



State of Washington  
POLLUTION LIABILITY INSURANCE AGENCY  
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*www.plia.wa.gov*

April 3, 2023

Megan Richard  
Antea Group  
4006 148th Avenue NE  
Redmond, Washington 98052 USA

**Re: No Further Action at the Following Site:**

- **Facility/Site Name:** My Goods Market #5522
- **Facility/Site Address:** 10023 Old Frontier Rd. NW, Silverdale, WA 98383
- **Facility Site ID:** 75359597
- **Technical Assistance Program No.:** PNW070

Dear Megan Richard:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on your independent cleanup located at 10023 Old Frontier Rd. NW, Silverdale, Washington (Site, Figure 1). This letter provides PLIA's opinion made under the authority of Chapter 70A.330 RCW and Chapter 374-80 WAC. PLIA appreciates your initiative in pursuing this administrative option for cleaning up a contaminated site under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.

**Opinion on Cleanup**

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PLIA has determined that **no further remedial action is necessary** to clean up petroleum contamination at the Site.

This opinion is based on the remedial action meeting the substantive requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). Our analysis is provided below.

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## **Description of the Site**

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This opinion applies only to the identified petroleum release at the Site located at 10023 Old Frontier Rd. NW, Silverdale, Washington and includes Kitsap County tax parcel 172501-3-042-2001. This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcel).

### **1. Description of the Site:**

The Site is defined by the nature and extent of contamination associated with the following release(s):

- Total petroleum hydrocarbons (TPH) as gasoline- and diesel-range organics (TPH-g and TPH-d, respectively) and benzene, toluene, ethylbenzene, and total xylenes (BTEX) into the soil/groundwater/air.

## **Basis of the Opinion**

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This opinion is based on the information contained in the following documents:

1. *Request for No Further Action Determination, United Pacific Station No. 2705522, 10023 Old Frontier Rd NW, Silverdale, Washington.* Antea Group. November 17, 2022.
2. *Delineation Assessment Report, ELT Facility No. 2705522, 10023 Old Frontier Road NW, Silverdale, Washington.* Antea Group. July 31, 2019.
3. *Letter Regarding Site Investigation Work Plan, Pacific Convenience and Fuels Station #2705522, 10023 Old Frontier Road, Silverdale, Washington, Ecology Facility Site ID: 75359597, VCP Identification: NW2283.* Antea Group. December 6, 2018.
4. *Remedial Investigation Report, Pacific Convenience & Fuels Station #2705522, 10023 Old Frontier Rd NW, Silverdale, WA 98383, Ecology Facility Site ID: 75359597, VCP # NW2283.* Antea Group. April 15, 2013.

These reports are available for download at:

<https://plia.box.com/s/3h1xifycdz8hhbfm9tqed3o8g6d7iezn>

Documents submitted to PLIA are subject to the Public Records Act (Chapter 42.56 RCW). To make a request for public records, please email [pliamail@plia.wa.gov](mailto:pliamail@plia.wa.gov).

This opinion is void if any of the information contained in those documents is materially false or misleading.

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## **Establishment of Cleanup Standards and Points of Compliance**

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PLIA has determined the cleanup levels (CULs) and points of compliance (POCs) established for the Site meet the substantive requirements of MTCA. It is presumed that if the cleanup standards under MTCA are met, the Site will be protective of human health and the environment for current and future Property use.

The proposed Method A CULs for soil and groundwater and Method B CULs for air must be met at the standard POCs.

- For **soil**, the CUL is based on direct contact and is set “*...throughout the site from the ground surface to fifteen feet below the ground surface.*” This is in compliance with WAC 173-340-740(6)(d) and represents a reasonable estimate of the depth of soil that could be excavated and distributed at the soil surface as a result of Site development activities.
- For **groundwater**, the standard POC as established under WAC 173-340-720(8) is: “*...throughout the site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the site.*”
- For the **air** pathway, the CULs established must be attained in the ambient air throughout the Site, including indoor air within the lateral and vertical inclusion zone (WAC 173-340-750[6]).

## **Analysis of the Cleanup**

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PLIA has concluded that **no further remedial action** is necessary at the Site. Our conclusion is based on the following analysis:

### **Cleanup of the Site:**

Site data demonstrates that petroleum contamination from a release from an underground storage tank (UST) system exceeded the levels allowable under MTCA. This opinion only addresses the contaminants of concern as detailed in the Description section of this letter. The Site history is detailed in the documents cited above.

PLIA has determined that the cleanup actions performed meet cleanup standards established for the Site. The following cleanup actions have been performed at the Site:

- Three gasoline USTs and associated product piping were removed from the Site in November 2013. Approximately 1,396 tons of petroleum contaminated soil (PCS) were excavated and transported off-Site for disposal at a permitted facility.
- Sulfate injections were conducted in the vicinity of monitoring well MW-5 between

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October 2010 and June 2012.

- Peroxide and sulfate injections were conducted south of the UST pit and east of the dispenser islands in the vicinity of monitoring well MW-5 in November 2012 and August 2013.
- A bio-sparge remediation system consisting of 11 air sparge wells (AS-1 through AS-11) was installed at the Site and operated between October 2016 and August 2018.

i. **Soil:**

- PCS has been historically detected at depths between 12' and 20' below ground surface (bgs). Confirmation samples have demonstrated that contaminants of concern (COCs) have been successfully remediated to concentrations less than the MTCA Method B CULs for direct contact for soil from the surface to 15' bgs.
- Confirmation samples demonstrate that all known PCS with concentrations of COCs exceeding the standard TPH MTCA Method B CUL of 1,500 mg/kg at depths above the POC for soil direct contact has been remediated at the Site. Soil sampling results are listed in the following tables:
  - Sections 3.4.1 and 3.4.2 and Table 1. *Request for No Further Action Determination.*

**Result: The data indicate there is no longer an unacceptable risk presented by the soil direct contact exposure pathway at the Site.** The remedial actions removed the potential for PCS above CULs to come into contact with human or ecological receptors.

ii. **Groundwater:**

- Depth to groundwater recorded at the Site ranged from 3.45 (MW-5 in April 2013) to 18.73 (MW-8 in September 2017) below top of casing. Groundwater flow direction beneath the Site is predominantly southeast, with fluctuations to the east and east-northeast.
- Concentrations of COCs in Site groundwater have been declining over the monitoring period from 2004 through 2022. Groundwater sampling results from 2022 indicate that petroleum contaminated groundwater (PCGW) was successfully remediated at the Site.

**Result: The data indicate there is no longer an unacceptable risk presented by the groundwater exposure pathway at this Site.** The remedial action removed the potential for PCS above CULs to come into contact with, and leach into, groundwater at the Site.

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**iii. Air (Soil or Groundwater to Vapor):**

- The lateral and vertical extent of PCS was successfully remediated to concentrations less than MTCA Method A CULs within the lateral and vertical inclusion zone of Site buildings.
- Groundwater sampling results from 2022 indicate that groundwater contamination has declined to levels below MTCA Method A CULs at the Site.

**Result: The data indicate there is no longer an unacceptable risk presented by the soil or groundwater to vapor exposure pathway(s) at this Site.** The remedial action removed the potential for vapors from PCS or PCGW to enter nearby commercial or residential structures.

**i. Surface Water:**

- Not applicable for the Site.

**Result: The surface water exposure pathway did not exist at this Site.** This means that, based on current data, petroleum contamination has not spread to surface water.

## **Limitations of the Opinion**

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**1. Opinion does not settle liability with the state.**

Under the MTCA, liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release(s) of hazardous substances at the Site. This opinion **does not**:

- Change the boundaries of the Site.
- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with the Office of the Attorney General and the Department of Ecology under RCW 70A.305.040(4).

**2. Opinion does not constitute a determination of substantial equivalence.**

To recover remedial action costs from other liable persons under the MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is equivalent. Courts make that determination (RCW 70A.305.080 and WAC 173-340-545).

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**3. State is immune from liability.**

The state, PLIA, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion.

**Termination of Agreement**

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This opinion terminates the Technical Assistance Program (TAP) agreement for Project No. PNW070.

**Contact Information**

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Thank you for choosing to clean up your Site under PLIA's TAP. If you have any questions about this opinion, please contact me by phone at 1-800-822-3905, or by email at [pliamail@plia.wa.gov](mailto:pliamail@plia.wa.gov).

Sincerely,

DocuSigned by:  
  
AFE9ECF4A7E0415...  
Amanda Meugniot, L.G.  
Hydrogeologist

Enclosure A: Figure 1: Site Vicinity Map  
Figure 2: Site Plan Map

cc: Ulysses Cooley, PLIA (by email)  
file

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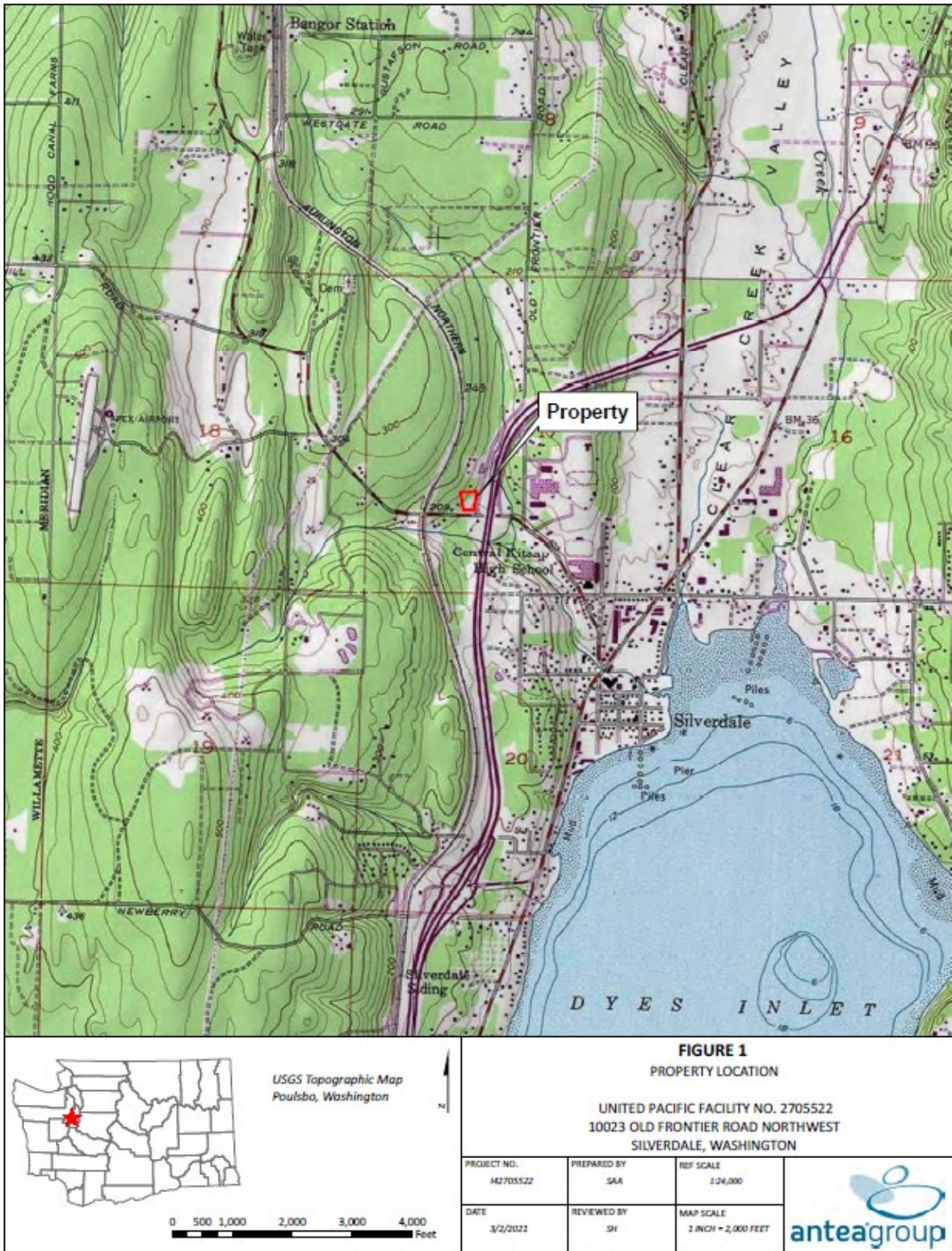
## **Enclosure A:**

**10023 Old Frontier Rd. NW, Silverdale, WA  
TAP Project No. PNW070**



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Figure 1: Site Vicinity Map



\\gis-s3\GIS\_Data\Sandbox\Projects\A-E\ELT\2705522-Silverdale\Layout\2705522- Site Location Map.mxd

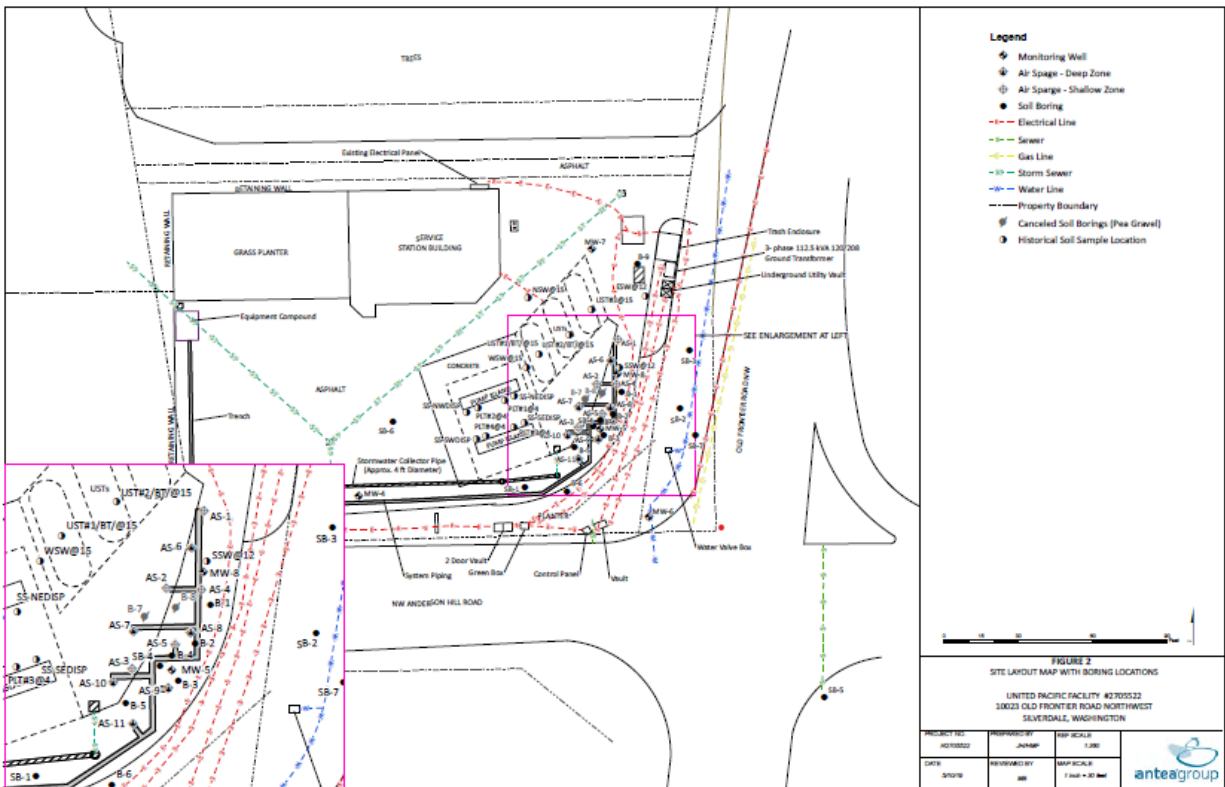
Source: Request for No Further Action Determination, Antea Group, November 17, 2022.



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**Figure 2: Site Plan Map**

**Source: Request for No Further Action Determination, Antea Group, November 17, 2022.**