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EXHIBIT # 407
DEP Ellington
DATE 2-20-02
BY: CHERYL J. HAMML

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

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

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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ANSWER:

Steven Jones, Roger Pearce, Tom Walsh, Jay Manning, and the experts listed in the answers to interrogatories below.

REQUEST FOR PRODUCTION NO. 1: Please produce all documents within your control relating or otherwise pertaining to facts stated in your answer to the preceding interrogatory.

RESPONSE:

In addition to and without waiving its General Objections, the Port objects to this request as unintelligible. There are no documents relating to the question of who was consulted in connection with the preparation of these responses.

INTERROGATORY NO. 2: Identify each person you intend to use as an expert witness in this matter.

ANSWER:

1. Paul Agid
Port of Seattle
Aviation Project Management Group
17900 International Blvd., Suite 301
SeaTac, WA 98188
2. Barry R. Christopher, Ph.D. PE
210 Boxelder Lane
Roswell, GA 30076
3. James C. Kelley, Ph.D.
Parametrix, Inc.
5808 Lake Washington Blvd. NE, Suite 200
Kirkland, WA 98033-7350
4. Dr. James K. Mitchell, Ph.D., PE
Geotechnical Engineer
209 Mateer Circle
Blacksburg, VA 24060

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- 5. **William Stubblefield, Ph.D.**
ENSR Toxicology
4303 West LaPorte Avenue
Ft. Collins, CO 80521

- 6. **Donald E. Weitkamp, Ph.D.**
Parametrix, Inc.
5808 Lake Washington Blvd. NE, Suite 200
Kirkland, WA 98033-7350

- 7. **Paul S. Fendt, P.E.**
Parametrix, Inc.
5808 Lake Washington Boulevard Northeast
Kirkland, Washington 98033

- 8. **Michael Bailey, P.E.**
Hart Crowser, Inc.
1910 Fairview Ave. E.
Seattle, WA 98102-3699

- 9. **Norman Crawford, Ph.D.**
Hydrocomp, Inc.
2386 Branner Dr.
Menlo Park, CA 94025

- 10. **John Strunk**
Associated Earth Sciences Inc.
179 Madrona Lane N.
Bainbridge Island, WA 98110

- 11. **Joseph Brascher**
Aqua Terra Consultants
Olympia, Washington

- 12. **Charles Ellingson**
Pacific Groundwater Group
2377 Eastlake Avenue E.
Seattle, WA 98102

- 13. **Jan Cassin, Ph.D.**
Parametrix, Inc.
5808 Lake Washington Blvd. NE
Kirkland, Washington 98033

- 14. **Charles Wisdom, Ph.D.**
Parametrix, Inc.
5808 Lake Washington Blvd. NE
Kirkland, Washington 98033

ACC'S INTERROGATORIES AND REQUESTS FOR
PRODUCTION NOS. 1-6 TO PORT OF SEATTLE AND
PORT'S OBJECTIONS AND RESPONSES - 9

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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

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

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

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

ANSWER:

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

- 1. **Paul Agid. Mr. Agid will testify regarding the Agreed Order entered into between the Port and the Department of Ecology regarding the clean up of contaminated sites within the Airport Operation and Maintenance Area, the likelihood of migration of 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**

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 issues raised by Stephen Hockaday, who was originally listed as a witness by ACC,
2 regarding the legal adequacy of the NEPA and SEPA review done for the project. Ms.
3 Vigilante's testimony will be based on her review of SeaTac International's operations data,
4 on the EISs, RODs, re-assessments, and addenda conducted by the FAA and Port, and on
5 her experience as a working professional in the field of airport operations and management.

6
7 16. Dr. William Dunlay. Dr. Dunlay is a principal in the firm of Leigh Fisher
8 Associates and is an expert on airport operations and management. Dr. Dunlay may
9 provide rebuttal testimony, if required, on the legal adequacy of the environmental review
10 conducted pursuant to NEPA and SEPA by the FAA and Port of Seattle for the Port's
11 Master Plan Updated development projects. The substance of Dr. Dunlay's testimony will
12 concern the impact on demand generally within the aviation industry in light of the events of
13 September 11, general testimony regarding the ongoing health and financial strength of the
14 aviation industry, delay measurement, the possibility of addressing bad weather operating
15 delay at SeaTac International through technology and demand management measures, and
16 the adequacy of the forecasts. Dr. Dunlay may also provide rebuttal testimony, if needed, to
17 address issues raised by Stephen Hockaday, who was originally listed as a witness by ACC.
18 Dr. Dunlay's testimony will be based on his review of SeaTac International's operations
19 data and on his experience as a working professional in the field of airport operations and
20 management.

21
22 17. Mike Riley, P.E. Mr. Riley is a professional engineer with the firm of
23 Papadopolous & Associates. Mr. Riley will provide testimony regarding the hydrologic
24 modeling for the proposed embankment and third runway portion of the Port's Master Plan
25 Update projects. His testimony will be that the modeling is appropriate and provides a
26 reasonable estimate of the effects of the proposed projects. His testimony will be based on
the modeling information provided to him by the other water quality professionals who
conducted the modeling. Mr. Riley may also provide testimony regarding the potential for
any contaminant transfer from the fill associated with the embankment project. His
testimony will be that the project conditions are sufficient to protect water quality. His
testimony will be based on project specifications and conditions and on his professional
expertise and experience.

18 Steve Swenson, P.E. Mr. Swenson is a professional engineer and an expert in
the field of stormwater management. Mr. Swenson will testify regarding the proposed
stormwater management plan and offset mitigation proposal for the summer low
streamflow impacts. He will testify that the project is feasible to site and construct as
planned. His testimony will be based on the project plans and specifications and on his
professional expertise and experience.

23 REQUEST FOR PRODUCTION NO. 2: Please produce all documents relied on or
24 reviewed to form the basis of the opinions, facts or other testimony referenced in the preceding
25 interrogatory. In lieu of producing the documents requested in this request for production, you
26

ACC'S INTERROGATORIES AND REQUESTS FOR
PRODUCTION NOS. 1-6 TO PORT OF SEATTLE AND
PORT'S OBJECTIONS AND RESPONSES - 14

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1 may provide a list of responsive documents provided that the actual documents will be made
2 available upon one business day's notice.

3 RESPONSE:

4 See all General Objections. In addition to, and without waiving those General
5 Objections, the Port objects to this request on the grounds that, in many instances, the work
6 on which the witness will be providing testimony is ongoing, and so identification of all
7 documents which may form the basis of the expert's opinion is impossible. The Port
8 specifically objects to ACC's request that the "actual documents will be made available
9 upon one business day's notice."

10 As stated by ACC in its discovery responses, the documents in this case are in the
11 public domain and are readily accessible to the parties and need not be produced in
12 discovery. The Port also notes that negotiations are ongoing between ACC and the Port on a
13 stipulation regarding document discovery. The Port will comply with any stipulation
14 ultimately agreed to by the parties and produce documents in accordance with that
15 stipulation. Pursuant to CR 33(c), non-privileged documents will be produced for inspection
16 and copying in the same manner as they are kept within the ordinary course of business, at a
17 mutually convenient time and place.

18 INTERROGATORY NO. 4: For each person identified as an expert witness in
19 Interrogatory No. 2, identify each instance with in the last ten (10) years in which the person
20 provided opinions or other written or oral testimony before a court of any jurisdiction, the
21 Pollution Control Hearings Board, or any other administrative review panel/board/officer, such
22 identification to include:

- 23 a. the case/matter name;
24 b. the client/party represented;
25 c. the date the opinion or testimony was provided;
26 d. the form of testimony, including but not limited to deposition, trial/hearing
27 testimony, declaration or affidavit;
28 e. a description of the nature of the testimony/opinion; and
29 f. each document in your control describing or recording this testimony.

1 **ANSWER:**

2 **See General Objections. The Port is assembling this information from its designated**
3 **expert witnesses and will supplement this response as soon as that information has been**
4 **received.**

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7 **INTERROGATORY NO. 5: Describe with particularity all supporting materials**
8 **submitted with the Coastal Zone Management Act (16 U.S.C. §§ 1451-1464) ("CZMA")**
9 **consistency certification for the Third Runway Project.**

10 **ANSWER:**

11 **The Port's certification of consistency with the Coastal Zone Management Act was**
12 **included as part of the Port's JARPA application and is readily available to ACC. The**
13 **Port's certification of compliance is supported by numerous materials contained within both**
14 **the Port's files and Ecology's files.**

15 **The enforceable policies under the CZMA are the Clean Air Act, Clean Water Act,**
16 **and SEPA/NEPA. Consistency with the Clean Air Act has been found by the FAA on two**
17 **different occasions when the FAA has issued its Record(s) of Decision. Ecology's review and**
18 **approval of CZMA certifications is categorically exempt under SEPA, WAC 197-11-885(3).**
19 **Although SEPA and NEPA compliance is not an appropriate topic for this appeal, the Port**
20 **notes that the Puget Sound Regional Council (and its predecessor Puget Sound Council of**
21 **Governments, the FAA and the Port have conducted extensive review pursuant to NEPA**
22 **and SEPA, including several EISs (all of which have been appealed by the ACC and held to**
23 **be legally adequate). The Port's SEPA/NEPA compliance is documented in the FEIS and**
24 **FSEIS. The Port and FAA have also conducted a number of environmental reassessments**
25 **and environmental addenda to those EISs, all of which are in the possession of ACC, which**
26 **has commented on each and every document to Ecology and/or the Army Corps of**
Engineers. With respect to compliance with the Clean Water Act, all elements of the project
that were addressed in Ecology's §401 Certification and all files pertaining to that
certification support the Clean Water Act determination. Accordingly, the Port objects to
this portion of the interrogatory as being unnecessarily broad and unduly burdensome.

24 **REQUEST FOR PRODUCTION NO. 3: Please produce all documents within your**
25 **control upon which you rely in your answer to the proceeding interrogatory. In lieu of producing**
26