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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
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December 4, 2024

Stefano Schnitger
Chehalis Generation Facility
1813 Bishop Road
Chehalis, WA 98532-8732
Stefano.Schnitger@pacificorp.com

Re: No Further Action Likely at the following Site:

- **Site Name:** Chehalis Power LP Generation Facility
- **Site Address:** 1813 Bishop Road Chehalis, 98532 Lewis
- **Facility/Site ID:** 3336951
- **Cleanup Site ID:** 11776
- **VCP Project ID:** SW1246

Dear Stefano Schnitger:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Chehalis Power LP Generation Facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the [Model Toxics Control Act \(MTCA\)](#),¹ [chapter 70A.305 Revised Code of Washington \(RCW\)](#).²

Issue Presented and Opinion

Ecology has determined that no further remedial action is likely necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, chapter 70A.305 RCW, and its implementing regulations, Washington Administrative Code ([WAC](#)) [chapter 173-340](#)³ (collectively “substantive requirements of MTCA”). The analysis is provided below.

¹ <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

³ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Mineral Oil into the soil and groundwater.

A parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. Hill West Environmental, *Chehalis Power Plant Transformer Spills Additional Site Characterization Report*, August 16, 2024.
2. Ecology, *Further Action at the following Site: Chehalis Power LP Generation Facility*, November 23, 2023.
3. Hill West Environmental, *Chehalis Power Plant Transformer Spill Additional Site Characterization Work Plan*, March 8, 2023.
4. Ecology, *Further Action at the following Site: Chehalis Power LP Generation Facility*, June 26, 2017.
5. KTA Associates, Inc (KTA), *Cleanup Action Report*, July 6, 2016.
6. Ecology, *Further Action at the following Site: Chehalis Power LP Generation Facility*, November 20, 2012.
7. KTA, *Terrestrial Ecological Evaluation Form*, August 10, 2012.

KTA, *Cleanup Action Report*, August 10, 2012 You can request these documents by filing a [records request](https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests).⁴ For help making a request, contact the [Public Records Officer](mailto:publicrecordsofficer@ecy.wa.gov)⁵ or call (360) 407-6040. Before making a request, check whether the documents are available on [Ecology's Cleanup Site Search webpage](https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=11776).⁶

This opinion is void if any of the information contained in those documents is materially false or misleading.

⁴ <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

⁵ publicrecordsofficer@ecy.wa.gov

⁶ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=11776>

Analysis of the Cleanup

Ecology has concluded that **further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action.

Cleanup and characterization activities completed at the Site in the was summarized in Ecology's August 2, 2023 Further Action opinion letter. Since that time additional work has been conducted to complete the remedial investigation.

In June 2024, two soil borings were advanced in the area of generation step-up transformer number 1 (GSU#1). Soil sample SB-1 was located adjacent to 2011 sample location D-8 which exhibited soil contamination above the MTCA Method A unrestricted land use soil cleanup level (MTCA-A soil CULs) for mineral oil. The second soil boring, MW-2R, is located near 2011 temporary groundwater well GW-4 which exceeded MTCA-A groundwater CUL for mineral oil.

Soil collected from SB-1 had a detection of oil range petroleum (TPH-ORO) below the MTCA-A soil CUL. Soil collected from soil boring MW-2R did not bear detectable concentrations for petroleum hydrocarbons.

Groundwater was collected from each permanent monitoring well (MW-1, MW-2R, MW-3, MW-4, MW-5, and MW-6), the groundwater observation culvert, and three (3) utility vaults using a peristaltic pump. Petroleum hydrocarbons were detected below the MTCA-A groundwater CUL in water collected from MW-2R and the groundwater observation culvert. No other groundwater samples bore detectable concentrations of petroleum hydrocarbons.

Aqueous Film Forming Foam Use

Ecology needs to review groundwater data for per- and poly-fluoroalkyl substances (PFAS) in Site groundwater. Provided the nature of PFAS, limited sampling of existing monitoring wells MW-1 and MW-2R should provide sufficient data to determine whether PFAS was released at the Site due to firefighting foam used extinguish the GSU#1 transformer fire.

Additional information regarding the foam product likely used at the Site was provided to Ecology in June 2024. In a technical assistance email dated June 26, 2024, Ecology suggested that PFAS sampling would not be required.

Based on additional analysis and consideration of information presented, Ecology has determined that PFAS in groundwater analytical data should be obtained to ensure there are no PFAS impacts associated with the GSU#1 release. Ecology has [Guidance for Investigating and Remediating PFAS Contamination in Washington State](#)⁷ which should be reviewed to assist with planning a sampling approach at the Site.

2. Establishment of Cleanup Standards.

Cleanup Standards: Under MTCA, cleanup standards consist of three primary components; points of compliance,⁸ cleanup levels,⁹ and applicable state and federal laws.¹⁰ Ecology understands you have proposed the following cleanup standards.

- a. **Points of Compliance.** Points of compliance are the specific locations at the Site where cleanup levels must be attained. Ecology understands this Site is using standard points of compliance except for the soil exceedance below the generation step-up transformer #1 containment structure. To achieve the standard point of compliance, the remaining contamination needs to be removed, or the containment structure established as a direct contact protective cap to prevent exposure. The following table summarizes the points of compliance used at this Site.

Media	Points of Compliance
Soil-Direct Contact	Based on human exposure via direct contact, the standard point of compliance is throughout the Site from ground surface to fifteen feet below the ground surface. <i>WAC 173-340-740 (6)(d)</i> Achieved if institutional controls are established.
Soil- Protection of Groundwater	Based on the protection of groundwater, the standard point of compliance is throughout the Site. <i>WAC 173-340-740(6)(b)</i> Achieved at the standard point of compliance.
Soil-Protection of Plants, Animals, and Soil Biota	Based on ecological protection, the standard point of compliance is throughout the Site from ground surface to fifteen feet below the ground surface. <i>WAC 173-340-7490(4)(b)</i> Achieved based on a barrier to exposure exemption if institutional controls are established.
Groundwater	Based on the protection of groundwater quality, the standard point of compliance is throughout the site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the Site. <i>WAC 173-340-720(8)(b)</i> Likely Achieved at the standard point of compliance.

⁷ <https://apps.ecology.wa.gov/publications/SummaryPages/2209058.html>

⁸ WAC 173-340-200 "Point of Compliance."

⁹ WAC 173-340-200 "Cleanup level."

¹⁰ WAC 173-340-200 "Applicable state and federal laws," WAC 173-340-700(3)(c).

- b. Cleanup Levels.** Cleanup levels are the concentrations of a hazardous substance in soil, water, air, or sediment that are determined to be protective of human health and the environment. At this Site, MTCA Method A unrestricted cleanup screening levels were used to evaluate mineral oil contamination detected at the Site.
- c. Applicable Laws and Regulations.** All cleanup actions conducted under MTCA shall comply with applicable state and federal laws.¹¹ The person conducting a cleanup action shall identify all applicable local, state, and federal laws.

After you have identified appropriate applicable local, state, and federal laws, report to Ecology the applicable local, state, and federal laws applicable to this cleanup, and how those laws and regulations specifically effect the proposed cleanup.

3. Selection of Cleanup Action.

Ecology has determined the cleanup action you selected for the Site likely meets the substantive requirements of MTCA.

Spill cleanup consisting of free-phase oil recovery, granulated activated carbon treatment of recovered water, and soil excavation and disposal was completed after each transformer failure.

4. Cleanup.

Ecology has determined the cleanup you performed likely meets the proposed cleanup standards at the Site.

In 2011, approximately 845 tons of contaminated soil was excavated from around the failed GSU#1 transformer and secondary containment. Using vacuum trucks, skimmers and oil absorbents facilitated the collection of free phase mineral oil observed on stormwater and in the GSU#1 excavation. In total, 8,869 gallons of mineral oil impacted water were removed from Site for disposal.

In 2013, approximately 1,270 tons of contaminated soil was removed from around the (generator GSU#3) transformer, secondary containment, and ditch lines conveying contaminated water towards stormwater pond. Utilizing vacuum trucks and absorbents, 17,225 gallons of highly impacted oily water was removed from the Site for disposal. An additional 40,000 gallons of mineral oil contaminated water was treated via activated carbon filtration on-Site and discharged to sanitary sewer.

¹¹ WAC 173-340-710(1)

Quarterly groundwater monitoring of the permanent groundwater well network (compliance well network) was completed between April 2015 and March 2016. Groundwater monitoring of the compliance well network, utility vaults, and the groundwater observation culvert was completed in June 2024 and suggests groundwater remains unimpacted by petroleum contaminants. Additional analysis for PFAS in groundwater is needed.

Based on the current Site understanding, and presuming PFAS has not been released at the Site, this cleanup likely qualifies to use Ecology's model remedy process. Model Remedy 2 requires the establishment of an institution control in the form of an environmental covenant. The covenant will restrict disturbance of the GSU#1 secondary containment that is currently acting as a protective cap for remnant contamination at sample location D8. Model Remedies were discussed in Ecology's November 23, 2023 further action opinion.¹² This review constitutes the second of two free model remedy opinion reviews. See Enclosure A for additional guidance on drafting an environmental covenant.

Limitations of the Opinion

1. Opinion Does Not Settle Liability with the State.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).

2. Opinion Does Not Constitute a Determination of Substantial Equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. See RCW 70A.305.080(8) and WAC 173-340-545.

¹² Ecology, Further Action at the following Site: Chehalis Power LP Generation Facility, November 23, 2023. Selection of Cleanup Action.

3. State is Immune from Liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70A.305.170(6).

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our [Voluntary Cleanup Program webpage](#).¹³ If you have any questions about this opinion, please contact me at (360) 407-6266 or Joseph.Kasperski@ecy.wa.gov.

Sincerely,



Joe Kasperski, LG
Toxics Cleanup Program
Southwest Region Office

JKK/at

Enclosures (1): A – Requirements for Draft Environmental Covenant

cc by email: Jeremy Smith, Chehalis Generation Facility, jeremy.smith@pacificorp.com
Daniel Landry, A&M Engineering and Environment Services, Inc,
dlandry@aandmengineering.com
Tim Mullin, Ecology, tim.mullin@ecy.wa.gov
Ecology Site File

¹³ <https://www.ecy.wa.gov/vcp>

Enclosure A

Requirements for Draft Environmental Covenant

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Draft Covenant: Ecology will need a draft covenant memorializing proposed institutional and engineered controls for all impacted properties. Also provide the environmental covenant in electronic word-processing-compatible format.¹⁴ Include the following information with the draft covenant:

Plan View Maps and Geologic Cross Sections: Include delineated concentration (1) isopleth plan view maps and (2) geologic cross sections showing the extents of remaining contamination at the Site. Include the boundaries of the MTCA facility, the affected Properties, and the location of any rights of way or easements. Indicate where insufficient data are available to delineate to natural background concentrations. These maps will be used to indicate where contamination remains at the Site after closure. For consistency with other sites in our program, Ecology prefers that data for these maps are provided in units of milligrams per kilogram (mg/kg) for soil.

Title Search: Provide a complete title search as part of Exhibit A, legal description.

Land Survey: Provide a land survey of impacted properties and rights-of-way, including platting and dedications.

- a. **Review the title search and land survey to determine if existing easements include any area of proposed engineered or institutional controls:**
 - i. Develop a plan view map or sketch of the locations of existing easements sufficient for Ecology to concur with your evaluation of whether any easements include the areas of proposed engineered or institutional controls.
 - ii. For each easement that intersects proposed controls at the Site, either provide
 - 1) A signed subordination agreement or;
 - 2) Sufficient evaluation of specific easement terms for Ecology to concur that the easement will not impact the integrity of the cleanup.

Ecology recommends contacting any easement owners prior to completing a draft environmental covenant.

Local Government Notification Requirements: Please document how the local government notification requirements of WAC 173-340-440(10) are completed. Ecology suggests providing the draft covenant and enclosure package to the local land use planning authority for review and comment. If comments are provided, update the draft covenant based on comments, and provide Ecology the correspondence, local government comments, and how those comments were addressed. If no response is received, include sufficient information for Ecology to concur that the correct local government agency was notified, the date they were notified, and that comments were sought. At this Site, Ecology believes that the appropriate local land use planning authority is likely Lewis County.

¹⁴ See the word processing formatted document at:
<https://fortress.wa.gov/ecy/publications/SummaryPages/1509054.html>.

Long-Term Cap Monitoring Plan: The covenant will need to include provisions for long-term cap monitoring to ensure the remedy is effective. A long-term monitoring plan will be needed. That plan needs to also include contingency planning, in the event that the cap is damaged or otherwise compromised.

Ecology suggests scheduling annual inspections of cap condition. An initial inspection with photographs and description of the cap to be monitored should be included with the plan.

Contingency Plan: A long-term cap contingency plan is required. That plan should describe those actions that will be conducted if cap maintenance is needed or what to do if the cap is damaged.

The contingency plan may be triggered during regular inspection of the cap or if damage is reported. A simple and adequate contingency plan would include and detail, as applicable, the schedule of inspections, reporting requirements, routine maintenance, and reporting instructions in the event of repair.

Financial Assurances: Requirement is on pause by order of TCP Program Manager for VCP cleanup projects as of May 25, 2022.