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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

February 23, 2024

Ken Lederman
Desimone Trusts
701 5th Ave, Ste 6600
Seattle, WA 98104
(ken@mhseattle.com)

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

- **Site Name:** Delta Marine Industries Inc
- **Site Address:** 1608 S 96th St, Seattle
- **Cleanup Site ID:** 15503
- **Facility/Site ID:** 22978975
- **Including, but not limited to, County Assessor's Parcel Number(s):** 5624200021, 0001600029, 0001600061, and 0001600062

Dear Ken Lederman:

On December 12, 2023, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that Desimone Trusts is a potentially liable person (PLP) for a release of hazardous substances at the Delta Marine Industries Inc facility (Site). On January 8, 2024, a 30-day extension to the standard 30-day comment period was requested and granted. On February 12, 2024, the 60-day comment period on our preliminary determination expired. On February 9, 2024, Ecology received your written notice accepting your status as a PLP for the Site and waiving your opportunity to comment.

The preliminary determination letter was addressed to the Columbia Trust Company as the owner listed by the King County Assessor. However, the property ownership has been identified as the testamentary trusts of Giuseppe Desimone and Assunta Desimone (two trusts with equivalent ownership), who are identified as the PLP as the current owner/operator at contaminated property within the Site. It is our understanding that Columbia Trust Company is a co-trustee and not the property owner. At the request of the PLP, the ownership structure will be referred to as "The testamentary trusts of Giuseppe Desimone and Assunta Desimone, as managed by Columbia Trust Company, Karen Danieli, and Joseph R. Desimone as co-trustees." For ease, this ownership structure and PLP will be referred to as the "Desimone

Trusts.” Unless notified otherwise, communication regarding the Site will be sent to Mr. Lederman.

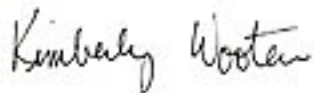
Based on available information, Ecology finds that credible evidence exists that Desimone Trusts is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that Desimone Trusts is a PLP with regard to the Site.

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. Ecology will contact you regarding the actions necessary for Desimone Trusts 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 70A.305 RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, David Butler, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact David Butler at 206-518-3513 or david.butler@ecy.wa.gov.

Sincerely,



Kim Wooten
Section Manager
Toxics Cleanup Program, NWRO

By certified mail: [9171 9690 0935 0192 9823 89]

cc: Ivy Anderson, Office of the Attorney General (ivy.anderson@atg.wa.gov)
Brett Carp, Ecology (brett.carp@ecy.wa.gov)
David Butler, Ecology (david.butler@ecy.wa.gov)
Ecology Site File