED, to TomFitzsimmons, DOE, Re: follow up to my phone message

135. Email dated May 2, 2000, at 10:39 .m. from Martha Choe, OTED, to John Savich,OTED, Re: Runway

136. Letter dated July 18, 2001, from ACC to Gordon White, DOE, Re: Lack of Ecology Response to ACC's Recent PDA Requests, w/attachments (email dated July 17, 2001, from Ann Kenny to Ching Pi-Wang, et al., Re: SeaTac Pathways analyses; and representative samples of PDA requests and follow-up reminders to DOE from ACC; email dated July 25, 2001, at 9:00 a.m., from Kevin Stock, ACC, to Gordon White, DOE)

137. Memorandum dated July 18, 2001, from Tom Fitzsimmons, DOE, to Governor Gary Locke, Re: Port of Seattle Proposed Third Runway and Associated Projects, Status of Decision Making Process

138.Letter dated July 27, 2001, from ACC (Helsell Fetterman) to Gordon White,DOE, Re:Sea-Tac Third Runway: Lack of Time for Agencies and Public to Review New LowFlow AnalysisAR 003570

139. Email dated October 25, 2000, at 8:18 a.m., from Curt Hart to Paula Ehlers, et al.,DOE, Re: Discussion Draft: Final Talking Points re: staff changes for 401 review; attaching FaceACC's EXHIBIT LIST - 15HELSELL FETTERMAN LLPRachael Paschal Osborn

IELSELL FETTERMAN LL 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509

Attorney at Law E4D IT West Mission Nove. Asprokenie III WA199201

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

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ACC's EXHIBIT LIST - 16

140. Drafts of Water Quality Certification #1996-4-02325, transmitted to ACC by DOE in response to public disclosure requests on or after August 13, 2001

141. Handwritten Notes (one page) labeled 7/31/01, Kelly Whiting, transmitted to ACCby DOE in response to public disclosure requests on August 13, 2001

7 142. Memo dated October 25, 2000, from Tom Luster to Ann Kenny, Re: Transition of
8 401 Review for SeaTac

9 143. Handwritten Notes (one page) dated 10/26/00 by Ann Kenny, of a telephone
 10 conversation with Ray Hellwig

144. Handwritten notes (four pages) dated 10/30/00 by Ann Kenny, of internal discussion regarding 3RW permitting issues

145. Issues outline and possible tasks for wetland consultant, dated October 30, 2000,from Erik Stockdale to Jeannie Summerhays and Ray Hellwig

146. Email dated August 6, 2001, at 11:06 a.m., from Ann Kenny to Elizabeth Leavitt, et al., Re: FW: Sea-Tac Third Runway: NHC Comments on Port of Seattle's New Low Streamflow Analysis

147. Email dated August 6, 2001, at 4:43 p.m., from Ann Kenny to Keith Smith (POS), et al., Re: FW: Sea-Tac Third Runway: Comments on Port of Seattle's Low Streamflow Analysis by Dr. John Strand

148. Email dated May 2, 1999, at 6:01 p.m., from Siri Nelson to Jonathan Freedman, et
 al., Re: Turn Basin #3 project, taking material to 3rd runway Port site; with handwritten note by
 Paul Cooke

HELSELL FETTERMAN LLP 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509

LP Rachael Paschal Osborn <u>Attorney at Law</u> 1242 TWest R41Asian A ve. <sup>A</sup>Spokland,<sup>11</sup>WA(199920) 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144

1	149.	Memo for Record dated 30 April 1999, by Paul Cooke, Subject: Turn Basin #3,	
2	meeting with	Port officials to discuss likelihood of using 3rd runway area as a disposal site	
3	150.	Email dated April 30, 1999, at 5:18 p.m., from Paul Cooke to Jonathan Freedman, et	
4 5	al., Re: Turn	Basin #3 project, taking material to 3rd runway Port site	
6	151.	Email dated April 14, 1999, at 10:34 p.m., from Mike ONeil to Brett Amrine, Re:	
7	Turning Basir	1 #3, Duwamish/Hamm Creek	
8	152.	Email dated March 17, 1999, at 12:32 a.m., from Patrick Cagney to Paul Cooke, et	
9	al., Re: TB#3		
10	153.	Email dated October 30, 2000, at 2:42 p.m., from Erik Stockdale to Ray Hellwig, et	
11	al., Re: Tasks	for Dyanne Sheldon	
12 13	154.	Email dated January 3, 2001, at 4:20 p.m., from Chung Yee to Kevin Fitzpatrick,	
14	Re: Third Runway Fill		
15	155.	[Stricken from record]	
16	156.	Agenda dated March 14, 2001, Ecology Water Resources Program Management	
17	Team meeting	5	
18	157.	Agenda dated October 31, 2000 re "Port of Seattle/Third Runway Flow	
19	Augmentatior	/Water Rights" and attached handwritten notes	
20	158.	Letter dated August 18, 2000 from Keith Smith to Tom Luster, with attachment,	
21 22	"Revised Flow	v Augmentation Implementation Plan for Des Moines Creek (August 18, 2000)"	
22 23	159.	Letter dated July 25, 2000 from Keith Smith to Tom Luster re: Implementation	
24	Plan for the D	es Moines Creek Flow Augmentation Facility, attaching "Des Moines Creek Flow	
25		Implementation Plan" AR 003572	
	1 ruginemation		
	ACC's EXHIBIT	LIST - 17 HELSELL FETTERMAN LLP Rachael Paschal Osborn 1500 Puget Sound Plaza - Attorney at Law 1325 Fourth Avenue E42 T West MMsian N ve. Seattle, WA 98101-2509 ASpokaneli WA 99201	

ASpokedine////WA/99201 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144

1	160.	Letter dated June 19, 2000 from Michael Feldman to Pat Svoboda re "Application		
2	of Change of water right"			
3	161.	Application for Change/Transfer of Water Right dated 6/22/00, Change No. 2369-		
4	A, Port of Sea	A, Port of Seattle, applicant		
5 6	162.	King County, et al., 1997, Des Moines Creek Basin Plan, excerpts		
7	163.	Handwritten Notes dated 10/31/01, Ray Hellwig, Re: "3RW AK"		
8	164.	E-mail dated 10/31/01 from Hellwig to Fitzsimmons re "FW: DRAFT Low Flow		
9	Analysis Mee	ting Notes from October 30, 2001"		
10	165.	Memo dated 10/30/01 entitled "Norm Crawford: Recommendations to POS,		
11	Notes on HSF	PF Modeling of Miller, Walker and Des Moines Creeks"		
12	166.	E-mail dated 8/3/01 from Ann Kenny to Andrea Grad Re: PDA Request re Low		
13	Flow Analysi			
14 15	167.	Handwritten Notes dated 7/26/01, Ray Hellwig (?), re "Y 3RW w/Ann K"		
16	168.	E-mail dated 7/13/01 from Ann Kenny to Snider, Re: Low Flow Draft Meeting		
17	Notes 7-9			
18	169.	F-mail dated 7/6/01 from Ann Kenny to White et al. Re: Low Flow Information		
19	169. E-mail dated 7/6/01 from Ann Kenny to White, et al., Re: Low Flow Information Ecology has requested			
20				
21	170.	Handwritten Notes dated 7/6/01, Ann Kenny (?), re: tc from Kate Snider/Keith		
22	Smith	AR 003573		
23	171.	E-mail dated 7/2/01 from Kelly Whiting to Rachel McCrea, Re: Quick Question		
24	172.	E-mail dated 7/2/01 from Kelly Whiting to Ann Kenney, Re: Ecological Input		
25	173.	Meeting Notes: All dates; draft, final and summary notes of all Port-Ecology		
	ACC's EXHIBIT	LIST - 18 HELSELL FETTERMAN LLP 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509 HELSELL FETTERMAN LLP Rachael Paschal Osborn Attorney at Law 1325 Fourth Avenue Seattle, WA 98101-2509 HELSELL FETTERMAN LLP Attorney at Law Seattle, WA 98101-2509 HELSELL FETTERMAN LLP Attorney at Law Notes at Law Seattle, WA 98101-2509 HELSELL FETTERMAN LLP Attorney at Law		

1	meetings faci	litated by Floyd & Snider
2	174.	Undated, Draft "Ecology Recommendations for Low Flow Technical Report and
3	Operations P	lan." (1 page)
4	175.	Port of Seattle, "Examining the Effects of Runway De-Icing on Dissolved Oxygen
5		
6	_	Waters: Results of the 1999-2000 Winter Season," Sea-Tac International Airport,
7	January 2001	(2 vols.)
8	176.	John Drabek (Ecology witness) deposition, <sup>1</sup> 12/14/01
9	177.	Chung Yee (Ecology witness) deposition, 12/17/01
10	178.	Peter Kmet (Ecology witness) deposition, 12/19/01
11	179.	Kelly Whiting (Ecology witness; King County employee) deposition, 12/20/01 and
12	2/28/02	
13		Ann $K_{\text{energy}}$ (Equip equip (Equip (1)) does not in (12/20/01) and (2/20/02)
14	180.	Ann Kenny (Ecology witness) deposition, 12/20/01 and 2/20/02
15	181.	Ching Pi Wang (Ecology witness) deposition, 12/21/01
16	182.	Ed O'Brien (Ecology witness) deposition, 12/21/01
17	183.	Ray Hellwig (Ecology witness) deposition, 1/8/02
18	184.	Dave Garland (Ecology witness) deposition, 1/9/02
19	185.	Kate Rhoads (Ecology witness; King County employee) deposition, 1/15/02
20 21	186.	Gordon White (Ecology witness) deposition, 1/16/02
21	187.	Kevin Fitzpatrick (Ecology witness) deposition, 1/16/02 <b>AR 003574</b>
23	188.	Katie Walter (Ecology witness; Shannon & Wilson employee) deposition, 1/16/02
24 25		sitions are still being transcribed, some remain to be taken, and discovery is not yet all depositions include exhibits.

concluded. All depositions include exhibits.

ACC's EXHIBIT LIST - 19

Rachael Paschal Osborn āw E42 TWelt Mission Nive. ASpoketne;!!WA199201 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144

1	189.	Tom Fitzsimmons (Ecology witness) deposition, 1/18/02
2	190.	Erik Stockdale (Ecology witness) deposition, 1/23/02
3	191.	Joe Brascher (Port witness) deposition, 1/30/02
4	192.	Tom Luster (ACC witness) deposition, 2/1/02
5 6	193.	Donald Weitkamp (Port witness) deposition, 2/6/02
7	194.	C. Linn Gould (Port witness) deposition, 2/6/02
8	195.	Elizabeth Clark (Port witness) deposition, 2/7/02
9	196.	Paul Fendt (Port witness) deposition, 2/8/02
10	197.	Paul Agid (Port witness) deposition, 2/8/02
11	198.	Michael Riley (Port witness) deposition, 2/12/02
12 13	199.	John Strunk (Port witness) deposition, 2/13/02
13	200.	Jim Kelley (Port witness) deposition, 2/14/02
15	201.	Michael Bailey (Port witness) deposition, 2/18/02
16	202.	Charles 'Pony' Ellingson (Port witness) deposition, 2/20/02
17	203.	Scott Tobiason (Port witness) deposition, 2/20/02
18	204.	Ann Kenny (Ecology witness) deposition, 2/20/02
19	205.	Kelly Whiting (Ecology witness; King County employee) deposition, 2/28/02
20 21	206.	Joe Stohr (Ecology witness) deposition, 2/28/02
21	207.	Deposition Exhibits: <sup>2</sup> AR 003575
23		
24	<sup>2</sup> Subject to reduplication w	eview and objection by all parties prior to March 8 list, as well as elimination of <i>i</i> th rest of this exhibit list and other parties' exhibit lists. Moreover, there are six

Subject to review and objection by all parties prior to March 8 list, as well as elimination of
 duplication with rest of this exhibit list and other parties' exhibit lists. Moreover, there are six
 depositions yet to be taken as of 2/20 (Ann Kenny (2/20), Scott Tobiason (2/20), Charles 'Pony'
 Ellingson (2/20), Patrick Lucia (2/22), Kelly Whiting (2/28), and Joe Stohr (2/28)), so exhibits

ACC's EXHIBIT LIST - 20

Rachael Paschal Osborn Attorney at Law E42 I WeEr Ritsion Nye. ASpoktate, WA 199201

1	208.	Declaration of Senator Julia Patterson, Senator Dow Constantine, Senator Tracy
2	Eide, Represe	entative Shay Schual-Berke, Representative Karen Keisser, Representative Joe
3	McDermott, I	Representative Erik Poulson, Representative Mark Miloscia, and Representative
4	Mary Ann Mi	itchell (no exhibits)
5	209.	Declaration of Sally Nelson, Mayor, City of Burien (no exhibits)
6	210.	Declaration of Robert Olander (no exhibits)
7		
8	211.	Declaration of Robert Sheckler (no exhibits)
9	212.	Declaration of Greg Wingard (no exhibits)
10	213.	Declaration of Stephen L.M. Hockaday in Support of ACC's Motion for Stay,
11	with attachme	ents
12	214.	Declaration of Stephen L.M. Hockaday in Support of ACC's Reply on Motion for
13	Stay, with att	achments
14	215.	ACC's Notice of Appeal (of Ecology's August 10, 2001, 401 Certification) dated
15	August 23, 20	
16		
17	216.	ACC's Notice of Appeal of Reissued/Amended Section 401 Certification,
18 19	Incorporating	ACC's Prior Notice of Appeal and Accompanying Exhibits and Documents, dated
	October 1, 20	01
20 21	217.	Declaration of Kevin L. Stock in Support of ACC's Motion for Stay, with exhibit
21	218.	Port of Seattle, Procedure Manual for Stormwater Monitoring at Sea-Tac
23	International A	Airport, in compliance with NPDES Permit WA-002465-1, Revision 6, April 22, 1999
24	219.	Email dated September 10, 2001, at 5:05 p.m. from Ray Hellwig to Ann Kenny, Re:
25		ΔΡ 003576
20		epositions may be added to the March 8 exhibit list as well.
	ACC's EXHIBIT	LIST - 21 HELSELL FETTERMAN LLP 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509 HELSELL FETTERMAN LLP Rachael Paschal Osborn Attorney at Law B42 T West MMsian Nove. ASpostanee, WM 409920 1 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144

1	FW: Summary of the Port of Seattle Runway Stipulated Agreement
2	220. Email dated September 6, 2001, at 8:07 a.m. from Sharon Aboe to Gordon White, et
3	al., Re: August 2001 Monthly Report SEA/NWRO
4 5	221. Letter dated June 7, 2001, from Sally Marquis, EPA, to Col. Ralph Graves, Corps of
6	Engineers, Re: 1996-4-02325, Port of Seattle
7	222. Email dated September 12, 2001, at 11:23 a.m. from Ann Kenny to Michael
8	Cheyne, Re: FW: Contract Amendment needed
9	223. Memorandum dated 04/06/98 to Jim Kelley, Parametrix, from Paul Tappel, Re:
10	Minor Edits & Questions, SeaTac JARPA, w/attachment (excerpt from People for Salmon
11 12	workshop, "Lead Entities: Partners in Salmon Recovery": "What Constitutes a Project? Hints for
13	Success," by Paul Tappel, P.E.)
14	224. Draft Memorandum dated October 5, 2001, from Todd Pollard / Linda Logan to Port
15	of Seattle project files, Re: Summary of analytical results from 1/14/99 storm water sampling
16	225. Email dated January 10, 2002, at 9:25 a.m. from Ray Hellwig to Ann Kenny, Re:
17	FW: 3rd Runway issue raised re: arsenic/TSP (attaching email dated January 10, 2002, at 8:29 am
18	from Norm Peck to Steve Alexander, et al.)
19 20	226. Email dated September 7, 2001, at 6:59 p.m. from Joan Marchioro to Tom Walsh, et
21	al., Re: FW: Draft settlement agreement and SPLP work plan, w/ attachments: Sept 7 Stip
22	Settlement.doc; and SPLP Work Plan.DOC
23	227. Email dated October 18, 2000, at 9:05 a.m., from Tom Luster to Ray Hellwig, et al.,
24	Re: SeaTac, w/attachment: SeaTacRAIssues.doc; and with handwritten notes by Ray Hellwig
25	228. Letter dated September 21, 2001, from Greg Wingard to John Drabek, Dept. of
	ACC's EXHIBIT LIST - 22 HELSELL FETTERMAN LLP Rachael Paschal Osborn 1500 Puget Sound Plaza <u>- Attorney at Law</u>
	AR 003577 AR 003577

1 Ecology, Re: State Public Disclosure Act Request 2 229. Email dated September 10, 2001, at 10:24 a.m., from Ann Kenny to Curt Hart, Re: 3 FW: Latest Draft of Port 401 Appeal Document 4 230. Email dated September 13, 2001, at 11:45 a.m. from Erik Stockdale to Ann Kenny, 5 Re: FW: MRNP Tables; attaching Tables 4.1-1, 4.1-3.doc 6 231. Email dated June 27, 2001, at 4:32 p.m. from Chung Yee to Peter Kmet, et al., Re: 7 Acceptable Fill Criteria Language for Draft 401 Certification; attaching Clean Fill Criteria for 401 8 9 Ce... .doc 10 232. (Received from Ecology pursuant to PDA request on 8/30/01): One-page typed 11 sheet dated 8/16/01 12 233. (Received from Ecology pursuant to PDA request on 8/30/01): Document dated 13 9/8/00, entitled "SMT The Third Runway Update -- talking points" 14 234. Geotechnical Summary Report, Third Runway Embankment and MSE Retaining 15 16 Walls, Sea-Tac International Airport, by Hart Crower, dated November 2, 2001 17 235. AESI Hydrogeologic Study dated June 21, 2000: IWS, Plant and Lagoons, STIA 18 236. Letter dated November 29, 1999, from Richard Poulin to U.S. Army Corps of 19 Engineers, Re: File No. 1999-4-02325, Seattle Port of; File No. 1996-4-02325, Seattle, Port of 20 237. Spreadsheet by Elizabeth Clark on source of embankment fill, titled Draft Third 21 Runway Cumulative Fill Summary -- Phase I and II (1997/8/9)" 22 238. Port of Seattle's Application (JARPA Form) for Water Quality Certification, dated 23 AR 003578 24 October 26, 2000 25 239. Draft letter denying Water Quality Certification from the Department of Ecology to ACC's EXHIBIT LIST - 23 HELSELL FETTERMAN LLP Rachael Paschal Osborn 1500 Puget Sound Plaza <del>at La</del>w 1325 Fourth Avenue 542T Webt MAsian Ne. Seattle, WA 98101-2509 ASpokane, WA 99201 1500 PUGET SOUND PLAZA P.O. BOX 21846

SEATTLE, WA 98111-3846 PH: (206) 292-1144

1	the Port of Seattle, dated September 28, 2000		
2	240.	U.S. Army Corps of Engineers Second Revised Public Notice of Application for	
3	Permit for Pr	roject No. 1996-4-02325, dated December 27, 2000	
4	241.	U.S. Army Corps of Engineers Revised Public Notice for Permit for Project No.	
5 6	1996-4-0232	25, dated September 30, 1999	
7	242.	U.S. Army Corps of Engineers Public Notice for Permit for Project No. 1996-4-	
8	02325, dated	December 19, 1997	
9	243.	Third Runway Project Off-Site Borrow Source Baseline Chemical	
10	Characteriza	tion Marine View Pit - Fife, Washington, HartCrowser, December 12, 2001, 4978-	
11	06		
12	244.	Comment letter from Amanda Azous dated December 28, 2001	
13	245.	Comment letter from Northwest Hydraulic Consultants (Bill Rozeboom and	
14 15	Malcolm Le	ytham) dated November 26, 2001	
16	246.	Comment letter from Northwest Hydraulic Consultants (Bill Rozeboom and	
17		ytham) dated December 18, 2001	
18	247.	Comment letter from Northwest Hydraulic Consultants (Bill Rozeboom and	
19		ytham) dated January 30, 2002	
20			
21	248.	Comment letter from Geosyntec Consultants dated January 14, 2002	
22	249.	Comment letter from Geosyntec Consultants dated February 7, 2002	
23	250.	CD containing Hydrus modeling files from GeoSyntec Consultants, February 2002	
24	251.	Project Manual and Plan Sheets for S. 154th Street/156th Way/Miller Creek	
25	Relocation, Work Project C3496, Issued by Port of Seattle Commission, January 25, 2002		
	ACC's EXHIBI	1500 Puget Sound Plaza	
		AR 003579         1325 Fourth Avenue         542 T West Mitsion Ave.           Seattle, WA 98101-2509         Aspölktaite: <sup>11</sup> 1500 PUGET SOUND PLAZA SEATTLE, WA 98111-3846         PH: (206) 292-1144	

1	252.	Memo from Paul Tappel, P.E., to Jim Kelley, dated 04/06/98, Re: Minor Edits &	
2	Questions, SeaTac JARPA		
3	253.	Laboratory Results from sampling conducted by ACC representatives during third	
4	runway area s	ite visits on January 28 and 31, 2002	
5 6	254.	Laboratory Results from prior sampling conducted by Dr. John Strand and people	
7	working unde	r his supervision	
8	255.	Photographs of the Third Runway Project area	
9	256.	NPDES Application from Port of Seattle to Ecology dated December 20, 2001, and	
10	Fact Sheet Modification dated February 12, 2002		
11	257.	Stormwater Pollution Prevention Plan (Rev. 2 - 12/01)	
12	258.	SEPA DNS for FAA Terminal Radar Approach Control (TRACON) Facility,	
13			
14	Sea-Tac Inter	mational Airport, dated October 17, 2001	
15	259.	Letter dated April 9, 1998, from Paul Tappel, Fisheries Consultants, to Jonathan	
16	Freedman, C	orps of Engineers; and Mr. Tappel's resume	
17	260	Letter dated September 28, 1998, from Barbara Hinkle, Port of Seattle, to Tom	
18	Luster, Dept.	of Ecology (no Re line; regarding stormwater issues)	
19	261.	Letter dated February 3, 1998, from Fred Weinmann, Aquatic Resources Unit, US	
20 21	EPA, to Col. James Rigsby, Corps of Engineers, Re: Public Notice 96-4-02325, Port of Seattle,		
21	December 19, 1997		
23	262	Letter dated June 6, 1996, from Chuck Clarke, US EPA, to Dennis Ossenkop,	
24	FAA	AR 003580	
25	263.	Letter dated March 18, 1996, from Chuck Clarke, US EPA, to Dennis Ossenkop,	
	ACC's EXHIBIT	LIST - 25 HELSELL FETTERMAN LLP 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509 HELSELL FETTERMAN LLP Attorney at Law 542 T West MASion Ave. Astroit Arte, WA 99201 1500 PUGET SOUND PLAZA P.O. B0X 21846 SEATTLE, WA 98111-3846 PH; (206) 292-1144	

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264. Sea-Tac Airport Master Plan Update Low Streamflow Analysis, Earth Tech, December 2000

Letter dated January 24, 2001 [sic -- actually 2002], from Michael Feldman, Ort 265. 5 of Seattle, to Ed Abbasi, Dept. of Ecology, RE: Request for Administrative Order for Lagoon #3 6 Byypass, Seattle-Tacoma International Airport (NPDES Permit WA-002465-1), and enclosures: 7 SEPA Register listing for Addendum to DNS for IWS Lagoon #3 8 9 Upgrades and Expansion; 10 Addendum to DNS for IWS Lagoon #3 Upgrades and Expansion, dated 11 January 25, 2002; and 12 Request for Administrative Order, Lagoon #3 Expansion Project, dated 13 January 2002, by Kennedy Jenks for Port of Seattle 14 Letter dated February , 2002, from Dept. of Ecology, denying Port's Request 266. 15 16 for Administrative Order, Lagoon #3 Expansion Project 17 August 2001 Pacific Groundwater Group report, "Port of Seattle Sea-Tac Third 267. 18 Runway Embankment Fill Modeling" 19 268. Letter dated August 3, 2001, from Pam Bissonnette, King County DNR, to Ann 20 Kenny, Dept. of Ecology, enclosing King County's review comments on Port's Low Flow Impact 21 Analysis -- with handwritten notes by Ray Hellwig (these materials, without handwritten 22 AR 003581 annotations, are included as part of Exhibit 48) 23 24 Emailed excerpt of draft Water Quality Certification, dated August X, 2001, pages 269. 25 16 and 17, faxed from Kelly Whiting to Ann Kenny on 8/3/2001, with Kelly Whiting's proposed ACC's EXHIBIT LIST - 26 HELSELL FETTERMAN LLP Rachael Paschal Osborn

ELSELL FETTERMAN LLI 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509

Attorney at Law <u>Attorney at Law</u> <u>B42TWest MMsion</u>Xve. <u>Aspostatie</u>, WAT99201 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144

1 edits (typewritten) and Ann Kenny's hand-written notations 2 Letter dated December 5, 2001, from Sarah Suggs, Wetlands Specialist, Dept. of 270. 3 Ecology, to Grant Beck, San Juan County Permit Center, Re: Ayer property on Orcas Island 4 271. Email from Andrea Grad to Ann Kenny dated August 21, 2001, at 3:38 p.m., Re: 5 PDA Request Re Third Runway: Documents Regarding CZM Consistency 6 272. Certification of Consistency with the Washington Sate Coastal Zone Management 7 Program for Federally Licensed or Permitted Activities, dated 12/6/99 8 9 273. Letter dated May 22, 2000, from Elizabeth Leavitt, Port of Seattle, to Tom Luster, 10 Dept. of Ecology, RE: Coast Zone Management Act Consistency Statemetn for Port of Seattle's 11 Prposed Master Plan Update for STIA, attaching CZM Certification dated 5/22/00 12 274. Letter dated June 21, 2001, from Jeannie Summerhays, Dept. of Ecology, to Tom 13 Mueller, Corps of Engineers, Re: Corps Reference No. 1996-4-02325, of Seattle (regarding 14 extending review deadline for CZM consistency) 15 16 275. Certification of Consistency with the Washington Sate Coastal Zone Management 17 Program for Federally Licensed or Permitted Activities, dated January 10, 2001 18 276. Deposition of James C. Kelley dated March 15, 2001, in Port of Seattle v. RST 19 Enterprises, et al., King County Superior Court Cause No. 99-2-26788-5 KNT 20 277. Verbatim Report of Proceedings dated June 5, 2001, in Port of Seattle v. RST 21 Enterprises, et al., King County Superior Court Cause No. 99-2-26788-5 KNT (Supreme Court 22 AR 003582 Cause No. 71562-9) 23 24 Findings of Fact, Conclusions of Law, and Order, dated August 23, 2001, in Port of 278. 25 Seattle v. RST Enterprises, et al., King County Superior Court Cause No. 99-2-26788-5 KNT ACC's EXHIBIT LIST - 27 HELSELL FETTERMAN LLP Rachael Paschal Osborn 1500 Puget Sound Plaza 542TWest MASionNve. 1325 Fourth Avenue

> ASPOKATE, WA 99201 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144

Seattle, WA 98101-2509

1 279. Letter dated July 31, 2001, from Elizabeth Leavitt, Port of Seattle, to Ray 2 Hellwig, Dept. of Ecology 3 280. Letter dated September 10, 2001, from Marten Brown to Presiding Officer Kaleen 4 Cottingham, PCHB, Re: Port of Seattle Appeal of Water Quality Certification (Order #1996-4-5 02325) and Stipulated Agreement and Order of Dismissal 6 281. US Fish & Wildlife Service Biological Opinion dated May 22, 2001, including 7 8 cover letter to Lowell H. Johnson, Federal Aviation Administration 9 282. Resume of Greg Wingard, Waste Action Project 10 283. Excerpts from Port's Responses to Discovery Requests 11 284. Photos of MSE walls after Nisqually Earthquake of 2/28/01, at 12 http://peer.berkeley.edu/nisgually/geotech/earthstructures/ 13 285. Hart Crower Report dated 5/3/89 Re: Monitoring Well Installation at the 14 Weyerhaeuser STIA Facility 15 16 286. Walker & Associates Aerial Photos dated 1997, 1998, 1999, 2000, and 2001of Sea-17 Tac International Airport and vicinity (including third runway area) 18 287. Letter dated December 27, 2001, from Keith Smith, Port of Seattle, to Ann Kenny, 19 Dept. of Ecology, RE: Construction Stormwater Monitoring Report, attaching construction 20 stormwater monitoring reports for the months of September, October and November 2001 21 288. Email dated July 30, 2001, at 3:35 p.m., from Kevin Fitzpatrick to Ann Kenny, Re: 22 Deliberative Document - Do Not Disclose; Acceptable Fill Criteria Language for the Draft 401 23 24 Certification, with attachment: Clean Fill Criteria for 401 Ce... . doc, labeled "Draft (July 30, 2001) 25 289. Email from Kevin Fitzpatrick to Ann Kenny, et al., dated July 10, 2001, at 3:22 ACC's EXHIBIT LIST - 28 HELSELL FETTERMAN LLP Rachael Paschal Osborn 1500 Puget Sound Plaza 542TWebt MASsion Nyce.

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2 Criteria for 401 Ce... .doc 3 290. Email from Erik Stockdale to Ann Kenny, et al., dated April 6, 2001, at 9:04 a.m., 4 Re: stormwater volume perspectives 5 291. Email dated September 11, 2000, at 3:32 p.m., from Chung Yee to Kevin 6 Fitzpatrick, Re: Clean Fill Criteria Language for the 401 Water Quality Certification on the Sea Tac 7 Third Runway 8 9 292. Excerpts from PDA documents recently obtained from the Department of Ecology 10 regarding sources of fill for the third runway 11 293. December 19, 2001, Stormwater Pollution Prevention Plan for Sea-Tac International 12 Airport 13 294. Third Runway Project Off-site Borrow Source Baseline Chemical Characterization, 14 Black River Quarry, December 12, 2001, Hart Crowser 15 16 295. DMRs (Discharge Monitoring Reports) from Sea-Tac International Airport 17 296. Cover letter dated November 16, 2001, from Elizabeth Leavitt, Port of Seattle, to 18 Ann Kenny, Dept. of Ecology, enclosing Third Runway Embankment Fill Monitoring Plan, 401 19 Certification Condition E.3, Port of Seattle, November 2001 20 297. Letter from Keith Smith to Tom Luster re Implementation Plan for the Des 21 Moines Creek Flow Augmentation Facility, including attachment, July 25, 2000 22 298. Letter from Keith Smith to Jillian Hoyt, Seattle Public Utilities, re: Port of 23 24 Seattle/Des Moines Creek Basin Plan – Flow Augmentation Facility, including attachments, AR 003584 25 August 18, 2000 ACC's EXHIBIT LIST - 29 HELSELL FETTERMAN LLP Raqhael Pasohal Osborn 1500 Puget Sound Plaza E42TWelt MASion Nve. 1325 Fourth Avenue Seattle, WA 98101-2509 ASpokane, WA 99201 1500 PUGET SOUND PLAZA P.O. BOX 21846

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19	309.	Memo dated October 26, 2000, to Michael Cheyne, PMP, from Jim Thomson,	
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4	314.	Natural Resources Mitigation Plan, Parametrix, Inc., November 2001	
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	ACC's EXHIBIT	LIST - 31 HELSELL FETTERMAN LLP Raqhael Pasqhai Osborn 1500 Puget Sound Plaza 1325 Fourth Avenue Seattle, WA 98101-2509 <sup>A</sup> Spötkane, <sup>11</sup> WA <sup>17</sup> 99201 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144	

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Rachael Paschal Osborn E42T Webt MAssian Ave. ASpokane, WA 99201 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144 330. Letter from Elizabeth Clark, Port of Seattle to Roger Nye, Department of Ecology dated February 4, 2000, regarding environmental documentation of fill materials used for the Third Runway

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1325 Fourth Avenue **1242 il West KANsiôn Ave**. Seattle, WA 98101-2509 <sup>A</sup>Spörkáne<sup>1</sup>,<sup>11</sup>WA<sup>17</sup>99<sup>9</sup>20 1 1500 PUGET SOUND PLAZA P.O. BOX 21846 SEATTLE, WA 98111-3846 PH: (206) 292-1144

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1	DATED this 20 day of February, 2002.					
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