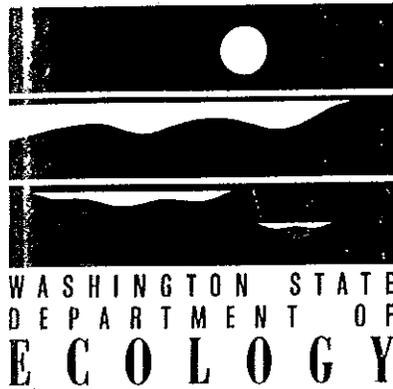


RESPONSIVENESS SUMMARY

TIKI CAR WASH

BELLEVUE, WA



FOR THE CONSENT DECREE ISSUED ON DECEMBER 1992

***Washington State
Department of Ecology
Toxics Cleanup Program
Northwest Regional Office
Bellevue, WA 98008***

MARCH 2, 1993

I. INTRODUCTION

This Tiki Car Wash Responsiveness Summary addresses comments received on the following documents: the proposed Consent Decree, the State Environmental Policy Act (SEPA) Checklist, and the Public Participation Plan for the site. The formal 30-days comment period was held from January 22, 1993 to February 20, 1993; a public hearing was held by the Department of Ecology on February 4, 1993.

A notice was published in the following newspaper or publication, in order to inform the public of the comment period:

- ◆ The Bellevue Journal American published a display advertisement on January 22, 1993 (3 column by 5 inches).
- ◆ The Ecology's Site Register published a notice on 01-19-1993.
- ◆ In addition, a fact sheet was mailed to approximately 50 residents/businesses living near the site.

The Responsiveness Summary is organized in three parts: Introduction, Written Comments and Ecology's Responses, and Conclusion.

COMMENTS' SUMMARY:

Three written comments were received during the 30-day comment period from the following agencies or companies: the City of Bellevue, TRF Capital represented by F. Steve Lanthrop (Attorney) and, Kemper Development Company represented by Scott P. Isaacson (Attorney).

Three topics were raised by the commentators: to investigate and cleanup potential contamination into the City of Bellevue's Right-of-Way and Larry's Market; an environmental study conducted near the site was provided; and reimbursement of costs for engineering studies already conducted. Please see the written comments and Ecology's responses section of this document for details.

IF YOU HAVE ANY QUESTIONS:

Please contact Urania Perez-Freedman, Community Involvement Specialist, at (206) 649-7191, for more information regarding the documents mentioned above. If you need technical information, please contact Ben Amoah-Forson, Site Manager at (206) 649-7099.

REPOSITORIES:

This Responsiveness Summary is available for your review at the following locations:

Department of Ecology
Northwest Regional Office
3190 160th Ave. S.E.
Bellevue, WA 98008-5452
Contact: Judy Fisher

Bellevue Library
11501 Main Street
Bellevue, WA 98004
Contact: Reference Desk

**II. WRITTEN COMMENTS AND
ECOLOGY'S RESPONSES**

BOGLE & GATES

LAW OFFICES

SCOTT P. ISAACSON

Two Union Square
601 Union Street
Seattle, Washington 98101-2346

Main Office: (206) 682-5151
Facsimile: (206) 621-2660
Direct Dial: (206) 621-2636

Anchorage
Bellevue
Portland
Tacoma
Vancouver, B.C.
Washington, D.C.
Yakima

01020/00447

February 10, 1993

Mr. Ben Amoah-Forson
Department of Ecology
Toxics Cleanup Program
3190 160th Avenue, S.E.
Bellevue, Washington 98008-5452

RECEIVED

FEB 16 1993

DEPT. OF ECOLOGY

Re: Tiki Car Wash Remedial Program

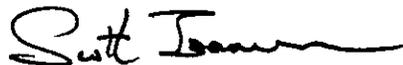
Dear Mr. Forson:

As you may recall, we met on Thursday of last week at the public hearing conducted by the Department of Ecology regarding the Tiki Car Wash site in Bellevue. My law firm represents the Kemper Development Company who is interested in developing the property located to the east of the Tiki Car Wash site. We were pleased to hear of Ecology's anticipated remedial program regarding this site and are very interested seeing this program move ahead as soon as possible. Further, we were encouraged by the fact that funds are currently available for the project and that you would be taking steps in the near-term to engage a remedial contractor.

In our discussion, I mentioned that a study had been accomplished by the Kemper Development Company regarding the adjacent property that may be of some value in the Tiki Car Wash remedial investigation. That report is enclosed. Please contact me or Craig Shrontz of our Bellevue office if you have any questions regarding this document or if we can otherwise assist Ecology in this project. Incidentally, the public hearing was well conducted and very informative - thanks for your efforts.

Very truly yours,

BOGLE & GATES



Scott P. Isaacson

Enclosure(s)

cc: Craig H. Shrontz, Esq.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

Mr. Scott P. Issacson
Bogle & Gates
Two Union Square
601 Union Street
Seattle, Washington 98101-2346

February 24, 1993

RE: Public Comments on Proposed RI/FS and Cleanup Action at Tiki
Car Wash, Bellevue, Washington

Dear Mr. Isaacson:

Thank you for submitting a written comment during the public comments period. All written and verbal comments have been considered and incorporated into Ecology's decision to let the consent decree remain as originally written.

I will also like to thank you for the site assessment report on Bellevue Alfa-Romeo and Nickers Restaurant property. Some of the information contained in the report may be valuable in developing the work plan for the above-mentioned project.

Enclosed is a copy of the Responsiveness Summary, which contains Ecology's response to each comment received. Please do contact me at (206) 649-7099 or Urania Perez-Freedman at (206) 649-7191, if you have any questions or comments.

Thank you for your interest and participation in Ecology's activities on this site.

Yours sincerely,

Ben Amoah-Forson, Ph.D
Environmental Engineer
Toxics Cleanup Program

Lathrop & Winbauer

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

F. Steven Lathrop, P.S.
John P. Winbauer

Jeff Slothower

Ellensburg (509) 925-6916
Mattawa (509) 932-4060
Fax (509) 962-8093

February 3, 1993

Ben Amoah-Forson
Department of Ecology
Toxics Clean-up Program
3190 160th Ave. S.E.
Bellevue, WA 98006-5452

RE: Tiki Car Wash, Bellevue, WA

Dear Mr. Amoah-Forson:

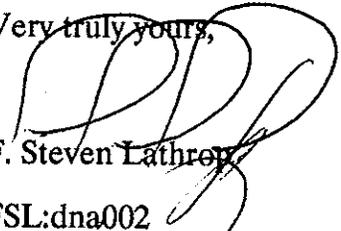
I represent TRF Capital, a Washington general partnership, which owns the Larry's Bellevue property on northeast 120th Avenue, south of Northeast 7th. As previously reported to the Department of Ecology by our engineers, Hart Crowser, it is the position of TRF Capital that its property is contaminated with petroleum products emanating from the Tiki Car Wash property immediately to the north. TRF Capital has expended approximately \$128,000.00 in its efforts to identify the existence and source of this petroleum contamination and has previously shared a good deal of this information with the Department of Ecology and the principals of Tiki Enterprises, Inc.

On behalf of TRF Capital, please accept this letter as an indication of support for the proposed remediation on the express condition that the remediation program actually put in place is designed to clean up the TRF Capital property at the same time and without further expense to TRF Capital. Further, TRF Capital should be allowed reimbursement for its engineering expenditures incurred as a direct cost of this remediation program. The work done by Hart Crowser was reasonable and necessary to identify the scope of the contamination and reach a preliminary design for a remediation program. As this information has been fully provided to the Department of Ecology or remains fully available to it, these expenses should not be duplicated.

Additional information can be obtained by contacting Charles E. Hart, Vice-President of TRF Pacific at (206) 643-1010.

Please feel free to contact me directly if you have any questions or comments.

Very truly yours,


F. Steven Lathrop

FSL:dna002

cc: TRF Capital
James C. Hanken
Anne DeVoe Lawler



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

Mr. F. Steven Lathrop
Lathrop & Winbauer
P. O. Box 1088
201 West Seventh Avenue
Ellensburg, WA 98926

February 24, 1993

RE: Proposed RI/FS and Cleanup Action at Tiki Car Wash, Bellevue,
Washington

Dear Mr. Lathrop:

Thank you for your letter of February 3, 1993, indicating TRF Capital's support for the above-referenced project.

Under a consent decree, the Department of Ecology (Ecology) and the principals of Tiki Enterprises, Inc. have agreed that the initial tasks of this project will focus on determining the source of petroleum contamination on the Tiki Car Wash property, and the extent of contaminant migration from this source. A cleanup action will then be developed to remediate the affected area. This area may extend beyond Tiki Car Wash property if results of initial investigation show that contaminants have migrated across property boundaries onto adjacent properties.

You stated in your letter that TRF Capital should be allowed reimbursement for expenditures incurred in its environmental investigations that was conducted on Larry's Market and adjacent properties including Tiki Car Wash. Without going into the question of whether the contamination at Larry's Market emanated from Tiki, I will mention that financial assistance under the Model Toxic Control Act (MTCA) is provided only to potentially liable persons whom Ecology has found to be eligible and who have entered into consent decree with Ecology. Please understand that Ecology can pay costs only if it has formally agreed to do so before the work starts under the stipulations of a consent decree and under Ecology supervision.

Enclosed is a copy of the Responsiveness Summary, which contains Ecology's response to each comment received. Please do contact me at (206) 649-7099 or Urania Perez-Freedman at (206) 649-7191, if you have any questions or comments.

Yours sincerely,

Ben Amoah-Forson, Ph.D
Environmental Engineer
Toxics Cleanup Program



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

Mr. William Guenzler
Director of Public Works
Department of Public Works
P. O. Box 90012
Bellevue, Washington 98009-9012

February 24, 1993

RE: Public Comments on Proposed RI/FS and Cleanup Action at Tiki
Car Wash, Bellevue, Washington

Dear Mr. Guenzler:

Thank you for submitting a written comment during the public comments period. All written and verbal comments have been considered and incorporated into Ecology's decision to let the consent decree remain as originally written.

I will like to mention that the consent decree addresses the concern that you outlined in your comments. It directs that the initial tasks of this project be focused on determining the source of petroleum contamination on the Tiki Car Wash property, and the extent of contaminant migration from this source. Our investigation will continue in all areas that evidence suggests may be impacted until the affected area can be reasonably delineated. A cleanup action will then be developed to remediate the affected area. This area may extend beyond Tiki Car Wash property to include portions of adjacent properties and City's Right-of-Way if results of initial investigation show that contaminants have migrated across property boundaries onto these areas.

Enclosed is a copy of the Responsiveness Summary, which contains Ecology's response to each comment received. Please do contact me at (206) 649-7099 or Urania Perez-Freedman at (206) 649-7191, if you have any questions or comments.

Yours sincerely,

Ben Amoah-Forsen, Ph.D
Environmental Engineer
Toxics Cleanup Program



Department of Public Works
Post Office Box 90012 • Bellevue, Washington • 98009 9012

February 9 1993

RECEIVED

FEB 12 1993

DEPT. OF ECOLOGY

Ben Amoah-Forson
Department of Ecology
Toxics Cleanup Program
3190 160th Avenue S.E.
Bellevue, WA 98008-5452

Subject: Public Comment, Tiki Car Wash

Dear Mr. Amoah-Forson:

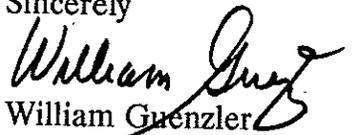
The City of Bellevue is submitting this letter as formal comment for the record, in regards to the Remedial Investigation/Feasibility Study to be performed at the Tiki Car Wash site located at 11909 - N.E. 8th Street in Bellevue, Washington.

The City of Bellevue is concerned about contamination which may potentially extend into the City's Right-of-Way from the Tiki Car Wash site. Past independent cleanup actions have included the cleanup or remediation of all private property associated with the release, but once the cleanup reached the City's Right-of-Way, the cleanup essentially stops. This leaves contamination in the City's Right-of-Way and in nearly all cases this contamination is not reported to the City.

The City formally requests that the Remedial Investigation/Feasibility Study include exploration of the extent of contamination within the Right-of-Way, should there be reason to believe that contamination extends off the Tiki site into N.E. 8th. We also formally request that the cleanup of contaminated Right-of-Way be considered while developing the Cleanup Action Plan.

As the City understands it, an additional public comment period will be held prior to the development of the Cleanup Action Plan. In addition, it is understood that the City will be supplied with a copy of all formal comments from public hearings and all "Site Mailings".

Sincerely


William Guenzler
Director of Public Works

FP/llm
D4/93-0079

III. CONCLUSION

After analyzing the three written comments received, Ecology's determined that the Consent Decree will no change, and therefore, remains as originally written. The SEPA environmental checklist and, Public Participation Plan received no comments.