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ENVIRONMENTAL
HEARINGS OFFICE

POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

AIRPORT COMMUNITIES)	
COALITION,	)	No. 01-160
)	
Appellant,	)	DECLARATION OF DYANNE
	)	SHELDON ON LATE
v.	)	ATTACHMENTS TO STOCKDALE
	)	DECLARATION
STATE OF WASHINGTON,)	
DEPARTMENT OF ECOLOGY; and	)	(Section 401 Certification No.
THE PORT OF SEATTLE,	)	1996-4-02325 and CZMA
	)	concurrency statement, issued August
Respondents.	)	10, 2001, Reissued September 21,
	)	2001, under No. 1996-4-02325
	)	(Amended-1))

Dyanne Sheldon declares as follows:

1. I am over the age of 18, am competent to testify, and have personal knowledge of the facts stated herein.
2. In my last declaration dated October 10th, 2001 I discussed that the data being collected by the Port would not provide any further substantiation to the ability to quantify adverse impacts or no effects in future conditions on the Third Runway. The additional datum provided for Erik Stockdale's declaration on October 15 is simply more well-log data provided by the Port. This additional data does not influence my previous conclusions that the Performance Standards offered by the Port and conditioned in Ecology's 401 Certification are

HELSELL FETTERMAN LLP
1500 Puget Sound Plaza
1325 Fourth Avenue
Seattle, WA 98101-2509

Rachael Paschal Osborn
Attorney at Law
2421 West Mission Avenue
Spokane, WA 99201

DECLARATION OF DYANNE SHELDON ON
LATE ATTACHMENTS TO STOCKDALE
DECLARATION - 1

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1 not enforceable over the long-term. The 401 Conditions that Ecology has been able to get the
2 Port to concede to, although well-intentioned, will not assure long-term protection of public
3 resources or water quality standards.

4 3. I declare under penalty of perjury under the laws of the State of Washington that
5 the foregoing is true and correct.

6
7 DATED this 18th day of October, 2001, at Seattle, Washington.

8
9 _____
Dyanne Sheldon

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13 g:\lu\acc\pchb\sheldon-decl-101801.doc
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DECLARATION OF DYANNE SHELDON ON
LATE ATTACHMENTS TO STOCKDALE
DECLARATION - 2

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Grad, Andrea E.

From: Kenny, Ann [AKEN461@ECY.WA.GOV]
Sent: Saturday, October 13, 2001 11:41 AM
To: Grad, Andrea E.
Subject: FW: SeaTac

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Clean Fill Criteria
for 401 Ce...



seatec.xls



Three-Phase
Model.xls



Hazardous
Substances.doc

Dear Ms. Grad:

I am forwarding this e-mail in response to your PDA request of October 3, 2001.

Please call me if you have any questions.

Ann Kenny
425-649-4310

> -----Original Message-----

> From: Fitzpatrick, Kevin
> Sent: Wednesday, October 03, 2001 12:25 PM
> To: Kenny, Ann
> Subject: FW: SeaTac

> Ann: This is the most recent document I have in my records related to
> Andrea Grad's request dated October 3, 2001. Kevin

> -----Original Message-----

> From: Yee, Chung K.
> Sent: Friday, September 21, 2001 11:23 AM
> To: Marchioro, Joan (ATG)
> Cc: Thompson, Craig E.; Fitzpatrick, Kevin
> Subject: FW: SeaTac

> I found the spreadsheets. This should be the last e-mail I sent to the
> NWRO detailing the fill language.

> -----Original Message-----

> From: Yee, Chung K.
> Sent: Tuesday, June 26, 2001 4:58 PM
> To: Thompson, Craig E.
> Cc: Fitzpatrick, Kevin
> Subject: SeaTac

> DELIBERATIVE DOCUMENT CURRENTLY EXEMPT FROM PUBLIC
> DISCLOSURE

> Attached please find:

> 1. Draft Fill Criteria requirements for the 401 Water Quality
> Certification for the SeaTac Third Runway Embankment project.

> <<Clean Fill Criteria for 401 Certification.doc>>

> 2. Spreadsheet deriving the surface water quality criteria needed for
> the three-phase model calculations for soil cleanup levels for the
> protection of surface water.

> <<seatec.xls>>

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>
> 3. Spreadsheet deriving the ground water cleanup levels, the
> three-phase model calculations for soil cleanup levels for the protection
> of ground water, and the three-phase model calculations for soil cleanup
> levels for the protection of surface water.
>
> <<Three-Phase Model.xls>>
>
> 4. A summary table showing the various soil cleanup levels, natural
> background concentrations, and PQLs.
>
> <<Hazardous Substances.doc>>
>
> The fill criteria requirements have been developed using the Amended MTCA.
> I have included relevant sections of the regulation into the development
> of the fill criteria. Specifically, I have developed fill criteria based
> on the Method A Soil Cleanup Levels (Table 740-1); derived soil cleanup
> levels using the three-phase model in WAC 173-340-747 first for the
> protection of ground water and second for the protection of surface water;
> reviewed soil concentrations presented in Table 749-2 (ecological
> standards), reviewed natural background soil metals concentrations; and
> reviewed PQL values for the metals under consideration. The listing of
> metals being proposed for the fill criteria is based on 40 CFR Part 122
> Appendix D Table III (Other Toxics Pollutants). These are required
> monitoring parameters for the NPDES program.
>
> The bases for the fill criteria are:
>
> 1. Use Method A (Table 740-1) values if available.
> 2. If not, use the lower value of Method B, protection of either ground
> water or surface water. If Method B value is less than PQL, use PQL. If
> Method B is less than natural background, use natural background.
> 3. For the first six feet, use ecological value if it is less than
> Method B value.
>
> I have also included a ground water and surface water monitoring
> requirement in accordance with the amended MTCA. I did not incorporate any
> Institutional Control requirements since the airport access is controlled.
>
> I did not change the soil sampling schedule as proposed by the NWRO/WQP
> since I consider the TCP's guidance for petroleum-contaminated soil may
> not be applicable to this project (cost issue).
>
> Please review and comment and if possible, forward to the TCP Policy group
> for review and comment. Thanks.

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