



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-8641

December 10, 2018

Bruce Justinen
Seasoft Scuba Gear Inc.
8294 28th Ct. NE, Ste. 600
Lacey, WA 98516

Notice of Penalty Docket #	16138
Site Location	8294 28 th Ct. NE, Ste. 600 Lacey, WA 98516
EPA/State ID #	WAH000055430
Penalty Amount	\$197,000
Due Date	Within 30 days after receiving this Notice of Penalty.

Re: Notice of Penalty

Bruce Justinen:

The Department of Ecology (Ecology) has issued the enclosed Notice of Penalty to Bruce Justinen and Seasoft Scuba Gear Inc. for violating provisions of:

- Chapter 70.105 Revised Code of Washington (RCW), Hazardous Waste Management Act
- Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations

Please read the enclosed Notice of Penalty describing the violation(s) and options for responding to the penalty.

If you have questions please contact Ian Tracy at 360-407-6360 or ian.tracy@ecy.wa.gov

Sincerely,

Darin Rice
Program Manager
Hazardous Waste and Toxics Reduction Program

Enclosures: Notice of Penalty
Draft News Release

By certified mail: 9489 0090 0027 6066 5310 65

Bruce Justinen
December 10, 2018
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cc: Penalty Desk – Fiscal Office, Ecology
Lorna Gadwa, Southwest Region Section Admin Asst.
Linda Riedel, Hazardous Waste and Toxics Reduction Program Manager's Admin Asst.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY)
ASSESSMENT AGAINST)
Bruce Justinen and Seasoft Scuba Gear Inc.) NOTICE OF PENALTY
INCURRED AND DUE
DOCKET # 16138

To: Bruce Justinen
Seasoft Scuba Gear Inc.
8294 28th Ct. NE, Ste 600
Lacey, WA 98516

Notice of Penalty Docket #	16138
Site Location	8294 28 th Ct. NE, Ste. 600, Lacey, WA 98516
EPA/State ID #	WAH000055430
Penalty Amount	\$197,000
Due Date	Within 30 days after receiving this Notice of Penalty.

The Department of Ecology (Ecology) has assessed a penalty against Bruce Justinen (Justinen) and Seasoft Scuba Gear Inc. (SSG) in the amount of \$197,000 for violating provisions of:

- Chapter 70.105 Revised Code of Washington (RCW), Hazardous Waste Management Act
- Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations

Ecology has authority to issue this penalty under RCW 70.105.080 and is basing the penalties on the findings listed in this Notice of Penalty.

DESCRIPTION OF VIOLATION(S)

The penalty is based on the following Ecology findings:

Violation 1:

WAC 173-303-141(1): Failure to send dangerous waste to a permitted treatment, storage, or disposal facility.

OBSERVATIONS

- During a June 25, 2018 inspection of SSG and subsequent communications with SSG staff, Ecology learned that Justinen and SSG intentionally disposed of an unknown amount of lead waste and in some cases arsenic bearing hazardous waste at the following locations:

- Thurston County's Hazo-House,
- The soil to the north of the building,
- The parking lot and as a result the storm drain, and
- The sewer.
- At Justinen's direction, SSG has transported an unknown amount of lead bearing hazardous waste to Justinen's home.

Violation 2:

WAC 173-303-240(2) & (3): Failure to meet the requirements for transporters of dangerous waste.

OBSERVATIONS

- At Justinen's direction, SSG has self-transported an unknown amount of hazardous waste lead to Thurston County's Hazo-House and to Justinen's home.
- Ecology staff observed lead contaminated plant debris in black garbage bags in the back of an employee's personal vehicle.
- SSG has not notified and received an EPA/state ID# as a transporter of hazardous waste.

Violation 3:

WAC 173-303-145(3): Failure to take appropriate mitigation and control actions after a spill or discharge.

OBSERVATIONS

During its June 25, June 29, and July 5, 2018 inspections of SSG's facility, Ecology inspectors observed:

- Lead bearing residue on the ground and among the plants on the north side of the building,
- Lead shot in the parking lot leading from the garage door to the storm drain,
- Lead shot and residue in the solid waste fenced area, and
- Lead residue on the floor of the southeast corner of the shop.

During a conversation with Ecology staff, Justinen stated that the water from cleaning reclaimed lead shot is routinely disposed of to the soil on the north side of the building or down the toilet.

Violation 4:

WAC 173-303-170(1) and by reference 070(3): Failure to designate waste according to required procedures.

OBSERVATIONS

- Bruce Justinen stated that the water from cleaning reclaimed lead shot is routinely disposed of to the soil on the north side of the building or down the toilet.
- Ecology inspectors observed solvent soaked paper towels in a solid waste can marked as “recycling only”.

ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations.

Ecology has determined the violation(s) described in this Notice of Penalty are not paperwork violations under RCW 34.05.110 and therefore you are not eligible for a waiver for a first-time paperwork violation.

OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY

Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.

Make your payment payable to the *Department of Ecology*. Please include the penalty docket number on your payment.

Mail payment to:

Department of Ecology
Cashiering Unit
PO Box 47611
Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid 30 days after receiving the Notice of Penalty, and have not appealed.

Option 2: Appeal to the PCHB and serve Ecology within 30 days after the date of receipt of the Notice of Penalty.

The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. “Date of receipt” is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Notice of Penalty to:

Ian Tracy
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
360-407-6360
ian.tracy@ecy.wa.gov

AMERICAN WITH DISABILITIES ACT INFORMATION

Accommodation Requests:

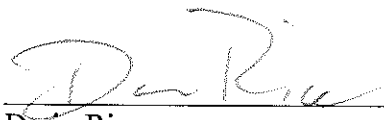
To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired

hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 70.105 RCW – Hazardous Waste Management**
<http://app.leg.wa.gov/RCW/default.aspx?cite=70.105>
- **Chapter 173-303 WAC – Dangerous Waste Regulations**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303>

SIGNATURE



Darin Rice
Program Manager
Hazardous Waste and Toxics Reduction Program

12/6/18

Date