United States Department of the Interior

NATIONAL PARK SERVICE
Interior Regions 8, 9, 10, and 12
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IN REPLY REFE

1A2 (9470)

To: Lead, Environmental Compliance and Cleanup Division

From: Acting Regional Director, Interior Regions 8, 9, 10, and 12

RANDOLPH LAVASSEUR Digitally signed by RANDOLPH LAVASSEUR Date: 2023.09.25 09:06:17 -07'00'

Subject: Recommendation to Select the No Action Alternative for the Non-Time Critical Removal Action at the Newhalem Penstock, North Cascades National Park Service Complex

I. PURPOSE ANDAUTHORITY

The purpose of this Action Memorandum is to recommend and document the decision by the National Park Service (NPS) to select the No Action alternative for the Newhalem Penstock Site (Site) located within North Cascades National Park Service Complex (NOCA), Washington. This Action Memorandum has been prepared pursuant to authority delegated to NPS under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. §§ 9601 *et seq*., and pursuant to the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300, commonly called the National Contingency Plan (NCP). The No Action alternative is recommended because risks to public health or welfare or the environment as a result of the release or threat of release of hazardous substances at the Site have been addressed by a previous time-critical removal action (TCRA). The Engineering Evaluation/Cost Analysis (EE/CA) conducted at the Site determined that no unacceptable risks remain at the Site.

The No Action decision was based on the EE/CA Report and is summarized below.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

The Site is in a lowland region of NOCA, on the south side of the Skagit River, directly across the river from the community of Newhalem in Whatcom County, Washington, and on lands managed by NPS. Current uses at or near the Site include resource conservation; recreational use by the public; and usual and accustomed activities, including hunting and gathering by local tribes. The Site is approximately 1.5 acres and consists of an exposed penstock that is 1,122 feet long, approximately 904 feet of which rests aboveground on cast-in-place concrete supports. The remaining 218 feet is located within a bedrock tunnel. The penstock is part of the Newhalem Creek Hydroelectric Facility project, operated by Seattle City Light (SCL) under a Federal Energy Regulatory Commission (FERC) license. The penstock is part of the power plant used during construction of the Gorge Dam and was built to convey water to the Newhalem Powerhouse for power generation. In January 2022, SCL filed a license surrender application with FERC to decommission the Newhalem Creek Hydroelectric Project. The details of the decommissioning process are under consideration.

The aboveground portion of the penstock is located on a steep and somewhat rocky slope above the Newhalem powerhouse, and terminates roughly 600 feet from the Skagit River, where the diverted water of Newhalem Creek enters the Skagit River, a tributary to Puget Sound. An intermittent stream runs adjacent to a portion of the penstock and flows down the slope to the powerhouse. Intermittent stream outflow enters the tailrace of Newhalem Creek and after passing over a fish barrier, discharges into the Skagit River. A trail system between the NPS Newhalem Campground (approximately one quarter mile west of the powerhouse) and "downtown" Newhalem (approximately one quarter mile east of the penstock) parallels the Skagit River immediately downslope from the penstock at the site of the Newhalem powerhouse, and a steep trail leads up the slope past the powerhouse and upper sections of the penstock.

The penstock and powerhouse are not currently operating. Originally constructed in the 1920s by SCL, the aboveground portion of the penstock formerly rested on wood frame supports, or pedestals, with bases of wood, concrete, or stone. Of the original penstock saddles, 52 were made from treated wood and had been painted several times throughout its history, likely at some point with lead-based paint. Several of these saddles were damaged in the August 2015 wildfire (the Goodell Fire), and temporary supports were installed at four saddle locations as an emergency project to prevent the penstock from being damaged by buckling.

B. Previous Actions

To comply with FERC dam safety guidelines, in the mid-2010s, SCL began preparation for a support saddle replacement project, which included soil sampling in the immediate vicinity of the penstock. SCL conducted sampling in 2014 and additional sampling in 2015 to further evaluate the extent of soil contamination and determine proper handling and disposal of soil to be removed during the saddle replacement work. Samples were also collected in 2016 from the wood saddles to determine the specific type of preservatives in the wood.

Results of the soil sampling indicated that soil in the vicinity of the penstock contained elevated concentrations of metals greater than project screening levels (SLs). Samples collected from the wood saddles indicated the use of coal-tar creosote preservative, and soil sampling also indicated the presence of polycyclic aromatic hydrocarbons (PAHs) at concentrations exceeding project SLs in soils within approximately 3 inches of the wood saddles.

In response to these findings, in 2016, NPS issued an Action Memorandum authorizing the conduct of a TCRA for the removal of contaminated soil in conjunction with SCL's penstock saddle replacement project. In 2016-2017, in performance of the TCRA subject to NPS's oversight, SCL removed a total of 171 tons of contaminated soil from the Site.

Following completion of the TCRA, NPS determined that Site conditions warranted the conduct of an EE/CA to fully characterize the extent of the contamination at the Site, evaluate risk to human health and ecological receptors, and evaluate removal alternatives. This determination was formalized in an EE/CA Approval Memorandum, signed on December 19, 2017, by the Acting Regional Director, NPS Pacific West Region, and is included in the Administrative Record for the Site.

C. Engineering Evaluation/Cost Analysis

In 2018, an EE/CA investigation was performed to delineate the remaining lateral and vertical extent of metals and PAH contamination in the soil in the vicinity of the penstock. The investigation activities included a site inspection and documentation of field observations, recording X-ray fluorescence (XRF) measurements along 14 transects, and collecting soil samples for comparison of XRF measurements to laboratory data. XRF monitoring and soil sampling were conducted to evaluate the extent of soil contamination, conditions within sediment (within

the footprints of the intermittent and ephemeral streams), and background conditions. Sampling included 16 background locations. Based on the XRF results, select soil samples were submitted for laboratory analysis for select metals, PAHs, and synthetic precipitation leaching procedure testing. The soil and sediment data from this investigation are the basis of the EE/CA dataset and the risk assessments presented in the EE/CA.

The EE/CA report included a Site-specific baseline human health risk assessment (HHRA) and an ecological risk assessment, including both a screening-level ecological risk assessment (SLERA) and a baseline ecological risk assessment (BERA). The risk assessments focused on soil as the exposure pathway and the relevant receptors – Site workers and Site visitors for the HHRA and plants, soil invertebrates, birds, mammals, amphibians, and reptiles for the ecological risk assessments. The SLERA and BERA included problem formulation, exposure and effects assessment, and risk characterization. As noted in the EE/CA Report, the HHRA and the ecological risk assessments concluded that Site soil does not pose an unacceptable risk to people and ecological receptors.

The EE/CA report concluded that based on the risk assessments, the work conducted during the TCRA, and the comparative analysis evaluation criteria, that the Site currently poses no unacceptable risk to people or ecological receptors and that additional removal action in the form of implementation of a non-time critical removal action is not required. Therefore, the EE/CA report only retained the No Action alternative. Continuation of current environmental conditions under the No Action alternative is protective of human health or welfare or the environment, complies with applicable or relevant and appropriate requirements, and is protective of short- and long-term public health and the community. The No Action alternative would also protect and preserve the NOCA natural resources, conditions, and values over the long term and would enable park managers to manage the park in such a manner as to achieve the purposes for which the park was established.

The EE/CA and the Administrative Record supporting the EE/CA was made available for public comment for thirty (30) days starting on January 10, 2023. Although one comment was received on February 8, 2023, the comment did not pertain to the EE/CA.

D. State and Local Authorities' Role

There have been no State or local actions taken at the Site to date. Prior to finalizing the EE/CA report, NPS coordinated with State of Washington Department of Ecology to ensure that State ARARs were considered.

III. PROPOSED ACTIONS AND ESTIMATED COSTS

This Action Memorandum recommends selection of the No Action alternative for the Site. Under the No Action alternative, no additional activities, maintenance, or monitoring would be required; therefore, there would be no costs associated with this alternative.

IV. EXPECTED CHANGE IN SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Under the No Action alternative, there is no expected change in the situation should the action be delayed or not taken.

V. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with the No Action alternative.

VI. ENFORCEMENT

The potentially responsible party for the Site is SCL. SCL conducted the TCRA and EE/CA investigation/report under NPS's oversight. NPS recovered its costs associated with the conduct of the removal actions conducted at the Site.

VII. RECOMMENDATION

For the reasons outlined in this Action Memorandum and presented more fully in the EE/CA report prepared for this Site, we recommend you sign this Action Memorandum selecting the recommended No Action alternative.

VIII. APPROVAL

Based upon the information and analysis presented in this Action Memorandum and the Administrative Record established for this Site, ECCD is issuing this Action Memorandum in concurrence with the recommendations contained herein.

Approved: SHAWN MULLIGAN Digitally signed by SHAWN MULLIGAN Date: 2023.09.25 14:21:45 -06'00' Date: 9/25/23

Shawn P. Mulligan
Lead - WASO Environmental Compliance and Cleanup Division