

DRAFT

STATE OF WASHINGTON
DANGEROUS WASTE MANAGEMENT PERMIT
FOR CORRECTIVE ACTION

Department of Ecology
Department of Ecology
Northwest Regional Office
3190 160th Ave. S.E.
Bellevue, Washington 98008-5452

Issued in accordance with the applicable provisions of the Hazardous Waste Management Act in Chapter 70.105 Revised Code of Washington (RCW), and the regulations promulgated thereunder in Chapter 173-303 Washington Administrative Code (WAC).

ISSUED TO:

Burlington Environmental, LLC
18000 – 72nd Avenue South, Suite 217
Kent, Washington 98032

FOR:

Burlington Environmental, LLC
734 South Lucile Street
Seattle, Washington 98108

This Permit is effective as of _____, 2009, and shall remain in effect until _____, 2019, 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). Upon becoming effective, this Permit replaces Permit No. WAD 000812909 issued by the United States Environmental Protection Agency and the Washington State Department of Ecology on August 5, 1991, under which Burlington Environmental, LLC has been continuing to operate pursuant to WAC 173-303-806(7).

ISSUED BY: WASHINGTON STATE DEPARTMENT OF ECOLOGY

Julie Sellick, Section Manager
Department of Ecology

Hazardous Waste and Toxics Reduction Program
Northwest Regional Office
Date _____

INTRODUCTION

PERMITTEE: Burlington Environmental, LLC a wholly owned subsidiary of PSC
Environmental Services, LLC.

I.D. Number: WAD 000812909

Pursuant to Chapter 70.105 RCW, the Hazardous Waste Management Act of 1976, as amended, and regulations codified in Chapter 173-303 WAC, a permit is issued to Burlington Environmental, LLC, a wholly owned subsidiary of PSC Environmental Services, LLC (hereafter collectively referred to as “PSC”), to conduct corrective action at PSC Georgetown Site. The site consists of: a) the original permitted parcel consisting of approximately two acres located at 734 Lucile Street, Seattle, Washington; b) an unpermitted parcel of approximately four acres (the former Amalgamated Sugar Company or “TASCO” property), located at 5400 Denver Avenue, Seattle, Washington, adjacent and contiguous to the property described in a); and, c) areas where hazardous substances released at the parcels described in a) and b) above have been deposited, stored, disposed of, placed, or otherwise come to be located. PSC must comply with all conditions of this Permit.

Pursuant to RCW 70.105D.030(1)(d), the Washington State Department of Ecology (Ecology) is designated by the Washington State Legislature to carry out all State programs authorized by the United States Environmental Protection Agency (EPA) pursuant to the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et. seq., as amended. Ecology has authority to issue this Permit in accordance with RCW 70.105.130 and is responsible for enforcement of all conditions of this Permit. Anyone may appeal these permit conditions or decisions by Ecology to the Pollution Control Hearings Board in accordance with WAC 173-303-845.

PART I - GENERAL CONDITIONS

I.1 PSC shall comply with all requirements of WAC 173-303-810, which are hereby incorporated by reference into this Permit. In addition to the terms stated herein, the corrective action obligations

with respect to the facility contained in Agreed Order No. DE 7347 are enforceable terms of this Permit.

I.2. Modifications to the Order shall not require a permit modification, except when required by WAC 173-303-830, Appendix I(N)(5) to incorporate a substantial change requiring public comment under WAC 173-340-600. The Order is not appealable to the Pollution Control Hearings Board. The Order may be reviewed only as provided under the Model Toxics Control Act (“MTCA”), Chapter 70.105D.060 RCW.

I.3. 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.4. Pursuant to WAC 173-303-806(6), PSC shall submit a new application for a final permit 180 days prior to the expiration date of this permit, unless Ecology grants a later date provided that such date is not later than the expiration date of the Permit. This Permit and all its conditions will remain in effect beyond the Permit's expiration date until Ecology has made a final permit determination if: (a) the Permittee has submitted a timely application for a final status permit; (b) Ecology determines that the final permit application is complete as set forth in WAC 173-303-840(1)(b); and (c) Ecology has not made a final permit determination as set forth in WAC 173-303-840.

If PSC fails to comply with the terms and conditions of the expiring or expired permit, then Ecology may take action consistent with WAC 173-303-806(7)(b). If PSC fails to submit a timely, complete application as required herein, then those permit conditions necessary to protect human health and the environment will remain in effect beyond the Permit's expiration date in accordance with WAC 173-303-815(2)(b)(ii), until Ecology terminates the conditions.

PART II - CORRECTIVE ACTION

II. Ecology is requiring that PSC fulfill corrective action responsibilities for the facility, as defined by WAC 173-303-040, using the Model Toxics Control Act (MTCA), (Chapter RCW 70.105D), as

amended, and its implementing regulations (Chapter 173-340 WAC), and the Dangerous Waste Regulations [(Chapter 173-303 WAC – specifically, WAC 173-303-646)]. See Section III.1, *infra*. 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.

PSC's corrective action obligations with respect to the facility under Order DE 7347, effective _____, are enforceable conditions of this Permit under the authority of Chapter 70.105 RCW, and its implementing regulations, Chapter 173-303 WAC.

PART III - CORRECTIVE ACTION CONDITIONS

III.1. The Order, effective _____ [DATE], was issued pursuant to the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, as amended, its implementing regulations, Chapter 173-340 WAC, and the Dangerous Waste Regulations, WAC 173-303-646. Order and its attachments are incorporated by reference as fully enforceable under this Permit. Regardless of whether or not Order is vacated, PSC's corrective action obligations continue to be enforceable conditions of this Permit under the authority of the Hazardous Waste Management Act (HWMA), Chapter 70.105 RCW, and its implementing regulations, Chapter 173-303 WAC.

III.2. The PSC Georgetown Site has been administratively divided into two areas: a) an area east of Fourth Avenue South (the "E-4 Area"), and b) an area west of Fourth Avenue South (the "W-4 Area"). Ecology has selected a final cleanup remedy for the E-4 Area of the site. The final cleanup remedy for this part of the site is described in the Order and its attached Cleanup Action Plan.

III.3. When Ecology selects a final cleanup remedy for the entire site, including the W-4 Area of the site, this Permit will be modified as needed to include Ecology's selected remedies. At that time, it will incorporate by reference any additional applicable Orders or Consent Decrees, as determined by Ecology, PSC, and other potentially liable parties (that are responsible for releases of hazardous substances in the W-4 Area of the PSC Georgetown Site).