

STATE OF WASHINGTON
DANGEROUS WASTE MANAGEMENT PERMIT
FOR CORRECTIVE ACTION

Department of Ecology
Central Regional Office
1250 West Alder Street
Union Gap, Washington 98926

Issued in accordance with the applicable provisions of the Hazardous Waste Management Act in Revised Code of Washington (RCW) 70.105, and the regulations promulgated thereunder in Washington Administrative Code (WAC) 173-303.

ISSUED TO:

Ultra Yield Micronutrients, Inc.
4530 Professional Circle, Suite 201
Virginia Beach, Virginia 23455

and

Richard J. Camp, Jr.
226 Warren Acres Road
Yakima, Washington 98901

FOR:

Ultra Yield Micronutrients Facility.
213 West Moxee Avenue
Moxee, Washington, 98936

This Permit is effective as of the effective date of Agreed Order No. DE 15869 (Order), and shall remain in effect for 10 years thereafter, until August 27, 2028, unless revoked and reissued, modified, or terminated under WAC 173-303-830(3) and (5) or continued in accordance with WAC 173-303-806(7). Upon becoming effective, this Permit replaces Permit No. WAD027530526, issued by the Washington State Department of Ecology on November 7, 1988, under which Kronos Micronutrients LP has been continuing to operate pursuant to WAC 173-303-806(7).

ISSUED BY: WASHINGTON STATE DEPARTMENT OF ECOLOGY

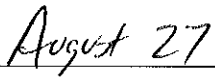


Greg Caron, Section Manager

Washington Department of Ecology

Hazardous Waste & Toxics Reduction Program

Central Regional Office



, 2018

INTRODUCTION

PERMITTEES: Ultra Yield Micronutrients, Inc. and Richard J. Camp, Jr.

I.D. Number: WAD027530526

Pursuant to RCW 70.105, the Hazardous Waste Management Act of 1976, as amended, and regulations codified in WAC 173-303, this Permit is issued to Ultra Yield Micronutrients, Inc. (Ultra Yield) and Richard J. Camp, Jr. (Mr. Camp) (collectively, "Permittees") to conduct corrective action at the Facility, located at 213 West Moxee Avenue, Moxee, Washington 98936. Permittees must comply with all conditions of this Permit.

Pursuant to RCW 70.105D.030(1)(d), the Washington State Department of Ecology (Ecology) is designated by the Washington State Legislature to carry out all state programs authorized by the United States Environmental Protection Agency (EPA) pursuant to the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et. seq.*, as amended. Ecology has authority to issue this Permit in accordance with RCW 70.105.130 and is responsible for enforcement of all conditions of this Permit. Anyone may appeal these permit conditions or decisions by Ecology to the Pollution Control Hearings Board in accordance with WAC 173-303-845.

PART I - GENERAL CONDITIONS

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

I.2 Modifications of Agreed Order No. DE 15869 shall not require a Permit modification, except when required by WAC 173-303-830, Appendix I(N)(5) to incorporate a substantial change requiring public comment under WAC 173-340-600. The Order and the Corrective Action Plan (2018 CAP) implemented by it, and any modifications to the Order or 2018 CAP, are not appealable to the Pollution Control Hearings Board. The Order may be reviewed only as provided under the Model Toxics Control Act (MTCA), RCW 70.105D.

I.3 Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under any other state or federal laws governing protection of public health or the environment. However, compliance with the terms of this Permit does constitute a defense to any action alleging failure to comply with the applicable standards upon which this Permit is based.

I.4 Pursuant to WAC 173-303-806(6), Permittees shall submit a new application for a final permit 180 days prior to the expiration date of this Permit, unless Ecology grants a later date provided that such date is not later

than the expiration date of the Permit. This Permit and all its conditions will remain in effect beyond the Permit's expiration date until Ecology has made a final permit determination if: (1) Permittees have submitted a timely application for a final permit; (2) Ecology determines that the final permit application is complete as set forth in WAC 173-303-840(1)(b); and (3) Ecology has not made a final permit determination as set forth in WAC 173-303-840.

If Permittees fail to comply with the terms and conditions of the expiring or expired Permit, then Ecology may take action consistent with WAC 173-303-806(7)(b). If Permittees fail to submit a timely, complete application as required herein, then those permit conditions necessary to protect human health and the environment will remain in effect beyond the Permit's expiration date in accordance with WAC 173-303-815(2)(b)(ii), until Ecology terminates the conditions.

PART II - CORRECTIVE ACTION

II. Ecology is requiring that Permittees fulfill corrective action responsibilities for the Facility, as defined by WAC 173-303-040, using MTCA (RCW 70.105D, as amended), its implementing regulations (WAC 173-340), and the Dangerous Waste Regulations (WAC 173-303), as provided by WAC 173-303-645(12) and -64630. See Section III.1, *infra*. The actions taken must meet or exceed all substantive corrective action requirements of RCRA, the state Hazardous Waste Management Act (HWMA), and the Dangerous Waste Regulations.

Permittees' corrective action obligations with respect to the Facility under Agreed Order No. DE 15869 are enforceable conditions of this Permit under the authority of HWMA, RCW 70.105, and its implementing regulations, WAC 173-303.

PART III - CORRECTIVE ACTION CONDITIONS

III.1. Agreed Order No. DE 15869, and the 2018 CAP were issued pursuant to MTCA, RCW 70.105D, as amended, and its implementing regulations, WAC 173-340. The Order is incorporated by reference as fully enforceable under this Permit. Regardless of whether or not the Order is vacated, Permittees' corrective action obligations continue to be enforceable conditions of this Permit under the authority of the HWMA, RCW 70.105, and its implementing regulations, WAC 173-303.

III.2. Agreed Order No. DE 15869's primary requirements include: remediation of groundwater in accordance with the 2018 CAP; provision of financial assurances; performance of site inspections according to the 2007 Site Management Plan; and maintenance of an environmental (restrictive) covenant at the property.

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Greg Caron, Section Manager
Hazardous Waste & Toxics Reduction
Central Regional Office
1250 West Alder Street
Union Gap, Washington 98903-0009

RICHARD J. CAMP, JR.



Richard J. Camp, Jr.
226 Warren Acres Road
Yakima, Washington 98901

ULTRA YIELD MICRONUTRIENTS, INC.



Mark Whitfield, CFO
4530 Professional Circle, Suite 201
Virginia Beach, Virginia 23455