

# RECLAMATION

*Managing Water in the West*

## **South Utah Valley Electric Conveyance Project**

**Environmental Assessment and Finding of  
No Significant Impact**

**PRO-EA-13-007**

**Upper Colorado Region  
Provo Area Office  
Provo, Utah**



**U.S. Department of the Interior  
Bureau of Reclamation  
Provo Area Office  
Provo, Utah**

**March 2014**

## **Mission Statements**

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

# South Utah Valley Electric Conveyance Project

**Environmental Assessment and  
Finding of No Significant Impact**

**Upper Colorado Region  
Provo Area Office  
Provo, Utah**

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Provo, Utah**

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# Chapter 1 - Need for Action

## 1.1 Introduction and Background

The Bureau of Reclamation, Provo Area Office has prepared this Environmental Assessment (EA) to examine the potential environmental impacts of the proposed transfer of the Electric Distribution System and related equipment (an original feature of the Strawberry Valley Project) to the South Utah Valley Electric Service District (District).

The Strawberry Valley Project is a Federal water project that was authorized by the Secretary of the Interior, on December 15, 1905, under the provisions of the Reclamation Act of 1902. The Strawberry Valley Project comprises approximately 45,000 acres of irrigable land centered around Spanish Fork, Utah. This project provided the first large-scale transmountain diversion from the Colorado River Basin to the Bonneville Basin. It was also one of the earliest Reclamation projects to develop hydroelectric power. Project features include Strawberry Dam and Reservoir, Indian Creek Dike, Strawberry Tunnel, two diversion dams, three hydroelectric powerplants, a main canal system, and a portion of the lateral system.

The Strawberry Valley Project Power System has four parts: (1) Generation System (three small power plants), (2) Transmission System (46.0 kV lines from powerplants to substations), (3) Electrical Distribution System (12.5 kilovolt lines from substations to end users), and (4) substation facilities located at the Upper Spanish Fork Powerplant. The Upper Spanish Fork Powerplant, with two power generation units, operates under a maximum head of 123 feet, and develops 900 kilowatts. The Lower Spanish Fork Powerplant has one power generation unit operating under a maximum head of 48 feet and develops 250 kilowatts. The Payson Powerplant on Peteetneet Creek, operates on a maximum head of 636 feet and develops 400 kilowatts. The three hydroelectric generating plants have a total capacity of 1,550 kilowatts. The Upper Spanish Fork Powerplant was constructed by Reclamation, while the other two powerplants were constructed by the Strawberry Water User's Association (Association) using Strawberry Valley Project funds. Within the Strawberry Valley Project, there are a total of 42 miles of transmission lines to deliver power from the power plants to the Electrical Distribution System. The Electrical Distribution System is comprised of approximately 500 miles of electric lines, which provide power to domestic, industrial, and commercial consumers in south Utah County. In 1926, the Association obtained the contractual right to repay the construction costs associated with the Strawberry Valley Project, as well as to operate and maintain the project by way of the Reclamation Extension Act of 1914. In 1986, the Association assigned its contractual right to operate and maintain the Electrical Distribution System to the District.

The proposed Federal action, as mandated by Congress, in the South Utah Valley Electric Conveyance Act of 2013, Public Law 113-19, is to convey the Upper Spanish Fork Powerplant substation equipment, and all of the distribution lines associated with the Electrical Distribution System, (which are owned by the United States) to the District, subject to the environmental review requirements of the National Environmental Policy Act (NEPA) and other Federal environmental laws. This transfer is to be accomplished by a Quit Claim Deed and a Right of Use Agreement, for access to Reclamation lands on which the distribution fixtures were constructed.

## **1.2 Need for Action**

Reclamation's need for this action is to comply with the South Utah Valley Electric Conveyance Act of 2013, Public Law 113-19, which was passed by the 113<sup>th</sup> Congress on July 10, 2013. The underlying need is to continue to provide reliable electricity to the District's customers throughout their service area (see Figure 1).

## **1.3 Project Description**

The action proposed by Reclamation, acting on behalf of the Secretary of the Interior, is to transfer all of the Federally-owned Electrical Distribution System fixtures and the Spanish Fork Substation equipment to the District, in compliance with the mandate from Congress. This transfer only includes personal property<sup>1</sup> and no real property<sup>2</sup> is proposed for transfer. Details of the action are described in Chapter 2. By way of background, the District's service area and Electrical Distribution System comprise the cities of Woodland Hills, Elk Ridge, and unincorporated areas of Utah County (see Figure 1).

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<sup>1</sup> Personal property is defined as: Any property not designated by law a real property.

<sup>2</sup> Real property is defined as: Lands and anything permanently affixed to the land, such as buildings, fences and those things attached to buildings, such as light fixtures, plumbing and heating fixtures, or other such items which would be personal property if not attached.

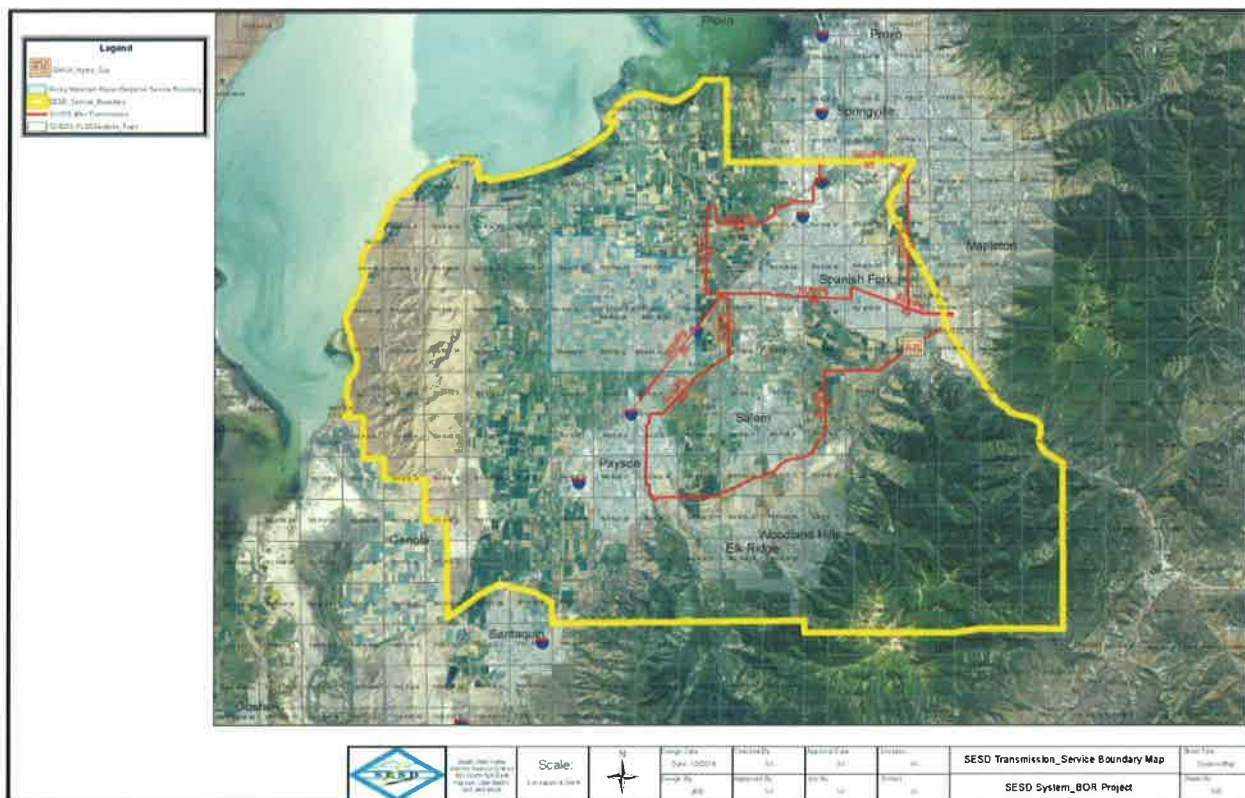


Figure 1. Map showing service area boundary and impact area.

## 1.4 Scoping and Public Involvement

No formal public scoping was conducted for this EA. However, public concerns lead to the passing of the South Utah Valley Electric Conveyance Act.

## 1.5 Permits, Licenses, and Authorizations Required

Implementation of the Proposed Action could require authorizations or permits from state and Federal agencies. The District would be responsible for obtaining all permits, licenses, and authorizations required for the Proposed Action. Potential authorizations or permits may include those listed in Table 1-2 and others not listed.

**Table 1.2**  
**Permit and Authorizations Required**

<b>Agency/Department</b>	<b>Purpose</b>
Utah State Historic Preservation Office	Consultation pursuant to Section 106 of the National Historic Preservation Act, 16 USC 470.
Bureau of Reclamation	Licenses for use in perpetuity of the shared power poles per Section 3(a)(3). Licenses for use and for access in perpetuity for purposes of operation, maintenance, and replacement across, over, and along all project lands in irrigation and power facilities lands that are necessary for other Strawberry Valley Project facilities (Section 3(a)(3)(A)). Licenses for use and for access for perpetuity for corridors where federal lands are abutting public streets and provide access facilitating operation, maintenance, and replacement of facilities (Section 3(a)(3)(B)).



## **Chapter 2 - Alternatives**

This chapter describes the two alternatives considered by Reclamation for the proposed South Valley Electric Conveyance Project. The proposed alternative is as described in the South Valley Electric Conveyance Act, mandated by Congress in 2013. The other alternative is taking no action.

### **2.1 No Action Alternative**

Under the No Action Alternative Reclamation's compliance with the South Valley Electric Conveyance Act, would not be completed and the mandated conveyances would not be conveyed to the District. Under No Action, the United States would continue to hold title to the Electrical Distribution System and the Spanish Fork Substation equipment. Operation and maintenance of the Electrical Distribution System would continue to be performed by the District.

### **2.2 Proposed Action Alternative (Preferred)**

The Proposed Action Alternative, also called the Proposed Action, has several elements. One element is that the Secretary of the Interior, acting through Reclamation, would convey and assign to the District all of the United States' rights, title, and interests in the fixtures, presently owned by the United States, as part of the Strawberry Valley Project Electric Distribution System, along with distribution fixture lands (Section 3(a)(1)(A,B)). These fixtures include power poles, cross-members, overhead wires, grounding rods or wires, insulators, substations, etc. that comprise those portions of the Strawberry Valley Project power distribution system that are 12.5 kilovolts and were constructed with Strawberry Valley Project revenues and are located on Federal lands (Sec. 3(a)(2)). The first element of the Proposed Action includes the transfer of distribution fixture lands, as referenced in the act at Section 2. These are defined as Federal lands and interests in lands where the fixtures are unencumbered by other Strawberry Valley Project features and measure 30 feet on each side of the power line.

Element two of the Proposed Action, is that Reclamation would issue a license to the District for the use of electric fixtures including power poles, cross-members, wires, insulators, and associated fixtures, including substations, that comprise those portions of the Strawberry Valley Project power distribution system that are 12.5 kilovolts and were constructed with Strawberry Valley Project revenues, and are located on Federal lands (Sec. 3(a)(2)).

Element three of the Proposed Action, is that Reclamation would issue a license to the District for use of and access to Strawberry Valley Project lands and facilities as needed for the ongoing operation, maintenance, and replacement of the Electric Distribution System (Section 3(a)(3)(A,B)).

It should be noted, that in compliance with Section 3(c), Reclamation would not convey to the District or any other party, any interest in shared facilities that comprise a portion of the Strawberry Valley Project power generation system or the Federal portions of the 46 kilovolt Transmission System. Nor would any land or real property be transferred, despite the references to land transfer in the act.

# Chapter 3 – Affected Environment and Environmental Consequences

## 3.1 Introduction

Reclamation, working in cooperation with the District, formed an interdisciplinary team to study the environmental, social, and economic changes that might result from implementing the project; i.e., permitting the title transfer to go forward. The direct, indirect, and cumulative effects on physical, biological, cultural, socioeconomic resources of the area that would be affected by the project, are described in this chapter. The following resources are reviewed:

- Threatened and Endangered Species
- Cultural Resources
- Land Use and Growth
- Energy and Public Utilities
- Hazardous Materials
- Environmental Justice
- Socioeconomics

The impact area or study area equates with the electrical service area of the District which is shown in Figure 1.

## 3.2 Resources Eliminated From Analysis

Table 3.1 shows the resources that would have no direct, indirect, or cumulative impact from the proposed or no action alternatives.

**Table 3.1  
Environmental Effects**

<b>Resource</b>	<b>Rationale for Elimination from Further Analysis</b>
<b>Wilderness and Wild and Scenic Rivers</b>	There are no designated wilderness areas or Wild and Scenic Rivers within the project area; therefore, there is no impact to these resources from the Proposed Action.
<b>Vegetation, Fisheries, and Wildlife</b>	There would be no effects to vegetation, fisheries, and wildlife as a result of the Proposed Action.

<b>Prime and Unique Farmland</b>	There is Prime and Unique Farmland within the project area however, there would be no conversion of farmland to non-agricultural use, as defined by the Farmland Protection Policy Act (USC 4201-4209) from the Proposed Action.
<b>Air Quality &amp; Climate Change</b>	There would be no effects to air quality or climate change as a result of the Proposed Action.
<b>Floodplains and Wetlands</b>	There are no impacts to floodplains or wetlands within the project area from the Proposed Action and no requirements under Executive Orders 11988 or 11990.
<b>Paleontological Resources</b>	There are ground disturbing activities and therefore no effects on paleontological resources resulting from the Proposed
<b>Indian Trust Assets</b>	There are no known Indian Trust Assets within the project area and therefore there be no effects to Indian Trust Assets.
<b>Noise</b>	There are no effects on noise resulting from the Proposed

### 3.3 Threatened and Endangered Species

Under the Endangered Species Act, Federal agencies are required to ensure that any action Federally authorized, funded, or carried out, would not adversely affect a Federally listed, threatened, or endangered species, or their designated critical habitat. Table 3.2 shows the listed species that occur within Utah County. June sucker is the only species listed as threatened, endangered, or candidate by the U.S. Fish and Wildlife Service that is known to occur within the action area.

**Table 3.2**  
**ESA Listed Species**

<b>Status</b>	<b>Common Name</b>	<b>Biological Name</b>
<b>Bird</b>		
C	Greater sage-grouse	<i>Centrocercus urophasianus</i>
C	Yellow-billed Cuckoo	<i>Coccyzus americanus</i>
<b>Fish</b>		
E	June sucker	<i>Chasmistes liorus</i>
C	Least chub	<i>Iotichthys phlegethontis</i>
<b>Animal</b>		
T	Canada Lynx	<i>Lynx canadensis</i>
<b>Plant</b>		
E	Clay phacelia	<i>Phacelia argillacea</i>
T	Deseret milk-vetch	<i>Astragalus desereticus</i>
T	Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>

Threatened (T), Endangered (E), and Candidate (C) species known to occur in Utah County.

### **3.3.1 No Action Alternative**

Under the No Action Alternative, there would be “No Effect” to listed species.

### **3.3.2 Proposed Action Alternative**

Under the Proposed Action, there would be no direct or indirect effects on the June sucker or any other listed species, and there would be no effect on designated critical habitat. Reclamation’s determination is that the proposed transfer would result in “No Effect” to listed species or critical habitat.

## **3.4 Cultural Resources**

Section 106, under the National Historic Preservation Act of 1966, as amended, (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings. Historic properties are those districts, sites, buildings, structures, and objects, that are eligible for listing on the National Register of Historic Places (NRHP), as per the NRHP criteria at 36 CFR part 63.

### **3.4.1 No Action Alternative**

Inventories for cultural resources, and specifically for historic properties eligible to the NRHP, have not been conducted within the lands or buildings and structures of the Strawberry Valley Project. The Electrical Distribution System and substation are features of the Strawberry Valley Project, which also includes the Strawberry Dam, Indian Creek Dike, Strawberry Tunnel, two diversion dams, three powerplants, and a canal system. The project was authorized by the Secretary of the Interior in 1905, and construction was completed by 1941. While Reclamation has not written a historic context statement for the Strawberry Valley Project, the project is of historic significance as being the first large-scale transmountain diversion from the Colorado River Basin to the Bonneville Basin, and it was also one of the earliest Reclamation projects to develop hydroelectric energy.

### **3.4.2 Proposed Action Alternative**

Transfer of historic properties out of Federal control is considered an adverse effect, should such properties be present. While an intensive inventory of District lands and the Electrical Distribution System has not been performed, some of the powerlines, poles, and a substation were examined to see if they met the definition of a historic property. Archival research was conducted and District personnel were interviewed to obtain information about the age and historic character of the system subject to transfer.

Given the historic context of the Strawberry Valley Project, 1905 to 1941, Reclamation considers the Strawberry Tunnel and two powerplants eligible to the NRHP, but the electric distribution system is not considered individually eligible, nor is it considered a contributing element to the significance of the Strawberry

Valley Project, because none of the subfeatures or elements of the electric distribution system (poles, wires, substation, etc.) are over 50 years of age. The District identified one wooden pole that it felt might be over 50 years of age, but this pole has been taken out of service and is no longer part of the functioning Electrical Distribution System that would be transferred. All parts of the distribution system have been constructed, moved, or replaced within the last 50 years. This means that the distribution system is not an historic property, nor a contributing element to the historic significance of the Strawberry Valley Project during its period of significance. Therefore, the proposed transfer results in a finding of “no historic properties affected” per 36 CFR 800.4(d)(1). Reclamation has initiated consultation with the Utah State Historic Preservation Office regarding this finding.

### **3.5 Land Use and Growth**

The project area is located in Utah County, Utah. The distribution lines proposed for transfer, are located within the cities of Woodland Hills, Elk Ridge, and unincorporated areas of Utah County. The majority of the land in this area has been historically used for agriculture, but that use is changing. Field visits to the area and review of aerial photography were used to determine existing uses in the vicinity of the distribution lines. The main land uses along the lines are urban residential, rural residential, and agriculture. Of the private land, the average residential lot size is 1.7 acres.

Looking at Utah County as a whole, there are 602,205 acres of Federal lands, and 675,978 acres of private lands or 43.9 percent of the county is Federal land and most of these lands (35.5 percent) are managed by the U.S. Forest Service. From the years 2000 to 2010, Utah County had a 35 percent increase in residential development, and despite the downturn in the housing market, the conversion of open or agricultural land to residential developments is expected to continue into the future (Theobald 2013; U.S. Geological Survey 2012). Between 1970 and 2011, Utah County’s population increased from 139,053 to 530,499 persons, a 281 percent increase, an extremely high growth rate compared to the United States as a whole, which grew by 52.9 percent (U.S. Department of Commerce 2012). From 2001 to 2011, jobs in the service sector grew from 138,331 to 192,206, a 39 percent increase. The agricultural jobs have been declining since about 1970.

#### **3.5.1 No Action Alternative**

The No Action Alternative would maintain the existing ownership and operation of the Electrical Distribution System. There would be maintenance of the existing land uses.

#### **3.5.2 Proposed Action Alternative**

The Proposed Action differs from No Action by transferring ownership of the

Electrical Distribution System, but this would not affect the overall trend in residential growth or population increases in the county or service area.

## **3.6 Energy and Utilities**

### **3.6.1 No Action Alternative**

Under No Action, there would be no transfer of the Electrical Distribution System to the District. The United States would continue to own the entire system. The current operation and maintenance of those fixtures would continue to be performed by the District.

### **3.6.2 Proposed Action Alternative**

Under the Proposed Action Alternative, approximately 500 miles of 12.5 kilovolt overhead distribution lines and the Upper Spanish Fork substation would be transferred out of Federal control to the District. Operation and maintenance of the lines and substation would be transferred to the District.

## **3.7 Hazardous Materials**

### **3.7.1 No Action Alternative**

Under the No Action Alternative, The current agreements with the District to operate and maintain the Electrical Distribution System would remain intact and there would be no change in ownership. Currently, the District is “the operator” while Reclamation is “the owner” of the Electrical Distribution System. As owners and operators, Reclamation and the District are jointly responsible for compliance with the Resource Conservation and Recovery Act, the Clean Water Act, the Oil Pollution Act, and Toxic Substances Control Act, etc.

### **3.7.2 Proposed Action Alternative**

District compliance under the various pollution prevention and chemical control laws, would continue under the Action Alternative, the difference is that the District would become fully responsible for compliance with the laws cited above. The Federal government would no longer treat the District as “Government owned-contractor operated.”

While no real property is being proposed for transfer, Reclamation conducted limited environmental due diligence in compliance with Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This section of the law states that whenever Federal agencies are going to sell or transfer real property on which hazardous substances have been stored, used, or released for one year or more, the agency shall include in the contract of Quit Claim Deed notice of the type and quantity of such hazardous substance, and notice of the time at which such storage, release, or disposal took place to the extent such information is available. Reclamation conducted a limited transaction screen (see Appendix A) and determined that oil or petroleum

products have been used and stored on the property for more than one year; however, there is no evidence of past spills or releases, and the total capacity of oil storage is less than the threshold amount for spill pollution control and countermeasure compliance. Therefore, there are no recognized environmental conditions that would limit the transfer or be caused by the Proposed Action Alternative.

### **3.8 Environmental Justice**

All projects involving a Federal action must comply with Executive Order (EO) 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed by President Clinton on February 11, 1994. This EO directs Federal agencies to take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of Federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

No minority or low-income populations have been identified that would be adversely affected by the proposed project. Therefore, this project is not subject to the provisions of E.O. 12898.

#### **3.8.1 No Action Alternative**

Under No Action Alternative there would be no effects to Minority or Low-Income Populations.

#### **3.8.2 Proposed Action Alternative**

Under the Proposed Action Alternative there would be no effects to Minority or Low-Income Populations.

### **3.9 Socio-Economics**

The affected area for the proposed transfer is located entirely within Utah County, one of the fastest growing counties in the state. According to the 2010 Census, from 2000 to 2010, Utah County's population increased 40.17 percent from 368,536 to 516,564, and continues to grow at about 4.6 percent every 2 years. Utah County's per capita income in 2010 was \$18,938, which is lower than the state average of \$22,059, and significantly lower than the national average of \$26,059. While well educated (93 percent of all citizens over the age of 25, have a high school diploma or higher), 14.64 percent of the population lives in poverty, compared to the state average of 13.16 percent.

#### **3.9.1 No Action Alternative**

Under the No Action Alternative there would be no affect to socioeconomics; the United States would continue to own the Electrical Distribution System and the



District would continue to operate and maintain it.

### **3.9.2 Proposed Action Alternative**

With the final repayment installment being made on the Strawberry Valley Project in 1974, and the District operating and maintaining the distribution system since 1986, Federal involvement in activities pertaining to the Electrical Distribution System over the last few decades have been minimal. The primary noticeable socioeconomic effect of the United States transferring the title of the Electrical Distribution System to the District would be the District's ability to acquire financing at a more favorable rate by using the system's assets as collateral. Under the Proposed Action Alternative, there would be no increases to the District's insurance premiums, utility rates, labor costs, or changes in operations.

## **3.10 Cumulative Effects**

The previous chapters considered past actions and connected actions that led to the current status of each resource. In this section, the effects of reasonably foreseeable future actions are considered. A review was made of any relevant Federal and non-Federal activities not yet undertaken, but sufficiently likely to occur, that the agency should take them into account (43 CFR 46.30). The only action meeting this definition of documenting future actions that would affect the same components of the environment as the proposed action, is Utah County's Plan.

The Utah State Legislature has mandated that each city and county prepare a general plan to deal with growth within its boundaries. The general plans are designed to plan for the physical development of each community. Woodland Hills and Elk Ridge have community plans and Utah County has prepared a plan for unincorporated areas of Utah County.

The action of transferring the Electrical Distribution System to the District is in conformance with the plans and no additional effects would be created that were not analyzed in the sections above.

## Chapter 4 – Consultation and Coordination

The following agencies, tribes and individuals were consulted during the development of this EA.

**Table 4.1  
Agencies, Tribes, and Individuals Consulted for this EA.**

<b>Name</b>	<b>Purpose &amp; Authorities for Consultation or Coordination</b>	<b>Findings or Conclusions</b>
State Historic Preservation Office (SHPO)	Consulted on undertaking per the National Historic Preservation Act (NHPA; 16 USC 470)	SHPO concurred with no historic properties affected, see Appendix A.
South Utah Valley Electrical Service District	Management and staff consulted regarding CERCLA compliance and the transaction screen.	Oil and petroleum products have been used and stored on the property for more than one year. The transformer oil has been tested for PCBs and is under 50 ppm.

## Chapter 5 – References

Theobald, D.M. 2013. Land Use classes for ICLUS/SERGoM v2013. Unpublished report, Colorado State University.

U.S. Department of Commerce. 2012. Bureau of Economic Analysis, Regional Economic Information system. Washington D.C., Table CA30.

U.S. Geological Survey. 2012. Gap Analysis Program, Protected Areas Database of the United States. (PADUS Version 1.3).

Utah Reclamation Mitigation and Conservation Commission. (2005). *Plant Information Compiled by the Utah Natural Heritage Program: A Progress Report*. Salt Lake City: Utah Division of Wildlife Resources.

## **Appendix A**

**Limited Environmental Due Diligence for the Proposed Title Transfer of the Strawberry Valley Project Electric Distribution System, Utah County, Utah**

**Upper Colorado Region and Provo Area Office, Utah**

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## **Introduction to Environmental Due Diligence and CERCLA Requirements**

As part of the 1986 Superfund and Reauthorization Amendments (SARA) to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund), Congress added section 120(h), which placed certain requirements on the deed transfer of U.S. Government owned property to other parties. The primary purpose of section 120(h) was to ensure that property contaminated by the federal government is environmentally restored by the federal government before being conveyed outside the federal government. CERCLA section 120(h)(3) was included to ensure that end by requiring that deeds transferring property where hazardous substances had been stored, released or disposed of shall contain a covenant warranting that "all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the property has been taken before the date of such transfer."

In October, 1992, Congress enacted the Community Environmental Response Facilitation Act (CERFA), which, among other things, amended CERCLA section 120(h)(3) to clarify when all remedial action is deemed to have been taken. Specifically, the amendment added language stating that all necessary actions have been taken,

"if the construction and installation of an approved remedial design has been completed and the remedy has been demonstrated to the [Environmental Protection Agency] Administrator to be operating properly and successfully."

The Congressional intent of the CERFA amendment to section 120 (h)(3) was to alleviate the impact of military base closure on the economies of local communities by expediting property transfers. Congress also intended to continue to ensure that contaminated properties be remediated by giving the Environmental Protection Agency the decision of whether constructed remedies are operating properly and successfully.

Compliance with CERCLA Section 120(h) (42 U.S.C. 9620(h)), along with 40 CFR 373 "Reporting Hazardous Substance Activity When Selling or Transferring Federal Real Property," and the Federal Property Management Regulation (41 CFR 101) require that agencies exercise environmental due diligence when real property is subject to transfer or when there is deed transfer of U.S. Government owned property to other parties. The requirements are summarized in Table 1.

Table 1. Comparison of the CERCLA Section 120(h)(1), (3), and (4) Requirements.

Requirement	CERCLA 120(h)(1)	CERCLA 120(h)(3)	CERCLA 120(h)(4)
Description	Include in the contract for sale or transfer, a notice of the types and quantities of hazardous substances stored 1 year, disposed of, or released on the property and the time at which these activities took place	Report on the deed the types and quantities of hazardous substances stored for 1 year, disposed of, or released on the property and the time at which these activities took place	Identify uncontaminated parcels of land (i.e., land on which no contaminants were stored 1 year, disposed of, or released)
Contaminants Covered	Hazardous substances as found at 40 CFR 302.4 only	Hazardous substances as found at 40 CFR 302.4 only	Hazardous substances or any petroleum product or its derivatives
Threshold Quantities	Per 40 CFR Part 373: the greater of 1,000 kg or the RQ for storage of 1 year; the RQ for release or disposal; and 1 kg for acutely hazardous waste	As specified by 40 CFR Part 373: the greater of 1,000 kg or the RQ for storage of 1 year; the RQ for release or disposal; and 1 kg for acutely hazardous waste	Not specified; the same thresholds specified by § 120(h)(1) & (3) are suggested.
Information source	Agency files only; however, it is a best management practice to follow the most stringent data gathering requirements [found at § 120(h)(4)]	Agency files only; however, it is a best management practice to follow the most stringent data gathering requirements [found at § 120(h)(4)]	Reasonably obtainable Federal, State, and local government records and other sources (interviews, physical inspection, sampling, and aerial photographs)
Types of Real Property Transfers Covered	All real property transfers regardless of whether ownership changes, including transfers between Federal agencies	All real property transfers in which ownership changes, and transfers between Federal agencies	Not specified

Table 1 shows that whenever Federal real property is proposed for transfer, the agency must disclose to the recipient the types and quantities of hazardous substances that have been stored, disposed of, or released on the property for a year or more.

### What is a Hazardous Substance?

The term “hazardous substance” as defined in CERCLA Section 101(14) includes chemicals listed at 40 CFR 302.4. Petroleum and crude oil is excluded from this definition; however, as

shown by the requirements of CERCLA Section 120(h)(4), for a property to be considered “clean” for a transfer out of Federal ownership, the storage, disposal, or release of petroleum products on the property should be investigated and disclosed as part of the environmental due diligence.

## Transaction Screen

The American Society for Testing and Materials (ASTM) has developed standards for environmental due diligence with the lowest level called a transaction screen. A transaction screen does not provide CERCLA liability protection and it is only used where environmental issues are not suspected and environmental liabilities are believed to be minimal. Elements of the transaction screen process are found at ASTM 1528-06 and include: 1) on-site inspection; 2) limited database search; 3) interviews with owner/operator(s) with historic knowledge of the site; 4) interviews with local officials (fire marshal, township manager/engineer, health department, etc.); and 5) a report.

The Transaction Screen results in a written brief report and checklist with one of three conclusions:

- 1) The property has no readily recognized environmental concerns
- 2) The property has recognized environmental concerns that are easily remediated
- 3) The property has recognized environmental concerns or conditions that warrant investigation at a higher level of environmental due diligence such as a Phase I Environmental Site Assessment (ASTM Standard 1527-05).

## Proposed Property Transfer

The South Utah Valley Electric Conveyance Act (P.L. 113-19) requires the Secretary of the Department of the Interior, acting through the Bureau of Reclamation, to convey its interest in portions of the electrical distribution system of the Strawberry Valley Project to the South Utah Valley Electric Service District (District). The act requires the District to assume all liability from the United States for the administration, operation, maintenance, and replacement of the electric distribution system. However, before conveying lands, interests, and fixtures, the Secretary (Reclamation) must comply with the environmental laws and regulations including



## CERCLA.

On January 17, 20014, staff from Reclamation's Upper Colorado Region and Provo Area Office conducted a limited transaction screen for the electrical substation and powerlines that are proposed for title transfer to the South Utah Valley Electric Service District. Note that this is personal property—not real property necessitating full compliance with CERCLA Section 120(h). The limited environmental due diligence was conducted by Nancy Coulam, Hazardous Materials Management Coordinator of the U.S. Bureau of Reclamation's Upper Colorado Regional Office, Salt Lake City, UT. During the on-site inspection, she was accompanied by Shane Mower and Alan Christensen of the Provo Area Office, Provo, Utah. Mr. Duane Curtis, Line Foreman, and Mr. Troy Paxton, Apprentice Line Foreman, of the Electric Service District led the inspection of the facility and answered the transaction screen questions.

### Transaction Screen

Reclamation reviewed its files and could find no environmental baseline audit or other documentation related to the storage, use, or release of hazardous substances on the personal property subject to transfer. The district provided a chemical inventory at the request of Reclamation. This inventory is attached and indicates that at least 1,209 gallons of transformer oil have been used and stored on the property.

During the on-site inspection of the substation and interview, Duane Curtis and Troy Paxton of the District indicated that the oil in the transformers has been tested for polychlorinated biphenyls (PCBs) and it measures below the regulatory threshold of 50 ppm PCBs. The transformers are appropriately labeled with this laboratory result. There have been no spills or releases of oil at the substation that they know of. There were no visible spills or releases of oil or any hazardous substance; however, the groundsurface was not completely visible due to snow.

Mr. Curtis and Paxton indicate that no used oil or waste oil has been generated over the last year or indeed for several years.

### Findings

The limited property transaction screen checklist is attached and results in the following conclusions.

- Petroleum products (transformer oil) in quantities up to 1,209 gallons have been stored and used on the property for over one year; in fact, oil and petroleum products have been stored and used in transformers on the property for many years.
- There is no obvious sign of a release of oil or other hazardous substances at the substation. (Release is defined per CERCLA 101(22) as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substances or pollutant or contaminant.)
- District personnel had no knowledge of releases of oil, petroleum products or other hazardous substances.
- There does not appear to be a need for any remedial action to protect human health and the environment with respect to a hazardous substance activity during the time the property has been owned by the United States.

In conclusion, based on a limited property transaction screen, the electrical distribution system is available for transfer to the District without recognized environmental conditions or a need for remediation.

**TRANSACTION SCREEN QUESTIONNAIRE**

**U.S. BUREAU OF RECLAMATION, UPPER COLORADO REGION**

Proposed Action or Project: South Utah Valley Electric Distribution System, Electrical Substation

Proposed Building Size: Unknown

Address (No., Street, City, State, and ZIP): 2092 East Power House Road, Spanish Fork, UT 84606

ANSWER TO THE BEST OF YOUR KNOWLEDGE:

**Owner/Occupant Inquiry and Site Visit Observations**

	Yes	No	Unknown
1a. Is the property used for industrial purposes?  Specify: The property is an electrical substation and associated powerpoles, lines, and electrical distribution system	X		
1b. Is any adjoining property used for industrial purposes?  Specify: Hydropower plant	X		
2a. Did you observe evidence or do you have any prior knowledge that the property has been used for industrial purposes in the past?  Specify: see above.	X		
2b. Did you observe evidence or do you have any prior knowledge that any adjoining property has been used for industrial purposes in the past?  Specify: see above	X		
3a. Is the property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?		X	
3b. Is any adjoining property used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard, or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?		X	
4a. Did you observe evidence or do you have any prior knowledge that the property has been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill or as a waste treatment, storage, disposal, processing, or recycling facility (if applicable, identify which)?		X	
4b. Did you observe evidence or do you have any prior knowledge that any adjoining property has been used as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photo developing laboratory, junkyard or landfill or as a waste treatment, storage,		X	

disposal, processing, or recycling facility (if applicable, identify which)?			
5a. Are any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of greater than 5 gallons in volume or 50 gallons in the aggregate currently stored on or used at the property or at the facility?		X	
5b. Did you observe evidence or do you have any prior knowledge that any damaged or discarded automotive or industrial batteries, pesticides, paints, or other chemicals in individual containers of greater than 5 gallons in volume or 50 gallons in the aggregate have previously been stored on or used at the property or at the facility?		X	
6a. Are any industrial drums (typically, 55 gallons) or sacks of chemicals currently located on the property or at the facility?		X	
6b. Did you observe evidence or do you have any prior knowledge that any industrial drums (typically, 55 gallons) or sacks of chemicals have previously been located on the property or at the facility?		X	
7a. Did you observe evidence or do you have any prior knowledge that fill dirt that originated from a contaminated site has been brought onto the property?		X	
7b. Did you observe evidence or do you have any prior knowledge that fill dirt that is of an unknown origin has been brought onto the property?		X	
8a. Are any pits, ponds, or lagoons in connection with waste treatment or waste disposal currently located on the property?		X	
8b. Did you observe evidence or do you have any prior knowledge that any pits, ponds, or lagoons in connection with waste treatment or waste disposal have previously been located on the property?		X	
9a. Is any stained soil currently on the property?  Note: Property covered in snow, so ground surface could not be inspected.			X
9b. Did you observe evidence or do you have any prior knowledge that any stained soil has previously been on the property?			X
10a. Are any registered or unregistered storage tanks (aboveground or underground) currently located on the property?  Specify: There are transformers on the property with a total storage capacity under 1,320 gallons.	X		
10b. Did you observe evidence or do you have any prior knowledge that any registered or unregistered storage tanks (aboveground or underground) have previously been located on the property?			
11a. Are any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground currently located on the property or adjacent to any structure located on the property?		X	
11b. Did you observe evidence or do you have any prior knowledge that any vent pipes, fill pipes, or access ways indicating a fill pipe protruding from the ground have previously been located on the property or adjacent to any structure located on the property?		X	

12a. Are any flooring, drains, or walls that are stained by substances other than water or are emitting foul odors currently located within the facility?		X	
12b. Did you observe evidence or do you have any prior knowledge that any flooring, drains, or walls that are stained by substances other than water or are emitting foul odors have previously been located within the facility?		X	
13a. If the property is served by a private well or nonpublic water system, is there evidence or do you have prior knowledge that contaminants have been identified in the well or system that exceed guidelines applicable to the water system?		X	
13b. If the property is served by a private well or nonpublic water system, is there evidence or do you have prior knowledge that the well has been designated as contaminated by any government environmental or health agency?		X	
14. Does the owner or occupant of the property have any knowledge of environmental liens or governmental notification relating to past or recurrent violations of environmental laws with respect to the property or any facility located on the property?		X	
15a. Has the owner or occupant of the property been informed of the past existence of hazardous substances or petroleum products with respect to the property or any facility located on the property?		X	
15b. Has the owner or occupant of the property been informed of the current existence of hazardous substances or petroleum products with respect to the property or any facility located on the property?	X		
15c. Has the owner or occupant of the property been informed of the past existence of environmental violations with respect to the property or any facility located on the property?		X	
15d. Has the owner or occupant of the property been informed of the current existence of environmental violations with respect to the property or any facility located on the property?		X	
16. Does the owner or occupant of the property have any knowledge of any environmental site assessment of the property or facility that indicated the presence of hazardous substances or petroleum products on, or contamination of, the property or recommended further assessment of the property?		X	
17. Does the owner or occupant of the property know of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substance or petroleum product involving the property?		X	
18a. Does the property discharge waste water on or adjacent to the property, other than stormwater into a stormwater system?		X	
18b. Does the property discharge waste water on or adjacent to the property, other than stormwater into a sanitary sewer system?		X	
19. Did you observe evidence or do you have any prior knowledge that any hazardous substances or petroleum products, unidentified waste materials, tires, automotive or industrial batteries, or any other waste materials have been dumped above grade, buried, and/or burned on the property?		X	
20. Do any records exist indicating the presence of polychlorinated biphenyls (PCBs) for a		X	

transformer, capacitor, or any hydraulic equipment?  Note: Transformer oil has been tested for PCBs and is less than 50 ppm and properly labeled as such.			
21. Does the owner or occupant have any knowledge of any asbestos-containing materials or presumed asbestos-containing materials on any facility located on the property?		X	

**GOVERNMENT RECORDS AND HISTORICAL SOURCES INQUIRY**

22. Do any of the following federal government record systems list the property or any property within the circumference of these areas:  a. National Priorities List — within 1.0 mile (1.6 km)? <u>0 sites on NPL in Utah County</u>  b. CERCLIS List — within 0.5 mile (0.8 km)? <u>0 sites</u>  c. RCRA CORRACTS Facilities — within 1.0 mile (1.6 km)? <u>0 sites</u>  d. RCRA TSD Facilities — within 0.5 mile (0.8 km)? <u>0 sites</u>  <u>Note: 6 sites in county releasing TRI chemical to land—most common contaminant is manganese, none within .5 miles of substation.</u>	Yes	No X	NA or Unknown
23. Do any of the following state record systems list the property or any property within the circumference of these areas:  a. List that is the state equivalent to NPL maintained by state environmental agency of hazardous waste sites identified for investigation or remediation — within approximately 1.0 mile (1.6 km)?  b. List that is the state equivalent to CERCLIS maintained by state environmental agency of sites identified for investigation or remediation — within 0.5 mile (0.8 km)?  c. Leaking Underground Storage Tank (LUST) List — within 0.5 mile (0.8 km)? <u>29 LUSTs in Spanish Fork, UT, 0 LUSTs within .5 mile.</u>  d. Solid Waste/Landfill Facilities — within 0.5 mile (0.8 km)? <u>Not within .5 miles.</u>			
24. Based on a review of fire insurance maps or consultation with the local fire department serving the property, are any buildings, or other improvements on the property or on an adjoining property, identified as having been used for any industrial use or uses likely to lead to contamination of the property?  Specify: <u>Transformer oil has been stored and used on the property.</u>	X		
25. Has radon testing been conducted on the subject property?			X

**GENERAL INFORMATION**



Blair Hamilton  
Chairman

Ray Loveless  
Vice Chairman

Po Box 349  
Payson, UT 84651  
Fax: (801) 465.8017

803 No 500 East  
(801) 465.8020  
sesdofutah.com

January 14, 2014

Us Department of the Interior  
Bureau of Reclamation

**Provo Area Manager**

302 East 1800 South  
Provo, Utah 84606

To Whom It May Concern,

Please find enclosed an inventory of Non-PCB Transformers & Regulators and Metering Units containing oil on-site in the Strawberry Substation located at approximately 2092 East Power House Road, Spanish Fork, Utah 84606

- 5-MVA General Electric / 46000-12470/7200 Transformer (810 gallons)
- 3- 167 KVA Voltage Regulators (95, 80, 80 gallons )
- 1 Generation Metering Unit (135 gallons)
- 1- 10 KVA 7200-120/240 Station Service Transformer ( 9 gallons)

Should you have any questions please call 801 465-8020.

Dan Ellsworth  
General Manager  
South Utah Valley ESD

**BOARD OF TRUSTEES**

*Blair Hamilton Raymond Loveless Paul Meredith Nelson Abbott Brent Gordon Steven Lauritzen Joel Brown*

 Utility Testing Laboratory

1615 West 2200 South Suite A  
 Salt Lake City, Utah 84119  
<http://www.ut-labs.com>  
 Phone (801) 485-8941  
 Fax (801) 487-0065  
 Toll Free 1-888-485-8941

November 15, 2013

SESD  
 803 N. 500 E.  
 Payson, UT 84651

Attention: Brad Gordon

Lab ID # 102413-04  
 Project: SESD Elect  
 Manufacturer: GE  
 Serial No. L243378  
 Equipment No. Trans  
 KVA: 5  
 Voltage 48000 12470/7200  
 Site Oil Temp. 40°C  
 Liquid Type Mineral Oil  
 Date of Sample

**Oil Quality Analysis**

	ASTM Method	Acceptable Limits	Test Results
Specific Gravity (60/60°C)	D287		0.8838
Interfacial Tension (Dynes/cm)	D2285	> 35	43
Dielectric Strength (KV)	D877	> 30	44
Moisture Content (Karl Fischer) (PPM)	D1533	< 25	12
Acid Number (mg KOH/ gm oil)	D974	< 0.1	0.021
Color	D1524		1.5
Visual		Bright and Clear	Bright and Clear
Sediment		None	None

**Dissolved Gas Analysis**

		Parts per Million		
Hydrogen	H2	0.8340	0.0251	251 *
Oxygen	O2	2.3409	0.2259	2,259
Nitrogen	N2	89.9432	4.8950	46,950
Methane	CH4	0.0872	0.0159	159 *
Carbon Monoxide	CO	0.1599	0.0115	115 *
Carbon Dioxide	CO2	0.3919	0.2471	2,471
Ethylene	C2H4	0.0002	0.0002	2 *
Ethane	C2H6	0.0086	0.0120	120 *
Acetylene	C2H2	0.0005	0.0003	3 *
Propane/Propylene	C3H8/C3H6		0.0000	0 *
Butane	C4H10		0.0000	0 *
				52,330

\* TOTAL COMBUSTIBLES

650 Parts Per Million

Notes:



# Utility Testing Laboratory

## Dissolved Gas / Oil Quality Analysis

1815 West 2200 South, Suite A  
 Salt Lake City, UT 84119  
 Phone: (801) 486-8841  
 Fax: (801) 487-0085  
 Toll Free: 1-888-486-8841

Purchase Order: \_\_\_\_\_ Project: \_\_\_\_\_  
 Dissolved Gas Services: Trending  Recommendations

S.E.S.D. ELECT

Date of Sample	Bottle No.	Site	Mfg.	Serial No.	Equipment No.	KVA	Transformer Voltage	Oil Temp.	Oil Vol	PCB (PPM)
OCT 22, 13	1	ARROWHEAD SUB	WESTING	47201A055	TRANS	10	4600 12470/2200	25°	2060	10-24-13 -01
OCT 22, 13	1	ARROWHEAD SUB	WESTING	47201A055	TRANS	10	11	25°	2060	
OCT 22, 13	2	SUPER SUB	GE	STV. 8172-01	TRANS	2500	4600 12470/2200	35°	1702	-02
OCT 22, 13	2	SUPER SUB	GE	STV. 8172-01	TRANS	2500	11	35°	1702	
OCT 22, 13	3	LOAFER SUB	WESTING	GM 67606	TRANS	12	4600 12470/2200	30°	2156	-03
OCT 22, 13	3	LOAFER SUB	WESTING	GM 67606	TRANS	12	11	30°	2156	
<del>OCT 22, 13</del>	<del>4</del>	<del>STAGLEBERRY SUB</del>	<del>GE</del>	<del>12470/2200</del>	<del>TRANS</del>		<del>4600</del>	<del>40°</del>	<del>1800</del>	<del>-04</del>
<del>OCT 22, 13</del>	<del>4</del>	<del>STAGLEBERRY SUB</del>	<del>GE</del>	<del>12470/2200</del>	<del>TRANS</del>		<del>11</del>	<del>40°</del>	<del>1800</del>	
Relinquished (Signature)		Date/Time	Received (Signature)		Company S.E.S.D. ELECTRIC					
Relinquished (Signature) UPS		Date/Time 10-24-13 12:15	Received (Signature) Betsy Holibel		To the Attention of: BRAD GORDON					
Comments				Address 203N 500E PAYSON UT. 84651						
				Phone/Fax/Email brad@seadofutah.org						

Note: Samples containing more than 50 ppm PCB must be noted and are subject to higher fees or rejection.

Completed by: Nancy Coulam, US. Bureau of Reclamation, Upper Colorado Region

125 South State Street, Salt Lake City, UT 84138

801-524-3684

Name of Owner/Occupant Who Provided the Information:

Dan Ellsworth, General Manager, South Utah Valley ESA, also Duane Curtis, Line Foreman and Troy Paxton, Apprentice Line Foreman

Preparer represents that, to the best of their knowledge, the above statements and facts are true and correct, and to the best of the preparer's actual knowledge, no material facts have been suppressed or misstated.

Signature and Date:

*s/ Nancy J. Coulam, Ph.d.*

*Acknowledgement: This questionnaire was modified from ASTM Designation: E 1528-96, Standard Practice for Environmental Site Assessments, Transaction Screening Process*