



REGION 9

SAN FRANCISCO, CA 94105

January 22, 2025

Cynthia Vodopivec
SVP - Environmental, Health and Safety
6555 Sierra Drive
Irving, TX 75039

Re: Notice of Federal Response Action issued to Vistra Corp. (Vistra) regarding the site located at 7301 State Highway 1, Moss Landing, CA 95039

Dear Cynthia Vodopivec:

The U.S. Environmental Protection Agency (EPA) has been informed of a release or threatened release of hazardous substances, pollutants, or contaminants into the environment at the Moss Landing Power Plant site, located at 7301 State Highway 1, Moss Landing, CA 95039 (the site).

Under the authority of the National Contingency Plan (NCP), 40 CFR Part 300, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, 42 U.S.C. Section 9601, et seq., EPA evaluates whether responsible parties or other agencies are properly responding to such releases.

This site is within the jurisdiction of EPA and the EPA On-Scene Coordinator (OSC) is charged with coordinating, directing, and reviewing the work of responders to ensure compliance with the NCP. The primary OSC for this site is Olivia Trombadore. Alternative OSCs for the site include Justin Marquez and Katherine Hull.

Responsible parties generally include the current or former operator and/or owner of the site and persons who generated or were involved in the transportation, management, or disposal of the materials at the site. Before EPA initiates a response, potentially responsible parties, where practicable, are offered the opportunity to conduct the response. If the responsible party decides to perform the work, EPA may enter into an administrative agreement with the party which memorializes that commitment. If the responsible party is unwilling to perform the response, EPA may issue an order which requires the party to perform the work or EPA may perform the work. If public funds are expended for a response action, responsible parties may be held liable for all government costs, including the cost of overseeing work performed by responsible parties.

This notice is to inform you that EPA has determined that a response action is necessary at the site and to give you the opportunity to conduct the response. Your intention to do so, or your unwillingness to

do so, should be immediately conveyed to the OSC. Correspondence should be directed to the OSC at the following address or at trombadore.olivia@epa.gov, with copies to marquez.justin@epa.gov and hull.katherine@epa.gov.

If the OSC determines that the response to the release or threatened release is not being properly conducted, EPA may initiate the required response action. The fire at the Moss Landing Power Plant facility has caused a release or threat of release of hazardous substances into the environment. The contaminants of concern are particulate matter, Asbestos, heavy metals, and toxic gases such as Hydrogen Fluoride. The following actions are considered necessary for a proper response, within the specified time frame:

Description
<p>Immediate Response Actions. Immediately implement the following actions:</p> <ol style="list-style-type: none"> Conduct Ash/debris sampling in the community, as described under “Immediate Community Debris Sampling,” below. Conduct 24-hour fire watch and be prepared to conduct fire suppression activities, if needed. Conduct worker health and safety air monitoring for percent Oxygen, Lower Explosive Limit, total Volatile Organic Compounds (VOCs), Carbon Monoxide, Hydrogen Cyanide, Hydrogen Fluoride, and heavy metals (as particulates). Conduct worker health and safety asbestos sampling. Implement perimeter air monitoring of the facility for particulate matter and Hydrogen Fluoride, per EPA’s direction. Maintain site security and restrict access to the site. Please replace any government personnel at the check point with either Vistra personnel or private security.
<p>Emergency Response Plan. By 8:00 am Pacific Standard Time (PST) on January 27, 2025, submit to EPA an emergency response plan (“Emergency Response Plan”) to prepare for a secondary fire/emergency, which includes plans to:</p> <ol style="list-style-type: none"> Conduct ash/debris sampling in the community described under “Immediate Community Debris Sampling” below. Conduct 24-hour fire watch and be prepared to conduct fire suppression activities, if needed. Conduct worker health and safety air monitoring for percent Oxygen, Lower Explosive Limit, total Volatile Organic Compounds (VOCs), Carbon Monoxide, Hydrogen Cyanide, Hydrogen Fluoride, and heavy metals (as particulates). Conduct community air monitoring for particulate matter and toxic gases including Hydrogen Fluoride. Conduct co-located air sampling for Asbestos, heavy metals, and Hydrogen Fluoride. Air sampling should be consistent with NIOSH Method 7300 for metals, NIOSH Method 7902 for Hydrogen Fluoride, and NIOSH Method 7400 for asbestos. Manage water collection, containment, and sampling of water on site. Prevent the off-site migration of fire suppressants or water potentially affected by contaminants. To include implementing a water sampling program for fire suppression runoff if firefighting suppression water is migrating off-site. Analytes should be outlined in plan and samples should be run on a 24-hour turn around time during an emergency.

The Emergency Response Plan must be approved by EPA. Upon approval of the Emergency Response Plan by EPA, Vistra shall promptly implement the work required under the plan.
Health and Safety Plans. Submit to EPA a Health and Safety Plan (HASP) that meets the requirements pursuant 29 CFR 1910.120(b)(4). Submit the HASP EPA by 8:00 am PST on January 27, 2025. Any contractors hired to implement air surveillance or water sampling must have an approved HASP prior to beginning work.
Immediate Community Debris Sampling. Promptly coordinate with the County of Monterey to respond to any requests for the collection and sampling of ash/debris for asbestos and heavy metals. Establish a mechanism for reporting the results of such sampling activity to the individual(s) who requested such sampling and to EPA. Implement a dust sampling plan which provides for sampling of, at a minimum, asbestos and metals, within the footprint of the soot deposition plume (as determined by EPA). Report the results of any such sampling to EPA.
On-Site Safety. Compliance with 29 CFR 1910.120: Hazardous Waste Operations and Emergency Response (HAZWOPER) for all personnel on-site. Proof of compliance must include: the written safety and health program plan and all ancillary plans required pursuant to 29 CFR 1910.120(b)(1); proof of a medical surveillance program (29 CFR 1910.120(f)); and proof of training (29 CFR 1910.120(e)). Contractors brought on-site to conduct work must follow HAZWOPER, no exceptions.
Permit requirements. No federal, state, or local permits are required for on-site response actions conducted pursuant to CERCLA sections 104, 106, 120, 121, or 122 and subject to EPA oversight.

If you have any questions regarding legal authorities, rights, or sanctions under the law, you may contact Laura Friedli in the Office of Regional Counsel, at 415-972-3325. If you have any technical or operational questions, contact the OSCs, at the telephone numbers listed below. During non-business hours, you may also contact the EPA Spillphone Duty Officer, at 415-300-2193.

On-Scene Coordinators: Name: Olivia Trombadore
 Phone: 415-243-7750
 Email: trombadore.olivia@epa.gov

Name: Justin Marquez
 Phone: 562-733-0466
 Email: marquez.justin@epa.gov

Name: Katherine Hull
 Phone: 415-798-0369
 Email: hull.katherine@epa.gov

Acknowledgment of Receipt

Received

by: _____

Date: _____

cc: File

Laura Friedli, EPA ORC

Randy McMurry, Monterey County Environmental Health

Maria Ferdin, Monterey County Environmental Health

Donn Poticar, Monterey County Environmental Health

Rick Encarnacion, Monterey County Environmental Health