

## **AGENDA Burien Airport Committee**

Tuesday, October 15, 2019 – 6:00 p.m.

Burien Community Center, 14700 6th Ave. SW, ShorewoodRoom

			Page #		
1.	CALL TO ORDER				
2.	APPROVE DRAFT MINUTES				
	2.1	Approve minutes from the September 17, 2019 Joint Meeting of the Burien Airport Committee and Des Moines Aviation Advisory Committee.  September 17, 2019 Joint BAC-Des Moines DRAFT Minutes	3 - 4		
3.	BUSINESS AGENDA				
	3.1	Discuss responses to questions posed at Joint Meeting. <u>Summary of StART Survey Responses 101019</u> <u>StART draft letter from cities - SE092619</u>	5 - 8		
	3.2	Discuss Legislative Priorities. <u>Legislative Task Force Report - SP100219</u>	9 - 12		
	3.3	Discuss Meeting Request with EPA Administrator. <u>EPA Meeting Request - DW101019</u>	13 - 16		
4.	PUBLIC CO	MMENT			
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### COMMITTEE MEMBERS Councilmember Nancy Tosta, Chair; Mayor Jimmy Matta; Councilmember Pedro Olguin

Larry Cripe; Jeff Harbaugh; Sharyn Parker; Javier Tordable; Debi Wagner

Ex-Officio Member: Brian Wilson, City Manager
Staff: Lori Fleming, Management Analyst , Phone # 206-248-5518, e-mail:
Lorif@burienwa.gov



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## MINUTES- Draft Joint Meeting of the Burien Airport Committee and Des Moines Aviation Advisory Committee

Tuesday, September 17, 2019

Burien Community Center, 14700 6th Ave. SW, Shorewood Room

PRESENT: Burien Airpor

**Burien Airport Committee**: Councilmember Nancy Tosta (Chair); Mayor Jimmy Matta; Larry Cripe; Jeff Harbaugh, Sharyn Parker; Debi Wagner; City Manager Brian Wilson; Senior Planner Thara Johnson; and Management Analyst Lori Fleming.

**Des Moines Aviation Advisory Committee:** Sheila Brush; Dave Clark; Steve Edmiston; Wendy Ghiora; and City Manager Michael Matthias (Chair).

ABSENT: Burien Councilmember Pedro Olguin; Des Moines Committee member Mark Proulx.

#### 1. CALL TO ORDER

The meeting was called to order at 6:00 p.m. Welcome to the Des Moines Aviation Advisory Committee and introductions around the table.

#### 2. APPROVE DRAFT MINUTES

The minutes from the July 30, 2019 Burien Airport Committee (BAC) meeting were approved by the Burien Airport Committee members.

#### 3. BUSINESS AGENDA

1. Discuss next steps with Sea-Tac Stakeholder Advisory Round Table (StART).

Chair Nancy Tosta opened discussion on StART participation with possible approaches including rejoining with certain conditions or starting own forum. Various issues were addressed including having the meeting audio/videotaped, different bylaws, review set-up of other airport groups, more elected officials involved, equality in agenda setting, follow-up of questions raised, community engagement checkbox concerns; and others.

Chair Tosta handed out a short questionnaire on StART participation that will be e-mailed to the group, with responses compiled to help in future discussions.

- 2. **Discuss a potential joint funding request for the Port of Seattle-South King County Fund.**There was not time for this item.
- 3. Discuss state and federal legislative priorities related to airport.

There was not time for this item.

Burien Airport Committee September 17, 2019

#### 4. Other items? None.

#### 5. Next steps (for joint discussions).

Next steps included the following:

- a) A Legislative workgroup was formed consisting of Debi Wagner, Earnest Thompson, Maria Batayola, and Sharyn Parker. This group agreed to look into state/federal legislative priorities related to the Airport.
- b) Another workgroup was formed to look into Alternatives to StART. This group includes John Resing, Javier Tordable, Larry Cripe, and Terry Plumb.
- c) Steve Edmiston agreed to draft a letter to the Port of Seattle summarizing outstanding requests they have not responded to.
- d) Des Moines agreed to host the next Joint Meeting.

#### 4. PUBLIC COMMENT

Public comment included the following:

- Need to stick together and have active StART representatives.
- Want fewer flights and honesty from the Port.
- Pollution concerns and accountable emissions.
- Flight path is now over Auburn, airport has exceeded its capacity.
- Legislation is needed to stop night flights.

#### 5. ADJOURNMENT

The meeting was adjourned at 7:43 p.m.

#### **SUMMARY OF SURVEY RESPONSES**

#### 1. Should we re-engage with StART?

#### No - 2

- Re-engaging with StART is not a worthwhile use of our time and will potentially be used against
  us as an indication that we are going along with Port plans (if and when we should have a need
  to take legal action against the Port)
- The Port has shown no respect for resolutions and requests for information provided by cities making it difficult to rationalize participation in the Port's activities.

#### Yes - 3, but only with conditions:

- The only way we go back is with authority. We represent specific communities with needs that
  are not being heard by the Port.
- Only return if following criteria are met.
  - That the Port immediately reverse the decision to spend \$10M for design work on SAMP and stop work on all projects prior to full environmental assessment.
  - That the Port explain why they would not discuss their plans to expend such resources without prior consultation when a specific request was made to do so via Burien Resolution #406. (Note language in resolution was: <u>Section 1. Request that the Port of Seattle Delay Build-Out</u>. In the interest of human health and safety and wise expenditure of public resources, the City Council hereby requests that the Port of Seattle delay any build-out or launch of additional infrastructure at the Airport, specifically as identified in the SAMP, until such time as the Puget Sound Regional Council and the Department of Commerce studies are completed, true impacts are assessed, and aviation capacity needs are fully documented.)
  - Additionally, the Burien Resolution requested that Port Commissioners provide a report within 6 months of the passage of Resolution #406 (January 2019). No such reporting was provided.
  - o Port must respond to Des Moines Mayor's requests for information
  - All StART and subcommittee meetings must be audio (at a minimum) recorded (there is not agreement on this).
- That all members have equal rights to information, decision making, professional consultants, modifications to by-laws, that elected representatives be included, that all impacts be addressed including air quality, public health, environmental justice, noise, that mitigation be addressed, what is it, where, etc. Most important that the FAA and Port be honest about upcoming SAMP changes for new flight paths, airspace modifications, altitudes, etc.

#### 2. Should "we" do something different than or in addition to re-engaging with StART?

- Yes. We should have a group led by elected representatives and others in the community, rather than the Port.
- We need to consider strategic actions among the affected communities, including advocacy and litigation.

- Continue meeting with other cities, but do so by starting to identify specific issues of concern.
- Improve coordination, cooperation, and communication among affected cities/parties.
- BAC should develop its own legislative agenda, consistent with Burien's priorities.

#### 2a. What outcome would you like to see?

- Reformat StART according to criteria outlined above
- Task forces to address specific issues was a good start continue
- Perhaps we need a smaller committee of electeds and others (e.g., City Managers, policy directors) from affected communities to create a list of goals and activities.
- Continue to form additional task forces/work groups with representatives across cities to focus in-depth on specific concerns

### 3. What is it that you want to see changed or done differently by the Port of Seattle with regards to Sea-Tac Airport?

- I want to see a freeze in the number of flights, and a plan to reduce the number over time, and implement a curfew from 12 to 6 and progressively towards 11 to 7, as well as a progressive reduction of the noise level towards the WHO recommended 55dB DNL.
- Stop expanding facilities, stop recruiting new carriers into the fleet mix, consider demand
  system management. Cap the flights at a level determined by science to be safe and healthful
  and where the boundaries are where no sensitive land uses should be permitted. The Port's bylaws should express that all programs, capacity enhancement, expansion shall consider those
  surrounding the airport that suffer from excessive and unlivable conditions are of equal value
  worthy of as much and equal consideration to airline interests and profits.
- Port needs to do what it's promised to do in the past as a start.
- Port recognizes us a partners and not adversaries
- Port takes responsibility for the health of surrounding communities before it considers profits of airlines
- New Part 150 study ASAP on all runways.
- Speed up sound mitigation activities ASAP.
- Create a second chance mitigation program for insulation.

#### Draft StART Letter 9-26-19

We appreciate the Port of Seattle's outreach – in various formats over the past month – with respect to a potential return of our cities to the Sea-Tac Airport Round Table (StART). On behalf of the cities of Burien and Des Moines, we will endeavor to explore in good faith the requirements for removing the current suspension. As stated in our correspondence relating to the participation suspensions and subsequent communications, there are multiple reasons for the suspensions, and residual concerns about re-setting StART. Our good faith exploration of terminating the suspensions requires a careful review of the current processes (including Bylaws), existing and anticipated substantive progress and outcomes, risks of participation, how other stakeholders have (or have not) participated, StART culture, StART facilitation, and of course, needed changes to any or all of the above.

This letter confirms we are moving forward with the goal of identifying how we can re-set StART in a safe, equitable, transparent, accountable, and substantively meaningful way, and to ensure that adequate process guardrails are provided to all stakeholders. While this may take some time – we need to get this right – and we do see several threshold matters that must be addressed at the outset as a predicate to the balance of this important work.

First – it is clear that any further participation will require an agreement that StART meetings be recorded – preferably audio and visual. This will create an atmosphere of trust, transparency and accountability. It will protect all participants and provide a record for the public. Please advise that this is agreeable.

Second – the action precipitating the suspensions by three cities must be reversed. We appreciate the repeated apologies, but they seem hollow when it is the underlying action itself that is problematic. The Port's proceeding with \$10 million in design work for an airport operation expansion project, without completion of the environmental reviews for that same project, seems to be an existential issue for re-setting StART. If the Port is simply going to do what it wants, when it wants, anyway, without actual collaboration with cities in information sharing and decision-making, it is difficult to see how StART can continue in good faith.

Third – there are numerous outstanding written requests and statements of concern from our cities this year that directly relate to airport operations that have never received a response. This lack of communication unfortunately dovetails with the recent failure to advise about the \$10 million in design work, and together forms a problematic frame for re-setting StART. The information addressed and requested by our cities is key to helping to re-set StART, and the Port's response (and courtesy of a response) is needed to help us conduct the good faith exploration discussed above. These include by way of example:

- Burien Resolution 406 and Resolution 407
- September 12, 2019, letter from Mayor Pina to Executive Director Metruck

- January 25, 2019, letter from Mayor Pina to Port of Seattle Commission
- [other correspondence]

Again, we are encouraged by the Port's outreach; however, we do not believe it is realistic that StART can proceed with the participation of our cities absent significant and reflective review and change. An affirmative response to the requests above will do much to demonstrate the good faith of the parties and allow this process to proceed in the most likely to achieve a positive result.

Thank you.

#### **Background:**

Four volunteers, who attended the Joint Meeting of the Burien Airport Committee and Des Moines Aviation Advisory Committee on September 17, offered to act as a Legislative Task Force to create a "menu" of state and federal "airport" issues and priorities, including statutory objectives to improve environmental justice from increased aircraft noise and emissions, to share with our local state and federal legislators. Earnest Thompson from Normandy Park, Maria Batayola from El Centro de la Raza, Debi Wagner and Sharyn Parker from Burien Airport Committee, all met on September 25 to complete this task.

Additionally, it was a consensus that the organizations represented should consider high-profile outreach methods in order to facilitate action within all our communities that improves the acceptance and likelihood of enactment by decision-makers.

#### **State Legislature and Regulatory Agencies:**

- 1. Request that the Washington State Legislature introduce legislation during the 2020 legislative session that repeals RCW 53.54.020 and inserts language that requires the Airport to initiate a new Part 150 Study *immediately*, and further requests that whenever future projections of air traffic used for planning are exceeded by 10% that a new Part 150 Study be initiated, including accurate monitoring of noise and emissions to lead to effective mitigation.
- 2. Support Rep. Tina Orwall's intent to introduce legislation in 2020 that repeals Chapter 53.54.030 (5) RCW that limits homeowners to "one-time only" participation for mitigation and adds authorization for a "second chance" program operated by the Airport and perhaps styled after the SFO program. Further, support amending Chapter 53.54.030(3) RCW that limits avigation easements to the duration, or "shelf-life," projected for new and replacement acoustical products, or similar provisions.
- 3. Request that the Washington State Legislature introduce legislation that repeals Chapter 53.54.030 (3) RCW that requires homeowners to waive all damages and convey an easement into perpetuity, yet still accept all "noise and noise associated conditions therewith."
- 4. Request that the State Attorney General investigate and train Port employees about appropriate application of the State's Open Meetings Act and to require the Port to record all Stakeholder Advisory Round Table (StART) subcommittee meetings conducted by the Port and open them to the public.
- 5. Request that the State Department of Ecology enforce "maximum permissible environmental noise levels contained in WAC 173-60-040 during selected hours of day/night and at various decibel levels; and enforced according to WAC 173-60-090. (https://app.leg.wa.gov/WAC/default.aspx?cite=173-60-040; https://app.leg.wa.gov/WAC/default.aspx?cite=173-60-090; and consistent with RCW 70-107-030 (https://app.leg.wa.gov/rcw/default.aspx?cite=70.107.030.

- 6. Support Rep. Mike Pellicciotti's SHB 1847 that amends RCW 53.54.010, 53.54.020, and 53.54.030 and expands the dimensions of existing noise impacted areas in order to abate and mitigate noise beyond the statutory six miles and replace with a ten-mile limit instead; extends to 13 miles, instead of six miles, beyond the paved south end of any runway; and extend more than two miles, instead of one mile, from the centerline of any runway extending six miles north and 13 miles south from the paved end of such runway. SHB 1847 also eliminates the provision relating to noise impacted areas extending from an imaginary runway centerline.
- 7. For transportation projects expected to contribute to criteria and hazardous air pollutants, request the Department of Ecology monitor air quality to determine whether or not the results validate the modeling. See also City of Burien Resolution #408.
- 8. In anticipation of results from the UW's ultra-fine particle study that concludes in a report before January 2020, request legislative support for creating a new ultra-fine standard statewide, direct the Department of Ecology to conduct monitoring using the new standard, report results within six months, and set penalties for exceedances.

#### Federal Legislation and Regulatory Agencies

- 1. Support Rep. Adam Smith's introduction of H.R. 6168 known as **The Aviation Impacted Communities Act** that creates Aviation Impacted Community Boards in order "to provide information to airport operators and the FAA concerning disparate impacts and environmental justice related to the operation of commercial or cargo aircraft routes." Community Boards would be authorized to draft reports, commission FAA-led studies, and provide additional noise monitoring to measure aircraft noise.
- 2. Request that members of Washington State's Congressional Delegation add language in federal statutes (14 CFR Part 150 as amended) to substitute DNL metrics consistent with WHO standards, and furthermore, that the AEDT components be amended to consider additional decibels that result when noise is propagated over water.
- 3. Support Rep. Lynch's HR 976, Air Traffic Noise and Pollution Expert Consensus Act of 2019 that directs the Administrator of the Federal Aviation Administration to enter into appropriate arrangements with the National Academies of Sciences, Engineering, and Medicine to provide for a study and a report on the health impacts of air traffic noise and pollution, and for other purposes. Once a study is completed, the legislation directs that it be submitted to various federal agencies: Health and Human Services, EPA, Committee on Transportation and Infrastructure; Committee on Oversight and Reform of the House of Representatives; Committee on Commerce, Science, and Transportation; the Committee on Homeland Security; and Governmental Affairs of the Senate
- 4. Encourage the FAA to conduct a performance audit of the Port's Sound Insulation Program in order to determine why federal funds are slowly requested and expended for

eligible SIP projects at Sea-Tac Airport; and to identify methods where service delivery would be improved.

#### **Outreach Options:**

- 1. Consider an initiative by local residents that requires the State to establish a 5, 10, 15-year jet reduction plan until the region reaches carbon and ultra-fine particles safety. Included in the initiative would be the creation of a Mitigation Board to finance reimbursement of healthcare remedies and home improvement against aircraft noise for affected citizens; as well as funds to provide air quality monitors at strategic locations, and also air filtration systems within homes surrounding the airport.
- 3. Organize a hyperloop conference with prominent speakers from industry, commerce, transportation, ecology, foreign and domestic hyperloop projects, Boeing Company, and investors.
- 4. Request that the Port finance a national conference of all "quiet skies" organizations nationally and internationally.
- 5. Encourage a regional conference of high school students financed by the State to motivate creation of a youth environmental movement.

#### El Centro de la Raza Input to Legislative TF:

#### A. For 2019 Puget Sound Regional Council (PSRC) Vision 2050

- a) Seattle will submit an amendment to Vision 2050 at the Oct. 3 GMP Board meeting to have integrated air and land transportation planning consistent with RCW 40.30.080. (The current PSRC aviation study only looks at "unconstrained" demand and supply, lacking key planning components of upstream drivers, analysis, options/alternatives and recommendation.)
- b) Support PSRC's development of budget items for 2020 WA legislature ask. See C2.) below.

#### B. For 2019/2020 Port of Seattle Commissioners

- a) Pass policy to affirm Port's vision of triple bottom line of economic, environmental and social enhancement or wellbeing.
- b) Pass Title 6 of the 1964 Civil Rights Act as amended to ensure equal access to programs, services and facilities. <a href="https://www.justice.gov/crt/fcs/TitleVI">https://www.justice.gov/crt/fcs/TitleVI</a> (Provided the above input to the Port's Equity, Diversity and Inclusion (EDI) program development.)

#### C. For 2020 Legislative Agenda

- 1) Passage of 1847 <a href="https://app.leg.wa.gov/billsummary?BillNumber=1847&Year=2019&Initiative=False">https://app.leg.wa.gov/billsummary?BillNumber=1847&Year=2019&Initiative=False</a>
  a) This will expand 6 mile noise abatement area to 10 miles north and south. This will provide Beacon Hill and Federal Way status for attention by Port of Seattle and FAA.
- b) include air abatement/mitigation.
- 2) Amendment to RCW 47.80.030 to:
- a) fund PSRC Air transportation planning and compliance capacity,
- b) require race and social justice (environmental justice analysis) and
- c) include in the purpose for economic, environmental and social wellbeing or enhancement.

#### Other Actions:

Support the HEAL Act which establishes the definition of environmental justice in the state did not pass; yet a budget proviso established the Governor's Environmental Justice task Force that will develop

recommendations including legislation by Oct. 31, 2020: <a href="https://healthequity.wa.gov/TheCouncilsWork/EnvironmentalJusticeTaskForceInformation">https://healthequity.wa.gov/TheCouncilsWork/EnvironmentalJusticeTaskForceInformation</a> a) support Governor Inslee's EJ Task Force on timing for statewide EJ legislation.

# DRAFT

#### **Lori Fleming**

Subject:

FW: meeting request

Attachments:

PastedImage-2.png; ATT00001.htm; PastedImage-1.png; ATT00002.htm; Disproportionate

Slides.pptx; ATT00003.htm

From: "Debi Wagner" <debi.wagner@icloud.com>

To: "wheeler.andrew@epa.gov" < wheeler.andrew@epa.gov >, "Stanley Buzzelle"

< Buzzelle.Stanley@epa.gov>, "Suzi Ruhl" < Ruhl.Suzi@epa.gov>, "peterson.erik@epa.gov"

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Cc: "Brian Wilson" "Jimmy Matta" "Nancy Tosta" "Pedro Olguin", "Sharyn Parker" "Larry" "Jeff

Harbaugh" "Javier Tordable" "Maria Batayola" "She" "Steve Edmiston"

Subject: meeting request

This is a request a meeting with the Administrator of EPA to discuss the following issues:

- 1. Process for FAA to develop an EA and not an EIS for the Sea-Tac Airport (Sea-Tac) Sustainable Airport Master Plan (SAMP) is flawed.
- 2. Preliminary and draft analysis by FAA/Port of Seattle (Port) is flawed.
- 3. At risk communities surrounding Sea-Tac will be denied an accurate analysis and mitigation

Former EPA Region X Administrator McLerran was provided information regarding the Environmental Justice (EJ) eligible communities in the areas surrounding Sea-Tac and the need for a thorough air quality analysis and health impact assessment. A study of this type was recommended by the State Department of Health (DOH) and State Board of Health in their June 2001 report on Environmental Justice. This recommendation was forwarded due to the high number of illnesses discovered during a DOH health assessment looking at years 1992-1996 for census tracts surrounding Sea-Tac. Further study was stalled and yet to be completed.

#### Model variations calls into question the accuracy of any analysis to date

EPA Region X Administrator Hladick was provided information outlining the wide discrepancies between EPA data and Port of Seattle draft Sustainable Airport Master Plan (SAMP) data for carbon dioxide and criteria pollutants in air quality inventories prepared by both for years 2014, 2016 and 2017 using FAA air quality models EDMS and AEDT.

#### Conditional approvals being ignored

EPA Region X has received information about the conditional approval FAA granted to the North Terminal in their ROD of 1997 covering the third runway and attendant projects. The terminal was conditioned due to predicted existing carbon monoxide and nitrogen dioxide violations of the federal standard and a modeled worsening post 2010. The north terminal is included in the SAMP yet FAA has not discussed the conditional nature of the approval or an air quality analysis. Monitoring conducted in 1998 for carbon monoxide and nitrogen dioxide was required by an MOA required under the conditioned approval to assure certification and compliance.

#### FAA lack of data, analysis and acknowledgement of impact

The original EPA concurrence with an FAA conditional approval was based on a lack of data. FAA had eliminated all jet particulate within the model just prior to the third runway EIS

analysis and this lack of data was not discovered until after the approval process. The inventory and dispersion analysis never included approximately 60 tons per year of PM 10 and PM 2.5.

Recent discovery by the UW of a large plume potentially blanketing 200,000 people, including poor and minority communities, with ultrafine particulate from jet arrivals has never been disclosed by FAA or the Port of Seattle and has no mention in SAMP planning documents so far for disclosure, analysis and mitigation. This represents an example of the public health impacts that will occur as a result of a lack of data and disclosure that can follow lack of oversight and regulatory authority.

FAA wishes to write an EA for the SAMP projects, yet this major development action rises to an EIS for the Port of Seattle and should rise to that same level for the FAA portion of the analysis. FAA has a recent history of lack of analysis. A CATEX issued in June 2018 for a "new route" through Burien that increases throughput and therefore capacity at the airport disclosed an impact to predominately low-income minority population but failed to provide any analysis. The CATEX ignored cumulative, past present and reasonably foreseeable impacts, significant existing condition health impacts, risk, disproportionate impacts of noise and emissions and mitigation. The new route easily rose to the level of highly controversial with opposition by the city of Burien and FAA receiving over 700 comment letters that covered all the topics above. The city of Burien is a poor city yet the only option afforded to them was costly legal action due to EPA's inability to review a CATEX.

#### FAA will defer, deny and deflect responsibility

For the EA FAA will likely defer more detailed project level analysis to the Port of Seattle where EPA will not have a role. EPA is the only agency with authority to compel a proper analysis and regulatory oversight on health, EJ, air quality and mitigation. The type of analysis outlined in this request below has never been completed. FAA is also denying knowledge of future projects so will not consider reasonably foreseeable although planning and impacts for the period after the SAMP between 2027 and 2034 has already been disclosed to the public. FAA has the greater responsibility in this analysis due to the highly controversial nature of past actions, conditional approval, denying the public, officials, regulators and agencies of accurate and timely information for past and present projects.

In summary, FAA needs to write an EIS which includes at least the following information:

- 1. Defining the area of impact and routes of exposure
- 2. Characterize the health and condition of the exposed population
- 3. EJ analysis that is fair and thorough considering equity with IWG preferred agency practices
- 4. Thorough analysis of air quality that includes monitoring of criteria and air toxic emissions (model estimates vary widely, monitoring is needed for validation and unconditional approvals)
- 5. Conduct a thorough health risk assessment
- 6. A cumulative impact analysis that includes past, present, reasonably foreseeable future projects and considering the combined effects of both noise and emission

At this requested meeting supporting evidence will be presented.

Also an attached power point outlining significant existing condition impacts is provided.

Thank you,

Debi Wagner

Below: Example of discrepancies in modeled air quality analysis for 2014 using EDMS model; Port of Seattle in white and EPA in yellow.

	PM <sub>2.5</sub> PM <sub>2.5</sub>	8 52	22 6	19 3	1	50
	PM <sub>10</sub>	53	9	3		
	PM <sub>10</sub>	8	22	20	1	51
4)	SOx	251	7	3		
SHORT TONS OF POLLUTANTS (2014)	sox	158	6	21	0	188
OF POLLU	93	1,329 2,156	43	845		
HORT TONS	00	1,329	48	2,292	12	3,681
S	NOC	448	4	29		
	VOC	242	5	78	1	326
	NOx	2,350	48	91		
	NOx	1,623	72	307	17	TOTAL 2.019
EMISSION SOURCE		Aircraft Engines	APUs	GSE	Stationary Sources	TOTAL

