



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 19, 2025

Richard Hoopis
PKSTD Everett 28th Place LLC
c/o Peakstone Realty Trust
150 N Riverside Plaza, Suite 1950
Chicago, IL 60606

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 Richard Hoopis:

On February 12, 2025, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that PKST Everett 28th Place LLC (PKST) is a potentially liable person (PLP) for a release of hazardous substances at the Buse Timber & Sales facility (Site). On March 4, 2025, 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 PKST is liable for a release of hazardous substances at the Site. Based on this finding, Ecology has determined that PKST is a PLP with regard to the Site.

The purpose of the [Model Toxics Control Act](https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act)¹ (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\(2\)](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040))²

¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

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 PKST 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\(1\)](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.050))³. Your rights and responsibilities as a PLP are outlined in Chapters [RCW 70A.305](https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305)⁴, [WAC 173-340](https://app.leg.wa.gov/wac/default.aspx?cite=173-340)⁵, [173-240](https://app.leg.wa.gov/wac/default.aspx?cite=173-240)⁶, and <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/index>.

Ecology is in the process of amending Agreed Order No. 21518 for this Site 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 Amended Agreed Order is sent to you.

If you have any questions regarding this notice, please contact David Horne, Ecology's cleanup project manager for the Site, at (360) 742-1091 or david.horne@ecy.wa.gov.

Sincerely,



Erik G. Snyder
Section Manager
Toxics Cleanup Program, Headquarters

cc: Chris Bowman, O'Melveny
John Rousakis, O'Melveny
Kathryn Wyatt, Office of the Attorney General
Ryan Hardwick, Ecology
Amy Hargrove, Ecology
Kevin Kalefern, Ecology
David Horne, Ecology

³ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305.050>

⁴ <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.305>

⁵ <https://app.leg.wa.gov/wac/default.aspx?cite=173-340>

⁶ <https://app.leg.wa.gov/wac/default.aspx?cite=173-240>