



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 INTERROGATORIES
NOS. 1-18 AND REQUESTS
FOR PRODUCTION NOS. 1-6
TO DEPARTMENT OF
ECOLOGY AND RESPONSES
THERE TO

TO: WASHINGTON STATE DEPARTMENT OF ECOLOGY ("Ecology");
AND TO ITS COUNSEL: Joan Marchioro and Thomas Young, Assistant
Attorneys General

INSTRUCTIONS

Interrogatories. Pursuant to the PCHB's October 30, 2001,
Prehearing Order and 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 Helsell Fetterman LLP, 1500 Puget Sound Plaza,

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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:

See answer to RFP No. 2 and documents previously released through public disclosure.

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

ANSWER:

Ann Kenny

Erik Stockdale

Kevin Fitzpatrick

Katie Walter

Dave Garland

Ching-Pi Wang

Chung Yee

John Drabeck

Ed O'Brien

Kelly Whiting

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

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- 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:

Ann Kenny:

Ms. Kenny will testify regarding Ecology's § 401 water quality certification procedures and standards, her role in developing the § 401 certification issued in this case, the conditions imposed, and whether the certification provides reasonable assurance that water quality standards will be met. Her testimony will be based on her education, experience, and participation in the § 401 development process for the Third Runway Project.

Erik Stockdale:

Mr. Stockdale will testify regarding the wetland and aquatic resource mitigation elements of the 401 Certification, and how the various elements of the natural resource mitigation plan (both in-basin and out-of-basin) combine to provide reasonable assurance that state water quality standards will be protected, and beneficial uses of wetlands will be adequately mitigated. His testimony will be based on his experience and training in reviewing wetland and aquatic resource mitigation plans.

Kevin Fitzpatrick:

Mr. Fitzpatrick will testify regarding the Port of Seattle's NPDES permit, the relationship of the NPDES permit to the § 401 Water Quality Certification, the Port of Seattle's Stormwater Management Plan for Master Plan Improvements at Sea-Tac Airport, acceptable fill material conditions developed for the § 401 Water Quality Certification, and

Kelly Whiting:

Mr. Whiting will testify regarding his technical review of the stormwater management plan and associated low flow impact analysis and mitigation plan, consistency of the stormwater plan with the technical requirements of the 1998 King County Surface Water Design Manual (KCSWDM), review of the SR-509 interchange construction drawings and technical information report, assessing the use of acceptable assumptions, modifications, model inputs and statistical results. His testimony will be based on his education, expertise, review of the documents, and information provided in the review process.

REQUEST FOR PRODUCTION NO. 2: Please produce all documents relied on or reviewed to form the basis of the opinions, facts or other testimony referenced in the preceding interrogatory. In lieu of producing the documents requested in this request for production, you may provide a list of responsive documents provided that the actual documents will be made available upon one business day's notice.

RESPONSE:

Ecology objects to this request because it is unduly burdensome. In addition, not all documents reviewed by Ecology's experts can be listed because review is ongoing. Without waiving objection, the following is a partial list of documents reviewed by the listed experts.

Ann Kenny:

1. The natural resource mitigation plan and related documents;
2. The stormwater management plan and related documents;
3. The low flow impact off set facility proposal and related documents;

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6. "Natural Background Soil Metals Concentrations in Washington State", Publication #94-115, Washington State Department of Ecology;
7. Implementation Memo No. 3, PQLs as Cleanup Standards, by Steve Robb, Washington State Department of Ecology, November 24, 1993.

John Drabek:

1. Construction Stormwater Permit;
2. Ch. 173-201A WAC;
3. Sand and Gravel General Permit.

Kelly Whiting:

Box #1:

- June 2000 POS-SMP with margin notes;
- August 1999 POS-NRMP;
- Agency Review Draft Sea-Tac Runway Fill Hydrologic Studies with margin notes;
- A clipped package of pages from June 6, 2000 POS-SMP Appendix A with margin notes;
- November 1999 POS-SMP with margin notes;
- November 1999 POS-SMP Appendix A with margin notes;
- November 1999 POS-SMP Technical Appendices with margin notes;
- A clipped package of 2 HSPF Input files DM-PRE dated 6/2000 and DM-POST dated 8/2000 with margin notes;
- A clipped package of SMP materials dated 8/10/2000 - Primarily WQ treatment appendices with margin notes;
- Loose pages (now clipped) of notes, photos and reference material from timeperiod 7/2000;
- November 1999 POS-SMP and Technical Appendices marked clean copy;
- June 2000 POS-SMP Technical Appendices with margin notes;
- June 2000 POS SMP Appendix B in replacement gray binder with margin notes;
- Unmarked white binder containing Miller/Walker calibration information from timeperiod 7/2000 with margin notes and comment draft;
- May 2000 POS SMP Technical Appendix B Miller/Walker Calibration with margin notes.

Box#2:

- 1 standard size folder with correspondence, notes, press clippings, draft contracts, etc. from timeframe 12/99-3/00;
- 1 legal size folder with correspondence, notes, review materials, meeting notes, press clippings, etc. from timeframe of 3/00 - 8/00;
- 1 legal size folder with correspondence, notes, review materials, meeting notes, etc. from timeframe of 8/00 - 12/00.

Box #3:

- August 2000 POS-SMP Volume 1 with margin notes;
- August 2000 POS-SMP Volume 2 with margin notes;
- August 2000 POS-SMP Volume 3 with margin notes and Walker HSPF input file dated 7/2000;
- August 2000 POS-SMP Volume 4 with margin notes;
- 3 Hart Crowser reports dated 12/00 including Feasibility of Infiltration at different STIA locations;
- 2 standard sized folders containing correspondence, notes, review materials, meeting notes, SR509 Interchange review materials from timeframe 8/00 - 12/00.

Box #4:

- December 2000 POS-SMP Volume 1 with margin notes;
- December 2000 POS-SMP Volume 2 with margin notes and printed hydrographs;
- Copy of materials included in 3/26/01 ACC public disclosure request;
- December 2000 NRMP Appendices A-E;
- Copy of 12/00 POS-SMP Appendix B;
- Paper CD holder with 2 CDs entitled "Des Moines 2006 and Predeveloped" and "Des Moines Calibration". Dated March-May 2001;
- One jewel case holding 2 CDs 1) copy of CD provided by Parametrix (files dated 10/00). Original CD was returned to Parametrix ~3/01. 2) Copy of CD sent to ACC per Public Disclosure Request 3/01;
- One standard size folder containing various HSPF input files received between 7/30/00 and 4/22/01 with margin notes;
- One standard sized folder marked "comments and notes" containing correspondence, notes, review materials, meeting notes. Primarily from timeframe 12/00 - 6/01, but copies of some earlier materials.

Box #5

- December 2000 POS-NRMP;
- December 2000 POS-SMP Volume 3 with margin notes;
- December 2000 POS-SMP Volume 3 marked "Contains July 2001 Replacement Pages";
- December 2000 POS-SMP Volume 4 with margin notes.

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Box #6

- One large binder including POS-SMP 2001 update process, with margin notes;
- One standard folder containing materials received 7/27/01, marked POS-SMP replacement pages;
- July 2001 POS Hydrologic Divide Report.

Box #7

- Box marked Final POS-SMP, dated 8/2001. This contains the 12/00 POS-SMP as updated through process outlined in materials included in Box #6.

Box #8

- July 2001 POS-LFAFIOFP with margin notes;
- July 2001 POS-LFAFIOFP Attachments;
- December 2000 POS - Low Streamflow Analysis with margin notes;
- One jewel case with 3 low flow related CDs dated 7/23/01, 7/25/01, and 7/26/01;
- June 2000 Ecology-PGG report "Sea-Tac Runway Fill Hydrologic Studies Report";
- One CD (unopened) received 9/5/01 which is thought to contain Des Moines Creek Low Flow model;
- One standard folder containing low-flow related materials, meeting notes, personal notes, etc. for time period 3/01-7/14/01;
- One legal sized folder containing low-flow related materials, meeting notes, personal notes, etc for time period 3/01-7/14/01;
- One legal sized folder containing low-flow related materials, meeting notes, personal notes, etc for time period 7/15/01-11/13/01.

Box #9

- December 2001 POS-LFAFIOFP Volume 1, received December 12, 2001;
- December 2001 POS-LFAFIOFP Volume 2, received December 12, 2001;
- One legal sized folder containing documents received after July, 2001, including appeal and contract related materials;
- One CD containing electronic files and e-mails related to this project.

Unboxed:

- 2 large rolled up maps showing contours of site 1994 and 2006 conditions. Received ~2/00;
- 2 long rolled up, taped future grading plans and 154/156 realignment drainage plan. Copied from SMP dated 9/00 and/or 12/00.