

Luster, Tom

From: Hellwig, Raymond
Sent: Tuesday, October 24, 2000 7:39 AM
To: Luster, Tom; Fitzpatrick, Kevin; Stockdale, Erik; Marchioro, Joan (ATG)
Subject: RE: 3rd Runway Notes and Next Meetings

Tom: Thanks for the comments. Apparently we have a somewhat different recollection of where we ended up on some of the concerns we discussed at our internal meeting. I agree with some of your recommendations e.g., we most likely will need language in the 401 to address access/activities near Tyee Pond. However, I don't recall discussing matters relating to flow augmentation at DM Creek, temporary work in the SASA footprint, the Agreed Order etc. quite the same as you. I will bring these matters up for discussion as appropriate with Kate and others on Friday.

-----Original Message-----

From: Luster, Tom
Sent: Monday, October 23, 2000 4:07 PM
To: Hellwig, Raymond; Fitzpatrick, Kevin; Stockdale, Erik; Marchioro, Joan (ATG)
Subject: FW: 3rd Runway Notes and Next Meetings
Importance: High

Hi all -

Even though I was not at the 10/20 meeting, I'm providing the following comments based on the discussions and agreements at our internal 10/17 meeting. The draft meeting notes do not reflect those discussions and agreements, and unless the notes are changed, may end up being used to justify issuance of a 401 that does not meet 401 requirements.

Since I wasn't at the meeting and since I am being transitioned away from SeaTac review, I am providing this memo internally for you to decide how they should be reflected in the final notes.

p. 5 Update - NPDES major modification: if the 509 interchange is part of the proposal being reviewed for 404 and 401 (which it is, per the Corps), then the 401 must address any direct/indirect impacts. We may or may not need the final major mod to be issued before the 401, but at the very least, the 401 does need an approved stormwater plan at the interchange for the same reasons that we need a final stormwater plan for the rest of the airport - to determine whether there will be impacts to aquatic resources due to the location/size/etc. of the stormwater facilities.

I recommend adding language to this issue stating that Ecology approval of the stormwater plan for the 509 interchange will be needed for 401 issuance.

p. 5 Update - South Access / Tyee Pond: any impacts to Tyee Pond due to its use as a spill containment facility may be included as part of the Corps' 404 review; if so, then those impacts would be part of the 401 review. Regardless of the Corps' position, however, I believe Ecology needs to independently evaluate the associated impacts - the Tyee Pond is part of the proposed project mitigation and is subject to project-related impacts (e.g., ongoing vegetation removal/disturbance to maintain spill containment and stormwater functions, direct impacts of spills on the wetland functions, etc.), so any maintenance requirements, easement language allowing certain activities, etc. would have to be included as a 401 condition.

p. 5 Update - Des Moines Creek Flow Augmentation: the suggested condition language in these notes does not reflect the discussion at last week's internal meeting. The language in these notes is the language I was concerned about, in that it could allow several years of impacts to Des Moines Creek flows without mitigation in place. The low flow impact is caused not only by adding impervious surfaces, but also by adding fill and then detaining and rerouting stormwater during the construction period well before pavement is added at the top of the fill.

We had agreed last week that, at the very least, the proposed language be changed to not allow any fill to

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be placed for the parts of the project in the Des Moines Creek basin until flow augmentation was provided (i.e., certainty about the source of water and Ecology approval of a treatment system). Even though a condition with that language would still be provisional, it would provide a degree of reasonable assurance that is not provided by the current draft language in these meeting notes.

p. 6 Issue - Temporary construction in SASA footprint: It makes no sense to allow this facility before a 401 or 404 is issued, given the issues identified in the Flow Augmentation section above, and given that the work is part of the proposed SeaTac expansion being reviewed for 401/404 (and ESA). Placing fill, adding impervious surfaces, and detaining/rerouting stormwater from a 30-acre site above Des Moines Creek is likely already resulting in lower summer baseflows to the creek, and mitigation has not yet been provided for this impact. The Port needs to either stop work in that area and remove the fill or provide us documentation showing that the fill is not affecting the stream.

p. 6 Issue - Lagoon #3 potential direct impacts: our discussion internally and with the Port has been about both direct and indirect impacts of the Lagoon #3 expansion. The indirect impacts need to be re-added to our issues list - specifically, the hydrologic impacts of removing approximately 10 acres of the area providing surface/groundwater to Wetland #28, and the fate and transport of contaminants in the area of the Lagoon #3 expansion.

p. 7 Issue - 401 relationship with Agreed Order: there was agreement several years ago that the 401 was the only regulatory mechanism available to ensure the conditions of the Governor's certification letter were carried out. At minimum, we need to ensure that the Port (and Ecology) are in compliance with the most current version of the Agreed Order as part of the 401 review. Also, I do not know of any supporting documentation for the statement in the last sentence of this section, "Construction of the 3rd Runway will not affect Ecology's ability to respond to findings of the groundwater study." At the very least, the statement incorrectly cites just the 3rd Runway as the scope of our review - the 401 and 404 are reviewing the proposed SeaTac expansion. I don't think we have enough certainty to make such a statement - we are only starting to put the pieces together on the extent of contamination and its fate and transport around the airport. I recommend at the very least that if we issue a 401, it include a specific reopener based on ongoing findings of the Agreed Order.

-----Original Message-----

From: Rachel McCrea [mailto:rachelm@floyd-snider.com]
Sent: Monday, October 23, 2000 11:30 AM
To: 'Ray Hellwig (E-mail)'; 'Kevin Fitzpatrick (E-mail)';
'tlus461@ecy.wa.gov'; 'Kelly Whiting (E-mail)'; 'Michael Cheyne
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'mark.lampard@metrokc.gov'; 'Laurie Havercroft (E-mail)'
Cc: Kathryn Snider; Rachel McCrea
Subject: 3rd Runway Notes and Next Meetings
Importance: High

Greetings all - the draft 10/20 notes and final 10/13 notes are attached.
Please forward your comments/edits to the 10/20 notes by c.o.b. Wednesday.

NEXT MEETINGS: Please get these next meetings (dates/times) on your
calendars!
Tuesday 10/24, afternoon. Technical SMP status meeting (attendance limited
to Parametrix, King County and Floyd & Snider).
Friday 10/27, 9:30 - 4:00 at Ecology NWRO. Morning agenda: SMP results.
Afternoon agenda: Base flow update.
Tuesday 10/31, 8:00-11:00 at Ecology NWRO.

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Call if you have any questions!
Thank you.

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