

STATE OF WASHINGTON
DANGEROUS WASTE MANAGEMENT PERMIT
FOR CORRECTIVE ACTION

Department of Ecology
Hazardous Waste & Toxics Reduction Program
Central Region Office
1250 West Alder Street
Union Gap, WA 98903-0009

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: United States Army
Joint Base Lewis-McChord
1010 Liggett Avenue – Box 339500, Mail Stop 14A
Joint Base Lewis-McChord, WA 98433-9500

FOR SITE: Yakima Training Center
970 Firing Center Rd.
Yakima, WA 98901

This Permit is effective as of February 1, 2023, and shall remain in effect until January 31, 2033, 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 STATE DEPARTMENT OF ECOLOGY



Greg Caron, Section Manager
Washington Department of Ecology
Hazardous Waste & Toxics Reduction Program
Central Region Office
February 1, 2023

INTRODUCTION

PERMITTEE: United States Army, Joint Base Lewis-McChord, Washington

I.D. Number: WA8214053995

Pursuant to Chapter 70A.300 RCW, the Hazardous Waste Management Act of 1976, as amended, and regulations codified in Chapter 173-303 WAC, this permit is issued to Joint Base Lewis-McChord (JBLM) to conduct corrective action at the Yakima Training Center Facility located seven miles northeast of Yakima, Washington. JBLM must comply with all conditions of this Permit.

Pursuant to RCW 70A.305.030(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 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.

PART I - GENERAL CONDITIONS

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

I.2 Modifications to Enforcement Order No. DE 21499 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. Enforcement Order No. DE 21499 is not appealable to the Pollution Control Hearings Board. Enforcement Order No. DE 21499 may be reviewed only as provided under the Model Toxics Control Act, Chapter 70A.305.070 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), JBLM shall submit a new application for a final permit not less than 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) JBLM 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 JBLM 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 JBLM 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 JBLM 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, and the Dangerous Waste Regulations.

JBLM's corrective action obligations with respect to the Yakima Training Center Facility under Enforcement Order No. DE 21499, effective February 1, 2023, 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. Enforcement Order No. DE 21499 and its exhibits are incorporated by reference as fully enforceable under this permit. Regardless of whether or not the Enforcement Order is vacated, JBLM's corrective action obligations continue to be enforceable conditions of this permit under the authority of the Hazardous Waste Management Act (HWMA), Chapter 70A.300 RCW, and its implementing regulations, Chapter 173-303 WAC.

III.2. When Ecology selects final cleanup remedies for the Yakima Training Center Facility, this Permit will be modified as needed to include the Ecology selected remedies and incorporate by reference Enforcement Order No. DE 21499.