

EXHIBIT E
Consent Order No. DE 86-S149

ANDREA BEATTY RINIKER
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

April 23, 1987

Mike Bonney
Most Western Laundry
P. O. Box 636
Hoquiam, Washington 98550

Dear Mr. Bonney:

Most Western Laundry, No. DE 86-S149

Enclosed is the original signed Consent Order for your records. As per my December 17, 1986 letter to Howard Edde, Inc. (see enclosed) the approval of the sampling plan, submitted November 3, 1986, has been finalized with Ecology's signature of the Consent Order. Please sign and return the enclosed Certificate of Compliance when the terms of the Consent Order have been met.

Mal Murphy's formal request for a delay in implementing the terms of the Consent Order will be given full consideration once all pertinent information has been forwarded to the Department. Ecology and the Attorney General's Office will confer to evaluate this information.

Should a delay be judged appropriate, given the nature of the circumstance presented by Most Western, the terms of the Order can be formally amended by written mutual agreement. Ecology looks forward to settling this matter in a timely fashion.

Sincerely,

Paul R Stasch

Paul Stasch
Hazardous Waste Inspector

PS:sf(1/E2)

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STATE OF WASHINGTON DEPARTMENT OF ECOLOGY
Olympia, Washington

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

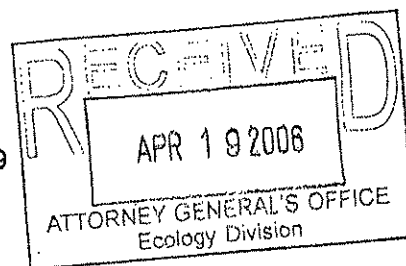
Complainants,

v.

MOST WESTERN LAUNDRY AND
DRY CLEANING, of Hoquiam,
Washington, #WAD027325018,

Respondent.

NO. DE 86-S149
CONSENT ORDER



I.

PRELIMINARY STATEMENT

This proceeding for the execution of a Consent Order is initiated pursuant to the Hazardous Waste Disposal Act of 1976, as amended, RCW Chapter 70.105, RCW Chapter 90.48 and the federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended. The Complainant is the State of Washington Department of Ecology. The respondent is Most Western Laundry and Dry Cleaning, Inc.

II.

FINDINGS

The Department of Ecology (Ecology) asserts that the respondent, has violated one or more of the provisions of RCW

KENNETH O. EIKENBERRY, ATTORNEY GENERAL
Jeffrey S. Myers
Assistant Attorney General
Dept. of Ecology M/S PV-11
459-6134
Lacey, Wa. 98503
Telephone

1 Chapter 70.105 and RCW Chapter 90.48, and the regulations
2 promulgated thereunder, as set forth below.

3 1. Respondent has operated a facility located at 16th and
4 B Street, Hoquiam, Washington and began their industrial dry
5 cleaning operation and generation of waste tetrachloroethylene in
6 1978. The dry cleaning operation and generation of waste
7 tetrachloroethylene ceased (in 1984) approximately two years
8 ago.

9 2. In response to a complaint, an Ecology inspection of
10 the facility was conducted for compliance with the Dangerous
11 Waste Regulations WAC 173-303, on September 28, 1984. This
12 inspection showed that waste tetrachloroethylene sludges were
13 stored in open unlabeled containers and overflowing onto the
14 ground near the plant building. Stains in the area suggest a
15 history of spills and contamination of the storm sewer and ground
16 water may have occurred.

17 3. Samples were taken and the analysis of the waste sludge
18 indicate it is a toxic dangerous waste (#WT01), persistent
19 dangerous waste (#WP01) and is a listed nonspecific source
20 (#F002). Furthermore, the waste may be present in quantities
21 sufficient to be designated as an extremely hazardous waste.

22 4. Due to the extent of noncompliance of waste handling
23 procedures, spills of extremely hazardous wastes to the environ-
24 ment and the potential for adverse impacts to human health and the
25 environment, an order (No. DE 84-622) was issued which required
26 compliance with RCW 70.105 and WAC 173-303.

27 CONSENT ORDER

-2-

1 5. Following issuance of this order, a complaint was
2 lodged by an employee. Upon inspection, violations of RCW 90.48
3 and 70.105 were observed by Ecology. A penalty was then issued
4 (No. DE 84-687). This penalty was satisfied by stipulation and
5 agreed order of dismissal, PCHB No. 85-33.

6 6. Ecology issued order (No. DE 85-370) requiring the
7 respondent to undertake and complete, with a fixed schedule, an
8 investigation to define existing contamination at the facility.

9 7. The respondent retained Howard Edde, Inc. as their
10 engineering consultant to submit a sampling plan and schedule for
11 review by Ecology. The original plan was not accepted by Ecology
12 and a revised plan was later submitted. After further modifica-
13 tion a sampling plan was agreed to by the parties to be imple-
14 mented pursuant to the terms hereof.

15 III.

16 CONSENT ORDER

17 The respondent consents to comply in full and to settle this
18 matter on the terms and conditions set forth in this document as
19 follows:

20 1. Most Western Laundry neither admits nor denies the
21 facts set forth in this Order and neither admits nor denies any
22 conclusions of law set forth in this order. Nevertheless, in
23 satisfaction of the obligations created by orders DE 84-687 and
24 85-370, Western Laundry agrees to comply with the terms and
25 conditions of this order.

26
27 CONSENT ORDER

1 2. Completion of the new sampling plan and schedule and
2 delivery to Ecology by November 3, 1986 by certified mail.

3 3. Within ten (10) working days of receiving written
4 approval by Ecology of the sampling plan and schedule as amended,
5 implementation of the sampling regime shall be initiated.
6 Sampling may be subject to equipment availability and suitable
7 weather conditions. Five (5) working days prior to the
8 commencement of this sampling, Ecology will be notified by
9 telephone of the intention to commence.

10 4. Within sixty (60) days of sample collection, the
11 analytical results from the testing laboratory and the engineering
12 consultant's recommendation for remedial action must be submitted
13 for Ecology's approval by certified mail. The engineering consult-
14 ant shall also submit a list of potential contractors qualified to
15 perform corrective action for Ecology's approval.

16 5. Within fifteen (15) days of receipt of written approval
17 from Ecology on the recommendation, a qualified contractor,
18 chosen by Most Western Laundry, and approved by Ecology, shall
19 begin corrective action, if any is required, and shall proceed to
20 completion in a prompt manner. Should adverse weather conditions
21 or nonavailability of a qualified cleanup contractor present miti-
22 gating circumstances, Ecology may agree to delay excavation to
23 protect human health and the environment.

24 6. The parties agree to reserve the question of whether
25 ground water monitoring will be required pending completion of
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1 testing and receipt of the engineering consultant's report. At
2 such time, Ecology shall determine whether monitoring is necessary.

3 7. The parties agree to abide by the terms of this order
4 and not to contest the conditions set forth herein. Shall the
5 conditions set forth in this order not be substantially followed,
6 a penalty may be issued by Ecology.


7 8. If Most Western objects to any Ecology notice of
8 disapproval, proposed modification, or decision made pursuant to
9 this Consent Order, it shall notify Ecology in writing of its
10 objections within fourteen (14) days from receipt of such
11 notice. Thereafter the parties shall confer in an effort to
12 resolve the dispute. If agreement cannot be reached on the
13 dispute within fourteen (14) days after receipt by Ecology of
14 such objections, the state shall promptly provide a written
15 statement of its decision to Most Western.

16 The decision of Ecology pursuant to this dispute resolution
17 procedure shall not be appealable pursuant ch. 43.21B RCW to the
18 Pollution Control Hearings Board. However, either party may
19 commence action in the Superior Court of the State of Washington,
20 to enforce the terms of this Order. The parties stipulate that
21 venue for any such action shall lie in Thurston County Superior
22 Court, Olympia, Washington.

23 9. The terms of the order may be formally amended by
24 written mutual agreement of the parties.

1 By the following signature, the respondent hereby consents
2 to the terms and conditions herein stated:

3 Dated this 25 day of MARCH, 1987.

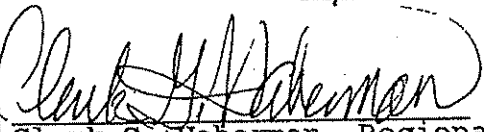
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5 
6 For Respondent
7 Mike Bonney (Owner/Manager)
8 Most Western Laundry and Dry Cleaners, Inc.

9 IV.

10 ENTRY OF FINAL CONSENT ORDER

11 It is ordered, as set forth above, this order, including
12 each and every portion hereof, shall become effective immediately.

13 Dated this 24th day of April, 1987.

14 
15 Clark G. Haberman, Regional Manager
16 Southwest Regional Office
17 Department of Ecology
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Please complete and return this form to Paul Stasch, Department of Ecology, Southwest Regional Office, 7272 Cleanwater Lane, Mail Stop LU-11, Olympia, Washington 98504.

CERTIFICATE OF COMPLIANCE

As a legal representative of Most Western Laundry and Dry Cleaning, Inc., I certify that to the best of my knowledge, the compliance status at our hazardous waste facility located in Hoquiam, Washington, Facility I.D. No. WAD 027325018 is as shown below.

<u>Items of Noncompliance</u>	<u>Category I, II, III</u>	<u>Compliance Date</u>	<u>Compliance Status (Check One)</u>		<u>Comments</u>
			<u>Complied</u>	<u>Not Complied</u>	
Conditions of Consent Order					
Condition Number 1		immediately			
Condition Number 2		November 3, 1986			
Condition Number 3		as defined by the terms of the Consent Order			
Condition Number 4		as defined by the terms of the Consent Order			
Condition Number 5		as defined by the terms of the Consent Order			
Condition Number 6		Immediately			

(Signature)

(Printed Name)

(Title)

(Date)