

June 9, 2023

**Via Email: (derek.threet@atg.wa.gov)**

Derek Threet  
Assistant Attorney General  
Office of the Attorney General, Ecology Division  
PO Box 40117  
Bellevue, WA 98504-0117

**Re: Comments on Final Remedial Investigation Report for Tiki Car Wash, Bellevue, Washington**

Dear Mr. Threet:

We represent TRF Capital (“TRF”), regarding the property TRF owns at 699 120<sup>th</sup> Avenue NE, in Bellevue, Washington (the “TRF Property”). TRF’s Property is contaminated by petroleum from the Tiki Car Wash property. We appreciate Ecology providing us the Remedial Investigation Report (RI). As you know TRF entered into an access agreement so Ecology and its contractors could conduct sampling on the TRF Property. After 12 years of delay in finalizing the RI, TRF has a strong interest in continuing to cooperate and assisting Ecology successfully remediate the Contamination. We look forward to receipt of the full RI/FS and Cleanup Action Plan later this year and working with Ecology to implement a cleanup of the full site.

TRF’s consultant, Geosyntec reviewed the RI and identified several areas of the RI that it felt warranted comment. Geosyntec’s comments are attached for reference and incorporation into the Site administrative record. We believe these comments identify gaps that should be addressed in the ongoing work to select a remedy and complete the RI/FS. We are available to discuss the attached comments if you have question or we can provide additional information.

Sincerely,



Andrew L. Zabel

*enclosures*

cc. Howard Jensen, Veris Law Group ([howard@verislawgroup.com](mailto:howard@verislawgroup.com));

Kevin Jackson ([kevin@verislawgroup.com](mailto:kevin@verislawgroup.com))

Client – w/o enclosures

## Memorandum

Date: 05 June 2023

To: Doug Exworthy, TRF Pacific

Copies to: Andy Zabel, Houlihan Law

From: Dave Parkinson, PhD., L.G.

**Subject: Comments On Tiki Car Wash Remedial Investigation Report Dated April 28, 2023**

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The Remedial Investigation (RI) report for Tiki Car Wash Site was released in late April 2023. Geosyntec reviewed the report for consistency with applicable regulations and Washington Department of Ecology (Ecology) guidance for RI submittals, as well as for technical competence and completeness. The RI report is titled “Final” and has been signed and stamped, indicating that Ecology may not be accepting comments. Geosyntec believes the RI report is inadequate and suffers from significant deficiencies. These issues are described below.

- Section 2 – Remedial Investigation Activities: This RI Report fails to summarize all data collected for the Site. This section provides an inadequate summary or analysis of remedial investigation data. The report limits, without explanation, the summary of soil data to post-2007 soil boreholes, even though it cites and shows maps a number of soil boreholes from investigations prior to that time.

Washington Administrative Code (WAC 173-340-200 and WAC 173-340-350) defines and explains requirements for remedial investigations, including assembling and evaluating existing data. In addition, Ecology publication No. 16-09-006 (Revised June 2022) states that the remedial report should “*include current and historical analytical and field data.*” Some but not all historical soil data have been included. The RI report should include all prior soil data. For example Section 2.1 Soil Borings lists soil borings GP-1 through GP-12 and HC-1 through HC-8, and includes the location of these boreholes on Figures 2 and 9, yet fails to include analytical data for any of these boreholes in the report.

- Section 2 – Remedial Investigation Activities: The report also limits, again without explanation, groundwater monitoring results to a subset of monitoring wells with data

collected post-2006. Again, per Ecology publication No. 16-09-006 (Revised June 2022) the remedial report should “*include current and historical analytical and field data.*”

The RI report does not provide field collected groundwater parameters such as pH, temperature, turbidity, and oxygen-reduction potential. Section 2.2.2 states that these parameters were collected, and the data should be included. This groundwater monitoring data needs to be included in the RI because it will be important for evaluating the effectiveness and applicability of different remedial alternatives presented in the Feasibility Study.

There are also no data, explanation, or summary for monitoring wells MW-01, MW-03, MW-04, MW-05, MW-08 through MW-19, MW-22, and MW-24 through MW-28. The discussion of monitoring well installation begins with MW-30, but includes some analytical data for MW-2, MW-6, MW-20, MW-23, and MW-29. An explanation is required for why there are no data for the missing monitoring wells: Were these monitoring wells never installed? Were the monitoring wells installed but subsequently abandoned? Were any data collected from these monitoring wells? And if these monitoring wells were abandoned, why? If abandoned, were the monitoring wells decommissioned following WAC 173-160-381 and Chapter 18.104 RCW?

An analysis of contaminant concentrations in groundwater over time that includes all data that have been collected would provide indications of whether there was a single release, multiple releases, or an ongoing release of contaminants from the Site. In addition, analysis of concentration data over time would also provide supporting information for selecting an effective remedy during the Feasibility Study phase.

- Section 2.2.3, Section 4.2, Section 5.3.2, and Section 5.4.1 all discuss groundwater contaminants, but only list gasoline-range hydrocarbons (GRO), and benzene, toluene, ethylbenzene, and total xylenes (BTEX). These sections need to include evaluation of diesel range organics (DRO) impacts to groundwater. Inclusion of all hazardous substances is necessary to comply with WAC 173-340-350(7)(b) and to select a remedy.
- Section 4.1 Nature and Extent of Soil Impacts: The report states that “[t]he overall extent of soil contamination (exceeding MTCA Method A Cleanup Levels) is depicted in Figure 9.” On Figure 9 the “Extent of Contamination in Soil” does not include the parenthetical statement above. The statement in Section 4.1 and Figure 9 need to be corrected to clearly indicate that the impacts being discussed and displayed are the extent of soil contamination **above MTCA regulatory cleanup levels**. Table 1 clearly demonstrates that there are soil impacts on the Wilburton Crossing property beyond the limits shown on Figure 9.

- Section 5 Conceptual Site Model: There is no evaluation of possible source locations of contaminants, other than the generalized Tiki property. Without investigation and characterization of the source zone of the contaminants, and an evaluation of whether there is a continuing source of contaminants, determining effective remedial alternatives in the Feasibility Study will not be possible. WAC 173-340(7)(c)(iii)(G) and WAC 173-340-200.
- Section 5.1 Contaminants of Concern: Contaminants of concern are identified and cleanup levels listed in the RI report based on guidance provided by Ecology. This RI report identifies the COCs as GRO and BTEX. This RI report completely ignores, without discussion, DRO that, based on groundwater monitoring data summarized in Table 3 of the report, were significantly above regulatory cleanup levels in 2008, the last time DRO were analyzed. For inexplicable reasons, the 2022 work plan for the most recent remedial investigation excluded DRO from analysis of soil and groundwater. Based on the prior groundwater monitoring data, some of which are summarized in Table 3 of this RI report, DRO was clearly a COC as of 2008 with concentrations in groundwater more than 10 times the regulatory cleanup levels. DRO needs to be added as a COC and cleanup levels provided pursuant to WAC 173-340(7)(a) and (b).
- Section 5.3.3 – Potential Soil Vapor Exposure Pathways: The RI report concludes that “[t]he soil vapor to indoor air and groundwater to vapor indoor air pathways have been precluded.” But the only vapor intrusion assessment provided in the report is for one onsite building. Ecology’s Guidance for Evaluating Vapor Intrusion in Washington State (Publication No. 09-09-047, Final dated March 2022) indicates that buildings within 30 feet of volatile subsurface petroleum contamination should be evaluated for vapor intrusion. Following this guidance several additional buildings on and off the Tiki Car Wash property should be evaluated for vapor intrusion.
- Section 5.4.1 Preliminary Cleanup Levels: The description of cleanup levels for groundwater only includes GRO and BTEX, but should also include DRO based on historical groundwater results or explain the basis for excluding DRO.
- Figure 7 Legend: The description for Benzene states “Benzene concentration in milligrams per kilogram (ug/kg).” Need to resolve whether the concentrations depicted are actually milligrams per kilogram (mg/kg) or micrograms per kilogram (ug/kg), and then correct the inconsistency in the Legend.

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