

ATTACHMENT H-1

Transcript of Betty Dodds's testimony to Anchorage Platting Board, Case S-10873, March 20,
2002.

CHAIR WALSH: Would anyone else like to testify?

DODDS: My name is Betty Dodds and I live at 8705 Sommers Place and I've lived there since May 1, 1966. In May 1977, the Department of Commerce and Economic Development issued, at our request, the articles of incorporation which established Seaview Heights Water Association. This water system now furnishes water to 48 homes. When we purchased our property in 1966 we were the only people on the street and had the only well on the street and had no problems with the water. By the late 1970s, the families using water from this well had to contend with the brown, silty, sandy water caused when Mike Stephans breached our water table as he used a drag line to extract gravel from the Sand Lake gravel pit, thus creating a manmade lake 45 feet deep. We now a filtering system on our well that makes the water usable, but the quality of the water is not the same as it was before the water table was exposed. To provide adequate protection of an aquifer, there needs to be a minimum of 40 feet of sandy material over the aquifer. Since our aquifer is exposed, we do not have that protection. In the late '70s when Mike Stephans was granted a permit to mine gravel, no one checked to see if he was following the conditions of his permit. And no one took any action when it was brought to their attention that he was abusing the conditions of his permit. If the municipal employees had done their job in the late '70s and forced Mr. Stephans to adhere to the conditions of his permit, we wouldn't be dealing with this situation today. Their solution to the problem at that time was to tell Mr. Stephans that he had to put a filtering system on our well.

Terrasat Inc.'s hydrology report states that there is evidence that water wells on Sommers Place are hydraulically connected to the exposed water table. Nowhere in the 500+ pages of reports published by the developer and the Municipality does anyone own up to and accurately portray what has occurred in the gravel pits in the past and why the so-called lake is there. For the past 24 years, we have had to contend with changing filters to keep the water satisfactory, but if this development is approved without further study of the impacts on our water supply, we will have to deal with the potential of worsening water quality caused by the influx of 600+ homes. I'm sorry that this problem, which has been caused by the failure of past municipal administrations to enforce the terms of permits that were issued, now falls on Mr. Hultquist's shoulders. I'm sure that Mr. Hultquist will do everything he can to keep our well's water safe, but nowhere in any of the reports that I read is there an absolute guarantee that our water will not become contaminated. The only absolute guarantee would be for our homes to be connected to public water. I'm not opposed to Mr. Hultquist's development, but I don't want to spend thousands of dollars to connect to public water if our well becomes contaminated. We didn't create the problem, therefore, we shouldn't

have to pay for fixing the problem. I ask that you respect the wishes of the Sand Lake Community Council and residents of Sommers Place and deny this plat until more accurate impact statements can be provided. Thank you.

CHAIR WALSH: Thank you. Any questions of Ms. Dodds? Thank you. Could I see a show of hands of how many other people are planning to testify. Okay. In view of that, I'm going to call a 10-minute break to stretch our legs and we'll reconvene here at 8:40.

BREAK

We will resume the public testimony in the matter of case S-10873, Kincaid Estates Subdivision. Is there anyone else wishing to testify in this case? Please state your name and address.

RAYNOR: Good evening. My name is Pete Raynor. I live at 5132 West 72nd. I've lived in the Sand Lake area since 1972. From day one, the gravel pits have been part of life living in the Sand Lake area. They are an eyesore. Make no mistake about it. I'm certainly not opposed to developing this area, if nothing else, to make it a little bit better in the way of eye appeal. However, I do have a lot of concerns about this proposed project. My initial thoughts when I heard about this project were roads and the amount of extra traffic on the roads; 1,400 or 1,500 cars in addition to what are already out there in the area. I'm not a traffic engineer by any means, but it doesn't take a rocket scientist to figure out the existing roads would be inadequate for the increased traffic in the area.

Schools was another one of my concerns. Kincaid School is directly behind my house and I know it's already filled to capacity. I don't know that for a fact. I'm sorry, I'll take that back. But that's what I understand.

So, those are my two initial concerns about this project. But when I heard about the possibility of contaminated groundwater, that's when I became involved in this. I'm on a well. I'm quite a ways away from city water. I know it's going to cost a lot of money to bring city water and sewer to my house, if that was to become necessary. Just from what I've heard on the testimonies before me, and I attended one of the Sand Lake Community Council meetings, I don't believe there's been enough studies on existing groundwater to know what effects might happen to how many people, should this become contaminated. I don't believe that the homeowners around this ... I don't trust them to make sure that it stays clean. I really don't. That's really all I have to say about this except I would like to ask you to postpone this approval until further works been done on it. Thank you.

ATTACHMENT H-2

Dodds, Loren, and Betty Dodds, 2003, Notarized Affidavit, 2 pages, November 17, 2003

Loren and Betty Dodds, November 17, 2003, Affidavit

AFFIDAVIT

STATE OF ALASKA
MUNICIPALITY OF ANCHORAGE

We, Loren and Betty Dodds, residing at 8705 Sommers Place, Anchorage, Alaska 99502, being duly sworn, state as follows:

We were living on Sommers Place in the 1970's when gravel mining took place in the Sand Lake gravel pits. Prior to this time and during this time to the best of our recollection the following events took place:

1. May, 1966. We purchased 3 lots with a mobile home on Sommers Place. The well on the property was dug in 1965.
2. Summer 1967. Dave Dilley, Betty Dodds's brother, bought two lots adjoining ours. Put a mobile home on one lot and connected to our well.
3. 1971 Dilley's built a 4 bedroom house on their other lot. The new house was also connected to our well. Renters moved into their mobile home.
4. 1972 We started building a 4 bedroom home on our other lot. The new home was connected to our well. We moved into our new home in January, 1973. Renters moved into our mobile home.
5. Four families were now getting their water supply from our well. The water was hard with lots of iron, but otherwise there was no cloudiness or high levels sedimentation with the water.
6. In the mid-1970's Mike Stephens, a local contractor, discovered a vein of high grade gravel in the south west corner of the pit. He kept digging in this area until he reached the water table. He brought in a dredging machine and kept digging until he created the "pond" which is at the center of this current controversy. In 2 1/2 -3 weeks we began to notice a film of sediment in the toilets and bathtubs. At this time it became obvious that there was a connection between gravel mining operations in the pit and the cloudiness and sedimentation in our water.
7. The pump in neighbor Dan Shantz's well seized up and burned out. The pump as well as the hot water heater had to be replaced.
8. Stephens' gravel mining permit expired in the fall and the dredging stopped. Our water began to clear up, and within 5 -6 weeks was no longer cloudy.
9. In the spring a new gravel mining permit was applied for.
10. Loren Dodds and Russell Backhaus, another neighbor, attended a Planning and Zoning meeting to protest the issuance of this permit. The Planning and Zoning Commission acknowledged that there was a relationship between our cloudy water and the gravel mining and would not issue a permit.
11. Stephens offered to put a filtering system on our well and when we agreed to his plan, he was issued a permit. Because of financial problems and some of the equipment being lost, no mining activities took place after the filter was put on the well.


Exhibit

Page

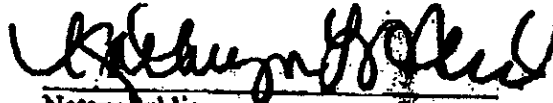
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12. May, 1977. Our well became a community well when the Department of Commerce and Economic Development issued Articles of Incorporation establishing Seaview Heights Water Association, inc. The PWS I.D.# is 214798.
13. We have records of Coliform tests on our well from September, 1986 to February, 2003. All tests were satisfactory. A nitrates test was done in August, 2002. No nitrates were detected. An arsenic test done in March, 2001, showed results of 9.4.
14. We have letters from Dan Shantz, Phyllis Backhaus and Karla Korman who lived on Sommers Place during this time. Their letters bear witness to the problems we had with our water during this time due to gravel mining in the Sand Lake gravel pit.


Loren Dodds


Betty Dodds

Subscribed and sworn before me this 17th day of November, 2003.


Notary Public

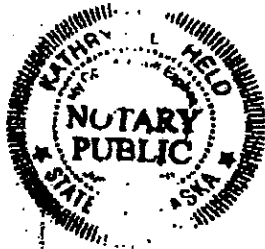


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ATTACHMENT H-3

Dodds, Loren and Betty (2002) email to Kevin K. Kleweno, ADEC Environmental Engineer,
January 30, 2002

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8705 Sommers Place
Anchorage, AK 99502
January 30, 2002
Keven K. Kleweno
Environmental Engineer
555 Cordova, St. 99501
Case # S10873

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We have lived on Sommers Place since May, 1966. At the time we purchased the property we were the only people on the street and had the only well. We had no problems with the well until 1978 when Mike Stephans while mining gravel, mined below the permitted depth and continued to mine gravel to a depth 45 feet below our water table. As he continued to mine, our well began to silt up and we had sand and silt in the toilets, the bathtubs, the sinks, etc. A filtering system was installed on our well and that has helped the problem but we do not have the same quality of water as we had before our water table was breached. It costs nearly \$100.00 each time the filters have to be changed.

In May, 1977, we were issued a Certificate of Incorporation which established the

Seaview Heights Water Association. Our Public Water System I.D. # is 214798. This well furnishes water for four homes on Sommers Place.

We are not opposed to development as long as it is done responsibly. Our greatest concern is that aquifer protection for community and private wells is not being considered in a responsible manner. Until the Planning Department acknowledges that the body of water that is referred to as a "lake" is actually the exposed water table of the wells in this area, and that contamination and pollution will take place as people move into the area, we do not believe responsible development can take place.

According to the map on page 24 of Anchorage 2020 Anchorage Bowl Comprehensive Plan much of the gravel pit has been rated marginal for development and the area where our exposed aquifer is located is rated unsuitable for development.

The map mentioned in the preceding paragraph as well as a copy of the Drinking Water Analysis Report that was recently done on a water sample from our well is attached.

Loren and Betty Dodds

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ATTACHMENT H-4

Notes from meeting with Loren Dodds, August 30, 2003

Notes from meeting w/ Loren Dadd 8/30/03

Mr. Dadd said that the year after Mike Stephens lost his equipment in the bottom of the pond, another operator tried to do hydraulic mining of the gravel in the bottom of the pond but the rocks were too big to come up.

J. Mubwa

ATTACHMENT H-5

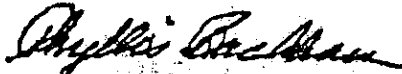
Letter from Phyllis Backhaus, November 21, 2003

Phyllis Backhaus, November 21, 2003, Letter

To Whom It May Concern:

My name is Phyllis Backhaus. I lived at 8605 Sommers Place from 1967 until 1984. We got our water from Dodds' well. It was fine until Mike Stevens started dredging gravel from the pit just east of us. My husband, Russell Backhaus, worked in the gravel pit for Mike and told Mike if he didn't stop he would be in our water table. Our water was a sandy, silty mess after Mike dug into the water table.

If that little lake is filled or disturbed, it will ruin a lot of wells in the area.



Phyllis Backhaus
P.O. Box 940-123
Houston, AK. 99694
892 7405

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ATTACHMENT H-6

Letter from Karla Dodds Korman, November 21, 2003

Karla Dodd Korman, November 21, 2003, Letter

To Whom It May Concern:

From 1966 to 1978 I was a resident of Sommers Place. During the mid 70's there was a lot of activity, specifically by Stephens and Sons, in what has come to be known as the Sand Lake Gravel Pits. It was during this time that Mike Stephens found a gravel vane that he excavated to the point of hitting water - which created "The Pond". Days after Mike's breaching of this aquifer, our water supply became sandy. There was sand in the toilets, tubs and it became necessary to take the screens off our water faucets. Prior to this time there had never been an issue with the quality of our water.

The Planning and Zoning Commission felt that there was a direct correlation between "The Pond" and our well. During this period of time the level of awareness of water pollution was minimal, thus my parents agreed to Mike Stephens' suggestion that he put a filtration system on their well.

As the saying goes, if they had known then what they know now.....The Pond has become a liability to the residents of Sommers Place. All of us are concerned that our exposed aquifer will become contaminated. Yes, that includes my family as I again live on Sommers Place.

We are relying on those in positions of authority to protect our water supply. Water pollution is irreversible.



Karla Dodds Korman
8707 Sommers Place
Anchorage, AK 99502

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ATTACHMENT H-7

Letter from Dan Shantz, March 18, 2002

Don Schantz, March 18, 2002, Letter

Don Schantz
8680 Seawaters Place
Anchorage, Alaska 99507

March 18, 2002

Municipality of Anchorage
Planning and Zoning

Re: Sand Lake Gravel Pit
Hulquist Proposed Subdivision

To Whom It May Concern:

I own a single-family dwelling located on Lot 13, Block 2, Seaview Heights Subdivision. I have a private well with the aquifer extending into a small pond located near the southeast corner of the above-described proposed subdivision. Prior disturbance and contamination of the pond by the gravel pit operator (Stephan) caused silt and sand to infiltrate the aquifer and then my well. The sand and silt seized the well pump and interrupted water service to the property. Once the source of the problem was identified, the Municipality of Anchorage ordered the operator of the gravel pit not to disturb or contaminate the pond or surrounding land.

My concern is that the proposed subdivision will affect the aquifer and disrupt service to my well and those serving other surrounding properties. I strongly recommend that the Municipality of Anchorage require the developer to extend public water service to those properties that use the aquifer linked to the pond in the gravel pit. Developer assurance that the aquifer will not be disturbed or contaminated is not a reasonable solution to those who rely on this aquifer for continuous and safe drinking water.

Sincerely,

Don Schantz, Property Owner

Exhibit E
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ATTACHMENT H-8

Timeline: Dodds' Well, fax from Watson Company, November 14, 2004

TIMELINE : DODDS' WELL

August 30, 2004, Loren changed the filters in our filtering system. They were quite dirty because they hadn't been changed for at least 18 months. We were having no problems, but we were going to be gone the month of September and thought they should be changed before winter.

September 30, 2004. Pictures are taken of muddy water and debris washing into the exposed aquifer. The color of the water is reddish brown.

September 30, 2004, We arrived home and learned of the problems that neighbors were having with dirty water and filters. Loren checked our filters and found them to be in good condition.

October 9, 2004. Filters checked again. Still no problem.

October 21, 2004. I noticed a decrease in water pressure. Loren checked the filters. They were dirty and were the same reddish brown color as the water in the September 30th pictures.

HISTORY

We had dirty water in the mid-1970's when the aquifer was exposed during gravel extraction. The extraction was allowed to continue until the "pond" was about 11 acres in area and 40 some feet deep. When the water table was breached it took approximately 2-3 weeks for the dirty water to reach our well and our water taps. Our neighbor, Russell Backhaus, was working in the pit for the contractor so we know the 2-3 week approximation is accurate. The contractor was required to install a filtering system on our well before he could begin work the next spring/summer. Due to financial problems he didn't do any more gravel mining that summer and no one has taken gravel from the "pond" since then.

The developer's experts and the ADEC have maintained from the beginning of this saga that there is no way dirty water from the exposed aquifer could ever get to our well. Dan Young has told the Platting Board and Planning and Zoning on numerous occasions that it would take several years for any disturbance in "the pond" to reach our well. James Munter, SACC's consultant, has always said that according to his calculations 2-3 weeks is more likely.

SUMMARY

The pictures of the muddy water and debris washing into the exposed aquifer were taken on September 30, 2004. Our filters became dirty sometime between October 9th and October 21st. That's not a span of several years that's 2-3 weeks. Common sense should tell everyone that our well is somehow connected to the exposed aquifer and if ours is connected there has to be others that are also connected.

Right now our filters are keeping the dirty water out of the taps but filters cannot filter out nitrates from dog feces or fertilizers. Except for daily testing there is no way we will know if/when nitrates have reached our well. Four homes get their water supply from our well. We don't want to spend the rest of our lives worrying about the water being safe for all of us to use.