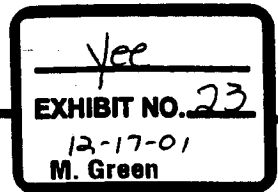


Kenny, Ann



From: Yee, Chung K.
Sent: Tuesday, June 19, 2001 11:29 AM
To: Fitzpatrick, Kevin
Cc: Thompson, Craig E.
Subject: RE: Acceptable Fill Criteria Language for Draft 401 Certification

I'm in the process of going through the cleanup levels presented in the Biological Opinion. I could not come up with the same numbers. Called FWS and was told the numbers came from the Port. Can I call the Port? If yes, can you please give me the name/phone number. Thanks

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

From: Fitzpatrick, Kevin
Sent: Tuesday, June 19, 2001 10:16 AM
To: Yee, Chung K.
Subject: RE: Acceptable Fill Criteria Language for Draft 401 Certification

The down-gradient ground water, though not currently used as a drinking water source, could be used as a drinking water source and would need to be protected as such.

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

From: Yee, Chung K.
Sent: Tuesday, June 19, 2001 9:56 AM
To: Fitzpatrick, Kevin
Subject: RE: Acceptable Fill Criteria Language for Draft 401 Certification

Thanks.

Is the ground water down-gradient of the fill site being/can be/will be used as drinking water?

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

From: Fitzpatrick, Kevin
Sent: Monday, June 18, 2001 10:46 AM
To: Yee, Chung K.
Cc: Kenny, Ann; Marchioro, Joan (ATG)
Subject: RE: Acceptable Fill Criteria Language for Draft 401 Certification

Chung Yee - From discussions with Ann Kenny and AAG Joan Marchioro, I have learned that it is Ecology's intent for acceptable fill criteria in the 401 WQ Certification to "stand alone" from what US FWS issued on fill material in its Biological Opinion. US FWS is using its authority under ESA to mitigate and minimize any harmful impacts from the project to endangered or threatened species.

We're trying to generate requirements in the 401 that provide reasonable assurance that "no toxic materials in toxic amounts" is introduced to wetlands and waters of the state, as well as requirements necessary for continued monitoring of groundwater and surface water conditions to ensure that neither our state groundwater nor surface water standards are being violated. We do not have to incorporate F&W requirements. We should, however, make an effort to avoid any contradicting or conflicting language in the language we develop for the 401 certification with their requirements. In avoiding conflicting language, we are still allowed to require conditions that may exceed those requirements set forth for fill in US FWS Biological Opinion. An example of this would be that their conditions appear to prohibit contaminated only in an area of 20' or less above the third runway underdrain, whereas we will be prohibiting material that has been evaluated as contaminated from being used as fill anywhere in the project.

So, in developing the final language there is no need to incorporate US FWS language, but we do need to be mindful that our language will not conflict or confound what that agency is attempting to do in its Biological Opinion requirements on fill.

Kevin

AR 017302

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

From: Yee, Chung K.

Sent: Monday, June 18, 2001 9:50 AM
To: Fitzpatrick, Kevin
Cc: Thompson, Craig E.
Subject: RE: Acceptable Fill Criteria Language for Draft 401 Certification

Do you have the final version of the Fill Criteria Language (w/Fish and Wildlife requirements)? Or do you want me to draft one incorporating F&W requirements for TCP Policy review? Please let me know. Thanks.

Just to let you know, I'll be moving to another cube this Thursday/Friday and will not be available.

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

From: Fitzpatrick, Kevin
Sent: Wednesday, June 13, 2001 8:57 AM
To: Yee, Chung K.
Cc: Thompson, Craig E.; Dahlgren, Curtis A.; Nord, Tim; Kmet, Peter; Kenny, Ann; Hellwig, Raymond; Wang, Ching-Pi
Subject: RE: Acceptable Fill Criteria Language for Draft 401 Certification

Chung Yee: Will Pete provide recommended language for a "terrestrial ecological evaluation" that could be used as a condition in the 401 Certification, as well as a list of additional contaminants that would need to be tested in the fill material brought in for Master Plan improvements at Sea-Tac Airport?
Kevin

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

From: Yee, Chung K.
Sent: Wednesday, June 13, 2001 8:42 AM
To: Fitzpatrick, Kevin
Cc: Thompson, Craig E.; Dahlgren, Curtis A.; Nord, Tim
Subject: Acceptable Fill Criteria Language for Draft 401 Certification

DELIBERATIVE DOCUMENT CURRENTLY EXEMPT FROM PUBLIC DISCLOSURE

On Monday June 11, Mr. Craig Thompson had a limited discussion with Mr. Pete Kmet of the HQ/TCP on this project. Mr. Kmet recommended MTCA should not be used for the establishment of clean-fill criteria for the Seattle-Tacoma International Airport Third Runway project. However, if MTCA is to be used for this purpose, Mr. Kmet further recommended all other requirements of the MTCA should be applied for the establishment of the clean fill criteria.

I have interpreted his MTCA requirements at minimum as requiring: 1) a larger listing of potential contaminants for testing, 2) ground water monitoring for compliance with the ground water and/or surface water criteria, and 2) terrestrial ecological evaluation. There may be other requirements that will need to be identified prior to finalizing the "Acceptable Fill Criteria Language."

Since his recommendations are considered as the department policy with respect to this project, therefore it would be inappropriate for me to comment on his recommendations.

Please advise as to my scope-of-work. In the interim, I will proceed to review the biological opinion by US Fish and Wildlife Service on the Master Plan Update Improvements. From your previous emails, I understand you/NWRO will be meeting with the US Fish and Wildlife Service to finalize an acceptable set of fill criteria. Per agreement, I will start my review of the Clean Fill Criteria based on the most recent draft language, i.e., post US Fish and Wildlife Service meeting.

One final note, I do not know how to implement many of the MTCA requirements, e.g.,

terrestrial ecological evaluation, in the context of the Third Runway fill project. For these additional MTCA requirements, please consult with the NWRO/TCP staff for implementation assistance.