

STATE OF WASHINGTON
DANGEROUS WASTE MANAGEMENT PERMIT
FOR CORRECTIVE ACTION

Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008

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

ISSUED TO:

Univar Solutions USA, Inc. 8201 South 212th Street
Kent, WA 98032

FOR:

Univar Solutions USA, Inc. 8201 South 212th Street
Kent, WA 98032

This Permit is effective as of August 17, 2020, and shall remain in effect until August 17, 2030 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 Dangerous Waste Management Permit for Corrective Action No. WAD067548966, issued by the Washington State Department of Ecology on November 20, 2008, under which Univar Solutions USA, Inc. has been continuing to operate pursuant to WAC 173-303-806(7).

ISSUED BY: WASHINGTON STATE DEPARTMENT OF ECOLOGY



Raman Iyer, Section Manager
Washington Department of Ecology
Hazardous Waste & Toxics Reduction Program
Northwest Regional Office
August 17, 2020

INTRODUCTION

PERMITTEE: Univar Solutions USA, Inc.

I.D. Number: WAD067548966

Pursuant to Chapter 70.105 RCW, the Hazardous Waste Management Act of 1976, as amended, and regulations codified in Chapter 173-303 WAC, this permit is issued to Univar Solutions USA, Inc. (Univar) to conduct corrective action at the Facility located at 8201 South 212th Street, Kent, Washington. Univar must comply with all conditions of this Permit.

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

PART I - GENERAL CONDITIONS

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

I.2 Modifications to the Agreed Order No. DE 5988 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. Agreed Order No. DE 5988 is not appealable to the Pollution Control Hearings Board. The Agreed Order No. DE 5988 may be reviewed only as provided under the Model Toxics Control Act, Chapter 70.105D.060 RCW.

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

I.4 Pursuant to WAC 173-303-806(6), Univar 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) Univar has submitted a timely application for a final status permit; (2) Ecology determines that the final permit application is complete as set forth in WAC 173-303-840(1)(b); and (3) Ecology has not made a final permit determination as set forth in WAC 173-303-840.

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

PART II - CORRECTIVE ACTION

II. Ecology is requiring that Univar fulfill corrective action responsibilities for the facility, as defined by WAC 173-303-040, using the Model Toxics Control Act (MTCA), (Chapter RCW 70.105D), as amended, and its implementing regulations (Chapter 173-340 WAC), and the Dangerous Waste Regulations [(Chapter 173-303 WAC – specifically, WAC 173-303-646]. See Section III.1, *infra*. The actions taken must meet or exceed all substantive corrective action requirements of the Resource Conservation and Recovery Act (RCRA), the state Hazardous Waste Management Act, and the Dangerous Waste Regulations.

Univar's corrective action obligations with respect to the Facility under the Agreed Order No. DE 5988, effective November 20, 2008, are enforceable conditions of this Permit under the authority of Chapter 70.105 RCW, and its implementing regulations, Chapter 173-303 WAC.

PART III - CORRECTIVE ACTION CONDITIONS

III.1. Agreed Order No. DE 5988, effective November 20, 2008, was issued pursuant to the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, as amended, its implementing regulations, Chapter 173-340 WAC, and the Dangerous Waste Regulations, WAC 173-303-646. Agreed Order No. DE 5988 and its attachments are incorporated by reference as fully enforceable under this Permit. Regardless of whether or not the Agreed Order is vacated, Univar's corrective action obligations continue to be enforceable conditions of this Permit under the authority of the Hazardous Waste Management Act (HWMA), Chapter 70.105 RCW, and its implementing regulations, Chapter 173-303 WAC.

III.2. Agreed Order No. DE 5988 required Univar to submit and finalize a remedial investigation, focused feasibility study addendum, and draft cleanup action plan (RI/FS/DCAP) for the facility. The RI/FS/DCAP was finalized and approved by Ecology on December 22, 2008.

III.3. On October 1, 2009, following a public comment period and Ecology's final review of the RI/FS/DCAP, Ecology selected a final cleanup remedy for the Facility.

III.4. Univar began implementation of the final cleanup action following the approval of the RI/FS/DCAP and the selection of the final cleanup remedy. The cleanup action will continue until all of the conditions and requirements of the Agreed Order No. DE 5988 and the CAP have been met.