

Case Study: Addressing the Discovery of PFAS During Construction Port of Kennewick's Vista Field Story



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**Washington Public
Ports Association
Environmental Seminar**

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**Foster
Jobs**



**Build
Infrastructure**

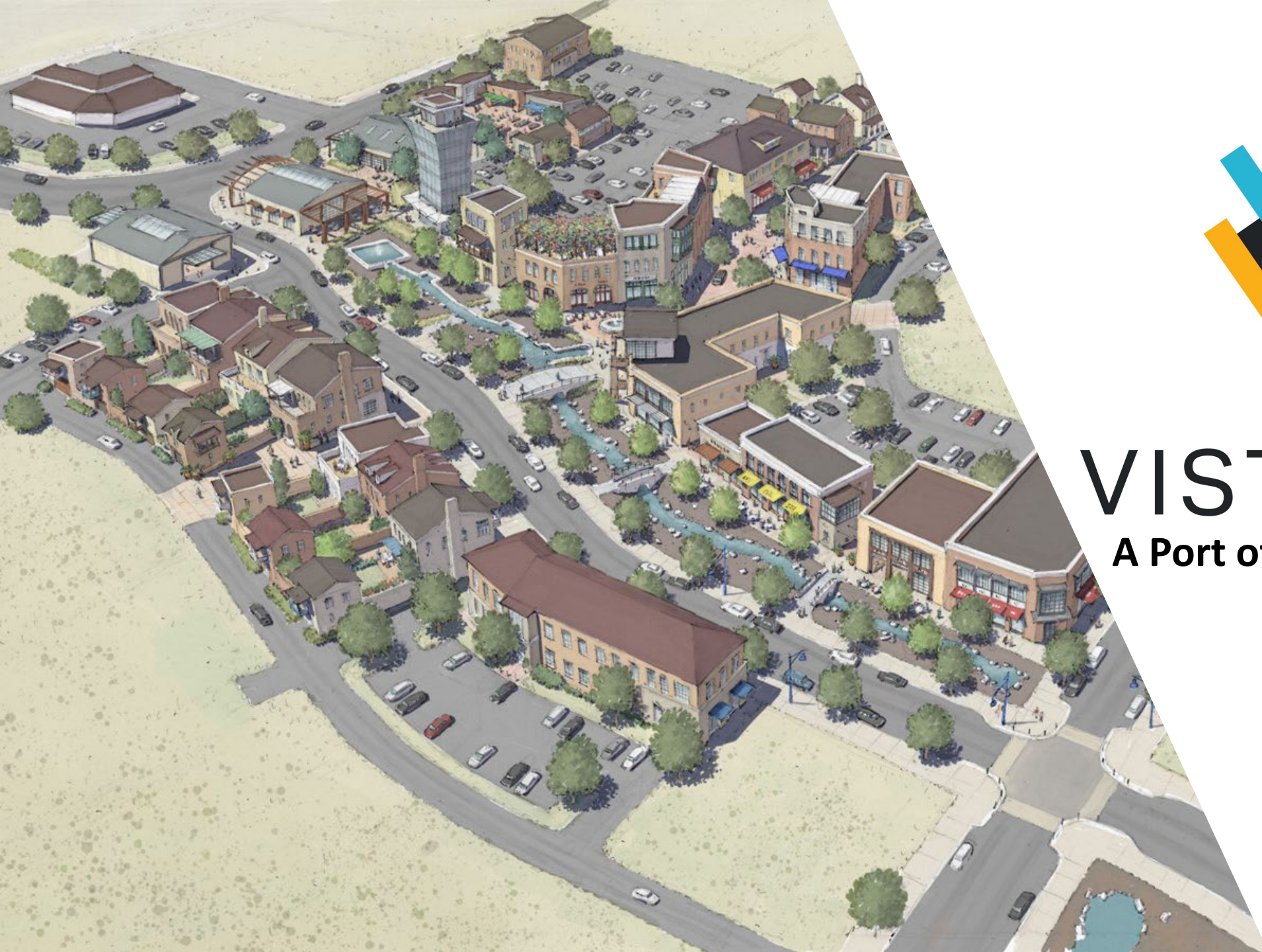


**Enhance
Quality of Life**



Commissions' Role

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VISTAFIELD

A Port of Kennewick Project



Building the Team

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Our Objectives

- Protect Community Health & Safety
- Ensure a Transparent Process
- Determine the Facts
- Manage Risk
- Inform Stakeholders & Public
- Engage With Ecology
- Continue With Development



Highly Functioning Team & Our Coordination

- Weekly Meetings
- Outside Experts & Staff Participation
- Integrated Work Tasks
- Keeping Port Commission Informed
- Maintain Open Communication and Close Teamwork
 - Avoid Surprises, Build Trust and Gain Enhanced Credibility



Key Considerations for Public Ports in Environmental Investigations

Compliance with Environmental Laws

- The Port chose to prioritize adherence to all relevant environmental laws and regulations
- The Port chose to conduct a thorough investigation to identify any potential environmental hazards on its Vista Field properties.

Reliance on Subject Matter Experts

- The Port chose to engage elite competent experts – triggering procurement and contracting coordination
- The Port chose a team approach, combining environmental, Real Estate, permitting and construction, public policy, External Affairs, and port management talents



GENERAL COUNSEL

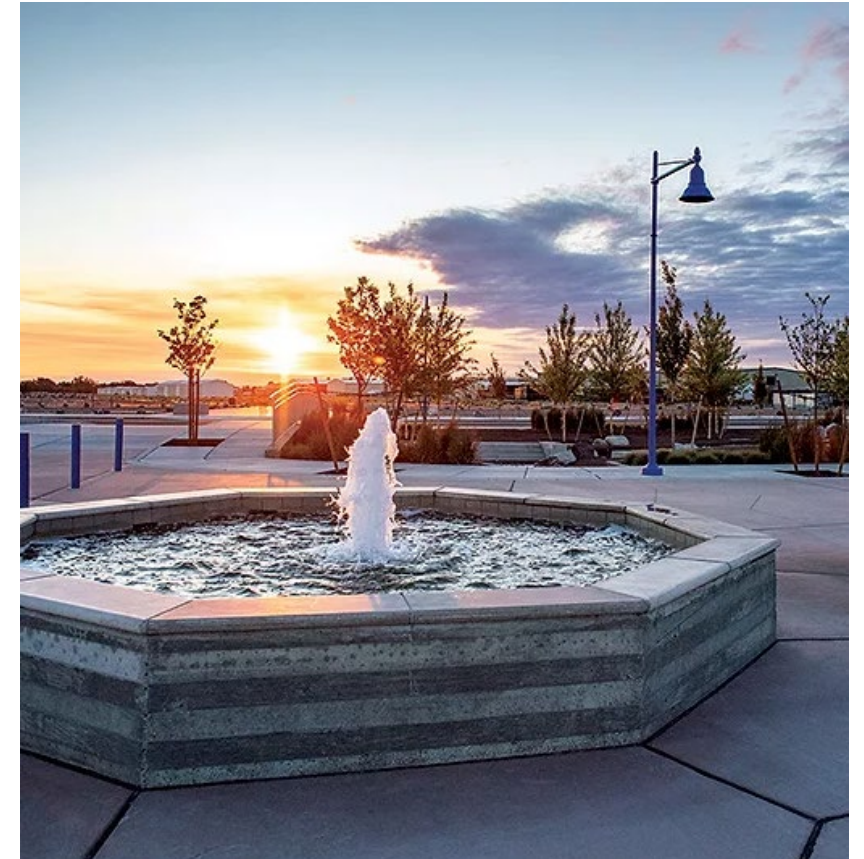
Key Considerations for Public Ports in Environmental Investigations

Transparency

- The Port chose to proactively and frequently share findings with stakeholders and the public to foster trust and accountability.
- The Port chose to minimize legally allowed Executive sessions, in favor of community visibility

Engaging with Regulatory Bodies

- The Port chose to establish cooperative dialogue with regulatory agencies to address and resolve non-compliance issues.
- The Port chose to utilize a proactive approach to ensure that any identified issues are managed effectively and transparently.



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Key Considerations for Public Ports in Environmental Investigations

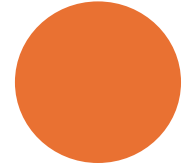
Documentation

- The Port chose to maintain comprehensive records of all investigations and remediation efforts.
- The Port chose to document historical knowledge



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Key Considerations for Public Ports in Environmental Investigations



Risk Management

- The Port chose to carefully evaluate potential risks associated with environmental conditions, including health risks to the public and financial liabilities for the entity.
- The Port chose to compare one-time environmental cost recoupment with the greater public benefit of Vista Field's overall success, development, and sales.
- The Port chose to carefully consider insurance coverages, prior historical chain of ownership, and potential current sources.
- The Port chose to ensure compliance with audit and gift of public funds considerations.



▲ Phase II of a single lot in the middle of a former airfield

- ▲ Three soil samples, collected four feet below the development grade, draft report indicated Method B exceedances for four PFAS compounds in two locations, one exceedance in the third.

▲ Initial questions to build the site conceptual model:

Why was the testing done?



Review the Phase I

Go below the surface...

What other potential sources?

Are the data reliable?



Evaluate lab results

Review cleanup levels used for comparison

Review QA/QC approach

Do we need to verify the data?

Who are our partners and where are our receptors?



Who are the stakeholders?

Who is breathing the air, drinking the water, exposed to the soil?

Who are the regulators?

// INVESTIGATION RESULTS – THE HISTORY

- ▲ Phase I had erroneously identified Vista Field as a Naval Station from 1942 through 2013
 - ▲ “EDR Loan Check” → “Supplemental internet research”
 - ▲ Records search indicated that the last military presence was 1947 at the very latest
- ▲ No evidence of the use or storage of AFFF at Vista Field was discovered (records requests, local fire departments, news archives, etc.)
- ▲ Sampling location was from a location that had been covered by runway until ~2014
- ▲ Potential PFAS sources appeared to be consumer and construction equipment and/or aerial “background” deposition – no “release” or point source identified.



The steel runway at Vista Field for carrier deck landing and catapult takeoff training (center brighter area) on May 26, 1945.
Photo courtesy of the National Archives and Records Administration

// INVESTIGATION RESULTS – THE DATA

- ▲ Draft Phase II results had some reporting issues with the laboratory, tables did not identify which results were below practical quantitation limits, used cleanup levels later deemed inappropriate, and there was no QA/QC plan or samples to test for cross contamination; thus were deemed unreliable and required verification/resampling in that area.

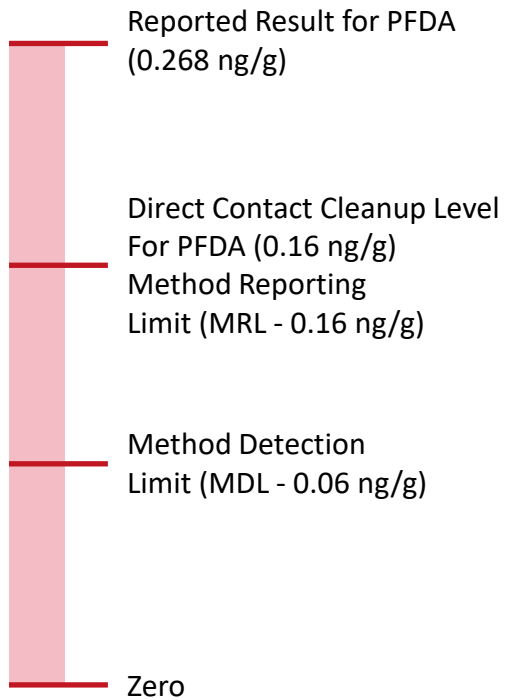


Conversations with Ecology resulted in three iterations of assessment, with just under 100 soil samples collected from soil borings up to 30 feet bgs, surface soils, and test pits (not counting the many QA/QC samples).

Results conveyed to Ecology as they came in to keep them appraised and aligned.

// THE CONCEPTUAL SITE MODEL

- ▲ PFAS were detected above the laboratory **method reporting limit** in only six locations, all in the upper three feet of soil; in each case deeper samples did not contain any PFAS above the **method detection limit**.
- ▲ Groundwater at the site was inferred at 125 to 165 feet bgs (vertical separation).

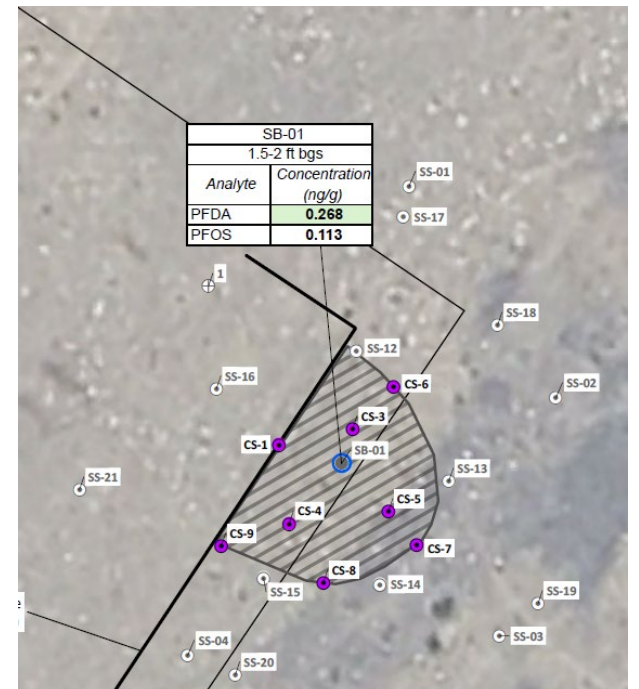


- ▲ Extensive discussions with Ecology resulted in a set of cleanup levels based on the greater of the soil **direct-contact pathway**, or the **MRL** (WAC 173-340-707) – lack of PFAS at depth demonstrated no connection to groundwater.
- ▲ Only a single sample contained a detected concentration in excess of these cleanup levels; soil borings advanced in locations of Phase II samples showed no exceedances.

// THE CLEANUP

- Multiple approaches to single sample discussed/presented to Port (statistical, covenant, phytoremediation)
- Selected remedy → Targeted soil removal
- Subsequent samples below cleanup levels (all but one sample below method detection limits)
- Engagement at a number of regulatory levels in addition to Ecology project manager to ensure the action taken was appropriate.

The Washington State Department of Ecology (Ecology) received your report regarding a release of hazardous substances at the Vista Field Lot 31 facility (Site) and your independent cleanup on March 13, 2026. Based on our initial investigation, Ecology has determined a release occurred, but **no further remedial action is necessary** to clean up the contamination.



Summary of the Technical Timeline

- Notice of evidence of PFAS cleanup levels
- Review technical work to confirm sampling accuracy
- Conduct confirmatory sampling
- Engage with Ecology re: confirmed exceedance
- Develop Cleanup Action Plan
- Execute Cleanup Action Plan
- Develop Port cleanup submittal and request for NFA
- Obtain NFA

Regulatory Background

- CERCLA – Federal designation as hazardous substances
 - Rulemaking PFOA and PFOS added as hazardous substances
 - August 18, 2026 – U.S. Court of Appeals for the D.C. Circuit updated EPA rule
- MTCA – State hazardous substance control
- Strict liability statutes
- Remedial statutes – retroactive liability
- Very limited defenses
- How clean is clean
- Obtaining the Brass Ring – the NFA letter

Communication Timeline

Developer/Stakeholders

- Notice from tenant of PFAS discovery
- Inform tenant of technical plan
- Access Agreement for sampling
- Face to face meetings regarding tech work and objectives
- Submittal of Port cleanup request and request for NFA to cover all impacted parcels
- Cleanup Agreement/resolution of potential claims

Communication Timeline

External Communications

- Press releases and coordination with local media
- Website updates
- Share updates at Commissions' public meetings
- Sharing documents and reports
- Closeout communication with stakeholders and media

Lessons Learned

- Act quickly to control the process
 - But be patient with regulators
 - Do not point fingers
 - Do not avoid hard questions
 - Focus on protecting public health and the environment
- Provide facts and assurances of a timely and competent response
- Act to protect your interests and the interests of stakeholders
- Keep the public informed
- Work with the Port Commission to assure that the policy makers are fully informed
- Be proactive and transparent

A man in a blue shirt and jeans stands next to a large billboard, pointing at a map of land parcels. The billboard is titled "PHASE 1 PARCELS FOR SALE" and features the Vistafield logo. The map shows various lots, some of which are marked "SOLD" in green. A blue area is labeled "PAVILION PROJECT". The billboard also lists amenities like "Shovel-Ready", "Urban Mixed-Zoning", and "Commer". The man is standing next to a silver ladder. The billboard has a yellow and blue border. The background shows a clear sky and some trees.



Vista Field Development & Land Sales Moving Forward

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“It is a rare thing to see an organization handle a curveball like PFAS so calmly and so well. The Port of Kennewick team emphasized transparency and informing the public at every step. They wanted the investigation and cleanup done the right way, with the right team, from the beginning and engaged with Ecology promptly. I have rarely worked with an organization whose actions aligned so well with the values they speak of – the Port really walked the talk.”

John McCorkle
Principal Consultant, Landau Associates

Thank You!



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