

## Luster, Tom

---

**From:** Hellwig, Raymond  
**Sent:** Monday, January 03, 2000 8:15 AM  
**To:** Luster, Tom  
**Cc:** Langley, Ron; Garland, Dave; Stockdale, Erik; White, Gordon; Summerhays, Jeannie; Glynn, John; Fitzpatrick, Kevin; Ehlers, Paula; White, Megan; Silver, Dan  
**Subject:** RE: Des Moines Creek fish

Hi Tom,

This is in response to your message dated December 23, 1999, 11:54 a.m., regarding premature death of Coho in DM Creek, as well as your questions/concerns relating to stormwater discharges and water quality standards, and our review of the POS third runway proposal.

I am assuming that you have coordinated with WDFW and we are ready to respond back to City of Normandy Park and the City of Burien regarding their concerns about the fish. If you have already contacted the cities, please advise accordingly. Regarding the questions and concerns you conveyed relating to how we go about reviewing the POS third runway proposal in light of current conditions in DM Creek, and how we will make a good defensible decision, I remind you of the following:

You will recall that the WQ Program shares your/the SEA Program's interest in assuring compliance with water quality standards as they relate to stormwater discharges. Due to some apparent misunderstandings with regard to how the respective programs should work together to review this aspect of the POS third runway proposal, several internal meetings involving staff and program managers were held to sort out roles and responsibilities. You will recall that the outcome of the internal meetings resulted in a decision that the regulation of stormwater discharges from facilities covered under both 401 Certifications and NPDES permits would be covered under the NPDES permit. The primary reason the program managers endorsed this decision is because the NPDES permit is the only mechanism within the Clean Water Act that provides for a continuing regulatory presence.

We all understand that there is intense local interest in many urban streams including those surrounding the airport. It is common under such circumstances that concerns about water quality will be continuously raised -- even beyond the time when a decision on certification or denial is made. Moreover, stormwater issues will be continually raised for the existing airport whether the third runway is build or not. The WQ Program has made it clear that it will encourage and respond to these local interests. The WQ Program has continued to indicate an appreciation that attainment of water quality standards with stormwater is highly problematic. As a result the program follows EPA guidance in achieving water quality standards through adaptive management techniques. Basic BMPs will be applied first and then refinements and revisions of the BMPs will be required as monitoring indicates. The agency's adoption of this approach through the NPDES permit is the only mechanism that provides us with reasonable assurance that water quality standards will be met as we continue to learn new information about the performance of the BMPs and the conditions in the receiving water.

You should know by now that I appreciate your thoughtfulness and opinions regarding of how the Clean Water Act should apply to the third runway proposal, and I respect you desire to utilize the 401 Certification to protect aquatic resources in the DM Creek basin. However, I am concerned that you continue to confuse the conclusions/decisions the agency reached on the respective roles of the two Clean Water Act requirements and the respective roles of the SEA and WQ Programs pursuant to them. I fully expect that you will defer to the WQ Program on stormwater discharge requirements for the third runway project in accordance with agency/program policy agreements. I also expect that you and Kevin Fitzpatrick will work through pertinent 401/402 (NPDES) issues/concerns/questions consistent with the program policy and guidance decisions.

I believe that further communications regarding this specific matter are unnecessary.

Thanks for your help and cooperation Tom.

