

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

Exhibit	346
Date	2/15/02
Witness	Willing
Diana Mills, Court Reporter	

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

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.

1 Kitsap County Superior Court (1981). Witness for landowners affected by dredge and
2 harvest of shellfish. Gave testimony regarding adequacy of environmental impact
statement.

3 King County District Court (1981). Witness for School parent's association affected by
4 school closure. Gave testimony regarding adequacy of environmental impact
5 statement for school closure.

6 **Dr. Patrick Lucia**

7 Dr. Lucia does not keep records in such a manner as to provide detailed information
8 about his former testimony, but recalls that he has been an expert witness
9 approximately 40 times in the past 15 years, and has given trial testimony
approximately 7 times.

10 Information responsive to Interrogatory No 5. has been requested from Dr.
11 Ed Kavazanjian, GeoSyntec Consultants; Amanda Azous, Azous Environmental
12 Sciences; Dyanne Sheldon, Sheldon & Associates; and Greg Wingard, Waste Action
13 Project. ACC will seasonably supplement its response to Interrogatory No. 5.

14
15 REQUEST FOR PRODUCTION NO. 3: Please produce all documents in your
16 control relating to the 401 Certification or the Third Runway Project.

17
18 RESPONSE: Objection: Request for Production No. 3 is not reasonably
19 calculated to lead to the discovery of admissible evidence, is unreasonably
20 cumulative or duplicative, overbroad, and requests production of documents that
21 are subject to the attorney-client privilege and/or work product doctrine. Request
22 for Production No. 3 goes far beyond the scope of discovery permitted under CR
23 26(b). As stated in ACC's August 23, 2001, Notice of Appeal (p. 2), ACC is an entity
24 established by interlocal agreement and composed of the Cities of Burien, Des
25

PORT'S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO ACC
PAGE 18

**HELSELL
FETTERMAN**
A Limited Liability Partnership
1500 PUGET SOUND PLAZA P.O. BOX 21846
SEATTLE, WA 98111-3846 PH: (206) 232-1144

AR 021143