

## Draft Permit for Corrective Action Issued to SSA Containers

The Washington Department of Ecology (Ecology) is issuing a draft permit for corrective action to SSA Containers for the former Reichhold Chemical plant (Reichhold). The facility is located at 3320 Lincoln Ave East in Tacoma, Washington. This permit is required to meet state corrective action requirements under the Hazardous Waste Management Act, Revised Code of Washington 70.105. Corrective action (cleanup) is required for all sites that currently have or have had permits to treat, store, and dispose of hazardous waste.

The final permit allows corrective action to continue for the next ten years from the effective date, unless the facility is cleaned up sooner. However, the permit can be modified at any time during this period. Some permit modifications are subject to public review and comment.

In 2014, soil contaminated with dioxin/furan compounds was found at the Reichhold facility. SSA's contractors, with Ecology oversight, investigated the nature and extent of the dioxin/furan contamination. Ecology required SSA to complete a supplemental Remedial Investigation/Feasibility Study (RI/FS) and Cleanup Action Plan (CAP) amendment to address the dioxin/furan contamination at the facility. For SSA to effectively continue and complete ongoing soil cleanup, a Corrective Action Management Unit (CAMU) remained necessary. Documents related to soil cleanup were finalized following the March 2016 comment period.

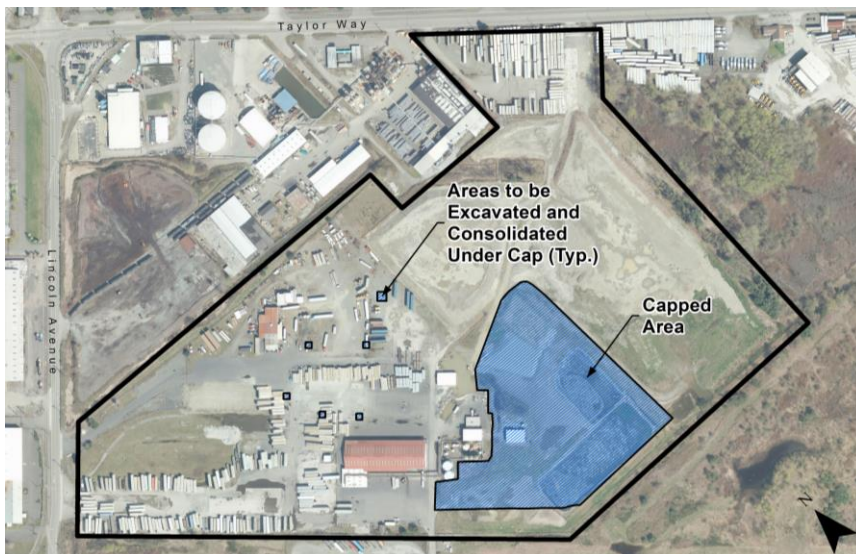
This draft permit incorporates by reference the corrective action requirements, as determined by Ecology in the consent decree (CD), its attachments, and its amendments including the new CAMU order.

### Dioxin/Furan Contamination at the Facility

The dioxin-contaminated soils are found in the central part of the property, within a former soil handling area, and six other isolated locations. Dioxin levels in the soil in these areas exceed cleanup levels for industrial sites. Ecology decided that additional cleanup must be done to protect people and animals from contacting contaminated soils.

These cleanup actions were approved in March 2016 and outlined in several documents, including a CD:

- Excavate soil at six isolated areas.
- Combine contaminated soil within a 7.5 acre area of the site.
- Cap the contaminated soil area with a surface that would prevent direct contact by humans and animals.
- Maintain deed restrictions at the property to keep the property in industrial use, and protect the capped area.



## State and Federal Authorities for Permits and Corrective Action

The Washington State Hazardous Waste Management Act, Chapter 70.105 RCW, and the Dangerous Waste Regulations, Chapter 173-303 WAC<sup>1</sup>, regulate the management of dangerous waste in Washington. Facilities that have had a permit to treat, store, and dispose of dangerous waste must have a permit to conduct corrective action.

Although the former Reichhold facility does not currently manage dangerous waste, SSA is seeking a permit for corrective action due to past management of dangerous waste. This corrective action-only permit differs from dangerous waste management permits for fully-functioning facilities. The U.S. Environmental Protection Agency (EPA) and Ecology recognize that while the permit is required, not all permit conditions are needed in a permit for only corrective action. For example, training and inspection requirements for managing dangerous wastes are irrelevant when the facility is closed and no dangerous wastes are on site.

The permit for corrective action is necessary to maintain authority over the cleanup, but the substantive requirements for actually conducting the corrective action are in the administrative documents entered into court with the CD. The draft permit is structured to allow the flexibility needed to efficiently administer corrective action at the site. This process saves time and resources, eliminates duplication of a permit, reduces the volume of documents, and simplifies the decision process.

## Facility Permit History

The former Reichhold facility produced a variety of chemical products, including pentachlorophenol, synthetic resins, and treated fiber products from 1956-1990. EPA granted Reichhold a Resource Conservation and Recovery Act (RCRA) interim status permit to treat, store, and dispose of hazardous waste in 1980. Although, the facility was no longer producing pentachlorophenol and associated production wastes, certain areas on the property were leased for storage.

### 1988-1998

EPA issued Reichhold a RCRA Storage and Corrective Action Permit. This permit allowed the continued operation of the site as a dangerous waste management facility. While that permit was in effect, Reichhold conducted interim actions to delineate and clean up subsurface soil and groundwater contamination.

### 1997

EPA and Ecology decided that Ecology would be the lead agency for the RCRA permit renewal and overseeing corrective action. Because the site was not completely cleaned up, Reichhold applied to Ecology for a new corrective action permit.

Ecology extended the permit to continue cleanup under the standards of the 1988 permit. Ecology determined that the facility did not need a RCRA permit for operation as a treatment, storage, and disposal facility because operations at the facility had ceased.

### 2004

Ecology and Reichhold entered into two agreed orders to further investigate and cleanup contamination at the site. Ecology also issued a corrective action permit, which incorporated the agreed orders and provided the regulatory framework and legal requirements for continued cleanup actions.

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<sup>1</sup> Washington Administrative Code

The agreed orders also established a Corrective Action Management Unit (CAMU) to allow contaminated soil to be moved and construction soil treatment cells to biodegrade phenolic compounds.

### 2006

Ecology made a Class One Permit Modification to reflect the purchase of the Reichhold property by SSA Containers, Inc. (SSA), a subsidiary of SSA Marine, Inc.

### 2008

Ecology approved the Remedial Investigation, Feasibility Study, and Cleanup Action Plan for this site. The preferred cleanup alternative was outlined under a consent decree. The contaminants of concern identified by the remedial investigation were chlorinated phenolic compounds, formaldehyde products, and polychlorinated biphenyls (PCBs). Most of the contamination in approximately 30 acres of the site were remediated. Dioxins/furans were not cleaned up during this time because they had not yet been identified as a contaminant of concern.

## Public Comment Period

Ecology welcomes comments on the draft permit for corrective action. Ecology will consider all comments before making the permit final. **Comments must be postmarked, received by email, or hand delivered by June 30, 2016 to be considered.**

Submit comments to:

Stan Leja

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## Public Hearing Possible

If significant public interest is expressed in the draft permit, Ecology will conduct a public hearing. To request a hearing, contact Stan Leja by phone, letter, or email. If there is no significant interest, a hearing will not be held.

## Appealing Ecology's Decision

Anyone who comments on a permit, or who participates in a public hearing, may appeal the agency's final decision within 30 days of the date the decision is issued. Others may appeal changes made between the draft permit and the final permit, even if they did not comment during the comment period. Appeal Ecology's decision to the Pollution Control Hearings Board.

## Effective Date of 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, Ecology may specify an earlier date for the final permit. If Ecology makes a new tentative decision on the permit, there will be a new comment period.

