

### Draft Dangerous Waste Permit for Burlington Environmental's PSC-Georgetown Facility

The Washington State Department of Ecology (Ecology) is proposing to modify a 2010 facility permit issued to Burlington Environmental, LLC. (Burlington). Burlington is a wholly-owned subsidiary of PSC Environmental Services, LLC. (PSC). The facility is located at 734 South Lucile Street in South Seattle (see a map on the last page). The facility and site are referred to as PSC-Georgetown.

Hazardous/dangerous wastes were managed at the PSC-Georgetown facility until it closed in 2003. The 2010 permit established PSC's outstanding RCRA corrective action (cleanup) obligations at the site. Our proposed changes to the permit are limited to updating the company's continuing cleanup responsibilities.

The purpose of this notice is to:

- Announce a public comment period.
- Summarize the purpose of the permit changes.
- Describe Ecology's process for making final decisions on the draft permit.

### Why is Ecology proposing to modify the current PSC-Georgetown permit?

PSC-Georgetown site contamination is present in areas east and west of 4th Avenue South. To better manage the cleanup, in 2005 the site as divided into two portions:

1. Contamination at and near the PSC property at 734 S. Lucile Street, as well as contamination in groundwater as far west as 4th Ave. South. This is called the "East of 4th Area."
2. Contamination in groundwater west of 4th Ave. South. This is called the "West of 4th Area."

In 2010, a Cleanup Action Plan and Agreed Order (#DE 7347) were finalized for the East of 4th Area of the site. At that time, the West of 4th Area was being investigated by three other potentially liable persons (PLPs) under separate Orders.

### Public Comments

The public comment period runs from May 9, to June 23, 2014. **Comments must be received or postmarked by June 23, 2014 to be accepted.**

You can review the draft permit and the information Ecology used to propose the modified language in the document at:

Department of Ecology,  
Northwest Regional Office  
3190 160th Avenue SE  
Bellevue WA 98008-5452  
Tel: (425) 649-7000  
Appointments are available  
9 a.m. to 4:30 p.m.

You may also review the draft permit at the PSC site repository:

ActivSpace – Luna Park Facility  
3400 Harbor Ave SW, # 214  
Seattle, WA 98126

An electronic copy of the draft permit can be downloaded from Ecology's website:

[www.ecy.wa.gov/programs/hwtr/oia/index.html](http://www.ecy.wa.gov/programs/hwtr/oia/index.html)

Please submit your comments to:

Ed Jones  
Hazardous Waste and Toxics  
Reduction Program  
Department of Ecology  
Northwest Regional Office  
3190 160th Avenue SE  
Bellevue, WA, 98008-5452  
Phone: 425-649-4449;  
[ejon461@ecy.wa.gov](mailto:ejon461@ecy.wa.gov)

If you require special accommodations or need this document in a version for the visually impaired, call the Hazardous Waste and Toxics Reduction Program at 360-407-6700.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

PSC's cleanup obligations for the West of 4th Area could not be established until those investigations were complete. These investigations were completed in late 2012.

After considering the public's comments, Ecology finalized a new Agreed Order (DE 10402) on April 23, 2014 to include the next cleanup steps west of 4th Avenue South. It establishes requirements for performing a Feasibility Study and drafting a Cleanup Action Plan (CAP). The parties in the Order include Burlington Environmental (PSC) and three companies located at 3rd Avenue South:

- Art Brass Plating
- Blaser Die Casting
- Capital Industries

Because the 2010 Georgetown facility permit does not reference this new West of 4th Order, PSC initiated a 60-day public comment period to propose modifications to include it. The comment period started on January 14, 2014.

After the public comment period, Ecology reviewed PSC's permit modification request and the public comments. We agree with the company that the facility permit should be modified. Because the modification the company is seeking is categorized as a "Class III" modification, we are required to prepare a new "draft permit" that reflects the changes we believe should be made to the 2010 permit.

## A. Overview

In 1991, Ecology and the U.S. Environmental Protection Agency (EPA) jointly issued a permit to Burlington Environmental to treat and store hazardous/dangerous waste at the 734 South Lucile Street property. The permit also included Resource Conservation and Recovery Act (RCRA) "corrective action" (cleanup) requirements and a schedule for completing them.

The permit's corrective action section was significantly modified in 2001 to update its requirements and schedule.

The PSC facility closed as a hazardous/ dangerous waste treatment and storage facility in 2003 and the property is not currently being used commercially.<sup>1</sup> However, releases from past operations at the facility, which included storage of wastes and chemicals (solvents, petroleum, etc.) in underground storage tanks, have contaminated soils and groundwater.

Groundwater contamination has been detected beyond the facility property to the west and southwest, and in an area to the east and north owned by the Union Pacific Railroad company. As a result of this contamination, cleanup requirements continue to be needed in the company's permit.

Washington State's Dangerous Waste Regulations (Chapter 173-303 Washington Administrative Code (WAC)) require a facility that treats, stores, or disposes of dangerous wastes to have a permit until all activities, including corrective actions and final closure, are completed. The proposed draft permit does not include provisions for treatment, storage, or disposal of hazardous wastes. Like the current permit it is a relatively short document that establishes Burlington Environmental's (PSC's) outstanding RCRA corrective action obligations at the site.<sup>2</sup>

The current permit incorporates by reference a 2010 Agreed Order that provides for corrective actions at the site under the Revised Code of Washington (RCW) 70.105.130 and .145 of the

Hazardous Waste Management Act, and RCW 70.105D.050(1) of the Model Toxics Control Act (MTCA).

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<sup>1</sup> The former PSC Georgetown facility is a secured property no longer used for commercial purposes. PSC uses the adjacent former White Satin Sugar facility for non-RCRA regulated activities and equipment storage.

<sup>2</sup> Most of the corrective action requirements for conducting site cleanup are contained in the cleanup Orders, which the permit references.

Specific cleanup requirements for the eastern portion of the PSC site are described in that Order and its attached CAP. The draft permit Ecology is proposing continues to reference the east of 4th Order, but adds reference to the new West of 4th Agreed Order. Consistent with PSC's permit modification request, it also clarifies that the cleanup of 1,4-dioxane – a contaminant present in groundwater both east and west of 4th Avenue South – will be addressed by PSC under its 2010 Agreed Order (#DE 7347).

## B. Comment Period

The draft permit is subject to public review and comment. Ecology will consider all public comments before making a final decision on the document. Regulatory requirements for the public review process are described in WAC 173-303-840(3) through (9).

### Comment Period

The 45-day comment period on Ecology's draft permit runs from May 9 through June 23, 2014.

### How to Participate

Send comments by mail or email. Comments must be postmarked or received by email or hand delivery by June 23, 2014 to be considered.

#### Mail to:

Ed Jones  
Department of Ecology - HWTR  
Northwest Regional Office  
3190 160<sup>th</sup> Ave. SE  
Bellevue, WA 98008-5452

**E-mail to:** [ejon461@ecy.wa.gov](mailto:ejon461@ecy.wa.gov)

Ecology welcomes your comments. Providing written comments assures their proper consideration during Ecology's decision-making process and helps the Department respond meaningfully.

The most effective comments are those that:

- Provide specific information describing the permit condition(s) you believe is inappropriate.
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- Provide factual and regulatory support for the comment.
- Suggest changes to fix the problem.
- Includes all supporting materials in full. This information may not be incorporated into comments *by reference*, unless it is already part of the administrative record or consists of "state or federal statutes and regulations, documents of general applicability, or other generally available reference materials."

If a member of the public believes a condition of the draft permit is inappropriate, the WAC 173-303-840(6) provides details on the obligation to raise issues and provide information during a draft permit public comment period. Commenters may also request a longer comment period, and Ecology may grant such extensions for cause.

### How to Get Records

To receive a copy of Ecology's draft permit and/or fact sheet, contact Ed Jones. The draft permit may also be downloaded from Ecology's website. The website address and phone number and email address for Mr. Jones are listed above.

The files containing information Ecology used to develop a draft permit are also available for review at our Northwest Regional Office. See the side panel on the first page of this notice for the location and hours of availability.

### Public Hearing

Ecology has not scheduled a public hearing for this draft permit. However, any interested person may request such a hearing. Requests must be in writing and must state the nature of the issues proposed to be raised in the hearing.

Ecology will hold a public hearing whenever, based on requests, there is a significant degree of public interest in a draft permit. To request a hearing, or to request special accommodation for the hearing if one is held, contact Ed Jones by phone, letter, or email.

## C. Decision-Making Process and Procedures for Reaching Final Decisions

### Responding to comments

After the close of the public comment period, Ecology will issue a final permit. The Department will notify PSC and each person who has submitted written comments or requested notice of our decisions.

Ecology will also issue a response to comments. Our response will specify which provisions, if any, of the draft permit were changed in our final decision and the reason for the change. It will briefly describe and respond to all significant comments raised during the public comment period and be available to the public.

### Final permit decision

After considering the comments (and any testimony, should a public hearing be held), Ecology will make a final permit decision. Ecology will then sign the final permit and give public notice of the final permit decision.<sup>3</sup>

### Effective date of the decision

Normally, a permit is effective 30 days after Ecology gives notice of the final decision to the permittee and all persons who commented. If there are no comments on the draft permit, however, Ecology may specify an earlier effective date.

### Environmental review

Ecology is the lead agency for State Environmental Policy Act (SEPA) concerns related to corrective action at the PSC-Georgetown facility. SEPA requires the identification and evaluation of probable environmental impacts.

One of the main purposes of this draft permit is to incorporate a new Agreed Order for corrective action (cleanup). Ecology has determined that this Order will not significantly impact the environment (as impacts are defined in SEPA). The SEPA checklist completed before our decision is available for review during the comment period at our Northwest Regional Office.

### Appealing the final permit decision

Anyone who comments on the draft permit (or who participates in a public hearing, should one be held) may appeal Ecology's final decision within 30 days of the decision. Other persons may appeal any changes made between the draft permit and the final permit, even if they did not comment during the comment period. Ecology's final decision on the permit may be appealed to the Pollution Control Hearings Board.<sup>4</sup>

### Questions?

If you have any questions regarding this notice, please contact Ed Jones, Dept of Ecology, (425) 649-4449, or [ejon461@ecy.wa.gov](mailto:ejon461@ecy.wa.gov).

## Glossary

**Agreed Order:** a legal State document signed by Ecology and one or more responsible parties (known as "PLPs" under State law), setting out a process, expectations, and schedule for site cleanup.

**Corrective Action:** a RCRA term that essentially means site cleanup. The term covers the entire cleanup process (investigation, assessment, remedy selection, and remedy implementation).

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<sup>3</sup> This assumes the draft permit is not substantially changed during finalization. If, based on the public comments, the draft permit needs to be substantially changed, Ecology will provide additional public notice and opportunity to comment on a revised draft permit.

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<sup>4</sup> Because of EPA's oversight authority, EPA is not required to go through the Pollution Control Hearings Board to appeal state authorized permits. Should EPA appeal, they would then work directly with Ecology to address their concerns.

**Facility:** This term can mean different things depending on the context. In the state MTCA cleanup regulations, “facility” means the same thing as “site,” the area over where contamination is found. But for companies that treat, store, or dispose of hazardous wastes, the term “facility” is also used to refer to the property where these management activities take place.

process for cleaning up contaminated sites in Washington State. Ecology uses the MTCA regulations to cleanup contamination at RCRA facilities that treat, store, or dispose of hazardous wastes.

**MTCA:** The Model Toxics Control Act. Passed by voters in 1989 as Initiative 97, MTCA (chapter 70.105D RCW) and its implementing regulations (chapter 173-340 WAC) govern the

**PLP:** Potentially Liable Person. This term is defined in MTCA.

**RCRA:** The Resource Conservation and Recovery Act. The national RCRA regulations govern the management of hazardous wastes.

