

Kenny, Ann

From: Hellwig, Raymond
Sent: Monday, September 10, 2001 5:05 PM
To: Kenny, Ann
Cc: Summerhays, Jeannie; White, Gordon
Subject: FW: Summary of the Port of Seattle Runway Stipulated Agreement

Importance: High

Tom sent your summary forward - nice job Ann...

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

From: Fitzsimmons, Thomas
Sent: Monday, September 10, 2001 4:57 PM
To: Isaki, Paul (GOV)
Cc: Ryan, Kym; Hellwig, Raymond
Subject: Summary of the Port of Seattle Runway Stipulated Agreement
Importance: High

Paul here is a summary of the issues in the agreement for the governor to be aware of. In total there were 13 issues that can be categorized as follows:

1. Changes to clarify the scope and duration of the 401:

These changes clarify how long the conditions of the 401 apply to various provisions. For example:

- wetland mitigation and low flow requirements apply in perpetuity
- wetland monitoring is required for 15 years (no change from permit)
- other monitoring conditions will remain in place for a minimum of eight years
- clarify when the 401 applies versus the 402. Language ensures that the 401 serves as the baseline and that if the 402 does not make changes to 401 language, the 401 remains in effect.

2. Clarifications to specific conditions:

- we are requiring the Port to begin immediate twice-monthly hydrologic monitoring and to continue such monitoring for three years. The clarification is that monitoring requirements will not prevent the Port from beginning construction once the 404 from the Corps is received.
- clarified specific wetland monitoring condition for mineral soils. 401 mistakenly used 16 inches to surface instead of 10.
- clarified buffer requirement for Borrow Area 3 to require buffer only on Port property.
- clarified scope of applicability of fill acceptance criteria. Fill criteria will apply only to those projects which directly impact wetlands or waters of the state (e.g. Third runway embankment) or to those which have the potential to directly affect surface or ground water quality (e.g. relocation of the sewer line that is adjacent to Miller Creek).
- instead of requiring written approval from Ecology before any fill material can be placed on site the Port will submit supporting documentation and Ecology retains the right to disapprove the fill if review shows fill doesn't meet the criteria.
- when fill doesn't meet the initial screening criteria, Ecology is allowing the Port to conduct additional screening to demonstrate the fill won't cause any environmental harm (the test simulates acid rain conditions and shows whether a harmful constituent, e.g. lead, will leach under acid conditions.)
- because we are allowing fill to be used without pre-approval from Ecology, we are requiring monthly as-built reports instead of quarterly reports. If there are problems we will be able to catch them sooner with more frequent reporting.
- clarified language regarding Water Effects Ratio study to allow use of similar tests and to use data from existing from the existing runways as a surrogate for third runway data.

3. Minor text changes:

- clarified that Port needs only identify methods to prevent overtopping of stormwater ponds for design storm events versus any storm event
- clarified that stormwater ponds may have a visible oil sheen. As written the stormwater ponds wouldn't be able to function as designed. Visible oil sheen is not allowed in water after it leaves the stormwater ponds.