ADDENDUM TO PUBLIC COMMENT SE-26-00003

Kittitas PUD #1 Headquarters Proposed Site Kittitas Highway, Ellensburg WA

Complete Hazardous Materials Inventory, Fire Suppression Water,

Groundwater Contamination Pathways, and Inadequacy of DNS

George Thomas Adjacent Landowner, Active Farmer | SE-26-00003 | April 18, 2026

I. Legal Standard

SEPA requires that a threshold determination be based on a "reasonably thorough discussion of the significant aspects of the probable environmental consequences" of a proposal. *Norway Hill Pres. & Prot. Ass'n v. King County Council*, 87 Wn.2d 267, 278, 552 P.2d 674 (1976). Where an applicant's checklist omits material information about a category of probable significant impact, the lead agency cannot satisfy its obligation to take a "hard look" at environmental consequences by accepting those omissions at face value. *Id.* The Washington Supreme Court reversed a DNS for an industrial use on Agriculture-20 zoned land in this County without meaningful environmental review of the use's actual character. *Ellensburg Cement Products, Inc. v. Kittitas County*, 179 Wn.2d 737 (2014). And a lead agency cannot discharge SEPA obligations by pointing to downstream regulatory review by other agencies as a substitute for actual environmental analysis. *King County v. Friends of Sammamish Valley*, 3 Wn.3d 861 (2024). Both hold directly here.

The SEPA checklist at §B.7.a(3) states: *"No anticipated hazardous chemicals will be stored, used, or produced."* The inventory below demonstrates that this answer is not a close call. It is a material misrepresentation of the operational character of an electric distribution utility service yard one the County had an independent obligation to recognize before accepting the checklist as complete.

II. Complete Hazardous Materials Inventory Kittitas PUD Service Yard

The table below inventories the full range of materials predictably stored, handled, maintained, or disposed of at an electric utility operations and materials yard of the scale proposed. All categories are standard operational inventory for an electric distribution utility. None require speculation. Every category in red was omitted from the SEPA checklist entirely.

Material / Substance	Category	Regulatory Framework	Environmental Risk Pathway	Disclosed in Checklist
A. TRANSFORMERS & ELECTRICAL EQUIPMENT				
Distribution transformers (pole-mount & pad-mount)	Electrical equipment	Mineral oil: Class IIIB combustible; PCBs in pre-1979 units per TSCA 40 CFR Part 761	Oil spill/fire → soil & groundwater; PCB release triggers Superfund-level cleanup	Not Disclosed
Voltage regulators & capacitors	Electrical equipment	May contain PCB-laden oil; TSCA regulated; RCRA hazardous if PCB >50 ppm	PCB spill → persistent soil contamination; migrates via stormwater to irrigation ditch	Not Disclosed
Switchgear containing SF_6 (sulfur hexafluoride)	Electrical equipment	GWP = 23,900× CO_2; WAC 173-441 GHG reporting; EPA 40 CFR Part 98 Subpart DD	Release during servicing → significant GHG; no disclosure or mitigation plan	Not Disclosed
Used / spent transformer oil (waste oil)	Hazardous waste	EPA used oil regulations 40 CFR Part 279; RCW 70A.305 (MTCA)	Improper storage or spill → soil contamination; groundwater migration	Not Disclosed
B. BATTERIES & ENERGY STORAGE				
Lead-acid batteries (vehicles, UPS, substation backup)	Hazardous material / waste	RCRA: corrosive characteristic waste (D002); contains sulfuric acid & lead; 40 CFR 266 Subpart G	Acid spill → soil pH disruption; lead leaching to shallow water table (12–19 in. on site)	Not Disclosed
Lithium-ion batteries (newer vehicles, equipment)	Hazardous material	DOT Class 9 hazmat for transport; fire risk: thermal runaway; NFPA 855	Thermal runaway fire releases toxic gases (HF, CO); difficult to extinguish	Not Disclosed

Material / Substance	Category	Regulatory Framework	Environmental Risk Pathway	Disclosed in Checklist
Nickel-cadmium (NiCd) batteries	Hazardous waste	Cadmium: RCRA listed hazardous (D006); RCW 70A.305 MTCA	Cadmium is a persistent heavy metal; leaches to groundwater over shallow clay soils	Not Disclosed
Battery electrolyte (sulfuric acid) in bulk	Corrosive chemical	OSHA 29 CFR 1910.119 PSM threshold; RCW 70A.300 (hazardous substance release)	Concentrated acid spill over shallow Deedale clay unit → rapid lateral migration	Not Disclosed
C. WIRE, CABLE & INSULATION MATERIALS				
Copper and aluminum conductor wire (bulk spools)	Raw material / recyclable	Scrap metal; no direct hazard but attracts theft increasing site security activity	Low direct environmental risk; theft response → increased nighttime activity/lighting	Not Disclosed
PVC-jacketed cable and conduit	Polymer / potential hazardous waste	PVC contains plasticizers (phthalates) and lead/tin stabilizers; dioxin precursor if burned	Fire or improper disposal → dioxin and HCl release; phthalate leaching to soil/water	Not Disclosed
XLPE and EPR insulated cable	Polymer material	Cross-linked polyethylene; not easily recyclable; not acutely toxic under normal conditions	Low risk under normal storage; fire releases carbon monoxide and hydrocarbon gases	Not Disclosed
Lead-sheathed cable (legacy inventory)	Heavy metal-containing	Lead: RCRA D008; RCW 70A.305 MTCA priority chemical	Lead sheathing degradation in outdoor storage → dust or leachate to soil	Not Disclosed
Cable pulling lubricant / wire-pulling compound	Petroleum-based chemical	Petroleum product; potential stormwater contaminant	Routine application → accumulation in gravel yard → stormwater mobilization	Not Disclosed
D. UTILITY POLES & TREATED WOOD PRODUCTS				
Pentachlorophenol (penta)-treated poles	Treated wood / hazardous substance	Penta: EPA Restricted Use Pesticide; RCW 70A.305 MTCA listed; probable carcinogen (Group B2)	Yard storage leachate in rain → soil permeation; run-on to hay crop → livestock exposure risk	Not Disclosed
Creosote-treated poles	Treated wood / hazardous substance	Creosote: EPA restricted pesticide; IARC	Heat/rain volatilization and leaching; long-term soil	Not Disclosed

Material / Substance	Category	Regulatory Framework	Environmental Risk Pathway	Disclosed in Checklist
		Group 1 carcinogen; dioxin-related compounds	contamination under storage area	
CCA-treated poles (chromated copper arsenate)	Treated wood / hazardous substance	Arsenic: RCRA D004; chromium: RCRA D007; both MTCA priority chemicals	CCA leachate over shallow water table → arsenic and chromium in groundwater; crop uptake risk	Not Disclosed
E. PETROLEUM FUELS, LUBRICANTS & HYDRAULIC FLUIDS				
Diesel fuel (vehicles, emergency generator AST)	Class II flammable liquid	EPA SPCC required if storage >1,320 gal aggregate (40 CFR Part 112); MTCA regulated	Tank leak or spill → MTCA cleanup liability; generator AST over shallow water table	Not Disclosed
Hydraulic fluid (boom trucks, digger-derricks)	Petroleum product	Petroleum hydrocarbon; chronic low-level release from equipment maintenance	Equipment parking/maintenance drip → gravel surface accumulation → stormwater mobilization	Not Disclosed
Engine oil, transmission fluid, DEF	Used oil / petroleum product	Used oil: 40 CFR Part 279; not hazardous if managed properly; DEF: urea solution	Chronic drips in gravel yard surface; cumulative petroleum loading in stormwater	Not Disclosed
Aerosol lubricants, corrosion inhibitors, penetrating oils	Miscellaneous petroleum products	VOCs; potential air quality impact at scale	Routine use; accumulation in gravel yard soils; VOC emissions during application	Not Disclosed
F. HERBICIDES, SOLVENTS & OPERATIONAL CHEMICALS				
Herbicides for ROW management (glyphosate, triclopyr, imazapyr)	EPA-registered pesticides	WAC 16-228; mixing/storage triggers Pesticide Management Plan requirements	Mixing station → spill or rinse water → stormwater runoff → adjacent irrigation ditch and hay crop	Not Disclosed
Solvents and degreasers (parts washers, equipment cleaning)	VOC / potential RCRA hazardous waste	Halogenated solvents: RCRA listed (F001–F005); non-halogenated: RCRA characteristic if ignitable	Parts washer discharge → soil infiltration; vapors in enclosed warehouse; fire risk	Not Disclosed

Material / Substance	Category	Regulatory Framework	Environmental Risk Pathway	Disclosed in Checklist
Compressed gases (acetylene, oxygen, CO_2)	DOT Hazmat Class 2	DOT 49 CFR Part 173; OSHA 29 CFR 1910.101; NFPA 55 (compressed gas storage)	Pressurized cylinder failure → explosion/fire risk in materials yard adjacent to hay storage	Not Disclosed
Marking paint / spray paint (utility locate)	Aerosol / VOC	VOC content regulated under WAC 173-492 (Architectural Coatings)	Minor; included for completeness of inventory	Not Disclosed
G. METERS, ELECTRONICS & LEGACY EQUIPMENT				
Older utility meters (mercury tilt switches)	Mercury-containing equipment	Mercury: RCRA D009; RCW 70A.305 MTCA; Washington Mercury-Containing Products Act RCW 70A.222	Mercury release in storage yard → highly persistent soil and water contaminant	Not Disclosed
Electronic circuit boards / smart meters	E-waste / hazardous waste	Lead solder, cadmium, beryllium, brominated flame retardants; RCW 70A.305	Outdoor storage degradation → heavy metal leaching to soil and shallow water table	Not Disclosed
Fluorescent and HID lighting fixtures (waste)	Mercury-containing waste	RCRA D009 (mercury); Washington Fluorescent Lamp Recycling Law RCW 70A.226	Broken lamps in storage → mercury vapor; broken glass with mercury coating → soil contamination	Not Disclosed
H. FIRE SUPPRESSION INFRASTRUCTURE				
Fire suppression water (120,000–180,000 gal tank capacity)	Fire protection / secondary containment trigger	NFPA 22; IFC § 3404; no disclosed fill source from 275 gpd well (655-day fill time)	Post-fire contaminated water → overland flow over Deedale clay (Ksat 0.00–0.06 in/hr) → irrigation ditch	Partial Only
Chemical fire suppressants / foam agents (if applicable)	AFFF / Class B foam: PFAS chemicals	PFAS (AFFF): EPA drinking water MCL 4 ppt; designated hazardous substance under CERCLA	PFAS is persistent, mobile, and bioaccumulative; single-use event contaminates soil for decades	Not Disclosed

Every category shown in red was absent from the SEPA checklist. The yellow row (fire suppression water) was partially disclosed but without a fill-source identification, a contaminated firewater runoff plan, or a PFAS foam analysis. The claim that "no hazardous chemicals will be stored, used, or produced" at this facility is demonstrably false on the face of the application's own described use.

III. The Fire Suppression Water Paradox

A. *Tank volume reveals the true fire hazard*

The checklist (Question A.11) discloses two (or potentially three) 60,000-gallon fire suppression tanks 120,000 to 180,000 gallons of dedicated fire water. Under NFPA 22, *"tank capacity shall reflect actual fire demand."* A 6,300 sf administrative office building requires roughly 1,500 gpm for 2 hours approximately 180,000 gallons under IFC § B105.1. That volume is consistent with protecting a materials yard storing transformer oil, diesel, treated poles, and battery banks, not a low-impact administrative office. The applicant's own engineers have acknowledged the industrial fire hazard magnitude the checklist explicitly denies.

B. *The 275 gpd well cannot supply the fire system*

At 275 gallons per day, filling three 60,000-gallon tanks would require **655 days** nearly two years. The water source for initial fill and post-event replenishment is not disclosed anywhere in the SEPA record. WAC 197-11-060(4) requires evaluation of actual water demands. The fire suppression water must come from somewhere. Where it comes from, how it is replenished, and how it is contained after use are all undisclosed.

C. *PFAS foam contamination is an undisclosed catastrophic risk*

If the facility uses AFFF (aqueous film-forming foam) as a Class B fire suppressant standard for transformer oil, diesel, and electrical fires a single firefighting event would deposit PFAS (per- and polyfluoroalkyl substances) across the site and into adjacent soils. PFAS is now designated a hazardous substance under CERCLA. EPA's drinking water maximum contaminant level is 4 parts per trillion. PFAS is persistent, mobile in groundwater, and bioaccumulative. A single AFFF deployment over the Deedale clay unit with its 12–19 inch water table and lateral drainage toward the adjacent irrigation ditch represents a potential generation-long contamination event for downstream agricultural users. The checklist contains no mention of foam agent type, PFAS risk, or containment.

D. ***Contaminated firewater over a 12-19 inch water table***

Contaminated firewater from a transformer oil fire, diesel spill, or treated-wood yard fire becomes a recognized environmental release under both RCRA and Washington's Model Toxics Control Act, RCW 70A.305. The Deedale clay loam unit's near-zero saturated hydraulic conductivity (0.00–0.06 in/hr) means contaminated water will not infiltrate it will flow overland across the site toward adjacent agricultural land and the irrigation ditch to the north. No secondary containment basin, no firewater retention system, and no emergency response plan appear in the SEPA record.

IV. Treated Utility Poles A Chronic Leachate Source Over Prime Farmland

Utility pole yards are a well-documented source of chronic soil contamination. Pentachlorophenol, creosote, and CCA (chromated copper arsenate) are three of the most persistent regulated pesticides and heavy metal compounds in use. A typical electric utility maintains an inventory of dozens to hundreds of poles at its materials yard for routine and emergency replacement. The proposed 5.79-acre yard is sized for exactly this purpose.

Pole storage on gravel over the Mitta-Deedale soil complex presents specific risks: penta and creosote volatilize in summer heat and leach with rainfall; CCA leachate containing arsenic (RCRA D004) and chromium (RCRA D007) migrates laterally through the Deedale clay unit toward the adjacent irrigation ditch. The USDA-designated Prime Farmland immediately to the north the active alfalfa operation would receive any irrigation water drawn from that ditch. Arsenic and chromium bioaccumulate in hay crops and pose livestock and human health risks at low concentrations.

None of this is speculative. It describes the predictable consequence of storing utility poles on a shallow-water-table, laterally-draining soil profile adjacent to active irrigated agriculture. The checklist contains no pole storage inventory, no leachate analysis, and no evaluation of contamination risk to adjacent agricultural water. That is a SEPA failure, not a minor omission.

V. Battery Storage Three Distinct Hazard Profiles

Modern electric utility operations involve at least three distinct battery chemistries, each carrying a different regulatory profile and environmental risk:

Lead-acid batteries (UPS systems, substation backup, fleet vehicles) contain sulfuric acid and lead. When spent, they are RCRA hazardous waste (corrosive characteristic D002; lead toxicity D008). Lead is a persistent heavy metal that sorbs to soil particles and leaches slowly to groundwater over

decades. The Deedale unit's 12–19 inch water table depth provides minimal vertical separation for lead migration under the shallow water table conditions documented by the USDA.

Lithium-ion batteries (newer fleet vehicles, smart grid equipment) pose a thermal runaway fire risk that produces hydrogen fluoride (HF) gas, a highly toxic respiratory hazard, at concentrations that are dangerous even in open outdoor settings. Thermal runaway fires are not controllable with conventional water suppression and may require Class D or specialized suppression agents. The 10,200 sf enclosed materials warehouse, if used for battery storage, requires a fire suppression design specifically engineered for lithium-ion events not described in the checklist.

Nickel-cadmium batteries contain cadmium (RCRA D006), a known human carcinogen that is persistent in soil and accumulates in grain crops and leafy vegetables. Cadmium from battery storage or improper disposal migrates through the soil profile and has been detected in groundwater at utility and industrial storage sites at concentrations far exceeding drinking water standards.

VI. Wire, Cable, and PVC Insulation The Fire Scenario That Changes Everything

Bulk wire and cable inventory is a standard component of an electric utility materials yard. Spools of PVC-jacketed distribution cable, XLPE-insulated transmission cable, and legacy lead-sheathed cable may be stored in quantities of thousands of linear feet in the proposed 10,200 sf warehouse and adjacent yard.

Under normal storage conditions, PVC cable presents moderate environmental risk from plasticizer leaching (phthalates) and stabilizer compounds (lead- or tin-based in older formulations). However, the fire scenario is categorically different. Burning PVC releases hydrogen chloride (HCl), dioxins, and furans persistent organic pollutants regulated under both the Stockholm Convention and Washington's air quality rules. A warehouse fire involving bulk PVC cable inventory would create a toxic air release affecting adjacent residences, the active short-term rental, and the adjacent hay field. Hay contaminated with dioxin deposition cannot be fed to livestock and must be destroyed.

The fire suppression volume (120,000–180,000 gallons) is consistent with extinguishing a large warehouse fire involving bulk polymer materials. The checklist's claim of "no anticipated hazardous chemicals" does not account for the hazardous combustion products of materials that are not themselves hazardous under normal storage conditions but become acutely toxic under fire scenarios. SEPA's hard-look requirement encompasses reasonably foreseeable accident scenarios, not just routine operations. *Norway Hill*, 87 Wn.2d at 278.

VII. Cumulative and Indirect Impacts The Analysis That Never Happened

Each category of hazardous material above represents an independent SEPA disclosure obligation. Taken together, they represent something more: a cumulative environmental impact profile that is fundamentally inconsistent with a Determination of Non-Significance on Prime Farmland adjacent to an active agricultural operation, an irrigation ditch, a residence, and a short-term rental.

WAC 197-11-060(4) requires SEPA analysis to include "direct, indirect, and cumulative impacts caused by the proposal." WAC 197-11-444 expressly identifies earth, water, plants, animals, and human health as elements of the environment subject to review. The cumulative loading of transformer oil, diesel, hydraulic fluids, treated wood leachate, herbicide residues, battery acid, and potential PFAS foam on a 5.79-acre gravel yard over a 12–19 inch water table draining laterally toward an active irrigation ditch is precisely the scenario SEPA was designed to require agencies to evaluate before, not after, approval.

This County has been told, twice, by the Washington Supreme Court that it cannot approve industrial uses on A-20 agricultural land without meaningful environmental review (*Ellensburg Cement Products*, 2014), and cannot protect its agricultural land and water resources by relying on other regulatory programs to fill the gaps SEPA requires it to close itself (*Kittitas County v. E. Wash. Growth Mgmt. Hearings Bd.*, 172 Wn.2d 144, 2011; *Friends of Sammamish Valley*, 2024). The checklist before the County is the third iteration of the same failure.

VIII. Conclusion and Requested Relief

The SEPA checklist's "no hazardous chemicals" answer is not a defensible position for an electric distribution utility operations yard proposing to store transformers, batteries, treated poles, bulk cable, petroleum fuels, herbicides, solvents, and compressed gases on a shallow-water-table site adjacent to active irrigated Prime Farmland. The omission is material, comprehensive, and under *Norway Hill's* hard-look standard independently sufficient to require withdrawal of any DNS determination.

I formally request that the lead agency:

1. Require a complete hazardous materials inventory covering all categories identified above, with storage volumes, containment specifications, SPCC plan, and SWPPP;

2. Require disclosure of fire suppression water fill source, PFAS/AFFF foam usage, and contaminated firewater containment design;

3. Require a PCB equipment disclosure and TSCA compliance analysis for all transformer and capacitor inventory;

4. Require a treated wood pole storage and leachate analysis with hydrogeological assessment of migration to adjacent agricultural water infrastructure;

5. Require a battery storage plan by chemistry with fire suppression design specific to lithium-ion thermal runaway scenarios; and

6. Issue a Determination of Significance and require a full Environmental Impact Statement for SE-26-00003.

Authorities Cited

Norway Hill Pres. & Prot. Ass'n v. King County Council, 87 Wn.2d 267, 552 P.2d 674 (1976)

Ellensburg Cement Products, Inc. v. Kittitas County, 179 Wn.2d 737 (2014)

King County v. Friends of Sammamish Valley, 3 Wn.3d 861 (2024)

Kittitas County v. E. Wash. Growth Mgmt. Hearings Bd., 172 Wn.2d 144 (2011)

Buchanan v. Simplot Feeders Ltd., 134 Wn.2d 673 (1998)

RCW 43.21C.030; WAC 197-11-060; WAC 197-11-080; WAC 197-11-330; WAC 197-11-360; WAC 197-11-444

RCW 70A.305 (MTCA); RCW 70A.300; RCW 7.48.305 (Right to Farm); RCW 70A.222 (Mercury Products); RCW 70A.226 (Fluorescent Lamps)

TSCA 15 U.S.C. §2605; 40 CFR Part 761 (PCBs); 40 CFR Part 112 (SPCC); 40 CFR Part 279 (Used Oil); 40 CFR Part 266 Subpart G (Batteries)

NFPA 22 (Water Tanks for Private Fire Protection); NFPA 855 (Energy Storage Systems); IFC § B105.1 (Fire Flow); NFPA 30 (Flammable & Combustible Liquids)

WAC 173-200 (Groundwater Quality Standards); WAC 173-441 (GHG Reporting); WAC 173-492 (Architectural Coatings); WAC 246-272A (On-Site Sewage)

EPA: CERCLA PFAS Hazardous Substance Designation (2024); EPA MCL for PFAS (4 ppt, effective 2024)

— George Thomas, adjacent landowner, active farmer, and appellant SE-26-00003
Addendum submitted prior to April 18, 2026, 5:00 PM public comment deadline