



United States Department of the Interior

NATIONAL PARK SERVICE
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June 11, 2021

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DEPT OF ECOLOGY
TCP - NWRO

Washington Department of Ecology
3190 160th Ave SE, Bellevue, WA 98008

Re: Identification of State Applicable or Relevant and Appropriate Requirements for the Engineering Evaluation/Cost Analysis for the Newhalem Penstock Site in North Cascades National Park Complex, Washington

On behalf of the National Park Service (hereinafter "NPS"), I am writing to request that the Washington Department of Toxic Substances Control (hereinafter "DTSC") and associated divisions/branches/offices identify potential State of Washington (hereinafter "State") chemical-specific, location-specific, and/or action-specific Applicable or Relevant and Appropriate Requirements (hereinafter "ARARs") pursuant to Section 121(d)(2)(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (hereinafter "CERCLA"), 42 U.S.C. § 9621 (d)(2)(A), for the Newhalem Penstock in North Cascades National Park Complex, Washington (hereinafter "Site") as required by Section 104(b)(2) of the CERCLA. 42 U.S.C. § 9604(b)(2). The NPS is investigating the release of hazardous substances at the Site pursuant to the authorities of Section 104 of the CERCLA, which have been delegated by Executive Order to the Secretary of the Department of the Interior and re-delegated to the NPS.

Background

North Cascades National Park Complex was established in 1968 when administration of the land shifted from the United States Forest Service to the NPS. That land included the Site, which provides visitors an opportunity to learn the history of the dams. The Newhalem Penstock and associated structures are located on approximately 2.5 acres of land that is owned by the United States and managed by the NPS, but the infrastructure is owned, operated, and maintained by SCL.

The Newhalem Penstock site is located within Ross Lake National Recreation Area directly across the Skagit River (on the south side) from the unincorporated community of Newhalem, Washington. Newhalem is located along a small stretch of land between the Skagit River and Washington State Highway 20. The Site is accessible via a one lane bridge and campground road network that traverses through the NPS Newhalem Campground,

approximately a quarter mile from the Site. The Site is also accessible via the Trail of Cedars that starts in the town of Newhalem. The Site is approximately one-third mile upstream of Newhalem Creek's confluence with the Skagit River.

SCL operates the project, comprising a powerhouse, penstock, bedrock power tunnel, and creek diversion structure, under a Federal Energy Regulatory Commission (FERC) license. The 30-inch diameter penstock is 1,122 feet long and conveys water to the Newhalem powerhouse. Approximately 904 feet of the penstock is above ground and historically rested on wood frame supports, or pedestals, with bases of wood, concrete, or stone. Built in the 1920s, the penstock is now over 75 years old and the wooden supports became no longer capable of safely supporting the penstock. Several of these saddles were burned in the August 2015 wildland fire and temporary supports were installed at four saddle locations as an emergency project to prevent the penstock from being damaged by buckling.

Site Investigation Results

SCL has conducted two investigations in the project area to date. Soil sampling was conducted in August 2014 in the immediate vicinity of the penstock, and additional sampling was conducted in October 2015 to further evaluate the extent of soil contamination. Samples were also collected in April 2016 from the wood saddles to determine the specific type of preservatives in the wood. Results from the soil sampling indicated that soil in the vicinity of the penstock contained levels of lead and arsenic above Washington State's Model Toxics Control Act (hereinafter "MTCA") cleanup levels. Wood sample analysis results indicated the wood was preserved with coal-tar creosote. In some locations, soil within approximately 2-3 inches of the wood saddles contained levels of carcinogenic polycyclic aromatic hydrocarbons (hereinafter "PAHs") above MTCA cleanup levels. The reports from the investigations are available in the Administrative Record, which can be found on the Site's website. The link to the website is as follows:
<https://parkplanning.nps.gov/projectHome.cfm?projectID=56286>

These initial investigations only compared Site contaminants to cleanup levels protective of human health for unrestricted land use. These investigations did not include a site-specific terrestrial ecological evaluation to determine chemicals of ecological concern, exposure pathways, terrestrial ecological receptors of concern, and ecological-based cleanup levels.

Time-Critical Removal Action

In order to comply with FERC dam safety guidelines, SCL replaced the badly deteriorated wooden saddles, the majority of which (52) are made from treated wood. Several of these saddles were burned in the August 2015 wildland fire and temporary supports were installed at four saddle locations as an emergency project to prevent the penstock from being damaged by buckling. SCL has replaced the 52 wooden saddles, including the five temporary supports, with permanent cast-in-place concrete saddles. Soils around the penstock are known to contain elevated levels of lead, arsenic, and PAHs. The lead is from old paint on the penstock; the arsenic and PAHs are from the treated timbers used for the saddles. Contaminated soils were excavated as part of removing the wooden saddles and

constructing formwork for cast-in-place concrete footings and saddles. The approval of the TCRA authorized the removal and disposal of contaminated soil that had to be excavated to complete the scope of work during the penstock saddle replacement project.

The NPS has completed the TCRA in accordance with the CERLA to mitigate potential risks to public health, welfare, and the environment from the release or threat of release of hazardous substances along the Newhalem Penstock within Ross Lake National Recreation Area.

EE/CA Development

The reports referenced above contain comprehensive Site characterization data to support your identification of chemical-specific and location-specific State ARARs. In addition, please identify State action-specific ARARs. The State of Washington may also identify and other criteria, advisories, guidance, and proposed standards that the State would like to have considered as part of the development and evaluation of cleanup alternatives for the Site. Under CERCLA Section 121(d)(2)(A) and the National Contingency Plan (NCP), 40 CFR §§300.400(g) and 300.515 (d) and (h), timely identification of potential State ARARs is required. To ensure timely and complete ARARs identification, please include the following information to your request:

- A specific citation to the statutory or regulatory provision(s) for the potential State ARAR and the date of enactment or promulgation.
- A brief description of why the potential State ARAR is applicable or relevant and appropriate to the particular NPS Site.
- A description of how the potential State ARAR would apply to potential remedial action, including: specific numeric discharge, effluent, or emission limitations; hazardous substance/constituent action of cleanup levels; etc, if the State intends to take a position that the potential State ARAR includes such limitations.

If the State believes its proposed ARAR is more stringent than the corresponding federal ARAR, please provide the rationale and technical justification for this determination. If the State determines there is not enough information to fully respond to this request, please identify the specific information that would be required to support the identification of State ARARs and their application for the listed Site.

If you have any questions about the Site, please contact Stephen Mitchell by email at Steve_Mitchell@nps.gov.

Sincerely,

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MITCHELL STEPHEN MITCHELL
Date: 2021.06.14
03:40:48 -07'00'

Stephen J Mitchell, P.E.
Chief, Operations/Environmental Programs Branch

cc: Travis Kraft, North Cascades National Park