

February 3, 2025

*Via Email*

Derek Threet  
Assistant Attorney General  
Washington Attorney General's Office  
PO Box 40177  
Bellevue, WA 98504  
derek.threet@atg.wa.gov

Re: *Tiki Car Wash Site*

Dear Derek:

As you know, we represent Tiki Enterprises, Inc. ("Tiki"), which owns the property located at 11909 NE 8<sup>th</sup> Street, Bellevue, Washington ("Tiki Property"). The Washington Department of Ecology is obligated under a consent decree it entered into with Tiki in 1993 to investigate and cleanup the contamination at the Tiki Car Wash Site, which includes the Tiki Property and at least three adjoining parcels of property: Tax Parcel No. 3325059208, Tax Parcel No. 3325059120, and Tax Parcel No. 3325059009, which are owned respectively by South Heights, LLC, TRF Capital LLC, and Khorram Family Investments, LLC.

The consent decree obligated Tiki to pay \$250,000 to Ecology in exchange for Ecology completing a remedial investigation and feasibility study for the Site, developing a cleanup action plan for the Site, and implementing the cleanup action plan. Tiki has fulfilled its obligations under the consent decree, but Ecology has not. Ecology did not complete the remedial investigation of the Site until last year, more than 30 years after entering the consent decree, and has not yet completed the feasibility study. We learned this week that the feasibility study is once again delayed, and that Ecology has no idea how long it will be before the feasibility study is complete.

The protracted delays in cleaning up the Site expose Tiki to claims from its neighbors. TRF has already sued Tiki once and has threatened to do so again. Tiki has made every effort to be a good partner to Ecology throughout this process and intends to continue that partnership. But Ecology must recognize that it will get embroiled in a lawsuit if TRF or any other neighbor initiates litigation against Tiki relating to the Site. Ecology, not Tiki, is responsible for addressing the contamination remaining at the Site, and Ecology, not Tiki, should be accountable to the neighbors for the delays in completing the cleanup.

We kindly request that Ecology reconsider its decision to further delay the feasibility study and commit to a schedule to complete the feasibility study, develop a cleanup action plan, and implement the cleanup action plan. We appreciate that Ecology has been meeting with Tiki on a periodic basis to discuss the remedial work and has been sharing draft documents with Tiki for

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review and comment before they are finalized, and requests that Ecology continue with that practice. Ecology should also solicit the input from the owners of the neighboring properties, so that the selected remedy not only complies with the Model Toxics Control Act but is also compatible with current and future uses of those properties. Accordingly, we encourage Ecology to host a meeting with Tiki and the owners of the neighboring properties to discuss the Site. A meeting would facilitate dialogue, improve understanding, and avoid an unnecessary dispute. We can assist with scheduling the meeting if Ecology is amenable.

We look forward to hearing from you.

Sincerely,

VERIS LAW GROUP PLLC

A handwritten signature in blue ink, appearing to read "Howard F. Jensen", is written over the printed name below.

HOWARD F. JENSEN

cc: Dale Myers, Ecology (damy461@ecy.wa.gov)  
Andy Zabel, counsel to TRF (andy@houlihan-law.com)  
Client