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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

ENVIRONMENTAL
HEARINGS OFFICE

AIRPORT COMMUNITIES COALITION,)
Appellant,)
v.)
STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY; and)
THE PORT OF SEATTLE,)
Respondents.)

No. 01-133
No. 01-160
DECLARATION OF DR. PETER
WILLING IN SUPPORT OF ACC'S
SUR-REPLY ON MOTION FOR STAY
(Section 401 Certification No.
1996-4-02325 and CZMA concurrency
statement, Issued August 10, 2001,
Reissued September 21, 2001, under No.
1996-4-02325 (Amended-1))

Dr. Peter Willing declares as follows:

1. I declare the following from personal knowledge and am competent to testify thereto before the Board if necessary.
2. My qualifications and previous review of the issues in this matter are set out in the two declarations which I have already submitted in support of ACC's Motion for Stay in this matter.
3. Paul Fendt's Sur-reply Declaration (at 5) claims that the Port has committed to retrofitting the existing stormwater system at SeaTac for water quality best management practices "to the extent practicable." The Port has not defined this standard, which leaves it up for future definition at the Port's convenience. The word "maximum" is left out in this instance, but

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FOR STAY - 1

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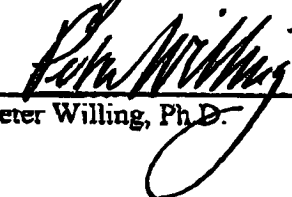
AR 006459

1 included elsewhere (Comprehensive Stormwater Plan pp. 7-9, included as Fendt Exhibit B).
 2 "Extent practicable" is not the same thing as AKART, nor does it go beyond the bare minimum
 3 of the King County Basic Water Quality Menu, nor does it provide reasonable assurance that
 4 water quality standards will not be violated.

5
 6 4. Fendt (at 8) refers to Table 7-8 of the Stormwater Master Plan for a list of water
 7 quality BMP's "that are practicable for implementation." There are four BMP's shown in Table
 8 7-8: filter strips, bioswales, wetvaults, and diversion to the industrial waste system(IWS).
 9 Diversion to the industrial waste system is the only one of the four that goes beyond the King
 10 County Basic Water Quality Menu, which is designed for sediment control and not for other
 11 pollutants. Again, the Port has not defined the meaning of the term "practicable for
 12 implementation."

13
 14 I declare under penalty of perjury under the laws of the State of Washington that the
 15 foregoing is true and correct.

16 DATED this 10th day of October, 2001, at Bellingham, Washington.

17
 18 
 19 _____
 Peter Willing, Ph.D.

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 24
 25 DECLARATION OF DR. PETER WILLING IN
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 FOR STAY - 2

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