Department of Toxic Substances Control

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SENT VIA ELECTRONIC MAIL

July 22, 2026

Nicki Fowler
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RESPONSE TO THE REVISED CHARACTERIZATION AND SCREENING-LEVEL RISK EVALUATION REPORT, VICINITY OF MOSS LANDING POWER PLANT, MOSS LANDING, CALIFORNIA, MARCH 2025

Dear Ms. Fowler:

By email dated June 22, 2026, the California Department of Toxic Substances Control (DTSC) received the *Revised Characterization and Screening-Level Risk Evaluation Report (Report) for the Vicinity of Moss Landing Power Plant*, prepared by Terraphase Engineering Inc. on behalf of Vistra Corp. The revised Report was prepared to address previous comments from multiple regulatory agencies on earlier draft versions of the Report. The Report was prepared to evaluate whether the January 16, 2025 lithium-ion battery fire at the Moss Landing 300-MW Battery Energy Storage Facility (ML300) resulted in off-site releases that may pose a threat to public health or the environment.

The revised Report package included the following documents:

- Response to comments documents (RTCs) that group all comments into nine comment themes and provide general responses for each theme; and
- A clean version of the revised Report, with appropriate appendices, incorporating all revisions.

The revised Report contains meaningful improvements, including additional source information, a revised conceptual site model, expanded discussion of early air data, acknowledgment of transient deposition, discussion of EMBER and Aiello studies, and clearer limitations on the Report's scope. DTSC's Human and Ecological Risk Office (HERO) has completed its technical review of the revised Report, and memoranda containing HERO's specific comments are enclosed for your reference. In addition to those memoranda, DTSC's general comments are provided below.

(1) RTCs Organization and Tracking Version

The RTCs is organized by broad themes rather than responding directly to each individual DTSC and HERO comment, which makes it difficult to track the resolution of each comment. DTSC recommends that Vistra respond to each comment individually and provide a tracked-changes version of the document to facilitate review in the future documents.

(2) Scope Narrowing and the "No Material Data Gaps" Finding

The revised Report now qualifies each conclusion as applying to the "sampled off-site media and habitat areas," and the Recommendations (Executive Summary and Sections 9.2 and 9.3) expressly limit the no-further-action (NFA) recommendation to the sampled soil, sediment, and surface water, thereby carving out groundwater, on-site source conditions, and broader watershed-scale processes. DTSC agrees that this narrowing is a necessary and appropriate correction. However, DTSC's Ecological Risk Assessment Section (ERAS) finds that key elements of the ecological risk assessment—particularly the special-status species evaluation, upland screening levels, and follow-up on observed aquatic effects—remain incomplete and may require additional analysis or clarification. Further analysis or data may be needed if the current information cannot adequately demonstrate protectiveness. Please see the details in the attached memorandum.

(3) Rainfall-Driven Transport of Particulate Matter Deposited in Off-Site Areas

The revised Report continues to rely on the assertion that on-site fire-suppression water and impacted stormwater were retained. That assertion does not address the rainfall-driven redistribution of particulate matter after it had already deposited off site. The

conceptual site model should distinguish direct facility discharge from the secondary transport of deposited material through rainfall, local runoff, tidal exchange, and resuspension.

(4) Public Participation

While the Community Involvement discussion presented in Section 2.4 (and the related information-sharing activities described in Section 2.5) demonstrates commendable efforts by Vistra, USEPA, and the Health Department, Environmental Health Bureau (EHB) to provide the surrounding communities with transparent information and updates, DTSC notes that these outreach measures—including the dedicated project website, interactive data dashboard, published fact sheets, and monthly briefings to the Monterey County Board of Supervisors— represent a different form of community involvement than the formal public participation associated with a Preliminary Endangerment Assessment and subsequent site mitigation decisions under Health and Safety Code section 25358.7, Title 22 of the California Code of Regulations, and DTSC's Public Participation Policy and Procedures Manual.

DTSC thanks the opportunity to review the Report. If EHB would like to discuss comments from DTSC, please contact me (916) 255-6607, or via email at Yang.Dong@dtsc.ca.gov to arrange a discussion promptly.

Sincerely,

Yang Dong

Yang Dong
Project Manager
Site Mitigation and Restoration Program – Sacramento Office
Department of Toxic Substances Control

Enclosures: Revised Characterization and Screening-Level Risk Evaluation Report
HERO Technical Comments

cc: See next page.

cc: Diane Barclay, P.G., CEG, CHG
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Work request WR#20138125: Characterization and Screening-Level Risk Evaluation Report for Dynegy Moss Landing (Site ID: 900995-07 Activity ID: 44095 MPC: PA)

DOCUMENTS REVIEWED

Per your request, the Human and Ecological Risk Office (HERO) reviewed two documents for subject area (Site) located at Highway 1 and Dolan Road in Moss Landing, California 95039:

- Characterization and Screening-Level Risk Evaluation Report (Report, dated June 22, 2026)
- Responses to Agency Comments (RTC, dated May 29, 2026)

Both documents were prepared by Terraphase Engineering (Oakland). Both documents were provided to HERO for review via EnviroStor on June 25, 2026.

SCOPE OF REVIEW

HERO reviewed both documents for scientific content relevant to human health risk assessment. Recommendations pertinent to risk assessment are noted below. Please refer to the HERO website (https://dtsc.ca.gov/human-health-risk-hero/) for the most current Human Health Risk Assessment (HHRA) Notes with risk assessment guidance.

GENERAL COMMENTS

1. Response-to-comment format: For future responses, HERO recommends providing the RTC that lists responses to individual HERO comments, as corresponding revisions in the revised document.

SPECIFIC COMMENTS

1. Section 3.2.3 and Figure 5 – Location of the solid debris sampling: HERO recommends clarifying which surface soil sampling location in the Phase 1 investigation is co-located at the solid debris sampling location. Section 3.2.3 states "*this property was included in subsequent wipe sampling efforts, as well as the Phase 1 and Phase 2 sampling programs conducted by Terraphase.*" This location is also marked on Figure 5. However, this sampling location could not be identified in Figure 2 of the previous Revised Soil Sampling Report (October 17, 2025).

Comments by: Weiying Jiang, Ph.D., D.A.B.T.
Staff Toxicologist
Central California Unit

Human and Ecological Risk Office

Concurrence: Vivek Mathrani, Ph.D., D.A.B.T.
Senior Toxicologist
Chief, Central California Unit
Human and Ecological Risk Office

SUBJECT: Responses to Agency Comments and Revised Characterization and Screening-Level Risk Evaluation Report, Vicinity of Moss Landing Power Plant, Moss Landing, California

TECHNICAL REVIEWER: Michael A. Garland, Ph.D.
Staff Toxicologist (Specialist), HERO—ERAS

PEER REVIEWER: Edward A. Fendick, Ph.D.
Staff Toxicologist (Specialist), HERO—ERAS

CONCUR REVIEWER: Brian Faulkner, Ph.D.
Senior Toxicologist (Unit Chief), HERO—ERAS

PROJECT: Yang Dong, Project Manager
Dynegy Moss Landing
Monterey County, California
DTSC201126-54 / 44094 / PA / WR20138833

ERAS reviewed the document titled *Characterization and Screening-Level Risk Evaluation Report, Vicinity of Moss Landing Power Plant, Moss Landing, California* (PEA Report), dated June 22, 2026, for content related to ecological risk. The PEA Report was prepared by Terraphase Engineering (Oakland, California) for Vistra Corp. ERAS also reviewed the Responses to Agency Comments dated May 29, 2026.

GENERAL COMMENTS

1. Revisions: ERAS acknowledges improvements in the revised PEA Report including clearer articulation of the scope of the investigation and inclusion of ash and bulk fire debris as potential secondary sources in the conceptual site model. However, some of ERAS's concerns were not fully addressed and additional revisions are recommended.

2. Special Status Species: Special status species are briefly acknowledged in Section 8.4.1, but the assessment of their potential presence is insufficient, especially given the unique importance of Elkhorn Slough as a natural area. Aside from the legal need to demonstrate that all protected species are unlikely to be harmed from long term exposure, it is worth noting that the PEA Report will be read by an audience

that may not necessarily have the technical expertise to extrapolate the results to the various special status species that live there. ERAS recommends the following:

a. Provide a table of special status species with the potential for occurrence in the Elkhorn Slough and upland areas, including the legal protection status of each respective species.

b. Provide a discussion of how the evaluation of selected representative receptors is protective of special status species. Taxonomy, food preferences, and body weight would be useful discussion points.

3. Phase 1 (Upland) Screening Evaluation:

   a. The Revised Report has not made a case that low-effect screening levels alone are sufficient for evaluating upland soils, and ERAS maintains its recommendation to additionally apply no-effect screening levels. This recommendation is consistent with federal and state guidance, and the evaluation should be included even if the results do not materially change the conclusions of the PEA Report. See ERAS's previous comment dated March 27, 2026, for specific recommendations.

   b. The Revised Report does not address special status species in the upland area. ERAS maintains its recommendation to assess their potential presence and to screen for risk accordingly.

4. Monterey County Mosquito Abatement District Observation Area (MAOA): ERAS understands the responsible party's concerns regarding the qualitative nature of the observed decline in aquatic life at the MAOA. ERAS's position is that while the observation is not necessarily confirmed to be attributable to the fire event, the timing of the observation is suggestive of an association. As a matter of due diligence, ERAS maintains its recommendation to follow up with the Mosquito Abatement District so that current conditions can be ascertained. Additionally, while the response to agency comments offers to "acknowledge acute-period observations and early-event information more clearly", the revised PEA Report does not appear to acknowledge the observations at the MAOA.

5. 1,1-Difluoroethene Homopolymer: ERAS maintains its recommendation that 1,1-difluoroethene should be addressed in the PEA Report as a potential contaminant that was not evaluated.