



Permitting the Alaskan Way Viaduct Project



Permitting the AWW/SRP Project

February 2007



Permitting the Alaskan Way Viaduct Project

Need for a Permit Strategy Document

Permit or Approval	Issuing Agency	General Conditions Requiring	Statutory Authority	Project Triggering Activities ^[1]
Federal Permits or Approvals^[2]				
Clean Water Act - Section 404 Individual and Nationwide Permits	USACE	Discharging, dredging, or placing fill material within waters of the US, drainage channels with a direct connection to surface waters, or adjacent wetlands.	33 USC § 1344 33 CFR § 323	In-water work, temporary over-water structures between piers, rip rap replacement; work on seawall, CSO/outfall work.
Rivers and Harbors Act - Section 10 Permit	USACE	Obstruction, alteration, or improvement of any navigable water (e.g., rechanneling, piers, wharves, dolphins, bulkheads, buoys).	33 USC § 401 et seq. 33 CFR § 322	Over-water structures between piers, rip rap replacement, work on seawall, and CSO outfall work.
Electrical Transmission Outage Request ^[3]	Bonneville Power Administration/ Regional Transmission Authority	Clearance and shutdown of electric transmission lines.	16 USC 832a 16 USC 832b	Regional transmission line relocation.
Marine Mammal Protection Act, Incidental Harassment Authorization	National Marine Fisheries Service (NMFS)	The "take" of protected species through activities that harass but do not harm or kill, generally through noise, vibration, or suspended sediment.	16 USC § 1361 et seq. 50 CFR §§ 101-108	In-water pile driving and any other in-water work.

^[1] As project design proceeds, additional triggering activities may be identified. This table is subject to change.

^[2] Note that Endangered Species Act approval is occurring under a separate process associated with the preparation of the Environmental Impact Statement.

^[3] This approval will be obtained by Seattle City Light in coordination with the project, as needed.



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State Permits or Approvals				
NPDES Individual Wastewater Discharge Permit (Tunnel facilities permit)	Ecology	Discharge or disposal of municipal and industrial wastewater into surface waters or groundwater, or to an NPDES-permitted wastewater treatment plant.	RCW 90.48 WAC 173-220	Discharge of water from the tunnel during operation over the life of the facility.
Clean Water Act - Section 401 Water Quality Certification	Ecology	Activity requiring a federal permit/license for discharge into navigable waters.	33 USC § 1341 RCW 90.48.260 WAC 173-225	In-water work, temporary over-water structures between piers, rip rap replacement, work on seawall, CSO/outfall work (any activity that also triggers a USACE Section 404 permit).
Temporary Water Quality Modification Approval would most likely occur as part of the Section 401 certification and not as a stand-alone approval. Approval must be issued by Administrative Order of some kind.	Ecology	Activity requiring a federal permit/license for discharge into navigable waters where water quality standards cannot be met for a short duration. Allowed on a case-by-case basis and only when no impact expected to fisheries or habitat.	WAC 173-201. A.110	Same work covered by Section 401 certification, but applicable in instances where water quality standards cannot be met. Approval would most likely occur as part of the Section 401 certification and not as a stand-alone approval. Approval must be issued by Administrative Order of some kind.



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State Permits or Approvals				
Coastal Zone Management Act Certificate	Ecology	Applicants for federal permits/licenses associated with any over- or in-water work are required to certify that the activity will comply with the state's Coastal Zone Management program (Shoreline Management Act).	16 USC 1451 et seq. 15 CFR 923-930 RCW 90.58	In-water work, temporary over-water structures between piers, rip rap replacement, work on seawall, CSO/outfall work (any activity that also triggers a USACE Section 404 permit).
NPDES Construction Stormwater Permit (Individual, although coverage under the General Permit may be available for portions of the work depending on how the project is phased.)	Ecology	All soil disturbing activities where construction activity will disturb one or more acres and will result in discharge of stormwater to receiving water and/or storm drains that discharge to a receiving water. Also required if detention facilities will be constructed to retain stormwater on site.	33 USC § 1342 40 CFR Parts 122, 123 and 124, Subchapter D WAC 173-226	Overall project demolition and construction activities, including utility relocations.
NPDES Wastewater Discharge Permit (Construction) ^[1]	Ecology	Discharge or disposal of municipal and industrial wastewater into surface waters or groundwater, or to an NPDES-permitted wastewater treatment plant.	RCW 90.48 WAC 173-220	Discharge of process water such as that resulting from dewatering, wheel washes, or sawcutting to surface waters, groundwater, or sewer system.

^[1] Control of process water could occur via this separate permit. It may also be possible to address the issue within the NPDES Construction Stormwater Permit. The Project Permit Team will confirm need for this permit with agency staff.



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State Permits or Approvals				
NPDES CSO Wastewater Discharge Permit	Ecology	Activities resulting in the disposal of waste material into a waterbody.	RCW 90.48 WAC 173-220	No new permit required, but will need to revise engineering report.
Hydraulic Project Approval	WDFW	Projects that will use, divert, obstruct, or change the natural flow or bed of any state waters (e.g., culvert work, realignment, bridge replacement), rip rap placement, work on seawall.	RCW 77.55.100 WAC 220-110	Seawall work, rip rap replacement, sheet pile walls, temporary over-water structures.
Archaeological Excavations [1]	Washington Department of Archaeology and Historic Preservation	Excavation of archaeological objects or resources.	RCW 27.44 RCW 27.53 WAC 25-48-060	If archaeological resources are identified during construction.
Aquatic Lands Use Authorization	WDNR	Using state-owned aquatic lands (includes harbors, state tidelands, shorelands, and beds of navigable waters).	RCW 79.90 WAC 332-30 RCW 47.12.026	Possibly for seawall work, outfall replacement, and any other proposed, use of WDNR lands.

[\[1\]](#) The Section 106 process is being completed concurrently with the Environmental Impact Statement should be complete by the time project permitting begins, and is not discussed in this document.



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State Permits or Approvals				
Elevator Permit	Department of Labor and Industries	Installation or alteration of an elevator or other conveyance.	RCW 70.87 WAC 296.96	Installation of elevators for construction or permanent structure.
NPDES Municipal Stormwater General Permit (Operations) (MS4) [1]	Ecology	Discharge of municipal stormwater.	RCW 90.48 WAC 173-220	No new permit will be required. The project will be covered under the City's existing permit.

[\[1\]](#) SPU operates the City's Stormwater and Combined Sewer Overflow systems and manages the two NPDES permits listed in this table for these systems. WSDOT is also a municipal permittee under the NPDES program and holds a Municipal Stormwater Permit. State roadways would ordinarily be subject to the conditions of WSDOT's NPDES Municipal Permit, but in this case, since the project work will involve revisions to the City's stormwater system and the project will drain to the City's system, it is anticipated that the project will be covered under the City's NPDES Municipal Permit.



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Local Permits or Approvals				
Master Use Permits (e.g., Shoreline Substantial Development Permit)	DPD	<p>Master Use Permits are required for projects requiring one or more land use approvals or decisions listed in SMC 23.76.006. Examples of activities requiring Master Use Permits include:</p> <ul style="list-style-type: none"> • Establishment or change of use for uses permitted outright. • Temporary uses for four (4) weeks or less not otherwise permitted in the zone. • Temporary relocation of police and fire stations for twelve (12) months or less. • Procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction. • Shoreline substantial development permits (any “substantial development” within 200 feet of the waters of the state. 	<p>Master Use Permit: SMC 23.76 Shoreline: SMC 23.60</p>	<p>Central waterfront work, in-water work, outfall replacement, utility relocations.</p>



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Local Permits or Approvals				
Environmentally Critical Areas Ordinance Review	City of Seattle Department of Planning and Development (DPD)	Construction activities that are proposed in or near designated Critical Areas. (At this time the only Critical Areas identified are Liquefaction Prone and Landslide Prone areas.	SMC 25.09	Central waterfront work, in-water work.
Building Permit	DPD	Design and construction of new buildings or structures.	SMC 22.100	Construction of new buildings or structures outside of AWVSRP ROW.
Grading Permit	DPD	Depending on location and zoning, construction activities that would alter grades by certain amounts or involve various cumulative volumes of excavation, fill, dredging, or other earth movement require a grading permit.	SMC 22.804	Grading activities outside of the ROW. Grading within the ROW is specifically exempted from this type of permit.
Stormwater and Drainage Control Review	DPD	Any land disturbing activities, construction of new impervious surface over 750 square feet, and all discharges of surface water that drain into drainage systems and certain surface waters.	SMC 22.802	Most likely for work outside of ROW.
Demolition Permit	DPD	Removal of an existing structure.	SMC 23.76	For removal of Viaduct or other existing structures, including buildings.



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Local Permits or Approvals				
Side Sewer Permit for dewatering	DPD	Temporary construction dewatering and discharge of dewatering to storm, sanitary, or combined sewer systems.	Director's Rule 3-2004, and SPU Rule 02-04, SMC 21.16	For stormwater and wastewater utility work.
Side Sewer Permit, for replacement, construction or repair	DPD	Repair of existing or construction of new side sewer connection to public sewer system.	SMC 21.16	Excavations that may require temporary removal and replacement of existing side sewers.
Landmark Building Approval	City of Seattle Department of Neighborhoods (DON)	Activities that might impact a designated landmark.	SMC 25.12	Buildings 25 years or older may qualify as landmarks.
Seattle Noise Code Noise Variance	DPD	Activities that would exceed established noise standards based on zoning, time of day and type of activity. Type of equipment used may affect ability to meet noise code requirements.	SMC 25.08	Work outside of hours established by code or noise levels louder than those established by code.
Construction Dewatering Approval	King County	Discharge of water from construction dewatering activities into sanitary sewer system (Elliott Bay Interceptor).	KCC 28.84	Discharge of water from construction dewatering activities into sanitary sewer system (Elliott Bay Interceptor).



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Local Permits or Approvals				
Contractor Permits Building, Mechanical, Electrical, Demolition, Sign, Elevator, Fire Alarms, and others.	DPD	Various building and construction activities.	SMC Title 22 Uniform Building Codes	Contractor schedule for these triggering activities - items such as electrical, plumbing, and mechanical work, temporary and permanent signs, installation of fire alarms, construction and use of elevators, energy inspections, and several others.
Street Use Permits - Numerous types of street use permits will be required for this project. The following are examples of permits that will most likely be required: <ul style="list-style-type: none"> •Utility Permits (System Construction, Side Sewer Use of ROW, Service Connects, Maintenance). •Term Uses (long-term street level occupation for structures in ROW, skybridges or bridges over ROW, tunnels under ROW). •Shoring and Excavation •Construction Uses (Support activities, such as: staging, materials storage, curb crossings and equipment setups). 	City of Seattle Department of Transportation (SDOT)	Various activities requiring improvement, modification, or use of a public ROW.	SMC Title 15 City Ordinance 108200 SMC 15.04	Almost any work within City ROW will require a street use permit. Subject activities include: those that require the detour of traffic; that will result in large truck traffic in the Downtown Traffic Control Zone; and that will involve removal/ decommissioning of existing underground storage tanks, use of City sidewalks, and work in areas outside the construction boundaries. Work within the ROW consisting of construction support such as staging, materials and equipment storage is also subject to this permit.



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Local Permits or Approvals				
Underground Storage Tank Decommissioning	City of Seattle Fire Department	Decommissioning of any underground residential heating oil tank or commercial tank.	Section 105.7.6 of the Seattle Fire Code Chapter 34, Administrative Rule 34.03.04 (SMC 22.602)	UST tank decommissioning.
Historic District Approvals <ul style="list-style-type: none"> o Pioneer Square Preservation Board o International Special Review District o Pike Place Market Historical Commission 	City of Seattle Department of Neighborhoods (DON); Preservation Boards	Any proposed new buildings or structures, or changes to existing buildings/structures within the historic district, require review.	SMC 23.66 SMC 25.24	Work in any of these historic districts. Three separate approval processes.



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Major Issues Addressed by Permit Strategies

- Use of interagency agreements to provide dedicated agency staff
- Managing timing in submittal of permit applications
- Creative and interactive management of permit processes and timeline
- Close coordination of permitting staff with construction and compliance processes
- Documenting permit processes and decision-making
- Coordination with permitting agencies through project closeout
- Use of quality control and quality assurance measures
- Use of change/adaptive management systems
- Use of risk management processes



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The Strategies

For WSDOT processes and activities develop:

- **Risk Management Plan**
- **Change Management Plan**
- **QA/QC Plan**



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Strategies - continued

Use of interagency agreements to provide dedicated regulatory agency staff

- Will use existing agreements and develop new where needed
- To maximize efficiency in coordination with agency staff



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Strategies - continued

Managing timing in submittal of permit applications

- Assuring sequential applications where needed; confirming linkages
- Submitting applications for permits with long lead times as early as possible
- Submitting applications for review prior to completion of SEPA/NEPA
- Coordinating with the Design Team in preparing timely information for permit applications



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Strategies - continued

Creative and interactive management of permit processes and timeline

- To use special agreements to address permitting needs and processes
(Sound Transit process with City of Seattle for instance)
- To batch or group applications into one permit review as much as possible
- To investigate possibilities for agencies to use performance standards in permitting
- To proactively review draft permit conditions prior to permit issuance



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Strategies - continued

Close coordination of Project permitting staff with construction and compliance processes

- To use specialized Project staff and both formal and informal processes to interact with contractors during construction
- To ensure a field presence of environmental Project staff during construction helping to assure permit compliance
- To ensure that permit conditions are adequately conveyed into contract specifications
- To ensure continued regulatory compliance if project scope should change during construction



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Strategies - continued

Documenting permit process and decision-making

- To create a clear record in the event of subsequent questions or legal challenge
- To ensure that project close-out is performed adequately
- To use a formal Commitment File and processes to track issues and record agency decisions made during project review



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Strategies - continued

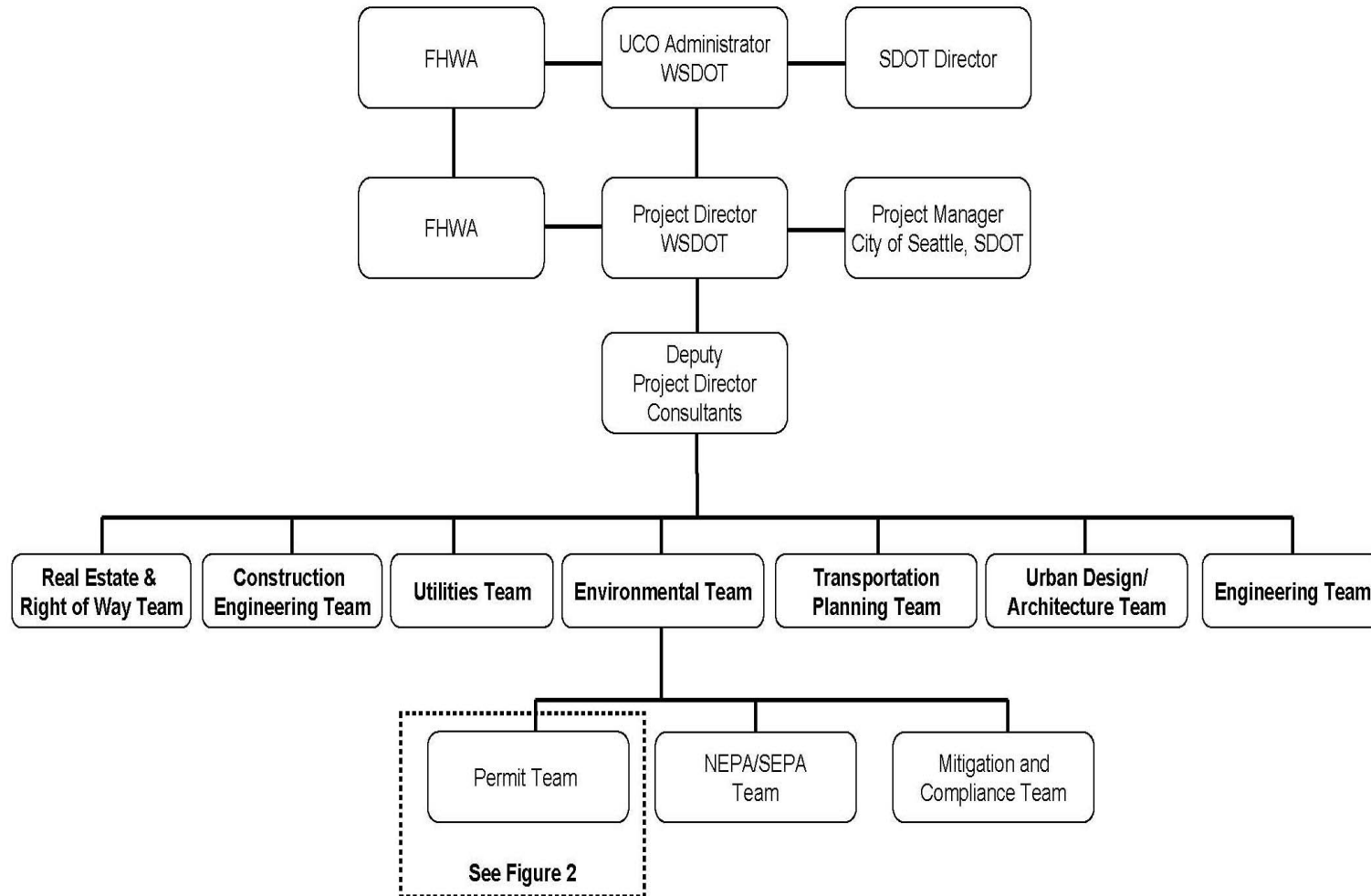
Coordination with permitting agencies through project closeout

- To ensure that all construction-related environmental obligations of the contractor and of WSDOT are fulfilled
- Using dedicated specific staff (Environmental Mitigation and Compliance Team) to assure coordination and closure of environmental issues



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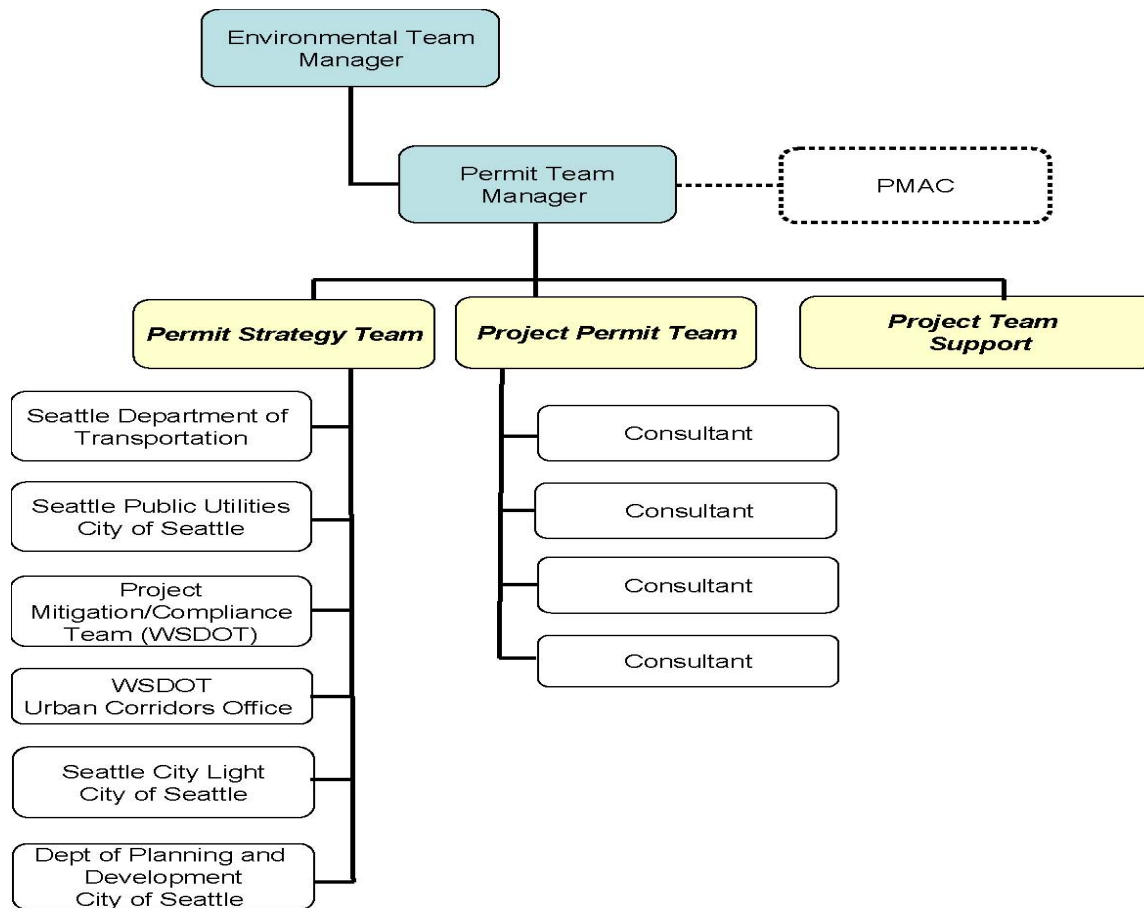
On-going Roles of Project Staff – Integrated Project Team





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On-going Roles of Project Staff - Figure 2 - Permit Team





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Perhaps the Most Important Strategy Component

- Use of interagency agreements to provide dedicated agency staff
 - Managing timing in submittal of permit applications
 - Close coordination of permitting staff with construction and compliance processes
 - Documenting permit process and decision-making
 - Coordination with permitting agencies through project closeout
 - Creative and interactive management of permit processes and timeline
- Need for a Permit Form



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Anticipated Role of the Permit Forum

Permit Forum – Proposed group of regulatory agency staff with whom the Project would interact proactively on permitting issues

Forum could function similarly to WSDOT's Multi-Agency Permitting (MAP) Team

- Members serve as the main point of contact for each agency
- Members participate in on-going project development meetings
- Members provide review of project design submittals and plans
- Members conduct early review of permit applications
- Member agencies share draft conditions and/or permits for review prior to issuance
- Members work collectively to assure an efficient permitting process with no conflicting permit conditions
- Members conduct site visits as needed to personally review project components and impacts



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Permit Forum Issues to Resolve

- Options for staffing - current RALF representatives?
 - ❖ Staff who will be reviewing applications should ideally be the Forum members
 - ❖ Importance of staff ability to coordinate previous and ongoing agency EIS work and knowledge with permitting actions
 - ❖ Need for dedicated agency staff due to project timeline and complexity
- How often to meet
- How Project Permit Team will support and interact with them
- How the group will operate – The Charter



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First Meeting(s) of the Permit Forum

- **Agenda - Develop and Agree to a Charter**
- **Hold First Permit Forum Meeting In March?**