



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

January 17, 2024

Paul Jhuty
P.O. Box 53
Cle Elum, WA 98922

Re: No Further Action at the Following Site:

- **Facility/Site Name:** Former Texaco Station 211576; AKA Simpsons Texaco
- **Facility/Site Address:** 207 W 1st Street, Cle Elum, WA 98922
- **Facility Site ID:** 92387155
- **Technical Assistance Program No.:** PC021

Dear Paul Jhuty:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 207 W 1st Street, Cle Elum, WA 98922 (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.

Paul Jhuty
January 17, 2024
2 | Page

Description of the Site

This opinion applies only to the identified petroleum release at the Site located at 207 W 1st Street, Cle Elum, WA 98922 and includes Kittitas County tax parcel 893535. 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): TPH-d (diesel), TPH-o (oil) and TPH-g (gasoline) into the soil, groundwater, and air.
- Volatile organic compounds: Benzene, toluene, ethylbenzene and total xylenes (BTEX); naphthalene; methyl tert-butyl ether (MTBE); and total lead 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, Former Simpson's Texaco Service Station.* 207 West 1st Street, Cle Elum, Washington. Prepared by Arcadis, U.S., Inc., November 28, 2023.
2. *Additional Subsurface Investigation Work Plan. Former Simpson's Texaco Service Station.* 207 West 1st Street, Cle Elum, Washington. Prepared by Arcadis, U.S., Inc., May 6, 2022.
3. *Third Quarter 2021 Site Status Report, Former Simpson's Texaco Service Station.* 207 West 1st Street, Cle Elum, Washington. Project No.: 30064318. Prepared by Arcadis, U.S., Inc. December 20, 2021.

These reports are available for download at:

<https://plia.box.com/s/h7wmt5cyyayxd5pwopafe8y5fv0aeufr>

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).

Paul Jhuty
January 17, 2024
3 | Page

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:

- In 2015, Site USTs and piping were removed during a station upgrade. The final UST excavation dimensions were 67' by 80' to a depth of 17' below ground surface (bgs). Approximately 2,100 tons of petroleum contaminated soil (PCS) was disposed of off-Site. Approximately 675 pounds of calcium peroxide was placed in the excavation during backfilling to encourage biodegradation of petroleum hydrocarbons.
- Soil samples were collected from thirteen soil borings drilled in 2020. Eleven of the thirteen borings were completed as monitoring wells. Concentrations of Site COCs exceeded the MTCA Method A CULs in soil samples collected from six of the borings.
- In September 2022, five soil borings and three monitoring wells were installed to bound soil contamination and provide upgradient and downgradient groundwater information. Concentrations of Site COCs were empirically demonstrated to be less than the generic MTCA Method B TPH CUL of 1,500 milligrams per kilogram (mg/kg) in soil samples collected from the five borings.

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 with concentrations of Site COCs exceeding CULs to come into contact with human or ecological receptors.

Paul Jhuty
January 17, 2024
4 | Page

ii. Groundwater:

- Depth to groundwater recorded at the Site ranged from 5.9' (MW-44) to 8.03' (MW-41) below top of casing. Groundwater flow direction beneath the Site is predominantly northeast, with fluctuations to the east.
- Groundwater samples have been collected at the Site since 1996. Concentrations of COCs have been less than MTCA Method A CULs in groundwater samples collected from the Site since 2019. These results have allowed an empirical demonstration to be made for soil.

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 Site COCs exceeding CULs to come into contact with, and leach into, groundwater at the Site.

iii. Air (Soil or Groundwater to Vapor):

- Soil vapor samples were collected from two sub-slab pins in October 2020 and May 2021. The concentrations of Site COCs were less than the Method B sub-slab screening values in the soil vapor samples.

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, the Yakima River, is approximately 1,240' to the south 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.

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.

Paul Jhuty
January 17, 2024
5 | Page

- 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. PC021.

Paul Jhuty
January 17, 2024
6 | Page

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:

FF1D976B64DE464...

William J. Fees, P.E.
Environmental Engineer

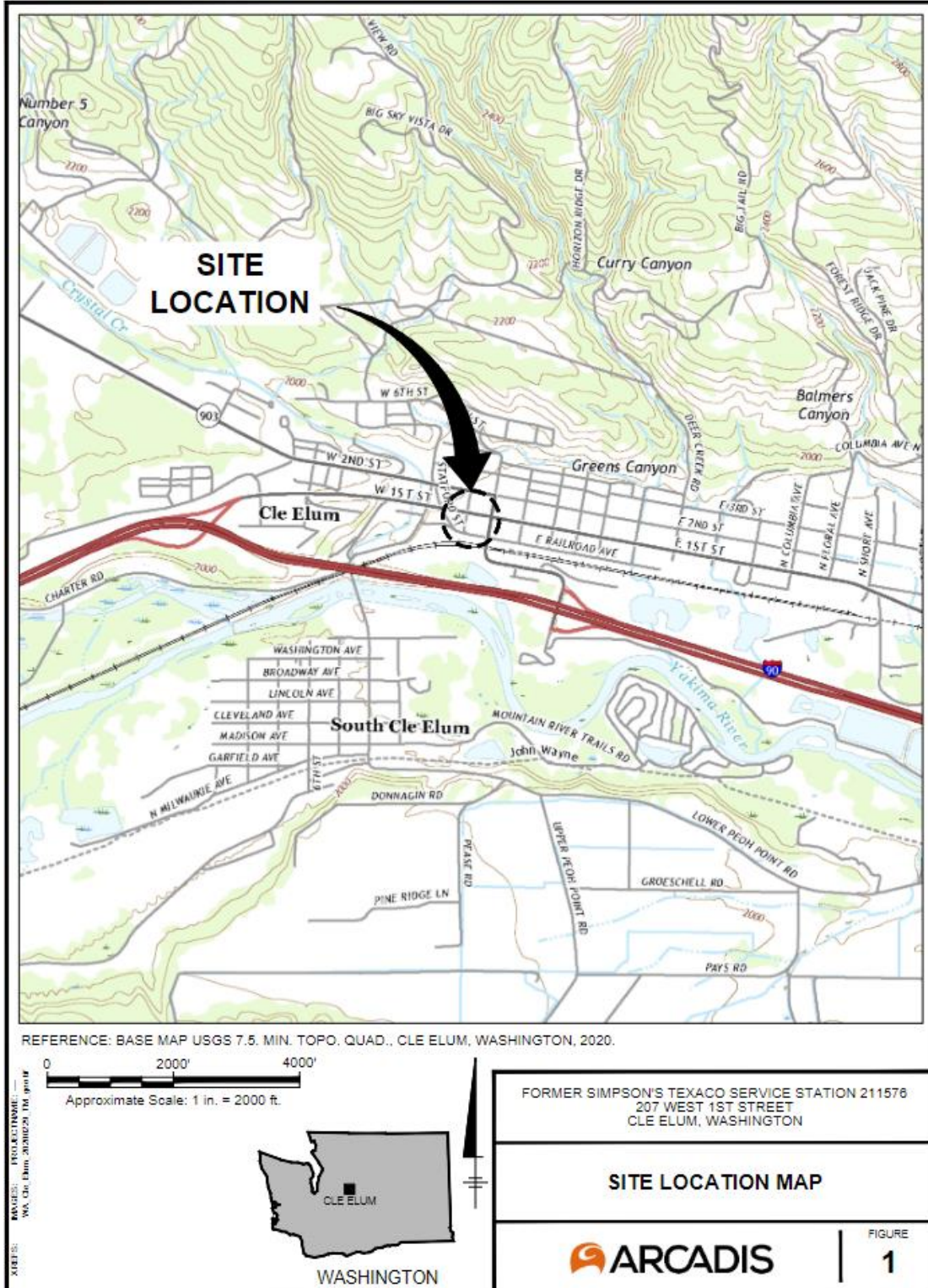
Enclosure A: Figure 1: Site Vicinity Map
Figure 2: Site Plan Map

cc: Jeremy Wilson, Arcadis U.S., Inc. (by email)
Carl Donovan, Arcadis U.S., Inc. (by email)
Aleksander Srebo, PLIA (by email)

Paul Jhuty
January 17, 2024
7 | Page

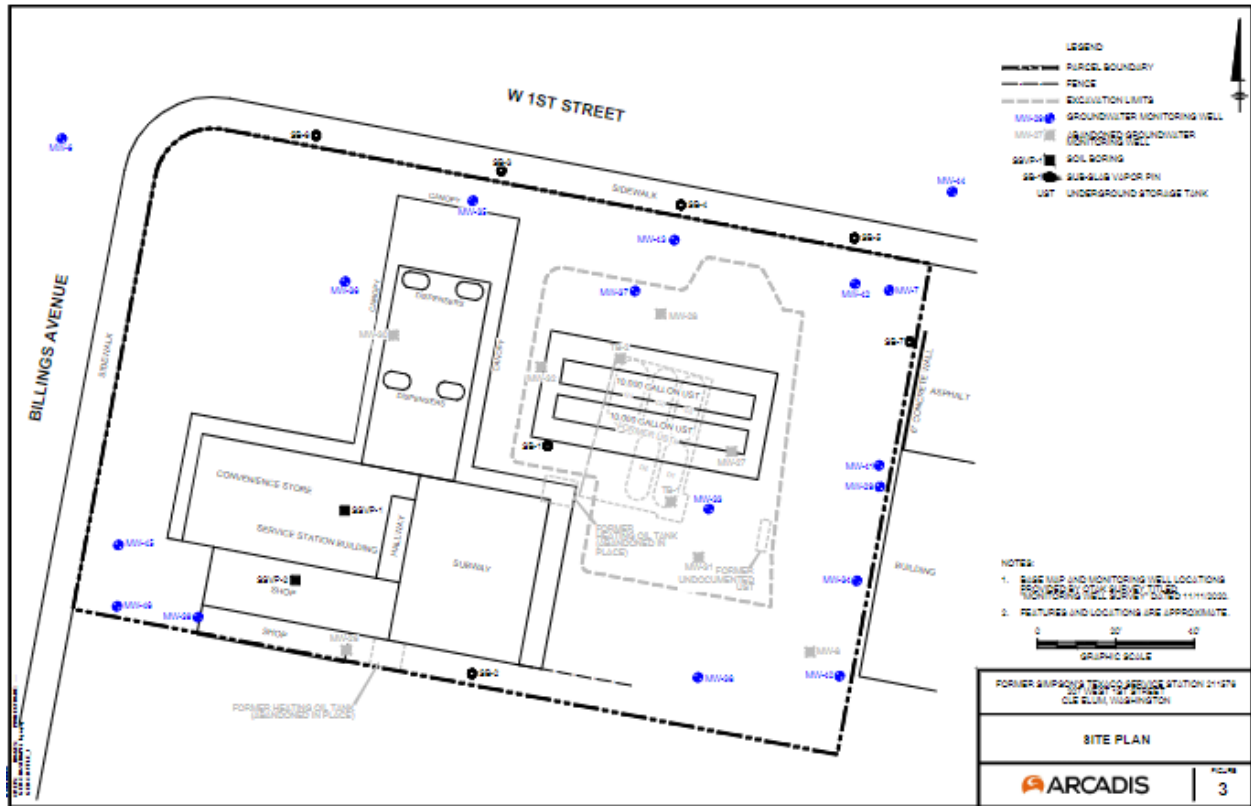
Enclosure A:
TAP Project No. PC021
207 W 1st Street, Cle Elum, WA 98922

Figure 1: Site Vicinity Map



Source: Remedial Investigation Report and Closure Request, Arcadis, U.S., Inc., November 28, 2023.

Figure 2: Site Plan Map



Source: Remedial Investigation Report and Closure Request, Arcadis, U.S., Inc., November 28, 2023.