

April 24, 2025

Via Email

Dan Lawler
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Washington Attorney General's Office
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Re: *Advance Comments on Draft Feasibility Study
Tiki Car Wash Site*

Dear Dan:

This letter provides advance comments of Tiki Enterprises, Inc. ("Tiki") on the draft feasibility study the Washington Department of Ecology ("Ecology") is currently preparing for the Tiki Car Wash Site. As you know, Tiki owns property within the Site located at 11909 NE 8th Street, Bellevue, Washington ("Tiki Property"). Tiki and Ecology are parties to a consent decree that obligates Ecology to design and implement a cleanup action for the Site. The parties entered into the consent decree in 1993, more than 30 years ago. Tiki appreciates that Ecology is finally making good on its commitment to clean up the Site.

Cleanup Action Goals

The Washington Model Toxics Control Act ("MTCA") requires that a feasibility study identify cleanup action goals, taking into account planned future uses of the Site. WAC 173-340-351(6)(a). The likely future use of the Site is residential housing. The Site is located in an area the City of Bellevue is proposing to rezone for residential uses to increase density near the planned Wilburton Sound Transit station. The rezone would change the zoning designation of the Tiki Property from general commercial to multi-family, which would permit the construction of many residential units on the Tiki Property. The Bellevue City Council will be considering the proposed rezone later this spring, which is expected to pass.

The Tiki Property is currently used as an automotive fueling facility and a car wash. Tiki does not plan to extend this use beyond the summer of 2026 if the cleanup action will be commenced immediately afterwards. Instead, Tiki plans to make the Tiki Property available for redevelopment into residential housing, which is the highest and best use of the Tiki Property. Accordingly, Tiki is willing to allow Ecology to remove all the existing structures from the Tiki Property as a component of the cleanup action.

Recognizing the Tiki Property will eventually be redeveloped into residential housing, critical goals of the cleanup action should be to facilitate, expedite, and minimize the cost of constructing residential housing on the Tiki Property. These goals would best be achieved by an aggressive cleanup action that removed most of the contaminated soil from the Tiki Property and removed or treated most of the contaminated groundwater under the Tiki Property. As explained further in the following section, such a cleanup action would best comply with MTCA requirements and honor the intent of the 1993 consent decree to fully and completely clean up the Site.

Cleanup Action Alternatives

The cleanup action selected for the Site must meet the requirements of WAC 173-340-360. Those requirements include the following:

- Prevent or minimize the migration of hazardous substances into the environment WAC 173-340-360(3)(a)(iv).
- Not rely primarily on institutional controls and monitoring if it is technically possible to implement a more permanent cleanup action. WAC 173-340-360(3)(a)(vii).
- Provide for a reasonable restoration time frame. WAC 173-340-360(3)(a)(ix).
- Use permanent solutions to the maximum extent practicable. WAC 173-340-360(3)(a)(x).

Because Tiki is willing to allow Ecology to remove all structures on the Tiki Property, there will be unimpeded access to the entire Tiki Property, which will facilitate an aggressive source removal action. Nothing will prevent Ecology from excavating and removing all the contaminated soil from the Tiki Property. And because the contaminated groundwater is located shallower than 15 feet below the ground surface, most of it could be easily removed via a typical dewatering system used to support soil excavations. Treatment solutions could be placed in the excavation or injected afterwards to further cleanup any residual contaminated groundwater.

An aggressive source removal action along the preceding lines would stop the migration of hazardous substances off the Tiki Property, which would address the concerns articulated by the owners of the properties abutting the Tiki Property. It would also result in the shortest restoration time frame and constitute the most feasible permanent solution to the contamination at the Tiki Property. And because it would result in the removal or treatment of the contamination on the Tiki Property, it would not rely on engineering controls or institutional controls or require ongoing monitoring. For all these reasons, an aggressive source removal action should be selected as the preferred cleanup action alternative in the feasibility study.

Cleanup Action Schedule

Ecology has indicated it intends to implement a cleanup action for the Site in the third quarter of 2026. It is critical this date holds because Tiki will be taking action over the next 18

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months to prepare for the cleanup action, including closing the automotive fueling facility and removing all fuel from the underground storage tanks. Tiki will also shut down the car wash shortly before the cleanup action commences. Closing the automotive fueling facility and car wash will eliminate all sources of income for Tiki, exposing it to great financial risk if the cleanup action is delayed. Residential housing will not be able to be constructed on the Tiki Property until after completion of the cleanup action activities on the Tiki Property.

Conclusion

Tiki appreciates Ecology's consideration of these comments and looks forward to receiving the draft feasibility study.

Sincerely,

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