

Yee
EXHIBIT NO. 21
12-17-01
M. Green

Kenny, Ann

From: Fitzpatrick, Kevin
Sent: Monday, June 04, 2001 4:27 PM
To: Yee, Chung K.
Cc: Alexander, Steve (ECY); Thompson, Craig E.
Subject: FW: Acceptable Fill Criteria Language for Draft 401 Certification

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Chung Yee: I apologize for my oversight on the original distribution of this e-mail. The scope of work that I see remaining on providing acceptable fill criteria language for the drafting of a 401 Water Quality certification would include:

- 1) Review of the previous draft language on clean fill and determine its suitability for the draft 401 Certification
- 2) Response to comments and concerns raised by Pete Kmet on this language
- 3) Review and incorporation into acceptable fill criteria language for the 401 Certification the conditions set on fill quality and placement in the recent Biological Opinion issued by US Fish & Wildlife Service on the Sea-Tac Master Plan Improvements project.

I see your involvement primarily in items 1 & 2, essentially closing out on a project you were involved with during your tenure with NWRO Water Quality relying on your TCP technical expertise. I would anticipate that this effort would require at the most 16 hours of your time between now and the end of June. Your involvement ends when there is draft language for the 401 Certification on acceptable fill that is technically consistent with TCP policy and guidance and does not contradict or present a conflict with MTCA regulations.

Kevin Fitzpatrick
Section Manager
NWRO Water Quality Program

-----Original Message-----

From: Fitzpatrick, Kevin
Sent: Friday, June 01, 2001 3:02 PM
To: Kenny, Ann; Wang, Ching-Pi
Cc: Helliwig, Raymond; Alexander, Steve (ECY)
Subject: Acceptable Fill Criteria Language for Draft 401 Certification



Draft Language for RE: Draft Language RE: Clean Fill
Clean Fill ... for Clean F... Criteria Langua...

Ann: Here is what has been worked up to date by myself and Chung Yee on the criteria for determining acceptable fill material at Sea-Tac Airport. Also, please note that one of the e-mails includes the review comments and concerns of Pete Kmet with TCP on this proposed language for the 401 Certification.

Kevin C. Fitzpatrick
Section Manager
Water Quality Program, NWRO
phone: 425-649-7033

AR 017293

DOE 8/28/01 00046

Kenny, Ann

From: Fitzpatrick, Kevin
Sent: Thursday, August 24, 2000 3:22 PM
To: Luster, Tom; Yee, Chung K.
Subject: Draft Language for Clean Fill Criteria in 401 Certification

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Tom & Chung Yee: Please find attached some proposed draft language for the clean fill criteria portion of the 401 Certification for the Third Runway. Feel free to hack away as you see fit.



Clean Fill Criteria
for 401 Ce...

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AR 017294

DOE 8/28/01 00047

E6. Borrow sites:

The use of fill from Port of Seattle borrow sites or other sources may result in impacts to wetlands or other waters of the state requiring additional review and approval by Ecology. The Port shall notify Ecology when the use of borrow sites on their property or from other sources may result in any potential impacts to waters of the state.

E7. Clean Fill Criteria, Certification, and Monitoring: The Port shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts. The Port shall adhere to the following conditions for fill used for this project:

E7a. Fill material shall be derived from the following sources only:

- State-certified borrow pits
- Contractor-certified construction sites
- Port-owned property

E7b. Documentation: For materials derived from the three sources listed above, the Port and/or its contractors shall provide documentation to Ecology that a source has been certified to contain materials that are considered as clean fill. This documentation shall provide sufficient information to Ecology to evaluate whether or not the fill sources contain toxic materials in toxic amounts.

This documentation of a source's clean fill certification shall at a minimum contain the information described in E7c and shall be provided to Ecology's Water Quality Program at its Northwest Regional Office in Bellevue, WA no later than two business days prior to the acceptance of any of the source materials at a Sea-Tac International Airport construction site.

E7c. The information requirements on a source's certification shall contain at a minimum the following elements:

1. Site description with the site name and address, site plan indicating the extent of excavation, project schedule and estimated quantity of fill to be removed from the site.
2. Site investigation report which will contain at a minimum the following:
 - (a) Observation of the source area and adjacent areas by an environmental professional which includes reports of any known probability of environmental impact from historical use on site or on adjacent areas.

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- (b) Due diligence review of whether the source locations or adjacent areas are listed on the most current editions of the following Ecology databases:
- (1). The confirmed or suspected Contaminated Sites list;
 - (2). The Underground Storage Tank listings;
 - (3). The Leaking Underground Storage Tank listings.
- (c) Due diligence review of source area geologic conditions and use or operational history of the site and adjacent areas sufficient to identify potential environmental contaminants.
- (d) If no existing documentation exists for review on the site's history, then a review of site aerial photos, person or persons familiar with the site and adjacent areas and other due diligence methods will be employed to provide a site history.
- (e) At a minimum, fill material from all sites shall be analyzed for TPH and priority pollutant metals and compared with MTCA Method A cleanup standards. Based on the site investigation and review of its operational history, an environmental professional will determine whether any additional analyses are appropriate, including but not limited to, analyses by MTCA Method B cleanup standards. The sampling frequency for sites where the investigation indicates no suspected contamination will be in accordance with Table 1. Sites with suspected contamination or with complex conditions will require consultation with the Department of Ecology, Water Quality Program, NWRO to determine the appropriate sampling frequency.

VOLUME OF SOIL (cubic yards)	MINIMUM NUMBER OF SAMPLES
<1,000	2
1,000 – 10,000	3
10,000 – 50,000	4
50,000 – 100,000	5
>100,000	6

3. Every source certification will list the initial placement of fill location and its grade elevation. The Port of Seattle will also provide quarterly summaries of each certified source of fill which lists the certified sources employed in that quarter, quantities of fill material from those sources, and the locations and elevation grades for the placement of those fill sources on Port of Seattle property.

Additional conditions or corrective actions may be required based on Ecology's review of the documentation.

E7d. Any changes to the criteria or process described in the above conditions is subject to review and written approval by Ecology.

AR 017297

DOE 8/28/01 00050

Kenny, Ann

From: Yee, Chung K.
Sent: Thursday, August 24, 2000 5:16 PM
To: Fitzpatrick, Kevin
Subject: RE: Draft Language for Clean Fill Criteria in 401 Certification

DELIBERATIVE DOCUMENT CURRENTLY EXEMPT FROM PUBLIC DISCLOSURE

Below are my comments on the draft.

E6. It sounds like we are allowing the Port to use problem fill as long as the Port notify Ecology. I think the second sentence should exclude the use of inappropriate fill that may result in any potential impacts to waters of the state.

E7c.2.(b) Should include appropriate EPA databases and the first list should read as "Confirmed & Suspected Contaminated Sites Report"

E7c.2.(e) "The fill material shall be analyzed for the potential contaminant(s) identified in the environmental site assessment. At a minimum, fill material from all sites shall be analyzed for TPH and Priority Pollutants metals for compliance with MTCA method A soil cleanup levels." In the absence of MTCA method A soil cleanup levels, the potential contaminants shall comply with MTCA method B "100 X Groundwater" soil cleanup levels." The sampling frequency . .

See if you want to add E7c.2.(f) after the sampling requirement table. This is a repeat of a sort since the term "environmental professional" is already used in couple of places.

(f) All work shall be performed by an environmental professional, with appropriate training, experience and expertise in environmental site assessment.

E7c.3. I don't think they know where the placement location yet. The location should be included in the as-builts to be submitted quarterly.

—Original Message—

From: Fitzpatrick, Kevin
Sent: Thursday, August 24, 2000 3:22 PM
To: Luster, Tom; Yee, Chung K.
Subject: Draft Language for Clean Fill Criteria in 401 Certification

DELIBERATIVE DOCUMENT CURRENTLY EXEMPT FROM PUBLIC DISCLOSURE

Tom & Chung Yee: Please find attached some proposed draft language for the clean fill criteria portion of the 401 Certification for the Third Runway. Feel free to hack away as you see fit.

<< File: Clean Fill Criteria for 401 Certification.doc >>

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AR 017298

DOE 8/28/01 00051

Kenny, Ann

From: Yee, Chung K.
Sent: Monday, September 11, 2000 3:32 PM
To: Fitzpatrick, Kevin
Subject: RE: Clean Fill Criteria Language for the 401 Water Quality Certification on the Sea Tac Third Runway

I just talked to Pete. He is concerned with the Arsenic limit. Because TCP did not do arsenic in the new stds, he think 20 is too high and it should be set at background. Background in Western Washington is 7 to 8. He think they should do ground water monitoring now, ongoing.

We also talked about the sampling frequency.

Paul Agid called and he wants to talk about clean fill requirements. I left him a voicemail. Do you want to do a conference call?

-----Original Message-----

From: Fitzpatrick, Kevin
Sent: Monday, September 11, 2000 2:36 PM
To: Yee, Chung K.; Marchioro, Joan (ATG); Luster, Tom
Subject: FW: Clean Fill Criteria Language for the 401 Water Quality Certification on the Sea Tac Third Runway

To all: Pete Kmet has provided some very sound recommendations for the final language on clean fill criteria in the 401 Certification (when and if we issue a 401 Certification for the project). His recommended changes appear in the attached document below.

Kevin

-----Original Message-----

From: Kmet, Peter
Sent: Monday, September 11, 2000 11:51 AM
To: Fitzpatrick, Kevin
Subject: RE: Clean Fill Criteria Language for the 401 Water Quality Certification on the Sea Tac Third Runway

Here are my comments. Make sure you open the attachment.

<< File: Clean Fill Criteria for 401 Certification.doc >>

-----Original Message-----

From: Fitzpatrick, Kevin
Sent: Friday, September 08, 2000 12:52 PM
To: Kmet, Peter
Subject: Clean Fill Criteria Language for the 401 Water Quality Certification on the Sea Tac Third Runway

DELIBERATIVE DOCUMENT CURRENTLY EXEMPT FROM PUBLIC DISCLOSURE

Pete: The following are additions that have been made to the 401 Certification language which are not reflected in the attached Word document below.

E6. It sounds like we are allowing the Port to use problem fill as long as the Port notify Ecology. I think the second sentence should exclude the use of inappropriate fill that may result in any potential impacts to waters of the state.

E7c.2.(b) Should include appropriate EPA databases and the first list should read as "Confirmed & Suspected Contaminated Sites Report"

E7c.2.(e) "The fill material shall be analyzed for the potential contaminant(s) identified in the environmental site assessment. At a minimum, fill material from all sites shall be analyzed for TPH and Priority Pollutants metals for compliance with MTCA method A soil cleanup levels in

WAC 173-340-740." In the absence of MTCA method A soil cleanup levels, the potential contaminants shall comply with MTCA method B "100 X Groundwater" soil cleanup levels."
[There is more to Method B than the 100 X standard. Also, we are in the process of changing that to another model and so this is no longer valid.] The sampling frequency . .

[NOTE: there are two method A cleanup tables, unrestricted and industrial soils. I'm assuming you mean unrestricted soil cleanup levels, which is why I added the reference. However, there is a problem with this language in that Method A does not have standards for all contaminants AND they are in the process of being changed. I wonder if you should instead cite natural background as the standard.]

[The reference to Method B makes no sense because Method B does not specify specific substances to analyze for. If I had to say anything here, I would say "contaminants with the potential to be in the fill material based on historical site use, available records and previous test data. For these contaminants the standard would have to be based on Method B soil cleanup levels in WAC 173-340-740. Again, there is a bit of a problem because the standards are changing.]

See if you want to add E7c.2.(f) after the sampling requirement table. This is a repeat of a sort since the term "environmental professional" is already used in couple of places.

(f) All work shall be performed by an environmental professional, with appropriate training, experience and expertise in environmental site assessment.

E7c.3. I don't think they know where the placement location yet. The location should be included in the as-builts to be submitted quarterly.

<< File: Clean Fill Criteria for 401 Certification.doc >>

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