



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

**RESPONDENT PORT OF SEATTLE'S  
FIRST SET OF INTERROGATORIES  
AND REQUESTS FOR PRODUCTION  
DIRECTED TO APPELLANT AIRPORT  
COMMUNITIES COALITION  
AND ANSWERS AND RESPONSES  
THERE TO**

TO: AIRPORT COMMUNITIES COALITION ("ACC")

AND TO: PETER J. EGLICK, Helsell Fetterman LLP; and  
RACHAEL PASCHAL OSBORN, ACC's attorneys of record

**INSTRUCTIONS**

**Interrogatories.** Pursuant to Civil Rules 26 and 33, you are requested to answer the following interrogatories in writing and under oath, and, after you and your attorney sign them below, to serve a copy upon the undersigned counsel at the offices of Marten Brown Inc., 1191 Second Avenue, Suite 2200, Seattle, Washington 98101. You must serve your answers within thirty (30) days after the interrogatories are served on you.

PORT'S FIRST SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION TO ACC  
PAGE 1

**HELSELL  
FETTERMAN**  
*A Limited Liability Partnership*

1500 PUGET SOUND PLAZA P.O. BOX 21846

**AR 018899**

1 domain. See the documents identified in response to Interrogatory No. 4, which  
2 have already been provided to the Port. The Port continues to revise and release  
3 information relating to the Third Runway Project. ACC's experts are continuing to  
4 review documents. As a result, the facts and opinions to which ACC's experts are  
5 expected to testify continue to be developed.  
6

7  
8 INTERROGATORY NO. 5: For each person identified as an expert witness  
9 in Interrogatory No. 3, identify each instance in which the person provided  
10 opinions or other written or oral testimony before a court of any jurisdiction, the  
11 Pollution Control Hearings Board, or any other administrative review  
12 panel/board/officer, such identification to include:  
13

- 14 a. the case/matter name;
- 15 b. the client/party represented;
- 16 c. the date of the opinion or testimony was provided;
- 17 d. the form of testimony, including but not limited to deposition,  
18 trial/hearing testimony, declaration, or affidavit;
- 19 e. a description of the nature of the testimony/opinion; and
- 20 f. each document in your control describing or recording this testimony.  
21

22 ANSWER:

23 Objection: Interrogatory No. 5 is not reasonably calculated to lead to the  
24 discovery of admissible evidence, is overbroad, and is unduly burdensome.  
25

1 September 21, 2001, under No. 1996-4-02325 (Amended-1). Submitted Declaration  
2 that replied to certain comments made by the Department of Ecology and the Port  
3 in response to Declarer's initial Declaration in the above matter (see Declaration 01-  
4 133). Declarer's reply said that the Department of Ecology and the Port were  
incorrect when they denied that violations of the State's Water Quality Criteria  
occur in the project creeks as a result of stormwater discharges.

5 **Bill Rozeboom and/or Malcolm Leytham, Northwest Hydraulic Consultants**

6 *Case: Heller v. City of Sammamish (Crossings Plat)*

7 *Attorneys: Helsell Fetterman LLP*

8 Retained by appellant of 132 unit subdivision to give testimony regarding  
stormwater impacts.

9 *Case: Heller v. City of Sammamish (Chestnut Lane Plat)*

10 *Attorneys: Helsell Fetterman*

11 Retained by appellant of 35 lot residential subdivision to give testimony regarding  
storwater impacts.

12 *Case: Murphy v. City of Seattle*

13 *Attorneys: Stoel Rives LLP*

14 Retained by plaintiff in case involving flooding of single family residence during the rain-on-  
snow flood of December 1996/January 1997. Provided deposition and trial testimony.

15 *Case: DiBlasi v. City of Seattle*

16 *Attorneys: Karen Willie*

17 Retained by plaintiff in case involving the role of storm drainage in triggering a landslide.  
Provided deposition testimony.

18 *Case: Okanagon Highlands Alliance et al v. Washington State Department of  
Ecology and Battle Mountain Gold Company*

19 *Attorneys: Earth Justice Legal Defense Fund*

20 Retained by plaintiff in appeal of water rights and water quality certification for  
21 proposed gold mine in north-central washington. Provided deposition testimony,  
and written and oral testimony before the washington state pollution control  
22 hearings board.

23 *Case: Rainey et al v. PacifiCorp*

24 *Attorneys: Stoel Rives LLP*

25 Retained by defendant in class action case related to operation of hydropower  
projects on the Lewis River during the extreme flood of February 1996.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Case:** *Covert v. Stowe*  
**Attorneys:** *Carney Badley Smith and Spellman*  
Retained by defendant in case involving failure of an impoundment during a severe storm. Provided detailed analysis of storm rainfall depths and an assessment of storm return period.

**Case:** *Traverso v. City of Kent*  
**Attorneys:** *Bucklin, Keating and McCormack*  
Retained by defendant in case involving flooding of commercial property during severe storms in 1990.

**Case:** *Baydo et. al. v. Pierce County, City of Tacoma, City of Fircrest*  
**Attorneys:** *Rush Hannula and Harkins*  
Retained by plaintiffs in case involving severe erosion along the lower reaches of Leach Creek in Pierce County. Provided analysis and trial testimony on the effects of upstream urban development on streamflow rates and volumes.

**Case:** *Troutlodge Inc. v. Pierce County*  
**Attorneys:** *Brown and Burns*  
Retained by plaintiffs in case involving impacts of increased high flows and increased stream turbidity on the operations of a fish hatchery on Clear Creek, Pierce County. Provided input on the effects of urban development on streamflow rates and volumes; identified sources of high stream turbidity; analyzed the effectiveness of Pierce County stormwater control standards.

**Case:** *Day Island Yacht Club v. Pierce County and City of Tacoma*  
**Attorneys:** *Office of the Prosecuting Attorney, Pierce County*  
Retained by defendant in case involving sediment accumulation in a marina. Investigated impacts of urban development and construction practices on delivery of stormwater and sediment to the marina.

**Case:** *Pepper et. al. v. Welcome Construction*  
**Attorneys:** *Foster Pepper and Shefelman*  
Retained by plaintiff in case involving impacts of residential development on high flows and severe sediment accumulation on downslope property. Analyzed the impacts of development on streamflow rates and volumes; estimated sediment accumulation on plaintiff's property; evaluated the defendant's stormwater control system; and provided trial testimony.

**Case:** *Phillips v. Lozier Homes and King County*  
**Attorneys:** *Richard Aramburu*

1 Retained by plaintiff in case involving flooding of plaintiff's property as a result of  
2 the discharge of water from upslope residential development. Reviewed  
3 development's drainage plans; analyzed impacts of development on stormwater  
4 rates and volumes; analyzed the effectiveness of the development's stormwater  
5 control facilities.

6 *Case: Welch v. Landmark Homes*

7 *Attorneys: Peter J. Eglick*

8 Retained by plaintiff in case involving increase in stormwater discharges and  
9 discharge of sediment laden water from upslope residential development into  
10 wetland and ornamental lakes on plaintiff's property. Reviewed development's  
11 drainage plans; reviewed as-built conditions; analyzed effectiveness of  
12 development's stormwater control facilities; and analyzed effectiveness of the  
13 development's erosion control measures.

14 *Case: Queen City Farms v. King County*

15 *Attorneys: Office of the Prosecuting Attorney, King County*

16 Retained by defendant in case involving discharge of stormwater from a county  
17 land fill into a lake adjacent to a superfund site at Queen City Farms. Conducted  
18 detailed state-of-the-art hydrologic modeling of stormwater runoff from the land fill  
19 both for its current level of development and for the pre-development condition;  
20 evaluated the impact of runoff from the land fill on lake levels and overflows from  
21 the lake; analyzed aerial photographs to identify work done by the plaintiff which  
22 adversely affected spill from the lake.

23 *Case: Bjarnason et. al. v. Province of Manitoba*

24 *Attorneys: Office of the Attorney General, Province of Manitoba*

25 Retained by defendant in case involving an alleged increase in the severity and  
duration of flooding of low lying agricultural land brought about by the Provincial  
government's promotion of upstream land drainage projects. Provided hydrologic  
and hydraulic analyses of historical flood events and a critique of engineering  
reports produced by plaintiff's experts.

*Case: Riley v. City of Mill Creek and Snohomish County*

*Attorneys: Keating, Bucklin and McCormack*

Retained by defendant in case involving flooding of residential property. The  
plaintiff alleged that flooding (in this case water backing up from a storm sewer  
system) was caused by inadequate control of stormwater originating from a new  
area of residential development just upstream from the plaintiff's property.  
Provided hydrologic and hydraulic analyses of the storm drainage system in

1 question and identified critical errors in the design of both upstream stormwater  
2 detention facilities and the storm sewer itself.

3 **Dr. Peter Willing, Water Resources Consulting, Inc.**

4 Watershed Defense Fund v. Whatcom County Water Dist. No. 10 (W. District WA  
5 1999). Witness for State of Washington, gave deposition testimony and filed  
6 declaration in support of stay, testimony concerned water quality impacts of sewer  
7 plant expansion.

8 San Juan Co. Hearing Examiner (1998). Witness for Shoal bay residents. Gave  
9 hearing testimony and technical report regarding hydrology, aquifer recharge and  
10 potential for sea water intrusion.

11 San Juan Co. Hearing Examiner (1997-99). Witness for Parks Bay residents. Gave  
12 hearing testimony and technical report regarding hydrology, aquifer recharge and  
13 potential for sea water intrusion.

14 San Juan Co. Hearing Examiner (1999). Witness for neighboring property owners  
15 appealing Conditional Use Permit for shopping mall. Gave hearing testimony and  
16 technical report regarding hydrology, aquifer recharge and interpretation of 72-hour  
17 pump test results.

18 PCHB No. 93-320, 94-7, 94-11 (1994). Witness for water rights holders. Gave hearing  
19 testimony regarding hydrology, interference between wells and sufficiency of DOE  
20 hydrologic analysis.

21 Whatcom Co. Hearing Examiner (1993). Witness for neighboring wells owners  
22 opposing permit for wood waste landfill. Gave hearing testimony regarding  
23 hydrology and potential for well contamination.

24 PCHB No. 87-14 (1987). Witness for Water district. Gave hearing testimony regarding  
25 hydrology of lake Whatcom watershed.

Seattle City Council (1981). Witness for City of Seattle. Gave hearing testimony and  
filed report regarding environmental aspects of coal fired power plant construction.

Seattle City Council (1981). Witness for City of Seattle. Gave hearing testimony and  
filed report regarding environmental aspects of FERC permit to construct Copper  
Creek dam.