

BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITY SITE EVALUATION COUNCIL

In The Matter of Compliance By The	)	
	)	
WASHINGTON PUBLIC POWER SUPPLY	)	ORDER REGARDING
SYSTEM NUCLEAR PROJECT NO. 3	)	NOTICE OF VIOLATION
	)	EFSEC NO. 89-002
With Chapters 80.50 and 90.48 RCW	)	
and the Rules and Regulations of the	)	
Energy Facility Site Evaluation Council	)	
.....	)	

This matter came before the Energy Facility Site Evaluation Council (hereinafter Council or EFSEC) at its regular meeting of December 11, 1989. The Council issued Notice of Violation, EFSEC No. 89-002, on November 13, 1989 to the Washington Public Power Supply System (hereinafter Supply System) for an alleged discharge of pollutants at Nuclear Project No. 3 (hereinafter WNP-3) which was not in compliance with the WNP-3 Site Certification Agreement and state requirements. Pursuant to RCW 80.50.150, the notice specified a time period in which the Supply System could appeal the notice. The Supply System chose not to appeal the notice within the time specified.

Based upon the foregoing, the Council enters the following:

**FINDINGS OF FACT**

1. That the Supply System holds a Site Certification Agreement (SCA) for the construction and operation of WNP-3, a nuclear electric generating project, and has held such agreement at all times material hereto.
2. That the WNP-3 SCA and RCW 90.48 prohibit the discharge of polluting matters to the waters of the state.
3. That during the estimated two-three month period preceding August 1988, approximately 2,800 gallons of regular (leaded) gasoline leaked from a tank at the above-ground service station at the WNP-3 site.
4. That the source of the leak was traced to faulty underground pipe connections between the storage tanks and gas pumps.
5. That the gasoline leak did not threaten the public health or environment.

6. That the Supply System has installed new, above-ground piping from the regular, unleaded and diesel fuel tanks to the pumps at the service station to prevent further discharges and make any future leaks more easily detectable.
7. That the SUPPLY SYSTEM initiated an immediate cleanup program to prevent, contain and treat the gasoline spill (area) in accordance with the WNP-3 Oil Spill Prevention and Countermeasure Plan (National Pollutant Discharge Elimination System Permit Condition G35).
8. That the SUPPLY SYSTEM conducted a Fuel Spill Monitoring Program that required water quality and soil sampling to determine the extent of subsurface and groundwater contamination and verify the completeness of the water flushing process.
9. That the actions taken to control and mitigate the effects of the spill have been sufficient and demonstrated that the gasoline contamination is being contained and not spreading and that gasoline constituent contamination levels are below cleanup standards or below detection levels.
10. That the SUPPLY SYSTEM's prompt cleanup and corrective actions, along with the continuing monitoring, have been successful in mitigating the severity of the violation.
11. That the SUPPLY SYSTEM did not appeal the Notice of Violation in the time specified.

Based upon the foregoing Findings of Fact, the Council enters the following:

### CONCLUSIONS OF LAW

That the conduct described in Findings of Fact No. 3 above constitutes a violation of WNP-3 SCA condition VI.E and RCW 90.48 and, pursuant to RCW 80.50.150, is grounds for the assessment of a civil monetary penalty.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Council enters the following:

### ORDER

IT IS HEREBY ORDERED That the SUPPLY SYSTEM is on notice that a violation has been found and that, based upon the mitigating conditions of Findings of Fact 5, 6, 7, 8 and 9, no penalty shall be assessed.

The Council notes that any further violations of the terms of the SCA may result in an assessment of a civil monetary penalty.

The Council admonishes the SUPPLY SYSTEM to be mindful of all of the conditions of the WNP-3 SCA including, but not limited to, its responsibilities to perform the following:

1. Continue water sampling at the following three locations during the 1989-90 rainy season:
  - a. Interceptor gas well;
  - b. Incinerator discharge area; and
  - c. West ditch (of erosion control system)
2. Samples will be taken monthly; other sample points may be maintained; and sampling will be discontinued at a mutually acceptable date.
3. Report and review sample results with the Council to determine the extent of long-range remediation measures.
4. Continue operation of the interceptor gas well and the McTighe separator until the Council is satisfied water in the well meets Department of Ecology water cleanup standards.
5. Maintain the WNP-3 Oil Spill Prevention and Countermeasure Plan, to include having equipment and materials available to respond to spill incidents.
6. The Council shall review the sample results and other information regarding the mitigation efforts and reserves the right to reconsider revisions to this order as necessary for protection of the public.

DATED at Olympia and effective this 11th day of December 1989.

WASHINGTON STATE ENERGY  
FACILITY SITE EVALUATION COUNCIL

By   
Curtis Eschels  
Chairman

ATTEST:

By   
William L. Fitch  
Executive Secretary