

HSWA PERMIT

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE, WCM-121
SEATTLE, WASHINGTON

Issued in accordance with the applicable provisions of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. 6901 et seq; and the regulations promulgated thereunder in Title 40 of the Code of Federal Regulations (CFR).

ISSUED TO: The Boeing Company -- Everett Plant
PO Box 3707, MC 0K-FP
Seattle, Washington 98124

located at: 3003 West Casino Road, Everett, WA 98203
WAD 04158 5464

This permit is effective as of _____, 2002, and shall remain in effect until _____, 2012, unless revoked and reissued in accordance with 40 CFR §270.41, terminated in accordance with 40 CFR §270.43, or continued in accordance with 40 CFR §270.51.

ISSUED BY: THE U.S. ENVIRONMENTAL PROTECTION AGENCY

Richard Albright, Director
Office of Waste and Chemicals
Management
U.S. Environmental Protection Agency,
Region 10

Date

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Table of Contents

	Page
Signature Page	1
Table of Contents	2
Introduction	3
Definitions	4
Part I - Standard Conditions	5
Part II - General Facility Conditions	12
Part III - Container Storage	16

List of Attachments

The following listed documents are incorporated, in their entirety, by reference into this permit. The documents are excerpts from the Permittee's Dangerous Waste Permit Application (submitted October 10, 2000, as amended through October 19, 2001).

Attachment A Section 1.1 .1 of the Application, including Figure 1-1.

Attachment B Section 1.2 of the Application, including Figures 1-2 and 1-4.

Attachment C Inspection Plan for the inspection of containers subject to 40 CFR Part 264 Subpart CC (Sections 4.2.1 and 8 of the Application).

Attachment D Air Emissions Control for container management (Section 4.4 of the Application)

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Introduction

Permittee: The Boeing Company – Everett Plant
Identification Number: WAD 04158 5464

This permit is issued by the U.S. Environmental Protection Agency (EPA) under the authority of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, (RCRA), and the Hazardous and Solid Waste Amendments of 1984 (HSWA), 42 U.S.C. §6901 et seq., and regulations promulgated thereunder.

This Permit, issued in accordance with 40 CFR §271.19(f), in conjunction with the Permit for this Facility issued by the State of Washington Department of Ecology on (date), constitutes the RCRA permit for this Facility.

The Permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the Permittee's misrepresentation of any relevant facts at any time, shall be grounds for the termination or modification of this Permit and/or initiation of an enforcement action, including criminal proceedings.

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Definitions

For purposes of this permit, the following definitions shall apply:

- a. All definitions contained in 40 CFR §§124.2, 260.10, 270.2, 265.1081 and Part 264 are hereby incorporated, in their entirety, by reference into this permit, except that any of the definitions used below shall supersede any definition of the same term given in 40 CFR §§124.2, 260.10, 270.2, 265.1081 and Part 264. Where terms are not defined in the regulations or the Permit, the meaning associated with such terms shall be defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.
- b. "**Administrator**" means the Administrator of the U.S. Environmental Protection Agency (Agency) or a designated representative.
- c. The term "**Agency**" shall mean the U.S. Environmental Protection Agency, Region 10 (with the address as specified on page one of this permit).
- d. "**Application**" means the Part A and Part B applications submitted by the Permittee pursuant to 42 U.S.C. 6925 and 40 CFR Parts 124 and 270.
- e. The term "**days**" shall mean calendar days unless otherwise defined for a condition or section of this permit.
- f. The term "**Department**" shall mean the Washington State Department of Ecology.
- g. The term "**Facility**" shall mean the property commonly called the "Everett Plant" or the "Boeing - Everett Facility". The Facility is all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units. See Attachment A for the Facility boundaries for the purposes of this permit.
- h. "**Hazardous Waste Management Unit**" means that part of the Permittee's 40-15 Building used to manage hazardous waste and includes, but is not limited to, Bays 1 - 10, Staging West, Staging East, and the Truck load/unload area. The location and description of the 40-15 Building are set forth in Attachment B.
- i. The term "**Permit**" shall mean the Permit issued by the U.S. Environmental Protection Agency, Region 10, pursuant to 42 U.S.C. §6901 et seq. and 40 CFR Parts 124 and 270.
- j. The term "**Permittee**" means The Boeing Company, Everett Plant.
- k. "**State**" means the State of Washington.

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Part I - Standard Conditions

I.A. EFFECT OF PERMIT

- I.A.1. Compliance with this Permit constitutes compliance, for purposes of enforcement, with 40 CFR §§ 264.73, 264.74, and 264.1086, and the “300 hour exemption” at 40 CFR §264.1050(f). Compliance with this Permit does not constitute compliance with those requirements not included in the Permit that become effective by statute or which are promulgated under 40 CFR Part 268 or subparts AA, BB, or CC of 40 CFR Part 264 limiting air emissions.
- I.A.2. The Permittee shall hold harmless and indemnify the Agency, and its officers, employees, and agents from any claim, suit, or action arising from the activities of the Permittee or its contractors, agents, or employees under this Permit.

I.B. PERSONAL AND PROPERTY RIGHTS

Issuance of this Permit does not convey any property rights or any exclusive privilege, nor does issuance of the Permit authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations.

I.C. PERMIT ACTIONS

- I.C.1. This Permit may be modified, revoked and reissued, or terminated for cause.
- I.C.2. The filing of a request by the Permittee for a Permit modification, revocation and reissuance, or termination of this Permit, or a notification of planned changes or anticipated noncompliance, shall not stay any Permit condition.
- I.C.3. Permit modification at the request of the Permittee must comply with procedures and other requirements of 40 CFR §270.42.

I.D. SEVERABILITY

- I.D.1. The conditions of this Permit are severable; and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby. Invalidation of any federal statutory or regulatory provision which forms the basis for any condition of this Permit does not affect the validity of any other federal statutory or regulatory basis for said condition.

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I.D.2. In the event that a condition of this Permit is stayed for any reason, the Permittee shall comply with the related relevant interim status standards in 40 CFR Part 265 for that stayed condition, until final resolution of the stayed condition, unless the Administrator determines that compliance with the related relevant interim status standards would be technologically incompatible with compliance with other conditions of this Permit which have not been stayed.

I.E. DUTY TO COMPLY

I.E.1. The Permittee must comply with all conditions of this Permit, except that the Permittee need not comply with the conditions of this Permit to the extent and for the duration such noncompliance is authorized in an emergency permit issued under 40 CFR §270.61. Any other Permit noncompliance constitutes a violation of RCRA, as amended by HSWA, and is grounds for enforcement action, Permit termination, revocation and reissuance, or modification, and/or denial of a Permit renewal application.

I.E.2. Compliance with the terms of this Permit does not constitute a defense to any action brought under Sections 3007, 3008, 3013, and 7003 of RCRA (42 U.S.C. §§6927, 6928, 6934 and 6973), Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) [42 U.S.C. §9606(a)], as amended by the Superfund Amendments and Reauthorization Act of 1986, or any other federal or State law governing protection of public health or the environment.

I.F. DUTY TO REAPPLY

If the Permittee wishes to continue an activity regulated by this Permit after the expiration date, or if the Permittee is required by the Department or EPA to continue post-closure care or corrective action after the expiration date, the Permittee shall apply for and obtain a new Permit. Such Application shall be submitted at least one hundred and eighty (180) days before the expiration date, unless permission for a later date has been granted by the Administrator, and shall include all information required pursuant to 40 CFR §270.13 and all applicable information required pursuant to 40 CFR §§270.14 through 270.29.

I.G. CONTINUATION OF EXPIRING PERMIT

This Permit and all conditions herein shall continue in force and effect until the effective date of a new Permit or Permit denial, provided the Permittee complies with 40 CFR §270.51(a) or provided that the Permittee is required to continue post-closure care or corrective action to protect human health or the environment.

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I.H. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

I.I. DUTY TO MITIGATE

In the event of noncompliance with this Permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.J. PROPER OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities and systems of treatment, monitoring, and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve and maintain compliance with the conditions of this Permit.

I.K. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Administrator, within the specified time, any relevant information which the Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittee shall also furnish to the Director of the State of Washington Department of Ecology and the Administrator, upon request, copies of records required to be kept by this Permit. The Permittee must identify all submitted data that have not undergone data validation.

I.L. INSPECTION AND ENTRY

The Permittee shall allow the Administrator or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

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- I.L.1. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Permit;
- I.L.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- I.L.3. Inspect at reasonable times any portion of the Facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- I.L.4. Sample or monitor, at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by RCRA or State law, any substances or parameters at any location.

I.M. MONITORING AND RECORDS

- I.M.1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- I.M.2. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records, copies of all reports required by this Permit, and records of all data used to complete the Application for this Permit, for a period of at least three years from the date of the sample, measurement, report, certification, Application, or recording unless a longer retention period is required by other conditions of this Permit. This three-year period may be extended by the Administrator by request in writing to the Permittee and is automatically extended during the course of any unresolved enforcement action regarding this Facility.
- I.M.3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The name, title, and affiliation of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The name, title, and affiliation of the individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.

DRAFT

I.M.4. The Permittee may substitute analytical methods that are equivalent to those specifically approved for use in this Permit in accordance with the following conditions:

- a. The Permittee submits to the Administrator a request for substitution of an analytical method(s) which is equivalent to the method(s) specifically approved for use in this Permit. The request shall provide information demonstrating that the proposed method(s) is equal or superior to the analytical method(s) requested to be substituted in terms of sensitivity, accuracy, and precision (i.e., reproducibility); and
- b. The Administrator notifies the Permittee in writing by certified mail or hand delivery that the substitution of the analytical method(s) is approved. Such approval shall not require a Permit modification under 40 CFR §270.41 or 40 CFR §270.42.

I.N. REPORTING PLANNED CHANGES

The Permittee shall give written notice to the Administrator as soon as possible of any planned physical alterations or additions to the portions of the Facility subject to this Permit.

I.O. ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance written notice to the Administrator of any planned changes in the permitted Facility or activity that might result in noncompliance with Permit requirements.

I.P. TRANSFER OF PERMIT

This Permit is not transferable to any person, except after notice to the Administrator. This Permit may be transferred by the Permittee to a new owner or operator only if the Permit has been modified or revoked and reissued under 40 CFR §270.40(b) or §270.41(b)(2) to identify the new Permittee and incorporate such other requirements as may be necessary under RCRA. At least ninety (90) days before transferring ownership or operation of the Facility during its operating life, the Permittee must notify the new owner or operator in writing of the requirements of 40 CFR Parts 264 and 270 and at the same time shall send a copy of such notice to the Administrator.

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I.Q. TWENTY-FOUR HOUR REPORTING

- I.Q.1. The Permittee shall orally report to the Administrator at (206) 553-5153 any noncompliance with this Permit that might endanger human health or the environment within 24 hours from the time the Permittee becomes aware of the circumstances, including:
- a. Information concerning release of any hazardous waste or hazardous constituent that may cause an endangerment to public drinking water supplies; and,
 - b. Any information of a release or discharge of hazardous waste or hazardous waste constituents, or of a fire or explosion at or from the Facility, which could threaten human health or the environment outside the Facility.
- 1.Q.2. The description of the occurrence and its cause shall include:
- a. Name, address, and telephone number of the owner or operator;
 - b. Name, address, and telephone number of the Facility;
 - c. Date, time, and type of incident;
 - d. Name and quantity of material(s) involved;
 - e. The extent of injuries, if any;
 - f. An assessment of actual or potential hazards to the environment and human health inside and outside the Facility, where this is applicable; and
 - g. Estimated quantity and disposition of recovered material that resulted from the incident.
- I.Q.3. Within five (5) days of the time the Permittee becomes aware of noncompliance that might endanger human health or the environment, the Permittee shall provide to the Administrator a written submission. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance including exact dates and times; the anticipated time noncompliance is expected to continue if the noncompliance has not been corrected; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Administrator may waive the five day written notice requirement in favor of a written report within fifteen (15) days.

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I.R. OTHER NONCOMPLIANCE

The Permittee shall report to the Administrator all instances of noncompliance with this Permit not reported under condition I.Q. of this Permit at the time monitoring reports are submitted, or by the 30th day of the calendar quarter following the quarter in which the noncompliance occurred, whichever is sooner. These reports shall contain the applicable information listed in condition I.Q.2. of this Permit.

I.S. OTHER INFORMATION

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the Permit Application, or submitted incorrect information in a Permit Application or in any report to the Administrator, the Permittee shall submit within fourteen (14) days of becoming aware of such deficiency or inaccuracy, such facts or information to the Administrator.

I.T. SIGNATURE AND CERTIFICATION

The Permittee shall ensure that all Applications, reports, or information submitted to the Administrator are signed and certified, in accordance with 40 CFR §§270.11. One copy of each of these submissions shall be sent by certified mail or hand delivered to the following address:

Director, Office of Waste and Chemicals Management (WCM-121)
U.S. Environmental Protection Agency Region 10
1200 Sixth Avenue
Seattle, WA 98101

I.U. CONFIDENTIAL INFORMATION

Any information submitted by the Permittee to the Administrator may be claimed as confidential by the Permittee in accordance with the applicable provisions of 40 CFR §§260.2 and 270.12.

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Part II - General Facility Conditions

II.A. OPERATION OF FACILITY

The Permittee shall maintain and operate the Facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment.

II.B. EQUIVALENT MATERIALS/INFORMATION

If certain equipment, materials, and administrative information (such as names, phone numbers, addresses) are specified in this Permit, the Permittee is allowed to use an equivalent or superior item. Use of such equivalent or superior items shall not be considered a modification of the Permit, but the Permittee must place in the operating record (prior to the institution of such revision) the revision, accompanied by a narrative explanation, and the date the revision became effective. The Agency may judge the soundness of the revision during inspections of the Facility and take appropriate action. The format of tables and forms are not subject to the requirements of this Permit, and may be revised at the Permittee's discretion.

II.C. WASTE MINIMIZATION

II.C.1. The Permittee must place a certification in the operating record on an annual basis that:

- a. A program is in place to reduce the volume and toxicity of hazardous waste generated to the degree determined by the Permittee to be economically practicable; and
- b. Proposed methods of treatment, storage and disposal are those practicable methods currently available to the Permittee which minimize the present and future threat to human health and the environment.

II.C.2. The Permittee must submit the following information to the Administrator by March 1 of even-numbered years:

- a. a description of the efforts taken during the year immediately prior to the report to reduce the volume and toxicity of wastes generated; and
- b. a description of the changes in volume and toxicity of waste actually achieved during the year immediately prior to the report in comparison to previous years.

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For years prior to 1984, this comparison shall be required only to the extent such information is available.

If the Permittee includes this information in the even-year's annual report required by WAC 173-303-390(2), a copy of this report may be submitted to the Administrator by March 1 to comply with this requirement.

II.D. RECORD KEEPING AND REPORTING

The Permittee must maintain a written operating record at the Facility consisting of records kept for the length of time specified below. The record can be a compilation of various documents. Also, the Permittee must record all information referenced in this Permit in the operating record within 2 operational days of the information becoming available. The operating record shall include, but is not limited to, the information listed below:

- II.D.1. The following records must be maintained until final closure of the Facility and corrective action are complete and certification has been accepted:
 - a. Certifications required by section II.C.1 of this Permit; and
 - b. Monitoring, testing, or analytical data and repairs/corrective action required by 40 CFR §264.1064.

- II.D.2. Up-to-date copies of the following documents as amended, revised, and modified shall be maintained at the Facility until final closure is complete and certification has been accepted:
 - a. This Permit and all attachments;
 - b. All approved Permit modifications;
 - c. Information required by part II.F.1. of this Permit;
 - d. Records required by part II.G.5. of this Permit;
 - e. Records for all visual inspections and repairs conducted in accordance with the requirements of 40 CFR §264.1086(c)(4) and (d)(4);
 - f. Documentation of compliance with Permit condition II.G; and,
 - g. Other environmental permits.

- II.D.3. The following records must be maintained for a minimum of five (5) years. This time period is extended automatically during the course of any unresolved enforcement action regarding the Facility or as requested by the Administrator.
 - a. Operation and maintenance records and reports prepared pursuant to this Permit; and,

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- b. Records required by part II.F.2. of this Permit.

II.F. ORGANIC AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

- II.F.1. For equipment subject to the requirements of 40 CFR Part 264 Subpart BB that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year, the Permittee must:
 - a. record the equipment's identification designation, either by waste or location (area or group), in the facility operating record; and
 - b. mark the equipment in such a manner that it can be distinguished readily from other pieces of equipment.
- II.F.2. For equipment subject to the requirements of 40 CFR Part 264 Subpart BB that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for less than 300 hours per calendar year, the Permittee must maintain the following information in the Permittee's operational logs for such equipment:
 - a. the equipment location (by area or group);
 - b. the date,
 - c. the time the equipment first contains/contacts the waste;
 - d. the time the equipment no longer contains/contacts hazardous waste; and
 - e. the signature of the individual providing the record.

II.G. ORGANIC AIR EMISSION STANDARDS FOR CONTAINERS

- II.G.1. The Permittee shall control air emissions from the hazardous waste containers in Hazardous Waste Management Units specified in Part III of this Permit in accordance with provisions of 40 CFR §264.1082, 40 CFR §264.1083, and 40 CFR §264.1086.
- II.G.2. The Permittee must inspect containers in accordance with Attachment C to this Permit.
- II.G.3. For containers having a design capacity greater than 0.1 cubic meters, and less than or equal to 0.46 cubic meters, or for containers having a design capacity greater than 0.46 cubic meters that are not in light material service (as defined at 40 CFR §265.1081), the Permittee shall meet the Level 1 requirements set out in 40 CFR §264.1086(c).
- II.G.4. For containers having a design capacity greater than 0.46 cubic meters, that are in light material service (as defined at 40 CFR §265.1081), the Permittee shall meet the

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Level 2 requirements set out in 40 CFR §264.1086(d). Compliance with 40 CFR §264.1086(d)(1)(ii) shall be determined as specified in Attachment D to this Permit.

- II.G.5. For containers that are exempted from standards in accordance with 40 CFR §264.1082(c), the Permittee shall comply with the recordkeeping requirements in 40 CFR §264.1089(f).
- II.G.6. The Permittee shall comply with reporting requirements in 40 CFR §264.1090(a) for all events where containers exempted by 40 CFR §264.1082(c) are found to be in noncompliance with 40 CFR §264.1082(c)(1) or (c)(2).

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Part III - Container Storage

III.A. CONTAINER MANAGEMENT UNITS

The terms and conditions of this Permit apply to the storage of hazardous waste in containers in the following areas (identified in Figure 1-4 of Attachment B), as authorized by the Permit issued for this Facility by the Washington State Department of Ecology on ___(date)___:

Storage Bays

Bay 1
Bay 2
Bay 3
Bay 4
Bay 5
Bay 6
Bay 7
Bay 8
Bay 9
Bay 10
East Staging Area

**Container Loading/Unloading
and Receiving Areas**

West Staging Area
Load/Unload Area

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