

Sea-Tac Airport Third Runway 401 Permit Negotiations

FINAL DRAFT MEETING NOTES

November 7, 2000

1:00 – 3:30

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 5pm, Monday, 11/13/00.

ATTENDEES

Ray Hellwig, Dept. of Ecology
Kevin Fitzpatrick, Dept. of Ecology
Ann Kenny, Dept. of Ecology
Elizabeth Leavitt, Port of Seattle
David Masters, King County

Paul Fendt, Parametrix
Jim Kelley, Parametrix
Rick Schaefer, Earth Tech
Kate Snider, Floyd & Snider Inc.
Rachel McCrea, Floyd & Snider Inc.

MEETING AGENDA OVERVIEW

- Schedule for Corps wetland delineations
- Status of NPDES Major Modification
- Issue Updates for: S. Access Rd/Tyee Pond, potential aquitard breaches in Walker Creek basin, NEPL, Base Flows, SDW1A
- Staffing: NRMP review, King County participation

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		✓		
• SDW2 land use conditions	✓			
• SASA facility volumes	✓			

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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
• 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	✓			
Add'l Issues Discussed 10/6				
• 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 Tye Pond	✓			
4. Borrow Site #3 hydrology		✓		
5. HPA / 401 issuance relationship	✓			
Add'l Issues Raised by Ecology on 10/10				
• Potential impacts of SR 509 Interchange		✓		
• Potential aquitard breaches in Walker Creek basin	✓			
• Runway De-Icing / Dissolved Oxygen study		✓		
• Compliance with Kludt settlement	✓			

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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
• 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	✓			
• 401 relationship to A.O./Gov. Cert. for MTCA GW study	✓			

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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
• 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	✓			

Issue Update: Wetland delineation west of Miller Creek

RESOLVED: Corps delineation of wetlands west of Miller Creek is partially complete as of this date. The Corps will complete the delineation of the remaining two areas 11/8.

Issue Update: Additional wetlands on the Auburn Site

RESOLVED: Corps has not been able to schedule wetland delineation for the Auburn site due to staff availability. Efforts to schedule the delineation are underway.

Issue Update: NPDES Major Modification

RESOLVED: Ecology desires to not confuse public notice for the NPDES Major Modification with public notice for the 401. Therefore, the proposed schedule is as follows:

First week of January 2001: Public Notice for Major Modification and 30-day notice of hearing

Mid-February 2001: Close of public comment period

First 2 weeks of March 2001: Final modification and response to comments issued

Issue Update: S. Access Road / Tyee Pond

RESOLUTION PENDING REVIEW: Discussions between Ecology and DOT are underway regarding consistency in approach for the DOT project and the Port 401 process re: potential future impacts of the South Access Road project on Tyee Pond area wetlands. In the 401 process, Ecology has requested placement of a buffer with restrictive covenant around Tyee Pond, as a mechanism to confirm that any future projects (including the S. Access Road) that may propose an impact in this area would have to mitigate. The Port understands that the

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Corps interpretation of restrictive covenants is that they may prevent any future actions in the area. Legal research is being performed regarding the Corps' restrictive covenants. The Port will set up a meeting between Ecology's DOT liaison, A. Kenny, E. Stockdale/Ecology wetlands consultant, DOT, the Port, and the parties' legal teams to discuss.

Issue Update: Potential aquitard breaches in Walker Creek basin

RESOLVED: Hart-Crowser and PGG concur, per email, that excavation for temporary Pond B will not breach the aquitard. The Port will evaluate additional mitigation measures to reduce seepage inflow. Details and/or notes re: potential mitigation measures to reduce seepage will be provided in the revised HNTB drawings included as an SMP appendix.

Issue Update: North Employees Parking Lot

RESOLUTION PENDING REVIEW: The Port confirmed that there is no existing data to determine potential downstream impact of the existing NEPL facility. The Port is evaluating vault performance and potential past overflow based on maintenance records and visual indications. Parametrix will model the existing facility and compare the results to observed vault performance. Water runoff data may be available from the construction of NEPL prior to paving that could be used to develop site-specific parameters for use in the modeling of this basin. Ecology requests that this work be performed and discussed as the next step on this issue. Ecology is reluctant to require monitoring of potential downstream impacts and potential subsequent facility alteration under the 401 permit; those issues are more appropriately addressed in a 402 permit.

Issue Update: Project Effect on Base Flows

RESOLUTION PENDING REVIEW: The cumulative base flow evaluation (HSPF model, embankment seepage, non-hydrologic effects) is underway. HSPF results for all 3 basins will also look at the effect of long-term drawdowns of the detention facilities. King County will provide information to the Port and Ecology regarding potential water quality effects of vault storage. King County will also verify whether the base flow analysis should be for low-flow monthly averages or for a 7-day low flow period.

Evaluation of the embankment's effects shows there is good correlation between Hart Crowser and PGG modeling. Both models predict an increase in Miller Creek base flow in August and September from the embankment. Neither Walker nor Des Moines Creeks show an appreciable increase or decrease in base flow caused by embankment seepage. These results will be added to the HSPF results and non-hydrologic effects in order to determine the cumulative effects on base flow.

Issue Update: SDW1A facility sizing

RESOLUTION PENDING REVIEW: Work is underway regarding facility sizing approaches for this basin. Due to the level of work effort, the revised SMP will not be completed by the previously targeted date of 11/16/00.

Issue Update: Potential confirmation of groundwater quality w/in embankment

RESOLVED: Ecology has discussed potential sampling options with the Port, and is pursuing further consideration of this matter internally.

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CONCLUSIONS AND NEXT STEPS

Update: Ecology staffing of NRMP review

Ecology will check the State's prequalified list of consultants for qualified candidates. Ecology will potentially interview several candidates and make a selection. This process will likely take 3-4 weeks. An Ecology consultant will not, therefore, be available to assist the Corps with wetland delineation at the Auburn site.

Update: King County participation

The revised SMP will not be completed by 11/16/00. King County review of progress and approaches for NEPL and SDW1A is needed starting 11/16. King County review of the revised SMP will be delayed based on time needed to resolve concerns related to these two facilities. Ultimately, Ecology will likely require additional availability from the King County reviewer.

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