



State of Washington
POLLUTION LIABILITY INSURANCE AGENCY
PO Box 40930 • Olympia, Washington 98504-0930
(360) 407-0520 • (800) 822-3905
www.plia.wa.gov

March 4, 2024

Pat Sorenson
Sis N' Bro LLC
1360 Berry Road
Ellensburg, WA 98926 USA

Re: No Further Action at the Following Site:

- **Facility/Site Name:** Ameristar Store #22
- **Facility/Site Address:** 1710 Canyon Rd., Ellensburg, WA 98926
- **Facility Site ID:** 31439188
- **Technical Assistance Program No.:** PC022

Dear Pat Sorenson:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 1710 Canyon Rd., Ellensburg, WA 98926 (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.

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Description of the Site

This opinion applies only to the identified petroleum release at the Site located at 1710 Canyon Rd., Ellensburg, WA 98926 and includes Kittitas County tax parcel: 778633. This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcel).

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 (GRO) and benzene, toluene, ethylbenzene, and 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. *Remedial Investigation Report and Closure Request, Chevron Station 95179*, Prepared by Arcadis U.S., Inc., December 18, 2023.
2. *Data Gap Investigation Work Plan, Chevron Station 95179*, Prepared by Arcadis U.S., Inc., September 22, 2020.

These reports are available for download at:

<https://plia.box.com/s/pihr6gobksz1sio5w9498zm8388r9ge9>

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-

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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 section of this letter. The Site history is detailed in the documents cited above.

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

i. Soil:

- The Site has been an operating fuel facility since 1963. Two 1,000-gallon USTs were removed in 1990 and one confirmation sample collected from the excavation exceeded MTCA Method A CULs for GRO.
- The USTs were replaced with two 10,000-gallon and one 6,000-gallon gasoline USTs that were abandoned in-place in 1998.
- In 1996, three 10,000-gallon gasoline USTs were installed and are currently in use.
- In 2015, eight soil borings were completed to 10'-15' below ground surface (bgs). Soil sample results confirmed GRO, ethylbenzene, and xylenes at concentrations exceeding MTCA Method A CULs.
- Additional site investigation conducted in 2018 included completion of five borings, HP-2 through HP-6. GRO and benzene exceeded MTCA Method A CULs in the soil sample from boring HP-3.
- Six borings, of which, four were completed as monitoring wells, were completed in 2021. Soil samples collected from two of the borings completed as wells contained concentrations of GRO exceeding the MTCA Method A; however, reported results were less than the Method B CUL.

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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 actions removed the potential for petroleum contaminated soil (PCS) with concentrations of COCs exceeding Method B CULs to come into contact with human or ecological receptors.

ii. Groundwater:

- Depth to groundwater recorded at the Site ranged from 5.70' (MW-7) to 6.34' (MW-6) below top of casing. Groundwater flow direction beneath the Site is predominantly southwest.
- COC concentrations have been less than MTCA Method A CULs in the last seven quarterly groundwater sampling events.

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 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 lateral and vertical extent of PCS was successfully remediated to a level below the MTCA Method A CUL.
- Petroleum-contaminated groundwater (PCGW) was detected at the Site during excavation in the early 1990s. Groundwater sampling results from 2021 to 2022 indicate that groundwater contamination has declined to concentrations of COCs exceeding 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.

iv. Surface Water:

- Not applicable for the Site. The nearest surface water, Wilson Creek, is approximately 256' to the southwest of the Site.

Result: The surface water exposure pathway did not exist at

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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 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 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. PC022.

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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:

William J. Fees

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William J. Fees, P.E.
Environmental Engineer

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

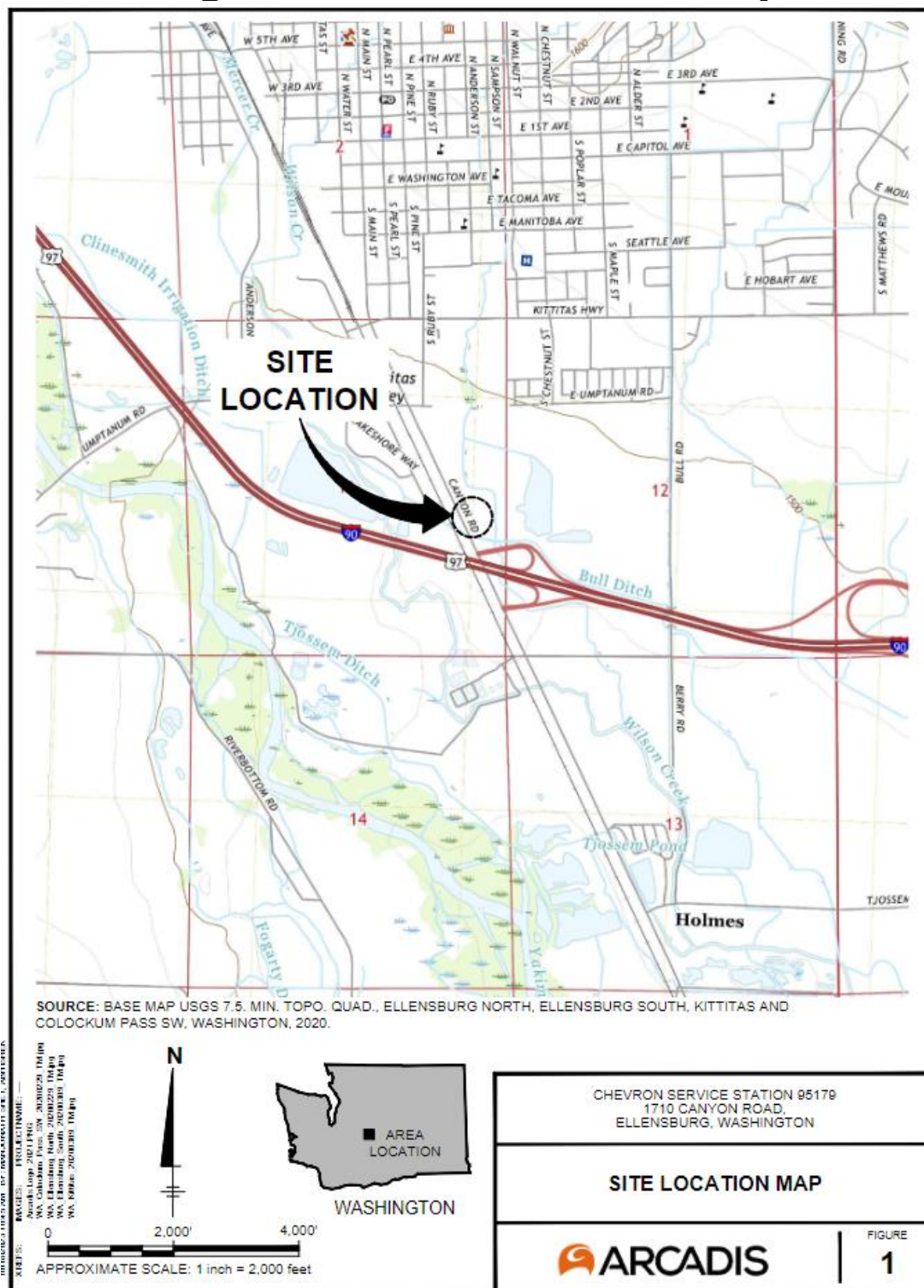
cc: Robert Speer, Chevron Environmental Management Company (by email)
 Rebecca Andresen, Arcadis, U.S., Inc. (by email)

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Enclosure A:
TAP Project No. PC022
1710 Canyon Rd., Ellensburg, WA
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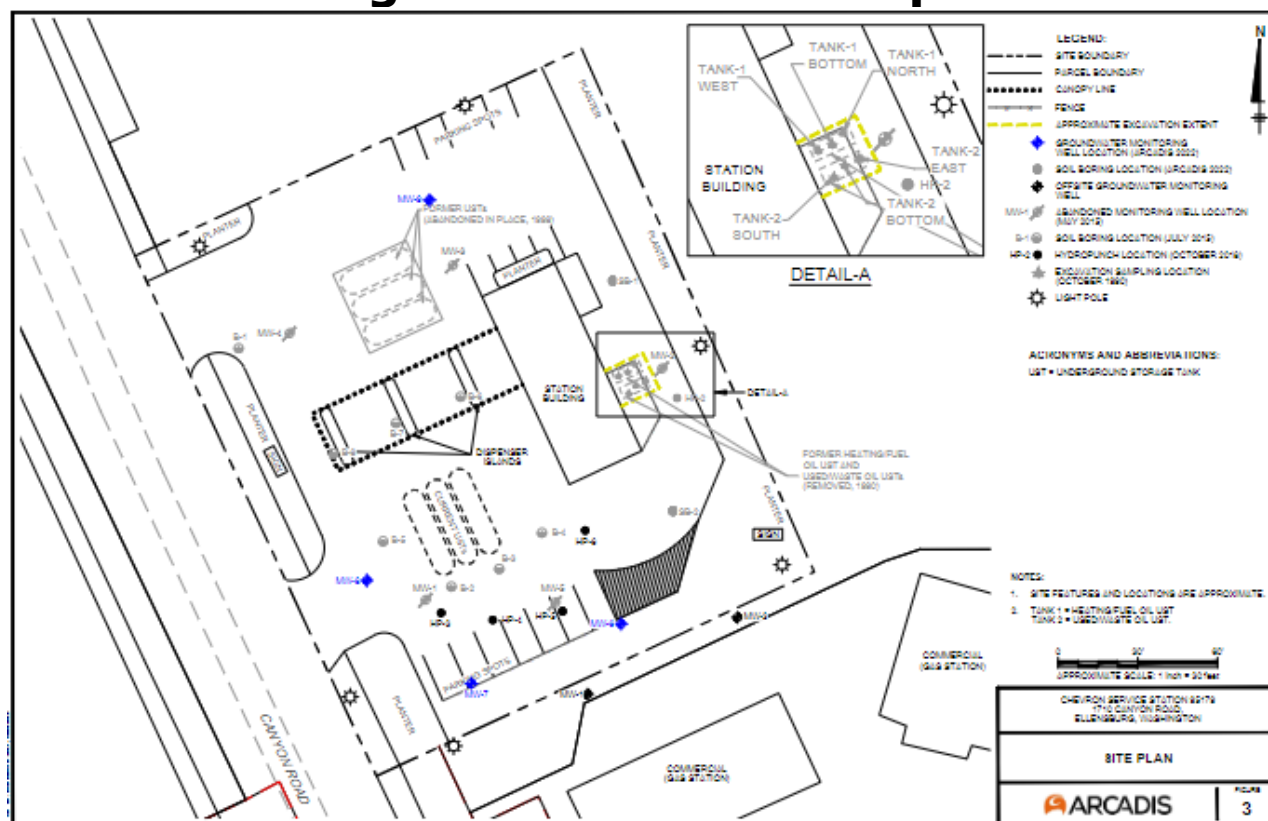
Figure 1: Site Location Map



Source: Remedial Investigation Report and Closure Request, Chevron Station 95179, Arcadis U.S., Inc., December 18, 2023.

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Figure 2: Site Plan Map



Source: **Remedial Investigation Report and Closure Request, Chevron Station 95179, Arcadis U.S., Inc., December 18, 2023.**