



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

November 29, 2022

Jeffrey Pustizzi, Authorized Representative
3812 Everett Partners, LLC
414 S. 16th Street, Suite 100
Philadelphia, PA 19146

Re: Final Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:

- **Site Name:** Buse Timber & Sales
- **Site Address:** 3812 28th Place NE, Everett
- **Cleanup Site ID:** 4340
- **Facility/Site ID:** 2786
- **Snohomish County Assessor's Parcel Number(s):** 29050400300600 and 29050900201500

Dear Jeffrey Pustizzi:

On November 15, 2022, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that 3812 Everett Partners, LLC (Everett Partners) is a potentially liable person (PLP) for a release of hazardous substances at the Buse Timber & Sales facility (Site). On November 21, 2022, Ecology received your written notice accepting your status as a PLP for the Site and waiving your opportunity to comment.

Based on available information, Ecology finds that credible evidence exists that Everett Partners is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Everett Partners is a PLP with regard to the Site.

The purpose of the Model Toxics Control Act (MTCA) is to identify, investigate, and cleanup facilities where hazardous substances have been released. Liability for environmental contamination under MTCA is strict, joint and several. RCW 70A.305.040(2). Ecology ensures that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA statute and regulations. Ecology has determined that it is in the public interest for remedial actions to take place at this Site.

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Ecology will contact you regarding the actions necessary for Everett Partners to bring about the prompt and thorough cleanup of hazardous substances at this Site. Failure to cooperate with Ecology or comply with MTCA in this matter will result in Ecology employing enforcement tools as it deems necessary and appropriate. This includes, but is not limited to, the issuance of an administrative order. Failure to comply with such an order may result in a fine of up to \$25,000 per day and liability for up to three times the costs incurred by the state. RCW 70A.305.050(1).

Your rights and responsibilities as a PLP are outlined in Chapter RCW 70A.305, WAC 173-340, 173-240, and <https://ecology.wa.gov/Footer/rulemaking/Index>. Ecology is in the process of preparing a draft agreed order and will be sending it to you for your review in the next few weeks. The sixty-day discussion period will begin on the date the draft agreed order is sent to you.

If you have any questions regarding this notice, please contact Kevin Heffern, Ecology's cleanup project manager for the Site, at (360) 628-1222 or kevin.heffern@ecy.wa.gov.

Sincerely,



Nicholas Acklam
Section Manager
Toxics Cleanup Program

By certified mail:

cc: Leo Addimando, Alterra Property Group, LLC
Matt Otto, Apex Companies, LLC
Kathryn Wyatt, ATG
Barry Ziker, Joyce Ziker Partners
Ryan Hardwick, Ecology
Amy Hargrove, Ecology
John Evered, Ecology
Kevin Heffern, Ecology
Barry Rogowski, Ecology