



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

February 23, 2018

Mr. Boris Belchhof  
Assistant Area Manager  
U.S. Bureau of Reclamation  
1917 Marsh Road  
Yakima, WA 98901

Re: Preliminary Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:

Site Name:	Roza Powerplant Switchyard
Site Address:	1917 Marsh Road, Yakima
Cleanup Site ID:	12539
Facility/Site ID:	74381472

Dear Mr. Belchhof:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find the United States Bureau of Reclamation (USBR) liable under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, for the release of hazardous substances at the Roza Powerplant Switchyard facility (Site). Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP."

This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

**Proposed Finding of Liability**

Ecology is proposing to find the United States Bureau of Reclamation liable under RCW 70.105D.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. The United States Bureau of Reclamation is listed as the owner of the property located at 1917 Marsh Road, parcel no. 191317-21005, as shown in records at the Yakima County Assessor.
2. The Roza powerplant is a facility located at the property. The powerplant was constructed in 1958. USBR is the current and historical operator of this facility. The powerplant has an electrical switchyard that contains transformers and other electrical equipment that historically have or may have contained mineral oil with polychlorinated biphenyls (PCBs).



3. Oil staining was observed on the gravel surfacing in the vicinity of a former above ground storage tank within the switchyard area. This observance prompted soil sampling which was conducted in June and November 2014. Oil staining was also observed on the concrete structures that support electrical components in the switchyard.
4. PCBs, specifically Arochlor 1260, were detected in soil at two locations within the switchyard, however, at concentrations that are one to two orders of magnitude lower than the Model Toxics Control Act (MTCA) Method A soil cleanup levels for PCBs.
5. The highest concentration of diesel range organics found during the limited soil sampling was 15,290 mg/Kg. The MTCA Method A soil cleanup level is 2,000 mg/Kg for diesel and 4,000 mg/Kg for mineral oil. The mineral oil cleanup level applies to non-PCB mineral oil and it is based on the prevention of accumulation of free product on groundwater.
6. The additional soil sampling performed in November 2014, showed concentrations of diesel range organics that exceeded the MTCA Method A soil cleanup level in the vicinity of the above ground storage tank. Although PCBs were not detected in this round of sampling, the earlier detections of PCBs indicates that additional sampling and analysis for PCBs is required.
7. Arochlor 1260 is a tradename for a specific PCB mixture. PCBs are persistent, bioaccumulative toxins. PCBs have been demonstrated to cause a variety of adverse health effects according to the United States Environmental Protection Agency (USEPA). These health effects include, but are not limited to, being a probable human carcinogen and it may cause significant toxic effects in various bodily systems in animals such as the immune system, the reproductive system, nervous system and the endocrine system.

#### **Opportunity to Respond to Proposed Finding of Liability**

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology;  
or
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

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Please submit your waiver or written comments to the following address:

John Mefford  
Central Region Office Toxics Cleanup Program  
1250 W. Alder St.  
Union Gap, WA 98903

After reviewing any comments submitted, or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

### **Identification of Other Potentially Liable Persons**

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

### **Responsibility and Scope of Potential Liability**

Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

### **Next Steps in Cleanup Process**

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. Additional sampling and analysis of the switchyard must be performed coincident with remedial action to address the mineral oil and/or diesel contamination in the soil.
2. An Agreed Order may be necessary given the results of the additional investigation.

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

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Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

**Contact Information**

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at 509-454-7836 or [john.mefford@ecy.wa.gov](mailto:john.mefford@ecy.wa.gov). Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "John Mefford".

John Mefford  
Cleanup Project Manager  
Toxics Cleanup Program, Central Region Office

Enclosures (2)

By Certified Mail [91 7199 9991 7037 1760 7387]