

**STATE OF WASHINGTON  
DANGEROUS WASTE MANAGEMENT PERMIT  
FOR CORRECTIVE ACTION**

Department of Ecology  
Southwest Regional Office  
300 Desmond Drive  
Lacey, Washington 98503

Issued in accordance with the applicable provisions of the Hazardous Waste Management Act in Chapter 70A.300 Revised Code of Washington (RCW), and the regulations promulgated thereunder in Chapter 173-303 Washington Administrative Code (WAC).

**ISSUED TO:**

Burlington Environmental LLC  
1701 Alexander Avenue  
Tacoma, Washington 98421

**FOR:**

Burlington Environmental LLC  
625 South 32<sup>nd</sup> Street  
Washougal, Washington 98671

This Permit is effective as of January 11, 2022, and shall remain in effect until January 11, 2032, 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 092300250 issued by the United States Environmental Protection Agency and the Washington State Department of Ecology on September 17, 1992, under which Burlington Environmental LLC has been continuing to operate pursuant to WAC 173-303-806(7).

**ISSUED BY: WASHINGTON STATE DEPARTMENT OF ECOLOGY**



Michelle Underwood, Section Manager  
Department of Ecology  
Hazardous Waste and Toxics Reduction Program  
Southwest Regional Office  
Date January 11, 2022

## **INTRODUCTION**

PERMITTEE: Burlington Environmental LLC

I.D. Number: WAD 092300250

Pursuant to Chapter 70A.300 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 to conduct corrective action at the Burlington Environmental LLC facility, located at 625 South 32<sup>nd</sup> Street, Washougal, Washington 98671. The Permittee must comply with all conditions of this Permit.

Pursuant to RCW 70A.305.030(1), 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 70A.300.220 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 and pursuant to Chapter 43.21B RCW.

## **PART I - GENERAL CONDITIONS**

I.1 The Permittee shall comply with all requirements of WAC 173-303-810, which are hereby incorporated by reference into this Permit.

I.2 Modifications to Agreed Order No. DE 4308 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. Agreed Order No. DE 4308 is not appealable to the Pollution Control Hearings Board. Agreed Order No. DE 4308 may be reviewed only as provided under the Model Toxics Control Act, RCW 70A.305.060.

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), the Permittee 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: (1) the Permittee has submitted a timely application for a final status permit; (2) Ecology determines that the final permit application is complete as set forth in WAC 173-303-840(1)(b); and (3) Ecology has not made a final permit determination as set forth in WAC 173-303-840.

If the Permittee 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 the Permittee 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 the Permittee fulfill corrective action responsibilities for the facility, as defined by WAC 173-303-040, using the Model Toxics Control Act (MTCA), (Chapter 70A.305 RCW), 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 (HWMA), Chapter 70A.300 RCW, and the Dangerous Waste Regulations, Chapter 173-303 WAC.

The Permittee's corrective action obligations with respect to the facility under Agreed Order No. DE 4308, effective January 11, 2022, are enforceable conditions of this Permit under the authority of Chapter 70A.300 RCW, and its implementing regulations, Chapter 173-303 WAC.

**PART III - CORRECTIVE ACTION CONDITIONS**

III.1. Agreed Order No. DE 4308, effective January 11, 2022, was issued pursuant to the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW, as amended, its implementing regulations, Chapter 173-340 WAC, and the Dangerous Waste Regulations, WAC 173-303-646. Agreed Order No. DE 4308 and its attachments are incorporated by reference as fully enforceable under this Permit. Regardless of whether Agreed Order No. DE 4308 is vacated, the Permittee's corrective action obligations continue to be enforceable conditions of this Permit under the authority of the HWMA, and its implementing dangerous waste regulations, Chapter 173-303 WAC.

III.2. When Ecology selects a final cleanup remedy or remedies for the Burlington Environmental LLC facility, this Permit will be modified as needed to include the Ecology selected remedy or remedies. The Permittee will then implement the final cleanup remedy or remedies.

III.3. Ecology will require the Permittee to provide assurances of financial responsibility for corrective action at the facility according to requirements in Agreed Order No. DE 4308.