

KEY POINTS IN THE C.A.S.E. / ACC APPEAL OF THE NPDES PERMIT FOR SEA-TAC AIRPORT

I. PORT WANTS WEAKER PERMIT; C.A.S.E. & ACC WANT A STRONGER ONE:

The Port of Seattle has appealed the latest version of its “NPDES” permit for water pollution from the Airport. They want the permit weakened. C.A.S.E. & the Airport Communities Coalition have also appealed, so that they can defend the good points of the permit, as well as asking the Pollution Control Hearings Board to fix some mistakes made by the Department of Ecology.

II. FIVE CRITICAL AREAS OF CONCERN: Our experts are most concerned about

- **De-icing compounds**
- **Protection of Lake Reba**
- **Contaminated soil going into the third-runway embankment**
- **Further delays in compliance with water-quality rules**
- **Consistent use of industrial-permit standards.**

De-icing compounds. De-icing compounds are highly toxic to fish & other wildlife. They must not be allowed to enter local streams. Sea-Tac Airport uses more than 100,000 gallons of glycols per year on its runways and taxiways, as well as significant quantities of acetate-based de-icers. Common sense, & rules of the U.S. Environmental Protection Agency, require monitoring of all airport outfalls that collect stormwater run-off from de-icing areas. This is not covered in the permit! Glycol is an industrial pollutant; de-icing is an industrial activity. All storm water (run-off) from this industrial activity, including glycols dripping or shearing from airplanes, must be regulated, or the glycols that shears off the planes when they take off, must be considered to be an industrial pollutant. Special procedures (“Best Management Practices” or “BMPs”) that specifically address glycols must be put in place to protect the creeks. The 2002 decision by the Pollution Control Hearings Board mandated these procedures. **As written, this permit effectively overrides the PCHB’s findings requiring strong protection against glycol contamination.**

Protection of Lake Reba. Lake Reba qualifies as “waters of the State” & is entitled to protection By the State’s general water-quality standards. The permit as it now stands would allow discharges of polluted water into Lake Reba without testing or identification of the pollutants in the discharges. This allows Lake Reba to be used as a “mixing zone”, where Airport discharges can be diluted – hidden – by other discharges from other nearby areas. **The permit should require the Port to monitor its discharges at the end of each & every discharge pipe before mixing with other water.**

Keeping contamination out of the third-runway embankment. The third-runway project still requires the importation of about 15 million more cubic yards of fill. We know from sworn testimony before the Pollution Control Hearings Board that some of the fill now in place came from heavily contaminated environmental clean-up sites. The Board also learned that the Port knowingly brought in materials contaminated to unacceptable levels by arsenic. Given the Port’s

propensity to use substandard fill, **adequate characterization of the construction stormwater run-off is essential to protect surface and ground-water quality.**

Timetable for compliance. Nearly ten years ago, the Port received its first NPDES permit for Sea-Tac Airport. That permit established a compliance schedule for the implementation of the most effective techniques for reducing water pollution (“all known, available, & reasonable methods to prevent, control, & treat ... “ or AKART). Long delays followed. On 1 March 1998, the Department of Ecology required the Port to implement AKART in the shortest possible time, but no later than 30 June 2004. The timeline for compliance in this newest permit is flawed in three different ways. (1) It extends the compliance schedule for another three years, with further opportunities for further delays thereafter. (2) The permit does **not** include all known, available, and reasonable methods of prevention, control, & treatment. (3) And, the permit does **not** require the Port to implement AKART. **When does it stop?**

Use of industrial standards. This is an industrial permit. The Airport is an industrial facility. The Port in the past has tried to get away with getting their permit changed to match the language in more permissive general permits, or municipal permits. Standards for industrial permits are stricter than general permits and municipal permits because that is what the law (very sensibly) requires. Any efforts by Ecology or the Port to dumb down any requirements of the industrial permit to more permissive language must be rejected. The permit does not consistently impose industrial standards. **It is time for Ecology to support the communities’ desire to get their creeks back, & to require the Port to meet water-quality standards.**

III. ERRORS IN DETAIL. CASE/ACC’s Notice of Appeal cites the following violations of law in the permit:

- Non-compliance of requirements for the use of AKART of toxicants in discharges from Sea-Tac Airport’s Wastewater Treatment Plant
- An illegal compliance schedule for the implementation AKART at the treatment plant. The permit schedule also violates the requirement for implementation of more stringent measurements of certain pollutants required to meet state water-quality requirements
- Permitting illegal discharges authorizes discharges to Des Moines Creek, Gilliam Creek, & the Northwest Ponds without requiring AKART
- Failure to require more stringent limitations on pollutants on stormwater discharges into Des Moines Creek, Gillian Creek, & the Northwest Ponds in order to meet state water-quality standards
- Failing to require adequate monitoring of Airport outfalls that collect run-off from areas where deicing or anti-icing occur
- Failure to implement several of the conditions of the PCHB’s “Findings of Fact, Conditions of Law and Order” in its order of 12 August 2002 (our previous appeal)
- Not recognizing that Lake Reba is part of the “Waters of the State” and thus, failing to give the lake the full protection of State water-quality standards
- Allowing Lake Reba to be used as a mixing zone to prevent adequate testing of airport pollution.
- Allowing illegal discharges from Lake Reba without requiring AKART
- Failure to provide adequate characterization of pollutants during construction related stormwater discharges and run-off into streams.

- Providing Ecology illegal authority to vary the terms and conditions of the permit in the future without complying with formal permit modification requirements of state and federal laws (no public process).