

**PERMIT
FOR THE STORAGE
OF DANGEROUS WASTE**

Department of Ecology
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U.S. Environmental Protection
Agency, Region 10
1200 Sixth Avenue, HW-112
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Issued in accordance with the applicable provisions of the Hazardous Waste Management Act, Chapter 70.105 Revised Code of Washington (RCW), and the regulations promulgated thereunder in Chapter 173-303 Washington Administrative Code (WAC) and the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), and the regulations promulgated thereunder in Title 40 of the Code of Federal Regulations.

ISSUED TO: Emerald Services Inc.
1825 Alexander Avenue
Tacoma, WA 98421

This Permit is effective as of May 23, 1999 and shall remain in effect until May 23, 2009 unless revoked and reissued, modified, or terminated under WAC 173-303-830(3) and (5), 40 CFR §§ 270.41 and 270.43, or continued in accordance with WAC 173-303-806(7) or 40 CFR § 270.5 1.

ISSUED BY: WASHINGTON DEPARTMENT OF ECOLOGY and
U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 10

Greg Sorlie, Manager
Hazardous Waste &
Toxics Reduction Program
Washington Department of Ecology

Michael A. Bussell, Director
Office of Waste and Chemicals Management
Region 10
U.S. Environmental Protection Agency

Date _____

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INTRODUCTION

Permittee: EMERALD SERVICES, INCORPORATED
EPA/State Identification number: WAD 981 769 110

Pursuant to:

Chapter 70.105 Revised Code of Washington (RCW), the Hazardous Waste Management Act of 1976, as amended, and regulations codified in Chapter 173-303 Washington Administrative Code (WAC), the Dangerous Waste Regulations,

Solid Waste Disposal Act (42 U.S.C. 3251 et seq.) as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA) and,

Regulations promulgated by the U.S. Environmental Protection Agency (Agency) codified in Title 40 of the Code of Federal Regulation (40 CFR),

a Permit is issued to Emerald Services, Inc. (hereinafter called the Permittee), to operate a dangerous waste storage facility to support recycling operations at the facility located at 1825 Alexander Avenue, Tacoma, Washington at latitude 47 degrees 16 minutes 13 seconds North and longitude 122 degrees 23 minutes 005 seconds West.

The Permittee shall comply with all terms and conditions set forth in this Permit and in Attachments AA through NN. When the Permit and the above attachments conflict, the wording of the Permit shall prevail. The Permittee shall also comply with all applicable State regulations, including Chapter 173-303 WAC (Attachment OO) and those specified in the Permit. Additionally, the Permittee shall comply with the applicable federal regulations, including 40 CFR Parts 260 through 266, 268, and 270.

“Applicable state and federal regulations” are state and federal regulations and statutes in effect on the date of Permit issuance. New, or amended, self-implementing statutory provisions and related regulations are typically automatically applicable to the Permittee's dangerous waste management activities according to RCRA (as amended) or state law. When “self-implementing” requirements are changed so they become less stringent than those in effect at the date of Permit issuance, the Permittee must request and receive approval for a permit modification before the Permittee may apply the less stringent requirements.

This Permit is based upon the administrative record, as required by WAC 173-303-840 and 40 CFR § 124.9. The Permittee's failure in the application or during the Permit issuance process to fully disclose all relevant facts, or the Permittee's misrepresentation of any relevant facts at any time, shall be grounds for the termination or modification of this Permit and/or initiation of an enforcement action, including criminal proceedings. The Permittee shall inform the Director of the Department of Ecology (hereafter called the Director), the Administrator of the U.S.

Environmental Protection Agency (hereafter called the Administrator), and the Puyallup Tribe of Indians (hereafter called the Tribe) of any deviations from permit conditions or changes from information provided in the Part B permit application. In particular, the Permittee shall inform the Director, Administrator, and Tribe of any proposed changes that might affect the ability of the Permittee to comply with applicable regulations and permit conditions or that alter any of the conditions of the Permit in any way.

The Department of Ecology (hereafter called the Department) will enforce all conditions of this Permit for which the State of Washington is authorized and all conditions which are designated in this Permit as state requirements only (i.e., required by state regulations, but not by federal regulations). Any challenges of any permit condition that concern state requirements, (i.e., conditions of this Permit for which the State of Washington received final authorization or conditions which are designated in the Permit as state requirements only) shall be appealed to the Pollution Control Hearings Board in accordance with WAC 173-303-845.

The United States Environmental Protection Agency (hereafter called the Agency) has the authority to enforce all permit conditions which are based on federal regulations promulgated that have not yet been adopted by the State of Washington and have not been included in the state's authorized program. The Agency has the authority to enforce any permit condition based on federal requirements for which the State of Washington is authorized if, in the Agency's judgment, the Department should fail to enforce that permit condition. The Agency will not enforce any permit condition that is based on a state-only requirement. In the event that the Department does not maintain its authorization for the federal RCRA program, then the Agency will become the regulatory authority for all permit conditions except those which are state-only requirements.

The following conditions of this permit identify permit conditions that reference state regulations which are different from, or are not included in, the federal hazardous waste regulations: II.A.1.c, II.C.2, II.C.3.b.5), II.C.3.b.7), II.C.3.c.1), II.E.1, III.A.4.e), IV.B.4, IV.C.3, V.A, V.E, V.F.2.d), VII.C.3.(b) and VII.D.2.

The following conditions of this permit are based solely on federal regulations and are being issued by the Agency: I.L.1, I.L.2, II.C.3.a.11), II.C.3.c.5), II.C.3.d.10) and 11), II.I.1 through II.I.20, and V.B.3.b).

The following conditions are based on federal requirements that are included in the State of Washington's regulations. However, the State of Washington has not received final authorization from the Agency to implement the federal regulations that form the basis for these permit conditions. Therefore, both the Department and the Agency are responsible for these permit conditions: II.C.3.b.6), II.C.3.c.4), II.C.3.d.9), II.G.1 through II.G.11, II.H.1, and II.H.2.

LIST OF ATTACHMENTS

The following listed documents are hereby incorporated, in their entirety, by reference into this Permit. Some of the documents are excerpts from Emerald Services, Inc. (the Permittee's) Dangerous Waste Permit Application (amended April 7, 2000). From the effective date of transfer of the Permit, Emerald Services, Inc. is hereby the Permittee. The Department and the Agency have, as deemed necessary, modified specific language in the attachments. These modifications are described in the permit conditions (Parts I through VII), and thereby supersede the language of the attachment. These incorporated attachments are enforceable conditions of this Permit, as modified by the specific permit conditions.

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|---------------|---|
| Attachment AA | Section B.1 and Figure B-10 of the Permit Application |
| Attachment BB | Part A Dangerous Waste Permit Forms |
| Attachment CC | Waste Characterization and Waste Analysis Plan (Section C and Volume 2 of the Permit Application) |
| Attachment DD | Security Procedures and Equipment (Section E1 of the Permit Application) |
| Attachment EE | Inspection Plan (Volume 3 of the Permit Application) |
| Attachment FF | Personnel Training (Section G and Volume 5 of the Permit Application) |
| Attachment GG | Contingency Plan (Section F and Volume 4 of the Permit Application) |
| Attachment HH | Closure Plan (Section H and Volume 6 of the Permit Application) |
| Attachment II | Container Management (Sections D2.0 through D2.6 and Exhibit D-1, D-2, D-3, D-4, and D-5 of the Permit Application) |
| Attachment JJ | Dangerous Waste Tanks and Process Equipment (Sections D3.0 through D4.3.4 and Exhibit D-6 through D-22 of the Permit Application) |
| Attachment KK | Preparedness and Prevention Measures (Sections E3 through E5 of the Permit Application) |
| Attachment LL | ReservedAttachment MM Well Construction, Maintenance, and Replacement |
| Attachment NN | Reserved. Attachment removed June 18, 2003.Attachment OO Chapter 173-303 WAC (February 1998) |

DEFINITIONS

All definitions contained in 40 CFR §§ 124.2, 260.10, 270.2, 264.141, Chapter 70.105 RCW, Chapter 173-303 WAC, Chapter 70.105D RCW, and Chapter 173-340 WAC as undertaken in whole or in part to fulfill the role of WAC 173-303-646 are hereby incorporated, in their entirety, by reference into this Permit. Any of the definitions identified in this Permit shall supersede any definition of the same term given in 40 CFR §§ 124.2, 260.10, 270.2, 264.141, Chapter 70.105 RCW, Chapter 173-303 WAC, Chapter 70.105D RCW, and Chapter 173-340 WAC.

Where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

Some terms are specifically defined for purposes of Part VII of this Permit. For purposes of this joint Permit, except where a specific definition applies under Part VII, the following definitions shall apply:

- a. “**Permit**” means the joint Permit issued by the Washington State Department of Ecology, pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC, and by the U.S. Environmental Protection Agency, Region 10, pursuant to 42 U.S.C. 3251 et seq. and 40 CFR Parts 124 and 270.
- b. “**Director**” means the Director of the Washington State Department of Ecology or a designated representative.
- c. “**Administrator**” means the Administrator of the U.S. Environmental Protection Agency (Agency) or a designated representative. The Director of the Office of Waste and Chemicals Management, U.S. Environmental Protection Agency Region 10, (with the address as specified on page one of this Permit), is a duly authorized and designated representative of the Administrator for purposes of this Permit.
- d. “**Tribe**” means the Puyallup Tribe of Indians or a designated representative.
- e. “**Department**” means the Washington State Department of Ecology, (with the address as specified on page one of this Permit).
- f. “**Agency**” means the U.S. Environmental Protection Agency, Region 10, (with the address as specified on page one of this Permit).
- g. “**Agencies**” means the U.S. Environmental Protection Agency, Region 10, and the Washington State Department of Ecology.
- h. “**Facility**” means that property identified in the physical description of the area (including land, structures, appurtenances, and improvements) used to manage dangerous waste. This property description is as set forth in Attachment AA of this Permit and includes approximately 2.5 contiguous acres.

- i. **“Days”** means calendar days unless otherwise defined for a condition or section of this Permit.

- j. **“Transfer Waste”** means manifested dangerous waste that is not manifested to the Permittee, but is held by the Permittee temporarily in the course of transportation pursuant to the requirements and limits for transporters of dangerous wastes in WAC 173-303-240, for less than ten (10) day management in the dedicated transfer facility.

PART I - STANDARD CONDITIONS

I.A. EFFECT OF PERMIT

The Permittee is authorized to store dangerous waste to support recycling operations at the facility, as allowed by WAC 173-303-282(2)(b)(v)(D), in accordance with the conditions of this Permit and the applicable provisions of Chapter 173-303 WAC. Any storage of dangerous waste by the Permittee at this facility that is not authorized by this Permit or by WAC 173-303-830(4)(e) or 40 CFR § 270.42(e) and for which a permit is required under WAC 173-303-800 or Section 3005 of RCRA is prohibited. Subject to WAC 173-303-810(8) and 40 CFR § 270.4, compliance with this Permit constitutes compliance, for the purposes of enforcement, with Chapter 173-303 WAC and Subtitle C of RCRA. Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege. Issuance of this Permit does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local law or regulations.

I.B. GENERAL PERMIT CONDITIONS

I.B.1 The general permit conditions under WAC 173-303-810, 40 CFR § 270.30, applicable final facility standards under WAC 173-303-600 through 691, and, when the Permittee is a transporter, transporter requirements under WAC 173-303-240, are incorporated by reference into this Permit and shall be adhered to by the Permittee.

I.B.2 Facility operations shall be in accordance with the contents of this Permit and the Attachments, as listed on page #5 of this Permit.

I.C. PERMIT ACTIONS

I.C.1 This Permit may be modified, revoked and reissued, or terminated for cause as specified in WAC 173-303-830(3), (4), and (5), and 40 CFR §§ 270.41, 270.42, and 270.43. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

I.C.2 This Permit may be renewed as specified in WAC 173-303-810(3), 40 CFR § 270.30(b), and Permit Condition I.E.2. Director review of any application for a permit renewal will consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

I.C.3 Permit modification at the request of the Permittee must be done according to the three tiered modification system as specified in WAC 173-303-830(4), 40 CFR § 270.42, and the preamble to the federal regulation (53FR37912, September 28, 1988). This includes any modification from design drawings to as-builts.

I.C.4 In addition to other requirements in WAC 173-303-830 and 40 CFR Part 270 Subpart D, within forty-five (45) days of a permit change (i.e., permit modification) being put into effect or approved, the Permittee shall retype the relevant portions of the Permit and Attachments to incorporate the change, reprint the documents, and submit them to the Director, Administrator, and Tribe.

I.D. SEVERABILITY

The provisions of this Permit are severable. If any provision of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. Invalidation of any state or federal statutory or regulatory provision which forms the basis for any condition of this Permit does not affect the validity of any other state or federal statutory or regulatory basis for said condition.

I.E. DUTIES AND REQUIREMENTS

- I.E.1. The Permittee shall comply with all conditions of this Permit, except to the extent and for the duration such noncompliance is authorized by an Emergency Permit, pursuant to WAC 173-303-804 and 40 CFR § 270.61. Any Permit noncompliance, other than noncompliance authorized by an emergency Permit, constitutes a violation of Chapter 173-303 WAC and/or RCRA and is grounds for: a) enforcement action; b) termination of Permit; c) revocation and reissuance of Permit; d) modification of Permit; or e) denial of a Permit renewal application.
- I.E.2. If the Permittee wishes to continue an activity allowed by this Permit after the expiration date of this Permit, the Permittee shall submit a complete application for a Permit at least one hundred and eighty (180) days prior to Permit expiration.
- I.E.3. In an enforcement action, it shall not be a defense for the Permittee that it would have been necessary to halt or reduce the Permitted activity in order to maintain compliance with the conditions of this Permit.
- I.E.4. In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. Such mitigation shall not be a defense to enforcement.
- I.E.5. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Permit.
- I.E.6. The Permittee shall furnish to the Director or Administrator, within a reasonable time, any relevant information which the Director or Administrator requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Director or Administrator, upon request, copies of records required to be kept by this Permit.

- I.E.7. Pursuant to WAC 173-303-810(10) and 40 CFR § 270.30(i), the Permittee shall allow the Director or Administrator, or authorized representatives, upon the presentation of identification to:
- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this Permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit;
 - d. Sample or monitor, at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by Chapter 173-303 WAC and/or RCRA, any substances or parameters at any location; and
 - e. Independent sample splitting, when requested by the Director or the Administrator. At the Permittee's request, the Director or the Administrator will inform the Permittee of all analyses to be performed on split samples.
- I.E.8. The Permittee shall give advance notice to the Director, Administrator, and Tribe of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.
- I.E.9. The Permittee may not commence storage of dangerous waste in any new or modified portion of the facility, including "new units" identified in Part V of this Permit, until the Permittee has submitted to the Director, Administrator, and Tribe, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the Permit, and:
- a. The Director and Administrator has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the Permit or has not within fifteen (15) days notified the Permittee in writing of an intent to inspect; or
 - b. The Department or Agency has waived the inspection by informing the Permittee of the waiver.
- I.E.10. Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit application or submitted incorrect information in a Permit application or in any report to the Director or Administrator, the Permittee shall promptly submit such facts or information to the Director, Administrator, and Tribe.

I.F. MONITORING AND RECORDS

- I.F.1. Samples and measurements taken for the purpose of monitoring must be unbiased, precise, and representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed must be the appropriate method from WAC 173-303-110, Appendix I of 40 CFR Part 261, or an equivalent method approved by the Director or Administrator pursuant to WAC 173-303-902(2). Laboratory methods must be those specified in WAC 173-303-110(3)(a) and Appendices II and III to 40 CFR Part 261 or, as appropriate, methods as specified in Attachment CC.
- I.F.2. Pursuant to WAC 173-303-810(11) and 40 CFR § 270.300(1) through (3), records of monitoring information shall specify:
- a. The dates, exact place, and times of sampling or measurements;
 - b. The individuals who performed the sampling or measurements;
 - c. The dates analyses were performed;
 - d. The individuals who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses, including quality control data.

I.G. COMPLIANCE NOT CONSTITUTING DEFENSE

Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under any other state or federal laws governing protection of public health or the environment. However, compliance with the terms of this permit does constitute a defense to any action alleging failure to comply with the applicable standards upon which this permit is based.

I.H. TRANSFER OF PERMITS

In accordance with reporting requirements in WAC 173-303-810(14)(c) and 40 CFR § 270.30(1)(3), the Permittee shall provide notice to the Director, the Administrator, and the Tribe prior to transfer of ownership interest or operational control of this Permit to any person. The Director or Administrator may require modification or revocation and reissuance of the Permit or incorporate other requirements as may be necessary in accordance with procedures in WAC 173-303-830 and 40 CFR Part 270 Subpart D. The Agency will become the regulatory authority if the Permittee's notice results in a State to Federal jurisdictional change. The Department will become the regulatory authority, except for non-authorized HSWA provisions, if the Permittee's notice results in a Federal to State jurisdictional change. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator in writing of the requirements of Chapter 173-303 WAC and 40 CFR Parts 264, 268 and 270 and this Permit.

I.I. PERMIT CONTINUATION

This Permit and all conditions herein will remain in effect beyond the Permit's expiration date until final Permit determination if the Permittee has submitted a timely, complete application (under 40 CFR Part 270 Subpart B for HSWA provisions and WAC 173-303-806), and, through no fault of the Permittee, the Director or the Administrator has not made a final Permit determination, through their respective authorities, as set forth in WAC 173-303-840 and 40 CFR § 270.51 for HSWA provisions. This Permit may be modified or revoked and reissued as necessary in accordance with 40 CFR § 270.41 and WAC 173-303-830(3).

I.J. REPORTS, NOTIFICATIONS AND SUBMITTALS

I.J.1. Except where otherwise specified in this Permit, all reports, notifications or other submissions that are required by this Permit to be submitted to the Director shall be sent certified mail to:

Supervisor, Hazardous Waste and Toxics Reduction Section
Department of Ecology
Southwest Regional Office
PO Box 47755
Olympia, WA 98504-7600
Telephone (360) 407-6300

Or hand-delivered to the Director at:

Supervisor, Hazardous Waste and Toxics Reduction Section
Department of Ecology
Southwest Regional Office
300 Desmond Drive
Lacey, WA 98503
Telephone (360) 407-6300

These phone numbers and addresses may change and such changes will not require a permit modification.

I.J.2. Except where otherwise specified in this Permit, all reports, notifications or other submissions that are required by this Permit to be submitted to the Administrator shall be sent certified mail or hand-delivered to:

Director, Office of Waste and Chemicals Management
Environmental Protection Agency, Region 10
1200 Sixth Avenue, WCM-121
Seattle, WA 98101
Telephone: (206) 553-1253

This phone number and address may change and such changes will not require a permit modification.

I.J.3. Except where otherwise specified in this Permit, all reports, notifications or other submissions that are required by this Permit to be submitted to the Tribe shall be sent certified mail or hand-delivered to:

Mr. Bill Sullivan
Department of Environmental
Puyallup Tribe of Indians
2002 East 28th Street
Tacoma, WA 98404
Telephone: (253) 573-7850

This phone number and address may change and such changes will not require a permit modification.

I.K. CONFIDENTIAL INFORMATION

Any information submitted by the Permittee to the Director or Administrator may be claimed as confidential by the Permittee in accordance with applicable provisions of WAC 173-303-810(15) and 40 CFR §§ 260.2 and 270-12.

I.L. WASTE MINIMIZATION

I.L.1. Waste Minimization Certification: In accordance with 40 CFR § 264.73(b)(9), the Permittee shall place a certification in the operating record on an annual basis that:

- a. A program is in place to reduce the volume and toxicity of hazardous waste generated to the degree determined by the Permittee to be economically practicable; and,
- b. Proposed methods of treatment, storage or disposal are those practicable methods currently available to the Permittee which minimize the present and future threat to human health and the environment.

I.L.2. The Permittee shall submit to the Administrator, by March 1st every even year after the effective date of the Permit, a biennial report meeting the requirements in 40 CFR § 264.75 for documenting efforts to reduce the volume and toxicity of the waste generated, including estimates of the reduction in volume or toxicity achieved since the previous report by the facility's waste minimization program certified pursuant to Permit Condition I.L.1.

PART II - GENERAL FACILITY CONDITIONS

II.A. GENERAL WASTE MANAGEMENT

II.A.1. The Permittee is authorized to accept from off-site generators the wastes specified in Attachment BB. Wastes shall be accepted only from generators with a valid EPA /State Identification number, and small quantity generators as defined by WAC 173-303-070(8).

- a. In specific emergency situations, the Permittee may accept dangerous wastes generated by generators who do not have a valid EPA/State Identification number.
 - 1) Emergency acceptance shall require prior written authorization, which may be via telecommunications (e.g., facsimiles), from the Director.

- 2) If written authorization, pursuant to 1) above, is not possible, and if delay of acceptance of such waste may result in harm to human health or the environment, the Permittee may accept the wastes without prior authorization. In such cases the Permittee shall notify the Director of the emergency situation within twenty-four (24) hours of the arrival of the waste at the facility.
 - b. All dangerous wastes shall be managed only in areas authorized for dangerous waste management under the conditions of this Permit.
 - c. Wastes including small quantity generator wastes managed at the facility shall in no way hamper the Permittee in meeting the requirements of this Permit, including performance standards in WAC 173-303-283, for any area or activity subject to this Permit.
- II.A.2. The Permittee shall inform a generator in writing that the Permittee has the appropriate permits for and will accept the dangerous waste the generator is shipping as required by WAC 173-303-290(3) and 40 CFR § 264.12(b). The Permittee shall keep a copy of this written notice as part of the operating record.
- II.A.3. The Permittee shall notify the Director in writing at least four (4) weeks in advance of the date the Permittee expects to receive dangerous waste from a foreign source, as required by WAC 173-303-290(1) and 40 CFR § 264.12(a). Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.
- II.A.4. The Permittee shall comply with requirements for waste analysis as required by WAC 173-303-300 and 40 CFR § 264.13 and specified by Attachment CC for all dangerous waste accepted by the facility.
- II.A.5. When laboratory analytical methods are required to designate the waste, the Permittee shall ensure:
 - a. The test procedures listed as acceptable by WAC 173-303-110 and 40 CFR Appendices II and III to Part 261 are used; and
 - b. The analysis chosen must detect the presence of the constituent at or below the specification level at the ninety-five percent (95%) upper confidence limit around the mean. The specification level being the regulatory threshold for designating of the waste.
- II.A.6. The Permittee is responsible for obtaining accurate and complete information for each waste stream. Inaccurate or incomplete waste analysis information provided by the generator is not a defense for noncompliance by the Permittee with waste management requirements and conditions in this Permit, Chapter 173-303 WAC, and the land disposal restrictions (LDR) in 40 CFR Part 268.
- II.A.7. Waste acceptance procedures shall conform to the requirements of the Waste Analysis Plan in Attachment CC.

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Condition modified; part of conditions moved to Attachment CC under permit modification approved on June 18, 2003.

II.A.8. The Permittee shall have an accurate and complete waste profile questionnaire certified and dated by the waste generator for every waste stream accepted by the Permittee.

II.A.10.

When knowledge is used to characterize a waste and to complete the waste profile questionnaire, the facility will conform to the following conditions:

- a) Ensure that when knowledge is used to characterize a waste, it conforms to the definition of "acceptable knowledge. Acceptable knowledge means information that is known about the generation of a waste that can be used in the place of laboratory analysis. For example, if all chemical constituents used in an industrial process that generates a waste are known and the formation of the waste by-products in an industrial process is well understood, then that information is adequate without direct laboratory analysis of the waste to complete the waste profile questionnaire. When a facility relies on such knowledge of the generator to complete a waste profile questionnaire for a waste stream, the facility will take the following precautions or actions:
 - 1) Become familiar with the generator's processes by conducting site visits and reviewing sampling data and/or other information to ensure that such data and information is representative of the waste stream;
 - 2) Ensure laboratory analyses contained in documented studies from the generator are based on representative sampling and test methods as referenced in WAC 173-303-110;
 - 3) Compare the generator's process and documented studies used to complete the waste profile questionnaire to ensure no differences exist that would affect the accuracy of the questionnaire or the safe management of the waste stream.
- b) Maintain documentation and records of the information used to create or support the waste profile questionnaire and the resulting waste management decisions, in the operating record.
- c) Use of knowledge may not be applied to profiling for waste streams qualifying for cyanide and sulfide testing as described in Attachment CC. Such waste streams are required to be analyzed for cyanide and sulfide content by screening methods approved for verification testing or test methods as referenced in WAC 173-303-110.

Deleted: II.A.9. . The Permittee shall ensure that all wastes processed as fuels will meet the following physical specifications: ¶
a. . *Heating value.* The heating value must exceed five thousand (5,000) BTU/lbs. (eleven thousand, five hundred (11,500) J/g) ¶
b. . *When a waste has more than one layer.* The Permittee shall test each layer. The results from each layer shall be a weighted average, by volume, of the final result. This final result will represent the entire waste heating value which must exceed five thousand (5,000) BTU/lbs. ¶

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Conditions modified, part of conditions removed to Attachment CC and new conditions a, b, and c added under permit modification approved June 18, 2003.

- II.A.11 On an annual basis the facility will submit a draft sampling and analysis plan designed as a quality assurance check of the waste analysis system. The plan will address both the quality of screening methods conducted at the facility, and the quality of screening as a replacement for waste characterization methods found in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication, SW-846* as referenced by WAC 173-303-110(3). The draft plan will be submitted to Ecology no later than the anniversary date of this permit (April 23).
- a) The plan will contain the following elements:
 - 1) Proposed waste stream types for targeting the sampling, a random method for selecting the samples, and number of samples.
 - 2) Proposed third-party Ecology-accredited laboratory for conducting the duplicate and SW-846-method analyses.
 - 3) Proposed method for splitting samples.
 - 4) Proposed quality controls (blanks, duplicates, spike blanks, etc.)
 - b) The plan will be implemented no later than 30 days following approval by Ecology.
 - c) A report will be submitted to Ecology no later than 60 days from completion of the sampling and placed in the operating record. The report will include:
 - 1) Data results from the on-site and third-party laboratories.
 - 2) Conclusions and recommendations, if any, on improvements needed to the waste analysis program.

This condition was added to the permit by modification approved July 18, 2003.

- II.A.12 The quality assurance/quality control program for Attachment CC will conform to the following conditions:
- a) Quality control measures required or recommended in the test methods in the facility's waste analysis program will be used unless Ecology agrees to a lesser standard by permit modification to Attachment CC. Specifically, samples to be analyzed for sulfide and cyanide content will be preserved as recommended, and will be analyzed within the required holding times for confirmation screening unless an outside laboratory will be employed to conduct SW-846 methods for profiling for that

waste stream. This applies to waste streams that Attachment CC identifies as requiring cyanide and sulfide analysis for confirmation.

- b) Samples for verification and confirmation will be placed in a cooler immediately after sampling and maintained at a temperature to between 2 and 6 degrees centigrade until analyzed unless, in the case of verification, the sample will be analyzed within three hours of sampling.
- c) Confirmation samples will be analyzed as soon as possible after arriving at the facility.
- d) Confirmation samples will be placed in glass containers.
- e) Documentation of compliance with these conditions will be maintained and available in the operating record.

This condition was added to the permit by modification approved July 18, 2003.

II.B. PREPAREDNESS AND PREVENTION

- II.B.1. In accordance with 40 CFR § 264.31 and WAC 173-303-340, the facility shall be designed, constructed, maintained, and operated to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of dangerous waste or dangerous waste constituent to air, soil, or surface or ground water that could threaten human health or the environment.
- II.B.2. The Permittee shall ensure all water related safety equipment such as eyewash units and emergency showers remain operable at all times, including during periods of subfreezing temperatures.
- II.B.3. A facility employee shall observe all loading and unloading of dangerous waste to or from tanker trucks and railcars occurring within the facility.
- II.B.4. At all times, the Permittee shall have qualified persons designated as the emergency coordinator and alternate emergency coordinators. These persons shall be identified in the contingency plan by name, position at the facility, address, and phone numbers (work, home, and pager). The first person on the list shall be the primary emergency coordinator. All other emergency coordinators shall be listed in the order in which they will assume responsibility as alternatives. The following steps are required if the Permittee changes the name, address, or phone number of any emergency coordinator or other person or agencies in the contingency plan unless the procedures for a permit change specified in WAC 173-303-830 and 40 CFR Part 270 Subpart D are followed:
 - a. Attach the revised list of emergency coordinators or other persons or agencies to the contingency plan maintained at the facility.

- b. Immediately inform the Department of the change and within seven (7) days formally notify the Department of the change by certified mail or other means that establishes proof of delivery.
 - c. Notify all parties with which the Permittee has coordinated agreements, as identified in Volume 4 of Attachment GG, of the change within seven (7) days by certified mail or other means that establishes proof of delivery.
- II.B.5. Before the date on which dangerous waste is first managed in any "New Unit" the following requirements and procedures for updating the facility contingency plan apply. ("New Units" are identified in Permit Condition V.C.1.)
- a. At least fifteen (15) days before the date on which dangerous waste is first managed in the "New Unit," the Permittee shall submit to the Department by certified mail or other means that establishes proof of delivery diagrams to be added to the contingency plan that show the location and type of each spill kit, fire extinguisher and other emergency equipment in the "New Unit." At a minimum, the Permittee shall provide the number and type of emergency equipment that is specified in Attachment GG for each "New Unit." The Department will notify the Permittee within ten (10) days of receipt of the diagrams if the requirements in Attachment GG are not met and the diagrams are rejected. In such a case, the Department will explain the reason for rejecting the diagrams.
 - b. If the Department does not reject the diagrams by notifying the Permittee within ten (10) days, and if all other requirements in this permit for the "New Unit" are met, then the Permittee may begin to receive dangerous waste in the "New Unit." In such a case, the Permittee shall immediately:
 - 1) Attach the diagrams to the contingency plan maintained at the facility.
 - 2) Submit the diagrams to every person with which the Permittee has a coordinated agreement, as listed in Volume 4 of the Attachment GG.
 - c. If the Department rejects the Permittee's diagrams for emergency equipment in the "New Unit" within ten (10) days, the Permittee shall not manage dangerous waste in the "New Unit" until revised diagrams are resubmitted and the Department does not reject them. Procedures listed under II.B.5.a and b, above, and this paragraph, apply to the revised diagrams.
 - d. The Department will have thirty (30) days to complete a comprehensive review of the contingency plan that includes diagrams for the "New Unit." The Department may require changes to the contingency plan during this time if the revised contingency plan with the new information does not meet the requirements of Attachment GG and this Permit.

II.C. RECORDKEEPING AND REPORTING

- II.C.1 In addition to the recordkeeping and reporting requirements specified elsewhere in this Permit, the Permittee shall comply with all the applicable notification, certification, and recordkeeping requirements described in 40 CFR § 268.7 and WAC 173-303-380(1)(o), (k), (n), and (o).
- II.C.2 The Permittee shall submit to the Director by March 1st each year, an annual report meeting the requirements in WAC 173-303-390(2).
- II.C.3 The Permittee shall maintain a written operating record at the Facility or at the Permittee's office located at 3401 Lincoln Avenue, Tacoma, WA consisting of records kept for the length of time specified below. The record can be a compilation of various documents. Also the Permittee shall record all information referenced in this Permit in the operating record within forty-eight (48) hours of the information becoming available. The operating record shall include, but is not limited to, the information listed below.
- a. The following records shall be maintained until final closure and corrective action are complete and certified:
- 1) An up-to-date map showing the location of dangerous waste management units and other waste management units within the facility;
 - 2) A map showing locations of all past dangerous waste management units if different from current locations;
 - 3) Assessment reports pursuant to Permit Condition V.F.5, WAC 173-303-360(2)(k), and 40 CFR § 264.56(j) of all incidents that require implementation of the contingency plan;
 - 4) Record of spills and releases;
 - 5) Written reports and records of verbal notification to the Director, Administrator, and Tribe to address releases, fires, and explosions;
 - 6) Summaries of all records of corrective action;
 - 7) All other environmental permits;
 - 8) Corrective action deed notification, if required;
 - 9) Records and results of waste analyses required by Attachment CC and WAC 173-303-380(1)(c) and 40 CFR § 264.73(b)(3) that include, at a minimum:
 - a) The date(s) and times waste samples were obtained; and the dates the samples were analyzed;
 - b) The name(s) and qualifications of the individual(s) who obtained the samples;
 - c) The name(s) and qualifications of the individual(s) who performed the analyses;
 - d) The analytical techniques or methods used;

- e) The analytical results; and
- f) The QA/QC summary.
- 10) Training records of facility personnel;
- 11) Certifications pursuant to 40 CFR § 264.73(b)(9), Annual Waste Reduction Plan; and
- 12) Facility construction records pursuant to Permit Condition V.C.4.b.
- b. The following records shall be maintained for a minimum of 5 years. Pursuant to WAC 173-303-380(3)(b) and 40 CFR § 264.74(b), this time period is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director or Administrator.
 - 1) Facility operation and maintenance records and reports prepared pursuant to this Permit;
 - 2) Progress reports and any required notifications prepared pursuant to this Permit;
 - 3) The notice required of a generator under WAC 173-303-140 and 40 CFR § 268.7. (Land Disposal Restrictions);
 - 4) Records of all inspection and monitoring information meeting requirements of WAC 173-303-320(2)(d), 40 CFR § 264.15(d), and this Permit including, at a minimum, the following calibration and maintenance records:
 - a) The date and time of data recording;
 - b) The name of the person taking and recording the information; and
 - c) The recorded information itself whether consisting of observation, data measurement, instrument reading or any other monitoring method.
 - 5) Records of all inspections meeting the requirements in WAC 173-303-395(1)(d);
 - 6) Records required by 40 CFR § 264.1035(c)(3) through (c)(8) and 40 CFR § 264.1064(d) and (e) for compliance with the Organic Air Emissions Standards for Process Vents and Equipment Leaks, 40 CFR Part 264 Subparts AA and BB; and
 - 7) Annual reports submitted in compliance with WAC 173-303-220(1), Generator Report - Form 4. However, if the reports are necessary to supplement the facility operating record, they must be retained until final closure and corrective action are complete and certified.
- c. The following records shall be maintained for a minimum of three (3) years. Pursuant to WAC 173-303-380(3)(b), 40 CFR § 264.74(b), and 40

CFR § 264.1033, this time period is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director or Administrator.

- 1) Annual reports submitted in compliance with WAC 173-303-390(2), TSD Facility Report - Form 5. However, if the reports are necessary to supplement the facility operating record, they must be retained until final closure and corrective action are complete and certified;
 - 2) Manifests and any required unmanifested shipment or exception reports;
 - 3) Training records of former facility personnel;
 - 4) Documentation for each closed-vent system and control device installed in accordance with the requirements of Permit Condition II.G.7 until the air emission equipment is replaced or otherwise no longer in service;
 - 5) Records for all tests performed in accordance with Method 22 in 40 CFR Part 60 Appendix A for each container used to meet the applicable requirements of 40 CFR § 264.1086.
- d. Up-to-date copies of the following documents as amended, revised, and modified shall be maintained at the facility until final closure and corrective action are complete and certified:
- 1) The Permit and all attachments;
 - 2) The Part B permit application (July 30, 1998) and all permit modification requests;
 - 3) Contingency Plan;
 - 4) Training Plan;
 - 5) Documentation of arrangements made with local authorities pursuant to WAC 173-303-340(4) and 40 CFR § 264.37;
 - 6) All closure, interim measures and final corrective action cost estimates, financial assurance documents prepared pursuant to this Permit, as well as the company names and addresses of facility insurers;
 - 7) The results of periodic tightness testing and integrity assessments of all tank systems;
 - 8) For all new tank systems and components, pursuant to WAC 173-303-640(3) and 40 CFR § 264.192:
 - a) An assessment by an independent, registered professional engineer, or by an independent qualified tank installation inspector not affiliated with the tank vendor and certified by an independent registered professional engineer, that the

tank system was installed properly and that all discrepancies have been repaired as required by WAC 173-303-640(3)(c) and 40 CFR § 264.192(b);

- b) Results of tightness testing and integrity assessments; and
 - c) For all tanks which require corrosion protection, a written statement from a corrosion expert that attests to the proper design and installation of any corrosion protection measures.
- 9) Results of any new determination as defined by 40 CFR § 264.1035(b)(2)(ii) and Permit Condition II.G.10;
 - 10) Documentation for each closed-vent system and control device installed in accordance with the requirements of Permit Condition II.G.7 and 40 CFR § 264.1087; and
 - 11) Records required by 40 CFR § 264.1089(b) and Permit Condition II.I.2 for compliance with the Organic Air Emissions for Tanks.

II.C.4. The Permittee shall submit waste analysis or monitoring data as soon as feasible and no later than sixty (60) days of receipt of a written request by the Department or Agency. If by the end of the sixty (60) day period the requested data have not undergone Quality Assurance/Quality Control (QA/QC) the Permittee shall submit the requested data in raw form if the Department or Agency requests it. The Permittee shall identify all submitted data which has not undergone QA/QC.

II.D. CLOSURE

- II.D.1. The Permittee shall provide a Notification of Closure pursuant to requirements in WAC 173-303-610(3)(c) and 40 CFR § 264.112(d).
- II.D.2. Condition modified, part of conditions removed to Attachment HH under permit modification approved June 18, 2003.
- II.D.3. Closures shall be conducted according to Attachment HH as modified by Permit Conditions II.D.4 through II.D.13.
- II.D.4. Condition modified, part of conditions removed to Attachment HH under permit modification approved June 18, 2003.
- II.D.5. When using Gas Chromatography/Mass Spectroscopy, peaks with no internal standard shall be identified if they are greater than 10% of the nearest internal standard response. Up to ten (10) such compounds shall be reported for each volatile organic analysis (VOA) and up to twenty (20) for each semi-VOA. The Department may, with reason, require the identification of additional peaks.
- II.D.6. Condition modified, part of conditions removed to Attachment HH under permit modification approved June 18, 2003.

II.D.14. The Director may require modification of the closure plan if the facility begins receiving different dangerous wastes that require different management practices or changes to the Part A Permit or if additional significant releases occur at the facility prior to the time of closure.

II.E. CONTROL AND CLEAN UP OF RELEASED MATERIAL

- II.E.1. The Permittee shall comply with the requirements of WAC 173-303-145 including, but not limited to, notification, mitigation, and control measures specified in WAC 173- 303-145(2) and (3) under the following circumstances:
 - a. A spill or nonpermitted discharge of dangerous waste or hazardous substance occurs onto the ground, into the ground water, or into the surface water;
 - b. A spill or nonpermitted discharge of dangerous waste or hazardous substance results in emission into the air such that human health or the environment is threatened; and/or
 - c. Other spills or discharges occur which threaten human health or the environment.
- II.E.2. Consistent with good management for abatement of initiating cause and prudent consideration of health and safety risks to personnel, the Permittee shall remove spilled or leaked waste within secondary containment immediately upon detection.
- II.E.3. The Permittee shall operate the facility to avoid any routine or systematic release of dangerous waste to a secondary containment system. The Permittee shall correct any situation that has resulted in a release of dangerous waste to a secondary containment system as an urgent response level repair pursuant to procedures in Attachment EE.
- II.E.4. In addition to requirements in Permit Condition III.E.2. and 3, in the event of a spill or release of dangerous waste to a secondary containment system that equals or exceeds a quantity of one pound or the “reportable quantity” established in 40 CFR Part 302, whichever is less, the Permittee shall maintain the following information in the operating record for five years:
 - a. Time, date and cause of the release; and
 - b. Actions taken to correct the cause of the release, and the time and date of such action.

II.F. FINANCIAL ASSURANCE AND LIABILITY REQUIREMENTS

- II.F.1. The Permittee shall prepare the closure cost estimate in accordance with 40 CFR § 264.142(a) and WAC 173-303-620(3)(a). A copy of the most current cost estimate is included in Attachment HH.
 - a. The Permittee shall adjust the closure cost estimate in accordance with 40 CFR § 264.142(b) and WAC 173-303-620(3)(c). Adjusted closure cost estimates shall be submitted to the Director and guarantor, if applicable.

- b. The Permittee shall revise the closure cost estimate in accordance with 40 CFR § 264.142(c) and WAC 173-303-620(3)(b). Revised closure cost estimates shall be submitted to the Director and guarantor, if applicable.
 - c. The Permittee shall furnish certification of partial or final closure before reducing cost estimates in accordance with 40 CFR § 264.115 and WAC 173-303-610(6).
 - d. The Permittee shall keep at the facility the most current closure cost estimate in accordance with 40 CFR § 264.142(d) and WAC 173-303-620(3)(d).
 - e. The Permittee shall demonstrate continuous compliance with 40 CFR § 264.143 and WAC 173-303-620(4) by providing documentation of financial assurance, as required by 40 CFR § 264.151 and WAC 173-303-620(4), (6), and (10) in at least the amount of the current cost estimate. A copy of the required documentation shall be submitted to the Director at least sixty (60) calendar days prior to the effective date this Permit.
 - f. Changes in financial assurance mechanisms must be approved by the Director or their designee pursuant to 40 CFR § 264.143 and WAC 173-303-620(4).
- II.F.2. The Permittee shall demonstrate continuous compliance with the requirements of 40 CFR § 264.147(a) and WAC 173-303-620(8) to have and maintain liability coverage for sudden accidental occurrences in the amount of at least one (1) million dollars per occurrence, with an annual aggregate of at least two (2) million dollars, exclusive of legal defense costs. A copy of the required documentation shall be submitted to the Director by the effective date this Permit.
- II.F.3. The Permittee shall comply with 40 CFR § 264.148 and WAC 173-303-620(9), whenever necessary.

II.G. ORGANIC AIR EMISSION STANDARDS FOR PROCESS VENTS

- II.G.1. The Permittee shall comply with all requirements of the Air Quality Program in Attachment JJ for process vents and with the air emission standards in WAC 173-303-690 and 40 CFR Part 264 Subpart AA for process vents which manage dangerous wastes with organic concentrations of at least ten (10) ppmw as defined in 40 CFR Part 264 Subpart AA.
- II.G.2. The Permittee shall comply with operating conditions specified in Attachment JJ for the thin film evaporator process, except under conditions specified by Permit Condition II.G.10. The maximum operating throughput shall not exceed one thousand seven hundred (1700) tons per year.
- II.G.3. The Permittee shall comply with operating conditions specified in Attachment JJ for the high boiler distillation process, except under conditions specified by Permit Condition II.G.10. The maximum operating throughput shall not exceed one thousand seven hundred (1700) tons per year.
- II.G.4. The Permittee shall design, install, operate, and maintain the closed vent system and flare according to the detailed plans and reports contained in Attachment JJ and shall ensure that closed-vent systems and the flare as specified in Attachment JJ meet the requirements of 40 CFR § 264.1033.
- II.G.5. The Permittee shall monitor the closed vent system in accordance with the monitoring plan and schedule in Attachment JJ and in accordance with the following conditions.
- a. The Permittee operate the closed-vent system with no detectable emissions, as indicated by an instrument reading of less than five hundred (500) ppm above background and by visual inspections, as determined by the methods specified as 40 CFR § 264.1034(b).
 - b. The Permittee shall monitor the closed-vent system to determine compliance annually and at other times as requested by the Department. For the annual leak detection monitoring, the Permittee is not required to monitor those closed-vent system components that operate in vacuum service or those closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of pipe or a bolted and gasketed pipe flange.)
 - c. The Permittee shall control detectable emissions, as indicated by an instrument reading greater than five hundred (500) ppm, as soon as practicable, but not later than fifteen (15) calendar days after the emission is detected. A first attempt at repair shall be made no later than five (5) calendar days after the emission is detected.
- II.G.6. The Permittee shall operate the flare in compliance with the operating conditions in Attachment JJ and with no visible emissions as determined by the methods specified in 40 CFR § 264.1033(e)(1), except for periods not to exceed a total of five (5) minutes during any consecutive two (2) hours.

- a. The flare must be operated at all times that waste is being processed in the low boiler distillation process, the high boiler distillation process, or the dispersion unit.
 - b. The flare will be used only if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater. The heating value of the gas being combusted shall be determined by the methods specified in 40 CFR § 264.1033(e)(2).
 - c. The flare shall be designed and operated with an exit velocity less than the velocity as determined by the method specified in 40 CFR § 264.1033(e)(3).
 - d. Reference Method 22 in 40 CFR Part 60 shall be used to determine the compliance of a flare with the visible emission provisions. The observation period is two (2) hours and shall be used according to Method 22.
 - e. The Permittee shall monitor and inspect the flare to ensure proper operation and maintenance of the control device by implementing the following requirements:
 - 1) Install, calibrate, maintain, and operate, according to the manufacturer's specifications, a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indication sensor shall be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined; and
 - 2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame during operation.
 - f. Inspect the readings from each monitoring device at least once each day to check control operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with these requirements.
- II.G.7. The Permittee shall keep on-site the documentation as specified in Attachment JJ on each closed-vent system and flare subject to 40 CFR § 264.1033. Documentation for each closed-vent system and control device must include:
- a. Certification signed and dated by the Permittee stating that the control device is designed to operate at the performance level documented by a design analysis or by performance tests as specified in 40 CFR § 264.1033(d) and (e);
 - b. Design documentation as specified in 40 CFR § 264.1035(b)(4) for the design analysis. The documentation shall include information that describes the flare design in accordance with 40 CFR § 264.1035(b)(4)(iii)(D) and a certification by the Permittee that the control equipment meets the applicable specifications;

- c. Performance test plan as specified in 40 CFR § 264.1035(b)(3) and all test results if performance tests are used;
 - d. The description and date of each modification of the closed-vent system and the control device, as required by 40 CFR § 264.1035(c)(1);
 - e. Identification of operating parameter, description of monitoring device, and diagram of monitoring sensor locations used to comply with 40 CFR § 264.1035(c) (2); and
 - f. The date, time, and duration of each period when the pilot flame is not ignited, as required by 40 CFR § 264.1035(c)(4)(v).
- II.G.8. For the flare used in accordance with the requirements of 40 CFR § 264.1033, a semiannual written report shall be submitted to the Administrator except as provided for in Permit Condition II.G.9. The report shall describe each occurrence during the previous six (6) month period when a control device was operated continuously for twenty-four (24) hours or longer in noncompliance with the applicable operating values defined in 40 CFR § 264.1035(c)(4) or when a flare was operated with visible emissions as defined in 40 CFR § 264.1033(d). The written report shall include the EPA/State Identification number, facility name and address, an explanation why the control device could not be returned to compliance within twenty-four (24) hours, and actions taken to correct the noncompliance.
- II.G.9. A report to the Administrator in accordance with the requirements of Permit Condition II.G.8 is not required for a six (6) month period during which all control devices subject to 40 CFR Part 264 Subpart CC are operated by the owner or operator such that during no period of twenty-four (24) hours or longer did the flare operate with visible emissions as defined in 40 CFR § 264.1033(d).
- II.G.10. Prior to operating the flare, the thin film evaporator process, the high boiler distillation process, or the dispersion unit in any way that could result in an increase in total organic emissions or noncompliance with any limit in Permit Condition II.G.2, II.G.3, and II.I.10, the Permittee shall conduct a new determination as defined by 40 CFR § 264.1035(b)(2)(ii) to ensure emissions will not exceed three (3) pounds per hour or three-point-one (3.1) tons per year or ninety-five (95) percent control efficiency, whichever is higher.
- a. If the new determination is based on a performance test, the test shall meet the requirements in 40 CFR § 264.1034(c) and 40 CFR § 264.1035(b)(3).
 - b. If the new determination is based on engineering calculations, the calculations shall meet the requirements in 40 CFR § 264.1035(b)(4)(iii).
 - c. If operating conditions for a new determination include a change to the numeric limit for the throughput specified in Permit Condition II.G.2, II.G.3, and II.I.10, then a revised numeric limit for that parameter shall be established and complied with subject to other requirements in Permit Conditions II.G.1 through II.G.6.

- d. The owner or operator shall certify the new determination as required by 40 CFR § 264.1035(b)(4)(iv).
- e. If the Department or Agency does not agree with the Permittee's evaluation on compliance with emission limits based on engineering calculations, then the Department or Agency will require a performance test following procedures in 40 CFR § 264.1034(c) and 40 CFR § 264.1035(b)(3).

II.G.11. Prior to constructing any new equipment with process vents subject to the requirements of WAC 173-303-690 and 40 CFR Part 264 Subpart AA, the Permittee shall request a permit change according to procedures in WAC 173-303-830 and submit the specific Part B information required pursuant to 40 CFR § 270.24, as applicable.

II.H. ORGANIC AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

II.H.1. The Permittee shall comply with all requirements of the Air Quality Program for Equipment Leaks in Attachment JJ to include air emission standards for equipment leaks in WAC 173-303-691 and 40 CFR Part 264 Subpart BB for all valves, pumps, compressors, pressure relief devices, sampling connection systems, other connectors, open-ended lines, valves, flanges, and organic air emission control devices and systems which contain or contact dangerous wastes with organic concentrations of ten (10) percent (by weight) as defined in 40 CFR Part 264 Subpart BB.

II.H.2. The Permittee shall repair each detected leak from equipment subject to the requirements of WAC 173-303-691 and 40 CFR Part 264 Subpart BB as soon as practicable, and no later than the time periods specified in Attachment JJ.

II.I. ORGANIC AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS

II.I.1. The Permittee shall install and maintain all regulated units and associated emission control technology in accordance with the plans, schedules, information and reports contained Attachment JJ pursuant requirements in 40 CFR Part 264 Subpart CC for tanks and containers.

II.I.2. The Permittee shall comply with the visual inspections, monitoring, and recordkeeping requirements in Attachment JJ, 40 CFR §§ 264.1088, and 264.1089 for any unit subject to 40 CFR Part 264 Subpart CC while all regulated units are operational.

II.I.3. Prior to installing any new unit subject to 40 CFR Part 264 Subpart CC, the Permittee shall apply for a permit modification under § 270.42 and provide specific Part B application information required under 40 CFR §§ 270.14-17 and 270.27, as applicable, with the modification request.

II.I.4. A monitoring and inspection schedule and procedures shall be submitted to the Regional Administrator within thirty (30) calendar days prior to the anticipated start-up of any new 40 CFR Subpart CC units or emissions control technology on existing units. The Regional Administrator must approve this monitoring

- and inspection schedule and procedures prior to any continuous or intermittent operations.
- II.I.5. The Permittee shall control air emissions from containers in accordance with the plans, schedules, information and reports contained in Attachment JJ and with all applicable requirements in 40 CFR § 264.1082 and 40 CFR § 264.1086.
- II.I.6. The Permittee shall address defects in containers according to Attachment JJ and requirements in 40 CFR § 264.1086(c)(4)(iii).
- II.I.7. The Permittee shall control air emissions from each of the tanks listed in Table D-16 of Attachment JJ in accordance with the specifications in Attachment JJ and applicable provisions of 40 CFR § 264.1082 and 40 CFR § 264.1084.
- II.I.8. The Permittee shall not place any waste stream having a vapor pressure above limits in 40 CFR § 264.1084(c)(4) in any tank identified in Table C-2 of Attachment CC as relying on Tank Level 1 standards.
- II.I.9. For those tanks identified in Table D-16 of Attachment JJ, which use level 1 air emission controls for a tank in accordance with the provisions of 40 CFR § 264.1084(c) and as specified in Attachment JJ, the following information shall be recorded:
- a. Date and time each waste sample is collected for direct measurement of maximum organic vapor pressure in accordance with 40 CFR § 264.1083(c).
 - b. Results of each determination of the maximum organic vapor pressure of the waste in a tank performed in accordance with 40 CFR § 264.1083(c).
 - c. Records specifying the tank dimensions and design capacity.
- II.I.10. The Permittee shall comply with operating conditions specified in Attachment JJ for the dispersion unit, except under conditions specified by Permit Condition II.G.10. The maximum operating throughput shall not exceed ten thousand (10,000) tons per year.
- II.I.11. The Permittee shall repair defects in tank systems according to requirements in 40 CFR § 264.1084(k).
- II.I.12. For those tanks and containers identified in Table D-16 of Attachment JJ, which do not use air emission control equipment, documentation shall be recorded that includes the information that was used by the Permittee for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating record. If analysis results for waste samples are used for the waste determination, then the Permittee shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of 40 CFR § 264.1083.
- II.I.13. All safety devices, including conservation vents, covers, closed-vent systems or control devices shall meet the following conditions:
- a. The safety device shall not be used for planned or routine venting of organic vapors from the hazardous waste management unit or closed-vent system connected to a control device; and

- b. The safety device shall remain in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials.
- II.I.14. The Permittee shall monitor all covers, openings, closed-vent systems, emergency and emission control devices in accordance with the approved monitoring and inspection plan and schedule, procedures and methods as specified in Attachment JJ.
- II.I.15. The Permittee shall keep on-site the following information on waste management units subject to 40 CFR Part 264 Subpart CC:
- a. Documentation for each closed-vent system and control device installed in accordance with Attachment JJ and the requirements in II.G.7. and 40 CFR § 264.1087. Documentation must include:
 - 1) Certification signed and dated by the Permittee stating that the control device is designed to operate at the performance level documented by a design analysis or by performance tests as specified in 40 CFR § 264.1087(c)(5);
 - 2) Design documentation as specified in 40 CFR § 264.1035(b)(4) if a design analysis is used. The documentation shall include information that describes the control device design in accordance with 40 CFR § 264.1035(b)(4)(iii) and a certification by the Permittee that the control equipment meets the applicable specifications;
 - 3) Performance test plan as specified in 40 CFR § 264.1035(b)(3) and all test results if performance tests are used; and
 - 4) Information as required by 40 CFR § 264.1035(c)(1) and (c)(2).
 - b. Records for all tests performed in accordance with Method 22 in 40 CFR Part 60 Appendix A for each container used to meet the applicable requirements of 40 CFR § 264.1086.
 - c. Records for all visual inspections conducted in accordance with the requirements of Attachment JJ and 40 CFR § 264.1088.
 - d. Records for all monitoring for detectable organic emissions that is conducted in accordance with the requirements of Attachment JJ and 40 CFR § 264.1088.
 - e. Records of the date of each attempt to repair a leak, of the repair methods applied, and of the date of successful repair.
 - f. Records for all continuous monitoring conducted in accordance with the requirements of Attachment JJ and 40 CFR § 264.1088.

- II.I.16. For the flare used as a control device in accordance with Attachment JJ and the requirements of 40 CFR § 264.1087, a semiannual written report shall be submitted to the Administrator except as provided for in Permit Condition II.I.17. The report shall describe each occurrence during the previous six (6) month period when a control device was operated continuously for twenty-four (24) hours or longer in noncompliance with the applicable operating values defined in 40 CFR § 264.1035(c)(4) or when a flare was operated with visible emissions as defined in 40 CFR § 264.1033(d). The written report shall include the EPA/State Identification number, facility name and address, an explanation why the control device could not be returned to compliance within twenty-four (24) hours, and actions taken to correct the noncompliance.
- II.I.17. A report to the Administrator in accordance with the requirements of Permit Condition II.I.16 is not required for a six (6) month period during which all control devices subject to 40 CFR Part 264 Subpart CC are operated by the owner or operator such that during no period of twenty-four (24) hours or longer did the flare operate with visible emissions as defined in 40 CFR § 264.1033(d).
- II.I.18. For Dispersion unit identified in Table D-22 of Attachment JJ, which uses air emission controls in accordance with the requirements of 40 CFR § 264.1084(c), a written report shall be submitted to the Regional Administrator within fifteen (15) days of each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the Conditions of 40 CFR § 264.1082(c)(1) or (c)(2), as applicable. The written report shall contain the EPA/State Identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance.
- II.I.19. All reports shall be signed and dated by an authorized representative of the Permittee as per 40 CFR § 270.11(b).
- II.I.20. The Permittee shall document compliance with Permit Conditions II.I.2 through II.I.19 and place this documentation in the operating record for the facility.

PART III - CONTAINERS

Subject to conditions in Attachment II and Permit Conditions III.A.1 through III.F, the Permittee may store dangerous wastes in the following container management areas: Dangerous Waste Container Area; and Container Staging Areas: Production Pads 1 through 4, Process Area 2, and the Used Container Storage Area.

III.A. CONTAINER MANAGEMENT AREAS AND ACCUMULATION LIMITS

- III.A.1. In addition to other requirements for container management specified in Attachment II, the Permittee shall comply with the following container management conditions:
- a. The Permittee shall not place or store dangerous waste in any part of the facility, except for the following:

- 1) dangerous waste that has been manifested to the Permittee and accepted by the Permittee pursuant to incoming wastes procedures in Attachment CC; and/or
 - 2) dangerous waste generated by the Permittee; and/or
 - 3) “transfer waste” that has been transported to the Permittee under the provisions of WAC 173-303-240(5) and 40 CFR § 263.12. This waste is subject to requirements in Permit Condition III.A.4.
- b. The Permittee shall place or store containerized dangerous waste as identified by Permit Conditions III.A.I.a.1) and 2) only in the following area as identified in Attachment II: the Dangerous Waste Container Area, Production Pads 1 through 4, Process Area 2, and the Used Container Storage Area.
- c. The Permittee shall not place or store containerized dangerous waste manifested to the Permittee in any area other than the Dangerous Waste Container Area, as identified in Permit Condition III.A.1.b, for longer than twenty-four (24) hours.
- III.A.2. The Permittee shall limit the number of fifty-five (55) gallon containers and total gallons of wastes and other materials to quantities specified for the individual staging and container storage areas listed in Attachment II.
- III.A.3. All containers, including those that do not contain dangerous waste (e.g., exempt wastes, treatment chemicals, etc.), in the Container Staging Areas and the Dangerous Waste Container Area shall be counted toward the capacity limits established by Permit Condition III.A.2 and Attachment II. For the purpose of determining compliance with capacity limits, every container shall be considered to be full.
- III.A.4 “Transfer waste” that has been transported to the Permittee under the provisions of WAC 173-303-240(5) and 40 CFR § 263.12, is subject to all of the following requirements:
- a. The Permittee shall comply with the requirements in WAC 173-303-240. The Permittee shall document when each container of “transfer waste” enters the facility;
 - b. The Permittee shall clearly mark “transfer waste” as such, and the Permittee shall place or store containers of “transfer wastes” only within the Dangerous Waste Transfer Station as identified in Figure A-3, Attachment BB;
 - c. For “transfer waste,” the Permittee shall not treat wastes or transfer wastes to other containers at the facility except in response to an emergency. The Permittee shall immediately report such a response to an emergency to the Director;
 - d. “Transfer wastes” shall be managed in accordance with Permit Conditions III.C through III.E;

- e. The Permittee shall not allow its management of “transfer wastes” at the facility to hamper in any way the Permittee in meeting the requirements of this Permit, including performance standards in WAC 173-303-283, for any area or activity subject to this Permit; and
- f. The Permittee shall not store “transfer waste” for more than ten (10) days.

III.B. CONTAINER MANAGEMENT PRACTICES

- III.B.1. Containers shall be placed or stored in rows no more than two (2) containers wide. A minimum of thirty (30) inch aisle space between rows shall be maintained for staging and storage areas. At a minimum, the Permittee shall maintain aisle space requirements described in Attachment EE.
- III.B.2. Containers shall be placed and stored in accordance with Uniform Fire Code restrictions on height. In addition, at no time shall any container be placed on top of a stack which is two (2) fifty-five (55) gallon containers high.
- III.B.3. Container staging and storage areas shall be designed and operated to protect containers from contact with accumulated liquids resulting from leaks, spills, or precipitation.
- III.B.4. The Permittee shall place and store ignitable dangerous wastes in accordance with Attachment II. In addition, the Permittee shall place and store these wastes in compliance with relevant requirements of the Uniform Fire Code unless the Permittee receives written authorization for different management procedures from the City of Tacoma Fire Department.
- III.B.5. The Permittee shall keep all dangerous waste containers securely closed except when adding, removing, inspecting or sampling waste.
- III.B.6. The integrity of all containment systems for container management areas, including container storage areas, container load/unload areas, and container staging areas, shall be maintained.
 - a. The Permittee shall repair cracks, gaps, loss of integrity, deterioration, corrosion, or erosion of containment pads, joints in containment pads, berms, curbs, trenches, sumps, and coatings. Repairs shall be completed as soon as practicable, but, at a minimum, within seven (7) days following detection of their need in accordance with Attachment EE (i.e., as an urgent or routine response level repair or remedial action depending on the potential for an environmental release).
 - 1) Pursuant to requirements in Attachment FF to inspect containment concrete beneath container storage stacks at least once every six (6) months, the Permittee shall document in the operating record that sealed liner over all construction, expansion and contraction joints have been inspected and maintained.
 - 2) Repairs required by Permit Condition III.B.6.a to a joint shall be completed before containers with dangerous waste are placed over the joint.

- b. If repeating or persistent problems as described in Permit Condition III.B.6.a occur in an area of a containment system, then the Permittee shall isolate that area from dangerous waste management activities until the area is repaired. Before the containment area is placed back into dangerous waste service, the Permittee shall ensure the structural integrity of the containment area through an engineering evaluation. Documentation of the engineering evaluation shall be maintained in the facility operating record for five (5) years.

III.B.7. Containers from loading/unloading operations shall be placed directly into a container storage area or container staging area, as identified in Permit Condition III.A.1.b.

III.C. CONDITION OF CONTAINERS

- III.C.1. If a container holding dangerous waste is not in good condition (e.g., exhibits excessive rusting, structural defects, or any other condition that could lead to container rupture or leakage), the Permittee shall transfer the dangerous waste from that container to a compatible container which is in good condition or to an overpack container within twenty-four (24) hours. The damaged container shall be managed as a dangerous waste unless it is empty pursuant to WAC 173-303-160(2) and 40 CFR § 261.7(b).
- III.C.2. The contents of any leaking container shall be transferred immediately to a compatible container which is in good condition or to an overpack container. The damaged container shall be managed as a dangerous waste unless it is empty pursuant to WAC 173-303-160(2) and 40 CFR § 261.7(b).

III.D. IDENTIFICATION OF CONTAINERS

- III.D.1. Pursuant to WAC 173-303-630(3) the Permittee shall ensure that each container of dangerous waste is labeled in a manner which adequately identifies the major risk(s) associated with the contents.
 - a. The Permittee shall ensure that all dangerous waste containers are marked as specified by WAC 173-303-190(3)(b) and 40 CFR § 262.32(b).
 - b. The Permittee shall ensure that all dangerous waste containers are marked and labeled in accordance with the requirements specified in U.S. Department of Transportation regulations 49 CFR Part 172 prior to transport.
- III.D.2. For all dangerous waste containers, the Permittee shall ensure that:
 - a. All labels placed by the Permittee are printed with indelible (waterproof) ink;
 - b. All labels placed by the Permittee are placed on the upper portion of the container side as close to the top as the container design allows;
 - c. Labels are not obscured or otherwise unreadable; and

- d. Dangerous waste containers are oriented so as to allow inspection of the labels identified in Permit Condition III.D.1, including any labels which the generator placed upon the container.

III.D.3. Empty containers, as defined by WAC 173-303-160(2) and 40 CFR § 261.7(b), shall have their Dangerous Waste labels destroyed or otherwise removed immediately upon being rendered empty.

III.E. COMPATIBILITY

III.E.1. The Permittee shall ensure that all containers used for dangerous waste management are made of or lined with materials which will not react with and are otherwise compatible with the dangerous waste to be stored.

III.E.2. The Permittee shall select and maintain all dedicated and non-dedicated equipment used to transfer dangerous waste to or from containers (pumps, hoses, hose couplings, piping, valves, etc.) to ensure such equipment is in good condition and its use will not result in leaks or spills of dangerous waste either inside or outside of secondary containment systems. If equipment develops a leak, it shall be repaired or replaced as an urgent response action pursuant to procedures in Attachment EE.

III.E.3. Containerized wastes and other materials that are incompatible shall be separated as follows (incompatible waste as defined in WAC 173-303-040 and 40 CFR § 260.10):

- a. Incompatibles materials shall not be stored within the same secondary containment area, as specified in Section D.2.6 of Attachment II;
- b. Incompatible materials shall be segregated according to compatibility groups; and
- c. Incompatible materials in lab packs shall be assembled in compliance with Department of Transportation compatibility requirements.

III.F. APPROVED WASTES

The Permittee may store in containers all dangerous wastes listed in the Part A Permit Application (Permit Attachment BB) subject to limitations and requirements in this Permit. Dangerous wastes not listed in the Part A Permit Application shall not be accepted or managed by the Permittee.

PART IV - TANK SYSTEMS

IV.A. DANGEROUS WASTE TANK SYSTEMS

Subject to conditions in Attachment JJ and Permit Conditions IV.B.I through IV.C.3, the Permittee may store dangerous wastes in the following tanks: D-100, D-101, D-210, D-500, D-501, D-502, MT-500, RT-500, and D-800.

IV.B INTEGRITY ASSESSMENT

- IV.B.1. The Permittee shall construct, operate, and maintain all dangerous waste tank systems in accordance with limitations and conditions specified in the certification for structural and corrosion integrity assessments, in accordance with Attachment JJ, and in accordance with WAC 173-303-640 and 40 CFR § 264.192. The Permittee shall meet all conditions of the certification by the effective date of this permit or when tanks are placed into service, whichever is later. Conditions include, but are not limited to, the following:
- a. Ensuring corrosion protection, including inspecting interior and exterior coatings;
 - b. Addressing all areas of concern and limitations in the certifications; and
 - c. Ensuring all tank systems are operated according to conditions and assumptions in the certifications.
- IV.B.2. The Permittee shall document in the facility's operating record measures taken to address Permit Condition IV.B.1. Such record shall be maintained until final closure and corrective action are complete and certified.
- IV.B.3. The Permittee shall obtain and keep in the operating record certification statements by an independent professional engineer that new and modified tank systems installed at the facility meets the requirements of WAC 173-303-640(3) and 40 CFR § 264.192.
- IV.B.4. The Permittee shall ensure periodic integrity assessments are conducted on all dangerous waste tank systems over the term of this Permit pursuant to WAC 173-303-640(2)(e) and in accordance with WAC 173-303-640(2)(c) using schedules in Attachment JJ. The schedule provided in Attachment EE, as modified by Permit Condition IV.B.5, shall be used for these integrity assessments. The starting date for scheduling shall be the date of the most recent integrity assessment or tank certification, whichever is later. Results of the integrity assessments shall be included in the facility operating record until final closure and corrective action are complete and certified.
- IV.B.5. Under any of the following circumstances, the interval for integrity inspections to ensure a tank system is in compliance with its design standard and is capable of safely managing wastes shall not exceed two (2) years:
- a. The tank system has been repaired and recertified for dangerous waste service;
 - b. Corrosion control measures, such as interior coatings, of a tank system are showing signs of potential failure or substandard protection;
 - c. Historic corrosion rate of a tank system indicates the tank system may not comply with the tank system design standard in tank data sheets and independent engineers certification in Attachment JJ by the next scheduled integrity inspection;

- d. The tank system corrosion rate exceeds one percent (1%) of the thickness of the tank wall per year; or
 - e. Visual inspection detects other problems (i.e., pit corrosion) that could cause the tank to leak or otherwise fail before the next scheduled integrity inspection.
- IV.B.6. The Permittee shall address problems detected during the tank integrity assessment specified in Permit Conditions IV.B.4 and 5 in accordance with procedures specified in Attachment EE.
- IV.B.7. Any tank system, including its secondary containment system, found to be leaking or otherwise unfit for service shall be immediately removed from service and the Permittee shall comply with the requirements of WAC 173-303-640(7) and 40 CFR § 264.196. Such a tank system, including its secondary containment system, shall not be returned to service until the Permittee has obtained the required certification.
- IV.B.8. The Permittee shall immediately remove from dangerous waste service any tank system that does not meet or exceed its design standard as specified in tank data sheets or independent engineers' certification in Attachment JJ.
- IV.B.9. In addition to other procedures for periodic integrity assessments in Permit Condition IV.B.1, the Permittee shall visually inspect the secondary containment system beneath D-100, D-101, D-210, D-500, D-501, D-502, MT-500, RT-500, and D-800 to ensure they meet the integrity requirements in Permit Condition IV.C.1 and IV.C.2, if a secondary containment system is unfit for use.
- IV.B.10. The Permittee shall follow permit modification procedures pursuant to Permit Condition I.C.3 for all tanks which undergo modification. Emergency modifications to correct unsafe conditions may be performed prior to a formal modification request, but such a written request must be submitted within thirty (30) days after the start of modification. The Permittee shall notify the Director, via telephone, within twenty-four (24) hours of any emergency modifications.

IV.C. TANK MANAGEMENT PRACTICES

- IV.C.I. Pursuant to WAC 173-303-640(4) and 40 CFR § 264.193, an impermeable coating shall be maintained in tank and process area secondary containment systems existing as of the effective date of this permit. The coating shall render the system capable of preventing the migration of any wastes out of the system to the soil, groundwater, or surface water at any time during the use of the tank system or process area. These areas include: Tank Areas 1 through 3, Production Pads 1 through 4, Load/Unload Area No. 1, and Process Areas 1 and 2, as shown in Attachment JJ. All coating shall meet the following performance standards:
- a. The coating must seal the containment surface such that no cracks, seams, or other avenues through which liquid could migrate are present;

- b. The coating must be of adequate thickness and strength to withstand the normal operation of equipment and personnel within the given area such that degradation or physical damage to the coating or lining can be identified and remedied before wastes could migrate from the system; and
- c. The coating must be compatible with the waste stored in the containment system as specified in Attachment JJ.

IV.C.2. In addition to other requirements in Attachment EE and Permit Condition IV.C.3, the Permittee shall conduct inspections and response actions in all areas used for waste management operations identified in Permit Condition IV.C.1 as follows:

- a. Daily inspections to check containment systems for evidence of leakage, spills, and accumulated liquids. The Permittee shall remove or repair the source of any leakage or spill immediately upon its detection. The Permittee shall remove all accumulated liquids from containment within twenty-four (24) hours from the time it was detected.
- b. Weekly inspections to check containment systems for evidence of cracks, gaps, integrity deterioration, corrosion, or erosion. Repairs of containment systems to ensure the requirements of Permit Condition IV.C.1 are met shall be completed within seven (7) days following detection of their need in accordance with Attachment EE (i.e., as a routine or urgent response level repair or remedial action depending on the potential for an environmental release).
- c. The Permittee shall address any other problems identified during the inspections to ensure compliance with the terms and conditions of this Permit.
- d. The Permittee shall place documentation and the results of these inspections and response actions in the facility operating record. Such records shall be maintained for a minimum of five (5) years.

IV.C.3. The Permittee shall meet the requirements of WAC 173-303-640(5)(e).

IV.D. APPROVED WASTES

Permit Attachment JJ identifies the dangerous wastes which the Permittee may store in each tank system.

PART V - FACILITY COMPLIANCE REQUIREMENTS

V.A. CLOSURE COST ESTIMATE

Within thirty (30) days of the effective date of this Permit, the Permittee will submit a revised closure cost estimate in accordance with Permit Condition II.F.1 to the Department with the following corrections:

1. "labor" costs will be adjusted from \$8.00 per hour to \$30.00 per hour; and
2. "Supervisor" costs will be adjusted from \$20.00 per hour to \$75.00 per hour.

The total closure cost as of the effective date of this Permit will be \$128,594.19.

V.B. MODERATE RISK WASTE

Pursuant to WAC 173-303-070(8)(b), until the Permittee obtains a moderate risk waste permit, the Permittee shall manage dangerous waste from small quantity generators (SQG) as fully regulated dangerous wastes according to requirements in this Permit. This requirement shall include waste analysis procedures for fully regulated dangerous wastes.

V.C. EXISTING UNITS

V.C.1. For the purpose of this section, "Existing Units" are: Process Area 1; Process Area 2; Production Pad 1; Tank Area 1; Tank Area 2; and Tank Area 3 as depicted in Attachment JJ.

V.C.2. The Permittee shall submit integrity assessments for all "Existing Units," to include the following requirements:

- a. Integrity assessments for all containment systems, including secondary containment, for all tank systems shall meet the requirements of Permit Condition IV.B.1 as of the effective date of this Permit;
- b. Integrity assessments for all containment systems, including secondary containment, for container management areas, including container storage areas, container load/unload areas, and container staging areas, shall meet the requirements of Permit Condition III.B.6 as of the effective date of this Permit; and
- c. Integrity assessments will be certified by a registered professional engineer that these tank and container management systems are capable of preventing releases to the environment.

V.C.3. Requirements of this Permit shall apply to all "Existing Units" and to all facility and waste management procedures as of the effective date of this Permit, with the following exceptions. By the dates listed below, the Permittee shall upgrade the following areas in accordance with requirements approved by the Department in Attachment NN, or the Permittee shall discontinue use of these areas for dangerous waste management. Use of the areas following construction is subject to Permit Condition V.C.2:

- a. The Pipe Rack with secondary containment piping will be constructed within 60 days of the effective date of this Permit; and
- b. Tank fittings and conservation vent components will be installed as necessary to comply with Section II.I, Organic Air Emission Standards for Tanks and Containers, within 90 days of the effective date of this Permit.

V.D. TRANSITION UNITS

V.D.1. For the purpose of this section, "Transition Units" shall include the Transition Container Storage Area and the Transition Receiving Pad and Loading Areas as depicted in the Transition Compliance Plan, and managed according to Attachment NN.

- V.D.2. The Permittee shall ensure that dangerous waste containers in "Transition Units" are managed in accordance with Permit Conditions III.B through III.F.
- V.D.3. Any construction necessary to comply with the Permit shall be conducted under the supervision of a professional engineer registered in the state of Washington or a qualified technician under the direct supervision of a professional engineer registered in the state of Washington.
- V.D.4. The Permittee shall not receive, store, or otherwise manage dangerous waste in any "Transition Unit" until:
- a. The Permittee has submitted to the Director, Administrator, and Tribe, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the "Transition Units" have been modified in compliance with the approved Transition Plan.

The Department reserves the right to inspect the "transition units" in accordance with procedures in Permit Condition I.E.9. The Permittee shall not manage dangerous waste in the "Transition Units" if the Department determines it does not meet the requirements in this Permit;
 - b. The Permittee shall submit integrity assessments for all "Transition Units" meeting the requirements of Permit Condition V.C.2;
 - c. The maximum temporary storage capacity for the Transition Container Storage Area is 6,160 gallons of containerized liquid waste;
 - d. The Permittee shall not place or store containerized dangerous waste manifested to the Permittee in any area other than the Transition Container Storage Area, as identified in Permit Condition V.D.4.c, for longer than twenty-four (24) hours; and
 - e. The Permittee must cease storage activities in these "Transition Units" within six (6) months of the effective date of this Permit.
- V.D.5. The Permittee shall place or store containerized dangerous waste as identified by Permit Conditions III.A.1.a. 1) and 2) only in the "Transition Units" subject to the above Permit Condition V.D.4.

V.E. NEW UNITS

- V.E.1. For the purpose of this section, "New Units" shall include: Load/Unload Area No. 1; Production Pad 2; Production Pad 3; Production Pad 4; Load/Unload Area No. 2; the Dangerous Waste Container Area; and the Used Container Storage Area as depicted in Attachments II and JJ.
- V.E.2. Construction of any "New Unit" shall be conducted in accordance with plans and specifications in Attachments II and JJ. Construction of all "New Units" shall be completed within twenty (20) months from the effective date of this Permit, as specified in Figure B-10, Attachment AA.
- V.E.3. Construction of all "New Units" shall be conducted under the supervision of a professional engineer registered in the state of Washington or a qualified

technician under the direct supervision of a professional engineer registered in the state of Washington.

V.E.4. The Permittee shall not receive, store, or otherwise manage dangerous waste in any "New Unit" until the following requirements are met:

- a. The Permittee shall make records of all construction operations of "New Units." These records shall be maintained in the operating record until final closure and corrective action are complete and certified. At a minimum, these records shall include the following information and documentation:
 - 1) Daily construction reports;
 - 2) Photographs of stages of construction work;
 - 3) Summary or minutes of construction meetings;
 - 4) Material test results;
 - 5) Integrity assessments meeting the requirements of Permit Condition V.B.2;
 - 6) Certification by a registered professional engineer that construction followed the design and specifications in Attachment II or JJ, as appropriate. This shall include as-built drawings and integrity assessments; and
 - 7) Quality control procedures undertaken by the Permittee.
- b. At least fifteen (15) days before the first date dangerous waste is to be managed in the "New Unit," the Permittee shall submit to the Department, by certified mail or hand delivery, a letter signed by the Permittee and a registered professional engineer stating that the "New Unit" has been constructed in compliance with the Permit and that record keeping requirements in V.E.4.a., above, are complete.

The Department reserves the right to inspect the "New Unit" in accordance with procedures in Permit Condition I.E.9. The Permittee shall not manage dangerous waste in the "New Unit" if the Department determines it does not meet the requirements in this Permit.
- c. At least fifteen (15) days before the first date dangerous waste is to be managed in the "New Unit," the Permittee shall revise the facility contingency plan following the requirements and procedures in Permit Condition II.B.5.
- d. Before the first date dangerous waste is to be managed in the "New Unit," the Permittee shall enter in the facility operating record an up-to-date map meeting the requirements in Permit Condition II.C.2.a.1 showing the location of dangerous waste management units and other waste management units within the facility, including the "New Unit."

V.E.5. Operating requirements of this Permit shall be met in a "New Unit" as soon as it is used to manage dangerous wastes.

V.F. RECYCLING UNITS

V.F.1. For the purpose of this section, "Recycling Units" are: the thin film evaporator and the high boiler system, as depicted in Figure A-3 in Attachment BB. This section also applies to any future "Recycling Units" that may be installed at the facility.

V.F.2. The following requirements apply, in addition to other requirements in this Permit and Chapter 173-303 Washington Administrative Code, for "Recycling Units:"

- a. The Permittee shall notify the Department prior to initiating changes to "Recycling Units;" and
- b. Inspections conducted pursuant to Attachment EE shall include inspection of "Recycling Units" comparable in frequency and scope to inspections conducted of other dangerous waste management units.

V.G. PERFORMANCE STANDARDS

The Permittee shall operate and maintain the Facility in a manner to ensure the performance standards in WAC 173-303-283 are met.

V.H. EMERGENCY PROCEDURES

V.H.1. The Permittee shall implement emergency procedures specified in Attachment GG in the event of a fire, explosion, release, natural disaster, or incident of noncompliance with this Permit that could threaten human health or the environment.

V.H.2. Events, as follows, that involve spills and/or releases of a hazardous substance shall require immediate notification of the Director:

- a. Any spill and/or release that causes the Permittee to implement the contingency plan as specified in Attachment GG;
- b. Any spill and/or release of a hazardous substance to the environment that equals or exceeds a quantity of one pound or the "reportable quantity" established in 40 CFR Part 302, whichever is less;
- c. Any spill and/or release that could threaten human health or the environment either within or outside the facility; and/or
- d. Any spill or nonpermitted discharge which requires notification pursuant to WAC 173-303-145(2)(a) or (b).

V.H.3. For the purpose of Permit Conditions V.H.2, the designated representative of the Director shall be the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Southwest Regional Office.

V.H.4. For events that require implementation of the contingency plan because of a spill and/or release to the environment, the Permittee shall call the Department's Spill Response number at Southwest Regional Office (360-407-6300) initially,

followed by notification of the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Southwest Regional Office.

- V.H.5. The Permittee shall note in the facility operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen (15) days after the incident, the Permittee shall submit a written report on the incident to the Director, Administrator, and Tribe. Such a report shall at a minimum include all items specified in WAC 173-303-360(2)(k) and 40 CFR § 264.560, and WAC 173-303-810(14)(f) and 40 CFR § 270.30(1)(6)(iii). However, the Director or Administrator may require written submission of a report pursuant to requirements of WAC 173-303-810(14)(f) and 40 CFR § 270.30(1)(6)(iii) within five (5) days.
- V.H.6. The Permittee shall report to the Director all incidents of noncompliance with this Permit, other than incidents specified in Permit Conditions V.H.2 and V.H.3 within fifteen (15) days. These reports shall meet the requirements in WAC 173-303-810(14)(g) and 40 CFR § 270.30(1)(10).
- V.H.7. In the event a fire occurs or the discovery of a fire, smoke or unauthorized release of flammable or hazardous materials on any property occurs, the Permittee shall without delay report such condition to the fire department, in accordance with the 1997 Uniform Fire Code, Article 13.

Condition V.H.7 added by permit modification approved on June 18, 2003.

V.I. SCHEDULE EXTENSIONS

The Permittee shall notify the Director and Administrator in writing as soon as possible, and no later than seven (7) days before, of any deviations or expected deviations from any schedules of Parts I through VI or Attachments AA through KK of this Permit. The Permittee shall include with the notification all information supporting its claim that it has used best efforts to meet the required schedules.

The Director or the Administrator will notify the Permittee of their determinations on the request, including a determination of the class of permit modification required to formally approve the request pursuant to WAC 173-303-830 Appendix 1 - A.5. and 40 CFR 270.42 Appendix 1 - A.5. The Director will respond for portions of the RCRA program for which the Department is responsible. The Administrator will respond for portions of the RCRA program for which the Department is not authorized. Copies of all letters pursuant to this Permit Condition shall be kept in the Operating Record for five years.

V.J. TRAFFIC MANAGEMENT

Whenever a vehicle used for the transport of dangerous waste approaches a loading/unloading area, a facility employee shall be in such a position that he or she can both observe the approach of the vehicle and can signal to the driver to turn or stop.

PART VI - TREATMENT-BY-GENERATOR

- VI.A. For the purpose of this section, the term “Wastewater Treatment-by-Generator” includes tank systems 920 and 921.
- VI.B. The Permittee shall design, operate, and maintain the “Wastewater Treatment-by-Generator” units in accordance with the provisions of WAC 173-303-170(3)(b)(i) and (ii) and 40 CFR § 262.10(c), and WAC 173-303-200.
- VI.C. The Permittee shall submit integrity assessments for all “Wastewater Treatment-by-Generator” tank systems meeting the requirements of Permit Condition IV.B.1 as of the effective date of this Permit.
- VI.D. The Permittee shall provide certification by a registered professional engineer that these tank systems are capable of preventing releases to the environment, including, but not limited to, the visual inspection of surface area and coating to evaluate joints, seams, and other areas for cracks, gaps, or other signs of possible integrity breach.

PART VII - CORRECTIVE ACTION

The previous Permittee at this facility, Sol-Pro, Inc., submitted a RCRA facility investigation (“RFI”) work plan, titled *RCRA Facility Investigation (RFI) Site Characterization Work Plan, Sol-Pro, Inc., Tacoma, Washington*, dated May 6, 1993, and amendments to that work plan dated June 3, 1993. The RFI work plan was submitted as a requirement of federal administrative order 1090-07-24-3008(h), dated November 18, 1991. The Agency rescinded the existing 3008(h) Order (1090-07-3008(h)) by an Order of Rescission dated December 28, 2000.

The Department previously determined that the RFI work plan, developed for a federal RCRA facility investigation (“RFI”), fulfilled the requirements for a state remedial investigation (“RI”) work plan. The previous Permittee completed a draft remedial investigation report, *Sol-Pro Remedial Investigation Report – Draft, 3401 Lincoln Avenue, Tacoma, WA 98421*, dated April 17, 2000. The Department has approved the draft report as meeting the RI requirements of WAC 173-340-350 (Remedial investigation and feasibility study) and the requirements of a RCRA facility investigation (“RFI”).

When the current Permittee, Emerald Services, Inc., assumed ownership of the facility on May 1, 2000, they became subject to the requirements of WAC 173-303-646 (Corrective action) to address releases, and potential releases, of dangerous wastes, including dangerous waste constituents, to the soils or groundwater at the facility.

Once approved in writing by the Department, all submittals to the Department as required by this section of the Permit become enforceable parts of this Permit. During the performance of work under an approved submittal, field modifications may be agreed to verbally by the Department's and the Permittee's project managers. In such a case, the Permittee shall submit a description of the modification to the Department's project manager in writing within seven (7) days after the verbal agreement. The Department's project manager shall confirm in writing that the Permittee's description conforms to the agreed-upon modification.

Conditions removed and added by permit modification approved June 18, 2003.

VII.A. DEFINITIONS

Unless otherwise specified, the definitions set forth in Chapter 70.105 RCW, Chapter 173-303 WAC, Chapter 70.105D RCW, and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-646, shall control the meanings of the terms used in this section of the Permit. Additional or modified definitions are as follows:

- VII.A.1. **“Area of Concern (AOC)”** means any area of the facility where a release of dangerous constituents (including dangerous waste and hazardous substances) has occurred, is occurring, is suspected to have occurred, or threatens to occur.
- VII.A.2. **“Cleanup Action Plan (CAP)”** means the document issued by the Department under WAC 173-340-360, which selects a facility specific corrective measure and specifies cleanup standards and other requirements for the corrective measure(s).
- VII.A.3. **“Cleanup Standards”** means the standards promulgated under RCW 70.105D.030(2)(d) and include: (1) hazardous substance concentrations (cleanup levels) that protect human health and the environment; (2) the location at the facility where cleanup levels must be attained (points of compliance); and (3) additional regulatory requirements that apply to a corrective action because of the type of action and/or the location of the facility.
- VII.A.4. **“Corrective Action”** means any activities including investigations, studies, characterizations, and corrective measures, including actions taken pursuant to Chapter 70.105D RCW and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-646.
- VII.A.5. **“Corrective Measure”** means any measure or action to control, prevent, or mitigate releases and/or potential releases of dangerous constituents (including dangerous waste and hazardous substances) reviewed and approved by the Department for the facility and set forth in a facility-specific cleanup action plan (“CAP”) prepared in compliance with the requirements of Chapter 173-340 WAC, including WAC 173-340-360. Corrective measures may include interim actions as defined by Chapter 173-340 WAC. Interim actions will not necessarily be set forth in a facility specific CAP.
- VII.A.6. **“Dangerous Constituent”** means any constituent identified in WAC 173-303-9905 or 40 CFR Part 264 Appendix IX, any constituent which caused a waste to be listed or designated as dangerous under the provisions of Chapter 173-303 WAC, and any constituent defined as a hazardous substance at RCW 70.105D.020(7).
- VII.A.7. **“Dangerous Waste”** means any solid waste designated in WAC 173-303-070 through 173-303-100 as dangerous or extremely hazardous or mixed waste.

Dangerous wastes are considered hazardous substances under RCW 70.105D.020(7).

- VII.A.8. **“Dangerous Waste Constituent”** means any constituent listed in WAC 173-303-9905 and any other constituent that has caused a waste to be a dangerous waste under Chapter 173-303 WAC.
- VII.A.9. **“Dangerous Waste Management Unit (DWMU)”** means a contiguous area of land on or in which dangerous waste is placed, or the largest area in which there is a significant likelihood of mixing dangerous waste constituents in the same area, as defined in WAC 173-303-040.
- VII.A.10. **“Facility”** means all contiguous property under control of the Permittee under the provisions of Chapter 70.105 RCW or Chapter 173-303 WAC, including the definition of facility at RCW 70.105D.020(4).
- VII.A.11. **“Feasibility Study (FS)”** means the investigation and evaluation of potential corrective measures performed in accordance with the FS requirements of Chapter 173-340 WAC, which includes the substantive requirements of a RCRA corrective measures study, undertaken in whole or in part to fulfill the corrective action requirements of WAC 173-303-646.
- VII.A.12. **“Permit or Permitting Requirement,”** in addition to the meaning in the “Definitions” section of this Permit, and, unless otherwise specified, means the requirements of Chapter 173-303 WAC for applying for, obtaining, maintaining, modifying, and terminating dangerous waste management facility permits.
- VII.A.13. **“RCRA Facility Assessment (RFA)”** means the EPA-conducted investigation of releases and potential releases at the facility and the information contained in the report entitled *RCRA Facility Assessment PR/VSI Report - Chemical Processors, Inc., Northwest Processing, Inc., Sol-Pro, Inc., Chemical Processors, Parcel A, Tacoma, Washington*, dated February 1990 (“RFA Report”).
- VII.A.14. **“Release”** means any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous substances, including dangerous waste and dangerous constituents into the environment. It also includes the abandonment or discarding of barrels, containers, and other receptacles containing dangerous waste or dangerous constituents and includes the definition of release at RCW 70.105D.020(20).
- VII.A.15. **“Remedial Investigation (RI)”** means a facility-wide investigation and characterization performed in accordance with the requirements of Chapter 173-340 WAC, which includes the substantive requirements for a RCRA facility investigation, undertaken in whole or in part to fulfill the corrective action requirements of WAC 173-303-646.
- VII.A.16. **“Solid Waste Management Unit (SWMU)”** means any discernible location at the dangerous waste management facility where solid wastes have been placed at any time, irrespective of whether the location was intended for the

management of solid or dangerous waste. Such locations include any area at the dangerous waste management facility at which solid wastes, including spills, have been routinely and systematically released and include regulated units as defined by Chapter 173-303 WAC.

Reserved.

Conditions removed by permit modification and approved on June 18, 2003.

VII.C. WORK TO BE PERFORMED

It is hereby required that the Permittee take the following actions and that these actions be conducted in accordance with Chapter 173-340 WAC (The Model Toxics Control Act Cleanup Regulation) and applicable provisions of Chapter 173-303 WAC (Dangerous Waste Regulations), unless otherwise specifically provided for herein.

VII.C.1. Reports

- a. Within 30 days of Permit modification, the Permittee shall submit a work plan for periodic groundwater monitoring to the Department for review and approval. The work plan shall become an enforceable part of this Permit following the Department's written approval.
- b. The Permittee shall submit on April 15th, an annual groundwater data analysis report to the Department. The reports shall include, at a minimum:
 - 1) A description of groundwater monitoring activities completed during the year;
 - 2) A description of groundwater monitoring activities planned for the next year;
 - 3) Occurrence of any problems, how problems were resolved, deviations from the work plan, and a justification for all deviations;
 - 4) Summary of significant findings, changes in personnel, and significant contacts with all federal, state, and local governments, community and public interest groups;
 - 5) All laboratory analyses (in a mutually agreed upon electronic data format and as hard copies of the original laboratory data) in tabulated data format for which quality assurance procedures were completed during the current time period;
 - 6) All field measurements;
 - 7) Tables and graphs of groundwater data showing specific groundwater monitoring well, sample collection date, constituent concentrations, MTCA cleanup levels, and a summary of constituent concentrations which exceed MTCA cleanup levels;

- 8) Groundwater level contour maps;
 - 9) Hydrographs for each groundwater monitoring well showing date of measurement and groundwater elevation;
 - 10) Graphs of daily precipitation data from the facility or from the closest rain gauge monitoring station;
 - 11) Evaluation of the seasonal effect on the groundwater data, contaminant plume characteristics, constituents that are migrating off site from the facility, and an estimate of the rate of transport and any revisions to the conceptual model.
- c. If both the Permittee and the Department agree that such a change is necessary, the requirement for submittal and frequency of the annual groundwater data analysis report may be revised. Revision of the requirement or the time interval for submittal of progress reports shall not require a permit modification.

Conditions removed, modified, and added by permit modification approved June 18, 2003.

VII.C.2 Reserved.

Condition removed and reserved by permit modification approved June 18, 2003.

VII.BC.3. Public Participation Plan Worksheet:

- a. Per WAC 173-340-600(9) (Public participation plans), the Permittee shall complete and/or update a public participation plan worksheet as supplied by the Department for the Emerald Services, Inc. facility. The completed or updated worksheet shall be submitted within sixty (60) days after the final Permit becomes effective.
- b. The Permittee shall prepare a State Environmental Policy Act (SEPA) checklist, per Chapter 197-11 WAC (SEPA Rules), for any proposal that includes activities that require preparation of a SEPA checklist. Such activities may include demolishing or constructing structures, excavating or filling, and capping contaminated soils. Changes to procedure usually shall not require compliance with SEPA. SEPA compliance shall occur before the Department makes its first decision on the proposal.

VII.B.34. Groundwater Monitoring:

- a. The Permittee shall collect and analyze periodic groundwater samples from existing and future groundwater monitoring wells. Oxidation/

reduction potential ("ORP"), pH, dissolved oxygen, specific conductance, and temperature shall also be measured. The frequency of groundwater monitoring and the list of parameters analyzed shall be included in the work plan submitted to the Department for review and approval per Permit Condition VII.B.1.a. The work plan shall become an enforceable part of this Permit following the Department's written approval. Groundwater sampling shall also be conducted in accordance with Section VII.C.14. (Quality Assurance) of this Permit.

- b. The Permittee shall take water level elevation measurements quarterly. This shall be combined with periodic groundwater quality sampling. All existing and future groundwater monitoring wells and piezometers shall be included. Measurements shall be obtained prior to purging of the wells for sampling and completed in as short a time as possible (within four hours).
- c. The Permittee shall continue monitoring as described herein until altered either as a permit modification under WAC 173-303-830(3) and 40 CFR § 270.41, or as part of the RI/FS or cleanup action process.

Conditions removed and modified under permit modification approved June 18, 2003.

VII.C.5. Reserved.

VII.C.6. Reserved.

VII.C.7. Reserved.

VII.C.8. Reserved.

VII.C.9. Reserved.

VII.C.10. Reserved.

VII.C.11. Reserved.

VII.C.12. Reserved.

VII.C.13. Reserved.

VII.C.14. Reserved.

VII.C.15. Reserved.

VII.C.16. Reserved.

Conditions 5 through 16 removed under permit modification approved June 18, 2003.

VIII.D. TERMS AND CONDITIONS

VII.D.1. Public Notices and Participation:

The Permittee shall comply with the requirements of WAC 173-303-900 (Public involvement and participation). For this section of the Permit, the Permittee shall also comply with certain requirements of WAC 173-340-600 (Public notice and participation), as detailed in Section VII.C. Additionally, for this section of the Permit, the Department will take responsibility for the facility mailing list, the production and distribution of fact sheets, and the publication of notices in the appropriate local newspaper and the site register.

VII.D.2. Remedial and Investigative Costs:

The Department will seek recovery of costs reasonably attributable to corrective action activities at a facility per WAC 173-340-550 (Payment of remedial action costs) and WAC 173-303-646(3) (Corrective action - Use of the Model Toxics Control Act). Recovery of the Department's corrective action costs at the facility is addressed in an independent agreement, Payment Agreement #8R28, between the Department and the Permittee, dated June 15, 2000. Permit termination or satisfaction of all corrective action requirements shall terminate the agreement.

Condition updated by permit modification approved June 18, 2003.

VII.D.3. Financial Assurance:

- a. If required to implement a cleanup action plan ("CAP"), the Permittee shall establish and maintain financial assurance for corrective action, in at

least the amount necessary to implement the CAP, as provided in WAC 173-340-380(1) (Draft cleanup action plan) and WAC 173-340-410 (Compliance monitoring requirements), respectively and required by WAC 173-303-646 and WAC 173-340-440(11) (Financial assurances). In the absence of detailed regulations, Federal Register/Vol. 51, No. 206/Friday, October 24, 1986/Proposed Rules, Federal Register/Vol. 55, No. 145/Friday, July 27, 1990/ proposed rules and Federal Register/Vol. 61, No. 85/Wednesday, May 1, 1996/Proposed Rules, shall be used as guidance. Acceptable mechanisms include trust funds, surety bonds guaranteeing performance, letters of credit, insurance, financial test, corporate guarantee, or another instrument if the Permittee demonstrates to the satisfaction of the Director that it provides an acceptable level of financial assurance. The cost estimate for corrective action shall be in the amount necessary to fund the CAP and the compliance monitoring plan prepared under WAC 173-340-410. The Permittee shall provide the Department's project manager with documentation of this financial assurance within sixty (60) days of the Department's issuance of the final CAP. The Permittee shall maintain financial assurance from the date of this submittal through completion of corrective action. The Permittee shall adjust the financial assurance coverage for changes in cost estimates and/or for inflation within thirty (30) days after each anniversary of the date the preceding costs were first prepared and shall provide the Department's project manager with documentation of the updated financial assurance.

- b. The Permittee shall notify the Department's project manager by certified mail of the commencement of a voluntary or involuntary bankruptcy proceeding under Title 11, United States Code, naming the Permittee as debtor within ten (10) days after commencement of the proceeding. In the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee or issuing institution to act as a trustee or issuing institution, the Permittee, must establish financial assurance (trust fund or insurance policy) with another authorized trustee or issuing institution within sixty (60) days after the date of voluntary or involuntary bankruptcy proceeding.

Conditions modified by permit modification approved June 18, 2003.

VII.D.4. Designated Project Managers:

The project manager for the Department is:

Name: Kaia Petersen
Address: Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
Phone: (360) 407-6359
Fax: (360) 407-6305
E-Mail: kpet461@ecy.wa.gov

The project manager for the Permittee is:

Name: Jerry Bartlett
Address: Emerald Services, Inc.
9010 E. Marginal Way S., Suite 200
Seattle, WA 98108
Phone: (206) 832-3000
Fax: (206) 832-3030
E-mail: jerryb@emeraldnw.com

These phone numbers and addresses may change and such changes will not require a permit modification. The project managers shall be responsible for overseeing the implementation of this section of the Permit. To the maximum extent possible, communications between the Department and the Permittee, and all documents, including reports, approvals, and other correspondence concerning activities performed pursuant to the conditions of this section of the Permit, shall be directed through the project managers. Should the Department or the Permittee change project managers, written notification by certified mail or other means establishing proof of delivery shall be provided to the Department or the Permittee at least ten (10) days prior to the change, if possible. A revised page(s) shall also be prepared. If these provisions are met within reason, a permit modification following the procedures of WAC 173-303-830(3) or (4) and 40 CFR §§ 270.41 and 270.42 shall not be required.

VII.D.5. Performance:

- a. All corrective action work performed by the Permittee pursuant to this Permit, shall be under the direction and supervision, as necessary, of a professional engineer or licensed hydrogeologist, or similar expert, with appropriate training, experience and expertise in hazardous waste facility investigation and cleanup. The Permittee shall notify the Department as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying out the provisions of this Permit, in advance of their involvement at the facility. The Permittee shall provide a copy of this section of the Permit to all agents, contractors, and subcontractors retained to perform work required by this section of the

- Permit and shall ensure that all work undertaken by such agents, contractors, and subcontractors will be in compliance with this Permit.
- b. Except where necessary to abate an emergency situation, the Permittee shall not perform any corrective actions at the facility other than those required by this Permit, unless the Department concurs, in writing, with such additional corrective actions.
 - c. WAC 173-340-400(6)(b)(i) requires that "construction" performed under this section on the facility *must* be under the supervision of a professional engineer registered in the state of Washington or a qualified technician under the direct supervision of a professional engineer registered in the state of Washington.
 - d. The Permittee shall provide seven- (7) days notice to the Department's project manager prior to conducting work activities that the Department identifies at the facility.

VII.D.6. Access:

- a. In addition to Permit Condition I.E.7. (Duties and Requirements/Access), the Department or any of the Department's authorized representatives shall have the authority to enter and freely move about the facility at all reasonable times for the purposes of, among other things, inspecting records, operation logs, and contracts related to the work being performed pursuant to this section of the Permit; reviewing the progress in carrying out the provisions of this section of the Permit; conducting such tests or collecting samples as the Department or the Department's project manager may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this section of the Permit; and verifying the data submitted to the Department by the Permittee. The Permittee agrees that this permit condition constitutes reasonable notice of access, and agrees to allow access to the facility at all reasonable times for purposes of overseeing work performed under this section of the Permit.
- b. In addition to Permit Condition V.I.1. (Special Requirements for Sampling and Analysis), the Department will allow split or replicate samples to be taken by the Permittee during inspections performed under this section of the Permit unless doing so interferes with the Department's sampling. The Permittee shall allow split or replicate samples to be taken by the Department and shall provide seven (7) days notice before any sampling activity associated with this section of the Permit.

VII.D.7. Retention of Records:

In addition to Permit Condition II.C. (Recordkeeping and Reporting), the Permittee shall preserve in a readily retrievable fashion, during the pendency of this Permit and for ten (10) years from the date of issuance by the Department of written notification that all requirements of this section of the Permit have been satisfactorily completed, reports, documents, and underlying data in its

possession relevant to this section of the Permit. Should any portion of the work performed thereunder be undertaken through contractors or agents of the Permittee then the Permittee agrees to include in their contract with such contractors or agents, a record retention requirement for meeting the terms of this paragraph.

VII.D.8. Resolution of Disputes

- a. In the event a dispute arises as to an approval, disapproval, proposed modification or other formal opinion or action by the Department's project manager under this section of the Permit, the Department and the Permittee shall utilize the dispute resolution procedure set forth below.
 - 1) Upon receipt of the Department project manager's formal opinion, the Permittee has fourteen (14) days within which to notify in writing the Department's project manager of its objection to the formal opinion.
 - 2) The Department's and the Permittee's project managers shall then confer in an effort to resolve the dispute. If the project managers cannot resolve the dispute within fourteen (14) days of the Department's receipt of the written objection, the Department's project manager shall issue a written formal opinion.
 - 3) The Permittee may then request Department management review of the formal opinion. This request shall be submitted to the Hazardous Waste and Toxics Reduction (HWTR) program manager within seven (7) days of receipt of the Department project manager's written formal opinion.
 - 4) The HWTR program manager shall conduct a review of the dispute and shall issue a written formal opinion regarding the dispute within thirty (30) days of the Permittee's request for review. The HWTR program manager's formal opinion shall be the Department's final opinion on the disputed matter.
- b. If the Department's final written formal opinion is unacceptable to the Permittee, the Permittee may, if the law allows, appeal the matter to the Pollution Control Hearings Board (PCHB). The preceding sentence shall not be deemed an admission that the Department's resolutions of disputes under this permit are "decisions" over which the PCHB has jurisdiction.
- c. The Department and the Permittee agree to utilize the dispute resolution process only in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this section of the Permit, unless the Department agrees in writing to a schedule extension.

VII.D.9. Additional Work:

The Department may determine or the Permittee may propose that additional work, beyond the scope of the performance requirements of this section of the Permit, is or may be necessary to implement this section of the Permit. If the additional work is proposed by the Permittee, the Department will respond to the proposal in writing within an appropriate time period, no longer than thirty (30) days. If the additional work is required by the Department, then the Department will specify in writing the basis for its determination that the additional work is necessary. Within fifteen (15) days after receipt of such written determination, the Permittee shall notify the Department of its willingness to perform the additional work or may request a meeting with the Department to discuss the additional work. If the Permittee is willing to perform the additional work, the Permittee shall submit a work plan incorporating the additional work for review by the Department. The work plan shall be submitted within thirty (30) days (or more, if approved by the Department) after either submitting notice of willingness to perform or the date of the meeting with the Department, as applicable. The work plan shall be submitted as a Class 1 permit modification request. Upon written approval of the permit modification, the Permittee shall implement the work plan in accordance with the schedule contained therein.

VII.D.10. Endangerment:

In the event the Department determines that conditions at the facility are creating or have the potential to create a threat to the health or welfare of the people on the facility or in the surrounding area or to the environment, the Department may order the Permittee to stop further implementation of this section of the Permit for such period of time as needed to abate the threat.

VII.D.11. Transference of Property:

- a. Prior to any voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the facility, the Permittee shall provide for continued implementation of all corrective action requirements of this section of the Permit and implementation of any corrective action found to be necessary as a result of this section of the Permit.
- b. In addition to the requirements of Permit Condition I.H. (Transfer of Permits), prior to transfer of any legal or equitable interest the Permittee may have in the facility or any portions thereof, the Permittee shall serve a copy of this section of the Permit upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to the finalization of any transfer, the Permittee shall notify the Department, the Agency, and the Tribe of the contemplated transfer and provide the Department, the Agency, and the Tribe with a plan for continued implementation of this section of the Permit. The Permittee

shall also submit a request for modification of the permit per WAC 173-303-830(3) and (4) and 40 CFR §§ 270.41 and 270.42.

VII.D.12. Compliance with Other Applicable Laws:

All actions carried out by the Permittee pursuant to this Permit shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits.

VII.D.13. Solid Waste Management Units:

During the corrective action process, the Permittee shall continuously consider and evaluate information regarding releases, suspected releases, or potential releases of hazardous substances, including dangerous waste and dangerous constituents, at the facility. The Permittee shall notify the Department's project manager, in writing, of any newly-identified solid waste management unit(s) (SWMU(s)), newly-discovered releases from known SWMU(s), and newly-discovered areas of concern (AOCs) at or from the facility, as defined in WAC 173-303-806(4)(a)(xxiv)(A), no later than fifteen (15) days after discovery. Additional activities to address such newly identified SWMUs and AOCs are subject to Section VII.C.9 (Additional Work).

VII.D14. Quality Assurance:

- a. For all sampling activities and analytical procedures performed pursuant to this section of the Permit, the Permittee shall use quality assurance, quality control, and chain-of-custody procedures as identified in relevant Department- or Agency-approved guidance documents. Specifically, the Permittee shall follow the provisions specified in WAC 173-340-820 (Sampling and analysis plans), WAC 173-340-830 (Analytical procedures), *Guidance on Sampling and Data Analysis Methods* (Ecology Publication No. 94-049), *Guidelines on Specifications for Preparing Quality Assurance Project Plans* (Ecology Publication No. 91-16) and any revisions or amendments thereto, or other guidance approved by the Department.
- b. Groundwater monitoring wells shall be designed, constructed, maintained, and abandoned in accordance with Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Wells) and the *RCRA Ground-Water Monitoring: Draft Technical Guidance* (EPA/530-R-93-001, PB93-139350, November 1992) and any revisions and amendments thereto. Groundwater monitoring well design, construction material, installation, and development methods shall be documented. Additionally, the provisions specified in Attachment MM (Well Construction, Maintenance, and Replacement) shall be met.
- c. The Permittee shall use a laboratory accredited by the Department for all soil and water analyses and report all laboratory methods, detection limits, and PQLs for all constituents included in the analyses per WAC 173-340-830 (Analytical procedures).
- d. In preparing any work plan and/or report for this facility, the Permittee may use information and analytical data from previous investigations at

the facility, with the condition that the previous information and data are in accordance with the above mentioned regulations and Department or Agency guidance documents for sampling and analytical procedures.

- e. In accordance with WAC 173-340-840(5) (Sampling data), environmental sampling data shall be submitted in a mutually agreed upon electronic data format and a hard copy for the files. Additionally, raw laboratory data shall be submitted. All other provisions specified in WAC 173-340-840 (General submittal requirements) shall also be followed.

VII.D.15. Equivalent Materials and Methods:

If certain equipment, materials, methods, and administrative information (such as names, telephone numbers, and addresses) are specified in this section of the Permit, the Permittee is allowed to use an equivalent or superior. Use of such substantially equivalent or superior items shall not be considered a modification of the Permit, but the Permittee must inform the Department's project manager of such a revision in writing, accompanied by a narrative explanation, the date the revision became effective, and the applicable pages of the Permit reflecting the revision. Prior to its institution, the Permittee must place the revision in the facility operating record accompanied by a narrative explanation and the date the revision became effective. The Department may judge the soundness of the Permittee's determination during inspections of the facility, or in responses to facility submittals, and take appropriate action. Relevant revisions and amendments to guidance documents specified in Section VII.C.14 (Quality Assurance) of this Permit may also be considered equivalent or superior. The format of tables, forms, and the orientation of figures in this section of the Permit may be revised at the Permittee's discretion.

Condition modified under permit modification approved June 18, 2003.

VII.D.16. Schedule Extensions:

- a. To the extent that activities required in this section of the Permit are not completed in accordance with their respective schedules, and the Permittee can demonstrate to the Department's satisfaction that the Permittee used best efforts to accomplish those activities within the allotted time frame, the Department may grant the Permittee an extension to the respective schedules. For the purposes of this permit condition, "best efforts" shall include performance of all activities necessary to award contracts to outside contractors at the earliest opportunity after the information necessary to award those contracts is available to the Permittee, adequate funding, adequate planning, adequate operator staffing, adequate laboratory and process controls, and operation of a back-up or auxiliary facility (or similar systems) by the Permittee when necessary to meet corrective action schedules in the Permit.
- b. The Permittee shall notify the Department by telephone and in writing as soon as possible of and no later than seven (7) days before, any deviations, or expected deviations, from corrective action schedules in this Permit.

The notification shall include information to support the Permittee's claim that "best efforts" were made to comply with the Permit's schedules. If the Department determines that the Permittee has indeed demonstrated that "best efforts" were made to meet the schedule(s) and that an extension will not endanger human health or the environment, the Department will notify the Permittee in writing that an extension has been granted, and provide revisions for all affected schedules. Such revisions to the schedules shall not require a permit modification, except when required by WAC 173-303-830(4)(i)(N)(5) to incorporate a substantial change requiring public comment under WAC 173-340-600. Copies of all correspondence pursuant to this permit condition shall be kept in the facility operating record.

Condition modified under permit modification approved June 18, 2003.

Date Issued: May 23, 1999
Expiration Date: May 23, 2009

Permit No. WAD 981 769 110

ATTACHMENT LL

RCRA Facility Investigation (RFI) Site Characterization Work Plan, Sol-Pro, Inc., Tacoma,
Washington, Dated May 6, 1993, and amendments to that work plan dated June 3, 1993.

ATTACHMENT MM
WELL CONSTRUCTION, MAINTENANCE, AND REPLACEMENT

New and existing wells operated for the purposes of this Permit shall meet all applicable state and federal laws. In addition, the Permittee shall specifically meet requirements number 1 through 7 below, or propose equivalent or superior methods for Department approval. Such substitution and approval shall not require a permit modification. Moreover, minor deviations from the stated methods deemed necessary by the Permittee due to unforeseen events in the field shall not require permit modification. In this latter case, the Permittee shall notify the Department by telephone and a notation describing and explaining the deviation must be logged in the facility's Operating Record.

1. Monitoring, observation, and recovery wells shall be inspected quarterly and maintained in good working order. The Permittee shall maintain an adequate supply of replacement parts and repair equipment as necessary to ensure that repairs may be undertaken in a timely manner, and that wells may continue to perform their stated functions.
2. Visual evidence of damage to or deterioration of wells, and all well maintenance activities, must be logged in the facility's Operating Record. The Permittee shall also notify the Department by telephone or in writing of any visual damage to or deterioration of wells.
3. The Permittee shall maintain the borehole integrity at each well. One of the following three methods will be consistently used to maintain that integrity:
 - a. Annual comparisons of specific capacity. With this method the Permittee shall redevelop any well to within 5 percent of the original specific capacity if that well's annual capacity measurement is less than 80 percent of the original measured capacity;
 - b. Annual sounding. With this method the Permittee shall develop any well which has an annually measured build-up of at least one (1) foot of sediment; or,
 - c. Biennial comparisons of hydraulic conductivity. With this method the Permittee shall redevelop any well to within 5 percent of the original hydraulic conductivity if that well's biennial conductivity measurement is less than 80 percent of the original measured conductivity. Hydraulic conductivity shall be determined through consistently performed slug tests.
4. If any well must be decommissioned and replaced for any reason during the term of this Permit, the Permittee shall, if possible, replace that well prior to the next scheduled sampling event. At least fifteen (15) days prior to decommissioning, the Permittee shall give notice in writing to the Department explaining the rationale for the decision.

In such a case, the replacement well shall be installed as close as practicable to the well being replaced. The Permittee shall provide information regarding the new well in the facility's Operating Record, and shall submit this information to the Department as stated in Item 6 below.

The Permittee shall close each well being replaced no later than ninety (90) days after installation of the replacement well. Unless analytical data from the well being closed shows that hazardous constituent concentrations have been below MTCA Method B groundwater cleanup levels or more conservative proposed cleanup levels for at least three (3) consecutive years, closure shall be accomplished by pulling the casing or drilling out the casing and screen, re-drilling the borehole, and backfilling the entire depth of the borehole through a tremie pipe with a 3 to 5 percent bentonite/cement grout. In the case where a well to be closed is separated from contaminated zones by what the Department considers to be a continuous, well-defined aquitard, abandonment may proceed by ripping the well casing below the seal, destroying the screen and filter pack. The well may then be pressure grouted from the bottom up.

5. Inspection of drilling and well construction shall be performed by a qualified geologist. The geologist shall prepare and maintain a detailed log of each well, describing the geologic strata encountered during drilling. The logs and descriptions shall include:
 - a. Date and time of construction;
 - b. Drilling method and any fluid used;
 - c. Well location (surveyed to within 0.5 feet);
 - d. Borehole and well casing diameter;
 - e. Well depth (surveyed to within 0.1 feet);
 - f. Field drilling logs and lithologic logs, including a description of soil or rock types, color, weathering, texture, structure, and fractures;
 - g. Casing materials;
 - h. Screen material, design, length, and slot size;
 - i. Casing and screen joint type;
 - j. Filter pack material (including size, placement method, and approximate volume);
 - k. Composition and approximate volume of sealant material, and method of placement;
 - l. Surface seal design and construction;
 - m. Well development procedures;
 - n. Ground surface elevation (to within 0.01 feet);
 - o. Top of casing elevation (to within 0.01 feet); and
 - p. Detailed drawing of the well, including dimensions.
6. The Permittee shall submit the logs and descriptions prepared pursuant to requirement number 5 above, as-built drawings, and location information for any new well(s) to the Department within thirty (30) days after completion of the well(s). Such a submission shall not be considered a modification of the Permit.
7. All wells shall be surveyed to, or existing survey data converted relative to, the National Geodetic Vertical Datum (NGVD), 1929.