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**BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON**

AIRPORT COMMUNITIES
COALITION,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY; and
PORT OF SEATTLE,

Respondents.

PCHB No. 01-133
PCHB No. 01-160

RESPONDENT DEPARTMENT OF
ECOLOGY'S STATEMENT OF
ISSUES, AND PRELIMINARY
WITNESS AND EXHIBIT LIST

The State of Washington, Department of Ecology (Ecology), by and through its attorneys, Joan M. Marchioro and Thomas Young, Assistant Attorneys General, submit the following statement of issues, preliminary witness and exhibit list, and proposed schedule regarding Appellant's Motion for Stay:

I. ISSUE

Whether, when issuing a Clean Water Act Section 401 Certification for the Port of Seattle's Master Plan Update Improvements, Ecology had reasonable assurance that water quality standards would be met by the proposed project?

II. WITNESSES

- 1. Ann Kenny, Department of Ecology, Northwest Regional Office;
- 2. Erik Stockdale, Department of Ecology, Northwest Regional Office;

ORIGINAL

AR 006482

1 8. Assessment of the Existing and Future Hydrologic Divide of Miller, Walker,
2 and Des Moines Creeks after Construction of Master Plan Update Projects at Seattle-Tacoma
3 International Airport, prepared for Port of Seattle by Parametrix, Inc. dated July 2001.

4 9. Letter dated July 23, 2001 from Keith Smith, Port of Seattle, to Ann Kenny,
5 Ecology, summarizing Port of Seattle's evaluation of summer low streamflow impacts in Des
6 Moines, Miller and Walker Creeks.

7 10. Letter dated July 25, 2001 from Keith Smith, Port of Seattle, to Ann Kenny,
8 Ecology, providing clarifications to letter of July 23, 2001 re low streamflow impacts.

9 11. Low Flow Analysis Impact Offset Facility Proposal and Attachments, prepared
10 for the Port of Seattle by Parametrix, Inc. dated July 23, 2001.

11 12. Letter dated July 31, 2001 with attached conceptual drawings for Flow Impact
12 Offset Facility.

13 13. Memorandum from Dave Garland to Ann Kenny dated August 7, 2001, subject:
14 Review of "Low Flow Analysis, Flow Impact Offset Facility Proposal," Port of Seattle,
15 Parametrix, Inc., July 2000.

16 14. Final Natural Resource Mitigation Plan and Appendices A through H, STIA,
17 prepared for Port of Seattle by Parametrix, Inc. dated December 2000.

18 15. Wetland Delineation Report, Master Plan Update Improvements, STIA,
19 prepared for the Port of Seattle by Parametrix, Inc. dated 2000.

20 16. Wildlife Hazard Mitigation Plan, STIA, developed by Seattle-Tacoma
21 International Airport in Cooperation with U.S. Department of Agriculture, August 2000.

22 17. Wetland Functional Assessment and Impact Analysis, Master Plan Update
23 Improvements, STIA, prepared for Port of Seattle by Parametrix, Inc. dated December 2000.

24 18. Wetland Photographs and Maps, Master Plan Update Improvements, STIA,
25 prepared for Port of Seattle by Parametrix, Inc. dated December 2000.

AR 006484

1 19. Memorandum from Tom Walsh to Joan Marchioro dated June 28, 2001,
2 Restrictive Covenants.

3 20. Report: Avoidance of Wetland Impacts, Temporary Stormwater Pond A, Sea-
4 Tac Third Runway, prepared for HNTB and the Port of Seattle by Hart Crowser, Inc. dated
5 June 18, 2001.

6 21. Letter of Transmittal from Hart Crowser to Jim Kelley, Parametrix with four attached
7 figures showing revised plan and sections for Borrow Area 3 wetland protection swale.

8 22. Revised Auburn Wetland Mitigation Planting Plan and Grading Plan received
9 by Ecology June 29, 2001.

10 23. FAX transmittal of Final Performance Standards (Tables 7.7-1, 5.1-7, 5.2-12,
11 5.3-6) from Jim Kelley, Parametrix, Inc. to Ann Kenny, Ecology (hard copy received July 12,
12 2001).

13 24. Transmittal Form and attached wetland hydrology monitoring data from Paul
14 Fendt, Parametrix, Inc. to Ann Kenny, Ecology dated September 6, 2001.

15 25. 401 Water Quality Certification and RCW 90.48 Orders issued August 10, 2001
16 and September 21, 2001.

17 26. Joint Aquatic Resource Permit Application dated October 25, 2000 submitted to
18 the U.S. Army Corps of Engineers.

19 27. Letter from Pam Bissonette, King County Department of Natural Resources to
20 Ann Kenny, Ecology dated February 22, 2001 regarding the County's review of the Port of
21 Seattle's Comprehensive Stormwater Management Plan.

22 28. Letter from Pam Bissonette, King County Department of Natural Resources to
23 Ann Kenny, Ecology dated August 3, 2001 regarding the County's review of the Port of
24 Seattle's Comprehensive Stormwater Management Plan (revised July 2001).

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26 **AR 006485**


1 29. Letter from Pam Bissonette, King County Department of Natural Resources to
2 Ann Kenny, Ecology dated August 3, 2001 regarding the County's review of the Port of
3 Seattle's Low Flow Impact Analysis-Low Flow Impact Facility Proposal (July 2001).


4 30. Draft Technical Memorandum, Analysis of Preferential Ground Water Flow
5 Paths Relative to Proposed Third Runway, STIA, prepared for Port of Seattle by Associated
6 Earth Sciences, Inc. dated June 19, 2001.

7 Ecology reserves the right to use all previous and future exhibits identified by other
8 parties and to supplement and/or amend this list as may be necessary.

9 DATED this 10th day of October, 2001.

10 CHRISTINE O. GREGOIRE
11 Attorney General

12 
13 JOAN M. MARCHIORO
14 WSBA #19250
15 Assistant Attorney General

16 
17 THOMAS J. YOUNG
18 WSBA #17366
19 Assistant Attorney General

20 Attorneys for Respondent
21 State of Washington
22 Department of Ecology
23 360.586.6770

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STATE OF WASHINGTON,
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Respondents.

PCHB No. 01-133
PCHB No. 01-160

CERTIFICATE OF SERVICE

Pursuant to RCW 9A.72.085, I certify that on October 10, 2001, I caused Ecology's Statement of Issues, and Preliminary Witness and Exhibit List and this Certificate of Service in the above-captioned matter to be served upon the parties herein, as indicated below:

Peter J. Eglick
Kevin L. Stock
Helsell Fetterman LLP
1500 Puget Sound Plaza
1325 Fourth Avenue
Seattle, WA 98101-2509

- U.S. Mail
- State Campus Mail
- Hand Delivered
- Overnight Express
- By Fax: 206.340.0902

Rachael Paschal Osborn
Attorney at Law
2421 West Mission Avenue
Spokane, WA 99201

- U.S. Mail
- State Campus Mail
- Hand Delivered
- Overnight Express
- By Fax: 509.328.8144

1 Linda J. Strout, General Counsel
2 Traci M. Goodwin, Senior Port Counsel
3 Port of Seattle
4 2711 Alaskan Way (Pier 69)
5 P.O. Box 1209
6 Seattle, WA 98111

- U.S. Mail
- State Campus Mail
- Hand Delivered
- Overnight Express
- By Fax: 206.728.3205

5 Roger A. Pearce
6 Steven G. Jones
7 FOSTER, PEPPER & SHEFELMAN
8 1111 3rd Avenue, Suite 3400
9 Seattle, WA 98101

- U.S. Mail
- State Campus Mail
- Hand Delivered
- Overnight Express
- By Fax: 206.749.1997

8 Gillis E. Reavis
9 MARTEN & BROWN
10 1191 Second Avenue, Suite 2200
11 Seattle, WA 98101

- U.S. Mail
- State Campus Mail
- Hand Delivered
- Overnight Express
- By Fax: 206.292.6301

11 Jay J. Manning
12 MARTEN & BROWN
13 421 S. Capitol Way, Suite 303
14 Olympia, WA 98501

- U.S. Mail
- State Campus Mail
- Hand Delivered
- Overnight Express
- By Fax: 360.786.1835

14 the foregoing being the last known business address.

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

17 DATED this 10th day of October, 2001, in Olympia, Washington.

19 
20 C. J. WOLFER
21 Legal Assistant

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26 **AR 006488**