WAD 2917
FFH 3c

RECEIVED
MAY 04 1993
RCRA PERMITS SECTION

4/28/93

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. BOX 47600 • Olympia, Washington 98504-7600 • (206) 459-6000

FILE COPY

April 28, 1993

Catherine Buller
Burlington Environmental Inc.,
Technical Services Division
PO Box 3552
Seattle WA 98124

Re: Burlington Environmental Inc. (Burlington) Pier 91 facility permit appeal

Dear Ms. Buller:

As we agreed during our meeting of April 7, 1993, the Department of Ecology (Ecology) is providing further information concerning appealed portions of the Pier 91 facility permit. The enclosure to this letter describes the current status of the issues of the appeal. Included in this status document are suggested revised Permit Conditions II.A.6., II.A.16., II.C.1., IV.B.4., and IV.C.4. These conditions were revised pursuant to discussion of items B., D., E., H., and I. of the Notice of Appeal. The changes to these permit conditions should be self explanatory in light of our discussions on April 7.

With regard to item H. (Construction Schedule), in general, Ecology continues to believe that all facility construction should be completed in as short a time frame as possible following permit issuance, and that subsequent changes to the facility should be accomplished through the permit modification process. However, we also recognize that at the time Burlington was preparing the permit application, you were advised by Ecology to include all *potential* units. Owing to the fact that this information was provided at Ecology's request, and since Ecology has already reviewed it for regulatory compliance, Ecology will allow Burlington some flexibility in the construction schedule. Ecology proposes revising Permit Condition IV.B.1. so as to require all construction requested as "discretionary" by Burlington be completed within 5 years from the permit effective date. Ecology believes that allowing any longer time frame would necessitate a re-review of the unit design.

USEPA RCRA
3012805

Please review the enclosed suggested permit conditions. If you have any questions you may call me at 459-6993. Otherwise, I expect that we can discuss these, as well as the other issues, at our meeting on May 12. I look forward to seeing you then.

Sincerely,

Douglas Brown
Hazardous Waste Permits

enclosure

cc: Stephanie Delaney, AAG/Ecology
Doug Hotchkiss, Port of Seattle
Julie Sellick, NWRO
Carrie Sikorski, EPA Region 10

ENCLOSURE

Pier 91 Appeal Issues
Current Status (April 28, 1993)

A. Designation of the Port as Permittee

Burlington is concerned that the permit makes them solely responsible for facility wide corrective action. Ecology and EPA will provide clarification in a separate letter concerning the current and future responsibility of Burlington for corrective action.

B. Required Use of Washington State Accredited Laboratory and Exemption of Certain Waste Streams from Lab Analysis

Burlington will submit a revised Quality Assurance/Quality Control (QA/QC) Plan. If Ecology finds this plan acceptable, Ecology will agree to revise Permit Condition II.A.6. in order delete the requirement for use of a state certified laboratory. As with the Georgetown facility agreement, Ecology also proposes adding Permit Condition II.C.1.b.vi. so as to specify the retention time for laboratory audit records. With regard to the exemption of certain waste streams from analysis [II.A.6.d.], Burlington will provide suggested language.

Ecology's suggested language:

II.A.6. Each regulated generator waste stream which is received by the Permittee more than twice a year shall undergo annual full characterization. Full characterization is defined as completing a waste profile sheet which shall identify the dangerous constituents and characteristics necessary for proper designation and management of the waste stream, along with accounting for 100% of the material (e.g., 30% oil, 70% water).

a. Except as specified in c. below, full characterization shall include or consist of:

i. Existing published or documented data on the dangerous waste or on waste generated from similar processes. The use of existing published or documented data shall include confirmation by the generator that the process generating the dangerous waste has not significantly changed; or

ii. Laboratory analysis of the waste stream consisting of chemical, physical, and/or biological analyses using methods which are approved by the Agency or Department. Wastes shall be analyzed for all hazardous constituents except those which can be demonstrated not to be present

in any of that generator's waste streams, or those which do not change the proper designation and management of the waste stream.

b. Analysis for the purposes of a.ii. above shall be performed by a laboratory which meets one of the following standards:

   i. The laboratory is accredited by Washington State under Chapter 173-50 WAC; or

   ii. The laboratory meets the standards of the Quality Assurance Program Plan, Appendix C-3 of Attachment CC. Such a laboratory shall be audited by the Permittee every two years or whenever analyses for the purposes of full characterization are performed, whichever is longer.

      A. If the Department determines that any laboratory utilized by the Permittee does not meet the requirements of the Quality Assurance Program Plan, the Department may issue a final decision requiring a new audit of that laboratory. The issuance of such a decision shall constitute an Agency action subject to the rights of appeal under Chapter 34.05 RCW.

      B. Except for frequency, audits of laboratories by the Permittee shall be performed as specified in the Quality Assurance Program Plan.

c. In the following circumstances a waste stream shall undergo full characterization consisting solely of laboratory analyses meeting the requirements of a.ii. above, and knowledge as necessary to designate a waste under WAC 173-303-080, Dangerous Waste Lists. Such characterization shall occur prior to receipt of the next shipment of that waste stream.

   i. The permittee has been notified, or has reason to believe, that the process or operation generating the dangerous waste has significantly changed;

   ii. There is a discrepancy between a generator's waste designation, as provided by the generator's waste profile and the Permittee's waste designation, as determined by the screening analysis and any further waste analysis;

   iii. The first time a waste undergoes full characterization. This shall include but not be limited to all waste streams for which waste profiles are amended, such as pursuant to Permit Condition II.A.14.a.i.; and

iv. No more than five years from the last full characterization by laboratory analysis.

II.C.1. b. vi. Records of laboratory audits pursuant to the Quality Assurance Program Plan, Appendix C-3 of Attachment CC, and Permit Condition II.A.6.b.ii.

C. PCB Analysis of Each Shipment of Incoming Waste

Burlington will provide suggested language for Permit Condition II.A.12.

D. Ignitability Testing Requirements

Ecology's suggested language:

II.A.16. In the following instances the flashpoint analysis shall be performed. Analysis shall be performed with the most recent methods in SW-846. Currently those methods are Method 1010: the Pensky-Martens Closed Cup Method for Determining Ignitability and Method 1020: The Setaflash Closed Cup Method for Determining Ignitability.

a. For waste profiling as described in Attachment CC;

b. For full characterization as required by Permit Condition II.A.6.;

c. For waste check-in, as described in Attachment CC, whenever the current profile for that waste indicates a flashpoint of less than 160°F; and

d. For waste check-in, as described in Attachment CC, whenever the Ignitability screen indicates a flashpoint of less than 200°F.

E. Maintenance or Certain Records at the Facility

Ecology's suggested language:

II.C.1. d. v. All closure, interim measures, and final corrective action cost estimates; financial assurance documents prepared pursuant to this Permit; as well as the company names and addresses of Permittee insurers (may be by reference to records at the corporate office);

F. Clean Closure Requirements

Ecology, Burlington, and the Port of Seattle are going to discuss the issues of corrective action and closure (both final and interim status) at the upcoming meeting on May 12, 1993. The intent of these discussions is to make sure the various authorities adequately mesh so as to assure detection and decontamination of all waste constituents from all portions of the facility. No party is proposing permit changes at this time.

G. Tank Compliance Requirements

Discussions concerning the leak detection system for retrofitted double bottom tanks is continuing on a separate schedule. Currently, Burlington is preparing a response to Ecology comments on a proposed new leak detection system design.

H. Construction Schedule

Ecology's suggested language:

IV.B.1. Construction related activities identified below shall be performed within the time specified.

a. The loading/unloading pad shall be completed within seven (7) months of the permit effective date.

b. The following activities shall be completed within 60 months of the permit effective date. The Permittee shall notify the Department at least 120 days prior to the initiation of construction.

i. Area A (See Figure IV-1):

A. Upgrade secondary containment to meet Permit requirements;

B. Remove tanks 106 and 108; and

B. Install tanks 2702 and 2704.

ii. Area B (See Figure IV-1):

A. Upgrade secondary containment to meet Permit requirements; and

B. Retrofit double bottoms on tanks 2701 and 2703.

iii. Area C (See Figure IV-1):

A. Upgrade secondary containment to meet Permit requirements;

B. Install tanks 2307, 2308, 2309, and 2310; and

C. Place tanks 2709 and 2710 into service. Tank 2709 shall be designed and constructed in accordance with all specifications in Figure D1-11, Attachment II; Drawings 43007 and 44006, Appendix D-8 of Attachment II; and the structural and corrosion integrity assessments of Appendix D-9 of Attachment II.

I. General Compliance Requirements

Ecology's suggested language:

IV.C.4. Upon request by the Department, the Permittee shall submit samples of waste or environmental media for analysis by an independent, accredited laboratory. The Department may require analysis for any waste constituent, characteristic, or criteria which has a reasonable possibility of being present. Submittals under this provision shall be limited to two (2) events per year, and 12 samples per event.