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POLLUTION CONTROL HEARINGS BOARD  
FOR THE STATE OF WASHINGTON

CITIZENS AGAINST SEATAC )  
EXPANSION, )  
Appellant, )  
v. )  
DEPARTMENT OF ECOLOGY and )  
THE PORT OF SEATTLE, )  
Respondents. )

No. 01-090

DECLARATION OF GREG WINGARD

I, Greg Wingard, declare as follows:

1. The following is based on personal knowledge to which I am competent to testify before the Board.

2. I have worked extensively on issues related to the SeaTac International Airport's NPDES permit since 1994 in my capacity as a consultant, at various times, to CASE, the City of Des Moines, the Airport Communities Coalition, and individual area residents, and in my capacity as the Executive Director of Waste Action Project. This work has included reviewing NPDES permit applications, working on NPDES permit appeals, reviewing of discharge

DECLARATION OF GREG WINGARD - 1

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1 monitoring reports from 1994 to present, participating in site inspections, including inspection of  
2 the airport's listed NPDES permitted outfalls, site sampling activities, and photographing of the  
3 site. My review of documents included the Port of Seattle's 1996 Section 404 application, which  
4 was later withdrawn in 1998, as well as the existing application related materials. As an  
5 environmental consultant for the past 18 years and in my capacity as Executive Director of Waste  
6 Action Project since 1994, I have thoroughly reviewed well over one hundred Department of  
7 Ecology NPDES permit files and become very familiar with Ecology's administration of the  
8 NPDES program, especially including public comment processes.

11 3. With respect to NPDES regulation of the airport, I most recently reviewed the  
12 draft permit modification, draft permit modification Fact Sheet addendum, and other documents  
13 made available by the Department of Ecology for the permit modification challenged in this  
14 appeal. None of this information indicated the locations of new outfalls authorized by the permit  
15 modification. I have never before seen a complete NPDES individual permit application  
16 accepted by Ecology or an individual NPDES permit that failed to identify the location of  
17 authorized outfalls with specificity.

19 4. As set forth in the declaration submitted by expert John Strand, the waters to  
20 which discharges are authorized by the challenged modified permit, including Miller, Des  
21 Moines, Gilliam, and Walker Creeks, and their tributaries, may be significantly impacted by  
22 these discharges. I have been unable to evaluate the severity of these possible impacts or  
23 meaningfully participate in public processes related to this permit modification, or to advise my  
24 clients including CASE, because information about which of these waters will receive  
25 discharges, to what extent they will receive discharges, and where they will receive discharges

28 DECLARATION OF GREG WINGARD - 2

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1 has not been made available by Ecology. The impacts to these waters could include mass  
2 wasting and impacts to downstream riparian private property owners. Monitoring of impacts and  
3 water quality effects may be made impossible if discharge points are close together. In addition,  
4 placement of multiple discharge points on any of the receiving waters could result in cumulative  
5 effects that are impossible to evaluate without knowing where the discharge points will be.  
6

7 5. I attended the February 12, 2001, public hearing on the NPDES permit  
8 modification, and reviewed the aerial photographs and drawings described in the Ecology Opp.  
9 Br. at 10 and in Port Opp. Br. at 9. The aerial photographs and drawings did not identify the  
10 locations of new outfalls or discharges. The aerial photos and drawings identified some general  
11 areas where construction activities may take place, but did not identify others in which the permit  
12 modification authorized discharges. For example, the modified permit authorizes construction  
13 stormwater discharges to Gilliam Creek, or any of its tributaries, at any unspecified location, but  
14 the aerial photos and drawings that Ecology presented excluded any information about any  
15 potential discharges to the Gilliam Creek watershed. Reliance on the aerial photos and drawings  
16 presented to the public by Ecology left one entirely ignorant of any possible discharges or  
17 impacts to the Gilliam Creek watershed. The information that Ecology presented at the public  
18 hearing does not correspond to the much broader scope of authorized discharges in the modified  
19 permit.  
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23 6. The key problem with Ecology's approach is that neither I nor anyone else can  
24 determine the location of construction-related discharge structures or outfalls from the permit  
25 itself. Instead, this information can only be obtained from project-specific stormwater  
26 monitoring and stormwater pollution prevention plans (SWPPPs). These documents are not  
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DECLARATION OF GREG WINGARD - 3

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1 typically made available to the public until after the expiration of the brief time period in which  
2 Ecology can approve or disapprove the plans. In practice, this means that neither I nor anyone  
3 else can ever meaningfully comment on the proposed location of construction outfalls or  
4 discharges. Once specific information about discharge location is available (usually through  
5 requests under the Public Disclosure Act), it will be too late to have any input into the permitting  
6 process. In addition, now that Ecology has removed the map depicting the location of the facility  
7 and the location of outfalls listed from the permit, the public is no longer able to easily locate  
8 even the still-existing outfalls specifically described in the original permit. Now, with the  
9 modified permit and the absent outfall location map, the only way to precisely locate any airport  
10 outfall is to review thousands of pages of Ecology files.  
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13 7. During the public comment period, I asked Kevin Fitzpatrick where outfalls to be  
14 permitted would be located. Other than referring to some SWPPPs, which present some of the  
15 construction project outfall locations, he was unable or unwilling to provide specific information  
16 on the location of all the outfalls authorized by the permit modification. In reviewing the  
17 SWPPPs that Ecology provided, information on the precise outfall locations is not in any  
18 standard format, in many cases making it difficult to determine the precise location of each  
19 outfall. This problem did not occur with pre-existing outfalls listed in the pre-modification  
20 permit as that permit included a map that clearly showed the facility boundaries, easily  
21 recognizable relevant features (such as streets, and structures), and the location of each  
22 authorized outfall. With the removal of the map, people reviewing the permit for the first time  
23 would be unable to find or determine the personal relevance of even the permit-listed outfalls.  
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27 This represent a clear diminution in the quality of information provided in the permit, and makes

28 DECLARATION OF GREG WINGARD - 4

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1 it harder for people to determine impacts of discharges related to the permit. This negative  
2 impact to the public interest will only increase as ever greater numbers of outfalls not listed, or  
3 depicted in the NPDES permit are placed by the Port.

4 8. The action by Ecology to remove from the permit the map showing the specific  
5 boundaries of the facility, and refusing to identify the specific location and nature of outfalls they  
6 are authorizing through the permit modification substantially impaired my ability to provide  
7 specific comments on the draft permit modification.  
8

9 9. I have worked for CASE, the petitioner in this action, since 1994. I frequently  
10 attend CASE meetings, and I know CASE's officers and many of its members. Contrary to the  
11 Port's assertions, Larry Corvari is not presently a co-president of CASE. He served in that  
12 capacity several years ago, but is no longer an officer of the organization.  
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14 Declared under penalty of perjury in Seattle, Washington on this 20th day of July, 2001.  
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18 Greg Wingard  
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28 DECLARATION OF GREG WINGARD - 5  
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