



State of Washington
POLLUTION LIABILITY INSURANCE AGENCY
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(360) 407-0520 • (800) 822-3905
www.plia.wa.gov

November 6, 2023

Nisqually Indian Tribe
4820 She Nah Num Dr. SE
Olympia, WA 98513

Re: No Further Action at the Following Site:

- **Facility/Site Name:** Pacific Pride Marvin Rd.
- **Facility/Site Address:** 2135 Marvin Rd. NE, Olympia, WA 98516
- **Facility Site ID:** 11334
- **Technical Assistance Program No.:** PSW018

Dear Nisqually Indian Tribe:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 2135 Marvin Rd. NE, Olympia, WA 98516 (Site). This letter provides our 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

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.

Description of the Site

This opinion applies only to the identified petroleum release at the Site located at 2135 Marvin Rd. NE, Olympia, WA 98516 and includes Thurston County tax parcel 11811120201. This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcel).

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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-, diesel-, and oil-range organics (TPH-g, TPH-d, and TPH-o, respectively); benzene, toluene, ethylbenzene, and xylenes (BTEX); and lead into soil, groundwater, and air.

Basis of the Opinion

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

1. *Letter Regarding Addendum to Soil Cleanup Action Report, Request for No Further Action Determination, Facility/Site Name: Former Pettit Oil Property (or Pacific Pride Marvin Road), Facility/Site Address: 2135 Marvin Road NE, Olympia, WA 98516, Facility Site ID: 11334, PTAP Project No.: PSW018, GeoEngineers File No. 0277-022-03.* Prepared by GeoEngineers, Inc. August 8, 2023.
2. *Soil Cleanup Action Report, Former Pettit Oil Property, 2135 Marvin Road NE, Lacey, Washington, PTAP Project No. PSW018.* Prepared by GeoEngineers, Inc. March 8, 2023.
3. *Draft Cleanup Action Plan, Former Pettit Oil Property, 2135 Marvin Road NE, Lacey, Washington.* Prepared by GeoEngineers, Inc. July 29, 2020.
4. *Focused Feasibility Study, Former Pettit Oil Property, 2135 Marvin Road, Lacey, Washington.* Prepared by GeoEngineers, Inc. September 3, 2019.
5. *Remedial Investigation Report, Former Pettit Oil Property, 2135 Marvin Road, Lacey, Washington.* Prepared by GeoEngineers, Inc. April 3, 2018.

These reports are also available for download at:

<https://plia.box.com/s/33tqev8qyfd88fjnttg8kd2we5pav2c>

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.

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

Establishment of Cleanup Standards and Points of Compliance

The cleanup levels (CULs) for the Site will be established in accordance with WAC 173-340-700(5) and WAC 173-340-700(6).

The points of compliance (POCs) for the Site will be established in accordance with WAC 173-340-720(8) for groundwater, WAC 173-340-740(6) for soil, and WAC 173-340-750(6) for air.

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Analysis of the Cleanup

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

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

i. Soil:

- One 10,000-gallon gasoline UST, one 10,000-gallon diesel UST, and one 10,000-gallon biodiesel UST were decommissioned by removal in November 2020. One 550-gallon heating oil UST and one 550-gallon waste oil UST, which had been closed-in-place in 2014 were removed in November 2020. One associated oil-water separator, two pump islands and associated fuel dispensers, and two hydraulic hoists were also removed at that time.
- Approximately 5,967 tons of petroleum contaminated soil (PCS) were excavated from the Site and transported off-Site for disposal at a permitted facility. PCS was excavated from an irregular shaped area that extended approximately 80' by 40' to depths between 15' and 26' below ground surface (bgs) and a square shaped area that extended approximately 20' by 20' to a depth of 8' bgs (Figure 2).
- Approximately 6,023 tons of lead contaminated soil was treated in situ with Blastox 215 then excavated from the Site and transported off-Site for disposal at a permitted facility. Lead-contaminated soil was excavated from an L-shaped area that extended approximately 100' by 80' to depths between 14' and 20' bgs (Figure 3).
- Confirmation borings were completed in locations where light non-aqueous phase liquid (LNAPL) was previously encountered at depths greater than 26' bgs (Figure 4) to demonstrate that PCS with concentrations exceeding the MTCA Method A CULs was no longer present at the Site.
- Confirmation samples collected from the excavations and borings demonstrate that all known PCS with concentrations of Site COCs exceeding the applicable CULs was removed from the Site. Soil sampling results are listed in the following tables:
 - Tables 1 and 2. *Soil Cleanup Action Report*
 - Table 2. *Letter Regarding Addendum to Soil Cleanup Action Report, Request for No Further Action Determination*

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Result: The data indicate there is no longer an unacceptable risk presented by the soil direct contact exposure pathway at the Site. The remedial action(s) removed the potential for PCS with concentrations of Site COCs exceeding CULs to come into contact with human or ecological receptors.

ii. Groundwater:

- Discontinuous zones of perched groundwater were encountered at the Site between 4' to 57' bgs. Regional depth to groundwater is approximately 100' to 130' bgs with a groundwater flow direction to the southwest based on information obtained on groundwater wells located within the Hawks Prairie landfill situated approximately 600' east of the Site.
- Petroleum contaminated groundwater (PCGW) with concentrations of Site COCs exceeding MTCA Method A CULs was present at the Site prior to soil excavation. LNAPL was encountered at monitoring wells MW-3 and MW-13 at the Site. Approximately 38 gallons of a mixture of water and LNAPL were recovered from monitoring wells MW-3 and MW-13 between August 2018 and November 2020.
- Sufficient groundwater for sample collection was not encountered in Site monitoring wells following remedial excavation activities. LNAPL was not present in Site monitoring wells, including replacement monitoring wells installed at the locations of MW-3 and MW-13 follow remedial excavation activities.

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.

iii. Air (Soil or Groundwater to Vapor):

- The lateral and vertical extent of PCS was successfully remediated to concentrations of Site COCs less than the MTCA Method A CULs.
- PCS and lead contaminated soil were completely excavated at the Site. Confirmation samples obtained in 2020 and 2023 indicated that concentrations of Site COCs were less than the MTCA Method A CULs and no longer pose a risk to human health.
- PCGW was present at the Site prior to remedial excavation. Perched groundwater has not recharged following the excavation.

Result: The data indicate there is no longer an unacceptable risk presented by the soil or groundwater to vapor exposure pathways at this Site. The remedial action removed the potential for vapors from PCS or PCGW

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to enter nearby commercial or residential structures.

iv. 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

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).

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

This opinion terminates the Technical Assistance Program (TAP) agreement for Project No. PSW018.

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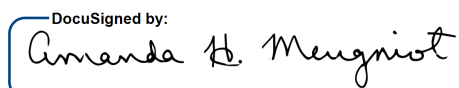
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Contact Information

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.

Sincerely,

DocuSigned by:


AFE9ECF4A7E0415...
Amanda Meugniot, L.G.
Hydrogeologist

Enclosure A: Figure 1: Site Vicinity Map

Figure 2: Petroleum Contaminated Soil Excavation

Figure 3: Lead Contaminated Soil Excavation

Figure 4: Confirmation Boring and Monitoring Well Locations

cc: Cecilia Henderson, The Vertex Companies, Inc. (by email)
Tricia DeOme, GeoEngineers, Inc. (by email)

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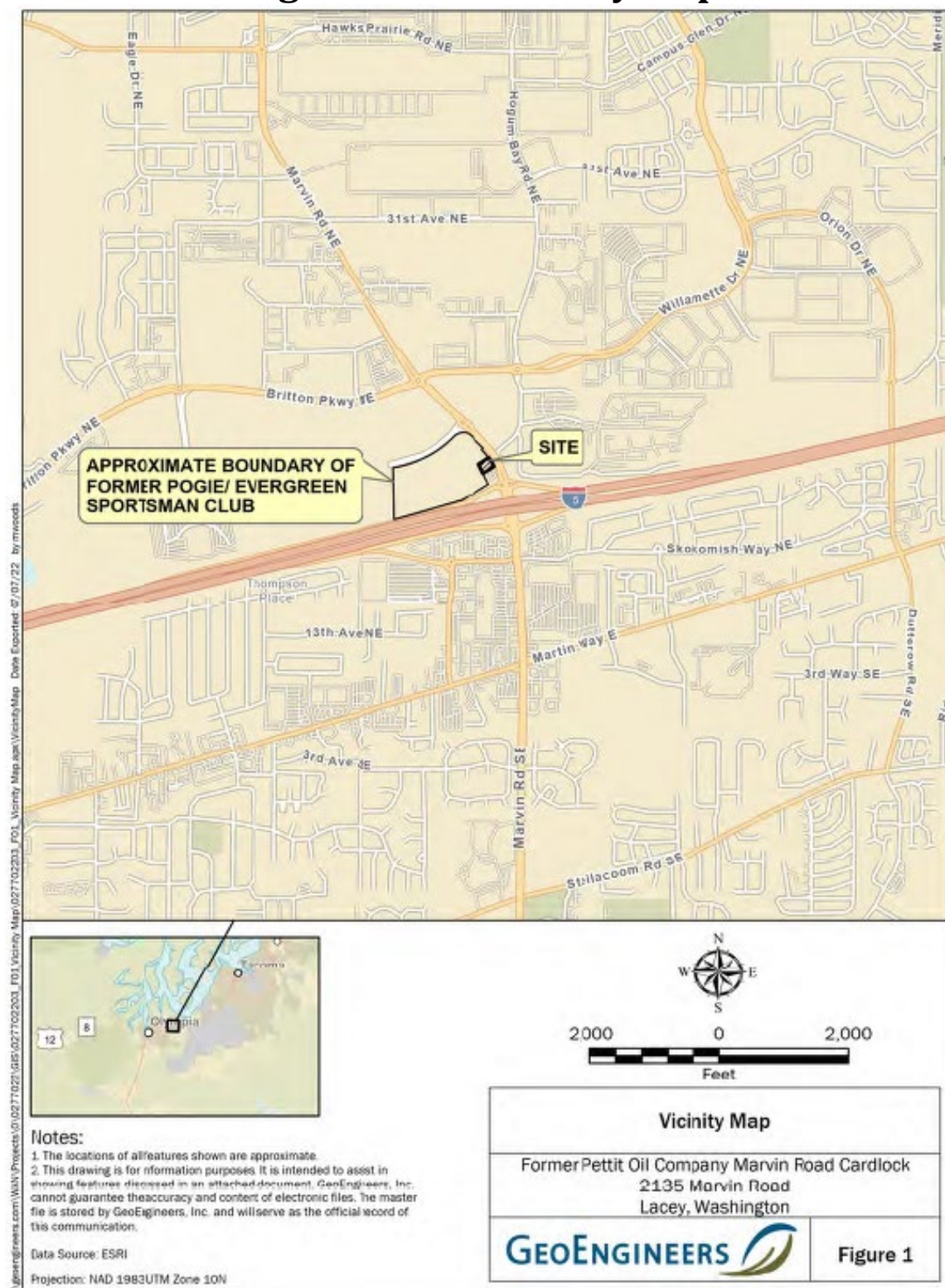
Enclosure A:

**TAP Project No. PSW018
2135 Marvin Rd. NE, Olympia, WA 98516**

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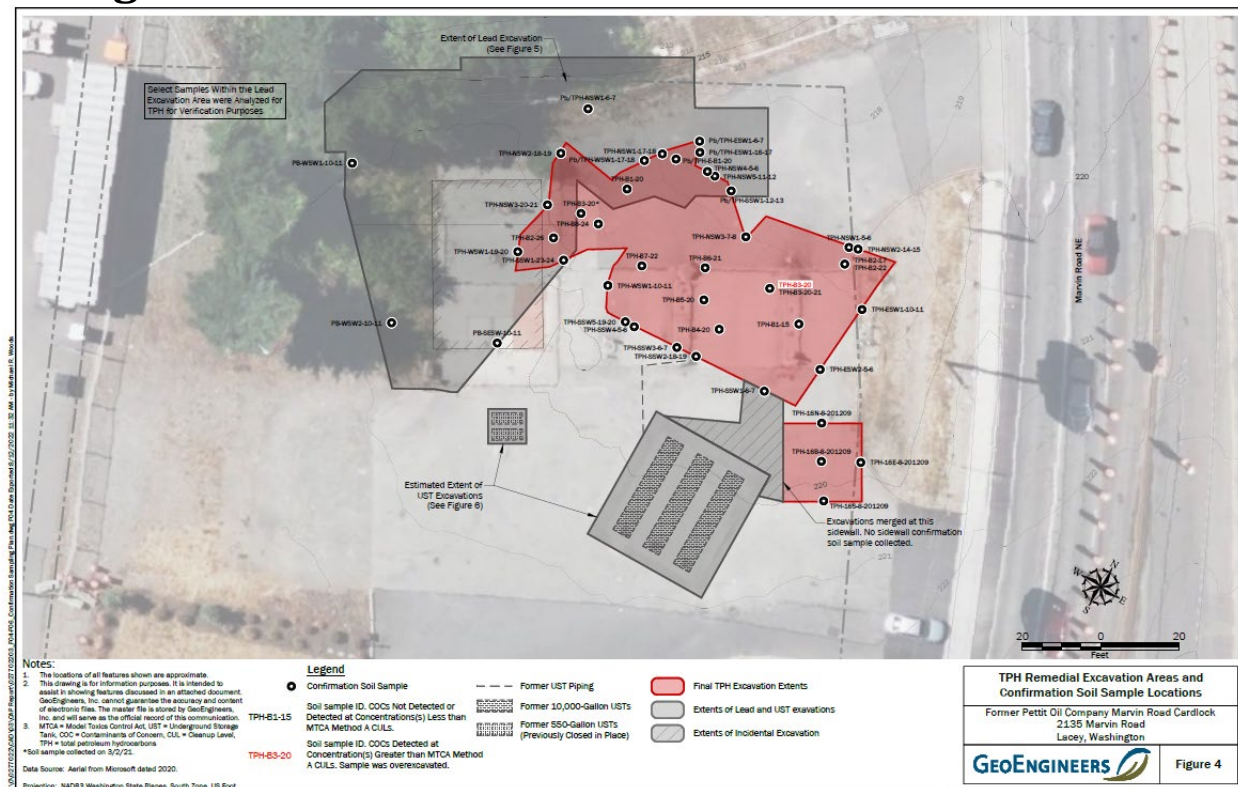
Figure 1: Site Vicinity Map

Source: Soil Cleanup Action Report, GeoEngineers, Inc., March 8, 2023.

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Figure 2: Petroleum Contaminated Soil ExcavationSource: *Soil Cleanup Action Report*, GeoEngineers, Inc., March 8, 2023.

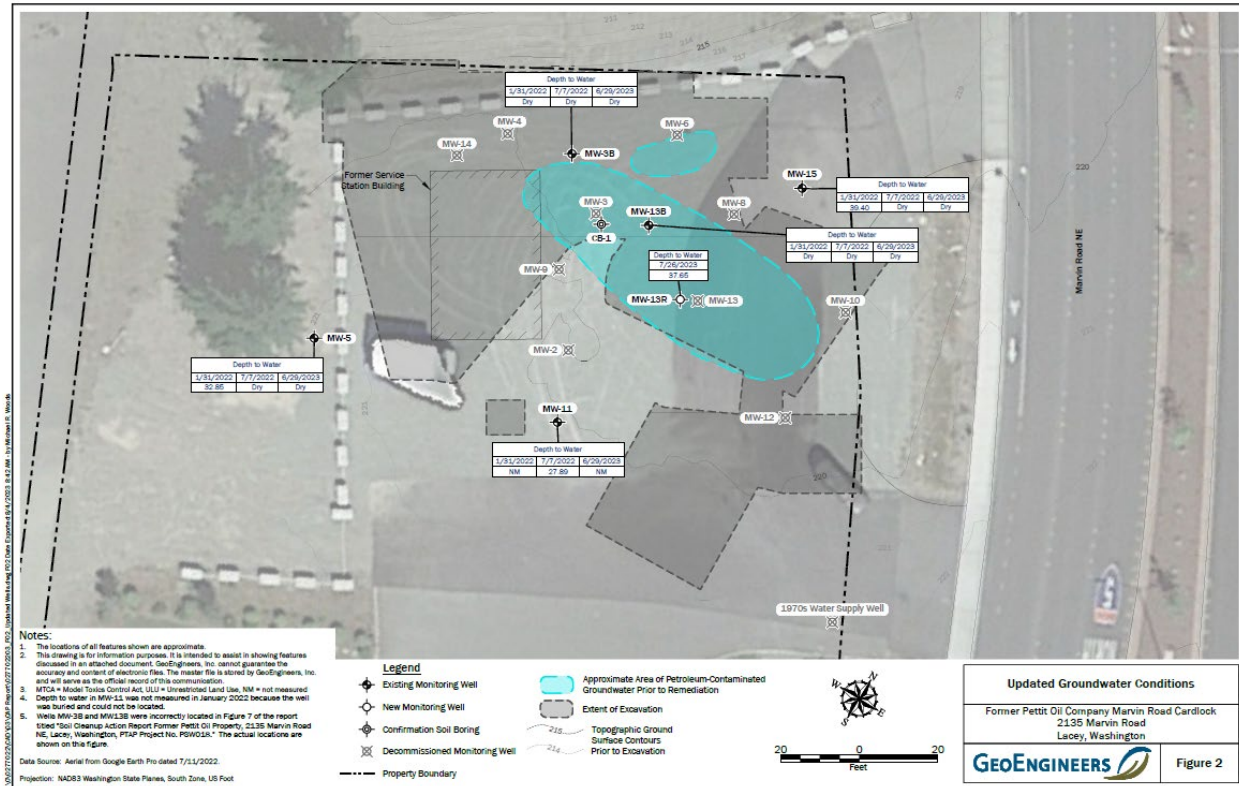
Source: *Soil Cleanup Action Report*, GeoEngineers, Inc., March 8, 2023.

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Figure 4: Confirmation Boring and Monitoring Well Locations



Source: *Letter Regarding Addendum to Soil Cleanup Action Report, GeoEngineers, Inc., August 8, 2023.*