

July 21, 2023

*Via Email*

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

Re: *Remedial Investigation Report  
Tiki Car Wash Site*

Dear Derek:

We represent Tiki Enterprises, Inc. ("Tiki") regarding the property Tiki owns at 11909 NE 8<sup>th</sup> Street, Bellevue, Washington ("Tiki Property"). Thirty years ago, in 1993, Tiki entered into a consent decree with the Washington Department of Ecology ("Ecology") resolving its liability to the state for the contamination at and migrating from the Tiki Property; all such contamination constituting the Tiki Car Wash Site ("Site"). The consent decree obligates Ecology to complete a remedial investigation and feasibility study of the Site, develop a cleanup action plan for the Site, and implement the cleanup action. In exchange, the consent decree obligates Tiki to reimburse up to a maximum of \$250,000 in remedial action costs Ecology incurs to complete those tasks. Tiki satisfied its obligation years ago, reimbursing Ecology for the maximum sum of \$250,000. Ecology has not yet completed the remedial investigation.

In April 2023, Leidos, Inc. ("Leidos") published a remedial investigation report for the Site on behalf of Ecology. By letter dated June 9, 2023, TRF Capital ("TRF"), the owner of property within the Site, submitted comments on the report to Ecology. Tiki has reviewed TRF's comments and agrees with and supports them. Tiki respectfully requests that Ecology carefully consider TRF's comments and direct Leidos to revise the report to address them.

In the meantime, Tiki offers the following comments about the feasibility study that Maul Foster & Algoni, Inc. ("Maul Foster") is currently preparing on behalf of Ecology.

- The Model Toxics Control Act (MTCA) requires that cleanup actions prevent or minimize present and future releases and migration of hazardous substances. WAC 173-340-360(2)(f). At minimum, the selected cleanup action should stop any migration of hazardous substances off the Tiki Property.
- Tiki can accept contamination remaining on the Tiki Property, provided it is not a source of contamination off the Tiki Property and the contamination remains covered and not exposed to human contact.

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- Tiki expects the cleanup action will remediate the contamination on and off the Tiki Property within a reasonable restoration time frame, which is mandated by MTCA. WAC 173-340-360(2)(b)(ii).
- The selected cleanup action needs to minimize interference with Tiki's business operations and preserve the existing structures on the Tiki Property, unless Ecology will pay to reconstruct them. Tiki has no assets other than the Tiki Property and its only source of income is the business that operates on the Tiki Property. Tiki recognizes that some interference with its business is unavoidable and will work with Ecology to facilitate implementation of a cleanup action that protects its business needs.

Because any selected cleanup action will require coordination between Tiki and Ecology, Tiki kindly requests a meeting with Ecology and Maul Foster in advance of publication of a feasibility study to discuss cleanup action alternatives and the parties' respective objectives and priorities. Tiki would like us to participate in such a meeting, so we expect you will be in attendance too.

We look forward to hearing from you.

Sincerely,

VERIS LAW GROUP PLLC



HOWARD F. JENSEN

cc: Andy Zabel, counsel to TRF (andy@houlihan-law.com)  
Client