



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

January 21, 2025

Jacques Dean  
614 Division Street  
Port Orchard, WA 98366

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

- **Facility/Site Name:** Kitsap County-North Road Shop
- **Facility/Site Address:** 301 NE Bernt Road, Poulsbo, WA 98370
- **Facility Site ID:** 65471731
- **Technical Assistance Program No.:** P-NW2503

Dear Jacques Dean:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 301 NE Bernt Road, Poulsbo, WA 98370 (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**

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PLIA has determined that **no further remedial action is necessary** to clean up petroleum contamination at the Site and the institutional controls detailed in the Restrictive Covenant No. 3230789 dated January 7, 2000, with Kitsap County are no longer necessary for the protection of human health and the environment.

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.

Jacques Dean  
January 21, 2025  
**2 | Page**

## **Description of the Site**

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This opinion applies only to the identified petroleum release at the Site located at 301 NE Bernt Road, Poulsbo, WA 98370 and includes Kitsap County tax parcel 112601-3-009-2007. 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), diesel-range organics (DRO), and/or oil-range organics (ORO) into the soil and groundwater.

## **Basis of the Opinion**

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

1. *Ecology Letter Regarding Periodic Review, Kitsap County North Road Shop Site*. Prepared by the Washington State Department of Ecology. September 20, 2022.
2. *Groundwater Investigation Report, Kitsap County North Road Shop Site*. Prepared by Landau Associates, Inc. May 18, 2022.
3. *Final Soil and Groundwater Characterization Report, North Road Shop-Kitsap County Site*. Prepared by Landau Associates, Inc. June 15, 2020.
4. *Kitsap County North Road Shop Site Periodic Review*. the Washington State Department of Ecology. November 11, 2018.

These reports are available for download at: [\*\*Kitsap County North Road Shop Site Public Files\*\*](#)

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.

Jacques Dean  
January 21, 2025  
**3 | Page**

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

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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**

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PLIA has concluded that **no further remedial action** is necessary at the Site and institutional controls are no longer necessary for the protection of human health and the environment. 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:**

Five USTs were reportedly removed from the Site near Building 2 in 1988. No documentation of the decommissioning or removal is available.

In 1997, approximately 5,513 tons of petroleum contaminated soil (PCS) were excavated and transported off-Site for disposal at a permitted facility. The excavation was limited due to Site infrastructure and PCS exceeding Method A CULs was left beneath the storm drain and water main, the western fence line, the former Water District area, and Building 2.

The Washington State Department of Transportation acquired the property along the Site's northwestern and southwestern fence lines

Jacques Dean  
January 21, 2025  
**4 | Page**

in 2004 for constructing bio-infiltration swales to treat stormwater. Soil samples were collected during a preliminary Site investigation and concentrations of GRO, ORO, benzene, and ethylbenzene exceeded CULs in shallow soil samples.

A Site soil investigation was conducted in 2020 to determine the extent of residual Site PCS in the areas previously identified in 1997. Seventeen soil borings were advanced at the Site and a soil sample was collected from each boring. Eleven samples were collected from below existing utilities and the western fence line, four samples were collected from the former Water District area, and two samples were collected from beneath Building 2. At locations adjacent to infrastructure, angled borings were completed to collect representative samples from the target areas. The GRO concentration exceeded the Method A CUL in a sample collected from SB-4 in the former Water District area. However, the reported concentration was less than the generic Method B TPH CUL for direct contact. The remaining sample results were less than Method A CULs for GRO, DRO, ORO, and BTEX.

It has been empirically demonstrated (see discussion below under the *Groundwater* heading) that the soil leaching to groundwater pathway is incomplete. PLIA agrees that the vapor intrusion pathway (see discussion under the *Air [Soil or Groundwater to Vapor]* heading below) is incomplete. Therefore, the Method B CULs for soil direct contact are applicable at the Site.

**Result: The data indicate the soil direct contact and soil leaching to groundwater exposure pathways are incomplete at the Site.** The remedial action(s) removed the potential for PCS with concentrations of COCs exceeding CULs to come into contact with human or ecological receptors or leach into groundwater.

**ii. Groundwater:**

During the 2020 investigation, three monitoring wells were installed and three reconnaissance groundwater samples were collected from temporary wells to determine if petroleum contaminated groundwater (PCGW) was migrating off-Site. Depth to groundwater recorded at the Site ranged from 1.49' (MW-3) to 3.23' (MW-1) below top of casing. Groundwater flow direction beneath the Site is predominantly to the northwest, with fluctuations to the west.

Jacques Dean  
January 21, 2025  
**5 | Page**

Concentrations of GRO, DRO, ORO, and BTEX were less than Method A CULs in the groundwater samples collected in 2020 with one exception: the DRO reporting limit for one of the reconnaissance groundwater samples was elevated due to detection of DRO in the associated method blank.

At Ecology's request, two additional groundwater monitoring wells were installed to further define the Site's hydrogeologic conditions and determine if PGCW was migrating off-Site. The concentrations of GRO, DRO, ORO, and BTEX were less than MTCA Method A CULs in the groundwater samples.

Groundwater sampling results have adequately demonstrated that the groundwater exposure pathway is no longer complete at the Site.

**Result: The data indicate that the groundwater exposure pathway is incomplete at this Site.** The remedial action(s) removed the potential for groundwater with concentrations of COCs exceeding CULs to come into contact with humans or ecological receptors.

PLIA recommends decommissioning all Site monitoring wells no longer required for groundwater monitoring, as determined by PLIA. Please note monitoring wells must be decommissioned by a Washington State licensed drilling contractor, pursuant to WAC 173-160-460. PLIA requests that you provide monitoring well decommissioning documentation to PLIA for the project file. Additionally, the property owner should keep all supporting documentation of compliance (e.g. well logs, completed forms, and well tags) to provide documentation of proper decommissioning to the Washington State Department of Ecology upon request.

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

According to the 2018 Ecology Periodic Review, "vapor intrusion is not considered to be a significant risk to human health or the environment."

PCS and/or PCGW within the lateral inclusion zone and/or vertical separation distance of Site buildings was successfully remediated to concentrations of COCs less than the MTCA Method A CUL.

Jacques Dean  
January 21, 2025  
**6 | Page**

**Result: The data indicate the vapor intrusion pathway is incomplete 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:**

Dogfish Creek is located approximately 430' north-northwest of the Site. Quarterly surface water sampling of Dogfish Creek was conducted from 1997 to 2000 to determine if PCGW was migrating offsite into stormwater systems or the creek. With Ecology approval surface water sampling was discontinued in 2000.

The first Ecology periodic review completed in 2007 recommended another surface water sampling event. One sample exceeded the Method A surface water CUL for benzene. However, the sample location potentially had multiple contaminant source contributions including roadway runoff and might not be representative of the groundwater to surface water exposure pathway.

**Result: The surface water exposure pathway is incomplete at this Site.** This means that, based on current data, PCGW has not spread to surface water.

PLIA recommends that Ecology terminate and release Restrictive Covenant No. 3230789 dated January 7, 2000, with Kitsap County.

## **Limitations of the Opinion**

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**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).

Jacques Dean  
January 21, 2025  
**7 | Page**

**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**

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This opinion terminates the Technical Assistance Program (TAP) agreement for Project No. P-NW2503.

### **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,

Signed by:  
  
9A78BD0052524F7...

William J. Fees, P.E  
Environmental Engineer

Enclosure A:      Figure 1: Site Vicinity Map  
                         Figure 2: Site Sampling Location Map

cc: Stephanie Renando, Landau Associates, Inc. (by email)

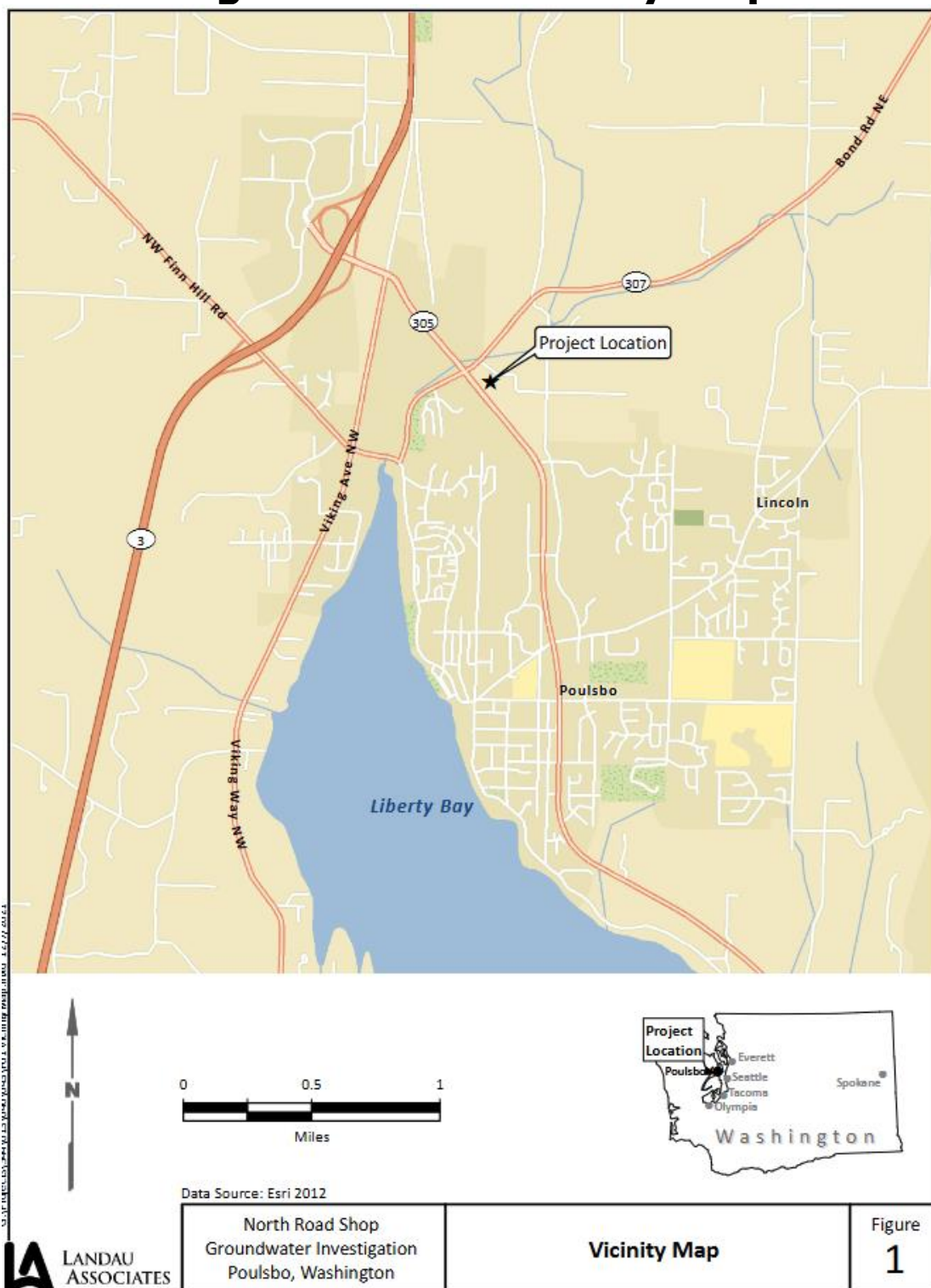
Jacques Dean  
January 21, 2025  
**8** | Page

**Enclosure A:**  
**TAP Project No. P-NW2503**  
**301 NE Bernt Road,**  
**Poulsbo, WA 98366**



Jacques Dean  
January 21, 2025  
9 | Page

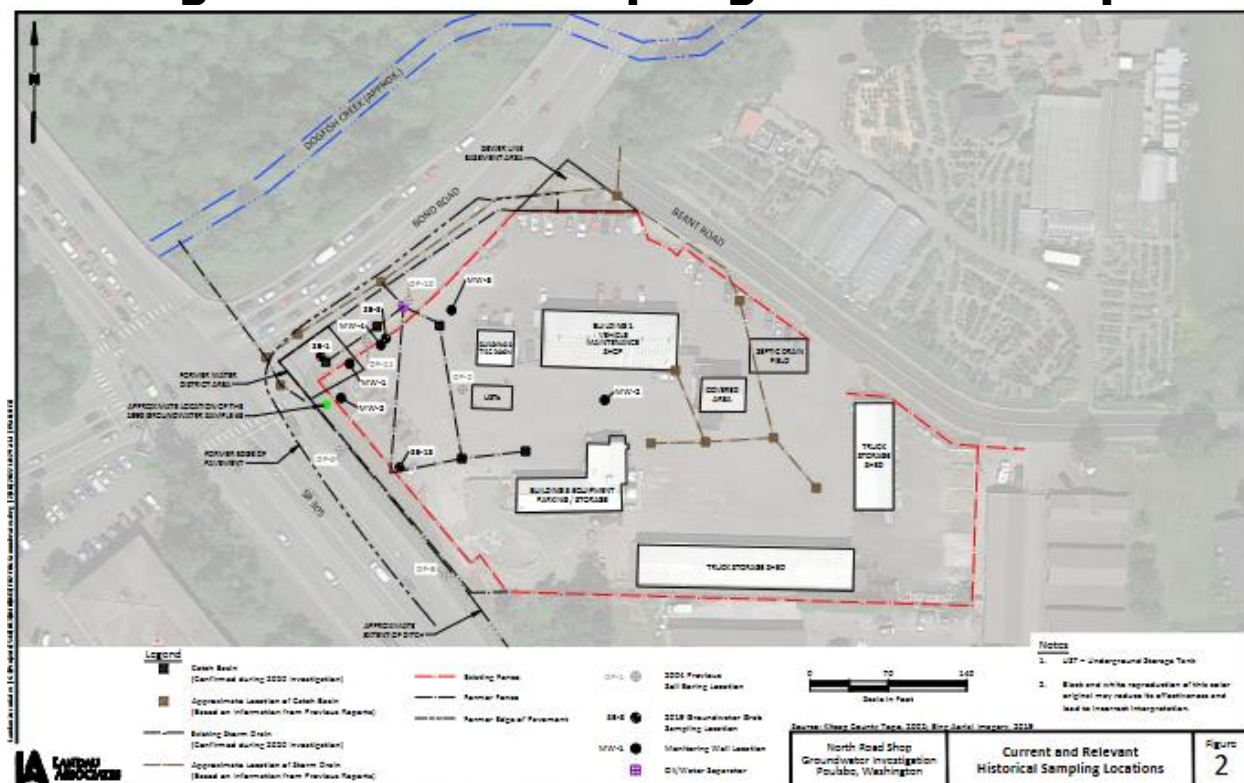
**Figure 1: Site Vicinity Map**



**Source:** Groundwater Investigation Report, Landau Associates, Inc., May 18, 2022.

Jacques Dean  
January 21, 2025  
10 | Page

**Figure 2: Site Sampling Location Map**



**Source:** Groundwater Investigation Report, Landau Associates, Inc., May 18, 2022.