

**PERMIT**  
**FOR THE STORAGE AND TREATMENT**  
**OF DANGEROUS WASTE**

Department of Ecology  
PO Box 47600  
Olympia, Washington 98504-7600  
Telephone: (360) 407-6700

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).

ISSUED TO: U.S. Navy, Naval Undersea Warfare Center Division Keyport  
610 Dowell Street Code 8031  
Keyport, Washington 98345  
  
WA1 170 023 419

THIS Permit is effective as of January, XX, 2007, and shall remain in effect until January xx, 2017, unless revoked and reissued, modified, or terminated under WAC 173-303-830(3) and (5) or continued in accordance with WAC 173-303-806(7).

ISSUED BY: WASHINGTON DEPARTMENT OF ECOLOGY

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Darin Rice, Manager  
Hazardous Waste & Toxics Reduction Program  
Washington Department of Ecology

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Date

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## INTRODUCTION

**Permittee:** U.S. Navy, Naval Undersea Warfare Center Division  
Keyport

**EPA/state identification number:** WA1 170 023 419

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)

A permit is issued to U.S. Navy, Naval Undersea Warfare Center Division Keyport (hereinafter called the Permittee), to operate a dangerous waste storage and treatment facility located at 610 Dowell Street, Keyport, Washington, 98345, latitude 47 degrees, 42 minutes, and 20 seconds North and longitude 122 degrees, 37 minutes, and 08 seconds West.

The Permittee must comply with:

All terms and conditions set forth in this permit and in Attachments AA through LL

All applicable state regulations contained in Chapter 173-303 WAC (Attachment LL) and as specified in the permit.

When the permit and the above attachments conflict, the wording of the permit shall prevail.

"Applicable state and federal regulations" are state regulations and statutes in effect on the date of permit issuance and those federal regulations incorporated by reference into these state regulations.

State and federal regulations and statutes may be changed. The Permittee may implement more stringent state or federal standards at any time, unless the changes require Department review and approval of construction design or facility procedures.

HSWA Provisions. New or amended "self-implementing" HSWA provisions automatically apply to the Permittee's dangerous waste management activities according to RCRA (as amended), under the U.S. Environmental Protection Agency's (Agency's) purview, unless the requirements are less stringent than applicable state and federal regulations. New, or amended, "self implementing" HSWA statutory provisions and related regulations are not enforced by the Department until adopted into state regulations.

State statute or regulations. Periodically, the state initiates changes to Chapter 70.105 Revised Code of Washington (RCW), the Hazardous Waste Management Act of 1976, or the implementing regulations. The Permittee may implement more stringent standards at any time, unless the changes require review and approval of construction design or facility procedures. For less stringent provisions, the Permittee must request and receive approval for a permit modification before applying the less stringent requirements.

This permit is based upon the administrative record, as required by WAC 173-303-840. 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 are grounds for the termination or modification of this permit and/or initiation of an enforcement action, including criminal proceedings. The Permittee must inform the Director of the Department of Ecology (hereafter called the Director) of any deviations from permit conditions or changes from information provided in the Part B permit application. In particular, the Permittee must inform the Director 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. Any challenge of a permit condition must be appealed to the Pollution Control Hearings Board in accordance with WAC 173-303-845.

The Agency has the authority to enforce any condition in this permit that is based on federal regulations for which the State of Washington's dangerous waste management program is authorized. In the event that the Department does not maintain its authorization for the federal RCRA program, then the Agency becomes the regulatory authority for all permit conditions except those that are state-only requirements.

**LIST OF ATTACHMENTS**

The following listed documents are incorporated, in their entirety, by reference into this permit. Some of the documents are excerpts from the Permittee's Dangerous Waste permit application (submitted April 5, 2005 and amended July 27, 2007). The Department has, as deemed necessary, modified specific language in the attachments. These modifications are described in the permit conditions (Parts I through V), and thereby supersede the language of the attachment. The incorporated attachments are enforceable conditions of this permit, as modified by the specific permit conditions.

Attachment AA	Appendix B1 (July 27, 2007).
Attachment BB	Part A of the permit application (Part A Dangerous Waste Permit Forms) (July 27, 2007).
Attachment CC	Waste Analysis Plan (Section C and Appendices C1 through C5 of the permit application) (July 27, 2007).
Attachment DD	Security (Subsection F-1 and Appendix F1 of the permit application) (July 27, 2007).
Attachment EE	Inspection Plan and Preparedness and Prevention (Subsections F-2 through F-5 and Appendices F2 through F4 of the permit application) (July 27, 2007).
Attachment FF	Personnel Training (Section H and Appendices H1 through H2 of the permit application) (July 27, 2007).
Attachment GG	Contingency Plan (Section G and Appendices G1 through G9 of the permit application) (July 27, 2007).
Attachment HH	Closure Plan (Section I and Appendix I1 of the permit application). (July 27, 2007).
Attachment II	Container Management (Subsections D-1 and D-8 through D-10 and Appendices D1 through D4, and D9, D10 and D12) (July 27, 2007).
Attachment JJ	Tank Management (Subsection D-2 and D-8 through D-10 and Appendices D1 through D10 and D12) (July 27, 2007).
Attachment KK	Federal Facility Agreement Under CERCLA Section 120 – Administrative Docket Number 1088-08-21-120. NUWES – Keyport Facility (April 5, 1990)
Attachment LL	Chapter 173-303 WAC (January 2005).

## DEFINITIONS

All definitions contained in the following are hereby incorporated, in their entirety, by reference into this permit: 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. If any definitions in the listed rules and laws differ from the definitions in this permit, the permit's definitions prevail.

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

Some terms are specifically defined in Part V, Corrective Action, for the purposes of that section of the permit only.

For purposes of this permit, except where a specific definition applies under Part V, Corrective Action, the following definitions apply:

**"Agency"** means the U.S. Environmental Protection Agency, Region 10.

**"Days"** means calendar days unless otherwise defined for a condition or section of this permit.

**"Department"** means the Washington State Department of Ecology (with the address as specified on page one of this permit).

**"Director"** means the Director of the Washington State Department of Ecology or a designated representative.

**"Facility"** means Building 1051 identified as "TSDF" in Appendix B1 of Attachment AA at the location specified in Attachment BB and all contiguous land, structures, appurtenances, and improvements used to manage dangerous wastes.

**"Off-Station"** means outside the Naval Undersea Warfare Center, Division Keyport (NUWC, Division Keyport) installation boundary.

**"On-Station"** means inside the Naval Undersea Warfare Center, Division Keyport (NUWC, Division Keyport) installation boundary.

**"Permit"** means this permit issued by the Washington State Department of Ecology pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.

**"Secondary containment"** means the area approved in this Permit as meeting technical requirements in Chapter 173-303 WAC for that use. "Secondary containment" locations include specific container storage units, tank systems, and the unloading area identified in Parts III and IV of this Permit.

All definitions contained in WAC 173-303-040 are hereby incorporated, in their entirety, by reference into this Permit. Any of the definitions used above shall supersede any definition of the same term given in WAC 173-303-040. Where terms are not defined in the regulations or the Permit, the meaning associated with such terms is as defined by a standard dictionary or the generally accepted scientific or industrial meaning of the term.

## PART I - STANDARD CONDITIONS

### I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is authorized to store and treat dangerous waste in accordance with the conditions of this permit and the applicable provisions of Chapter 173-303 WAC. Any storage or treatment of dangerous waste by the Permittee at this facility is prohibited if it is not authorized by this permit or by the Department under WAC 173-303-830(4)(e) (temporary authorizations) and a permit is required for such storage or treatment under WAC 173-303-800.
- I.A.2. Subject to WAC 173-303-810(8), compliance with this permit constitutes compliance, for the purposes of enforcement, with Chapter 173-303 WAC. 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 are incorporated by reference into this permit.
- I.B.2. The Attachments listed on page 5 are incorporated by reference into this permit. Permittee must comply with the contents of this permit and the Attachments.
- I.B.3. Equivalent materials/information. If certain equipment, materials, and administrative information (such as names, phone numbers, addresses) are specified in this Permit, the Permittee is allowed to use an equivalent or superior item without a permit modification. The Department may judge the soundness of revisions during inspections of the facility and take appropriate action.
- a. The Permittee must place the revision in the operating record (prior its institution), accompanied by a narrative explanation and the date the revision became effective.
  - b. The Permittee must follow procedures in Permit Condition II.D.2. for changes of names and phone numbers in the Contingency Plan, Attachment GG, unless they make such changes through a formal permit modification.
  - c. The format of tables, forms, and the orientation of furniture on figures are not subject to the requirements of this Permit, and may be revised at the Permittee's discretion. However, such changes that in any way affect waste management are subject to permit modification.

### 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). 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) 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 comply with procedures and other requirements of the three-tiered modification system specified in WAC 173-303-830(4).
- I.C.4. Within 45 days of the effective date of, or the Department's approval of, a permit modification under Permit Condition I.C.3, whichever is sooner, the Permittee must retype the relevant portions of the permit and Permit Attachments to incorporate the change and indicate the date of the change, reprint the documents, and submit them to the Director.

#### I.D. SEVERABILITY

- I.D.1. The provisions of this permit are severable. The holding invalid of any provision of this permit, or the application of any provision of this permit to any circumstance, shall not affect the application of such provision to other circumstances and the remainder of this permit. Invalidation of any state or federal statutory or regulatory provision that 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.D.2. If a condition of this permit is stayed for any reason, for that condition the Permittee must continue to comply with the related applicable and relevant interim status standards in WAC 173-303-400 and, as incorporated into WAC 173-303-400, 40 CFR Part 265 until final resolution of the stayed condition. The only exception is if the Director determines compliance with such interim status standards are technologically incompatible with compliance with the conditions of this permit that have not been stayed.

#### I.E. DUTIES AND REQUIREMENTS

- I.E.1. The Permittee must comply with all conditions of this permit except to the extent, and for the duration, an Emergency Permit under WAC 173-303-804 authorizes such noncompliance. Other than noncompliance authorized by an Emergency Permit, any permit noncompliance 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. To continue an activity allowed by this permit after the permit's expiration date, the Permittee must submit to the Department a complete permit application at least 180 days before this permit's expiration date. Permit application requirements are in WAC 173-303-806 and, for those portions of a permit application required under HSWA and its implementing regulations that have not been adopted by the State, in 40 CFR Part 270 Subpart B.

- I.E.3. If the Department takes enforcement action because of Permittee's noncompliance with this permit, the necessity to halt or reduce the permitted activity to maintain compliance with the conditions of this permit shall not be a defense for the Permittee.
- I.E.4. In the event of noncompliance with this permit, the Permittee must take all reasonable steps to minimize releases to the environment and must carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment. That the Permittee took such mitigation is not a defense to enforcement for noncompliance with the permit.
- I.E.5. The Permittee must 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 must furnish to the Director, within a reasonable time, any relevant information which the Director requests to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or for determining compliance with this permit. The Permittee must also furnish to the Director, upon request, copies of records required to be kept by this permit.
- I.E.7. Pursuant to WAC 173-303-810(10), the Permittee must allow the Director or authorized representatives of Director upon the presentation of credentials to:
- a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted or where Permittee must keep records under the conditions of this permit.
  - b. Have access to and copy, at reasonable times, any records that Permittee must keep 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, including sections of 40 CFR Part 264 that are incorporated by reference into Chapter 173-303 WAC, any substances or parameters at any location.
- I.E.8. Reporting changes in facility, operations, ownership, anticipated or other noncompliance, or other information:
- a. The Permittee must give advance notice to the Director of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements or conditions.

- b. The Permittee must give notice as soon as possible of any planned physical alterations or additions to the permitted units (structural). Such physical alterations or additions require a permit modification.
  - c. Whenever the Permittee becomes aware that it failed to submit relevant facts in the permit application or submitted incorrect information in a permit application or in any report to the Director, the Permittee must promptly submit such facts or information to the Director.
  - d. Monitoring results (including monitoring of the facility's impacts as required by the applicable sections of Chapter 173-303 WAC) must be reported at the intervals specified elsewhere in this permit.
  - e. The Permittee must report any noncompliance with this permit in accordance with Permit Conditions II.A.1 through 6, and II.B.1. through 3.
  - f. In addition, the following reports are required when appropriate:
    - (i) Manifest discrepancy report as required by WAC 173-303-370(4);
    - (ii) Unmanifested waste report as required by WAC 173-303-390(1); and
    - (iii) Annual report as required by WAC 173-303-390(2).
- I.E.9. Information repository. Pursuant to WAC 173-303-810(16), the Director may require the Permittee to establish and maintain an information repository at any time, based on the factors set forth in WAC 173-303-281 (6)(b). The information repository will be governed by the provisions in WAC 173-303-281(6)(c) through (f).

I.F. MONITORING AND RECORDS

- I.F.1. Samples and measurements taken for the purpose of monitoring must be 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 or Appendix I of 40 CFR Part 261 or an equivalent method approved by the Director. Laboratory methods must be those specified in WAC 173-303-110(3)(a) and Appendices II and III to 40 CFR Part 261 or an equivalent method as specified in Attachment CC or, in the case of the Closure Plan, Attachment HH.
- I.F.2. Pursuant to WAC 173-303-810(11), records of monitoring information must 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.
  - f. The results of such analyses.

**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**

I.H.1. In accordance with reporting requirements in WAC 173-303-810(14)(c), the Permittee must provide notice to the Director before transferring ownership interest or operational control of this permit to any person. This permit may be transferred to a new owner or operator only if it is modified according to the requirements of WAC 173-303-830(2)(b) or revoked and reissued pursuant to WAC 173-303-830(3).

I.H.2. Before transferring ownership or operation of the Facility the Permittee must:

- a. Notify the new owner or operator in writing of the requirements of chapter 173-303 WAC in accordance with WAC 173-303-290(2).
- b. Comply with the financial requirements of WAC 173-303-620, as applicable.

**I.I. PERMIT CONTINUATION**

This permit and all its conditions will remain in effect beyond the permit's expiration date until the Department has made a final permit determination (issuing or denying a new permit) if the Permittee has submitted a timely, complete application in compliance with Permit Condition I.E.2, and, through no fault of the Permittee, the Director has not made a final permit determination as set forth in WAC 173-303-840. If the Permittee fails to submit a timely, complete application as required under Permit Condition I.E.2, then those permit conditions necessary to protect human health and the environment will remain in effect beyond the permit's expiration date until the Department terminates the conditions.

**I.J. REPORTS, NOTIFICATIONS AND SUBMITTALS**

I.J.1. Permittee must sign applications, reports, or information submitted to the Director in accordance with WAC 173-303-810 (12) and must certify them according to WAC 173-303-810 (13).

I.J.2. Except as otherwise specified in this permit, all reports, notifications or other submissions that are required by this permit, including Permit Attachments, to be submitted to the Director must be sent by certified mail or hand delivered to:

Supervisor, Hazardous Waste and Toxics Reduction Section  
Department of Ecology  
Northwest Regional Office  
3190-160<sup>th</sup> Ave. S.E.  
Bellevue, WA 98008-5452  
Telephone (425) 649-7000

These phone numbers and addresses may change; such a change is not a permit modification under Chapter 173-303 WAC.

I.K. CONFIDENTIAL INFORMATION

Any information submitted by the Permittee to the Director may be claimed as confidential by the Permittee in accordance with applicable provisions of WAC 173-303-810(15), Chapter 42.17 RCW, and RCW 43.21A.160.

I.L. WASTE MINIMIZATION

- I.L.1. In accordance with WAC 173-303-380(1)(q), the Permittee must 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.
  - 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 must report waste minimization efforts in their annual report as required by Permit Condition II.E.2.

## PART II - GENERAL FACILITY CONDITIONS

### II.A. IMPLEMENTATION OF THE CONTINGENCY PLAN

- II.A.1. The Permittee must implement procedures of the Contingency Plan (Attachment GG) for any:
  - a. Event or circumstance described in subsection G-3 of Attachment GG.
  - b. Incidence of noncompliance with this permit that could threaten human health or the environment.
- II.A.2. The Permittee must immediately notify by telephone the Director and other appropriate authorities of any circumstances requiring implementation of the contingency plan under Permit Condition II.A.1. This notification must meet the requirements in WAC 173-303-360(2)(d) and WAC 173-303-810(14)(f).
- II.A.3. For the purpose of Permit Condition II.A.2, the designated representative of the Director is the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Department's Northwest Regional Office.
- II.A.4. For events that require implementation of the Contingency Plan because of a spill and/or release to the environment, the Permittee must telephone the Department's Spill Response number at Northwest Regional Office (425-649-7000) initially, followed by notification of the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Northwest Regional Office (360-407-7553). This telephone number may change; such a change is not a permit modification under Chapter 173-303 WAC.
- II.A.5. The Permittee must note in the facility operating record the time, date, and details of any incident that requires implementation of the Contingency Plan. Within 15 days after the incident, the Permittee must submit a written report on the incident to the Director. Such a report must at a minimum include all items specified in WAC 173-303-360(2)(k), and if applicable, WAC 173-303-810(14)(f).
- II.A.6. The Director may require written submission of a report pursuant to requirements of WAC 173-303-810(14)(f) within five (5) days of any incident that requires implementing the Contingency Plan. This requirement is in addition to the requirements to record in the operating record and submit a written report within 15-day under WAC 173-303-360(2)(k) and WAC 173-303-810(14)(f).

### II.B. ADDITIONAL NOTIFICATION AND REPORTING PROCEDURES FOR EMERGENCIES, SPILLS, RELEASES, AND NONCOMPLIANCE WITH PERMIT.

- II.B.1. The Permittee must immediately notify the Director by telephone of any event or circumstance described in subsection G-4a of Attachment GG of this permit.
- II.B.2. For the purpose of Permit Condition II.B.1., the designated representative of the Director is the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Department's Northwest Regional Office.

II.B.3. The Permittee must report to the Director incidents of noncompliance with this permit that are not addressed under Permit Condition II.A.1. through 6. These reports must meet the requirements in WAC 173-303-810(14)(g), and include information listed in WAC 173-303-810(14)(f)(i) through (iii). The reports may be submitted with other monitoring reports pursuant to WAC 173-303-810(14)(d), however they must be submitted within 6 months of discovering the noncompliance.

## II.C. GENERAL WASTE MANAGEMENT

- II.C.1. The Permittee is authorized to accept from on-station generators the wastes specified in Attachment BB (Part A Permit Forms).
- II.C.2. The Permittee is authorized to accept from off-station generators the wastes specified in Attachment BB (Part A Permit Forms) as long as the generator is owned or operated by the United States Military and has a valid State/EPA identification number.
- II.C.3. The Permittee must notify the Director in writing at least four (4) weeks in advance of the date the Permittee expects to receive dangerous waste from a source outside the United States, as required by WAC 173-303-290(1). Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.
- II.C.4. Before receiving a waste from a particular off-station source, the Permittee must inform the 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). The Permittee must keep a copy of this written notice as part of the operating record.
- II.C.5. All dangerous wastes accepted from on-station and off-station to the facility must be managed only in areas of the facility authorized for dangerous waste management under the conditions of this permit. Sections III and IV of this permit specify areas authorized to manage these wastes.
- II.C.6. The Permittee must comply with requirements for waste analysis specified in Attachment CC for all dangerous waste accepted into the facility.
- II.C.7. When laboratory analytical methods are required to designate the waste, the Permittee must ensure that the test procedures listed as acceptable by WAC 173-303-110 and Appendices II and III to 40 CFR Part 261, or approved equivalent methods, are used.
- II.C.8. The Permittee is responsible for obtaining accurate and complete information for each waste stream. Inaccurate or incomplete waste analysis information provided by the generating site is not a defense for noncompliance by the Permittee with the waste management requirements and conditions in this permit, Chapter 173-303 WAC, and the land disposal restrictions in 40 CFR Part 268, as incorporated by reference in Chapter 173-303 WAC.

II.C.9. The Permittee must have an accurate and complete waste profile certified and dated for every waste stream accepted at the facility. Except that Permittee may manage waste awaiting designation in accordance limitation and procedures in Attachment CC and II.

II.C.10. At a minimum, waste verification must include procedures specified in Attachment CC.

II.D. PREPAREDNESS AND PREVENTION

II.D.1. In accordance with WAC 173-303-340, the facility must be maintained and operated to minimize the possibility of:

- a. A fire or explosion at or affecting the facility; or
- b. Any unplanned sudden or non-sudden release of dangerous waste or dangerous waste constituent from the facility to air, soil, or surface or ground water.

II.D.2. At all times, the Permittee must have qualified persons designated as the emergency coordinator and alternate emergency coordinators. These persons must be identified in the Contingency Plan by name, position at the facility, address, and phone numbers (work and home; cell and/or pager). The first person on the list must be the primary emergency coordinator. All other emergency coordinators must be listed in the order in which they will assume responsibility as alternates. The following steps are required if the Permittee changes the name, address, or phone number of any emergency coordinator unless the procedures for a permit modification specified in WAC 173-303-830 are followed:

- a. Attach the revised list of emergency coordinator and alternate emergency coordinators to the contingency plan maintained at the facility.
- b. Immediately inform the Director of the change and within seven (7) days formally notify the Director 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 G6.0 of Attachment GG, of the change within seven (7) days by certified mail or other means that establishes proof of delivery.

II.D.3. The Permittee must immediately carry out the provisions of the Contingency Plan, Attachment GG, whenever there is an incident as described in subsection G-3 of attachment GG.

II.D.4. The Permittee must maintain in proper working order emergency and safety equipment specified in the Contingency Plan, Permit Attachment GG, at all times.

II.D.5. The Permittee must follow the inspection schedule in Attachment EE. The Permittee must remedy any deterioration or malfunction discovered by an inspection, as specified in Attachment EE.

## II.E. RECORDKEEPING AND REPORTING

- II.E.1. In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the Permittee must comply with all the applicable notification, certification, and recordkeeping requirements described in WAC 173-303-380(1)(h),(j), (k), (n), (o), and (q).
- II.E.2. The Permittee must submit to the Director by March 1st each year, an annual report meeting the requirements in WAC 173-303-390(2). In addition to other requirements in WAC 173-303-390(2) this report must address:
- a. Effort undertaken during the year to reduce the volume and toxicity of waste generated, in accordance with WAC 173-303-390(2)(g).
  - b. Description of changes to the volume and toxicity of waste actually achieved during the year in comparison to previous years, in accordance with WAC 173-303-390(2)(h).
- II.E.3. The Permittee must maintain a written operating record at the facility consisting of records kept for the length of time specified below. The record can be a compilation of various documents. Also the Permittee must record all information referenced in this permit in the operating record within 48 hours of the information becoming available. The operating record must include, but is not limited to, the information listed below:
- a. The following records must be maintained until final closure of the facility (and ancillary activities) and corrective action are complete and certified:
    - 1) An up-to-date map showing the locations dangerous waste is managed at the facility.
    - 2) A map showing locations where dangerous waste was stored in the past.
    - 3) Assessment reports pursuant to Permit Condition II.A.5 and WAC 173-303-360(2)(k) of all incidents that require implementation of the Contingency Plan.
    - 4) Records of spills and releases.
    - 5) Written reports and records of verbal notification to the Director to address releases, fires, and explosions under WAC 173-303-360 (2) (k).
    - 6) Summaries of all records of corrective action, including those taken under the Comprehensive Environmental Response, Compensation, And Liability Act (CERCLA) and Model Toxics Control Act (MTCA).
    - 7) Records and results of waste analyses required by Attachment CC and WAC 173-303-380(1)(c).

Records and results of waste analysis may be kept in an electronic format at the facility, in lieu of a written format. However, a written chemical waste profile certified and dated for each waste

stream must be maintained at the facility. If records are kept on a computer server located at another location, then Permittee must have hard copies and/or electronic backups of the computerized records at the facility.

- 8) Training records of current facility personnel who have duties related to management of dangerous waste at the permitted units;
  - 9) Monitoring, testing, or analytical data and corrective action for air emissions standards for equipment leaks, and tanks and containers required by WAC 173-303-380(1)(f).
  - 10) Up-to-date records identifying, either by waste or location, equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.
  - 11) A description of and the quantity of each dangerous waste received or managed on-site and the method and date(s) of its storage at the facility as required by WAC 173-303-380(2).
  - 12) The notice and certification required of a generator under WAC 173-303-140 (Land Disposal Restrictions).
- b. The following records must be maintained for a minimum of five (5) years. Pursuant to WAC 173-303-380(3)(b) this time period is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director.
- 1) Operation and maintenance records and reports prepared pursuant to this permit.
  - 2) Progress reports and any required notifications prepared pursuant to this permit and not covered by another reporting requirement.
  - 3) Records of all inspection and monitoring information meeting requirements of WAC 173-303-320(2)(d) and this permit, including inspections in Attachment EE, 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.
    - (c) The recorded information itself whether consisting of observation, data measurement, instrument reading or any other monitoring method.
    - (d) The date and nature of any repairs or remedial actions taken.
  - 4) Records of all inspections meeting the requirements in WAC 173-303-395(1)(d).

- 5) Records documenting that equipment subject to WAC 173-303-691 (which incorporates by reference the requirements in 40 CFR Part 264 Subpart BB) is used for less than 300 hours a year.
  - 6) Annual reports submitted in compliance with WAC 173-303-220(1). However, if the reports are necessary to supplement the operating record for the permitted units, they must be retained until final closure is complete and certified.
  - 7) Permittee's manifest, as generator, signed by receiving hazardous waste management facility under WAC 173-303-210(1).
- c. The following records must be maintained for a minimum of three (3) years. Pursuant to WAC 173-303-380(3)(b) this time period is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director:
- 1) Annual reports submitted in compliance with WAC 173-303-390(2). However, if the reports are necessary to supplement the operating record for the permitted units, they must be retained until final closure is complete and certified.
  - 2) The Permittee's signed copy of manifests under WAC 173-303-370 and any required unmanifested shipment reports under WAC 173-303-390(1) or exception reports.
  - 3) Training records of former facility personnel.
  - 4) Records and data used to complete the application for this permit.
  - 5) Reports required to be submitted to the Department under WAC 173-303-646 and 690 through 692, and not listed elsewhere.
- d. Up-to-date copies of the following documents as amended, revised, and modified must be maintained at the facility until final closure is complete and certified:
- 1) The permit and all attachments, including, but not limited to, the Contingency Plan, Inspection Plan, Waste Analysis Plan, and Closure Plan.
  - 2) All approved permit modifications.
  - 3) The Part B permit application.
  - 4) Training Plan (including detailed information on course content not in Attachment FF).
  - 5) Documentation of arrangements made with local authorities pursuant to WAC 173-303-340(4).
  - 6) For all tank systems and components, pursuant to WAC 173-303-640(2) and (3):
    - (a) An assessment by an independent, registered professional engineer that the tank system was designed and installed properly.

- (b) Results of periodic integrity assessments and tightness testing.
    - (c) For all tanks which require corrosion protection, a written assessment from a corrosion expert that attests to the proper design and installation of any corrosion protection measures.
  - 7) Other environmental permits.
- II.E.4. The Permittee must submit waste analysis or monitoring data as soon as feasible and no later than sixty (60) days after receipt of a written request by the Director. If by the end of the sixty- (60) day period the requested data have not undergone Quality Assurance/ Quality Control (QA/QC), the Permittee must submit the requested data in raw form if the Director requests it. The Permittee must identify all submitted data that has not undergone QA/QC.

## II.F. CLOSURE

- II.F.1. The Permittee must conduct closure according to Permit Attachment HH as modified by Permit Conditions II.F.2. through II.F.10. At least 45 days before initiating closure, the Permittee must provide a Notification of Closure pursuant to requirements in WAC 173-303-610(3)(c).
- II.F.2. At least 60 days before initiating final closure, the Permittee must provide a sampling and analysis plan meeting requirements in Attachment HH. The plan is subject to Department review and approval.
- II.F.3. Sampling and analysis at the time of closure must be conducted in accordance with the closure plan in Attachment HH and the detailed sampling and analysis plan submitted pursuant to Permit Condition II.F.3.
- II.F.4. After the Notification of Closure pursuant to WAC 173-303-610(3)(c), the Permittee must provide the Director with reasonably available results of previous analyses of soil samples, if any have been taken, from under or adjacent to the permitted units if such results are requested by the Director.
- II.F.5. The Director may require additional investigation after the Permittee implements the approved sampling and analysis plan if the Director determines that the sampling and analyses have not adequately demonstrated whether clean closure has been achieved. Such a requirement shall constitute a Department action subject to appeal under Chapter 43.21B RCW. Additional sampling and analysis may be required for any of the following reasons.
- a. Specialized sample collection or analytical techniques are required to ensure adequate quantitation limits for chemical constituents of concern.
  - b. Results indicate the need to analyze for additional constituents at certain locations.
  - c. Results indicate additional soil or groundwater sampling is required at certain locations.

- d. Other reasons indicate the sampling and analysis plan has not adequately demonstrated whether clean closure has been achieved.
- II.F.6. If the value from a concrete or soil sample analysis is above the clean closure level for any constituent, then the area represented by the sample will be considered to be above the standard for clean closure.
- a. If the value from a concrete sample analysis is above the clean closure level, then Permittee must either:
    - 1) Remove at least the top 0.6 centimeter of concrete from the area represented by the sample (see 40 CFR § 268.45 Table 1, Item A.1, for concrete), until a clean debris surface is reached, as defined in 40 CFR § 268.45, Table 1, footnote 3, which is incorporated by reference into WAC 173-303-140; or
    - 2) Propose alternate procedures to the Director for review, that provide documentation demonstrating that the procedures will ensure removal of concrete contaminated above cleanup levels.
  - b. Actions the Permittee may take to ensure clean closure of soils include, but are not limited to, the following:
    - 1) Remove or remediate soil that has contamination above the clean closure standards for soils, followed by confirmation sampling to ensure clean closure standards are met;
    - 2) Re-analyze soils of the entire area represented by the sample that has contamination above the cleanup levels, taking a sufficient number of samples and using approved statistical methods allowed under the Model Toxics Control Act; and/or
    - 3) Initiate corrective action.
- II.F.7. An independent registered professional engineer must review closure activities to assure they are conducted in accordance with the approved closure plan and requirements of this permit. Review must specifically include, but is not limited to, field observations and record review of the following:
- a. Sampling procedures.
  - b. Locations of soil and concrete sampling to ensure locations were as specified in the sampling and analysis plan.
  - c. Sample labeling and handling, including chain of custody procedures.
  - d. Procedures to decontaminate concrete and manage rinsate.
  - e. Procedures to decontaminate tanks and equipment and manage rinsate.
  - f. Documentation that decontamination of tanks and equipment achieve a "clean debris surface" as specified in 40 CFR § 268.45 Table 1.
- II.F.8. Documentation supporting the independent registered professional engineer's certification of closure must be submitted to the Director with the closure certification required by WAC 173-303-610(6). The documentation must include:
- a. Lab and field data.

- b. A report that summarizes closure activities.

II.F.9. The Director may require modification of the Closure Plan if the facility begins receiving and storing different dangerous wastes that require different management practices or changes to the Part A Permit Forms or if additional significant releases occur at or from the permitted units before the time of closure.

## II.G. CONTROL AND CLEAN UP OF RELEASED MATERIAL

II.G.1. The Permittee must comply with the requirements of Permit Conditions II.A.1 through 6, II.B.1 through 3, and WAC 173-303-145 including, but not limited to, notification, mitigation, and control measures specified in Attachment GG and WAC 173-303-145(2) and (3) under any of 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.
- c. Other spills or discharges occur which threaten human health or the environment.

II.G.2. Consistent with good management for abatement of the initiating cause and with prudent consideration of health and safety risks to personnel, the Permittee must remove spilled or leaked waste within secondary containment immediately upon discovery. For the purpose of this permit condition, "immediately upon discovery" is considered to occur when clean-up actions begin upon the discovery of the spill or leak and proceed continuously until completion.

- a. A spill, release or other discharge of dangerous waste or hazardous substance greater than 10 pounds (or 1.2 gallon) but less than 100 pounds (12 gallons) or the "reportable quantity" established in 40 CFR Part 302 (whichever is less) to the secondary containment system must be entered into the operating record if not removed from the secondary containment system immediately.
- b. A spill, release or other discharge of dangerous waste or hazardous substance greater than 100 pounds (12 gallons) or the "reportable quantity" established in 40 CFR Part 302 (whichever is less) to the secondary containment system must be entered into the operating record and reported to the department pursuant to Permit Condition II.B.1.

II.G.3. Notation to the operating record required by Permit Condition II.G.2. must include the following:

- a. Identification of the equipment that caused discharge or the location of the discharge.
- b. Description of materials spilled or leaked.
- c. Actions taken to correct the cause of the spill or leak.
- d. Date and time of the occurrence and of action taken to correct cause of the

spill or leak.

- II.G.4. The Permittee must operate the facility to avoid any routine or systematic release of dangerous waste to a secondary containment system.
- a. The Permittee must repair any equipment that has resulted in a release of dangerous waste to a secondary containment system immediately pursuant to procedures in Attachment EE, the "Inspection Plan."
  - b. Until repairs required by a., above, can be completed, the Permittee must implement a system to collect any drips or discharges of dangerous waste to prevent further contact of dangerous waste with secondary containment coating or structure.

#### II.H. TRAINING PLAN

- II.H.1. The Permittee must maintain a written training plan as required by WAC 173-303-330(2) and must conduct personnel training according to the plan, WAC 173-303-330, and Attachment FF of this permit.
- II.H.2. The Permittee must maintain training documents and records as required by WAC 173-303-330(3).

#### II.I. ORGANIC AIR EMISSION STANDARDS FOR PROCESS VENTS

Before installing any equipment with process vents subject to the requirements of WAC 173-303-690 and 40 CFR Part 264 Subpart AA, as incorporated by reference into WAC 173-303-690, the Permittee must request a permit modification according to procedures in WAC 173-303-830 and submit the applicable information required by WAC 173-303-806(4)(j).

#### II.J. ORGANIC AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

- II.J.1. The Permittee's must comply with the requirements of the air emissions inspections in Attachments II and JJ and all applicable requirements in WAC 173-303-691 and 40 CFR Part 264 Subpart BB, as incorporated by reference into Chapter 173-303-691, for all valves, pumps, compressors, pressure relief devices, sampling connection systems, other connectors, open-ended valves or lines, 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, as incorporated by reference into Chapter 173-303-691.
- II.J.2. The Permittee must mark each piece of equipment described in Permit Condition II.J.1. so that it can be distinguished readily from other pieces of equipment.
- II.J.3. The Permittee must record all relevant information specified in 40 CFR 264.1064, as incorporated by reference into Chapter 173-303-691, in the operating record. This must include, but not be limited to, the following:
- a. Information specified in 40 CFR 264.1064(b)(1) for each piece of equipment to which 40 CFR Part 264 Subpart BB applies.
  - b. Information specified in 40 CFR 264.1064(d) when a leak is detected as

specified in 40 CFR 264.1052, 264.1053, 264.1057, and 264.1058.

- c. Information specified in 40 CFR 264.1064(g) for all equipment subject to the requirements in 40 CFR 264.1052 through 264.1060.
- II.J.4. When a leak is detected as specified in 40 CFR 264.1052, 264.1053, 264.1057, and 264.1058, the Permittee must follow procedures in 40 CFR 264.1064(c).
  - II.J.5. The Permittee must repair each detected leak from equipment subject to the requirements of WAC 173-303-691 and 40 CFR Part 264 Subpart BB, as incorporated by reference into Chapter 173-303-691, as soon as practicable, and no later than specified in 40 CFR Part 264 Subpart BB, as incorporated by reference into Chapter 173-303-691, for the individual type of equipment.
  - II.J.6. The Permittee must comply with all reporting requirements in 40 CFR 264.1065.
  - II.J.7. The Permittee must record identification of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year as required under WAC 173-303-691(1)(f) and, as incorporated by reference into WAC 173-303-691, 40 CFR 264 Subpart BB.
- II.K. ORGANIC AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS
- II.K.1. The Permittee must comply with all procedures in Attachments II and JJ and applicable requirements in WAC 173-303-692 and 40 CFR Part 264 Subpart CC, as incorporated by reference into Chapter 173-303-692, for tanks and containers.
  - II.K.2. The Permittee must control air emissions from containers in accordance with all applicable requirements in 40 CFR § 264.1082 and 40 CFR § 264.1086.
  - II.K.3. The Permittee must inspect containers accepted into the facility according to 40 CFR § 264.1086(c)(4) to ensure compliance with standards in 40 CFR § 264.1086(c)(1) or (d)(1), as applicable.
  - II.K.4. The Permittee must address defects in containers according to requirements in 40 CFR § 264.1086(c)(4)(iii).
  - II.K.5. The Permittee must operate, maintain, and monitor air emission controls for the “paint consolidation” process according to subsection D-1b and Appendix D12 of Attachment II.
  - II.K.6. The Permittee must control air emissions from tanks in accordance with all applicable requirements in 40 CFR § 264.1082 and 40 CFR § 264.1084.
  - II.K.7. The Permittee must maintain records of the management of carbon removed from a carbon adsorption system for the collection of organic vapor emissions in accordance with 40 CFR 264.1087(c)(3)(ii).

II.L. PERFORMANCE STANDARDS

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

II.M. SPECIAL REQUIREMENTS FOR SAMPLING AND ANALYSIS

The Permittee must allow independent sampling and sample splitting when requested by the Director. At the Permittee's request, the Director will inform the Permittee of all analyses to be performed on split samples.

## PART III - CONTAINER STORAGE

III.A. CONTAINER MANAGEMENT AREAS AND CAPACITY LIMITS

III.A.1. Subject to limitations and conditions in Attachment II and Permit Conditions III.A.1 through III.F, the Permittee may place and store containers of dangerous waste only in the following areas as they are numbered and named in Table D1-1 and Appendix D1 of Attachment II of the permit.

Container Storage Units	Maximum Capacity With or Without Free Liquid	
	No. of 55-gallon containers <sup>1</sup>	Gallons <sup>2</sup>
Room 123N (receiving)	62	3,410
Room 123S (Other Regulated Materials; DOT Class 9)	192	10,560
Room 125 (cyanide/sulfide)	6	330
Room 129 (oxidizer)	9	495
Room 130 (acids)	36	1,980
Room 131 (dangerous when wet)	340	18,700
Room 132 (poisons; DOT Class 6.1)	6	330
Room 133 (organic peroxides)	4	220
Room 134 (flammables/combustible)	144	7,920
Room 136 (flammable class 1A)	60	3,300
Room 137 (toner cartridge)	12	660
Room 138 (caustics)	24	1,320
Room 139 (used oil)	54	2,970
Room 140 (shipping)	290	15,950
<b>Total</b>		68,145

1) Permittee is not limited to storing 55-gallon containers. Other sizes of containers may be stored. These figures were used to determine the maximum capacity in gallons.

2) This is the maximum volume of dangerous waste that can be stored regardless of the volume of storage containers.

- III.A.2. The Permittee must restrict storage of a container of dangerous waste to two working days in room 123N (receiving). This time limit may be extended for “waste awaiting designation” or wastes with a “manifest discrepancy” under the conditions and limits specified in attachments CC and II.
- III.A.3. The Permittee must restrict storage of a container of dangerous waste to 24 hours in room 140 (shipping). This time limit may be extended only under the conditions and limits specified in attachment II.
- III.A.4. The Permittee must limit the number of 55-gallon containers and total gallons of wastes and other materials to maximum capacities specified for the individual container storage areas listed in Permit Condition III.A.1.
- III.A.5. All containers, including those that do not contain dangerous waste (e.g., exempt wastes, hazardous materials, etc.), in any container areas listed in Permit Condition III.A.1 must be counted toward the container and gallon capacity limits established by Permit Condition III.A.1. For the purpose of determining compliance with capacity limits, every container shall be considered to be full. However, this condition does not apply to clean and empty containers that are stored on racks or stored outside of permitted secondary areas, and are clearly marked as being empty.

### III.B. CONTAINER MANAGEMENT PRACTICES

- III.B.1. Containers must be placed or stored in rows no more than two (2) containers wide, except containers less than 55 gallons may be stored in a staggered fashion as specified in Attachment II if all labels on all containers are clearly visible at all times for inspection.
- III.B.2. A minimum of thirty-inch aisle space must be maintained between rows of containers in all container storage areas. In addition, the Permittee must maintain aisle space requirements and set back distances described and illustrated in Attachment II of the permit.
- III.B.3. Containers must be placed and stored in accordance with National Fire Protection Association (NFPA) restrictions on height.
- III.B.4. At no time shall any container be placed on top of a stack that is two (2) 55 gallon containers high. Also, containers must not be stored on the third shelf of container storage racks.
- III.B.5. Containers in room 123N (receiving) and room 140 (shipping) may be stored only one container high.
- III.B.6. Containers in all unloading, storage, and shipping areas must be operated to protect containers from contact with accumulated liquids resulting from leaks, spills, or precipitation.
- III.B.7. The Permittee must place and store ignitable and reactive dangerous wastes, and must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, in accordance with Attachments EE and II. In addition, the Permittee must place and store these wastes in compliance with relevant

requirements of the NFPA unless the Permittee receives written authorization for different management procedures from the Puget Sound Federal Fire and Emergency Services.

- III.B.8. The Permittee must keep all dangerous waste containers securely closed except when actively adding, removing, inspecting or sampling waste.
- III.B.9. The Permittee must maintain the containment system in accordance with the plans and specifications in Attachments II of this permit. The Permittee must maintain coatings for the individual areas as specified in Table D1-3 of Attachment II.
- III.B.10. The Permittee must inspect the container areas in accordance with the schedules and procedures in Attachment EE of this permit.
- III.B.11. Until closure and corrective action are completed, the Permittee must maintain records showing the locations of problems in the containment systems for the load/unload and storage areas that could result in release of dangerous waste or dangerous constituents to the soil. The Permittee must record the locations of cracks, gaps and loss of integrity, and the deterioration of containment pads, joints in containment pads, trenches, sumps, and coatings on maps.
- III.B.12. The Permittee must select and maintain all dedicated and non-dedicated equipment used to transfer dangerous waste to or from containers (pumps, hoses, hose couplings, piping, funnels, valves, etc.) to ensure the following:
- a. The equipment is compatible with the wastes it will contact, and is decontaminated before it is used for the transfer of incompatible wastes as defined in WAC 173-303-395(1)(b).
  - b. The 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 must be repaired or replaced immediately.
- III.B.13. Loading and unloading of containerized dangerous waste must occur only in the concrete area labeled "unloading" and "shipping dock" areas in Attachment II, Appendix D1.
- III.B.14. Containers of wastes from unloading operations must be immediately placed directly into room 123N (receiving). Subject to time limitations and other conditions in III.A.2 for room 123N, the waste must then be moved into another storage area identified in Permit Condition III.A.1.
- III.B.15. Any materials held in a storage unit while the Permittee explores options for reuse must be identified as such by container labels or other methods of identification, such as signage by the pallets. In addition, the Permittee must maintain records showing when the containers were received at the storage unit and must manage the materials as dangerous waste within two working days of deciding the waste cannot be reused. Finally, storage of these materials must meet the time limits in WAC 173-303-016(5)(d)(ii) to avoid speculative accumulation.

### 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 must transfer the dangerous waste from that container. Permittee must transfer this waste to a compatible container which is in good condition or to an overpack container within twenty-four (24) hours of discovery. The damaged container must be managed as a dangerous waste unless it is empty pursuant to WAC 173-303-160(2).
- III.C.2. The contents of any leaking container must be transferred immediately to a compatible container which is in good condition or to an overpack container. The damaged container must be managed as a dangerous waste unless it is empty pursuant to WAC 173-303-160(2).
- III.C.3. Dangerous waste must be managed in US Department of Transportation- approved containers that are compatible with the waste.

### III.D. IDENTIFICATION OF CONTAINERS

- III.D.1. Pursuant to WAC 173-303-630(3) and 395(6) the Permittee must ensure that each container of dangerous waste is labeled in a manner which adequately identifies the major risk(s) associated with the contents. In addition:
- a. The Permittee must ensure that all dangerous waste containers are marked as specified by WAC 173-303-190(3)(b).
  - b. The Permittee must 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.
- III.D.2. For all dangerous waste containers, the Permittee must 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's side as close to the top as the container design allows.
  - c. Labels are not obscured or otherwise unreadable.
  - d. Dangerous waste containers are oriented to allow inspection of the labels identified in Permit Condition III.D.1 and the container tracking number.
- III.D.3. Pursuant to WAC 173-303-395(6) the Permittee must destroy or otherwise remove dangerous waste labels immediately from containers rendered empty, as defined by WAC 173-303-160(2).

### III.E. COMPATIBILITY

- III.E.1. The Permittee must ensure that all containers used for dangerous waste management are made of or lined with materials that will not react with and are otherwise compatible with the dangerous waste to be stored.
- III.E.2. Except for lab packs assembled in compliance with WAC 173-303-161 and Department of Transportation compatibility requirements, the Permittee must not

place incompatible wastes, or incompatible wastes and materials, in the same container. The Permittee must not place dangerous waste in an unwashed container that previously held an incompatible waste or material.

III.E.3. Incompatible classes of containerized wastes and other materials must be segregated as follows (classes of incompatible wastes are specified in Table D1-2 of Attachment II; incompatible materials are as defined for incompatible wastes in WAC 173-303-040):

- a. Except for the room 123N (receiving) and room 140 (shipping), incompatible classes of wastes and materials must not be stored within the same secondary containment room. Secondary containment rooms are identified in Attachment II and illustrated in Appendix D1 of Attachment II.
- b. In rooms 123N and 140, incompatible classes of containerized wastes and other materials must be stored in separate rows. Rows must be separated by a minimum of 30 inches. Except, individual spill pans must be used to isolate “waste awaiting designation” in room 123N.
- c. Incompatible materials in lab packs must be assembled in compliance with WAC 173-303-161 and Department of Transportation compatibility requirements, as specified in Attachment II.

III.F. APPROVED WASTES

The Permittee may store in containers all dangerous wastes listed in the Part A (Permit Attachment BB) subject to limitations and requirements in this permit. The Permittee must not accept or manage dangerous wastes not listed in the Part A.

## PART IV - TANK SYSTEMS

### IV.A. DANGEROUS WASTE TANK SYSTEMS

Subject to conditions in Attachment JJ and Permit Conditions IV.B.1. through IV.D., the Permittee may store and process dangerous wastes in TSD tanks 101 – 106 as identified in Table D2-1 of Attachment JJ. Subject to conditions in Attachment JJ and Permit Conditions IV.B.1. through IV.D., the Permittee may bring TSD tanks 107 – 109 into service only after they are certified by a independent engineer and authorized for use through a permit modification.

### IV.B. INTEGRITY ASSESSMENTS

- IV.B.1. The Permittee must 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 Attachment JJ, as updated. The Permittee must 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, which may include inspecting and maintaining anodes for cathodic protection, maintaining welds, and maintaining interior and exterior coatings.
  - b. Addressing all areas of concern and limitations in the certifications.
  - c. Ensuring all tank systems are operated according to conditions and assumptions in the certifications.
- IV.B.2. The Permittee must document in the facility's operating record measures taken to address Permit Condition IV.B.1. Such record must be maintained until final closure and corrective action are complete and certified.
- IV.B.3. The Permittee must obtain and keep in the operating record certification statements by an independent professional engineer that new tank systems installed at the facility meets the requirements of WAC 173-303-640(3).
- IV.B.4. The Permittee must 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 procedures in Attachment JJ. The schedule provided in Attachment EE, as modified by Permit Condition IV.B.5., must be used for these integrity assessments. The starting date for scheduling must be the date of the most recent integrity assessment or tank certification, whichever is later. Results of the integrity assessments must 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 must 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 of the thickness of the tank wall per year.
  - e. Visual inspection detects other problems (for example pit corrosion) that could cause the tank to leak or otherwise fail before the next scheduled integrity inspection.
- IV.B.6. The Permittee must 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, in substandard condition or otherwise unfit for service must be immediately removed from service and the Permittee must comply with the requirements of WAC 173-303-640(7). Such a tank system, including its secondary containment system, must not be returned to service until the Permittee has obtained the required certification.
- IV.B.8. The Permittee must 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 engineer's certification in Attachment JJ.
- IV.B.9. The Permittee must follow permit modification procedures pursuant to Permit Condition I.C.3. for all tank systems which undergo modification. Emergency modifications to correct unsafe conditions may be performed prior to a formal modification request, but a written request must be submitted within thirty (30) days after the start of modification. The Permittee must notify the Director, via telephone, within twenty four (24) hours of any emergency modifications.

#### IV.C. TANK SYSTEM MANAGEMENT PRACTICES

- IV.C.1. Unless the requirements of WAC 173-303-395(1)(b) are met, the Permittee must not place dangerous waste into a tank system which was previously used for the management of incompatible wastes if the tank system has not been decontaminated.
- IV.C.2. The Permittee must maintain an impermeable coating in all tank secondary containment systems existing as of the effective date of this permit. The coating must prevent migration of any wastes into the concrete at any time during the use of the tank system. All coating must 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 in the area such that degradation or physical damage to the coating can be identified and remedied before wastes could migrate from the system.
  - c. The coating must be compatible with the waste stored and processed in the tanks which depend on the secondary containment system.
- IV.C.3. The Permittee must maintain the integrity of all containment systems for tank systems, including the unloading area.
- a. The Permittee must repair cracks, gaps, loss of integrity, deterioration, corrosion, or erosion of containment pads, joints in containment pads, berms, curbs, trenches, sumps, and coatings in accordance with schedules and procedures of subsection F-2d in Attachment EE.
  - b. Until closure and corrective action are completed, the Permittee must maintain the following records of problems described in Permit Condition IV.C.3.a. within the secondary containment systems.
    - 1) Mapping of problem location.
    - 2) Documentation of problem repair, including a description of the method of repair.
    - 3) Dated photographs of area before and after repair.
    - 4) Name and signature of the person completing repair.
  - c. If repeating or persistent problems as described in Permit Condition IV.C.3.a. occur in an area of a containment system, then the Permittee must isolate that area from dangerous waste management activities until the area can be repaired. Responses to these repairs must be conducted according to procedures in WAC 173-303-640(7).
- IV.C.4. The Permittee must select and maintain all dedicated and non-dedicated equipment used to transfer dangerous waste to or from tanks (pumps, hoses, hose couplings, piping, valves, etc.) to ensure the following:
- a. The equipment is compatible with the wastes it will contact, and is decontaminated before it is used for the transfer of incompatible wastes as defined in WAC 173-303-395(1)(b).
  - b. The equipment is in good condition and its use will not result in leaks and spills of dangerous waste either inside or outside of secondary containment systems. If equipment develops a leak, it must be repaired or replaced pursuant to procedures in Attachment EE.
- IV.C.5. During each daily tank inspection and each time before waste is added to a tank, the Permittee must inspect the tank level indicator of each tank to ensure its proper operation pursuant to procedures in Attachment EE and record the level of dangerous waste in each tank. The Permittee must maintain records of tank level measurements required by this permit condition in the operating record for a minimum of five (5) years.
- a. The Permittee must not fill any tank with dangerous wastes in excess of

the tank's working volume specified in the tank data sheets in Appendix D-5 of Attachment JJ or the amount specified in the tank certification, whichever is less.

- b. If a tank level indicator is not functioning properly, the Permittee must discontinue use of the tank, or the Permittee must ensure the tank will not be overfilled by using a manual gauging procedure to document waste levels for each daily tank inspection and each time before waste is added to the tank.
- 1) The Permittee must mark any faulty tank level indicator as inoperable with a readily visible tag, sign, or other marking.
  - 2) If a faulty tank level indicator is not repaired within one week of discovery, the Permittee must not place additional waste in the tank until the repair is completed.
  - 3) If a tank level indicator is not properly functioning, that information must be noted on the daily inspection forms. The date the repair of the tank level indicator is successfully completed must also be noted in the daily inspection form.

IV.C.6. Loading and unloading of bulk dangerous waste must occur only in the concrete unloading area specified in Appendix D1 of attachment JJ. This unloading area must be maintained to meet all requirements in WAC 173-303-395(4). Truck trailers, tanker trailers and all portions of other transportation units which contain waste must be within the concrete containment area during the process of loading or unloading dangerous waste.

IV.C.7. The Permittee must meet the requirements of WAC 173-303-640(5)(e).

#### IV.D. APPROVED WASTES

The Permittee may process in tanks dangerous waste listed in Attachment BB, subject to limitations and requirements in this Permit. Dangerous wastes not listed in the Part A Permit Application (Attachment BB) must not be accepted or managed by the Permittee.

## PART V - CORRECTIVE ACTION

### V.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 for this Part are as follows:

**“Area of Concern”** means any area of the corrective action facility where a release of dangerous constituents (including dangerous waste and hazardous substances) has occurred, is occurring, and is suspected to have occurred, or threatens to occur.

**“Corrective Action”** means any activities including investigations, studies, characterizations, and corrective measures undertaken in whole or in part to fulfill the requirements of WAC 173-303-646.

**“Institutional Controls”** mean nonengineered measures as described in WAC 173-340-440 taken to limit or prohibit activities that may interfere with the integrity of past cleanup actions implemented under interim action or cleanup action or that may result in exposure to hazardous substances at the corrective action facility.

**“Corrective Action 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).

**“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).

**“Solid Waste Management Unit”** (“SWMU”) means any discernible location at the corrective action 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 corrective action facility at which solid wastes, including spills, have been routinely and systematically released and include regulated units as defined by Chapter 173-303 WAC.

### V.B. PAST RELEASES

- V.B.1. The Federal Facility Agreement (FFA) under Section 120(e)(2) of CERCLA between EPA, Ecology, and the Navy dated April 5, 1990, is the mechanism used to conduct environmental investigation and cleanup of releases of dangerous waste and dangerous constituents that have been identified prior to the issuance of this permit at NUWC Division Keyport that are necessary to protect human health and the environment. The FFA, its requirements, and all work plans and schedules produced under the terms of the FFA, and any future revisions to the FFA (hereafter collectively referred to as the FFA) are incorporated as terms of this permit, including the requirements of the following records of decisions (RODs):

Final Record of Decision, Operable Unit 2, September 1, 1994,  
EPA/ROD/R10-94/085 1994.

Final Record of Decision, Operable Unit 1, September 28, 1998,  
EPA/ROD/R10-98/183 1998.

Compliance with the FFA is a condition of this permit. Corrective action requirements will be satisfied by the FFA except for:

- a. Newly identified releases, potential releases, solid waste management units (SWMU), and areas of concern (AOC) pursuant to Permit Conditions V.C.1. and 2.
- b. SWMUs discovered after termination of the FFA which the Director determines are subject to corrective action.
- c. Environmental investigation and cleanup under the FFA that do not meet corrective action requirements in the Resource Conservation and Recovery Act (RCRA), the state Hazardous Waste Management Act, and the Dangerous Waste Regulations.

- V.B.2. The Permittee must address all SWMU and AOCs either under the FFA or directly under this permit. The Permittee must notify the Director of SWMU, AOCs, and releases that are not being addressed by the FFA pursuant to Permit Conditions V.C.1 and 2.

V.C. NEWLY IDENTIFIED RELEASES - NOTIFICATION

- V.C.1. The Permittee must continuously consider and evaluate information regarding releases, suspected releases, or potential releases of hazardous substances, including dangerous waste and dangerous constituents as defined by WAC 173-303-64610(4), at the corrective action facility.
- V.C.2. Considering Permit Condition V.C.1, the Permittee must notify the Director, in writing, of any newly-identified SWMU(s), newly-discovered releases from previously identified or newly identified SWMU(s), and newly-discovered AOC(s) at or from the corrective action facility, no later than fifteen (15) days after discovery. The Permittee must provided information specified in WAC 173-303-806(4)(a)(xxiii) and 806(4)(a)(xxiv)(A).
- V.C.3. The Permittee is not required to notify the Department of a newly identified satellite accumulation area or a generator's less than ninety (90) day accumulation area unless there is a release or potential for a release.

V.D. NEWLY IDENTIFIED RELEASES - CORRECTIVE ACTION

- V.D.1. After receiving notification of any newly discovered releases at the corrective action facility, the Director will determine whether the Permittee must fulfill corrective action responsibilities as required by WAC 173-303. Any such corrective action will be incorporated into the permit by a permit modification. The actions taken must meet or exceed all substantive corrective action requirements of the Resource Conservation and Recovery Act (RCRA), the state Hazardous Waste Management Act, and the Dangerous Waste Regulations.

V.D.2. To ensure that corrective action will be conducted as necessary to protect human health and the environment, the Permittee must conduct corrective action in a manner that is consistent with the following provisions of Chapter 173-340 WAC:

- a. As necessary to select a cleanup action in accordance with WAC 173-340-360, WAC 173-340-350 State Remedial Investigation and Feasibility Study.
- b. WAC 173-340-360 Selection of Cleanup Actions.
- c. WAC 173-340-400 Cleanup Actions.
- d. WAC 173-340-410 Compliance Monitoring Requirements.
- e. WAC 173-340-420 Periodic Site Reviews.
- f. WAC 173-340-440 Institutional Controls.
- g. WAC 173-340-700 through -760 Cleanup Standards.

V.E. FIVE-YEAR REVIEW

After reviewing information obtained from the next five year review (scheduled for 2010), and subsequent five year reviews, the Director reserves the right to require the Permittee to submit, for Department review and approval, a plan to conduct corrective action that ensures the facility continues to comply with the corrective action requirements under WAC 173-303 as a result of information obtained from that five year review. Approved corrective action plans will be incorporated into this permit in accordance with the modification procedures under WAC 173-303-830.

V.F. RESERVATION OF RIGHT

In the event that the corrective actions performed pursuant to the FFA or under this permit fail to meet the requirements of WAC 173-303, the Department reserves the right to require the Permittee to submit a permit modification to ensure that the facility continues to comply with the corrective action requirements under WAC 173-303.