



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

December 21, 2023

Shale Undi
Farwest Petroleum, LLC
15410 Main Street
Duvall, WA 98019

Re: No Further Action (NFA) for the Following Site:

- **Facility/Site Name:** Town Center Mini Mart
- **Facility/Site Address:** 15410 Main Street, Duvall, WA 98019
- **Facility Site ID:** 48143795
- **Technical Assistance Program No.:** PNW017

Dear Shale Undi:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 15410 Main Street, Duvall, WA 98019 (Site). 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

PLIA has determined that **no further remedial action is necessary** to cleanup petroleum contamination at the Site. The Site has ongoing institutional control and monitoring requirements to remain in compliance with MTCA. These requirements are listed in this letter.

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.

This opinion is contingent on an environmental covenant being filed within 90 days of this letter issuance. This opinion will be rescinded if the environmental covenant is not filed by April 25, 2024.

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Description of the Site

This opinion applies only to the petroleum release at the Site located at 15410 Main Street, Duvall, WA 98019 and includes King County tax parcel 132606-9012. 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-range organics (TPH-g) and benzene, toluene, ethylbenzene, and total xylenes (BTEX) into the soil, groundwater, and air

Basis of the Opinion

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

1. *Memorandum Regarding Final Confirmation Groundwater Monitoring Results and Closure Request. To: Pollution Liability Insurance Agency. From: Aspect Consulting, LLC. June 28, 2023.*
2. *Memorandum Regarding Groundwater Confirmation Results and Site Closure. To: Pollution Liability Insurance Agency. From Aspect Consulting, LLC. December 16, 2022.*
3. *Draft Cleanup Action Plan. Town Center Mini Mart, Duvall, Washington. Prepared by Aspect Consulting, LLC. September 24, 2021.*
4. *Remedial Investigation and Focused Feasibility Study. Town Center Mini Mart. Prepared by Aspect Consulting, LLC. April 21, 2017.*

These reports are available for download at:

<https://plia.box.com/s/zwe253qzm8whwahpvc7w7gl36g6qdnrw>

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.

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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.

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 petroleum underground storage tank (UST) system release 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 cleanup standards established for the Site. The following cleanup actions have been performed at the Site:

i. Soil:

- Two 10,000-gallon gasoline-USTs and one 12,000-gallon gasoline UST and associated piping were decommissioned and removed from the Site in December 2009. Petroleum contaminated soil (PCS) was excavated from an irregular area extending approximately 40' north-south and 66' east-west. PCS remained in place at some sidewall and bottom locations upon completion of the excavation.
- A biosparge system was installed in the base of the 2009 excavation and was reportedly operated for one year from 2013 to 2014.
- Approximately 550 tons of PCS were excavated from the Site in May 2019 and transported off-Site for disposal at a permitted facility.
 - 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, with the exception of inaccessible areas proximate to current Site infrastructure (Figure 2). Soil sampling results are listed in the following tables:
 - Table 2. *Draft Cleanup Action Plan*
- Approximately 1,040 pounds of powdered Regenesys ORC Advanced amendment was placed within the excavation at the water table to enhance residual petroleum biodegradation in soil and groundwater.

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- Institutional and engineering controls will serve to limit future contact with residual PCS at the Site. An impervious paved surface is in place over the remaining PCS with concentrations of COCs exceeding MTCA Method A CULs.
- Environmental Covenant: The impacted area, and any necessary safety protocols to address concerns with the soil direct contact exposure pathway, must be detailed in an environmental covenant filed with King County.
- Inspection: Annual inspection of engineering controls as outlined in the PLIA-approved Site Inspection Form (Enclosure B) is required to evaluate compliance with the institutional controls in the Environmental Covenant.

Result: The data indicate there is no longer an unacceptable risk of exposure from the soil direct contact exposure pathway at the Site. The remedial actions and engineering controls removed the potential for soil with concentrations of COCs exceeding CULs to come into contact with humans or ecological receptors.

ii. Groundwater:

- Groundwater elevations at the Site reportedly ranged from 87.20' (MW-9 in December 2019) to 91.94' (MW-8 in March 2017) above mean sea level.
- Groundwater flow direction beneath the Site is generally to the west.
- The analytical results of post-excavation groundwater samples demonstrate that petroleum contaminated groundwater (PCGW) with Site COCs has been remediated to concentrations less than the MTCA Method A CULs. Groundwater sampling results are listed in the following table:
 - Table 1. *Memorandum Regarding Final Confirmation Groundwater Monitoring Results and Closure Request*

Result: The data indicate there is no longer an unacceptable risk of exposure from the groundwater exposure pathway at this Site. The remedial action and engineering controls removed the potential for soil with concentrations of COCs exceeding CULs to come into contact with, and leach into, groundwater at the Site.

iii. Air (Soil or Groundwater to Vapor):

- The convenience store located on the Property is within the lateral inclusion zone (30') and vertical separation distance (15') of soil with concentrations of Site COCs exceeding MTCA Method A CULs.
- Concentrations of TPH, benzene, and naphthalene exceeding the MTCA Method B screening levels were detected in sub-slab soil vapor samples collected at the Site in 2019; however, the reported concentrations were less than the commercial worker screening levels.

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- Institutional and engineering controls will serve to limit exposure to mitigate the risks from petroleum vapor intrusion at the Site.
- Environmental Covenant: The impacted area, and any necessary safety protocols to address concerns with the air/vapor exposure pathway, must be detailed in an environmental covenant filed with King County.
- Inspection: Annual inspection of engineering controls as outlined in the PLIA-approved Site Inspection Form (Enclosure B) and below under Post-Cleanup Controls and Monitoring is required to evaluate compliance with the institutional controls in the Environmental Covenant.

Result: The data indicate that there is no longer an unacceptable risk of exposure from the soil or groundwater to vapor exposure pathway at this Site. The remedial action removed the potential for PCS or PCGW to give off harmful vapors that could enter nearby commercial or residential structures.

iv. **Surface Water:**

- Not applicable for the Site. The nearest surface water, the Snoqualmie River, is located approximately 730' northwest of 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.

Post-Cleanup Controls and Monitoring

Post-cleanup controls and monitoring are remedial actions performed after the cleanup to maintain compliance with cleanup standards. **This opinion presented in this opinion letter is dependent on the continued performance and effectiveness of the following:**

1. **Compliance with Institutional Controls.**

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional controls are necessary at the Site:

- No drilling; digging; piercing the cap with a sampling device, post, stake or similar device; grading; excavation; installation of underground utilities; removal of the cap; or application of loads in excess of the cap load-bearing capacity in the areas with PCS identified on Figure 2.
- No construction of buildings or other enclosed structures without previous approval from PLIA.

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- The impervious surfaces shall be inspected for cracks and repairs using the PLIA-approved Inspection Checklist (**Enclosure B**).
- Conduct annual inspection of the impervious surfaces as outlined under the Ongoing Operation & Maintenance Heading. At PLIA's determination, the Operation and Maintenance (O&M) Program may be amended. PLIA will inform the property owner of any changes to the Operation and Maintenance (O&M) Program.

To implement the controls, an Environmental Covenant must be recorded on the following parcel of real property at the Site:

- King County tax parcel 132606-9012

2. Ongoing Operation & Maintenance

Engineered controls prevent or limit movement of, or exposure to, hazardous substances. The following engineered control is necessary at the Property:

- Engineering control in the form of an impervious surface cap over PCS at the Site to mitigate the potential for human or ecological receptors to come into contact with contamination, potential to leach to groundwater, and the potential for petroleum vapors to migrate into the Site building.
 - You must conduct annual inspections to ensure the integrity of the cement/asphalt cap and concrete slab that contain the residual PCS, PCGW and vapors at this Site as part of the cleanup action.
 - If changes to the cement/asphalt cap and concrete slab that may expose the subsurface are observed during inspection, repairs will be completed and documented in accordance with the Contingency Plan outlined below.

3. Contingency Plan

If cracks greater than 1-inch wide are observed within the asphalt cap during annual inspections, the contingency action is to reseal and/or patch the cracks to prevent infiltration of surface runoff.

PLEASE NOTE: If a contingency action becomes necessary, PLIA may rescind the NFA determination pending results of such actions taken at the Site.

Reporting and Record Keeping

All records associated with monitoring, inspections, and repairs, etc. associated with this O&M Program under these institutional controls must be sent to PLIA annually.

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Periodic Review of Environmental Covenant

PLIA may conduct periodic reviews of post-cleanup conditions at the Site to ensure the environmental covenant has been recorded and the conditions are being followed and continue to be effective. If we conduct a periodic review and determine the environmental covenant conditions are not being met, then we will withdraw any No Further Action determination made at this Site.

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 (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

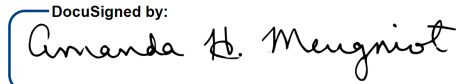
Thank you for choosing to cleanup your Site under the PLIA Technical Assistance Program (TAP). This opinion terminates the TAP Agreement governing PNW017.

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Contact Information

Thank you for choosing to clean up your Site in coordination with the 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:

A FE9ECF4A7E0415...
Amanda Meugniot, L.G.
Hydrogeologist

Enclosure A: Figure 1: Site Vicinity Map
Figure 2: Estimated Extent of Petroleum Contaminated Soil – Modified by
PLIA

Enclosure B: Site Inspection Form

cc: Ki-Tae You, Ondal LLC (by email)
Eric Marhofer, Aspect Consulting, LLC (by email)
Cecilia Henderson, The Vertex Companies, Inc. (by email)
Carrie Pederson, PLIA (by email)

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Enclosure A:
TAP Project No. PNW017
15410 Main Street, Duvall, WA 98019

Legal Description:

That portion of Government Lot 5 and of the Northeast quarter of the Southwest quarter of Section 13, Township 26 North, Range 6 East, Willamette Meridian, in King County, Washington, described as follows:

Beginning at the Southeast corner of Lot 9, Block 1, Duvall Division No. 3, according to the plat thereof, recorded in volume 19 of plats, page 99, in King County, Washington;
Thence North 88°22'36" West along the South line of said Lot 9, produced Westerly, a distance of 198.87 feet to the Easterly margin of State Road 203 (Carnation-Duvall Road);
Thence North 15°43'37" East along said margin 117.74 feet;
Thence South 74°16'23" East, a distance of 25.00 feet;
Thence South 89°49'41" East, a distance of 64.15 feet;
Thence South 0°10'19" West, a distance of 40.19 feet;
Thence South 89°49'41" East, a distance of 79.00 feet to the Northerly production of the East Line of Said Lot 9;
Thence South 0°10'19" West along said line and along the East line of said Lot 9, a distance of 71.57 feet to the point of beginning.

(Also known as Lot A of City of Duvall Lot Line Adjustment recorded under recording number 8705260551.)

Excluding the following City of Duvall Utility and Sidewalk Easements, described as follows:

Beginning at the Southwest corner of Lot A, said corner being the intersection of the North Margin of Ring Street and the East Margin of SR 203 (Main Street);
Thence North 15°42'22" East along said East Margin, 26.94 feet;
Thence continuing North 15°42'22" East along said East Margin, 13.00 feet;
Thence South 74°17'38" East, 5.50 feet;
Thence South 15°42'22" West, 13.00 feet;
Thence North 74°17'38" West, 5.50 feet to the point of beginning.
Containing 72 square feet, more or less.

And:

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Beginning at the Southwest corner of Lot A, said corner being the intersection of the North Margin of Ring Street and the East Margin of SR 203 (Main Street);
Thence North $15^{\circ}42'22''$ East along said East Margin, 8.00 feet;
Thence South $25^{\circ}57'37''$ East, 8.75 feet to said North Margin;
Thence North $88^{\circ}22'59''$ West, 6.00 feet to the point of beginning.
Containing 23 square feet, more or less.

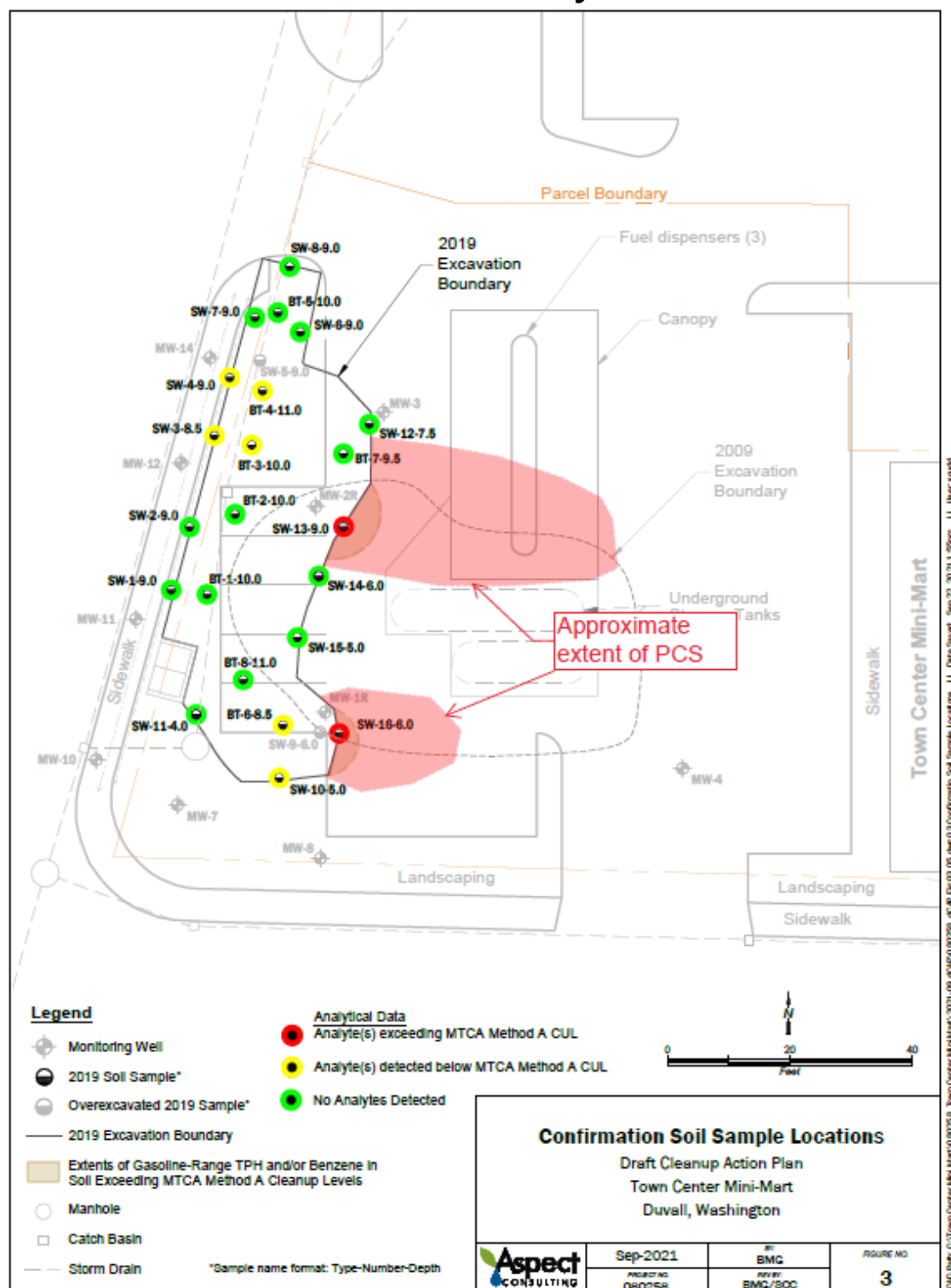
Site Location Map
Groundwater Confirmation Results and Closure Report
Town Center Mini-Mart
Duval, Washington

	DEC-2022	BY BMG / SCC	FIGURE NO. 1
	PROJECT NO. 080258	APPROVED BY ---	

Source: Memorandum Regarding Groundwater Confirmation Results and Site Closure, Aspect Consulting, LLC, December 16, 2022.

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Figure 2: Estimated Extent of Petroleum Contaminated Soil – Modified by PLIA



Source: Draft Cleanup Action Plan, Aspect Consulting, LLC, September 24, 2021.

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Enclosure B:

Site Inspection Form

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Site Inspection Form

Site name: Town Center Mini Mart		Date:	
Address: 15410 Main Street, Duvall, WA 98019		Time in:	Time out:
F/S ID: 48143795	TAP ID: PNW017	Weather:	
Institutional/Engineering Controls (Check all that apply): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Site access controls <input checked="" type="checkbox"/> Surface cover/containment <input type="checkbox"/> Groundwater monitoring <input type="checkbox"/> Soil vapor monitoring <input type="checkbox"/> Indoor air monitoring </div> <div> <input type="checkbox"/> Groundwater extraction and treatment <input type="checkbox"/> Other treatment system: </div> </div>			
Site Access Controls <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A			
Fencing damaged <input type="checkbox"/> Gates secured <input type="checkbox"/> N/A Comments:			
Signs and other security measures <input type="checkbox"/> Required signage present <input type="checkbox"/> N/A Comments:			
Surface Cover/Containment <input checked="" type="checkbox"/> Applicable <input type="checkbox"/> N/A			
Surface Cover Type: (check all that apply) <input type="checkbox"/> Hard Cover (e.g. concrete, asphalt, indoor) <input type="checkbox"/> Gravel/soil <input type="checkbox"/> Landscaping			
Settlement <input type="checkbox"/> Settlement observed (indicate location on map, provide details below) <input type="checkbox"/> Settlement not evident Areal extent: Depth: Comments:			

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Cracks☐ Cracks observed (indicate location on map, provide details below)☐ Cracks not evident

Areal Extent:

Depth:

Comments:

Erosion☐ Erosion observed (indicate location on map, provide details below)☐ Erosion not evident

Areal extent:

Depth:

Comments:

Holes☐ Holes observed (indicate location on map, provide details below)☐ Holes not evident

Areal extent:

Depth:

Comments:

Distressed vegetation☐ Distressed vegetation observed (indicate location on map,
provide details below)☐ Distressed vegetation
not evident

Areal extent:

Comments:

Surface disruption☐ Surface disruption observed (indicate location on map,
provide details below)☐ Surface disruption
not evident

Areal extent:

Comments:

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Groundwater Monitoring Wells
<input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A
Monitoring well condition (check all that apply): <input type="checkbox"/> All required wells located <input type="checkbox"/> Ponded water observed in/around monument(s) <input type="checkbox"/> Monument(s) in good condition (e.g. no evidence of damage) <input type="checkbox"/> Monument(s) properly secured/locked <input type="checkbox"/> Well cap(s) present with locks <input type="checkbox"/> Well cap(s) provide good seal <input type="checkbox"/> Well casing(s) in good condition <input type="checkbox"/> Well ID tag(s) present Comments:
Soil Vapor Probes
<input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A
Soil vapor probe condition (check all that apply): <input type="checkbox"/> All required probes located <input type="checkbox"/> Ponded water observed in/around monument(s) <input type="checkbox"/> Monument(s) in good condition (e.g. no evidence of damage) <input type="checkbox"/> Monument(s) properly secured/locked Comments: