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Brascher
EXHIBIT NO. 196
1-30-02
M. Green

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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,)	PCHB No. 01-160
)	
Appellant,)	ACC'S INTERROGATORIES NOS. 1-19
)	AND REQUESTS FOR PRODUCTION
v.)	NOS. 1-6 TO PORT OF SEATTLE AND
)	PORT OF SEATTLE'S OBJECTIONS
STATE OF WASHINGTON)	AND RESPONSES THERETO
DEPARTMENT OF ECOLOGY, and)	
THE PORT OF SEATTLE,)	
)	
Respondents.)	

The Port of Seattle ("Port"), by and through its counsel of record, submits the following objections and responses to ACC's Interrogatories Nos. 1-19 and Requests for Production Nos. 1-6 to Port of Seattle ("ACC's First Requests"). To set off the Port's objections and responses from the text of the ACC's First Requests, the Port's objections and responses will be set forth in bolded and single-spaced text.

The Port will interpose its General Objections to ACC's First Requests prior to providing particularized objections and responses to any individual interrogatory or request for production propounded by ACC. The fact that a particular general objection is not identified in response to a particular interrogatory should not be interpreted as a waiver of any general objection; furthermore, nothing set out in specific objections constitutes a waiver of any general objections.

TO: PORT OF SEATTLE ("Port");

AND TO ITS COUNSEL: Jay Manning and Gillis Reavis, Marten Brown, Inc.;
Roger Pearce and Steven Jones, Foster Pepper & Shefelman;
Linda Strout and Traci Goodwin, Port of Seattle

ACC'S INTERROGATORIES AND REQUESTS FOR PRODUCTION NOS. 1-6 TO PORT OF SEATTLE AND PORT'S OBJECTIONS AND RESPONSES

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15. **Mary Vigilante**
Synergy Consultants, Inc.
4742 42nd Ave. SW, Suite 9
Seattle, WA 98116
 16. **William Dunlay, Ph.D.**
Leigh Fisher Associates
P.O. Box 8007
San Francisco International Airport
San Francisco, CA 94128
 17. **Mike Riley, P.E.**
S.S. Papadopolous & Associates, Inc.
222 Kenyon Street, N.W.
Olympia, WA 98502
 18. **Steve Swenson, P.E.**
R.W. Beck, Inc.
1001 4th Avenue, Suite 2500
Seattle, WA 98104

12 **The Port may name additional experts as necessary to rebut claims and allegations**
13 **raised by ACC experts and to rebut and/or address issues uncovered during the process of**
discovery, including depositions of ACC's proposed witnesses.

14 **INTERROGATORY NO. 3:** For each person identified in the preceding interrogatory,
15 state with particularity

- 16 a. the subject matter on which the expert is expected to testify;
- 17 b. the substance of the facts and opinions to which the expert is expected to testify;
- 18 and
- 19 c. a summary of the grounds for each opinion.

20 **ANSWER:**

21 **See all General Objections. In addition to, and without waiving any of those General**
22 **Objections, the Port responds as follows:**

- 23 1. **Paul Agid. Mr. Agid will testify regarding the Agreed Order entered into**
24 **between the Port and the Department of Ecology regarding the clean up of contaminated**
25 **sites within the Airport Operation and Maintenance Area, the likelihood of migration of**
26 **that contamination, particularly in light of the Port's construction of Master Plan Update**
projects. Mr. Agid will testify that the Port is currently abiding by the terms of the Agreed
Order, is currently working on identification and clean up of contaminated sites and that

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1 associated with the MPU projects. Mr. Strunk will testify that there is no reasonable threat
2 of any such migration. Mr. Strunk's testimony will be based on his extensive work at the
3 Airport, the documents and studies described in his September 28, 2001 declaration, and his
4 professional experience.

5 11. Joseph Brascher. Mr. Brascher is employed by AquaTerra Consultants. He
6 was one of the principal modelers for the HSPF modeling done in connection with the Port's
7 Low Flow Mitigation Plan. The substance of Mr. Brascher's testimony will concern how
8 that modeling was conducted, revisions to the modeling based on Mr. Brascher's own
9 internal review of the model and calibration of the model with existing stream data, as well
10 as conclusions reached in joint sessions with representatives from Parametrix, Ecology and
11 King County. His testimony will be based on his own review and modeling of data supplied
12 to him by Parametrix and the Pacific Groundwater Group.

13 12. Charles Ellingson. Mr. Ellingson is employed by Pacific Groundwater Group.
14 Mr. Ellingson was one of the principal modelers for the Hydrus and Slice modeling done in
15 connection with the Port's Low Flow Mitigation Plan. The substance of Mr. Ellingson's
16 testimony will concern how that modeling was conducted, revisions to the modeling based on
17 the calibration of the model with existing stream data, as well as conclusions reached in joint
18 sessions with representatives from Parametrix, Ecology and King County. His testimony
19 will be based on his own review and modeling of data supplied to him by Parametrix and
20 Aqua Terra Consultants.

21 13. Jan Cassin, Ph.D. Dr. Cassin is a wetland ecologist. She has worked on
22 elements of the Natural Resources Mitigation Plan prepared by the Port of Seattle's
23 consultants for the Washington Department of Ecology and the U. S. Army Corps of
24 Engineers. She will testify that the NRMP will mitigate all wetland functions impacted by
25 the projects for which a Clean Water Act §404 permit and the §401 Certification is
26 required. Her testimony will be based on the NRMP, the wetland studies conducted by Port
27 consultants on which that NRMP is based, and on her professional experience.

28 14. Charles Wisdom, Ph.D. Dr. Wisdom is a water chemistry expert. He will
29 testify regarding ACC's allegations regarding the quality of stormwater discharges from the
30 proposed projects for which a Clean Water Act §404 permit is required. He will testify that
31 there is reasonable assurance that those projects will be able to meet state water quality
32 standards. His testimony will be based on the representative monitoring conducted for the
33 WER study, on his own review of Port records, and on his professional experience as a
34 practicing professional in the field of water quality.

35 15. Mary Vigilante. Ms. Vigilante is a principal at Synergy Consultants, Inc. and
36 is an expert in airport operations and management. Ms. Vigilante will provide testimony on
37 the environmental review undertaken pursuant to SEPA and NEPA for the Port's Master
38 Plan Update development projects, including the projects for which a §404 permit and §401
39 certification is required. Ms. Vigilante will provide rebuttal testimony, if needed, to address

1 SIGNED on behalf of Port of Seattle

2 By: _____
3 Signature

4 _____
5 Printed Name

6 STATE OF WASHINGTON)
7 COUNTY OF _____) ss.

8 _____, being first duly sworn, on oath deposes and
9 says:

10 That _____ is the _____ for the
11 Respondent named herein, has read the interrogatories and requests for production contained
12 herein and the answers and responses thereto; believes the answers and responses to be true and
13 correct; and has not interposed any answers or objections for any improper purpose, such as to
14 harass or to cause unnecessary delay or needless increase in the cost of litigation.

15 SUBSCRIBED AND SWORN to before me this _____ day of _____, 2001.

16 _____
17 NOTARY PUBLIC in and for the State of
18 Washington, residing at _____
19 My commission expires _____

20 STEVEN G. JONES, attorney for Port of Seattle, certifies that (s)he has read the
21 answers, responses and objections (if any) to the foregoing interrogatories and requests and, to the
22 best of her/his knowledge, information, and belief formed after a reasonable inquiry they are
23 (1) consistent with these rules and warranted by existing law or a good faith argument for the
24 extension, modification, or reversal of existing law; (2) not interposed for any improper purpose,
25 such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and
26 (3) not unreasonably or unduly burdensome or expensive, given the needs of the case, the
discovery already had in the case, the amount in controversy, and the importance of the issues at
stake in the litigation.

By: [Signature]
Attorney for Port of Seattle (WSBA No. 19334)

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