

STATE OF WASHINGTON
DANGEROUS WASTE MANAGEMENT PERMIT
FOR CORRECTIVE ACTION

Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775

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:

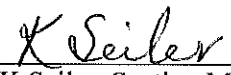
SSA Tacoma, Inc.
1131 SW Klickitat Way
Seattle, WA 98134

FOR:

Reichhold/SSA Containers Facility
3320 Lincoln Avenue
Tacoma, WA 98421

This Permit is effective as of July 30, 2004, and shall remain in effect until July 30, 2014, 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 009 252 891, issued by the United States Environmental Protection Agency on December 4, 1988, under which Reichhold, Inc. has been continuing to operate pursuant to WAC 173-303-806(7).

ISSUED BY: WASHINGTON STATE DEPARTMENT OF ECOLOGY


K Seiler, Section Manager
Department of Ecology
Hazardous Waste & Toxics Reduction Program
Southwest Regional Office

INTRODUCTION

PERMITTEE: SSA Tacoma, Inc.

I.D. Number: WAD 009252891

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 SSA Tacoma, Inc. (SSA Tacoma) to conduct corrective action at the Reichhold/SSA Containers facility located at 3320 Lincoln Avenue, Tacoma, WA 98421. SSA Tacoma 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 SSA Tacoma shall comply with all requirements of WAC 173-303-810, which are hereby incorporated by reference into this Permit.

I.2. Modifications to Consent Decree No. 08-2-15781-0 and Second Amended Agreed Interim Action Administrative Order No. 1578 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. Consent Decree No. 08-2-15781-0 and Second Amended Agreed Interim Action Administrative Order No. 1578 are not appealable to the Pollution Control Hearings Board. Consent Decree No. 08-2-15781-0 and Second Amended Agreed Interim Action Administrative Order No. 1578 may be reviewed only as provided under the Model Toxics Control Act, 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), SSA Tacoma 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) SSA Tacoma 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 SSA Tacoma 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 SSA Tacoma 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 SSA Tacoma 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 173-303-64620]. 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.

SSA Tacoma's corrective action obligations with respect to the facility under Consent Decree No. 08-2-15781-0, effective December 30, 2008, and Second Amended Agreed Order No. 1578, effective December 30, 2008, 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. Consent Decree No. 08-2-15781-0 and Second Amended Agreed Interim Action Administrative Order No. 1578 are issued pursuant to authority of 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 173-303-64620. The corrective action obligations and compliance schedules set forth in Consent Decree No. 08-2-15781-0 and its attachments and Second Amended Agreed Interim Action Administrative Order No. 1578 and its attachments, as well as all terms of those documents unless inconsistent with the scope and authority of this Permit, are incorporated by reference as fully enforceable under this Permit. Regardless of whether or not Consent Decree No. 08-2-15781-0 and Second Amended Agreed Interim Action Administrative Order No. 1578 are vacated, SSA Tacoma'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.