



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 15, 2019

Ken Johnson
Vice President, Regulatory & Government Affairs
Puget Sound Energy
10885 NE 4th St, 12th Floor
Bellevue, WA, 98004

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Site:

- **Site Name:** Chelan PUD Worthen Substation
- **Site Address:** 500 South Worthen Street, Wenatchee
- **Cleanup Site ID No.:** 14795
- **Facility/Site ID No.:** 44830
- **County Assessor's Parcel No.:** 222010693001

Dear Ken Johnson:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of contaminated sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find Puget Sound Energy liable under RCW 70.105D.040 for the release of hazardous substances at the Chelan PUD Worthen Substation facility (Site). This proposed finding is based on the following evidence:

1. Puget Sound Power & Light, a predecessor of Puget Sound Energy, is a former owner of parcel 222010693001. This parcel is currently used as an electrical substation facility and is currently owned by Chelan County PUD. Historically, this parcel was used for power generation, including use of petroleum products, as shown on historical Sanborn maps.



The 1949 Sanborn map labels the property as Puget Sound Power & Light, and fuel tanks associated with power generation were shown on the map.

2. A release of petroleum to subsurface soils and groundwater was identified during the drilling of a monitoring well, designated MW-22, located on the east side of Worthen Street on April 13, 2018. The monitoring well was installed as part of a Remedial Investigation (RI) being conducted on behalf of Coleman Oil Company, the owner of parcel 222011693005, located south of the substation across Chehalis Street. A photograph was taken of subsurface soils that shows the soil was saturated with petroleum. Laboratory analysis of soil and groundwater samples resulted in concentrations of gasoline range organics (GRO), diesel range organics (DRO), heavy oil range organics (HRO), and benzene above Model Toxics Cleanup Act (MTCA) cleanup levels.
3. The presence of petroleum in soil and groundwater above cleanup levels constitutes a threat to human health and the environment and further action is therefore required. The proximity of the Columbia River also raises concerns with respect to potential impacts to surface water and sediments.

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;
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.

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

Frank P. Winslow
Toxics Cleanup Program
Central Regional Office
1250 W Alder Street
Union Gap, WA 98903

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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

Ecology has notified the following additional persons that they may be potentially liable for the release of hazardous substances at the Site:

1. Chelan County PUD

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

Please note that 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.

Please also note that 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:

- Ecology intends to enter negotiation with the cooperative PLP to enter into an Agreed Order for this Site.

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

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If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please call me at 509-454-7835 or email me at frank.winslow@ecy.wa.gov.

Thank you for your cooperation.

Sincerely,



Frank P. Winslow
Cleanup Site Manager
Toxics Cleanup Program
Central Regional Office

Enclosures: (2)

By certified mail: 7018 0360 0000 1740 9138

cc: Jennifer Burns, Environmental/Cultural Resource Program Manager, Chelan County
PUD