

STATE OF WASHINGTON  
DEPARTMENT OF WASHINGTON

In the Matter of Remedial  
Action by:

) Agreed Order  
)  
)

) No. DE 94HS-N271

Robert (Bj) Bjorneby, and  
Bjorneby Auto Rebuild, Inc.  
1265 South 188th St.  
SeaTac, WA 98148

and

ACPC Inc.  
c/o Alfredo Rivera, President and Wendy A. Langhans, Q.A.  
Manager  
P.O. Box 9801  
5019 N.W. Lower River Road  
Vancouver, WA 98660-1030

and

TAM Engineering  
c/o James M. Will, President and Ali Kandi, Ecology Manager  
3033 S. Lawrence  
Tacoma, WA 98409

To:

Robert Bjorneby and Bjorneby Auto Rebuild, Inc.

and

ACPC Inc.

and

TAM Engineering

I.

Jurisdiction

This Agreed Order is issued pursuant to the authority of RCW 70.105D.050(1). This Agreed Order supersedes Emergency Enforcement Order No. DE 92TC-N336. This Agreed Order is issued to Robert (Bj) Bjerneby and Bjerneby Auto Rebuild Inc., ACPC Inc., and TAM Engineering, hereinafter collectively referred to as the "PLP Group". This Order is for interim actions only, pursuant to WAC 173-340-430.

II.

Statement of Facts

Ecology makes the following findings of fact, without admission of such facts by the Potentially Liable Persons (PLPs).

1. SAFCO is a notifying hazardous waste transporter and burner/blender, and has been issued WAD No. 981766884, and WAD No. 980974869 and ORD No. 982654899 to engage in the business of transporting and blending/burning hazardous waste, dangerous waste and extremely hazardous waste by the U.S. EPA and the states of Washington and Oregon.

2. SAFCO was issued a Certificate of Incorporation on September 30, 1986, as Seattle Automotive Fastener Company, a for-profit corporation, Corporation Number 2-378356-6, by the Secretary of the State of Washington. SAFCO, in its Articles

of Incorporation, states that the purposes for which the corporation is organized are: "Auto parts, supply, chemical sales & hazardous waste disposal & management under the names SAFCO Waste Management, SAFCO, SAFCO, Inc., HAZCO, HAZCO International and any other lawful business allowed under the Washington Business Corporation Act" (hereinafter referred to as SAFCO or the SAFCO companies). The Registered Agent, incorporator and President are James E. Johnson.

3. On December 24, 1990, the Seattle Automotive Fastener Company was dissolved by issuance of a Certificate of Administrative Dissolution by the Secretary of State of Washington in accordance with Ch 23A.28.125 R.C.W. for failure to file an annual list of officers/license renewal.

4. On March 24, 1988 SAFCO was issued Water Quality Order DE 88-N135 requiring spill prevention measures to be taken at the facility, including provision of cover and containment of hazardous waste handling and storage areas and production of a spill contingency plan.

5. SAFCO was issued Dangerous Waste Order DE 87-N273 and Notice of Penalty DE 87-N279 on April 5, 1988, to correct violations of Ch 70.105 RCW and Ch 173-303 WAC, including covering the original labels on hazardous waste drums, receiving undated drums of hazardous waste, receiving regulated quantities of hazardous waste from generators

without proper documentation, changing the designation of wastes, representing itself as a small-quantity generator, violating the requirements for generators and violating transportation and dangerous waste management regulations.

6. On June 28, 1989, the Pollution Control Hearings Board in a Settlement Agreement for PCHB NOS. 88-58, 88-65 and 88-66, consolidated from DE 87-N273 and -N279, and DE 88-S220 and -221 (SAFCO and Ecology, Ltd. appeals), ordered that SAFCO pay \$10,000.00 in assessed penalties immediately, and defer \$27,000.00 in penalties for a three-year probationary period, provided those monies were spent on site and waste handling improvements at the SAFCO Site, as approved by the Department of Ecology. Approval by the Department of Ecology of any required plans by SAFCO to recycle wastes or install improvements at the site was also ordered. SAFCO was prohibited from operating a Hazardous Waste Treatment, Storage and Disposal Facility without proper permits, and allowed to operate as a designated facility only for specific, Department of Ecology approved wastes. SAFCO was also prohibited from repeating the violations specified in Order DE 87-N273. SAFCO was also ordered to provide verification to the Department of Ecology of proper waste tracking and disposal, and was prohibited from storing dangerous wastes more than 10 (ten) days on site.

7. On May 12, 1992, the Department of Ecology conducted a follow-up inspection to assess compliance with the Settlement Agreement. The SAFCO Facility was found to be out of compliance with the provisions of that agreement.

8. On October 21-23, 1992, the Department of Ecology and the City of SeaTac conducted a site inspection, inventoried and numbered drums at the site and conducted preliminary site sampling. During this inspection, selected operating records and shipping documents were copied for review by Ecology inspectors. Visual observations and sample results indicate release of metals and petroleum from containers at the site onto the ground surface and into the soil. Several drums at the site exhibited bulging, a condition caused by exceedance of design pressure, not consistent with normal storage of waste oils and other non-hazardous waste. Exceedance of design pressure is a dangerous condition indicative of incipient drum failure. It calls into question the contents of the drums. Bulging is most often caused by presence of volatile organic chemicals or other chemicals that produce high vapor pressures at normal or slightly elevated temperatures.

9. SAFCO has caused or allowed releases onto the ground surface and into the soil, or has allowed conditions which cause threatened releases of petroleum, corrosive

wastes, solvents and flammable liquids and heavy metals at the SAFCO Site.

10. The SeaTac Fire Department has determined that SAFCO, by its actions and inactions at the SAFCO Site, posed an imminent threat to the public health and safety of the City of Sea-Tac and to Sea-Tac International Airport.

11. The SeaTac Fire Department issued a compliance order to SAFCO on November 3, 1992, requiring actions to abate the threat posed by the SAFCO Site and SAFCO activities at that site.

12. The SeaTac Fire Department has determined that SAFCO has failed to abate that threat by its failure to comply with the November 3, 1992, Fire Department order.

13. The SAFCO Site is located at 1255 S. 188th St., in SeaTac, WA, a property owned by Robert (Bj) Bjerneby.

14. By letters dated January 4, 1993, Ecology notified SAFCO et.al, and Robert Bjerneby, and Bjerneby Auto Rebuild, Inc., and TAM Engineering, and ACPC, Inc., each of its status as a "potentially liable person" under RCW 70.105D.040 after notice and opportunity for comment.

15. On January 4, 1993, Emergency Enforcement Order No. DE 92TC-N336 was issued to the SAFCO "companies" and James E. Johnson, Robert (Bj) Bjerneby, TAM Engineering, and ACPC Inc. as "potentially liable persons" (PLP) as defined in Chapter

173-340 WAC to take remedial action at the SAFCO site.

16. On May 11, 1993, Ecology delivered an administrative subpoena to James E. Johnson requiring that all shipping documents and operating records of the SAFCO companies be submitted to the Department for copying and review by May 19, 1993.

17. On May 12, 1993, Ecology inspectors observed five waste containers at the site that were severely distressed and were threatening a release of hazardous substances to the environment. The PLP group, recipients of the emergency order, were directed to include these containers in the remedial action required by the order and to conduct weekly inspections of all containers at the site.

18. On July 1, 1993, the PLP group, recipients of the emergency order, completed the removal of the containers identified in the order and those added during the May 12th inspection. The Emergency Enforcement Order remained in effect to ensure that further release of hazardous substances to the environment are prevented. However, this Order supersedes Emergency Enforcement Order No. DE 92TC-N336.

19. By letter dated August 6, 1993, Ecology sent a Notice to Curtis B. Juma that he may be a "potentially liable person" for wastes at the SAFCO facility.

20. During the October 21, 1992, inspection of the

SAFCO site, Ecology copied selected SAFCO documents which included manifests, bills of lading, and non-hazardous waste manifests. Between June 22 and July 29, 1993, Mr. Johnson delivered seven boxes of SAFCO business documents as required by the administrative subpoena. The PLPs named in this order also provided documentation concerning their business transactions with James E. Johnson and the SAFCO companies.

21. Upon review of the documents and information provided to Ecology the following facts have been found.

22. ACPC Inc. is a notifying hazardous waste Generator, WAD No. 180638850, and has shipped at least 178 containers of waste to the SAFCO Site.

23. Bjerneby Auto Rebuild, Inc. is a notifying hazardous waste Generator, WAD No. 045327335, and has shipped at least 8 containers of waste to the SAFCO Site.

24. TAM Engineering is a notifying large quantity hazardous waste Generator, WAD No. 009281403, and has shipped at least 202 containers of waste to the SAFCO Site.

25. The PLP Group includes, without limitation or reservation, all individual PLPs and any combination of PLPs that does not constitute the entire PLP Group as herein described. Exclusion of any member or members of the PLP Group does not relieve the remaining PLPs of liability or responsibility for complying with this Order.

26. By letters dated September 28, 1993, Ecology notified SAFCO et.al, and Robert Bjorneby, and Bjorneby Auto Rebuild, Inc., and ACPC, Inc., and TAM Engineering, each of its status as a "potentially liable person" under RCW 70.105D.040 after notice and opportunity for comment.

27. By letters dated October 5, 1993, Ecology notified SAFCO Transportation et.al, and Curtis Juma, each of its status as a "potentially liable person" under RCW 70.105D.040 after notice and opportunity for comment.

28. In a letter dated February 27, 1991, to Puget Corporation, Curtis Juma arranged for the transport and disposal of a hazardous substance as indicated by documents in Attachment 1.

29. Curtis Juma has identified himself as a "Regional Regulatory Representative" for SST Hazardous Materials Management as indicated by documents in Attachment 2.

### III.

#### Ecology Determinations

1. Robert (Bj) Bjorneby is an "owner" as defined in RCW 70.105D.020(6) and -.040(1) of a "facility" as defined in RCW 70.105D.020(3) and is liable with respect to the SAFCO facility pursuant to RCW 70.105D.040(1)(a) and (c).

2. Bjorneby Auto Rebuild, Inc. is liable with respect

to the SAFCO facility pursuant to RCW 70.105D.040(1)(c).

3. ACPC, Inc. is liable with respect to the SAFCO facility pursuant to RCW 70.105D.040(1)(c).

4. TAM Engineering, Inc. is liable with respect to the SAFCO Facility pursuant to RCW 70.105D.040(1)(c).

5. The facility is known as the SAFCO Site and is located at 1255 S. 188th Street, SeaTac, WA, 98148.

6. The substances shipped to and/or found at the facility are "hazardous substances" as defined at RCW 70.105D.020(5).

7. Based on the presence of these hazardous substances at the facility and all factors known to the Department, there is a release or threatened release of hazardous substances at the facility, as defined at RCW 70.105D.020(10).

8. The persons identified in paragraphs 1 through 4 described above are Potentially Liable Persons as defined in RCW 70.105D.020(8).

9. Pursuant to RCW 70.105D.030(1) and 70.105D.050, the Department may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.

10. Based on the foregoing facts, Ecology believes the remedial action required by this order is in the public interest.

IV.

Work to be Performed

Based on the foregoing Facts and Determinations, it is hereby ordered that the PLP Group take the following remedial actions and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein. Each PLP is jointly and severally liable for the work performed and obligations incurred pursuant to this order. Each PLP agrees to perform all work and obligations required by this order.

1. All hazardous substances and wastes in containers at the SAFCO Site shall be: identified through visual inspection and chemical sampling; profiled for disposal; transported to an approved treatment, storage and disposal (TSD) facility or other disposal facility acceptable to Ecology; and, reused, recycled or disposed of in an appropriate manner following the "Work Schedule" as set forth in Attachment 3. A work plan for actions specified in this order shall be delivered to the department for its approval within 30 days of issuance of this order. The PLP Group shall incorporate Ecology's comments into the work plan.

2. All drums, tanks, buckets, sample jars, and any and all other containers at the SAFCO Site which contain substances must be identified and inventoried using Ecology's site inventory scheme and worksheet which are set forth in Attachment 4. Drums, tanks, buckets and containers that are not identified on Ecology's worksheet shall be labeled using the site scheme and recorded in a manner consistent with the worksheet. A site inventory plan shall be provided as part of the work plan for actions specified in this order, and shall be delivered to the department for its approval within 30 days of issuance of this order. The PLP Group shall incorporate Ecology's comments on the site inventory plan.

3. All drums, tanks, buckets, sample jars and any and all other containers at the SAFCO Site which contain hazardous substances or hazardous wastes or unknown contents, and which are found to be bulging, leaking, deteriorated, excessively corroded, dented, punctured, incapable of being properly closed or exhibit any other condition which compromises the integrity of the container or the fitness of the container for transport or otherwise poses a threat of release, or is releasing, contents to the environment (air, soil, surface water, ground water, sanitary sewer, storm water conveyance system or secondary containment structure) shall be repacked, overpacked or otherwise placed in a secure

container suitable for legal interstate transport within 15 days of the on-site work commencing. All substances that are found to be in drums or containers that do not meet Department of Transportation (DOT) standards for transport from the SAFCO Site must be transferred into DOT approved containers specific to the waste type. A container management and emergency spill plan shall be provided as part of the work plan for actions specified in this order, and shall be delivered to the department for its approval within 30 days of issuance of this order. The PLP Group shall incorporate Ecology's comments into the container management and emergency spill plan. The container management and emergency spill plan must include a description of how the drums will be staged for sampling, temporary on-site storage, and removal procedures to prevent threatened environmental releases. Emergency spill contingency procedures must also be included in the plan.

4. All substances in containers identified and inventoried as specified in Section IV(2), shall be sampled within 60 days of the sample and work plan submission (as described in Attachment 5 - Sampling Protocol). These samples shall be submitted to a laboratory certified by the U.S. Environmental Protection Agency and/or the Department of Ecology to perform the analysis required to characterize

container contents as required by WAC 173-303 and such other laws or regulations as are applicable, relevant and appropriate. Test results will be used to determine whether or not the contents of each container are or are not a hazardous waste, dangerous waste, extremely hazardous waste, hazardous substance or are otherwise regulated with regards to transportation or disposal. The Department of Ecology shall be provided opportunity to obtain a split or duplicate of each sample collected under the requirements of this section. A container sampling plan to accomplish the sampling specified in this section IV(4) shall be delivered to the Department of Ecology for its approval within 30 days of the issuance of this order. The PLP group shall incorporate Ecology's comment into the container sampling plan. Samples shall be transported to the laboratory in a verifiable chain of custody. Sample results and Quality Assurance and Quality Control documentation shall be delivered to the Department of Ecology 20 days prior to the containers being transported off-site for recycling or disposal.

5. All containers and/or contents referenced in Section IV(2), above that contain hazardous substances, shall be transported to a permitted Hazardous Waste Treatment, Storage and Disposal Facility or other disposal, treatment or

reclamation facility acceptable to the Department of Ecology within 130 days from the issuance of this order. A disposal plan for actions specified in this section IV(5) shall be delivered to the Department of Ecology for its approval 20 days prior to the containers being transported off-site for recycling or disposal. The PLP Group shall incorporate Ecology's comments into the disposal plan.

6. The PLP group is responsible for providing the Department of Ecology with the following reports: weekly verbal site inspection reports and written monthly site progress reports.

7. Exhibits and Attachments are incorporated by reference and are integral and enforceable parts of this Order.

## V.

### Terms and Conditions of Order

#### 1. Definitions

Unless otherwise specified, the definitions set forth in Ch. 70.105D RCW and Ch. 173-340 WAC shall control the meanings of the terms used in this Order.

#### 2. Public Notice

RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall

be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that the Order is inadequate or improper in any respect.

3. Remedial Action Costs.

The PLP group shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial actions, and Order preparation, oversight and administration. Ecology costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). The PLP group shall pay the required amount within 30 days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within 30 days of receipt of the itemized statement of costs will result in interest charges.

4. Designated Project Coordinators.

The project coordinator for Ecology is:

Name: Don Seeberger, Hazardous Waste & Toxics Reduction

Address: Northwest Regional Office

Department of Ecology

3190-160th Avenue S.E.

Bellevue, WA 98008-5452

The project coordinator for the PLP group shall be designated by the PLP Group and communicated to the Department of Ecology within 10 days of receiving this Agreed Order. The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and the PLP group, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed through the project coordinator(s). Should Ecology or the PLP Group change project coordinator(s), written notification shall be provided to Ecology or the PLP group at least ten (10) calendar days prior to the change.

5. City of SeaTac Approvals and Coordination. The PLP group is responsible for providing City of SeaTac, Washington with copies of all documents required by this order for their review and approval. Copies of required

documents should be submitted to the SeaTac Project Coordinator at the same time as they are provided to the Department of Ecology.

The project coordinator for the City of SeaTac is:

Name: Jeff Lowe, Fire Marshall

Address: City of SeaTac

Municipal Fire Services

2929 South 200th Street

SeaTac, Washington 98188

6. Performance. All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or similar expert, with appropriate training, experience and expertise in hazardous waste site investigation and cleanup. The PLP group shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying out the terms of this Order, in advance of their involvement at the Site. The PLP group shall provide a copy of this Order to all agents, contractors and subcontractors retained to perform work required by this Order and shall ensure that all work undertaken by such agents, contractors and subcontractors will be in compliance with this Order.

Except when necessary to abate an emergency situation,

The PLP group shall not perform any remedial actions at the SAFCO Site outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions.

WAC 173-340-400(7)(b)(i) requires that "construction" performed on the Site must be under the supervision of a professional engineer registered in Washington.

7. Access

Ecology or any Ecology authorized representative shall have the authority to enter and freely move about all property at the Site at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the PLP group. By signing this Agreed Order, the PLP group agrees that this Order constitutes reasonable notice of access and agrees to allow access to the Site at all reasonable times for purposes of overseeing work performed under this Order. Ecology shall allow split or replicate samples to be taken by the PLP group during an inspection unless doing so would interfere with

Ecology's sampling. The PLP group shall allow split or replicate samples to be taken by Ecology and shall provide Ecology seven (7) days notice before any sampling activity.

8. Public Participation

The Department of Ecology shall prepare and/or update a public participation plan for the Site. Ecology shall maintain the responsibility for public participation at the Site. The PLP group shall help coordinate and implement public participation for the Site as requested by Ecology.

9. Retention of Records

The PLP group shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of the PLP group, the PLP group agrees to include in their contracts with such contractors or agents a record retention requirement meeting the terms of this paragraph.

10. Dispute Resolution

The PLP group may request Ecology to resolve factual or technical disputes which may arise during the implementation of this Order. Such request shall be in writing and directed to the signatory, or his/her successor(s), of this Order. Ecology resolution of the dispute shall be binding and final. The PLP group is not relieved of any requirement of this Order during the pendency of the dispute and remains responsible for timely compliance with the terms of the Order unless otherwise provided by Ecology in writing.

11. Reservation of Rights/No Settlement.

This Agreed Order is not a settlement under Ch. 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority. Ecology will not, however, bring an action against the PLP group to recover remedial action costs paid to and received by Ecology under this Agreed Order. In addition, Ecology will not take additional enforcement actions against the PLP group to require those remedial actions required by this order, provided that the PLP group complies with this Agreed Order.

Ecology reserves the rights, however, to require additional remedial action at the Site should it deem such actions necessary.

Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances from the SAFCO Site. In the event Ecology determines that conditions at the Site are creating or have the potential to create a danger to the health or welfare of the people on the Site or in the surrounding area or to the environment, Ecology may order the PLP group to stop further implementation of this Order for such period of time as needed to abate the danger.

12. Transference of Property

No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the PLP group or any individual PLP without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to transfer of any legal or equitable interest the PLP group or any individual PLP may have in the Site or any portions thereof, a copy of this Order shall be served upon the prospective purchaser, lessee, transferee, assignee, or other successor in interest. At least thirty (30) days prior to finalization of any transfer, the PLP group shall

notify Ecology of the contemplated transfer.

13. Compliance With Other Applicable Laws

All actions carried out by the PLP group pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements.

VI.

Satisfaction of this Order

The provisions of this Order shall be deemed satisfied upon the PLP group's receipt of written notification from Ecology that the PLP group has completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Order have been complied with. Each PLP is jointly and severally liable for the work performed and obligations incurred pursuant to this order.

VII.

Enforcement

1. Pursuant to RCW 70.105D.050, this Order may be enforced as follows:
  - A. The Attorney General may bring an action to enforce this Order in a state or federal court.
  - B. The Attorney General may seek, by filing an action,

if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

C. In the event any of the PLPs refuse, without sufficient cause, to comply with any term of this Order, the PLPs will be liable for:

(1) up to three times the amount of any costs incurred by the State of Washington as a result of one or more PLP's refusal to comply; and

(2) civil penalties of up to \$25,000 per day for each day one or more PLP's refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70.105D.060.

2. Each PLP named in this Agreed Order is individually responsible for compliance with the terms and conditions of this order. Compliance with this Agreed Order by any PLP is not conditioned on the performance of any other PLP or group of PLP's. Similarly, the right of Ecology to enforce this Order against any PLP is not conditioned on the performance of or enforcement against any PLP or group of PLP's.

ATTACHMENT 4  
Site Inventory

A computer disk with the site inventory developed by Ecology will be provided to the PLP's contractor as requested during our agreement discussions. Copies of the inventory were included in the Attachments section of the September, 1993, "Draft" Enforcement Order.

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ATTACHMENT 5  
Sampling Protocol

1. Chemical sampling must be conducted by a qualified hazardous waste contractor acceptable to the Department of Ecology. Chemical analysis must be conducted at a Washington State certified laboratory.

2. Each waste container will be visually inspected to determine: 1) if the generator can be identified (if a label is attached), 2) if the contents appear consistent with the typical waste stream from the generator, and 3) to identify containers that have similar contents.

3. Containers that are clearly identified as having been generated by a single business and contain similar wastes may be composited for sampling purposes. Wastes from no more than three containers may be composited. Composite samples must be drawn by volume, not by weight.

Note: It is recommended that two composited sample containers be collected for analysis and a sample container collected from each individual drum. Should a composite sample designate, the individual drum samples can be analyzed to identify which of the drum(s) tested as hazardous. The generator may elect to treat all composite-sampled containers which designate as hazardous waste for disposal, rather than conduct individual analysis.

4. Containers that are clearly identified as having been generated by TAM Engineering and containing similar wastes as identified using the procedures set out in Item 2, may be composited for sampling purposes. Wastes from no more than six containers may be composited. Composite samples must be drawn by volume, not by weight.

5. Containers that are clearly identified as having been generated by ACPC, Inc. and containing similar wastes as identified using the procedures set out in Item 2, may be composited for sampling purposes. Wastes from no more than ten containers may be composited. Composite samples must be drawn by volume, not by weight.

6. Containers that are clearly identified as having been generated by Distribution and Auto Services, Inc. and containing similar corrosive wastes as identified using the



procedures set out in Item 2, may be composited for sampling purposes. Five waste containers shall be selected and representative samples drawn for composite testing.

7. If the contents of a container have several phases, composite sampling will not be allowed.

8. Ecology must be notified 72 hours in advance that a qualified contractor will be conducting waste sampling. The contractor's qualifications must be provided to Ecology with the sampling notification and approval given before sampling may occur. Ecology also reserves the right to request split samples of any container.

9. Chemical analysis required for the samples is prescribed in the attached flow chart. Ecology reserves the right to require additional chemical analysis for wastes other than oil, paint & thinners, caustic cleaners, and grinder sludges shown on the flow chart and shall be notified of waste containers which are not shown in the flow chart within 24 hours of discovery.

10. Analysis results from the composited sample must be statistically adjusted for the dilution to accurately represent the containers contents for the purposes of waste designation. (Example: If 3 drums are composited, then the dilution factor is 1/3 and the test results must be multiplied by this factor.)

11. If a waste does not designate as a dangerous or extremely hazardous, the waste may be disposed of as a solid waste at the discretion of the jurisdictional Health Department. Prior to removing the waste, a Waste Clearance Form Part B must be obtained from the County Health Department where disposal will occur. A copy of the waste clearance form and all analytical test results must be sent to Ecology with a letter requesting approval to remove the waste.

12. If the waste designates as either a dangerous or extremely hazardous waste, the generator will be required to submit to Ecology a written disposal plan which includes the: 1) waste profile and analytical results, 2) name of the hazardous waste transporter to be used to remove the waste, 3) recycling, reuse, or treatment and disposal method to be used, and 4) name and address of the accepting facility.

13. Prior to removing any hazardous waste, the



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Effective Date of this Order: August 22, 1994

Robert (Bj) Bjorneby, and  
Bjorneby Auto Rebuild, Inc.  
1265 South 188th St.  
SeaTac, WA 98148

State of Washington  
Department of Ecology

By: *Robert Bjorneby*  
Title: *Pres*

By: *Michael J. Hallagher*  
Title: *Section Manager*



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Effective Date of this Order: August 22, 1994

ACPC Inc.  
P.O. Box 9801  
5019 N.W. Lower River Road  
Vancouver, WA 98660-1030

BY: John A. Richardson  
Title: V.P. & General Mgr

State of Washington  
Department of Ecology

BY: Michael J. Halladay  
Title: Section Manager

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TAM Engineering  
3033 S. Lawrence  
Tacoma, WA 98409

By: *[Signature]*

Title: *Pres*

State of Washington  
Department of Ecology

By: *Michael J. Gallagher*

Title: *Section Manager*