

Rozeboom
EXHIBIT NO. 226
2-5-02
M. Green

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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES COALITION,

Appellant,

v.

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

Respondents.

PCHB No. 01-160

**ACC'S FIRST SUPPLEMENTAL
RESPONSE TO RESPONDENT PORT
OF SEATTLE'S REQUEST FOR
PRODUCTION NO. 2 AND
INTERROGATORY NO. 5 DIRECTED
TO APPELLANT AIRPORT
COMMUNITIES COALITION**

FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO 2:

Listed below are documents relied upon by ACC's expert witnesses, to the extent we have received such information from the experts to date. This Response will be supplemented further as we receive further responses.

1. **Northwest Hydraulic Consultants (Bill Rozeboom and Dr. Malcolm Leytham):** See Attachment A hereto.

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AR 018876

ACC'S 1ST SUPPLEMENTAL RESPONSE TO
PORT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION - 1

ORIGINAL HELSELL
FETTERMAN
A Limited Liability Partnership

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

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AR 018877

ACC'S 1ST SUPPLEMENTAL RESPONSE TO
PORT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION - 2

HELSELL
FETTERMAN
A Limited Liability Partnership

1500 PUGET SOUND PLAZA P.O. BOX 21846
SEATTLE, WA 98111-3846 PH: (206) 232-1144

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ACC'S 1ST SUPPLEMENTAL RESPONSE TO
PORT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION - 3

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AR 018878

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ACC'S 1ST SUPPLEMENTAL RESPONSE TO
PORT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION - 4

HELSELL
FETTERMAN
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1500 PUGET SOUND PLAZA P.O. BOX 21046
SEATTLE, WA 98111-3046 PH: (206) 292-1144

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25 **AR 018880**

ACC'S 1ST SUPPLEMENTAL RESPONSE TO
PORT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION - 5

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FETTERMAN**
A Limited Liability Partnership

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

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ACC'S 1ST SUPPLEMENTAL RESPONSE TO
PORT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION - 6

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AR 018881

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ACC'S 1ST SUPPLEMENTAL RESPONSE TO
PORT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION - 8

HELSELL
FETTERMAN
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1500 PUGET SOUND PLAZA P.O. BOX 21046
SEATTLE, WA 98111-3046 PH: (206) 292-1144

AR 018883

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Improvements Seattle-Tacoma International Airport. Includes Appendices A-E:
Design Drawings. Prepared for the Port of Seattle by Parametrix, Inc. December

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ACC'S 1ST SUPPLEMENTAL RESPONSE TO
PORT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION - 12

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AR 018887

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21
22 FIRST SUPPLEMENTAL RESPONSE TO INTERROGATORY NO 5:

23 1. **Dr. Pat Lucia, GeoSyntec Consultants:**

24
25 ACC'S 1ST SUPPLEMENTAL RESPONSE TO
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A. TESTIMONY IN TRIAL

Case: Park County, Montana v. Burlington Northern and Santa Fe (BNSF)
Attorneys: Mayer Brown and Platt, Chicago, Illinois

Provided expert testimony in trial for BNSF in Montana on the causes, extent and cost of remediation of a contaminated groundwater plume at a landfill site in Park County Montana.

Case: Catellus Development Company v. NL industries
Attorneys: Kirkland & Ellis, Chicago Illinois

Provided expert testimony in trial for NL Industries in federal court in San Francisco, California on the causes of lead contaminated soil at a site in Richmond, California.

Case: State of Illinois v. Kerr McGee
Attorneys: Covington & Burling, Washington D.C.

Provided expert testimony in trial for Kerr McGee in West Chicago, Illinois, on the engineering aspects of the design of a landfill to close a low level radioactive waste site.

Case: Rancho Solano Homeowners Association v. Peter Kiewit Construction et. al.
Attorneys: Sedwick, Detert, Moran & Arnold, San Francisco, California.

Provide expert testimony in trial for Kiewit in Fairfield, California on the stability of slopes and the cost of repair of landslides.

Case: Davest Construction Company v. Klienfelder Engineers and City of Santa Rosa

Attorneys: J. Michael Piasias, San Francisco California

Provided expert testimony in trial in Contra Costa County, California for Davest on design errors in construction of an earthworks project.

Case: Ferraris v. BART
Attorneys: Aherne, Rosin & Leonidou, San Francisco, California

AR 018890

1 Provided expert testimony in trial for Ferraris in San Mateo, California on causes of
2 settlement of a building during the construction of railway extension.

3 Case: Discovery Bay Home Owners Association v. Klienfelder Engineers et.al.
4 Attorneys: Severson & Werson, San Francisco, California

5 Provided expert testimony in trial on the causes of slope failures and the likely cost of repairs.

6 **Depositions in Cases that did not go to Trial**

7 Case: Underground Construction v Geysers Development Company
8 Attorneys: McInerney & Dillon, Oakland California

9 Provided expert testimony in deposition and arbitration on the causes of failure of reinforced
10 earth walls at the Geysers in Northern California.

11 Case: Developer (no record of parties name) v. NL Industries
12 Attorneys: Kirkland & Ellis, Chicago Illinois

13 Provided expert testimony in deposition on the compliance with the National Contingency
14 Plan for the remediation of a lead contaminated site in San Francisco, California.

15 Case: Landfill owner v. Previous Landfill Owner (no record of parties names)
16 Attorneys: Price Postel & Parma, Santa Barbara, California

17 Provided expert testimony in deposition on causes, extent and cost of remediation of
18 contaminated groundwater in Ventura California.

19 Case: Developer (no record of parties name) v. NL Industries
20 Attorneys: Kirkland & Ellis, Chicago Illinois

21 Provided expert testimony in deposition and mediation on the potential sources and cost of
22 remediation of lead contaminated soils at a site in Sacramento, California.

23 Case: Group (no record of parties name) v El Dorado County, California.
24 Attorneys: Bruen & Gordon, Walnut Creek, California

25 **AR 018891**

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1 Provided expert testimony in deposition on groundwater contamination and potential impacts
2 to a stream at a landfill site in El Dorado County.

3 Case: Developer (no record of parties name) v. Harding Lawson Associates
4 Attorneys: Gordon & Rees, San Francisco, California.

5 Provided expert testimony in deposition on the cause of failure of a slope and the engineer's
6 compliance with the standard of care.

7 Case: MJB Pipeline v. City of Pleasanton
8 Attorneys: McInerney & Dillon, Oakland, California.

9 Provided expert testimony in deposition and arbitration and the causes of settlement of a
10 pipeline.

11 Case: Ebert Construction v. Santa Clara Valley Water District
12 Attorneys: Aherne, Rosin & Leonidou, San Francisco, California.

13 Provided expert testimony in deposition and arbitration on a changed condition claim for
14 pipeline construction.

15 **2. Dr. Edward Kavazanjian, GeoSyntec Consultants:**

16 In April 2000, Dr. Kavazanjian gave a declaration in the case of Montrose Chemical
17 Company of California et al. vs. the U.S. Government. It was a Natural Resource Damage
18 Assessment case regarding the Palos Verdes Superfund Site in the waters off of Los Angeles
19 County, CA. The substance of declaration was that the underwater cap proposed by the
20 government (EPA) to isolate contaminated sediments would not be seismically stable and that
21 the government analyses that indicated it would be stable were flawed. He was retained by
22 three law firms representing the defendants - Skadden, Arps, etc.; Ropes and Gray; and
23 Latham and Watkins.

24 Sometime in or around 1994, Dr. Kavazanjian testified in a case in Reading,
25 Pennsylvania regarding a construction claim over the rehabilitation of Trout Run Dam in
Boyertown, Pennsylvania. The contractor, Ground Improvement Techniques, Inc., sued the
owner, the City (or borough?) of Boyertown. He was the project engineer for the
investigation, design, and remedial construction in the 1985-1987 period. He testified on
issues regarding the condition of the dam before construction began and about the substance
of several conversations with the contractor during construction.

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2 In Summer / Spring 1992, Dr. Kavazanjian gave a deposition in a breach of contract
3 suit involving a piece of property called the Alamitos Bay Property in Long Beach, CA. He
4 does not recall the names of the plaintiff or defendant. He worked for the law firm of
5 Lichtman and Bruning representing the plaintiff. The defendant claimed that no harm was
6 done when it reneged on a contract to sell the property to the plaintiff because there was an
7 active earthquake fault running through the property that prevented it from being developed
8 economically (i.e., at a profit). Dr. Kavazanjian's deposition stated that only a small portion
9 of the property was excluded from development due to seismic constraints.

10 Sometime in the early 1980's (1982-1984), while he was a Professor at Stanford, Dr.
11 Kavazanjian gave a deposition in a construction defect case involving some condominiums in
12 the Crystal Springs area on the San Francisco peninsula. He can't recall any of the parties
13 involved in the litigation. He does remember that Woodward-Clyde Consultants had been but
14 was no longer involved, because his testimony pointed at their responsibility but the insurance
15 company had already settled with them for a relatively small amount. The case involved large
16 sink holes that were opening up in some deep fills beneath some condominiums and had to be
17 grouted. His deposition indicated it was an engineering oversight by the designer that resulted
18 in internal erosion of the fill soil into subdrains at the bottom of the fill.

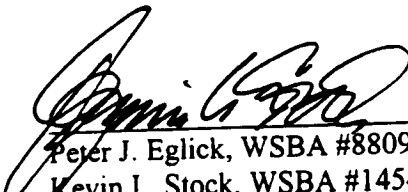
19 He has also testified numerous times at public hearings and before regulatory
20 agencies, including the California Coastal Commission, the California State Water Resources
21 Control Board, and the California Integrated Waste Management Board. In some cases he has
22 submitted written testimony to these agencies. In most cases, this testimony has concerned
23 seismic design and performance of landfills and hazardous waste sites, including numerous
24 Superfund sites.

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3. **Amanda Azous, Azous Environmental Sciences:** See Attachment B hereto.

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DATED this 1st day of February, 2002.

HELSELL FETTERMAN LLP

By: 
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Kevin L. Stock, WSBA #14541
Michael P. Witek, WSBA #26598
Attorneys for Appellant

Rachael Paschal Osborn
WSBA # 21618
Attorney for Appellant

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The following documents were reviewed and/or cited in comments prepared by Bill Rozeboom and Malcolm Leytham of Northwest Hydraulic Consultants during reviews of SeaTac Airport Master Plan Update Improvements. The list is not a comprehensive list of all documents reviewed, but is intended to reflect the major works of significance to the review effort. Please note that the review is ongoing as of the date of this list, January 31, 2002.

Author	Year	Month	Title/Description	Location
Associated Earth Sciences, Inc	2000	6	Associated Earth Sciences, Inc., "Hydrogeologic Study, Industrial Waste System (TWS) Plant and Lagoons, Seattle Tacoma International Airport," prepared for Port of Seattle, June 21, 2000.	Port of Seattle
CH2M Hill	1999	11	Letter Report, dated November 10, 1999, to the US Army Corps of Engineers by Keith Macdonald, Ph.D., of CH2M Hill. Hired by the Port to "prepare an objective, independent, peer review of the natural resources mitigation program."	Port of Seattle
Earth Tech	2000	12	December 2000 Earth Tech report, "Seattle-Tacoma Airport Master Plan Update Low Streamflow Analysis."	Port of Seattle
Ecology	2000	12	Floyd & Snider Inc, undated Final Draft, "Sea-Tac Airport Third Runway 401 Permit Negotiations, Meeting Notes Summary, October 2 nd through December 8 th , 2000."	Ecology
Ecology	2001	3	Ecology memorandum dated March 9, 2001, which provides a review of the December 2000 Seattle-Tacoma Airport Master Plan Update Low Streamflow Analysis.	Ecology
Ecology	2001	9	September 21, 2001 Water Quality certification for 3 rd runway and related projects at SeaTac airport. Also previous version before amendment.	Ecology
Ecology	2001	10	401 Permit-Post-Issuance Clarification Sea-Tac International Airport, Third Runway Draft Meeting Notes, Low Flow Analysis, October 30, 2001.	Ecology
Ecology			Washington Administrative Code pertaining to dam safety regulations	Ecology
Ecology			NPDES Permit for SeaTac Airport- NPDES Permit No. WA-002465-1	Ecology
Ecology			"Stormwater Erosion and Sediment Control for Large Parcel Construction", Department of Ecology Report WQ_R_93_012 1 #4 of 5.	Ecology
FAA	1997	5	FAA Advisory Circular 150/5200_33 dated 5/1/97, titled "Hazardous Wildlife Attractants on or Near Airports."	FAA
Governor Locke	1997	6	Letter dated June 30, 1997, from Governor Gary Locke to Rodney Slater, Secretary, U.S. Department of Transportation.	Ecology
Hart Crowser	2000	10	Hart Crowser memorandum, dated October 20, 2000, regarding "Sea-Tac Third Runway - Borrow Area 3 Preservation of Wetlands."	Port of Seattle
Hart Crowser	2000	12	Hart Crowser memorandum, dated December 8, 2000, regarding "Third Runway Project, Borrow Areas 1, 3, and 4; Projected Impacts to Wetlands."	Port of Seattle
Hydrocomp	2001		Undated "Notes on HSPF Modeling of Miller, Walker and Des Moines Creeks" by Norm Crawford of Hydrocomp, retained by the Port.	Port of Seattle
King County	1998		1998 King County Surface Water Design Manual	King County
King County	1999		Data files of 15-minute interval SeaTac Airport rainfall for water years 1949 through 1998.	King County

King County	2000	9	King County Review Comments, with cover letter dated September 15, 2000 by Pam Bissonnette to Tom Luster	King County
King County	2001	2	King County's February 22, 2001, review comments on the December 2000 SMP.	King County
King County	2001	8	King Comments review comments on the Port's December 2000 Comprehensive Stormwater Management Plan as amended in July 2001; transmitted with letter dated August 3 to Ann Kenny of Ecology	Ecology
King County	2001	8	King Comments review comments on the Port's Low Flow Impact Analysis - Low Flow Impact Offset Facility Proposal dated July 2001; transmitted with letter dated August 3 to Ann Kenny of Ecology	Ecology
King County	2001	10	E-mail dated October 25, 2001, regarding "Pre Low Flow Meeting Briefing" from Kelly Whiting (King County) to Ann Kenny and Raymond Hellwig, Ecology.	Ecology
Montgomery Water Group	1995	4	"Hydrologic Modeling Study for SeaTac Airport Master Plan Update EIS" dated April 7, 1995 (revised November 16, 1995) by Montgomery Water Group. (presented as FEIS Appendix G).	Port of Seattle
Pacific Groundwater Group	2000	6	Pacific Groundwater Group, "Sea-Tac Runway Fill Hydrologic Studies Report," for Washington State Department of Ecology, June 19, 2000.	Ecology
Pacific Groundwater Group	2001	8	Report dated August 8, 2001, by Pacific Groundwater Group for the Port of Seattle, "Port of Seattle Sea-Tac Third Runway Embankment Fill Modeling."	Port of Seattle
Parametrix	1999	8	Revised Draft "Natural Resource Mitigation Plan; Master Plan Update Improvements; Seattle-Tacoma International Airport" dated August 1999 by Parametrix.	Port of Seattle
Parametrix	1999	11	Review draft, "Preliminary Comprehensive Stormwater Management Plan; Master Plan Update Improvements; Seattle-Tacoma International Airport" dated November 1999 by Parametrix.	Port of Seattle
Parametrix	1999		Parametrix, Inc. 1999. Natural resource mitigation plan - Master Plan Update Improvements Seattle-Tacoma International Airport - revised draft. Parametrix, Inc. Prepared for Port of Seattle.	Port of Seattle
Parametrix	2000	8	August 2000 Implementation Addendum for the Natural Resources Mitigation Plan	Port of Seattle
Parametrix	2000	8	August 2000 version of the Stormwater Management Plan (SMP).	Port of Seattle
Parametrix	2000	8	Parametrix, Inc. August 2000. Seattle-Tacoma International Airport Master Plan Update Natural Resource Mitigation Plan. Parametrix, Inc. Prepared for Port of Seattle.	Port of Seattle
Parametrix	2000	12	"Comprehensive Stormwater Management Plan; Seattle-Tacoma International Airport Master Plan Update Improvements" dated December 2000 by Parametrix, Inc.	Port of Seattle
Parametrix	2000	12	"Natural Resource Mitigation Plan; Seattle-Tacoma International Airport; Master Plan Update Improvements" dated December 2000 by Parametrix, Inc.	Port of Seattle
Parametrix	2000	12	"Wetland Functional Assessment and Impact Analysis; Master Plan Update Improvements; Seattle-Tacoma International Airport" dated December 2000 by Parametrix, Inc. (WFA)	Port of Seattle
Parametrix	2000	12	December 2000 version of the SMP and related documents which include the December 2000 A Seattle-Tacoma Airport Master Plan Update Low Streamflow Analysis.	Port of Seattle

Parametrix	2000	12	Port's December 2000 Wetland Functional Assessment and Impact Analysis.	Port of Seattle
Parametrix	2001	7	July 23, 2001, Port of Seattle document, "Low Flow Analysis Flow Offset Facility Proposal."	Port of Seattle
Parametrix	2001	7	July 2001 amendments to the December 2000 Comprehensive Stormwater Management Plan	Port of Seattle
Parametrix	2001	11	"Natural Resource Mitigation Plan, Seattle-Tacoma International Airport, Master Plan Update Improvements," November 2001, prepared by Parametrix, Inc. for Port of Seattle.	Port of Seattle
Parametrix	2001	12	December 2001 "Low Streamflow Analysis and Summer Low Flow Impact Offset Facility Proposal" prepared by Parametrix, Inc. for the Port of Seattle.	Port of Seattle
Port of Seattle	2000	3	Port's "Response to 401/404 comments" document dated March 10, 2000	Port of Seattle
Port of Seattle	2000	9	Technical Memorandum dated September 5, 2000, from Elizabeth Leavitt to Ray Helwig	Port of Seattle
Port of Seattle	2001	1	Port of Seattle major contract construction plans titled "Third Runway - Embankment Construction - Phase 4", Work Order #101346, Project STIA-0104-T-01, were approved on 1/25/01 by Raymond P. Rawe, Director of Engineering Services.	Port of Seattle
Port of Seattle	2001	4	Port's April 30, 2001, response to 401/404 comments.	Port of Seattle
Port of Seattle	2001	10	Letter dated October 24, 2001, from Keith Smith, Port of Seattle, to Ann Kenny, Ecology, regarding Low Streamflow Analysis and Summer Low Flow Impact Offset Facility Proposal.	Port of Seattle
Port of Seattle	2001	10	Port of Seattle Commission Agenda memorandum dated October 16, 2001.	Port of Seattle
City of SeaTac	1999		municipal code for the city of SeaTac	City of SeaTac
Walker & Associates	997-2000		Air photos of SeaTac airport vicinity	Walker & Associates

Legal Case Review - Amanda Azous				
Case Number and Name	Party Represented	Form of Testimony	Description and or nature	Date
SHOAL BAY - #00SJVAR006 Shoreline & Comp Plan Variance	Cynthia and Andrew Marin	declaration & oral testimony	Analysis of adverse wetlands impacts.	Apr-01
KATHERINE ROSS versus State's Inn - #95CU Conditional Use to expand	Katheryn & Malcom Ross	declaration	Does not meet conditional use criteria.	Mar-96
WOODLAND PUD - #01PUD001 Permit for development	John Miller	declaration	Analysis of adverse environmental impacts.	Oct-01
CROSSING AT PINE LAKE DDES file #L97P0033	Vic Heller	declaration & oral testimony	Analysis of adverse wetlands impact.	Mar-01
CEDAR COVE - #L96P0007 Proposed plat and appeal	Vic Heller	declaration letter	Analysis of adverse wetlands impact.	Nov-98
Camp NorWester - #98SJ033 and 98cu025 Appeal of DNS for Camp Facility	Camp NorWester	declaration & oral testimony	Analysis of adverse wetlands impact.	Jan-99

Attachment B

AR 018898