

# Beware - The Great Wall of SeaTac

By Bob Sheckler (Airport Communities Coalition Chair and City of Des Moines Mayor Pro Tem)

Your editorial "Don't dither on viaduct" was right on target in saying that the Washington State Department of Transportation

**The Port of Seattle is moving forward . . . with its plans to construct an equally dangerous 15-story high, 1450-foot long retaining wall to support the third runway at SeaTac Airport.**

pointed out that the viaduct sits on fill, which is expected to liquefy in a 7.5 or higher earthquake, an event this region is certain to experience at some time.

However, I find it ironic that while you admonish WSDOT to quickly address the serious earthquake hazard posed by the Alaska Way Viaduct, the Port of Seattle is moving forward unchallenged with its plans to construct an equally dangerous 15-story high, 1450-foot long retaining wall to support the third runway at SeaTac Airport. If built, this "Great Wall of SeaTac" will be a potential disaster waiting to happen.

Just as in the case of the viaduct, this massive retaining wall is proposed to be built in a zone of weak peat and loose, liquefiable sands. We all saw what happened to the SeaTac Control Tower in the earthquake of last month. Imagine a seismic event of equal or greater magnitude with this massive wall in place, which holds back 22 million cubic yards of fill material. Not only could the third runway be destroyed, but the critical wetlands and salmon-bearing stream at the base of this wall would be wiped out.

Recently, the Airport Communities Coalition retained two internationally known geotechnical scientists to review the

**"a ticking time bomb"**

should move quickly to replace that aging and dangerous highway structure. You correctly

Their report provides compelling evidence of the dangers associated with the proposed wall, saying in part "... the resulting deficiencies (in the wall design) could lead to a design of the embankment and walls that could ultimately result in

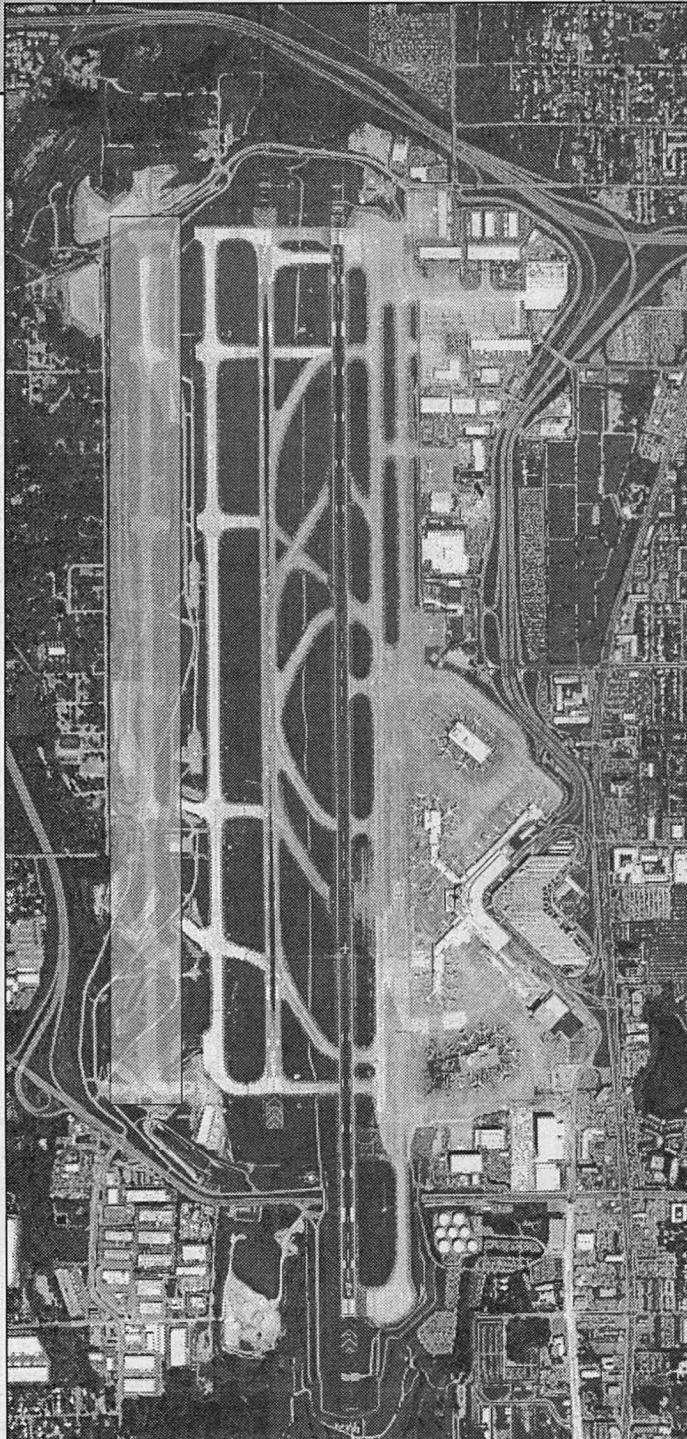
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damage or failure of the wall, particularly under the influence of a strong seismic event in the Seattle area."

You quote a member of the State Transportation Commission calling the Alaskan Way Viaduct "a ticking time bomb". I couldn't agree more. However, while we urge the Department of Transportation to defuse that bomb, let us not stand by while the Port of Seattle creates another explosive and dangerous situation with their ill-considered Great Wall of SeaTac.

*Special to The Seattle Post-Intelligencer, March 14, 2001, The Seattle Post-Intelligencer. Used with permission.*

*SeaTac International Airport, aerial view. The 3rd runway would be constructed parallel to the two existing runways. (See large white area superimposed on this aerial photo, far left.) At a cost of over \$1 billion, the runway would serve the sole purpose of allowing two planes to land simultaneously in bad weather. It would be built on top of an existing canyon filled with 20 million cubic yards of dirt and gravel and held back by one of the world's largest retaining walls: the "Great Wall of SeaTac." The fill would be dumped on salmon streams, in an area prone to earthquakes.*



# Coalition appeals permit for 3rd runway

## Water-certification requirement not met, opponents say

By Larry Lange, staff reporter, *Seattle Post-Intelligencer*

State officials approved a key environmental permit for a proposed new Sea-Tac Airport runway without meeting a disputed but potentially important requirement as suggested by their own attorney, an agency document shows.

A sheet of notes, dated in April and obtained by runway opponents under the state Public Disclosure Act, says a state attorney advised the Department of Ecology to require a water right to secure adequate summer flow for nearby creeks.

The discussion is in a copy of notes inadvertently released to the Airport Communities Coalition by the department, which approved a critical water-quality certification for the proposed third runway in August.

The coalition, a longtime foe of the new runway, has appealed the permit.

An Ecology manager's notes showed the water-right advice came in April from assistant attorney general Joan Marchioro, counsel for the agency. She was "currently advising (that) we require the water right" for the project, the notes said, though they quoted her as saying she and her office "will support any policy position we choose to adopt."

Obtaining the water right likely would have delayed the project for some time, due to the backlog of applications for rights statewide.

The agency later decided the right wasn't needed. But opponents say it again shows the runway project is being pushed by political motivations. The notes, they say, raise ethical questions.

The controversial third runway is scheduled for completion in 2006, assuming all permits are obtained.

The statement about the water right "is the same thing as saying 'if you choose to break the law I'll be there for you,'" said coalition director Kimberly Lockard. "That should be of great alarm that these things are happening, and that they're happening without batting an eye."

The state disputes that interpretation.

Marchioro referred questions to her supervisor, David Mears in the Attorney General's Office. Mears said that "we don't think it's clear" that a water right is required and the

office provided Ecology "some options" about how to proceed, all of them legally defensible.

This makes Marchioro's willingness to defend the agency appropriate, he said. The notes, taken by the department's northwest regional manager, Ray Hellwig, don't mention the options but "capture just a segment" of the discussions between the two, Mears said.

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**Airport Communities Coalition**

**Jay Manning, a port attorney, said a water-right process would seriously delay the runway and storm-water system because of the backlog in applications. Requiring the right "is tantamount to saying you can't do it."**

The coalition obtained the document as part of its standing request for records relating to runway decisions. The department later said the part of the notes reflecting the discussion should have been blacked out because it is covered by the attorney-client privilege.

The department has asked for the coalition to return the document. The Pollution Control Hearings Board, which is considering the appeal, has agreed and ordered it to be sent back and not considered during the appeal.

The coalition released the document publicly last week to counter the state and the port's descriptions of the water-right proposal as "creative" and "radical," Lockard said.

The coalition has made the water right a major part of its drive to stop the new runway.

In its appeal of the water certification to the hearings board, it said that without a water right "there can be no assurance that stream flows in Des Moines, Miller and Walker creeks will be protected for the life of the third runway."

The port has agreed, as part of the runway project, to build a basin to retain stormwater runoff during rainy months and release it during dry weather to keep water in the creeks. But the port and Ecology agree that a water right isn't needed because the port is only retaining and rereleasing the water into the streams, not making use of it for the terminal or for runway operations.

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# Sea-Tac runway opponents cry foul after key overseer is transferred

## Charges of political collusion fly

By Jack Hopkins, *Seattle P-1*

Opponents of a third runway at Seattle-Tacoma International Airport have accused the state Ecology Department of bowing to political pressure by reassigning a top staffer who has been monitoring the project for the past three years.

The Airport Communities Coalition accused the state of abruptly removing Tom Luster from his longtime assignment as head of the runway review team because of pressure generated by the Port of Seattle.

The coalition fears the move could clear the way for the environmentally sensitive project to be approved.

But officials from the port and the Ecology Department bristled at the suggestion that the two agencies were working together to push the project forward.

Ecology Department spokesman Curt Hart said Luster was reassigned because he was needed on other policy matters — not because of political pressure. Hart pointed out that Luster will be replaced by Ann Kenny, a 10-year veteran of the department trained by Luster.

"We're a little concerned that there is the attitude out there that only certain individuals in our agency are interested in fulfilling our mandate," Hart said. "We all want to do that. And faces shouldn't matter."

In a letter faxed Wednesday to Ecology Department Director Tom Fitzsimmons, the coalition said Luster's transfer "reinforces the widely held perception that inappropriate pressure is being exerted to push this project through the regulatory process."

The coalition, which represents the cities of Burien, Tukwila, Des Moines, Federal Way, Normandy Park and the Highline School District, sent copies of its letter to Gov. Gary Locke, U.S. Rep. Adam Smith and several state legislators.

Hart said although the port appears to be on the right track to resolve environmental concerns about the runway, there's no guarantee the agency will receive the wetlands permit needed to complete the \$773 million project.

Airport Communities Coalition Chairman Bob Sheckler, however, told Fitzsimmons his group is upset because it

believes Luster had handled the ongoing environmental review "in a professional and even-handed manner."

But Hart said Kenny's appointment "won't cause an abrupt change" in the way the department is handling the port's wetlands permit request.

"We made a business decision to shift folks where they were needed most," Hart said. "Luster's main job has been statewide policy and looking into what kind of things Ecology needs to work on. We need him back on some of the projects we have not been able to get to in the last few years."

Sheckler, however, complained that Luster's reassignment followed a port-inspired "public relations campaign" designed to pressure the department to approve the project.

That campaign has included private meetings of port officials with the governor and other top state officials to talk about the third runway, he said.

A Locke spokesman said the governor's office played no role in the decision to reassign Luster.

Port officials also denied playing any role in the reassignment.

Luster declined comment yesterday, saying he doesn't want to become the focus of a public dispute over his reassignment. Kenny couldn't be reached for comment.

Port officials have been struggling for several years to win approval of the third runway to ease air traffic congestion.

Previous attempts to obtain a wetlands permit from the Ecology Department have failed, forcing delays in the project, now expected to be completed in late 2006.

The port withdrew its wetlands permit application last month after state officials said they weren't satisfied with plans for handling storm water runoff at the airport.

The state said it also was concerned about several other aspects of the proposal, including its effect on stream flow in nearby Miller, Walker and Des Moines creeks.

The port filed a replacement application last week and hopes to win permit approval by mid-December. But Hart said it isn't likely to happen that fast.

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# More seek to stop runway

## Environmental groups want to join suit over fill

By Larry Lange, *Seattle P-I*

A battle over the fill used to build the third runway at Sea-Tac Airport has long been the source of local debate.

But now environmental groups from across the state want to take part, worried that what will be allowed at Sea-Tac may also be allowed in their back yards.

Yesterday 14 environmental groups joined an effort to overturn a law designed to aid construction of the runway. They fear the measure, which sanctions a controversial leaching test for fill at the runway, could have statewide implications.

The legislation is designed "to gut the Clean Water Act," said Greg DeBruler of Columbia Riverkeeper in White Salmon.

Backers don't agree. Legislators, pressed by the Port of Seattle during this year's session, adopted a law accepting the disputed leaching test for new runway fill. Most lawmakers accepted the word of the port and the Department of Ecology that the test would be enough to prevent contaminated runoff from the runway.

But almost a month ago the chief runway opposition group, the Airport Communities Coalition, asked the Washington State Supreme Court to block enforcement of the measure, saying it interferes with the judicial process and with enforcement of the federal Clean Water Act and amounts to unconstitutional, special-interest legislation.

Opponents have said the test, called a "synthetic precipitation leaching procedure," won't detect small enough concentrations of contaminants to predict whether they'll leach out over long periods of time. The coalition asked the high court to stop the state Department of Ecology from allowing the testing.

Although the battle started with the proposed runway, environmentalists now joining the coalition's effort said the new law has ominous implications elsewhere in the state.

DeBruler said the measure could lead to depositing of contaminated fill on shorelines such as those along the river. He said this concerns the 3,000 members of his group as the Army Corps of Engineers contemplates dredging the Columbia to deepen its channel.

"This (law) will allow anybody to use dirty fill anywhere somebody wanted to use it," he said. Greg Wingard, executive director of the Waste Action Project, said the leaching test yields inconsistent results because particles in sampled soil vary in size. He said the test doesn't use a strong enough chemical agent to flush out all contaminants where they can be analyzed. "It's not going to detect (pollutants) in a uniform manner," he said. He and others said the Legislature should not have acted before the high court ruled separately on the fill issue. A state board would not allow the

contamination test to be used, so the Ecology Department and port appealed to the Supreme Court.

"The separation of powers should stand, and any other powerful entity (like the port) should not be allowed to manipulate the Legislature, to use legislation as litigation," Wingard said.

Director Mike Petersen of the Spokane-based group The Lands Council said his group is concerned that contaminants could end up in landfills and leach out in nearby rivers when businesses haul polluted material from their sites.

"If it looks like an easy way out for industry ... what we find is a certain percentage of the industry will go along with that," said Petersen, whose organization has worked to clean up mining contamination in the Coeur d'Alene basin and the Spokane River.

The 14 groups, including those headed by DeBruler, Wingard and Petersen, filed a friend-of-the-court action yesterday asking, the high court to add their names to the coalition's in bringing the action.

It's not clear yet whether the court will allow the environmentalists to become part of the original action – or even hear the suit brought by the coalition, which names the Ecology Department and the port as respondents. A court commissioner will hear arguments from both sides on July 10 before the court decides whether to take the case. Neither the Ecology Department nor the port have been willing to comment on the legal arguments raised by runway opponents and the environmentalists. But Ann Kenny, the Ecology Department's senior regional planner in Bellevue, disputed statements environmentalists made about the test. She said the fill will be brought from uncontaminated sites but also will be checked with the test to make sure it is clean enough and must meet legal limits even after testing.

Rep. Kelli Linville, D-Bellingham, who headed the committee that approved the measure in the state House, denied that the Legislature acted improperly. She said the original bill was broadened to make it applicable statewide, not just for the runway. She said the Legislature has passed other measures expressing its intent on legal matters being considered by the court. She said the measure won't violate the Clean Water Act because of the precautions to be taken to screen the runway fill.

Airport spokesman Bob Parker said the port, which operates the airport, went to the Legislature on the fill issue because it didn't want any more delay in the runway.

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