

Sea-Tac Airport Third Runway 401 Permit Negotiations

FINAL DRAFT MEETING NOTES

October 31, 2000

8:00 – 11:00

These draft meeting notes have been prepared by Kate Snider, Floyd & Snider Inc. Please reply to Kate at (206) 292-2078, fax (206) 682-7867, kates@floyd-snider.com with comments on the accuracy of these notes by 1pm, Monday, 11/6/00.

ATTENDEES

Ray Hellwig, Dept. of Ecology
Kevin Fitzpatrick, Dept. of Ecology
Ann Kenny, Dept. of Ecology
Michael Cheyne, Port of Seattle
Elizabeth Leavitt, Port of Seattle
Keith Smith, Port of Seattle

David Masters, King County
Paul Fendt, Parametrix
Jim Kelley, Parametrix
Kate Snider, Floyd & Snider Inc.
Rachel McCrea, Floyd & Snider Inc.

MEETING AGENDA OVERVIEW

- Thorough Review of Master List
- Briefing regarding Ecology/KC conference call with Corps
- Feedback from Ecology Internal Discussions, comments on 10/20 notes
- Schedule forward, additional meetings

DEFINITION OF TERMS USED IN THESE NOTES

The purpose of these technical discussions is to clarify known issues and submittal requirements for documents adequate for Ecology and public review. Discussions of potential 401 condition language in these notes are subjective only. Language included in these notes does not in any way presuppose an Ecology decision regarding 401 issuance or preclude development of 401 requirements or conditions following review of the full record.

Resolution (general): The use of variations of the term "resolution" are for the purposes of these negotiations and refer only to the work of these technical negotiations between the Port of Seattle and the Department of Ecology. The terms are not intended to imply that, through these negotiations only, any issue has reached "final" resolution. Final resolution is subject to Ecology's receipt and approval of necessary documentation, subsequent public review and comment, evaluation of public comment and the final permit decision.

Resolved: The term "resolved" is used in these notes to mean that subsequent discussion of the issue is not necessary in these negotiations. This term assumes that subsequent

documentation submitted on these issues will be consistent with the meeting discussions, and be adequate for public review.

Resolution Pending Review of Additional Information: This phrase is used to indicate that a possible or likely solution to the issue was identified in the meeting. Additional information will be submitted for review, and further discussion in these meetings will determine whether the issue is "resolved".

Action Items Defined for Further Discussion: This phrase is used to indicate that the issue was discussed, and action items defined for the production of additional information or documentation. Following submittal of such additional information, the issue requires further discussion.

DOCUMENTATION OF NEGOTIATIONS: MASTER LIST OF ISSUES

Ecology and the Port have agreed to maintain a single "master list of issues" that is updated at each meeting during these negotiations. It has been agreed that individual participants in these negotiations will not maintain other lists of issues separate from this master list. The following summary table is used to document this master list of 401 Permit technical issues.

All issues are included on the list that have been identified by the Port or Ecology for resolution prior to issuance of the 401 permit. Resolution of these issues is the purpose of these technical negotiations. It is recognized that additional issues requiring resolution may be identified through public comment.

Definition of these issues and actions to resolve are included in meeting notes. Any comment on this master list of issues should be directed to Kate Snider at Floyd & Snider.

401 Technical Issues Requiring Resolution	RESOLVED	RESOLUTION PENDING REVIEW OF ADDITIONAL INFORMATION	ACTION ITEMS DEFINED FOR FURTHER DISCUSSION	NOT YET DISCUSSED
Administrative				
• Documentation, master list of issues	✓			
• Clarification of purpose of these discussions	✓			
1. Stormwater Master Plan – Detention Sizing				
<u>Key Issues Discussed 10/2</u>				
• Basin Acreage Discrepancies	✓			
• Use of different Target Flow Regimes for different basins	✓			
• Permeability assumptions of Airport fill material	✓			
• Infiltration evaluation of existing pond locations	✓			
• Project effect on Base Flows		✓		
• Use and documentation of HSPF and KCRTS models	✓			
• North Employees Parking Lot		✓		

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401 Technical Issues Requiring Resolution	RESOLVED	RESOLUTION PENDING REVIEW OF ADDITIONAL INFORMATION	ACTION ITEMS DEFINED FOR FURTHER DISCUSSION	NOT YET DISCUSSED
• SDW2 land use conditions	✓			
• SASA facility volumes	✓			
• SASA facility compliance with KC off-site flow criteria		✓		
• SDS-7, SDS3-A, SDS-3, SDS-2, 5, 6 collection areas	✓			
• New information for Walker Creek calibration	✓			
• IWS model input consistency with SMP	✓			
• SDE-3 conditions	✓			
<u>Add'l Issues Discussed 10/6</u>				
• IWS Pump station overflow modeling	✓			
• IWS Pump station land use values	✓			
• IWS Pump station routing of water quality design storm	✓			
• IWS Lagoon capacities	✓			
• Modeling of potential IWS Lagoon overflow	✓			
• Filter Strip BMPs	✓			
• IWS treatment performance	✓			
• SDN1-OFF	✓			
• SDN-6 Cargo	✓			
• SDW1B impacts to Wetland 39B	✓			
• Des Moines Creek Basin Plan consistency	✓			
• All items in the 9/14/00 King County comment letter not specifically listed above	✓			
2. Flow augmentation for Des Moines Creek	✓			
3. Potential South Access Road impacts to Tyee Pond	✓			
4. Borrow Site #3 hydrology		✓		
5. HPA / 401 issuance relationship	✓			
<u>Add'l Issues Raised by Ecology on 10/10</u>				
• Potential impacts of SR 509 Interchange		✓		
• Potential aquitard breaches in Walker Creek basin		✓		
• Runway De-Icing / Dissolved Oxygen study		✓		

401 Technical Issues Requiring Resolution	RESOLVED	RESOLUTION PENDING REVIEW OF ADDITIONAL INFORMATION	ACTION ITEMS DEFINED FOR FURTHER DISCUSSION	NOT YET DISCUSSED
• Compliance with Kludt settlement	✓			
• Contaminated soil stockpile facility	✓			
• Structural feasibility of proposed big vaults	✓			
• NEPA /SEPA revision timing	✓			
Natural Resources Mitigation Plan (Issues raised by Ecology on 10/10, discussed 10/13)				
• NRMP consistency with SMP	✓			
• Maintenance of wetland 18, 37, 39B hydrology	✓			
• NRMP incorporation of technical responses to previously identified issues	✓			
• S. Access Road/Tyee Pond Impacts	✓			
• Vacca Farm floodplain habitat design elements	✓			
• Stormwater pond cross sections	✓			
• Performance standards	✓			
• Documentation of indirect impacts	✓			
• Wetland delineations	✓			
• Documentation of Miller Creek buffer	✓			
• Fencing/signage for buffers/mitigation areas	✓			
• Restrictive Covenant for Auburn mitigation site	✓			
• Buffer planting in area of potential RDF	✓			
• Wetland impact analysis of IWS expansion	✓			
• Source of irrigation water for mitigation areas	✓			
• Mitigation Fund	✓			
NPDES Major Modification	✓			
Add'l Issues Raised by Ecology on 10/20				
• Timing of Corps public notice	✓			
• Temp. const. staging area w/in SASA footprint		✓		
• Water quality BMPs (401/402)	✓			
• Lagoon #3 potential direct impacts	✓			
• Add'l wetlands on Auburn site	✓			

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401 Technical Issues Requiring Resolution	RESOLVED	RESOLUTION PENDING REVIEW OF ADDITIONAL INFORMATION	ACTION ITEMS DEFINED FOR FURTHER DISCUSSION	NOT YET DISCUSSED
• 401 relationship to A.O./Gov. Cert. for MTCA GW study	✓			
• Potentially contaminated properties in S. Runway Protection Zone	✓			
• Soil Quality at Borrow Sites	✓			
• Potential confirmation of groundwater quality w/in embankment			✓	
• Construction stormwater management	✓			
• Clean Air and CZM	✓			
• Compatibility of potential RDF and Tyee mitigation	✓			
Add'l SMP Issues Identified on 10/27				
• SDW1A facility sizing		✓		
• SMP Clarification regarding water quality BMPs	✓			

CLARIFICATION OF THE PURPOSE OF THESE DISCUSSIONS

RESOLVED: Ecology suggested that stronger, more clear language be included in these notes to clarify the purpose of these discussions. The following language appears on page 1 of these notes and will appear on all notes subsequent to this date.

The purpose of these technical discussions is to clarify known issues and submittal requirements for documents adequate for Ecology and public review. Discussions of potential 401 condition language in these notes are subjective only. Language included in these notes does not in any way presuppose an Ecology decision regarding 401 issuance or preclude development of 401 requirements or conditions following review of the full record.

THOROUGH REVIEW OF MASTER LIST

Part I: Confirm schedule where materials need to be submitted for issues marked as "Resolution Pending Review"

Issue Update: Project Effect on Base Flows

RESOLUTION PENDING REVIEW: Preliminary results of base flow analysis, for Des Moines Creek Basin at a minimum, will be presented 11/7. Technical memo will be submitted in mid-November.

Issue Update: SDW1A facility sizing

RESOLUTION PENDING REVIEW: Proposed facility sizing approach will be presented and discussed 11/7.

Issue Update: SASA facility compliance with KC off-site flow criteria

RESOLUTION PENDING REVIEW: An evaluation of cumulative flow conditions at 200th monitoring station will be presented and discussed 11/7.

Issue Update: Potential aquitard breaches in Walker Creek basin

RESOLUTION PENDING REVIEW: Hart-Crowser and PGG are meeting to discuss this week. Outcome will be presented 11/7, if not communicated beforehand.

Issue Update: Runway De-Icing / Dissolved Oxygen Study

RESOLUTION PENDING REVIEW: Study submittal to Ecology is expected 11/15.

THOROUGH REVIEW OF MASTER LIST

Part II: Status of King County review of materials that have already been submitted for issues marked as "Resolution Pending Review"

OVERALL KING COUNTY REVIEW STATUS

King County completed review of Miller Creek and Walker Creek SMP deliverables, excluding SDW1A and NEPL facilities. The King County reviewer has provided comments to Ecology and the Port. There may be 2-3 opportunities to downsize facilities. In general, if the final draft SMP is consistent with the reviewed interim deliverables, then King County is confident that they can give approval to the SMP following final draft review in late November.

Issue Update: SASA facility volumes

RESOLVED: King County has completed review of SASA facility and provided feedback to Ecology and Parametrix.

Issue Update: SDS-7, SDS3-A, SDS-3, SDS-2, 5, 6 collection areas

RESOLVED: King County has completed review of these facilities and provided feedback to Ecology and Parametrix.

Issue Update: New information for Walker Creek calibration

RESOLVED: King County has completed review of the revised Walker Creek calibration (Appendix B) and provided feedback to Ecology and Parametrix.

THOROUGH REVIEW OF MASTER LIST

Part III: Confirm schedule of review where materials have already been submitted for issues marked as "Resolution Pending Review"

Issue Update: Borrow Site #3 hydrology

RESOLUTION PENDING REVIEW: D. Garland (Ecology) will review and write a memo to file approximately 11/7-11/8. Ecology will provide feedback to the Port before 11/15.

Issue Update: S. Access Road / Tye Pond

RESOLUTION PENDING REVIEW: Ecology, Corps, DOT and Port will coordinate review of restrictive covenant language, to confirm consistency in approach for the DOT project and the Port 401 process.

Issue Update: Potential impacts of SR 509 Interchange

RESOLUTION PENDING REVIEW: A. Kenny will follow-up regarding Ecology comment on previously submitted impact analysis for the 509 temporary interchange.

THOROUGH REVIEW OF MASTER LIST

Part IV: Confirm schedule for discussion of issues that need to be discussed further.

Issue Update: Temporary construction staging area w/in SASA footprint

RESOLUTION PENDING REVIEW: The Port provided Ecology with information that the facility does not qualify as a high traffic area. The facility is meeting Ecology and King County stormwater management requirements for temporary facilities under the facility's 402 permit and SWPPP.

The facility has been constructed in an area subject to the 401 permit. Because the facility has added impervious surface within the future SASA area, Ecology has raised a concern regarding potential linkage to 401 requirements re: potential base flow impacts. This issue will be discussed again on 11/7, following update on Des Moines creek base flow evaluation.

Issue Update: North Employees Parking Lot

RESOLUTION PENDING REVIEW: The Port will check whether or not there is existing data relative to potential downstream impact of the existing NEPL facility. The 401 could include requirements for monitoring to determine potential downstream impacts of the existing facility and require alteration if necessary. King County requests that work for the NEPL facility be done consistent with basin plan recommendations under development by the Basin Planning Committee. Ecology will discuss this issue internally and discuss again 11/7.

ECOLOGY/KING COUNTY DISCUSSION WITH CORPS

Ecology and King County spoke with the Corps 10/30 to provide a status update regarding the SMP review. SDW1A is the highest priority for resolution due to NMFS' Biological Opinion concern related to the facility's proximity to Miller Creek. Corps also has some concern regarding possible wetlands impacts by NEPL. These issues are limited to the individual facilities and further work on these facilities would not affect the balance of the SMP. Ecology

and King County will give the Corps another status update 12/1, following King County review of the final draft SMP including the response to SDW1A and NEPL facilities.

CONCLUSIONS AND NEXT STEPS

Agenda for the meeting scheduled 11/7, 1:00-4:00 includes:

- Base Flow preliminary results
- Temporary construction staging area w/in SASA footprint
- SDW1A approach update
- SASA affects at 200th update
- Potential aquitard breach at Walker Creek update (if not resolved prior to 11/7)
- NEPL update: Port to confirm if existing data available to evaluate and Ecology feedback regarding approach