

February 14, 2025

Via US Mail and Email

Mr. Dan Lawler
Assistant Attorney General
Ecology Division
1125 Washington Street SE
PO Box 40100
Olympia, WA 98504

Re: Tiki Car Wash Cleanup 11909 NE 8th Street, Bellevue, Washington,

Dear Mr. Lawler:

Our firm represents TRF Capital (TRF), owner of the Wilburton Crossing shopping center located immediately downgradient from the Tiki Car Wash Site (Tiki Site). Wilburton Crossing has been directly impacted by Tiki's release of petroleum contamination for more than thirty years. TRF appreciates the invitation to meet with you and the Department of Ecology to discuss the Tiki Site. We believe a March meeting will help address TRF's questions about the pilot study and project schedule. More importantly, it is an opportunity to understand how Ecology will meet its obligations to remediate the Tiki Site.

Ecology has a unique role in conducting the Tiki cleanup action, that warrants more open communication. Ecology is the sole party who can provide information about the cleanup to Tiki, TRF and other interested neighbors. You may not be aware, but the original public participation plan was prepared in 1993 and has not been revised during the thirty-year cleanup. Allowing TRF and others additional opportunities to comment is consistent with Ecology's regulations and would restore trust in the drawn-out cleanup process.¹

TRF has provided Ecology with access, substantive comments and withheld from litigation in the hope of expediting the cleanup process. TRF has incurred significant expense on the Tiki Site.² Now it will incur additional costs explaining to lenders and tenants why the cleanup is further delayed. Less than a year remains on the Wilburton Crossing loan and refinancing is already proving more complicated and costly due to the uncertain cleanup schedules. Open lines of communication from Ecology will lessen the costs and impacts on TRF.

¹ See WAC 173-340-600(3)(b), (c) and (d).

² TRF's consultant, Geosyntec, provided the only technical comments on the Remedial Investigation Work Plan in 2023.

TRF's goals for the proposed meeting would be to ensure it receives timely updates and reports including the pilot study documents. We would also like to understand the schedule for collecting the information needed and implementing the cleanup work.

Finally, TRF would like to request a determination that Wilburton Crossing qualifies under the "Plume Clause"³ because the Tiki Site contamination "has come to be located [on Wilburton Crossing] solely as a result of migration" from an off-site source, the Tiki Site. TRF has complied with the relevant requirements and believes this would assist it in financing.

We look forward to meeting with you and Mr. Myers in March. Please let me know if you would like any additional information about the Wilburton Crossing property or our prior comments in advance of the meeting.

Sincerely,



Andrew L. Zabel

Cc: Dale Myers, Ecology (by email only)
Howard Jensen, Veris Law (by email only)
Kevin Jackson, Veris Law (by email only)
Client

³ RCW 70A.305.020(22)(iv)(a)-(d).