



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

September 18, 2025

En Yung Lee
Leeen, Inc.
505 North Montesano Street
Westport, WA 98595

Re: No Further Action at the Following Site:

- **Facility/Site Name:** Midtown Deli Grocery
- **Facility/Site Address:** 505 North Montesano Street, Westport, WA 98595
- **Facility Site ID:** 53699536
- **Cleanup Site ID:** 9608
- **Technical Assistance Program No.:** P-SW2639

Dear En Yung Lee:

The Washington State Pollution Liability Insurance Agency (PLIA) received your request for an opinion on the independent cleanup located at 505 North Montesano Steet, Westport, WA 98595 (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 clean up petroleum contamination at the Site.

En Yung Lee
September 18, 2025
2 | Page

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 505 North Montesano Steet, Westport, WA 98595 and includes Grays Harbor County tax parcel 105501300700 (Figure 1). This opinion does not apply to any other hazardous substance release(s) that may affect the Property (parcels).

The Site is defined by the nature and extent of contamination associated with the following release:

- Total petroleum hydrocarbons (TPH) as gasoline-range organics (GRO), diesel-range organics (DRO), and oil-range organics (ORO); benzene, ethylbenzene, toluene, and xylenes (BTEX); and naphthalene into the soil and groundwater.

Basis of the Opinion

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

1. *Groundwater Monitoring Event Second Quarter, 2025*. Prepared by Envitechnology, Inc. July 23, 2025.
2. *Groundwater Monitoring Event First Quarter, 2025*. Prepared by Envitechnology, Inc. March 26, 2025.
3. *Groundwater Monitoring Report Second Quarter, 2024*. Prepared by Envitechnology, Inc. May 15, 2024.
4. *Groundwater Monitoring Report First Quarter, 2024*. Prepared by Envitechnology, Inc. February 23, 2024.
5. *Groundwater Monitoring Report Fourth Quarter, 2023*. Prepared by Envitechnology, Inc. November 3, 2023.
6. *Subsurface Investigation*. Prepared by Envitechnology, Inc. August 25, 2023.
7. *Groundwater Monitoring Report First Quarter, 2023*. Prepared by Envitechnology, Inc. March 2, 2023.

En Yung Lee
September 18, 2025
3 | Page

8. *Subsurface Investigation*. Prepared by Envitechnology, Inc. December 14, 2021.
9. *7. Limited Phase II Environmental Site Assessment*. Prepared by Envitechnology, Inc. March 9, 2021.

These reports are available for download at: [Midtown Deli Grocery 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.

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.

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.

The property has been used as a fueling station since 1964. Six USTs were reportedly installed in 1964 and removed in 1991. Approximately 280 yards of petroleum contaminated soil (PCS) were excavated and transported off-Site for disposal. Soil with concentrations of COCs exceeding the CULs reportedly remained at one location; however, the sample location and depth were not reported to PLIA.

En Yung Lee
September 18, 2025
4 | Page

COCs were not detected at concentrations exceeding Method A CULs in soil samples collected during subsurface investigations in 2021 and 2023.

PLIA has determined that the cleanup actions performed meet cleanup standards established for the Site. The following describes PLIA's opinion of the Site status:

i. Soil:

- The results of confirmation samples collected in 2021 and 2023 demonstrate that PCS with concentrations of COCs exceeding the applicable CULs was removed from the Site.

Result: The data indicate the soil direct contact and soil leaching to groundwater exposure pathways are incomplete at the Site. The remedial actions 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:

- Depth to groundwater recorded at the Site ranged from 1.93' (MW-3) to 2.77' (MW-8) below top of casing in April 2024. Groundwater flow direction beneath the Site is predominantly southeast, with fluctuations to the west, east and southwest.
- Concentrations of COCs were less than MTCA Method A CULs in at least four consecutive groundwater samples collected from the Site.

Result: The data indicate the groundwater exposure pathway is incomplete at this Site. The remedial actions 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.

En Yung Lee
September 18, 2025
5 | Page

iii. Air (Soil or Groundwater to Vapor):

- A soil gas sample was collected from the Site in October 2021. COCs were not detected at concentrations exceeding the Method B screening levels.

Result: The data indicate the vapor intrusion pathway is incomplete at this Site. The remedial actions removed the potential for vapors from PCS or petroleum contaminated groundwater (PCGW) to enter nearby commercial or residential structures.

iv. Surface Water:

- Not applicable for the Site. The nearest surface water, unknown name, is approximately 390' to the southeast of the Site.

Result: The surface water exposure pathway is incomplete at this Site. The remedial actions removed the potential for PCGW to migrate 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).

En Yung Lee
September 18, 2025
6 | 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.

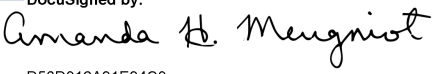
Termination of Agreement

This opinion terminates the Technical Assistance Program (TAP) agreement for Project No. P-SW2639.

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:

D50D816A31E34C8...
Amanda Meugniot, L.G.
Hydrogeologist

Enclosure A: Figure 1: Site Location

cc: Jake Lee, Envitechnology, Inc. (by email)
Jeremy Payne, The Vertex Companies, LLC (by email)

En Yung Lee
September 18, 2025
7 | Page

Enclosure A:
TAP Project No. P-SW2639
505 North Montesano Steet,
Westport, WA 98595

Figure 1: Site Location

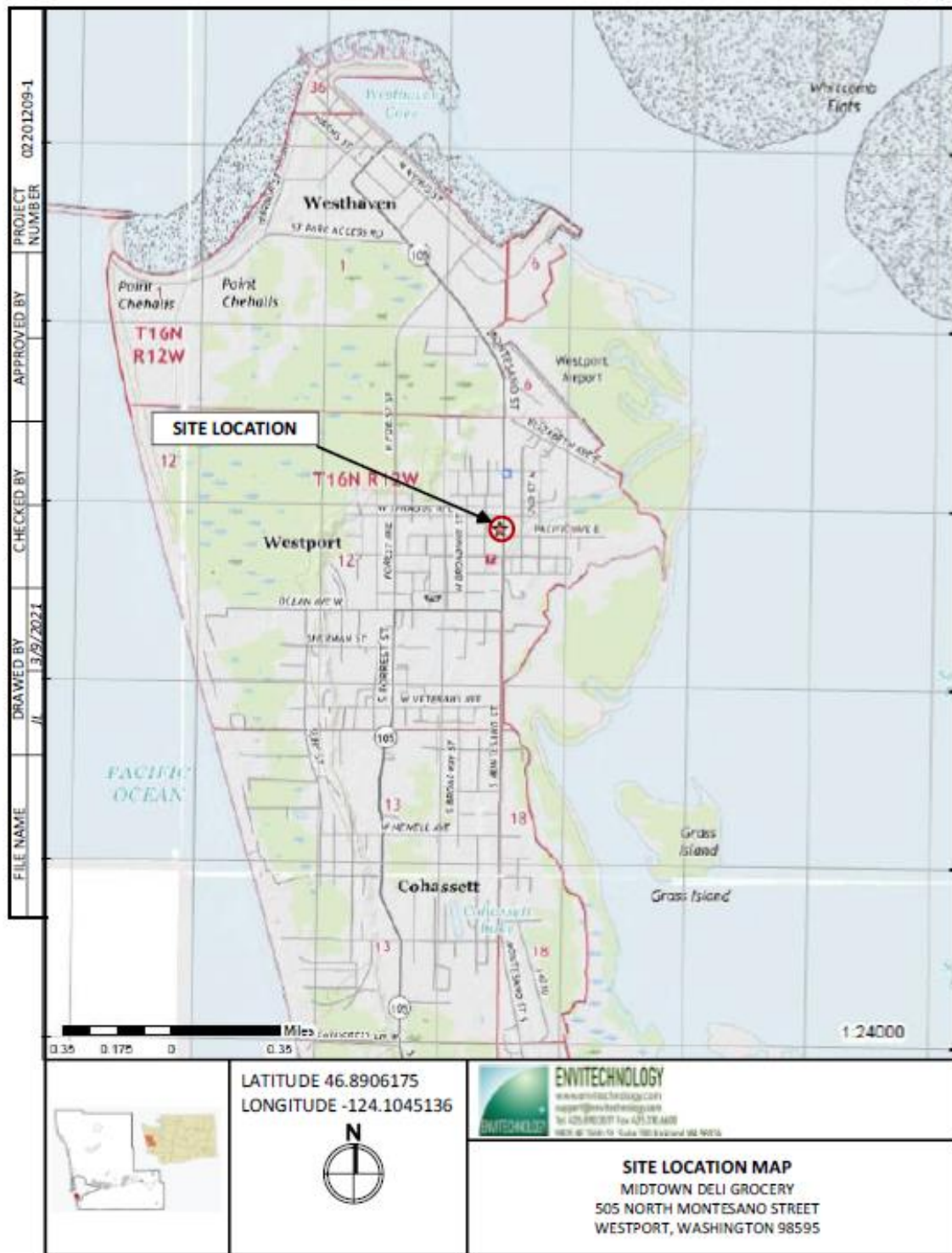


Figure 1. Site Location Map

Source: Groundwater Monitoring Report Second Quarter 2024, Envitechnology, Inc, May 15, 2024