

**PERMIT
FOR THE STORAGE AND TREATMENT
OF DANGEROUS WASTE**

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

ISSUED TO: U.S. Navy, Naval Undersea Warfare Center
601 Dowell Street
Keyport, Washington
WA1170023419

This Permit is effective August 30, 2024, and will remain in effect until August 30, 2034, unless revoked and reissued, modified, or terminated under WAC 173-303-830 or continued in accordance with WAC 173-303-806(7) or as provided at condition 1.2.3 of this permit.

ISSUED BY: WASHINGTON DEPARTMENT OF ECOLOGY



Christa Colouzis, NWRO Section Manager
Hazardous Waste & Toxics Reduction
Program Washington Department of Ecology

8/7/2024

Date

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INTRODUCTION

Permittee: U.S. Navy, Naval Undersea Warfare Center Division Keyport
EPA/state identification number: WA1170023419

Pursuant to:

Chapter 70A.305 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); and the Solid Waste Disposal Act (SWDA), as amended:

A permit is issued to U.S. Navy, Naval Undersea Warfare Center Division Keyport (hereinafter called the Permittee), to operate a dangerous waste storage and treatment facility located at 610 Dowell Street, Keyport, Washington, 98345-7610, latitude 47 degrees, 42 minutes, and 20 seconds North and longitude 122 degrees, 37 minutes, and 08 seconds West.

Pursuant to RCW 70A.305.030(1)(d), the Washington State Department of Ecology (Ecology or Department) 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. Section 6901 et. seq., as amended. Pursuant to Section 3006 of RCRA, 42 U.S.C. Section 6926, the hazardous waste program in the State of Washington and revisions to that program were authorized as specified by EPA. Ecology has authority to issue this Permit in accordance with the authorized program and with RCW 70A.300.220 and is responsible for enforcement of all conditions of this Permit.

The Permittee must comply with all terms and conditions set forth in this Permit and in the documents listed in the Attachments Incorporated by Reference section below.

Chapter 173-303 WAC state regulations specified in the Permit are those state regulations in effect on the date of permit issuance.

The Permittee must also comply with requirements identified at WAC 173-303-810(8)(a)(i) through (iv) that are not included in the permit, including but not limited to, self-implementing statutory and regulatory requirements.

This Permit is based upon the administrative record, as required by WAC 173-303-840. The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts or the Permittee's misrepresentation of any relevant facts at any time are grounds for the termination, revocation and reissuance, or modification of this Permit and/or initiation of an enforcement action, including criminal proceedings.

The Department will enforce all conditions of this Permit. Any challenge of a permit condition must be appealed to the Pollution Control Hearings Board in accordance with WAC 173-303-845.

The Agency has the authority to enforce any condition in this Permit that is based on federal regulations for which the State of Washington's dangerous waste management program is authorized.

ATTACHMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference into this Permit. Except for Chapter 173-303 WAC and the Public Participation Plan, these documents are from the Navy Dangerous Waste Permit Application. These incorporated documents are enforceable conditions of this Permit.

Section A of the Permit Application - Dangerous Waste Permit Application Part A Form, including photographs, topographic map, facility location map, and facility drawings.

Section C of Permit Application – Waste Analysis Plan, including tables and figures and Appendices C1 and C2.

Section D of Permit Application – Process Information, including tables and figures and Appendices D1 through D-12.

Section F of Permit Application – Inspection Plan, including tables and figures and Appendix F1 and F2.

Section G of Permit Application – Contingency Plan, including tables and figures and Appendix G1 through G10.

Section H of Permit Application – Personnel Training, including tables and figures and Appendix H1.

Section I of Permit Application – Closure Plan, including tables and figures.

Chapter 173-303 WAC (September 30, 2020).

Keyport Public Participation Plan.

DEFINITIONS

All definitions in WAC 173-303-040 are incorporated by reference into this Permit. If any definition in WAC 173-303-040 differs from the following definition in this Permit, the Permit's definition prevails.

Any term used in this Permit which has not been defined in the Permit or in WAC 173-303-040 shall have the same meaning as set forth in Title 40 CFR Parts 260, 264, 270, and 124. All other terms shall have their standard, technical meaning.

Some terms are specifically defined in Part 4.5, Corrective Action, for the purposes of that section of the Permit only.

For this Permit, except where a specific definition applies under Part 4.5, Corrective Action, the following definitions apply:

“**Agency**” means the United States Environmental Protection Agency, Region 10.

“**Days**” means calendar days unless otherwise defined for a condition or section of this Permit.

“**Department**” means the Washington State Department of Ecology (with the address as specified on page one of this permit).

“**Director**” means the Director of the Washington State Department of Ecology, or a designated representative.

“**Facility**” means Building 1051 identified as “TSDF” in Section A of the Permit Application - Part A Attachment A – Section XV Map. It includes contiguous land, structures, appurtenances, and improvements used to manage dangerous wastes.

“**Off-Station**” means outside the Naval Undersea Warfare Center, Division Keyport (NUWC, Division Keyport) installation boundary.

“**On-Station**” means inside the Naval Undersea Warfare Center, Division Keyport (NUWC, Division Keyport) installation boundary.

“**Permit**” means this permit issued by the Washington State Department of Ecology pursuant to Chapter 70A.305 RCW and Chapter 173-303 WAC.

PERMIT CONDITIONS

1. STANDARD CONDITIONS

1.1. EFFECT OF PERMIT

- 1.1.1. The Permittee is authorized to store and 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.
- 1.1.2. 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, including any temporary authorization by the Department under WAC 173-303-830(4)(e).
- 1.1.3. 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.
- 1.1.4. 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).
- 1.1.5. 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.
- 1.1.6. The Permittee is subject to requirements in Chapter 173-303 WAC 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.
- 1.1.7. Issuance of this permit does not convey any property rights of any sort or any

exclusive privilege.

- 1.1.8. 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.

1.2. PERMIT ACTIONS

1.2.1. Permit Modification, Revocation, Re-issuance, and Termination

- 1.2.1.1. The Department may modify, revoke and reissue, or terminate this permit if there is cause as specified in WAC 173-303-830(3) and (5).
- 1.2.1.1.1. 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.
- 1.2.1.1.2. 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.
- 1.2.1.1.3. If the Department tentatively decides to terminate the permit it will issue a notice of intent to terminate and follow procedures in WAC 173-303-840(2)(c).
- 1.2.1.2. Permit modifications at the request of the Permittee must comply with procedures and other requirements of the three-tiered modification system specified in WAC 173-303-830(4).
- 1.2.1.3. 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.

1.2.2. Transfer of Permit

- 1.2.2.1. In accordance with WAC 173-303-810(14)(c), this permit is not transferable to any person except after notice to the Department.
- 1.2.2.2. 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.
- 1.2.2.3. 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).

1.2.3. Duty to Reapply and Permit Continuation

- 1.2.3.1. If the Permittee wishes to continue an activity regulated by the permit after its expiration date, the Permittee must apply per WAC 173-303-810 for and obtain a new permit. In addition, the Permittee must apply for and obtain a new permit if corrective action or closure required by this permit has not or will not be completed by the permit's expiration date. Department 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.
- 1.2.3.1.1. 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 Department a new permit application at least 730 days (2 years) before this permit's expiration date, unless the Department grants a later date provided that such date will never be later than the expiration date of the effective permit.

1.2.3.1.2. In accordance with WAC 173-303-806(7), if the Permittee submits a timely, complete application and the Department 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 Department does make a final permit determination (issuing or denying a new permit).

1.2.3.2. If the Permittee fails to submit a timely, complete application as required under Permit Condition 1.2.3.1, then those permit terms and conditions necessary to conduct and complete closure and corrective action will remain in effect beyond the permit's expiration date until the Department terminates the terms and/or conditions or the permit is revoked and reissued.

1.3. DUTIES AND REQUIREMENTS

1.3.1. Duty to Comply

1.3.1.1. 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 70A.300 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.

1.3.2. Need to Halt or Reduce Activity Not a Defense

1.3.2.1. 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.

1.3.3. Duty to Mitigate

1.3.3.1. The Permittee must take all steps required by the Department to mitigate, 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.

1.3.4. Proper Operation and Maintenance

1.3.4.1. 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 include 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.

1.3.5. Duty to Provide Information

- 1.3.5.1. The Permittee must furnish to the Department, within a reasonable time, any information which the Department 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 Department, upon request, copies of records required to be kept by this permit.

1.3.6. Inspection and Entry

- 1.3.6.1. Pursuant to WAC 173-303-810(10), the Permittee must allow authorized representatives of the Department upon the presentation of credentials to:
 - 1.3.6.1.1. 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;
 - 1.3.6.1.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - 1.3.6.1.3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 - 1.3.6.1.4. 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.

1.3.7. Reporting Planned Changes

- 1.3.7.1. In accordance with WAC 173-303-810(14)(a), the Permittee must give notice to the Department 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:
 - 1.3.7.1.1. 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.
 - 1.3.7.1.2. The Permittee has submitted to the department 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:
 - 1.3.7.1.3. The Department has inspected the modified or newly constructed facility and finds it in compliance with the permit, or
 - 1.3.7.1.4. Within fifteen days of the date of the submission of the certified letter as specified in Permit Condition 1.3.7.1.2, the Permittee has not received notice from the Department of its intent to inspect.

1.3.8. Reporting Noncompliance with the Permit and Reporting Emergencies

- 1.3.8.1. 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.
- 1.3.8.2. 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) (as specified in permit conditions 1.3.8.1, 1.3.10, and 1.3.11.1) at

the time of the next monitoring report or within six months of the date of noncompliance, whichever is sooner.

1.3.8.3. The Permittee must give advance notice to the Department 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.

1.3.8.4. In the event of spills, releases, and other emergencies, the Permittee must meet requirements for reporting and written submissions in Section G of the Permit Application.

1.3.9. Reporting Relevant Facts and Incorrect Information

1.3.9.1. 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 Department, the Permittee must promptly submit the relevant and correct information.

1.3.10. Reporting Compliance Schedules

1.3.10.1. 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.

1.3.11. Other Reporting

1.3.11.1. Monitoring Reports: Monitoring results must be reported at intervals specified elsewhere in this permit.

1.3.11.2. The following reports are required:

- a. Manifest discrepancy report as specified at WAC 173-303-370(5).
- b. Unmanifested waste report as specified at WAC 173-303-390(1).
- c. Annual report as specified at WAC 173-303-390(2).
- d. Additional reports as specified at WAC 173-303-390(3).

1.3.12. Information Repository.

1.3.12.1. The Permittee must establish and maintain an information repository at any time the Department 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).

1.4. MONITORING AND RECORDS

1.4.1. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

1.4.2. As provided at WAC 173-303-810(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 Department at any time.

1.4.2.1. The Permittee must maintain specific monitoring records for longer than three years when that is specified in other parts of this permit.

1.4.2.2. 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.

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

- 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.

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

1.5. SIGNATURE AND CERTIFICATION REQUIREMENTS

1.5.1. All applications, reports, or information submitted to the Department must be signed in accordance with WAC 173-303-810(12) and must be certified according to WAC 173-303-810(13).

1.5.2. 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 Department must be sent by certified mail or hand delivered to the following address or other address as specified by the Department:

Section Manager, Hazardous Waste and Toxics Reduction Section
Department of Ecology
Northwest Regional Office
PO Box 330316
Shoreline, WA 98133-9716

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

1.6. CONFIDENTIAL INFORMATION

1.6.1. Information submitted by the Permittee to the Department identified as confidential by the Permittee will be treated in accordance with applicable provisions of WAC 173-303-810(15), Chapter 42.56 RCW, and RCW 43.21A.160.

1.7. WASTE MINIMIZATION

1.7.1. In accordance with WAC 173-303-380(1)(q), the Permittee must place a certification in the operating record on an annual basis that:

1.7.1.1. A program is in place to reduce the volume and toxicity of hazardous waste generated to the degree determined by the Permittee to be economically practicable.

1.7.1.2. 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.

1.7.2. The Permittee must report waste minimization efforts in their annual report as required by Permit Condition 1.3.11.2.

1.8. PERFORMANCE STANDARDS

The Permittee shall design, construct, and 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.

1.9. DOCUMENTS AND RECORDS TO BE MAINTAINED AT THE FACILITY SITE

1.9.1. 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, Air Quality Program registrations, Toxic Substance Control Act (TSCA) authorizations, State Environmental Policy Act (SEPA) decision documents). Other permits and approvals that authorize actions which affect safety and environmental protection (including, but not limited to, Air Quality Program registrations, Toxic Substance Control Act (TSCA) authorizations, State Environmental Policy Act (SEPA) decision documents).

2. GENERAL FACILITY CONDITIONS

2.1. IMPLEMENTATION OF THE CONTINGENCY PLAN

2.1.1. The Permittee must implement procedures of the Contingency Plan listed in the Permit Application Section G for any:

- a. Event or circumstance described in subsection G-3 of the Permit Application Section G.
- b. Incidence of noncompliance with this permit that could threaten human health or the environment.

2.1.2. The Permittee must immediately notify by telephone the Director or a designated representative of the Department and other appropriate authorities of any circumstances requiring implementation of the contingency plan under Permit Condition 2.1.1. This notification must meet the requirements in WAC 173-303-360(2)(d) and WAC 173-303-810(14)(f).

2.1.3. For the purpose of Permit Condition 2.1.2, the designated representative of the Director is the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Department's Northwest Regional Office.

2.1.4. For events that require implementation of the Contingency Plan because of a spill and/or release to the environment, the Permittee must telephone the Department's Spill Response number at Northwest Regional Office (206-594-0000) first, followed by notification of the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Northwest Regional Office (206-594-0000). This telephone number may change; such a change is not a permit modification under Chapter 173-303 WAC.

2.1.5. The Permittee must note in the facility operating record the time, date, and details of any incident that requires implementation of the Contingency Plan. Within 15 days after the incident, the Permittee must submit a written report on the incident to the Director. Such a report must at a minimum include all items specified in WAC 173-303-360(2)(k), and if applicable, WAC 173-303-810(14)(f).

2.1.6. The Director may require written submission of a report pursuant to requirements of WAC 173-303-810(14)(f) within five (5) days of any incident that requires implementing the Contingency Plan. This requirement is in addition to the requirements to record in the operating record and submit a written report within 15-day under WAC 173-303-360(2)(k) and WAC 173-303-810(14)(f).

2.2. ADDITIONAL NOTIFICATION AND REPORTING PROCEDURES FOR EMERGENCIES, SPILLS, RELEASES, AND NONCOMPLIANCE WITH PERMIT.

2.2.1. The Permittee must immediately notify the Director or a designated representative of the Department by telephone of any event or circumstance described in subsection G-3 of the Permit Application, Section G.

2.2.2. For the purpose of Permit Condition 2.2.1, the designated representative of the Director is the lead inspector for the facility in the Hazardous Waste and Toxics Reduction Program at the Department's Northwest Regional Office.

2.2.3. The Permittee must report to the Director incidents of noncompliance with this permit that are not addressed under Permit Condition 2.1.1. through 6. These reports must meet the requirements in WAC 173-303-810(14)(g), and include information listed in WAC 173-303-810(14)(f)(i) through (iii). The reports may be submitted with other monitoring reports pursuant to WAC 173-303-810(14)(d), but no later than 6 months of discovering the noncompliance.

2.3. GENERAL WASTE MANAGEMENT

2.3.1. The Permittee is authorized to accept from on-station generators the wastes specified in the Permit Application, Section A- Dangerous Waste Permit Application.

2.3.2. The Permittee is authorized to accept from off-station generators the wastes specified in Section A- Dangerous Waste Permit Application, as long as the generator is a branch of the United States Military and has a valid State/EPA identification number.

2.3.3. The Permittee must notify the Director or a designated representative of the Department in writing at least four (4) weeks in advance of the date the Permittee expects to receive dangerous waste from a source outside the United States, as required by WAC 173-303-290(1). Notice of subsequent shipments of the same waste from the same foreign source in the same calendar year is not required.

2.3.4. Before receiving a waste from a particular off-station source, the Permittee must inform the generator in writing that the Permittee has the appropriate permits for and will accept the dangerous waste the generator is shipping as required by WAC 173-303-290(3). The Permittee must keep a copy of this written notice as part of the operating record.

2.3.5. All dangerous wastes accepted to the facility from on-station and off-station must be managed only in areas of the facility authorized for dangerous waste management under the conditions of this permit. Sections 3 and 4 of this permit specify areas authorized to manage these wastes.

2.3.6. The Permittee must comply with requirements for waste analysis specified in Permit Application Section C – Waste Analyses for all dangerous waste accepted into the facility.

2.3.7. When laboratory analytical methods are required to designate the waste, the Permittee must ensure that the test procedures listed as acceptable by WAC 173-303-110 and 40 CFR Part 261, or approved equivalent methods, are used.

2.3.8. The Permittee is responsible for obtaining accurate and complete information for each

waste stream. Inaccurate or incomplete waste analysis information provided by the generating site (on-station or off-station) is not a defense for noncompliance by the Permittee with the waste management requirements and conditions in this permit, Chapter 173-303 WAC, and the land disposal restrictions in 40 CFR Part 268, as incorporated by reference in Chapter 173-303-140 WAC.

2.3.9. The Permittee must have an accurate and complete waste profile certified and dated for every waste stream accepted at the facility. The Permittee may manage waste awaiting designation in accordance with the limitation and procedures in the Permit Application, Section C and Section D.

2.3.10. At a minimum, waste verification must include procedures specified in Permit Application, Section C.

2.4. PREPAREDNESS AND PREVENTION

2.4.1. In accordance with WAC 173-303-340, the facility must be maintained and operated to minimize the possibility of:

- a. A fire or explosion at or affecting the facility; or
- b. Any unplanned sudden or non-sudden release of dangerous waste or dangerous waste constituent from the facility to air, soil, or surface or ground water.

2.4.2. At all times, the Permittee must have qualified persons designated as the emergency coordinator and alternate emergency coordinators. These persons must be identified in the Contingency Plan by name, position at the facility, address, and phone numbers (work and home; cell and/or pager). The first person on the list must be the primary emergency coordinator. All other emergency coordinators must be listed in the order in which they will assume responsibility as alternates. The following steps are required if the Permittee changes the name, address, or phone number of any emergency coordinator unless the procedures for a permit modification specified in WAC 173-303-830 are followed:

- a. Attach the revised list of emergency coordinator and alternate emergency coordinators to the contingency plan maintained at the facility.
- b. Immediately inform the Director of the change and within seven (7) days formally notify the Director of the change by certified mail or other means that establishes proof of delivery.
- c. Notify all parties with which the Permittee has coordinated agreements, as identified in G 6.0 of the Permit Application, Section G., of the change within seven (7) days by certified mail or other means that establishes proof of delivery.

2.4.3. The Permittee must immediately carry out the provisions of the Contingency Plan, located in the Permit Application, Section G, whenever there is an incident as described in subsection G 3 of the Permit Application, Section G.

2.4.4. The Permittee must maintain in proper working order at all times the emergency and safety equipment specified in the Contingency Plan located in the Permit Application, Section G.

2.4.5. The Permittee must follow the inspection schedule in the Permit Application, Section F. The Permittee must remedy any deterioration or malfunction discovered by an inspection, as specified in the Permit Application, Section F.

2.5. RECORDKEEPING AND REPORTING

- 2.5.1. In addition to the recordkeeping and reporting requirements specified elsewhere in this permit, the Permittee must comply with all the applicable notification, certification, and recordkeeping requirements described in WAC 173-303-380(1)(h), (j), (k), (n), (o), and (q).
- 2.5.2. The Permittee must submit to the Director by March 1st each year, an annual report meeting the requirements in WAC 173-303-390(2). In addition to the requirements identified in WAC 173-303-390(2), this report must address in detail:
- a. Effort undertaken during the year to reduce the volume and toxicity of waste generated, in accordance with WAC 173-303-390(2)(g).
 - b. Description of changes to the volume and toxicity of waste actually achieved during the year in comparison to previous years, in accordance with WAC 173-303-390(2)(h).
- 2.5.3. The Permittee must maintain a written operating record at the facility consisting of records kept for the length of time specified below. The record can be a compilation of various documents. The Permittee must record all information referenced in this permit into the operating record within 48 hours of the information becoming available. The operating record must include, but is not limited to, the information listed below:
- a. The following records must be maintained until final closure of the facility (and ancillary activities) and corrective action are complete and certified:
 - 1) An up-to-date map showing the locations dangerous waste is managed at the facility.
 - 2) A map showing locations where dangerous waste was stored in the past.
 - 3) Assessment reports pursuant to Permit Condition 2.1.5 and WAC 173-303-360(2)(k) of all incidents that require implementation of the Contingency Plan.
 - 4) Records of spills and releases.
 - 5) Written reports and records of verbal notification to the Director to address releases, fires, and explosions under WAC 173-303-360(2)(k).
 - 6) Summaries of all records of corrective action, including those taken under the Comprehensive Environmental Response, Compensation, And Liability Act (CERCLA) and Model Toxics Control Act (MTCA).
 - 7) Records and results of waste analyses required by the Permit Application Section C. and WAC 173-303-380(1)(c).
Records and results of waste analysis may be kept in an electronic format at the facility, in lieu of a written format. If records are kept on a computer server located at another location, then the Permittee must have hard copies and/or electronic backups of the computerized records at the facility.
A written chemical waste profile certified and dated for each waste stream must be maintained at the facility. No electronic records will be allowed for certified waste profiles.

- 8) Training records of current facility personnel who have duties related to management of dangerous waste at the permitted units.
 - 9) Monitoring, testing, or analytical data and corrective action for air emissions standards for equipment leaks, and tanks and containers required by WAC 173-303-380(1)(f).
 - 10) Up-to-date records identifying, either by waste or location, equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year.
 - 11) A description of and the quantity of each dangerous waste received or managed on-site and the method and date(s) of its storage at the facility as required by WAC 173-303-380(2).
 - 12) The notice and certification required of a generator under WAC 173-303-140 (Land Disposal Restrictions).
- b. The following records must be maintained for a minimum of five (5) years. Pursuant to WAC 173-303-380(3)(b) this time period is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director.
- 1) Operation and maintenance records and reports prepared pursuant to this permit.
 - 2) Progress reports and any required notifications prepared pursuant to this permit and not covered by another reporting requirement.
 - 3) Records of all inspection and monitoring information meeting requirements of WAC 173-303-320(2)(d) and this permit, including inspections in the Permit Application, Section F, including, at a minimum, the following calibration and maintenance records:
 - (a) The date and time of data recording.
 - (b) The name of the person taking and recording the information.
 - (c) The recorded information itself whether consisting of observation, data measurement, instrument reading, and calibration records or any other monitoring method.
 - (d) The date and nature of any repairs or remedial actions taken.
 - 4) Records of all inspections meeting the requirements in WAC 173-303-395(1)(d) for ignitable or reactive wastes.
 - 5) Records documenting that equipment subject to WAC 173-303-691 (air emission standards for equipment leaks), which incorporates by reference the requirements in 40 CFR Part 264 Subpart BB, is used for less than 300 hours a year.
 - 6) Annual reports submitted in compliance with WAC 173-303-220(1). When the reports are necessary to supplement the operating record for the permitted units, they must be retained until final closure is complete and certified.
 - 7) Permittee's manifest, as generator, signed by receiving hazardous waste management facility under WAC 173-303-210(1).
- c. The following records must be maintained for a minimum of three (3) years. Pursuant to WAC 173-303-380(3)(b) this time period is extended

automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Director:

- 1) Annual reports submitted in compliance with WAC 173-303-390(2). If the reports are necessary to supplement the operating record for the permitted units, they must be retained until final closure is complete and certified.
 - 2) The Permittee's signed copy of manifests under WAC 173-303-370 and any required unmanifested shipment reports under WAC 173-303-390(1) or exception reports.
 - 3) Training records of former facility personnel.
 - 4) Records and data used to complete the application for this permit.
 - 5) Reports required to be submitted to the Department under WAC 173-303-646 and 690 through 692, and not listed elsewhere.
- d. Up-to-date copies of the following documents as amended, revised, and modified must be maintained at the facility until final closure is complete and certified:
- 1) The permit and all attachments, including, but not limited to, the Contingency Plan, Inspection Plan, Waste Analysis Plan, and Closure Plan.
 - 2) All approved permit modifications.
 - 3) The Part B permit application.
 - 4) Training Plan (including detailed information on course content not in the Permit Application, Section H).
 - 5) Documentation of arrangements made with local authorities pursuant to WAC 173-303-340(4).
 - 6) For all tank systems and components, pursuant to WAC 173-303-640(2) and (3):
 - (a) An assessment by an independent, registered professional engineer that the tank system was designed and installed properly.
 - (b) Results of periodic integrity assessments and tightness testing.
 - (c) For all tanks which require corrosion protection, a written assessment from a corrosion expert that attests to the proper design and installation of any corrosion protection measures.
 - 7) Other environmental permits.

2.5.4. The Permittee must submit waste analysis or monitoring data as soon as feasible and no later than sixty (60) days after receipt of a written request by the Director. If by the end of the sixty- (60) day period the requested data have not undergone Quality Assurance/ Quality Control (QA/QC), the Permittee must submit the requested data in raw form if the Director requests it. The Permittee must identify all submitted data that has not undergone QA/QC.

2.6. CLOSURE

2.6.1. The Permittee must conduct closure according to the Permit Application, Section I as modified by Permit Conditions 2.6.2. through 2.6.9. At least 45 days before initiating

closure, the Permittee must provide a Notification of Closure pursuant to requirements in WAC 173-303-610(3)(c).

- 2.6.2. At least 60 days before initiating final closure, the Permittee must provide a sampling and analysis plan meeting requirements in Permit Application, Section I. The plan is subject to Department review and approval.
- 2.6.3. Sampling and analysis at the time of closure must be conducted in accordance with the closure plan in the Permit Application, Section I and the detailed sampling and analysis plan submitted pursuant to Permit Condition 2.6.2. This detailed sampling and analysis plan will be incorporated into the permit by a permit modification.
- 2.6.4. After the Notification of Closure pursuant to WAC 173-303-610(3)(c), the Permittee must provide the Director with reasonably available results of previous analyses of soil samples, if any have been taken, from under or adjacent to the permitted units if such results are requested by the Director.
- 2.6.5. The Director may require additional investigation after the Permittee implements the approved sampling and analysis plan if the Director determines that the sampling and analyses have not adequately demonstrated whether clean closure has been achieved. Additional sampling and analysis may be required for any of the following reasons:
 - a. Specialized sample collection or analytical techniques are required to ensure adequate quantitation limits for chemical constituents of concern.
 - b. Results indicate the need to analyze for additional constituents at certain locations.
 - c. Results indicate additional soil or groundwater sampling is required at certain locations.
 - d. Other reasons indicate the sampling and analysis plan has not adequately demonstrated whether clean closure has been achieved.
- 2.6.6. If the value from a concrete or soil sample analysis is above the clean closure level for any constituent, the area represented by the sample will be considered to be above standards for clean closure.
 - a. If the value from a concrete sample analysis is above the clean closure level, the Permittee must either:
 - 1) Remove at least the top 0.6 centimeter of concrete from the area represented by the sample (40 CFR 268.45 Table 1, Item A.1, for concrete), until a clean debris surface is reached, as defined in 40 CFR 268.45, Table 1, footnote 3, incorporated by reference into WAC 173-303-140; or
 - 2) Propose alternate procedures to the Director for review, that provide documentation demonstrating that the procedures will ensure removal of concrete contaminated above cleanup levels.
 - b. Actions the Permittee may take to ensure clean closure of soils include, but are not limited to:
 - 1) Remove or remediate soil that has contamination above the clean closure standards for soils, followed by confirmation sampling to ensure clean closure standards are met;

- 2) Re-analyze soils of the entire area represented by the sample that has contamination above the cleanup levels, taking a sufficient number of samples and using approved statistical methods allowed under the Model Toxics Control Act; and/or
 - 3) Initiate corrective action.
- 2.6.7. An independent registered professional engineer must review closure activities to assure they are conducted in accordance with the approved closure plan and requirements of this permit. Review must specifically include, but is not limited to, field observations and record review of the following:
- a. Sampling procedures.
 - b. Locations of soil and concrete sampling to ensure locations are as specified in the sampling and analysis plan.
 - c. Sample labeling and handling, including chain of custody procedures.
 - d. Procedures to decontaminate concrete and manage rinsate.
 - e. Procedures to decontaminate tanks and equipment and manage rinsate.
 - f. Documentation that decontamination of tanks and equipment achieve a “clean debris surface” as specified in 40 CFR 268.45 Table 1.
- 2.6.8. Documentation supporting the independent registered professional engineer’s certification of closure must be submitted to the Director with the closure certification required by WAC 173-303-610(6). The documentation must include:
- a. Lab and field data.
 - b. A report that summarizes closure activities.
- 2.6.9. In accordance with WAC 173-303-610(3)(b), the Director may require modification of the Closure Plan if the facility begins receiving and storing different dangerous wastes that require different management practices or changes to the Application Part A Permit Forms or if additional significant releases occur at or from the permitted units before the time of closure.

2.7. CONTROL AND CLEAN UP OF RELEASED MATERIAL

- 2.7.1. The Permittee must comply with the requirements of Permit Conditions 2.1.1 through 6, 2.2.1 through 3, and WAC 173-303-145 including, but not limited to, notification, mitigation, and control measures specified in the Permit Application Section G and WAC 173-303-145(2) and (3) under any of the following circumstances:
- a. A spill or nonpermitted discharge of dangerous waste or hazardous substance occurs onto the ground, into the ground water, or into the surface water.
 - b. A spill or nonpermitted discharge of dangerous waste or hazardous substance results in emission into the air such that human health or the environment is threatened.
 - c. Other spills or discharges occur which threaten human health or the environment.
- 2.7.2. Consistent with good management for abatement of the initiating cause and with prudent consideration of health and safety risks to personnel, the Permittee must remove spilled or leaked waste within secondary containment immediately upon discovery. For the purpose of this permit condition, “immediately upon discovery” is considered to occur when clean-up actions begin upon the discovery of the spill or leak and proceed continuously until completion.

- a. A spill, release, or other discharge of dangerous waste or hazardous substance greater than 10 pounds (or 1.2 gallon), but less than 100 pounds (12 gallons) or the “reportable quantity” established in 40 CFR Part 302 (whichever is less) to the secondary containment system must be entered into the operating record if not removed from the secondary containment system immediately.
- b. A spill, release or other discharge of dangerous waste or hazardous substance greater than 100 pounds (12 gallons) or the “reportable quantity” established in 40 CFR Part 302 (whichever is less) to the secondary containment system must be entered into the operating record and reported to the department pursuant to Permit Condition 2.2.1.

2.7.3. Notation to the operating record required by Permit Condition 2.7.2. must include the following:

- a. Identification of the equipment that caused discharge or the location of the discharge.
- b. Description and amount of materials spilled or leaked.
- c. Actions taken to correct the cause of the spill or leak.
- d. Date and time of the spill or leak and of action taken to correct cause of the spill or leak.

2.7.4. The Permittee must operate the facility to avoid any routine or systematic release of dangerous waste to a secondary containment system.

- a. The Permittee must repair any equipment that has resulted in a release of dangerous waste to a secondary containment system immediately pursuant to procedures in the Permit Application, Section F, the “Inspection Plan.”
- b. Until repairs required by permit section 2.7.4.a. can be completed, the Permittee must implement a system to collect any drips or discharges of dangerous waste to prevent further contact of dangerous waste with secondary containment coating or structure.

2.8. TRAINING PLAN

2.8.1. The Permittee must maintain a written training plan as required by WAC 173-303-330(2) and must conduct personnel training according to the plan, WAC 173-303-330, and Section H of the Permit Application.

2.8.2. The Permittee must maintain training documents and records as required by WAC 173-303-330(3).

2.9. ORGANIC AIR EMISSION STANDARDS FOR PROCESS VENTS

2.9.1. Before installing any equipment with process vents subject to the requirements of WAC 173-303-690 and 40 CFR Part 264 Subpart AA, the Permittee must complete a permit modification according to procedures in WAC 173-303-830 and submit the applicable information required by WAC 173-303-806(4)(j).

2.10. ORGANIC AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

2.10.1. The Permittee’s must comply with the requirements of the air emissions inspections in the Permit Application Section D and all applicable requirements in WAC 173-303-691 and 40 CFR Part 264 Subpart BB, for all valves, pumps, compressors, pressure relief devices, sampling connection systems, other connectors, open-ended valves or lines, flanges, and organic air emission control devices and systems which contain or contact dangerous wastes with organic concentrations of ten (10) percent (by weight).

- 2.10.2. The Permittee must mark each piece of equipment described in Permit Condition 2.10.1. in such a manner that it can be distinguished readily from other pieces of equipment.
- 2.10.3. The Permittee must record all relevant information specified in 40 CFR 264.1064, and WAC 173-303-691, in the operating record. This must include, but not be limited to, the following:
- a. Information specified in 40 CFR 264.1064(b)(1) for each piece of equipment to which 40 CFR Part 264 Subpart BB applies.
 - b. Information specified in 40 CFR 264.1064(d) when a leak is detected as specified in 40 CFR 264.1052, 264.1053, 264.1057, and 264.1058.
 - c. Information specified in 40 CFR 264.1064(g) for all equipment subject to the requirements in 40 CFR 264.1052 through 264.1060.
- 2.10.4. When a leak is detected as specified in 40 CFR 264.1052, 264.1053, 264.1057, and 264.1058, the Permittee must follow procedures in 40 CFR 264.1064(c).
- 2.10.5. The Permittee must repair each detected leak from equipment subject to the requirements of WAC 173-303-691 and 40 CFR Part 264 Subpart BB (as incorporated by reference into Chapter 173-303-691), as soon as practicable, and no later than 6 months as specified in 40 CFR Part 264 Subpart BB for the individual type of equipment.
- 2.10.6. The Permittee must comply with all reporting requirements in 40 CFR 264.1065.
- 2.10.7. The Permittee must record identification of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year as required under WAC 173-303-691(1)(f) and, 40 CFR 264 Subpart BB.
- 2.11. ORGANIC AIR EMISSION STANDARDS FOR TANKS AND CONTAINERS
- 2.11.1. The Permittee must comply with all procedures in the Permit Application Section D and applicable requirements in WAC 173-303-692 and 40 CFR Part 264 Subpart CC, for tanks and containers.
- 2.11.2. The Permittee must control air emissions from containers in accordance with all applicable requirements in 40 CFR 264.1082 and 40 CFR 264.1086.
- 2.11.3. The Permittee must inspect containers accepted into the facility according to 40 CFR 264.1086(c)(4) to ensure compliance with standards in 40 CFR 264.1086(c)(1) or (d)(1), as applicable.
- 2.11.4. The Permittee must address defects in containers according to requirements in 40 CFR 264.1086(c)(4)(iii).
- 2.11.5. The Permittee must operate, maintain, and monitor air emission controls for the “paint consolidation” process according to the Permit Application Section D.
- 2.11.6. The Permittee must control air emissions from tanks in accordance with all applicable requirements in 40 CFR 264.1082 and 40 CFR 264.1084.
- 2.11.7. The Permittee must maintain records of the management of carbon removed from a carbon adsorption system for the collection of organic vapor emissions in accordance with 40 CFR 264.1087(c)(3)(ii).

2.12. SPECIAL REQUIREMENTS FOR SAMPLING AND ANALYSIS

The Permittee must allow independent sampling and sample splitting when requested by the Director.

3. CONTAINER STORAGE

3.1. CONTAINER MANAGEMENT AREAS AND CAPACITY LIMITS

Subject to limitations and conditions in Permit Application Section D and Permit Conditions 3.1 through 3.6, the Permittee may place and store containers of dangerous waste only in the following areas as they are numbered and named in Table D1-1 and Appendix D1 of the Permit Application Section D.

Location of Container Storage Units	Maximum Capacity With or Without Free Liquid	
	No. of 55-gallon containers ¹	Gallons ²
Indoor Container Storage Units		
Room 123N (receiving)	62	3,410
Room 123S (Other Regulated Materials; DOT Class 9)	192	10,560
Room 123 M (WAD)	40	2,200
Room 125 (cyanide/sulfide)	6	330
Room 129 (oxidizer)	9	495
Room 130 (acids)	36	1,980
Room 131 (dangerous when wet)	340	18,700
Room 132 (poisons; DOT Class 6.1)	6	330
Room 133 (organic peroxides)	4	220
Room 134 (flammables/combustible)	144	7,920
Room 136 (flammable class 1A)	60	3,300
Room 137 (toner cartridge)	12	660
Room 138 (caustics)	24	1,320
Room 139 (used oil)	30	1,650
Room 140/19 (shipping DOT Class 9)	100	5,500
Room 140S (shipping)	170	9,350
Indoor Total		67,925
Outdoor Container Storage Units		17,035
WAD isolated accumulation area		220
Outdoor Total		17,255
Facility Total		85,180

1) Permittee is not limited to storing 55-gallon containers. Other sizes of containers may be stored. These figures were used to determine the maximum capacity in gallons.

2) This is the maximum volume of dangerous waste that can be stored regardless of the number/volume of storage containers.

3.1.1. The Permittee must restrict storage of a container of dangerous waste to two working days in room 123N (receiving). This time limit may be extended for “waste awaiting

designation” or wastes with a “manifest discrepancy” under the conditions and limits specified in Permit Application Section C and Section D.

- 3.1.2. The Permittee must restrict storage of a container of dangerous waste to 24 hours in room 140 (shipping). This time limit may be extended only under the conditions and limits specified in the Permit Application Section D.
- 3.1.3. The Permittee must limit the number of 55-gallon containers and total gallons of wastes and other materials to maximum capacities specified for the individual container storage areas listed in Permit Condition 3.1.
- 3.1.4. All containers, including those that do not contain dangerous waste (e.g., exempt wastes, hazardous materials, etc.), in any container areas listed in Permit Condition 3.1 must be counted toward the container and gallon capacity limits established by Permit Condition 3.1. For the purpose of determining compliance with capacity limits, every container shall be considered to be full. However, this condition does not apply to clean and empty containers that are stored on racks or stored outside of permitted secondary areas and are clearly marked as being empty.

3.2. CONTAINER MANAGEMENT PRACTICES

- 3.2.1. Containers must be placed or stored in rows no more than two (2) containers wide, except containers less than 55 gallons may be stored in a staggered fashion as specified in the Permit Application Section D if all labels on all containers are clearly visible at all times for inspection.
- 3.2.2. A minimum of thirty-inch aisle space must be maintained between rows of containers in all container storage areas. In addition, the Permittee must maintain aisle space requirements and set back distances described and illustrated in the Permit Application Section D.
- 3.2.3. Containers must be placed and stored in accordance with National Fire Protection Association (NFPA) restrictions on height.
- 3.2.4. At no time shall any container be placed on top of a stack that is two (2) 55-gallon containers high. Containers must not be stored on the third shelf of container storage racks.
- 3.2.5. Containers in room 123N (receiving) and room 140 (shipping) may be stored only one container high.
- 3.2.6. Containers in all unloading, storage, and shipping areas must be handled and managed to protect containers from contact with accumulated liquids resulting from leaks, spills, or precipitation.
- 3.2.7. The Permittee must take precautions to place and store ignitable and reactive dangerous wastes, and must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, in accordance with the Permit Application Section F and Section D. In addition, the Permittee must place and store these wastes in compliance with relevant requirements of the NFPA unless the Permittee receives written authorization for different management procedures from the Puget Sound Federal Fire and Emergency Services.
- 3.2.8. The Permittee must keep all dangerous waste containers securely closed at all times, except when actively adding, removing, inspecting, or sampling waste.
- 3.2.9. The Permittee must maintain the secondary containment system in accordance with the plans and specifications in the Permit Application Section D. The Permittee must

maintain coatings for the individual areas as specified in Table D1-3 of in the Permit Application Section D.

- 3.2.10. The Permittee must inspect the container areas in accordance with the schedules and procedures in the Permit Application Section F of this permit.
- 3.2.11. Until closure and corrective action are completed, the Permittee must maintain records showing the locations of problems in the containment systems for the load/unload and storage areas that could result in release of dangerous waste or dangerous constituents to the soil. The Permittee must record the locations of cracks, gaps, loss of integrity, the deterioration of containment pads, joints in containment pads, trenches, sumps, and coatings on maps.
- 3.2.12. The Permittee must select and maintain all dedicated and non-dedicated equipment used to transfer dangerous waste to or from containers (pumps, hoses, hose couplings, piping, funnels, valves, etc.) to ensure the following:
 - a. The equipment is compatible with the wastes it will contact and is decontaminated before use for the transfer of incompatible wastes as defined in WAC 173-303-395(1)(b).
 - b. The equipment is in good condition and its use will not result in leaks or spills of dangerous waste either inside or outside of secondary containment systems. If equipment develops a leak, it must be repaired or replaced immediately.
- 3.2.13. Loading and unloading of containerized dangerous waste must occur only in the concrete area labeled “unloading” and “shipping dock” areas in the Permit Application Section D, Appendix D3.
- 3.2.14. Containers of wastes from unloading operations must be immediately placed directly into room 123N (receiving). Subject to time limitations and other conditions in 3.1.1 for room 123N, the waste must then be moved into another storage area identified in Permit Condition 3.1.
- 3.2.15. Any materials held in a storage unit while the Permittee explores options for reuse must be identified as such by container labels or other methods of identification, such as signage by the pallets. In addition, the Permittee must maintain records showing when the containers were received at the storage unit and must manage the materials as dangerous waste within two working days of deciding the waste cannot be reused. Storage of these materials must meet the time limits in WAC 173-303-016(5)(d)(ii) to avoid speculative accumulation.

3.3. CONDITION OF CONTAINERS

- 3.3.1. If a container holding dangerous waste is not in good condition (e.g., exhibits excessive rusting, structural defects, or any other condition that could lead to container rupture or leakage), the Permittee must transfer the dangerous waste from the damaged container to a compatible container in good condition, or to an overpack container, within twenty-four (24) hours of discovery. The damaged container must be managed as a dangerous waste unless it meets the definition of an empty container listed in WAC 173-303-160(2).
- 3.3.2. The contents of any leaking container must be transferred immediately to a compatible container which is in good condition or to an overpack container. The damaged container must be managed as a dangerous waste unless it meets the definition of an empty container listed in WAC 173-303-160(2).
- 3.3.3. Dangerous waste must be managed in US Department of Transportation- approved

containers that are compatible with the waste.

3.4. IDENTIFICATION OF CONTAINERS

- 3.4.1. Pursuant to WAC 173-303-630(3) and WAC 173-303-395(6) the Permittee must ensure that each container of dangerous waste is labeled in a manner which adequately identifies the major risk(s) associated with the contents. In addition:
- a. The Permittee must ensure that all dangerous waste containers are marked as specified by WAC 173-303-190(3)(b).
 - b. The Permittee must ensure that all dangerous waste containers are marked and labeled in accordance with the requirements specified in U.S. Department of Transportation regulations 49 CFR Part 172.
- 3.4.2. For all dangerous waste containers, the Permittee must ensure that:
- a. All labels placed by the Permittee are printed with indelible (waterproof) ink.
 - b. All labels placed by the Permittee are placed on the upper portion of the container's side as close to the top as the container design allows.
 - c. Labels are not obscured or otherwise unreadable.
 - d. Dangerous waste containers are oriented to allow inspection of the labels identified in Permit Condition 3.4.1 and the container tracking number.
- 3.4.3. Pursuant to WAC 173-303-395(6) the Permittee must destroy or otherwise remove dangerous waste labels immediately from containers rendered "empty", as defined by WAC 173-303-160(2).

3.5. COMPATIBILITY

- 3.5.1. The Permittee must ensure that all containers used for dangerous waste management are made of, or lined with, materials that are compatible or will not react with the dangerous waste to be stored.
- 3.5.2. Except for lab packs assembled in compliance with WAC 173-303-161 and Department of Transportation compatibility requirements, the Permittee must not place incompatible wastes, or incompatible wastes and materials, in the same container. The Permittee must not place dangerous waste in an unwashed container that previously held an incompatible waste or material.
- 3.5.3. Incompatible classes of containerized wastes and other materials must be segregated as follows (classes of incompatible wastes are specified in Table D1-2 of the Permit Application Section D; incompatible materials are as defined in WAC 173-303-040):
- a. Except for the room 123N (receiving) and room 140 (shipping), incompatible classes of wastes and materials must not be stored within the same secondary containment room. Secondary containment rooms are identified in Permit Application Section D and illustrated in Appendix D3 of the Permit Application Section D.
 - b. In rooms 123N and 140, incompatible classes of containerized wastes and other materials must be stored in separate rows. Rows must be separated by a minimum of 30 inches. Individual spill pans must be used to isolate waste awaiting designation in room 123N.
 - c. Incompatible materials in lab packs must be assembled in compliance with WAC 173-303-161 and Department of Transportation compatibility requirements, as specified in the permit Application Section D.

3.6. APPROVED WASTES

The Permittee may store in containers all dangerous wastes listed in the Permit Application Part A Form (Section A) subject to limitations and requirements in this permit. The Permittee must not accept or manage dangerous wastes not listed in Part A.

4. TANK SYSTEMS

4.1. DANGEROUS WASTE TANK SYSTEMS

Subject to conditions in the Permit Application Section D and Permit Conditions 4.2.1. through 4.4., the Permittee may store and process dangerous wastes in TSD tanks 101 – 106 as identified in Table D2-1 of Permit Application Section D. Subject to conditions in Permit Application Section D and Permit Conditions 4.2.1. through 4.4., the Permittee may bring TSD tanks 107 – 109 into service only after they are certified by an independent engineer and authorized for use through a permit modification.

4.2. INTEGRITY ASSESSMENTS

4.2.1. The Permittee must construct, operate, and maintain all dangerous waste tank systems in accordance with limitations and conditions specified in the certification for structural and corrosion integrity assessments in Permit Application Section D, as updated. The Permittee must meet all conditions of the certification by the effective date of this permit or when tanks are placed into service, whichever is later.

Conditions include, but are not limited to the following:

- a. Ensuring corrosion protection, which may include inspecting and maintaining anodes for cathodic protection, maintaining welds, and maintaining interior and exterior coatings needed to keep the tank in good working order.
- b. Addressing all areas of concern and limitations in the certifications.
- c. Ensuring all tank systems are operated according to conditions and assumptions in the certifications.

4.2.2. The Permittee must document in the facility's operating record measures taken to address Permit Condition 4.2.1. Such record must be maintained until final closure and corrective action are complete and certified.

4.2.3. The Permittee must obtain and keep in the operating record certification statements by an independent professional engineer that any new tank systems installed at the facility meets the requirements of WAC 173-303-640(3).

4.2.4. The Permittee must ensure periodic integrity assessments are conducted on all dangerous waste tank systems over the term of this Permit pursuant to WAC 173-303-640(2)(e) and in accordance with WAC 173-303-640(3) using procedures in Permit Application Section D. The schedule provided in the Permit Application Section F, as modified by Permit Condition 4.2.5., must be used for these integrity assessments. The starting date for scheduling must be the date of the most recent integrity assessment or tank certification, whichever is later. Results of the integrity assessments must be included in the facility operating record until final closure and corrective action are complete and certified.

4.2.5. Under any of the following circumstances, the interval for integrity inspections to ensure a tank system is in compliance with its design standard and is capable of safely managing wastes must not exceed two (2) years.

- a. The tank system has been repaired and recertified for dangerous waste service.
- b. Corrosion control measures, such as interior coatings, of a tank system are

- showing signs of potential failure or substandard protection.
 - c. Historic corrosion rate of a tank system indicates the tank system may not comply with the tank system design standard in tank data sheets and independent engineers' certification in the Permit Application Section D by the next scheduled integrity inspection.
 - d. The tank system corrosion rate exceeds one percent of the thickness of the tank wall per year.
 - e. Visual inspection detects other problems (for example pit corrosion) that could cause the tank to leak or otherwise fail before the next scheduled integrity inspection.
- 4.2.6. The Permittee must address problems detected during the tank integrity assessment specified in Permit Conditions 4.2.4 and 5 in accordance with procedures specified in the Permit Application Section F.
- 4.2.7. Any tank system, including its secondary containment system, in substandard condition or otherwise unfit for service must be immediately removed from service and the Permittee must comply with the requirements of WAC 173-303-640(7). Such a tank system, including its secondary containment system, must not be returned to service until the Permittee has obtained the required certification.
- 4.2.8. The Permittee must immediately remove from dangerous waste service any tank system that does not meet its design standard as specified in tank data sheets or independent engineer's certification in the Permit Application Section D.
- 4.2.9. The Permittee must follow permit modification procedures pursuant to Permit Condition 1.2.1. for all tank systems which undergo modification. Emergency tank system modifications to correct unsafe conditions may be performed prior to a formal permit modification, but a written permit modification must be submitted within thirty (30) days after the start of tank system modification. The Permittee must notify the Director, via telephone, within twenty-four (24) hours of any emergency tank system modifications.

4.3. TANK SYSTEM MANAGEMENT PRACTICES

- 4.3.1. Unless the requirements of WAC 173-303-395(1)(b) are met, the Permittee must not place dangerous waste into a tank system which was previously used for the management of incompatible wastes if the tank system has not been decontaminated. Decontamination procedures must be sufficient to prevent fire, explosion, excessive or unexpected heat or gas generation, or other unexpected reaction.
- 4.3.2. The Permittee must maintain an impermeable coating in all tank secondary containment systems existing as of the effective date of this permit. The coating must prevent migration of any wastes into the concrete at any time during the use of the tank system. All coating must meet the following performance standards:
- a. The coating must seal the containment surface such that no cracks, seams, or other avenues are present through which liquid could migrate.
 - b. The coating must be of adequate thickness and strength to withstand the normal operation of equipment and personnel in the area such that degradation or physical damage to the coating can be identified and remedied before wastes could migrate from the system.
 - c. The coating must be compatible with the waste stored and processed in the tanks.

- 4.3.3. The Permittee must maintain the integrity of all containment systems for tank systems, including the unloading area.
- a. The Permittee must repair cracks, gaps, loss of integrity, deterioration, corrosion, or erosion of containment pads, joints in containment pads, berms, curbs, trenches, sumps, and coatings in accordance with schedules and procedures of subsection F-2 in the Permit Application Section F.
 - b. Until closure and corrective action are completed, the Permittee must maintain the following records of problems described in Permit Condition 4.3.3.a. within the secondary containment systems.
 - 1) Mapping of problem location.
 - 2) Documentation of problem repair, including a description of the method of repair.
 - 3) Dated photographs of area before and after repair.
 - 4) Date and time of detection and correction of the substandard condition.
 - 5) Name and signature of the person completing repair.
 - c. If repeating or persistent problems as described in Permit Condition 4.3.3.a occur in an area of a containment system, then the Permittee must isolate that area from dangerous waste management activities until the area can be repaired. Responses to these repairs must be conducted according to procedures in WAC 173-303-640(7).
- 4.3.4. The Permittee must select and maintain all dedicated and non-dedicated equipment used to transfer dangerous waste to or from tanks (pumps, hoses, hose couplings, piping, valves, etc.) to ensure the following:
- a. The equipment is compatible with the wastes it will contact and is decontaminated before it is used for the transfer of incompatible wastes as defined in WAC 173-303-395(1)(b).
 - b. The equipment is in good condition and its use will not result in leaks and spills of dangerous waste either inside or outside of secondary containment systems. If equipment develops a leak, it must be repaired or replaced pursuant to procedures in the Permit Application Section F.
- 4.3.5. During each daily tank inspection and each time before waste is added to a tank, the Permittee must inspect the tank level indicator of each tank to ensure its proper operation pursuant to procedures in the Permit Application Section F and record the level of dangerous waste in each tank. The Permittee must maintain records of tank level measurements required by this permit condition in the operating record for a minimum of five (5) years.
- a. The Permittee must not fill any tank with dangerous wastes in excess of the tank's working volume specified in the tank data sheets in Appendix D-5 of the Permit Application Section D or the amount specified in the tank certification, whichever is less.
 - b. If a tank level indicator is not functioning properly, the Permittee must discontinue use of the tank, or the Permittee must ensure the tank will not be overfilled by using a manual gauging procedure to document waste levels for each daily tank inspection and each time before waste is added to the tank.
 - 1) The Permittee must mark any faulty tank level indicator as inoperable with a readily visible tag, sign, or other marking.

- 2) If a faulty tank level indicator is not repaired within one week of discovery, the Permittee must not place additional waste in the tank until the repair is completed.
 - 3) If a tank level indicator is not properly functioning, that information must be noted on the daily inspection forms. The date the repair of the tank level indicator is successfully completed must also be noted in the daily inspection form.
- 4.3.6. Loading and unloading of bulk dangerous waste must occur only in the concrete unloading area specified in Appendix D3 of the Permit Application Section D. This unloading area must be maintained to meet all requirements in WAC 173-303-395(4). Truck trailers, tanker trailers, and all portions of other transportation units which contain waste must be within the concrete containment area during the process of loading or unloading dangerous waste.
- 4.3.7. The Permittee must meet the requirements of WAC 173-303-640(5)(e).

4.4. APPROVED WASTES

The Permittee may process in tanks dangerous waste listed in the Permit Application Section A, subject to limitations and requirements in this Permit. Dangerous wastes not listed in the Part A Permit Application must not be accepted or managed by the Permittee.

5. CORRECTIVE ACTION AND CORRECTIVE ACTION DEFINITIONS

Unless otherwise specified, the definitions set forth in Chapter 70A.300 RCW, Chapter 173-303 WAC, Chapter 70A.305 RCW, and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-646, shall control the meanings of the terms used in this section of the Permit. Additional or modified definitions for this Part are as follows:

“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.

“Corrective Action” means any activities including investigations, studies, characterizations, and corrective measures undertaken in whole or in part to fulfill the requirements of WAC 173-303-646.

“Corrective Action Facility” means all contiguous property under control of the Permittee under the provisions of Chapter 70A.300 RCW or Chapter 173-303 WAC, including the definition of facility at RCW 70A.305.020(8).

“Institutional Controls” mean nonengineered measures as described in WAC 173-340-440 taken to limit or prohibit activities that may interfere with the integrity of past cleanup actions implemented under interim action or cleanup action or that may result in exposure to hazardous substances at the corrective action facility.

“Release” means any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous substances, including dangerous waste and dangerous constituents into the environment. It also includes the abandonment or discarding of barrels, containers, and other receptacles containing dangerous waste or dangerous constituents and includes the definition of release at RCW 70A.305.020(32).

“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 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 regulated units as defined by Chapter 173-303 WAC.

5.1. PAST RELEASES

5.1.1. The Federal Facility Agreement (FFA) under Section 120(e)(2) of CERCLA between EPA, Ecology, and the Navy dated April 5, 1990, is the mechanism used to conduct environmental investigation and cleanup of releases of dangerous waste and dangerous constituents that have been identified prior to the issuance of this permit at NUWC Division Keyport that are necessary to protect human health and the environment. The FFA, its requirements, all work plans and schedules produced under the terms of the FFA, and any future revisions to the FFA (hereafter collectively referred to as the FFA) are incorporated as terms of this permit, including the requirements of the following records of decisions (RODs):

Final Record of Decision, Operable Unit 2, September 1, 1994,
EPA/ROD/R10-94/085 1994.

Final Record of Decision, Operable Unit 1, September 28, 1998,
EPA/ROD/R10-98/183 1998.

Compliance with the FFA is a condition of this permit. Corrective action requirements will be satisfied pursuant to the FFA except for:

- a. Newly identified releases, potential releases, solid waste management units (SWMU), and areas of concern (AOC) pursuant to Permit Conditions 5.2.1. and 5.2.2.
- b. SWMUs discovered after termination of the FFA which the Director determines are subject to corrective action.
- c. Environmental investigation and cleanup under the FFA that do not meet corrective action requirements in the Resource Conservation and Recovery Act (RCRA), the state Hazardous Waste Management Act, and the Dangerous Waste Regulations.

5.1.2. The Permittee must address all SWMUs and AOCs either under the FFA or directly under this permit. The Permittee must notify the Director of SWMU, AOCs, and releases that are not being addressed by the FFA pursuant to Permit Conditions 5.2.1 and 5.2.2

5.2. NEWLY IDENTIFIED RELEASES - NOTIFICATION

5.2.1. The Permittee must continuously consider and evaluate information regarding releases, suspected releases, or potential releases of hazardous substances, including dangerous waste and dangerous constituents as defined by WAC 173-303-64610(4), at the corrective action facility.

5.2.2. Considering Permit Condition 5.2.1, the Permittee must notify the Director, in writing, of any newly identified SWMU(s), newly discovered releases from previously identified or newly identified SWMU(s), and newly discovered AOC(s) at or from the corrective action facility, no later than fifteen (15) days after discovery. The Permittee must provide information specified in WAC 173-303-806(4)(a)(xxiii) and (xxiv)(A).

5.2.3. The Permittee is not required to notify the Department of a newly identified satellite

accumulation area or a generator's less than ninety (90) day accumulation area unless there is a release or potential for a release.

5.3. NEWLY IDENTIFIED RELEASES - CORRECTIVE ACTION

- 5.3.1. After receiving notification of any newly discovered releases at the corrective action facility, the Director will determine whether the Permittee must fulfill corrective action responsibilities as required by WAC 173-303. Any such corrective action will be incorporated into the permit by a permit modification. 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.
- 5.3.2. To ensure that corrective action will be conducted as necessary to protect human health and the environment, the Permittee must conduct corrective action in a manner that is consistent with the following provisions of Chapter 173-340 WAC:
- a. As necessary to select a cleanup action in accordance with WAC 173-340-360, WAC 173-340-350 State Remedial Investigation and WAC 173-340-351 Feasibility Study.
 - b. WAC 173-340-380 Cleanup Action Plan.
 - c. WAC 173-340-400 Cleanup Action Implementation.
 - d. WAC 173-340-410 Compliance Monitoring.
 - e. WAC 173-340-420 Periodic Site Reviews.
 - f. WAC 173-340-440 Institutional Controls.
 - g. WAC 173-340-700 through -760 Cleanup Standards.

5.4. FIVE-YEAR REVIEW

After reviewing information obtained from the next five-year review (scheduled for 2025), and subsequent five-year reviews, the Director reserves the right to require the Permittee to submit, for Department review and approval, a plan to conduct corrective action that ensures the facility continues to comply with the corrective action requirements under WAC 173-303 as a result of information obtained from that five-year review. Approved corrective action plans will be incorporated into this permit in accordance with the modification procedures under WAC 173-303-830.

5.5. RESERVATION OF RIGHT

In the event that the corrective actions performed pursuant to the FFA or under this permit fail to meet the requirements of WAC 173-303, the Department reserves the right to require the Permittee to submit a permit modification to ensure that the facility continues to comply with the corrective action requirements under WAC 173-303.