

Date Issued: March 2011  
Expiration Date: February 2021  
Revised:

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**PERMIT  
FOR THE TREATMENT  
OF HAZARDOUS WASTE**

U.S. Environmental Protection Agency  
Region 10, AWT-121  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101  
Telephone: (206) 553-1200

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

Issued in accordance with the applicable provisions of 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 (40 CFR), and 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).

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ISSUED TO: Emerald Kalama Chemical, LLC.  
1296 Third Street N.W.  
Kalama, WA 98625

This Permit is effective as of "March 1, 2011," and shall remain in effect until "February 28, 2021" unless revoked and reissued, modified, or terminated under 40 CFR §§270.30(f), 270.41, and 270.43; and/or WAC 173-303-830(3) and (5) or continued in accordance with 40 CFR §270.51 and/or WAC 173-303-806(7).

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

\_\_\_\_\_  
Richard Albright, Director  
Office of Air, Waste, and Toxics  
U.S. Environmental Protection Agency  
Region 10

\_\_\_\_\_  
Garin Schrieve, Section Manager  
Industrial Section  
Washington Department of Ecology

Date \_\_\_\_\_

Date \_\_\_\_\_

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## INTRODUCTION

**Permittee:** Emerald Kalama Chemical, LLC.  
**EPA/State Identification Number:** WAD 092 899 574

Pursuant to:

Solid Waste Disposal Act (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),

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

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 Emerald Kalama Chemical, LLC. (hereinafter called the Permittee), to operate a hazardous waste facility located at 1296 Third Street N.W., Kalama, Washington, at latitude 46 degrees 01 minutes 18 seconds North and longitude 122 degrees 51 minutes 35 seconds West.

The Permittee shall comply with all terms and conditions set forth in this Permit and in Attachments A through J. The Permittee shall also comply with all applicable federal regulations including 40 CFR Parts 260 through 266, Part 268, Part 270, Part 273 and Parts 279 and/or all applicable state regulations in Chapter 173-303 WAC. If the Permit and the above attachments or regulations conflict, the wording of the Permit shall prevail pursuant to WAC 173-303-815(2)(c) and/or 40 CFR §270.32(c).

Applicable federal and state regulations are those which are in effect on the date of final administrative action on this Permit and any self-implementing statutory provisions and related regulations which, according to the requirements of RCRA (as amended) or state law are automatically applicable to the Permittee's hazardous waste management activities, notwithstanding the conditions of this Permit.

This Permit is based upon the administrative record, as required by 40 CFR §124.9 and/or 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, 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 Administrator of the United States Environmental Protection Agency (hereafter, called the Administrator) and the Director of the Department of Ecology (hereafter, called the Director) of any deviations from permit conditions or changes from the information provided in the Part B permit application. In particular,

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the Permittee shall inform the Administrator and Director of any proposed changes that might affect the ability of the Permittee to comply with applicable regulations and permit conditions that alter any of the conditions of the Permit in any way.

The United States Environmental Protection Agency (hereafter called the Agency) will administer and enforce all permit conditions which are based on promulgated federal regulations that have not been included in the state's authorized program. In accordance with RCRA Section 3008, after notice to the State, the Agency may administer and enforce any permit condition based on federal regulations for which the State is authorized. The Agency will not enforce any permit condition that is based on a state-only requirement. Permit conditions I.K.3, and I.M.3.c. are state-only requirements (i.e., required by state regulations, but not by federal regulations). Challenges to permit conditions which will be administered and enforced by the Agency shall be directed to the Environmental Appeals Board, in accordance with 40 CFR §124.19.

The Washington Department of Ecology (hereafter called the Department) will administer and enforce permit conditions in Part I as they apply to Part IV, and permit conditions in Part IV. With the exception of permit conditions I.K.3, and I.L.3, permit conditions in Part I are based on federal regulations for which the State of Washington has received final authorization. Permit conditions I.K.3, and I.L.3, are state-only requirements. Permit conditions in Part IV. (i.e., corrective action), are based on the requirement to impose corrective action obligations in accordance with WAC 173-303-646(2). Challenges to permit conditions which will be administered and enforced by the State shall be appealed to the state Pollution Control Hearings Board in accordance with WAC 173-303-845.

Table 1 of this Permit provides a regulatory authority matrix for this Permit.

### **LIST OF ATTACHMENTS**

The following listed documents are hereby incorporated, in their entirety, by reference into this Permit and are excerpts from the Permittee's Hazardous Waste Permit Application (most recently amended February, 2011), with the exception of Attachments I and J. Attachment I is a Department generated document. Attachment J is a Permittee generated document separate from the Permit Application. The Agency has, as deemed necessary, modified specific language in the attachments. These modifications are described in the permit conditions (Parts I through IV), and thereby supersede the language of the attachment. These incorporated attachments are enforceable conditions of this Permit, as modified by the specific permit conditions. All references in these attachments to the term "Hazardous Waste Management Unit" or "HWMU" shall be read as "U-3 Boiler System" as described in the Definitions section of this permit, except as otherwise specified in Permit Condition II.I. This permit excludes operating conditions related to the U-3 Boiler System, which is regulated by the HWC MACT standard requirements of 40 CFR, Part 63, Subpart EEE. All references in these attachments to the terms "Kalama," "KCI," "BFG Kalama," "Noveon Kalama," "BFGoodrich Kalama," or "Emerald Kalama" shall be read as reference to the Permittee.

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- Attachment A Facility Description and Maps of Facility Location  
Attachment 1
- Facility Plot Plan;
  - USGS 7.5' Quadrangle Map – Kalama, WA-OR;
  - FEMA Flood Insurance Rate Map (FIM) – Cowlitz County, WA;
  - 2001 On-Site Meteorological Station Windrose; and
  - Wind Direction Data for 5-Year Period (1997-2001) for On-Site Met Station.
- Attachment B Part A Permit Application
- Attachment C Security
- Attachment D General Inspection Requirements
- Attachment E Preparedness and Prevention Plan
- Attachment F Contingency Plan
- Attachment G Closure Plan and Financial Assurance
- Attachment H Subpart BB: Air Emission Standards for Equipment Leaks
- Attachment I Consent Decree No. 08 2 00515 2 as issued on March 17, 2008, under the Model Toxics Control Act (MTCA) RCW 70.705D.
- Attachment J Remedial Investigation Revision 2 BFGoodrich Facility report, as issued on December 15, 2000, consisting of: Section 2.2.2, pages 2-7, 2-8, 2-9, 2-10, 2-11, and 2-12; and Section 2.4, Figure 2-3.

Note: Unless otherwise specified all above documents are based on the Permittee's February 2011 permit renewal application.

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### **DEFINITIONS**

For purposes of this Permit, the following definitions shall apply unless provided otherwise in an individual section of this Permit. All definitions contained in 40 CFR §§124.2, 260.10, 270.2, 264.141 and/or WAC 173-303-040 are hereby incorporated, in their entirety, by reference into this Permit. Any of the definitions used below, (a) through (j), shall supersede any definition of the same term given in 40 CFR §§124.2, 260.10, 270.2, 264.141, and/or WAC 173-303-040. 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:

- a. The term “**Administrator**” means the Administrator of the U.S. Environmental Protection Agency (Agency), or a designated representative. The Director of the Office of Air, Waste and Toxics, 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.
- b. The term “**Agency**” means the U.S. Environmental Protection Agency, Region 10 (with the address as specified on page one of this Permit).
- c. The term “**Agencies**” means the U.S. Environmental Protection Agency, Region 10, and the Washington State Department of Ecology.
- d. The term “**Area of Concern**” (“**AOC**”) 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.
- e. The term “**Corrective Action**” means any activities including investigation, studies, characterization, and corrective measures undertaken in whole or in part to fulfill the requirements of WAC 173-303-64610.
- f. The term “**Days**” means calendar days unless otherwise defined for a condition or section of this Permit.
- g. The term “**Department**” means the Washington State Department of Ecology (with the address as specified on page one of this Permit).
- h. The term “**Director**” means the Director of the Washington State Department of Ecology or a designated representative.
- i. The term “**Facility**” means:
  - (1) For the purposes of implementing corrective action pursuant to Part IV of this

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Permit, the term “Facility” is defined in Part IV of this Permit.

- (2) The term “Facility” for the remainder of this Permit means that property identified in the physical description of the U-3 Boiler System including land, structures, appurtenances and improvements used to manage hazardous waste and that property description as set forth in Attachment 1 of Attachment A of this Permit.
- j. The term “**Release**” means any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injection, pump, escaping, leaching, dumping, or disposal of hazardous substances, including dangerous waste and dangerous constituents into the environment. It also includes the abandonment or discharging of barrels, containers, and other receptacles containing dangerous waste or dangerous constituents and includes the definition of release at RCW 10.105D.020(20).
- k. The term “**Permit**” means the Permit issued 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 and the Permit issued by the Washington State Department of Ecology pursuant to Chapter 70.105 RCW and Chapter 173-303 WAC.
- l. The term “**U-3 Boiler System**” or “**U-3 Boiler**” describes the system consisting of the following primary components: hazardous waste feed system, standard single water-tube style, A-type boiler, with a maximum thermal input capacity of approximately 50 million British thermal units per hour rated at 30,000 pounds per hour steam capacity at 250 pounds per square inch gauge (psig), an economizer, induced draft (ID) fan, spark arrestor, baghouse (F-13) and stack, described in accordance with 40 CFR §§270.22 and 270.66. The pump, piping, valves, meter, gun and atomizer between the hazardous waste tank T-313F and the U-3 Boiler comprise the hazardous waste feed system.
- m. The term “**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 waste 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 units as defined by WAC Chapter 173-303.
- n. The term “**Standard operating procedure**” or “**SOP**” shall mean a written description of the procedures by which a process, equipment, etc., shall be operated. An SOP may be written by the manufacturer and/or the Permittee.

## **PART I - STANDARD CONDITIONS**

### **I.A. EFFECT OF PERMIT**

- I.A.1 The Permittee is authorized to treat dangerous waste in accordance with the conditions of this permit which include applicable requirements of Chapter 173-303 WAC specified in the permit, and any self-implementing regulations in Chapter 173-303 WAC, and self-implementing statutory provisions and related regulations which are automatically applicable to the Permittee's dangerous waste management activities according to the Hazardous Waste Management Act, as amended, or other laws.
- I.A.2 Any storage, treatment, or disposal of dangerous waste that requires a permit under Chapter 173-303 WAC is prohibited at this facility unless that activity is authorized by this permit or the Title V air permit, including any temporary authorization by the Administrator and/or the Director under WAC 173-303-830(4)(e).
- I.A.3 Conducting an activity at the facility that requires a permit under Chapter 173-303 WAC and is not authorized by this permit or a temporary authorization under WAC 173-303-830(4)(e) is subject to enforcement of all applicable state and federal laws and regulations.
- I.A.4 The Permittee is authorized to continue to manage newly regulated dangerous wastes or to continue to use newly regulated dangerous waste management units subject to all limits, conditions and procedures in WAC 173-303-830(4)(g)(i)(A) through (E). For this condition to apply, the unit must have been in existence as a dangerous waste facility with respect to the newly listed or identified waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the wastes, or regulating the unit according to WAC 173-303-830(4)(g)(i)(A).
- I.A.5 Pursuant to WAC 173-303-810(8), compliance with this permit during its term constitutes compliance for the purpose of enforcement with Chapter 173-303 WAC for waste management activities covered under this permit except as provided for in WAC 173-303-810(8)(a)(i) through (iv). Compliance with this permit does not constitute a defense to any order issued or any action brought under other state or federal laws or regulations.
- I.A.6 The Permittee is subject to requirements in Chapter 173-303 for any activity not authorized by this permit or for activities not subject to a permit under Chapter 173-303 WAC, including but not limited to generator and transporter requirements at WAC 173-303-170 through -270.
- I.A.7 Issuance of this permit does not convey any property rights of any sort or any exclusive privilege.

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I.A.8 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. PERMIT ACTIONS**

### **I.B.1 Permit Modification, Revocation, Re-issuance, and Termination**

I.B.1.a The Administrator and/or the Director may modify, revoke and reissue, or terminate this permit if there is cause as specified in WAC 173-303-830(3) and (5).)

1. When a permit is modified only the conditions subject to modification are reopened. All other aspects of the existing permit remain in effect for the duration of the permit.
2. If a permit is revoked and reissued the entire permit is reopened and subject to revision and the permit is reissued as a new permit. The Permittee must comply with all conditions of the existing permit until a new final permit is reissued.
3. If the Administrator and/or the Director tentatively decides to terminate the permit it will issue a notice of intent to terminate and follow procedures in WAC 173-303-840(2).

I.B.2. Permit modifications pursuant to this Permit at the request of the Permittee must be done according to the three tiered modification system as specified in 40 CFR §270.42 and/or WAC 173-303-830(4). The Permit modification request must include change pages to the Permit attachments, and permit application supporting documentation necessary to incorporate the proposed permit modification. Each change page should include a revision number and revision date.

I.B.3. In addition to other requirements in 40 CFR §270.42 and/or WAC 173-303-830, within 45 days after 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 (if not already reflected in the change pages submitted in the original permit modification request), reprint the documents, and submit them to the Administrator and Director.

I.B.4. This Permit renewal shall be as specified in 40 CFR §270.30(b) and/or WAC 173-303-810(3) and Permit Condition I.D.2. The Administrator and/or 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.B.5 The filing of a request by the Permittee for a permit modification, revocation and re-issuance, termination, notification of planned changes, or anticipated noncompliance does not stay any permit condition.

#### **I.C. DUTY TO REAPPLY AND PERMIT CONTINUATION**

I.C. 1 If the Permittee wishes to continue an activity regulated by the permit after its expiration date, the Permittee must apply for and obtain a new permit. In addition, the Permittee must apply for and obtain a new permit if corrective action required by this permit has not or will not be completed by the permit's expiration date. The Administrator and/or the Director review of any application for a permit re-issuance will consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

- a. To continue an activity allowed by this permit after the permit's expiration date or to complete corrective action, the Permittee must submit to the The Administrator and/or the Director a new permit application at least 180 days before this permit's expiration date, unless the The Administrator and/or the Director grants a later date provided that such date will never be later than the expiration date of the effective permit.
- b. In accordance with WAC 173-303-806(7), if the Permittee submits a timely, complete application and the The Administrator and/or the Director has not made a final permit determination as set forth in WAC 173-303-840, this permit will remain in effect beyond the permit's expiration date until the Administrator and/or the Director does make a final permit determination (issuing or denying a new permit).
- c. If the Permittee fails to submit a timely, complete application as required under Permit Condition 1.C.1 then those permit terms and conditions necessary to conduct and complete corrective action will remain in effect beyond the permit's expiration date until the Administrator and/or the Director terminates the terms and/or conditions or the permit is revoked and reissued.

#### **I.D. DUTIES AND REQUIREMENTS**

##### **I.D.1 Duty to Comply**

The Permittee must comply with all conditions of this permit except to the extent, and for the duration, such noncompliance is authorized by an Emergency Permit issued under WAC 173-303-804. Other than as authorized by an Emergency Permit, any permit noncompliance constitutes a violation of Chapter 173-303 WAC and/or Chapter 70.105 RCW and is grounds for: a) enforcement action; b) termination of permit; c) revocation and re-issuance of permit; d) modification of permit; or e) denial of a permit renewal application.

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I.D.2 Need to Halt or Reduce Activity Not a Defense

If any enforcement action is taken 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 is not a defense for the Permittee.

I.D.3 Duty to Mitigate

The Permittee must take all steps required by the Administrator and/or the Director to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit. That the Permittee took such mitigation is not a defense to enforcement for noncompliance with the permit.

I.D.4 Proper Operation and Maintenance

The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control which 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 procedures (this includes quality assurance and quality control). 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.D.5 Duty to Provide Information

The Permittee must furnish to the Administrator and/or the Director, within a reasonable time, any information which the Administrator and/or 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 Administrator and/or the Director, upon request, copies of records required to be kept by this permit.

I.D.6 Inspection and Entry

- a. Pursuant to WAC 173-303-810(10), the Permittee must allow authorized representatives of the Agencies upon the presentation of credentials to:
- b. Enter 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;
- c. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- d. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- e. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by Chapter 173-303 WAC any substances or parameters at any location.

**I.D.7 Reporting Planned Changes**

**a.** In accordance with WAC 173-303-810(14)(a), the Permittee must give notice to the Administrator and/or the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Such physical alterations or additions must be in compliance with the permit. The Permittee must not manage dangerous waste in the new or physically changed portions of the facility until:

**b.** The Permit has been modified or the Permittee has obtained a temporary authorization for the physical change and for any change in the way waste is managed.

**c.** The Permittee has submitted to the Administrator and/or the Director by certified mail or hand delivery a letter signed by the Permittee and a registered professional engineer stating the facility has been constructed or modified in compliance with the permit, and either

**1.** The Administrator and/or the Director has inspected the modified or newly constructed facility and finds it in compliance with the permit, or

**2.** Within fifteen days of the date of the submission of the certified letter as specified in Permit Condition 1.5.7.1.1, the Permittee has not received notice from the Administrator and/or the Director of its intent to inspect.

**I.D.8 Reporting Noncompliance with the Permit and Reporting Emergencies**

**a.** The Permittee must meet requirements for immediate reporting and written submissions in WAC 173-303-810(14)(f) for noncompliance which may endanger health or the environment.

**b.** In accordance with WAC 173-303-810(14)(g), the Permittee must report instances of noncompliance not reported under WAC 173-303-810(14)(d), (e), and (f) at the time of the next monitoring report or within six months of the date of noncompliance, whichever is sooner.

**c.** The Permittee must give advance notice to the Administrator and/or the Director as soon as possible of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements. Such changes require a permit modification pursuant to WAC 173-303-830 before they can be implemented.

**d.** The Permittee must meet requirements for reporting and written submissions in Permit Conditions II.H in the event of spills, releases and other emergencies.

**I.D.9 Reporting Relevant Facts and Incorrect Information**

Pursuant to WAC 173-303-810(14)(h), if the Permittee becomes aware that he/she failed

to submit any relevant facts in the permit application, or submitted incorrect information in the permit application or in any report to the Administrator and/or the Director, the Permittee must promptly submit the relevant and correct information.

#### I.D.10 Reporting Compliance Schedules

Reports of permit compliance or noncompliance or any progress reports on interim and final permit requirement contained in any compliance schedules must be submitted no later than 14 days following each scheduled compliance date.

#### I.D.11 Other Reporting

- a. Monitoring Reports: Monitoring results must be reported at intervals specified elsewhere in this permit.
- b. The following reports are required:
  1. Manifest discrepancy report as specified at WAC 173-303-370(4).
  2. Unmanifested waste report as specified at WAC 173-303-390(1).
  3. Annual report as specified at WAC 173-303-390(2).
  4. Additional reports as specified at WAC 173-303-390(3).

#### I.D. 12 Information Repository

The Permittee must establish and maintain an information repository at any time the Administrator and/or the Director requires 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.E. MONITORING AND RECORDS**

I.E.1 Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

I.E.2 As provided at WAC 1730-303-810(11)(c) , the Permittee must retain records of all monitoring information for a minimum of three years from the date of the sample, measurement, report or application. The record retention period may be extended by request of the Administrator and/or the Director at any time.

- a. The Permittee must maintain specific monitoring records for longer than three years when that is specified in other parts of this permit.
- b. The Permittee must maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life and post closure period of the facility.

I.E.3 Pursuant to WAC 173-303-810(11)(d), records of monitoring information must include all of the following:

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- 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.E.4 In addition, the Permittee must meet specific monitoring and record keeping requirements when those are specified in other parts of this permit.

#### **I.F. SIGNATURE AND CERTIFICATION REQUIREMENTS**

I.F.1 All applications, reports, or information submitted to the Administrator and/or the Director must be signed in accordance with WAC 173-303-810 (12) and must be certified according to WAC 173-303-810 (13).

I.F.2 Except as otherwise specified in this permit, all applications, reports, notifications or other submissions that are required by this permit to be submitted to the Administrator and/or the Director must be sent by certified mail or hand delivered to the following address or other address as specified by the Administrator and/or the Director:

Ms. Ha Tran  
Washington State Department of Ecology  
Industrial Section  
P.O. Box 47706  
Olympia, Washington 98504-7706  
Telephone: (360) 407-6700  
Ecology 24-hour telephone number (360) 407-6300

and to:

Linda Meyer  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, Suite 900, MS-121  
Seattle, WA 98101  
Telephone: (206)553-6636

A change in this address does not require a permit modification under WAC 173-303-830.

#### **I.G. PERFORMANCE STANDARDS**

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The Permittee shall design, construct, operate and maintain the facility to the maximum extent practicable given the limits of technology in a manner to ensure performance standards in WAC 173-303-283 are met.

#### **I.H. CONFIDENTIAL INFORMATION**

Information submitted by the Permittee to the Administrator or Director identified as confidential by the Permittee will be treated in accordance with applicable provisions of WAC 173-303-810(15), Chapter 42.17 RCW, and RCW 43.21A.160.

#### **I.I TRANSFER OF PERMIT**

- I.I.1 In accordance with WAC 173-303-810(14)(c), this permit is not transferable to any person except after notice to the Department.
- I.I.2 This permit may be transferred to a new owner or operator only if it has been modified or revoked and reissued in accordance with WAC 173-303-830(2)(a) and (b) or WAC 173-303-830(3) to identify the new permittee and incorporate such other requirements as may be necessary.
- I.I.3 Before transferring ownership or operation of the Facility, the Permittee must notify the new owner or operator in writing of the requirements of this permit and Chapter 173-303 WAC in accordance with WAC 173-303-290(2).
- I.I.4 In accordance with WAC 173-303-830(2), the Permittee must maintain financial assurance conforming to the requirements of WAC 173-303-620, permit condition II.J, and IV.C, until the Administrator and/or the Director notifies the Permittee that the new owner or operator has demonstrated compliance with the financial requirements.

#### **I.J. DOCUMENTS AND RECORDS TO BE MAINTAINED AT THE FACILITY SITE**

- I.J.1 The following documents must be maintained at the facility:
  - a. This permit, including all of its attachments and addendums and all amendments, revisions, and modifications to these documents.
  - b. Records required by this permit (commonly called the operating record).
  - c. Other permits and approvals that authorize actions which affect safety and environmental protection (including, but not limited to, Title V Permit, Air Quality Program registrations, Toxic Substance Control Act (TSCA) authorizations, State Environmental Policy Act (SEPA) decision documents).

#### **I.K WASTE MINIMIZATION**

- I.K.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:

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- a. A program is in place to reduce the volume and toxicity of hazardous wastes 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.K.2 The Permittee must report waste minimization efforts in their annual report as required by permit condition III.F.1.
- I.K.3 The Permittee shall also comply with the annual report requirements of WAC 173-303-390(2) with respect to Part IV of this Permit

## **II TWENTY-FOUR (24) HOUR REPORTING**

- I.L.1. The Permittee shall verbally report to the Administrator and the Director any noncompliance with this Permit that might endanger human health or the environment immediately, and in any event, not more than twenty-four (24) hours from the time the Permittee becomes aware of the noncompliance in accordance with WAC 173-303-810(14)(f) and/or 40 CFR § 270.30(1)(6). The report shall include:
  - a. Information concerning release of hazardous wastes that may cause an endangerment to public drinking water supplies;
  - b. Any information of a release or discharge of hazardous waste, or a fire or explosion from the facility, which could threaten human health or the environment outside the facility; and
  - c. The description of the occurrence and its cause shall include any information necessary to fully evaluate the situation and to develop an appropriate course of action.
- I.L.2. Within five (5) days of the time that the Permittee becomes aware of noncompliance that might endanger human health or the environment, the Permittee shall provide to the Administrator and the Director a written submission. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance including exact dates and times, the anticipated time noncompliance is expected to continue if the noncompliance has not been corrected, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Administrator and/or the Director may waive their respective five (5) days written notice requirement in favor of a written report within 15 days. Upon the Administrator's and Director's receipt of the verbal report from the Permittee under Permit

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condition I.L.1., the Administrator and the Director will apprise the Permittee whether a written submission within five (5) days or a written report within 15 days is required.

I.L.3. In addition to incidents that require reporting by Permit Condition I.L.1, the following events shall also be reported to the Administrator and Director within twenty-four (24) hours:

- a. Any spill and/or release that causes the Permittee to implement the contingency plan as specified in Attachment F; or
- b. Any spill and/or release that could threaten human health or the environment either within or outside the facility; or
- c. Any spill or nonpermitted discharge which requires notification pursuant to WAC 173-303-145(2)(a) or (b).

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**Table 1 REGULATORY AUTHORITY MATRIX**  
 (This Table is provided for informational purposes only)

<b>Conditions</b>	<b>Ecology Dangerous Waste</b>	<b>EPA RCRA</b>
<b>Introduction</b>		
<b>I.A Effect of Permit</b>		
I.A.1	x	x
I.A.2	x	x
I.A.3	x	x
I.A.4	x	x
I.A.5	x	x
I.A.6	x	x
I.A.7	x	x
I.A.8	x	
<b>I.B Permit Actions</b>		
I.B.1	x	x
I.B.1.a – I.B.1.c	x	x
I.B.2	x	x
I.B.3	x	x
I.B.4	x	x
I.B.5	x	x
<b>I.C Duty to Reapply and Permit Continuation</b>		
I.C.1	x	x
I.C.1.a-I.C.1.c	x	x
<b>I.D Duties and Requirements</b>		
I.D.1	x	x
I.D.2	x	x
I.D.3	x	x
I.D.4	x	x
I.D.5	x	x
I.D.6	x	x
I.D.6.a – I.D.6.e	x	x
I.D.7	x	x
I.D.7.a- I.D.7.c	x	x
I.D.7.c.1	x	x
I.D.7.c.2	x	x
I.D.8.a-I.D.8.d	x	x
I.D.9	x	x
I.D.10	x	x
I.D.11	x	x

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I.D.11.a-b	x	x
I.D.12	x	x
<b>I.E Monitoring and Records</b>		
I.E.1-I.E.4	x	x
<b>I.F Signature and Certification Requirements</b>		
I.F.1	x	x
I.F.2	x	x
<b>I.G Performance Standards</b>		
I.G.1	x	x
<b>I.H Confidential Information</b>		
I.H.1	x	x
<b>I.I Transfer of Permit</b>		
I.I.1-I.I.4	x	x
<b>I.J Documents and Records</b>		
I.J.1.a- I.J.1.c	x	x
<b>I.K Waste Minimization</b>		
I.K.1	x	x
I.K.2	x	x
I.K.3	x	
<b>I.L 24 Hour Reporting</b>		
I.L.1	x	x
I.L.2	x	x
I.L.3	x	
<b>PART II GENERAL FACILITY CONDITONS</b>		
II.A		x
II.B		x
II.C		x
II.D		x
II.F		x
II.G.1-II.G.6		x
II.H.1-II.H.2		x
II.I.1-II.1.10		x
II.J.1-II.J.3		x
II.K		x
II.L.1-II.L.2		x
II.M		x
II.N		x

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<b>PART III BOILER SYSTEM</b>		
<b>III.A</b>		<b>x</b>
<b>III.B-III.B.1</b>		<b>x</b>
<b>III.C</b>		<b>x</b>
<b>III.D</b>		<b>x</b>
<b>III.E</b>		<b>x</b>
<b>III.F-III.F.1</b>		<b>x</b>
<b>PART IV CORRECTIVE ACTION</b>		
<b>IV.A Applicability</b>		
IV.A.1- IV.A.6	<b>x</b>	
<b>IV.B Discovery of Release</b>		
IV.B.1-IV.B.3	<b>x</b>	
<b>IV.C Financial Assurance</b>		
IV.C.1	<b>x</b>	
<b>IV.D Protection of the Environment</b>		
IV.D	<b>x</b>	
IV.E	<b>x</b>	
IV.F.1-IV.F.3	<b>x</b>	
<b>IV.G Clean Up of Released Material</b>		
IV.G.1-IV.G.2	<b>x</b>	

## **PART II - GENERAL FACILITY CONDITIONS**

### **II.A. DESIGN AND OPERATION OF FACILITY**

In accordance with 40 CFR §266.102 and 40 CFR §264.31, 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 hazardous waste or hazardous waste constituent to air, soil, or surface or ground water that could threaten human health or the environment.

### **II.B. RECEIPT OF OFFSITE WASTE AND SHIPMENT OF ONSITE WASTE**

The Permittee shall not receive or treat hazardous waste from any off-site generator. Only waste generated on-site by the Permittee may be treated or managed.

### **II.C. GENERAL WASTE ANALYSIS**

Under the current permit, the Permittee is allowed to feed waste to the boiler, listed in Attachment B – Part A Permit Application, in accordance with 40 CFR Part 63 HWC MACT Feedstream Analysis Plan. Since the Permittee may only treat material generated on-site, within 90 days of generation, any new waste not listed in the current Attachment B – Part A Permit Application must be characterized according to 40 CFR §262.11 and before the material is treated in the boiler the permit must be modified in accordance with I.B.2 and I.B.3 before it is treated in the boiler.

### **II.D. SECURITY PROCEDURES**

The Permittee shall comply with the Security Procedures and Equipment described in 40 CFR §266.102 and 40 CFR §264.14 and described in Attachment C to this permit.

### **II.E. GENERAL INSPECTION REQUIREMENTS**

The Permittee shall inspect the Facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of hazardous waste or hazardous waste constituents to the environment, or a threat to human health pursuant to 40 CFR §266.102 and 40 CFR §264.15 as described in Attachment D to this permit.

### **II.F. PREPAREDNESS AND PREVENTION**

The Permittee shall follow the Preparedness and Prevention Procedures pursuant to 40

CFR §266.102 and 40 CFR Part 264 Subpart C and described in Attachment E to this permit.

## **II.G. CONTINGENCY PLAN**

- II.G.1. The Permittee shall carry out the provisions of the Contingency Plan, Attachment F of this Permit, pursuant to 40 CFR §266.102 and 40 CFR Part 264 Subpart D, whenever there is a release of hazardous waste or hazardous waste constituents, or other emergency circumstances, any of which threatens human health or the environment.
- II.G.2. The Permittee shall immediately notify government officials and other appropriate authorities whenever there is a release of hazardous waste or hazardous waste constituents, or other emergency circumstances, any of which threatens human health or the environment. This notification shall meet the requirements in 40 CFR §266.102 and 40 CFR §264.56(d).
- II.G.3. The Permittee shall comply with the requirements of 40 CFR §266.102 and 40 CFR §264.53 for maintaining copies of the Contingency Plan, Attachment F of this Permit, at the Facility and providing copies to the authorities listed therein.
- II.G.4. The Permittee shall review and amend, if necessary, the Contingency Plan, Attachment F of this Permit, pursuant to 40 CFR §266.102 and 40 CFR §264.54 and Permit Conditions I.B.2 and I.B.3.
- II.G.5. The Permittee shall note in the facility operating record the time, date, and details of any incident that requires implementing the Contingency Plan, Attachment F of this Permit. Within 15 days after the incident, the Permittee shall submit a written report on the incident to the Director and Administrator. That report shall, at a minimum, include all items specified in Permit Condition I.L.1.
- II.G.6. The Permittee shall ensure that a trained Emergency Coordinator, or equivalent, is available at all times in case of an emergency.

## **II.H. RECORD KEEPING AND REPORTING**

- II.H.1. In addition to the record keeping and reporting requirements specified elsewhere in this Permit, the Permittee shall comply with all the applicable notification, certification, and record keeping requirements described in 40 CFR §268.7.
- II.H.2. The Permittee shall maintain a written operating record at the Facility, in accordance with 40 CFR §266.102 and 40 CFR §264.73(a) for all records identified in 40 CFR §264.73(b). Also, the Permittee shall record all information referenced in this Permit in the operating record within 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, certified and accepted by the agencies:
  - 1) An up-to-date map showing the location of hazardous waste management units within the facility;
  - 2) A map showing locations of all past hazardous waste management units if different from current locations;
  - 3) Assessment reports pursuant to Permit Condition II.G.5, and 40 CFR §266.102 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 Administrator and the Director to address releases, fires and explosions;
  - 6) Summaries of all records of corrective action;
  - 7) All other environmental permits;
  - 8) Corrective action deed notification;
  - 9) Records and results of any waste analyses required by this Permit, and 40 CFR §266.102 and 40 CFR §264.73(b)(3) that include, at a minimum:
    - a) The date(s), exact place and times of sampling or measurements;
    - b) The name(s) of the individual(s) who performed the sampling or measurements;
    - c) The date(s) analyses were performed demonstrating their EPA SW-846 holding times were satisfied;
    - d) The name of the individual(s) who performed the analyses;
    - e) The analytical techniques or methods used;
    - f) The analytical results;

- g) The QA/QC summary; and
  - h) The unique identity of the equipment or instrument used for the analysis.
- 10) Certification pursuant to 40 CFR §266.102 and 40 CFR §264.73(b)(9), Annual Waste Reduction Plan.
- b) The following records shall be maintained for a minimum of three (3) years. Pursuant to 40 CFR §266.102 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 Administrator.
- 1) Facility operations 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 and certification required of a generator under 40 CFR §268.7;
  - 4) Records of all inspection and monitoring information meeting requirements of 40 CFR §266.102 and 40 CFR §264.15(d) and this Permit, including the following calibration and maintenance records, at a minimum:
    - 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) Biennial reports submitted in compliance with 40 CFR §266.102 and 40 CFR §264.75, if applicable. 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; and
  - 6) Manifests and any required unmanifested shipment or exception reports.

- c) 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, certified and accepted by the agencies:
  - 1) The Permit and all attachments;
  - 2) The Part B Permit application;
  - 3) Documentation of arrangements made with local authorities pursuant to 40 CFR §266.102 and 40 CFR §264.37; and
  - 4) 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.

## **II.I. CLOSURE**

- II.I.1. Closure shall be conducted according to Attachment G of this Permit and 40 CFR § 266.102(e)(11). The term hazardous waste management unit (HWMU) for the purposes of closure shall be defined to include the U-3 Boiler System.
- II.I.2. The Permittee shall submit to the Administrator a detailed sampling and analysis plan, including a quality assurance project plan, at least eight (8) weeks in advance of scheduled collection of samples to support final closure. This submittal shall be made pursuant to Permit conditions I.B.3. and I.B.4. as a Class 1 Permit Modification requiring prior approval of the Administrator. That detailed sampling and analysis plan shall include complete information to conduct sampling outlined in Attachment G of this Permit; and, the soil sampling portion of this plan shall include the area surrounding the U-3 Boiler System.
- II.I.3. Sampling and analysis at the time of final closure shall be conducted in accordance with the closure plan in Attachment G of this Permit, and the detailed sampling and analysis plan submitted and approved pursuant to Permit Condition II.J.2.
- II.I.4. Decontamination of concrete to obtain a “clean debris surface” shall include removing at least 0.6 centimeters of the concrete’s surface in accordance with 40 CFR §268.45, Table 1.
- II.I.5. The Administrator may issue a final decision requiring additional investigation after the Permittee implements the approved sampling and analysis plan if the Administrator determines that the plan has not adequately demonstrated whether clean closure has been achieved. Additional sampling and analysis may be required for the following

reasons:

- a. Specialized sample collection or analytical techniques are required to ensure adequate quantification limits for chemical constituents of concern.
- b. Results indicate additional constituents should be analyzed at certain locations of the facility.
- c. Results indicate additional soil sampling is required at certain locations of the facility.
- d. Other reasons that indicate sampling and analysis plan has not adequately demonstrated whether clean closure has been achieved.

II.I.6. The standards to be used to determine whether clean closure of soils has been achieved for this Permit are the numeric cleanup levels calculated using residential exposure assumptions according to the Model Toxics Control Act regulations (Chapter 173-340 Washington Administrative Code), undertaken in order to satisfy the requirements of 40 CFR §266.102 and 40 CFR §264.111. For soils, clean closure means removal or remediation of all hazardous wastes or hazardous waste constituents or residues to or below these numeric cleanup levels.

II.I.7. If the value from a 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, and the Permittee shall propose additional actions. The Administrator will determine whether the additional actions proposed are adequate considering circumstances at the facility. If the Administrator determines the actions proposed by the Permittee are not adequate, then the Administrator will specify additional actions to be taken. Examples of additional actions include, but are not limited to, the following:

- a. Removing or remediating soil that has contamination above the cleanup levels followed by confirmatory sampling to ensure clean closure standards are met.
- b. Reanalyzing soils of the area represented by the sample that has contamination above the cleanup levels using other samples taken within the unit and applying approved statistical methods. Approved statistical methods include calculating the upper 95 percent confidence interval about the mean for sample data. If this parameter value is lower than the soil clean closure level for the constituent in question, no single sample level is greater than two times the soil clean closure level, and less than ten percent of all samples are above the clean closure level, then the unit will be considered to meet the clean closure standards for that constituent. Samples included in this statistical analysis must be randomly

selected and the distribution of their concentrations must fit a lognormal or normal distribution.

- c. Submit a modified closure plan for Agency approval in order to establish post closure care standards for the areas not able to attain clean closure standards.

II.I.8. An independent registered professional engineer shall assure that closure is conducted in accordance with the approved plan. Activities to be performed by the engineer shall specifically include, but not be limited to, field observation and review of records of the following:

- a. Sampling procedures;
- b. Locations of soil sampling to ensure locations were as specified in the sampling and analysis plan;
- c. Sample labeling and handling, including chain of custody procedures; and
- d. Procedures to achieve a “clean debris surface” were as specified in 40 CFR §268.45 Table 1 for metal and concrete surfaces.

II.I.9. Documentation supporting the independent registered professional engineer certification of closure shall be submitted to the Administrator with the closure certification required by 40 CFR §266.102 and 40 CFR §264.115.

II.I.10. The Administrator may require modification of the closure plan if the facility begins generating and processing different hazardous wastes; or if additional significant releases occur at the facility prior to the time of closure.

**II.J. CLOSURE COST ESTIMATE, FINANCIAL ASSURANCE AND LIABILITY REQUIREMENTS**

II.J.1. The Permittee shall maintain a current closure cost estimate in accordance with 40 CFR §266.102 and 40 CFR §264.142(a).

- a. The Permittee shall adjust the closure cost estimate in accordance with 40 CFR §266.102 and 40 CFR §264.142(b). Adjusted closure cost estimates shall be submitted to the Administrator and guarantor, if applicable.
- b. The Permittee shall revise the closure cost estimate in accordance with 40 CFR §266.102 and 40 CFR §264.142(c). Revised closure cost estimates shall be submitted to the Administrator and guarantor, if applicable.

- c. The Permittee shall furnish certification of partial or final closure before reducing cost estimates in accordance with 40 CFR §266.102 and 40 CFR §264.115.
- d. The Permittee shall keep at the facility the most current closure cost estimate in accordance with 40 CFR §266.102 and 40 CFR §264.142(d).
- e. The Permittee shall demonstrate continuous compliance with 40 CFR §266.102 and 40 CFR §264.143 by providing documentation of financial assurance, as required by 40 CFR §266.102 and 40 CFR §264.151, in at least the amount of the current cost estimate.
- f. Changes in financial assurance mechanisms must be approved by the Administrator, or their designee, pursuant to 40 CFR §266.102 and 40 CFR §264.143.

II.J.2. The Permittee shall demonstrate continuous compliance with the requirements of 40 CFR §266.102 and 40 CFR §264.147(a) to have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence, with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

II.J.3. The Permittee shall comply with 40 CFR §266.102 and 40 CFR §264.148, whenever necessary.

#### **II.K. ORGANIC AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS**

The Permittee shall comply with the organic air emission standards for equipment leaks in 40 CFR §266.102 and 40 CFR Part 264 Subpart BB and as specifically set forth in Attachment H of this Permit.

#### **II.L. EQUIVALENT MATERIALS/INFORMATION**

II.L.1. If certain equipment, materials, and administrative information (such as names, phone numbers, addresses) are specified in this Permit, the Permittee may use an equivalent or superior substitutes. Use of such equivalent or superior items within the limits (e.g., ranges, tolerances, and alternatives) already clearly specified in sufficient detail in the attachments to this Permit are not considered a modification of this Permit; however, the Permittee must place documentation of the substitution, accompanied by a narrative explanation and the date the substitution became effective in the operating record within seven (7) days of putting the substitution into effect, and submit documentation of the substitution to the Agencies. Upon review of the documentation of the substitution, if deemed necessary, the Agencies may require the Permittee to submit a permit

modification in accordance with Permit conditions I.B.2. and I.B.3.

- II.L.2. If the Agencies determine that a substitution was not equivalent to the original, they will notify the Permittee that the Permittee's claim of equivalency has been denied, of the reasons for the denial, and that the original material or equipment must be used. If the product substitution is denied, the Permittee shall comply with the original approved product specification, find an acceptable substitution, or apply for a permit modification in accordance with Permit conditions I.B.2. and I.B.3.

## **II.M. RISK ASSESSMENT REQUIREMENTS**

In accordance with 40 CFR §266.102 and 40 CFR §270.32(b)(3) the Permittee shall submit emissions results from each Comprehensive Performance Test (CPT) to the Administrator 90 days after completion of the CPT. The emission results from the CPT must be compared to past emission testing data and describe any difference in testing, operating, or emission data. The emissions from the CPT must be compared to the input data used to quantitatively evaluate risk for the September 2005 Risk Assessment Report. In the event that the data is significantly different from results of past tests the Administrator may determine that the Permittee must perform additional stack testing and/or update the risk assessment. If the Permittee is required to submit a Risk Assessment Work Plan in order to update the risk assessment the Work Plan shall be submitted within 90 days of the Administrator's determination. If additional testing is required the Permittee shall submit Trial Burn Work Plan in accordance with the Risk Assessment Work Plan. The Risk Assessment Work Plan must follow all current EPA guidance for conducting multi-pathway combustion risk assessments.

## **II.N. PROTECTION OF THE ENVIRONMENT; ACTIONS TO PROTECT AT-RISK SPECIES**

The Permittee shall take all necessary steps to ensure that actions taken under this permit do not violate the prohibitions of the Endangered Species Act (ESA) sections 9 and 4(d), 16 U.S.C. §§1538 and 1533(d), including incorporating any measures necessary for the protection of federally-listed species into such actions. In accordance with ESA Section 7, 16 U.S.C. §1536, and with RCRA regulations at 40 C.F.R. §270.3(c), EPA previously consulted with the National Marine Fisheries Services and U. S. Fish and Wildlife Service (collectively "the Services"). The Services concurred with EPA's determination that emissions from the operations of the U-3 Boiler System pursuant to this permit are not likely to adversely affect the federally listed species (the bald eagle and chinook salmon) and not likely to jeopardize the federally proposed species (the cutthroat trout) in the vicinity of the Emerald Kalama facility. Consistent with these determinations, the Permittee shall continue to ensure the actions implemented under this permit are protective of the environment in accordance with 40 C.F.R. §270.32(b)(2).

## **PART III- U-3 BOILER SYSTEM OPERATIONS**

### **III.A. DESCRIPTION OF U-3 BOILER SYSTEM**

This permit authorizes the Permittee to treat liquid hazardous waste in the U-3 Boiler System which consists of the following primary components: hazardous waste feed system, standard single water-tube style A-type boiler with a maximum thermal input capacity of approximately 50 million British thermal units per hour rated at 30,000 pounds per hour steam capacity at 250 pounds per square inch gauge(psig), an economizer, induced draft (ID) fan, spark arrestor, baghouse (F-13) and stack, described in accordance Attachment A. The pump, piping, valves, meter, gun and atomizer between the hazardous waste tank T313F and the U-3 Boiler comprise the hazardous waste feed system. Hazardous waste treatment in the boiler must occur in accordance with the terms and conditions of this permit.

### **III.B. AUTHORIZED WASTES**

In accordance with 40 CFR §266.102(b)(2)(d) the Permittee may treat only those hazardous wastes identified in Attachment B in the approved permit application.

#### **III.B.1 Prohibited**

In accordance with 40 CFR §270.32(b)(3) the Permittee is prohibited from treating the following materials: Hazardous waste Nos. F020, F021, F022, F023, F026, F027; acute/highly toxic (P-Code) hazardous wastes, Toxic Substance Control Act (TSCA) regulated polychlorinated biphenyls; regulated infectious wastes, regulated radioactive wastes; compressed gases; explosives.

### **III. C PERFORMANCE STANDARDS AND EMISSION LIMITATIONS**

In accordance with 40 CFR §270.32(b)(3) the Permittee shall maintain the U-3 Boiler system in accordance with the feed rate identified in condition III.D and operating requirements specified in this Permit.

### **III. D. FEED LIMITATIONS AND OPERATING REQUIREMENTS**

In accordance with 40 CFR §270.32(b)(3) hazardous waste treatment in the U-3 Boiler system shall not exceed a total hazardous waste treatment rate of 5, 523, 165 pounds per year. The Permittee shall perform monitoring and recording of total

hazardous waste treatment rate as necessary to document compliance with this permit condition. The records must be maintained as provided in III.F

### **III. E Monitoring, Recording and Inspections**

In accordance with 40 CFR §270.32(b)(3) the Permittee must cease burning hazardous wastes when changes in combustion properties, or feed rates of the hazardous waste, other fuels, or feedstocks, or changes in the U-3 Boiler design or operating conditions deviate from the limits specified in the Title V permit.

### **III.F Recordkeeping**

All information and data required by Part III of this permit shall be recorded and placed in the operating record required by 40 CFR §264.73 and condition II.H. The records must be maintained until closure of the U-3 Boiler system as a hazardous waste treatment unit.

#### **III.F.1 Annual Report**

The Permittee shall provide the total pounds of hazardous waste burned in U-3 Boiler System either in the HWC MACT annual summary report or an annual RCRA report submitted to the Administrator within 30 days following the end of the calendar year.

## **PART IV - CORRECTIVE ACTION**

### **IV.A. APPLICABILITY**

IV.A.1. The, Permittee, and an Additional Performing Party have entered into Hazardous Waste Cleanup-Model Toxics Control Act (MTCA) Consent Decree No, 08 2 00515 2 (Decree), Attachment I of this Permit. The Decree uses RCW 70.105D and its implementing regulations, Chapter 173-340 WAC, to satisfy the corrective action requirements of WAC 173-303-64620. The Decree requires implementation of the June 30, 2004 Cleanup Action Plan as approved by the Department. Except as modified by this permit, the corrective actions obligations and compliance schedules as set forth in the Decree and its attachments, as issued under the authority of MTCA, are incorporated herein by reference and shall be considered a part of this Permit. Except as modified by this Permit, the Permittee shall comply with the requirements and procedures of the Decree for the purposes of fulfilling its corrective action responsibilities under WAC 173-303-646-20. All modifications to the corrective action obligations and/or compliance schedules of the Decree that would not constitute a Class II or III permit modification as specified in WAC 173-303-830(4) shall automatically be incorporated herein and are made a condition of this Permit.

IV.A.2. Regardless of whether or not the Decree is vacated, and regardless of whether or not the Additional Performing Party specified in the Decree defaults, the Permittee's corrective action obligations and schedules as incorporated herein, continue to be enforceable conditions of this Permit.

IV.A.3. Termination of this Permit is authorized provided corrective action has been satisfactorily completed under either Permit Conditions IV.A.1. or IV.A.2, or the Permittee has obtained a new permit for corrective action in accordance with Permit Condition I.C. The Permittee is obligated to complete corrective action regardless of the operational status of the U-3 Boiler System.

IV.A.4. Transfer of this Permit is authorized provided that requirements under Permit Condition I.G. are met.

IV.A.5. The provisions of Part IV apply to any solid waste management units (SWMUs) and areas of concern (AOCs) identified in Attachment J of this permit, to any SWMUs or AOCs discovered during the period of this permit, and to contamination which has migrated beyond the facility boundary. As used in Part IV of this permit, the terms "discover" and "discovery" refer to the date on which the Permittee either (1) visually observes evidence of a previously unidentified SWMU or AOC; (2) visually observes evidence of a previously unidentified release of dangerous constituents to the environment; or (3) otherwise becomes aware of information which suggests the presence of a previously unidentified SWMU, or AOC, or release of dangerous waste or dangerous constituents to the environment. The Permittee, pursuant to this permit, shall be required to report and investigate any newly discovered releases or potential for release of dangerous waste or dangerous constituents from any SWMU at the facility, regardless of the time at which waste was placed in such unit in accordance with Permit Condition IV.B. The Permittee shall be required to take corrective action for any such releases on-site and/or off-site where necessary to protect human health and the environment.

IV.A.6. For purposes of compliance with Part IV of this Permit, the term "Facility" includes all contiguous property under control of the Permittee under the provisions of Chapter 70.105 RCW or WAC 173-303-040, including the definition of facility at RCW 70.105D.020(4). This property description is as set forth in Volume 1, Section 1, Subsection on pages 1 and 2 entitled "General Facility Description" and Attachment A of this Permit, and includes approximately 150 contiguous acres.

**IV.B. DISCOVERY OF RELEASES AND OF NEW SOLID WASTE MANAGEMENT UNITS**

IV.B.1. During the corrective action process, the Permittee shall continuously consider and

evaluate any 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 SWMU, newly-discovered releases from SWMUs, and newly-discovered AOCs, within all areas of the facility, no later than 15 days after the date of discovery. The notification shall include, but not be limited to the information required by WAC 173-303-806(4)(a)(xxiii).

IV.B.2. Upon receipt of the notification of any newly identified SWMU or release, or if otherwise discovered, the Department may require the Permittee to investigate and report on these releases and/or perform interim or corrective actions in accordance with the requirements of this permit.

IV.B.3. Nothing in this Permit shall relieve the Permittee of any obligation it may have under any law, including but not limited to, Section 103 of CERCLA; Section 304 of the Emergency Planning Community Right-to-Know Act (EPCRA) 42 U.S.C. §11004; WAC 173-340-300; and WAC 173-340-450; to report releases of hazardous wastes, hazardous constituents, or hazardous substances, to, at, or from the facility.

#### **IV.C. FINANCIAL ASSURANCE**

IV.C.1. The Permittee shall establish and maintain financial assurance for corrective action as provided in Section XXI ("Financial Assurances") of the Decree.

#### **IV.D. PROTECTION OF THE ENVIRONMENT; ACTIONS TO PROTECT AT-RISK SPECIES**

To ensure that corrective actions implemented under this permit are protective of the environment in accordance with WAC 173-303-646, the Permittee shall take all necessary steps to ensure that such actions do not violate the prohibitions of the Endangered Species Act (ESA) sections 9 and 4(d), 16 U.S.C. sections 1538 and 1533(d), including incorporating any measures necessary for the protection of federally-listed species into such actions. Prior to, or together with, its submittals of the Feasibility Study and draft CAP, the Permittee shall submit to the Department a statement that the recommended corrective action complies with the ESA (together with supporting materials) and a description of what measures will be taken to ensure ESA compliance. Questions concerning ESA compliance can be referred to the National Marine Fisheries Service or the United States Department of Fish & Wildlife, depending on the affected species and habitat. By reviewing such a statement and description and allowing corrective action to proceed, the Department makes no warranty with respect to ESA compliance. ESA consistency shall be pursued in good faith and shall not be invoked as a reason for unnecessary delay in implementing and completing corrective

action obligations.

#### **IV.E. CLEANUP ACTION PLAN**

The Cleanup Action Plan will be implemented and completed in accordance with the corrective action obligations and schedules set forth in the Decree and with Permit Condition IV.D. Those corrective action obligations require the design, construction, operation, maintenance, and monitoring of the selected cleanup or corrective actions.

#### **IV.F. DISPUTE RESOLUTION**

IV.F.1. In the event a dispute arises concerning an approval, disapproval, proposed change, or other decision or action by the Department with respect to a corrective action matter, the Permittee may invoke dispute resolution as provided in Section XIV.A (“Resolution of Disputes”) of the Decree. Nothing in this Permit shall limit any further dispute resolution rights the Permittee may have under the Decree, as a legal instrument separate from this Permit.

IV.F.2. Once approved in writing by the Department, all submittals to the Department as required by this section of the Permit are incorporated by reference and become enforceable parts of this Permit, as if fully set forth herein.

IV.F.3. 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 by the Permit that are not the basis of the dispute, unless the Department agrees in writing to a schedule extension for those activities.

#### **IV.G CLEAN UP OF RELEASED MATERIAL**

IV.G.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 hazardous waste or hazardous substance occurs onto the ground, into the ground water, or into the surface water such that human health or the environment is threatened;
- b. A spill or nonpermitted discharge of hazardous waste or hazardous substance results in emission into the air such that human health or the environment is threatened;

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- c. Other spills or discharges occur which threaten human health or the environment.

IV.G.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.