

**Hellwig, Raymond**

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**From:** Hellwig, Raymond  
**Sent:** Monday, August 06, 2001 2:10 PM  
**To:** Fitzsimmons, Thomas; White, Gordon; Kenny, Ann; Hart, Curt; Marchioro, Joan (ATG); Young, Tom (ATG)  
**Cc:** Summerhays, Jeannie; Hutchison, Sheryl; Pastore, Dianne; Groves, Nancy; Fitzpatrick, Kevin; White, Megan; Hoffman, Linda  
**Subject:** Briefing Document for Wed.

Attached is an updated draft briefing document for the meeting with the Governor on Wednesday. Curt Hart did a great job working over the first draft. Thanks Curt... (all on 4 pages, and the example "scale" information is back in)



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**AR 017915**

DEPARTMENT OF ECOLOGY  
Memorandum

August 7, 2001

To: Gary Locke, Governor  
From: Tom Fitzsimmons, Director  
Subject: Briefing Document — Decision regarding third runway proposal at Seattle-Tacoma International Airport

Following an extensive regulatory review, the Department of Ecology has decided to approve, with conditions, a 401 Water Quality Certification to the Port of Seattle to construct a Third Runway and related project proposals at Sea-Tac airport. The Port has submitted a plan that, together with necessary 401 conditions, satisfies pertinent environmental laws and regulations.

This memo summarizes:

- The Port's proposal and location;
- Known/expected project impacts;
- Permit requirements and Ecology's environmental objectives;
- Mitigation requirements; and
- Major areas of concern surrounding the decision-making process/adequacy of the Port's proposals.

### **The Port's Proposal**

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Construct a new 8,500-foot-long (1.6-mile) third runway located west and parallel to the existing airport runways, two new runway safety areas and the south aviation support area.

### **Location**

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The project is located within city of SeaTac in King County. It would be in the Green-Duwamish Basin watershed in general, and the Des Moines, Miller, and Walker Creek sub-basins in particular. Off-site wetland mitigation will be located in Auburn.

### **Impacts**

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Development and/or redevelopment of approximately 700 square acres — including 18.37 acres of wetlands (8.17 acres forested, 2.98 acres scrub-shrub and 7.22 acres emergent wetlands). The proposal also requires filling and reconstructing about 980 linear feet of Miller Creek, 1,290 linear feet of drainage channels in the Miller Creek sub-basin, and 100 linear feet of drainage channel in the Des Moines Creek sub-basin.

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## **Permit Requirements**

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Ecology will review the runway proposal under Section 401 of the federal Clean Water Act to determine if it complies with state and federal water quality laws. Ecology will also determine consistency with the Coastal Zone Management Act. Then U.S. Army Corps of Engineers will incorporate the 401 into the Corps' 404 permit, if they decide to issue one.

## **Environmental Objectives**

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Ecology's objectives have been clearly and consistently articulated to the Port and organized runway opposition groups since 1998. One of our primary objectives has been to ensure that project impacts are minimized and avoided, and that environmental conditions are improved as a result of the project. The agency's ultimate goal is to render a decision that is scientifically sound, technically feasible and legally defensible.

## **Primary Mitigation Requirements (what the Port is proposing)**

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**Stormwater** — The 401 permit requires the Port to retrofit existing stormwater facilities, resulting in a net improvement of water quality and flow control for surrounding creeks. The Port is also proposing to construct 15 major permanent stormwater pond and vault facilities and several temporary ones. The largest underground vault, built into the southern portion of the runway embankment, would detain up to 88 acre-feet (AF) of stormwater. It may be the biggest underground facility of its kind in the nation, equal to as many as 30 Olympic-sized pools at the King County/Weyerhaeuser Aquatic Center. Several other ponds will hold as much as 20 to 40 acre-feet. Stormwater will be detained to manage peak flows and mitigate low flows during dry months. Total stormwater-related detention requirements equal 390.1 acre-feet — 344.1 for peak flows and 46 for low-flow management.

**Wetlands/Aquatic Resource Habitat Mitigation and Restoration** — The Port is proposing a total of 201.14 acres of in-basin wetland mitigation — 67.01 acres on-site and 134.39 off-site, including constructing a new 60-acre wetland near the Green River in Auburn.

### **Other Mitigation/Restrictions:**

- Removing existing development (residential stream bank bulkheads, septic tanks, underground storage tanks, ornamental vegetation, invasive species, etc.)
- Creating buffers along 6,500 linear feet of Miller Creek
- Restoring in-stream habitat at four locations in the Miller Creek channel
- Installing large woody debris along 6,500 linear feet of Miller Creek channel
- Imposing covenants to protect wetlands and water quality

## **Major Areas of Concern**

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### **Stormwater Management Plan (SMP)/Low-Flow Mitigation (LFM)**

Stormwater management, including low-flow mitigation, has been a scientific and technical challenge. Numerous iterations of Port plans have finally resulted in a comprehensive set of defensible stormwater management plans. Our King County consultant tells us that the Port's Stormwater Management Plan (SMP) and Low-Flow Mitigation Plan (LFMP) meets the technical requirements of the King County Stormwater Management Manual, which is more stringent than Ecology's current stormwater manual.

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### **Natural Resource Mitigation /Wildlife Hazard Management Plan**

The Port's mitigation proposals are substantial. Ecology's additional mitigation conditions, as well as our monitoring and oversight requirements, makes our decision defensible.

### **Acceptable Fill Criteria and related issues**

The 401-permit includes extensive conditions addressing the 20 million cubic yards of fill needed to construct the third runway. Federal law does not allow toxic fill in toxic amounts, but provides no further guidance. Ecology decided it is appropriate to require that fill criteria be based on state cleanup and water quality standards. While these are unprecedented requirements, we believe they are justified given the overall scope of the project. Imagine 40 football fields sitting side by side, with fill material on each piled 300 feet high.

### **Governor's Certification (for FAA funding) and MTCA Agreed Order Groundwater Study (AOGW) –runway infrastructure “pathway” analysis.**

Runway opponents have argued that Ecology must wait for completion of the groundwater study before making a 401 decision. We do not believe that the study and 401 are legally or procedurally linked. We have agreed to look into the substantive concerns opponent groups have expressed. Our staff completed an infrastructure “pathway” analysis to inform the 401 decision and we are satisfied water quality will be protected from runway infrastructure.

### **Air Quality**

No new issues since the EIS – conformity is not an issue.

### **CZM Done**

The project will be consistent with the state's Coastal Zone Management Program.

## **Related Issues**

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### **Relationship between third runway 401 and the Port's existing 402 NPDES Industrial Stormwater Permit**

Ecology decided that the 402 was the appropriate tool for managing existing facilities. Any new facilities covered by the 401 will ultimately be incorporated in the Port's 402 during next year's renewal.

### **NPDES 402 Major Modification**

In May, we issued a major modification to the Port's NPDES permit. The modification addresses construction of the 509 interchange for movement of materials and equipment onto Port property.

### **Agreed Order/Groundwater Study Audit**

A “side issue” with respect to the 401 decision, but an audit has shown the Port needs to tighten up its financial controls for grant-supported projects.

### **Schedule**

This has been a constant concern for both the Port and runway opponents. We are neither a proponent nor an opponent of the Port's proposals. We have said we will make a decision when we have adequate information to render a defensible decision. Under federal law, Ecology has until Dec. 27, 2001, to render a decision.

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### **Oversight and Monitoring**

The Port has agreed to fund a minimum of 3 FTEs (perhaps up to 5 FTEs) to ensure compliance with the terms and conditions of the permit.

### **Cumulative impacts – e.g., Dept. of Transportation's 509 South Access Road**

Runway opponents argue that Ecology should include DOT's SR 509 south access road and other future, yet to be fully identified Port projects in the runway review. It is an unreasonable request because many of the Port and airport-area DOT projects are only conceptual in nature.

## **Miscellaneous Points**

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### **Need for facilitator and structured process (technical & management meetings)**

After the Port withdrew its 401 application last September and reapplied in October 2000, Ecology agreed to a process to try and arrive at a defensible decision within five months. (We knew this would be very difficult – and anticipated it would take longer.) The Port agreed to pay for a facilitator under a structured and productive technical review process. Ecology clearly documented what the Port would need to submit to satisfy our requirements for a defensible decision.

### **Use of consultants**

For the last 18 months, King County has provided excellent technical review of the stormwater and low-flow mitigation plans. The consultant, financed by the Port but reporting to Ecology, has utilized highly competent and credible expertise to complete the work we asked for in our contract. The Port also paid for Shannon and Wilson Inc. who has assisted us in reviewing the Port's Natural Resource Mitigation Plan.

### **Public Disclosure workload**

We have had 60-70 requests for information since last September, primarily from opposition groups.

## **Organized Opposition**

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- Airport Communities Coalition (ACC) comprised of representatives from the cities of Federal Way, Tukwila, Burien, Des Moines and Normandy Park, and the Highline School District
- Citizens Against SeaTac Expansion (CASE)
- Regional Council on Airport Affairs (RCAA)

## **Final Note**

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Approval of the Port's 401 does not rule out the possibility of future 401 amendments based on further evaluation of the Port's proposals, or the availability of new information.

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