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3 **HAZARDOUS WASTE MANAGEMENT ACT**
4 **PERMIT FOR**
5 **DANGEROUS AND MIXED WASTE MANAGEMENT**
6 **AT THE NAVAL BASE KITSAP—BREMERTON**

7 Washington State Department of Ecology
8 Nuclear Waste Program
9 3100 Port of Benton Blvd.
10 Richland, WA 99354
11 Telephone: (509) 372-7950
12

13 This permit is issued in accordance with the applicable provisions of the Hazardous Waste Management
14 Act, Revised Code of Washington (RCW) Chapter 70A.300, and the Dangerous Waste regulations
15 promulgated thereunder in Washington Administrative Code (WAC) Chapter 173-303.

16 **Permittees**

17 The permit is to be issued to the facility's owners and operators. United States Department of the Navy
18 (Navy) is the owner, while the Navy tenant Puget Sound Naval Shipyard and Intermediate Maintenance
19 Facility (PSNS & IMF) is the operator of the Mixed Waste Storage Facility (MWSF).

United States Department of the Navy
Naval Base Kitsap - Bremerton
(Owner)
1400 Farragut Avenue, Code 105
Bremerton, Washington 98314-2088

Puget Sound Naval Shipyard &
Intermediate Maintenance Facility
(Operator)
1400 Farragut Avenue, Code 105
Bremerton, Washington 98314-2088

20 EPA/State identification number: **WA2170023418**

21 This permit is effective as of 04/18/2022, and shall remain in effect until 04/18/2032 unless revoked and
22 reissued, modified, or terminated under WAC 173-303-830(3) and (5) or continued in accordance with
23 WAC 173-303-806(7).

24 **ISSUED BY:** WASHINGTON STATE DEPARTMENT OF ECOLOGY
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26
27

Stephanie Schleif
Deputy Program Manager
Nuclear Waste Program

03/18/2022
Date

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For additional copies of this Permit contact:

Washington State Department of Ecology
3100 Port of Benton Boulevard
Richland, WA 99354-1670
(509) 372-7950

7 The Department of Ecology is an equal-opportunity agency and does not discriminate on the basis of race,
8 creed, color, disability, age, religion, national origin, sex, marital status, disabled-veteran status,
9 Vietnam-era veteran status or sexual orientation.

10 For more information or if you have special accommodation needs, please contact the Nuclear Waste
11 Program at (509) 372-7950.

12 Department of Ecology Headquarters telecommunications device for the deaf (TDD) number is:
13 (360) 407-6006.

**PUGET SOUND NAVAL SHIPYARD (PSNS) &
INTERMEDIATE MAINTENANCE FACILITY (IMF)
PERMIT CONDITIONS
CHANGE CONTROL LOG**

Change Control Logs ensure that changes to this unit are performed in a methodical, controlled, coordinated, and transparent manner. Each unit addendum will have its own change control log with a modification history table. The “**Modification Number**” represents Ecology’s method for tracking the different versions of the permit. This log will serve as an up to date record of modifications and version history of the unit.

Modification History Table

Modification Date	Modification Number
03/18/2022	PSNS.2021.1F

Date Issued: 03/18/2022
Expiration Date: 04/18/2032

WA2170023418
Puget Sound Naval Shipyard & Intermediate Maintenance Facility

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**PUGET SOUND NAVAL SHIPYARD (PSNS) &
INTERMEDIATE MAINTENANCE FACILITY (IMF)
PERMIT CONDITIONS**

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INTRODUCTION

Permittees: United States Department of Defense, Department of the Navy for Naval Base Kitsap–Bremerton (NBK–Bremerton) and PSNS & IMF.

EPA/State identification number: **WA2170023418**

Pursuant to RCW Chapter 70A.300, the *Hazardous Waste Management Act of 1976*, as amended, and the Dangerous Waste Regulations codified in WAC Chapter 173-303, a permit is issued to the Permittees to operate a MWSF located at 1400 Farragut Avenue, Bremerton, Washington 98314-2088; and to complete Corrective Action requirements.

The Permittees must comply with all terms and conditions set forth in this permit and in permit addenda A through J. When the permit and the permit addenda conflict, the wording of this permit shall prevail.

This Dangerous Waste Permit is based on applicable state regulations and statutes in effect on the date of permit issuance and those federal regulations incorporated by reference into these state regulations. In the event that the Washington State legislature amends the Hazardous Waste Management Act (RCW Chapter 70A.300) or Washington State Department of Ecology (Ecology) amends the Dangerous Waste Regulations (WAC Chapter 173-303), Ecology may initiate a permit modification as necessary to incorporate the new statutory or regulatory requirement(s) pursuant to WAC 173-303-830(3)(a)(iii).

Any procedure, method, data, or information contained in this document that relates to the radioactive source, byproduct material, and/or special nuclear components of mixed waste (as defined by the *Atomic Energy Act of 1954*, as amended) is not included for the purpose of regulating such components under the authority of this permit or RCW Chapter 70A.300.

Terms used in this permit are described in “Definitions” section below.

This Dangerous Waste Permit is based upon the permit application and the administrative record, as required by WAC 173-303-840. The Permittee’s failure in the application or during the permit issuance process to fully disclose all relevant facts or the Permittee’s misrepresentation of any relevant facts at any time are grounds for the termination or modification of this permit and/or initiation of an enforcement action, including criminal proceedings. The Permittees must inform Ecology of any non-compliance.

Ecology has primary enforcement authority for all conditions of this permit. Any challenge of a permit condition must be appealed to the Pollution Control Hearings Board in accordance with WAC 173-303-845. The Environmental Protection Agency (EPA) has the authority to enforce any condition in this permit that is based on federal regulations for which the State of Washington’s dangerous waste management program is authorized.

In the event that Ecology does not maintain its authorization for the federal Resource Conservation and Recovery Act (RCRA) program, then the EPA becomes the regulatory authority for all permit conditions except those that are state-only requirements. In that event, EPA will issue its own separate permit.

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BRIEF OVERVIEW

The United States Department of Defense, Department of the Navy, PSNS & IMF submitted a final status dangerous waste permit application to demonstrate how it intends to comply with the requirements of WAC Chapter 173-303 for operation of a dangerous and MWSF.

MWSF—MWSF, Building 1002, is a rectangular building, 54 feet by 42 feet in size, located south of Farragut Avenue between Buildings 818 and 455. The MWSF was designed and constructed specifically to store mixed waste in accordance with WAC Chapter 173-303. The MWSF is strictly a waste storage area with no capabilities for treatment, recycling, or disposal. The MWSF stores mixed waste generated as a result of radiological work on nuclear powered vessels at naval facilities in support of the Naval Nuclear Propulsion Program (NNPP). Mixed wastes can be received from active ships; generated from shipyard production work including removal and installation of components on ships; on-ship and off-ship repair of components; and decommissioning and recycling (demolition) of ships. The MWSF also receives wastes generated during shipyard waste processing, laboratory analysis, and on-site demolition.

Ecology is proposing a Determination of Non-significance (DNS) to fulfill the State of Washington's State Environmental Policy Act (SEPA) requirements. Ecology reviewed the SEPA Checklist pursuant to WAC 197-11-315 and will attach it to the DNS. Accordingly, an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c) and WAC 197-11-734.

This permit establishes requirements for the MWSF such as: procedures and standards for waste analysis, waste receipt, waste storage, and MWSF closure. In addition, this permit contains requirements for personnel training, general MWSF inspection, emergency planning, record keeping, and reporting. Procedures are included in this permit for establishing specific operating limits, inspections, safety measures and record keeping requirements that will ensure general performance standards are met.

Corrective Action Overview—Corrective action requirements for the entire contiguous property of the Facility are also included in this permit. Corrective action means any activities including investigations, studies, characterizations, and corrective measures undertaken in whole or in part to fulfill the requirements of WAC 173-303-646. The Facility has been listed on the National Priorities List (NPL) pursuant to the *Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)*, and it has entered into a Federal Facility Agreement (FFA) with Ecology and EPA pursuant to the Federal Facility Compliance Act (FFCA).

Six CERCLA Operable Units (OUs) are discussed in the permit. Upon completion of remedial actions at these OUs as described below, Ecology will determine if all corrective action requirements have been met or if additional corrective action is required pursuant to WAC 173-303-64620(1) and (2).

Five of the six OUs are being remediated under CERCLA according to the requirements of their respective Records of Decision (RODs). Ecology has determined that the Permittees may demonstrate compliance with the requirements of WAC 173-303-646 through compliance with the requirements of these CERCLA RODs.

The sixth OU is being remediated under the Model Toxics Control Act (MTCA), RCW Chapter 70A.305, according to the requirements of an Ecology-approved Cleanup Action Plan and a compliance schedule. Ecology has determined that the Permittees may demonstrate compliance with the requirements of WAC 173-303-646 through compliance with the MTCA Cleanup Action Plan and compliance schedule discussed in Permit Condition 2.11.3 of this permit.

1
2 **LIST OF ADDENDA**
3

4 The documents listed below are incorporated in their entirety into this permit. The documents are excerpts
5 from the Permittees' dangerous waste permit application. Ecology has, as deemed necessary, modified
6 specific language in the permit addenda. The incorporated permit addenda are enforceable conditions of
7 this permit, except as superseded by the specific permit conditions.

8 Addendum A Part A of the permit application, the dangerous waste permit forms, including the
9 Part A map, photos and Facility drawing as attachments (Part A of the permit application)

10 Addendum B Facility Description and General Provisions, including the Topographical Map, Access
11 and Boundaries, Traffic Patterns, Land Uses, Water Control Systems and Sewer Systems
12 maps as attachments (Section B of the permit application)

13 Addendum C Waste Analysis Plan (Section C of the permit application)

14 Addendum D Process Information, including MWSF building drawings and basis of design as
15 attachments (Section D of the permit application)

16 Addendum E Releases from Solid Waste Management Units, including the 2017 Five Year Review and
17 Operating Unit B - Terrestrial final Record of Decision as attachments (Section E of the
18 permit application)

19 Addendum F Procedures to Prevent Hazards (Section F of the permit application)

20 Addendum G Contingency Plan, including map of the Regional Dispatch Center as an attachment
21 (Section G of the permit application)

22 Addendum H Personnel Training (Section H of the permit application)

23 Addendum I Closure and Financial Assurance (Section I of the permit application)

24 Addendum J Other Federal and State Laws (Section J of the permit application)
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DEFINITIONS

All definitions contained in the following are hereby incorporated, in their entirety, by reference into this permit: RCW Chapter 70A.300; WAC Chapter 173-303; and RCW Chapter 70A.305 and WAC Chapter 173-340, as undertaken in whole or in part to fulfill the role of WAC 173-303-646. If any definitions in the listed rules and laws differ from the definitions in this permit, the permit's definitions prevail.

Where terms are not defined in the regulations or the permit, the meaning associated with such terms are defined by a standard dictionary reference or the generally accepted scientific or industrial meaning of the term.

Some terms are specifically defined in Section 2.13, Corrective Action, for the purposes of that part of this permit.

For purposes of this permit, except where a specific definition applies under Section 2.13, Corrective Action, the following definitions apply:

“Agencies” means the United States Environmental Protection Agency, Region 10, and the Washington State Department of Ecology.

“Dangerous Waste” means those solid wastes designated in WAC 173-303-070 through WAC 173-303-100 as dangerous, extremely hazardous, or mixed waste.

“Days” means calendar days unless otherwise defined for a condition or Addendum of this permit.

“Ecology” means the Washington State Department of Ecology (with the address as specified on page one of this permit).

“EPA” means the United States Environmental Protection Agency, Region 10.

“Facility” for purposes of this permit, the “Facility” shall be the Naval Base Kitsap–Bremerton.

“Mixed Waste” means a dangerous, extremely hazardous, or acutely hazardous waste that contains both a nonradioactive hazardous component and, as defined by 10 Code of Federal Regulations (CFR) 20.1003, source material, special nuclear material, or by-product material subject to the *Atomic Energy Act of 1954* (42 United States Code [U.S.C.] 2011 et seq.).

“Mixed Waste Storage Facility (MWSF)” means Building 1002, which is authorized to manage dangerous and/or mixed wastes. The location and general description of Building 1002 is set forth in Addendum A and Figure B-1, Topographical with Water Features of this permit.

“Occurrence” means an accident, including continuous or repeated exposure to conditions, which result in bodily injury or property damage that the owner or operator neither expected nor intended to occur.

“Permit” means the dangerous waste component of the RCRA Permit which is issued by the Washington State Department of Ecology pursuant to RCW Chapter 70A-300 and WAC Chapter 173-303.

“Waste Profile” means a detailed chemical, physical, and/or biological analysis of a dangerous waste.

LIST OF ABBREVIATIONS

AOC	Area of Concern
ASTM	American Society for Testing and Materials
CERCLA	<i>Comprehensive Environmental Response, Compensation, and Liability Act</i>
CFR	Code of Federal Regulations
CIA	Controlled Industrial Area
DNS	Determination of Non-significance
DOT	Department of Transportation
DW	Dangerous Waste
DWMU	Dangerous Waste Management Unit
Ecology	Washington State Department of Ecology
EHW	Extremely Hazardous Waste
EPA	U.S. Environmental Protection Agency
EPDM	Ethylene Propylene Diene Monomer
FEMA	Federal Emergency Management Agency
FFCA	<i>Federal Facility Compliance Act</i>
FISC	Fleet Industrial Supply Center
GPM	Gallons Per Minute
HWMA	Hazardous Waste Management Act
HSWA	Hazardous & Solid Waste Amendments
IRR	Inactivation, Recycling, Reactor Compartment Disposal
LDR	Land Disposal Restriction
LLRW	Low-Level Radioactive Waste
MTCA	Model Toxics Control Act
MWAP	Mixed Waste Analysis Plan
MWMP	Mixed Waste Management Plan
MWPP	Mixed Waste Profile Portfolio
MWIF	Mixed Waste Information Form
MWSF	Mixed Waste Storage Facility
NBK–Bremerton	Naval Base Kitsap–Bremerton
NEPA	<i>National Environmental Policy Act</i>
NNPP	Naval Nuclear Propulsion Program
NPL	National Priorities List
OU	Operable Unit
PCB	Polychlorinated Biphenyls
PPE	Personal Protective Equipment
psf	Pounds Per Square Foot
psi	Pounds Per Square Inch
PSNS & IMF	Puget Sound Naval Shipyard & Intermediate Maintenance Facility

LIST OF ABBREVIATIONS

QP	Laboratory Quality Plan
RAMT	Radioactive Material Tag
RCRA	<i>Resource Conservation and Recovery Act of 1976</i>
RCW	Revised Code of Washington
QA/QC	Quality Assurance/Quality Control
ROD	Record of Decision
SAR	Sample Analysis Request
SDS	Safety Data Sheet
SEPA	State Environmental Policy Act
SWMU	Solid Waste Management Unit
TBG	Treatment by Generator
TCLP	Toxicity Characteristic Leaching Procedure
TSCA	<i>Toxic Substances Control Act</i>
TSDF	Treatment, Storage, and Disposal Facility
TWD	Technical Work Document
UHWM	Uniform Hazardous Waste Manifest
VOC	Volatile Organic Compound
WAC	Washington Administrative Code

1 **STANDARD CONDITIONS**

2 **1.1 Effect of Permit**

3 **1.1.1** The Permittees are authorized to store dangerous waste in accordance with the conditions
4 of this permit which include applicable requirements of Chapter 173-303 WAC specified
5 in the permit, and any self-implementing regulations in Chapter 173-303 WAC, and any
6 self-implementing statutory provisions and related regulations which are automatically
7 applicable to the Permittees' dangerous waste management activities according to the
8 Hazardous Waste Management Act, RCW Chapter 70A.300, or other laws.

9 **1.1.2** Any storage, treatment, or disposal of dangerous waste that requires a permit under
10 Chapter 173-303 WAC is prohibited at this facility unless that activity is authorized by
11 this permit, including any temporary authorization by the Department of Ecology
12 (Department) under WAC 173-303-830(4)(e).

13 **1.1.3** Conducting an activity at the facility that requires a permit under Chapter 173-303 WAC
14 and is not authorized by this permit or a temporary authorization under WAC 173-303-
15 830(4)(e) is subject to enforcement of all applicable state and federal laws and
16 regulations.

17 **1.1.4** The Permittees are authorized to continue to manage newly regulated dangerous wastes
18 or to continue to use newly regulated dangerous waste management units subject to all
19 limits, conditions and procedures in WAC 173-303-830(4)(g)(i)(A) through (E). For this
20 condition to apply, the unit must have been in existence as a dangerous waste facility
21 with respect to the newly listed or identified waste or newly regulated waste management
22 unit on the effective date of the final rule listing or identifying the wastes, or regulating
23 the unit according to WAC 173-303-830(4)(g)(i)(A).

24 **1.1.5** Pursuant to WAC 173-303-810(8), compliance with this permit during its term
25 constitutes compliance for the purpose of enforcement with Chapter 173-303 WAC for
26 waste management activities covered under this permit except as provided for in
27 WAC 173-303-810(8)(a)(i) through (iv). Compliance with this permit does not constitute
28 a defense to any order issued or any action brought under other state or federal laws or
29 regulations.

30 **1.1.6** The Permittees are subject to requirements in Chapter 173-303 for any activity not
31 authorized by this permit or for activities not subject to a permit under Chapter 173-303
32 WAC, including but not limited to generator and transporter requirements at
33 WAC 173-303-170 through -270.

34 **1.1.7** Issuance of this permit does not convey any property rights of any sort or any exclusive
35 privilege.

36 **1.1.8** Issuance of this permit does not authorize any injury to persons or property, any invasion
37 of other private rights, or any infringement of state or local law or regulations.

38 **1.2 Permit Actions**

39 **1.2.1** Permit Modification, Revocation, Re-issuance, and Termination

40 **1.2.1.1** The Department may modify, revoke and reissue, or terminate this permit if there is cause
41 as specified in WAC 173-303-830(3) and (5).

42 **1.2.1.1.1** When a permit is modified only the conditions subject to modification are reopened. All
43 other aspects of the existing permit remain in effect for the duration of the permit.

- 1 **1.2.1.1.2** If a permit is revoked and reissued the entire permit is reopened and subject to revision
2 and the permit is reissued as a new permit. The Permittees must comply with all
3 conditions of the existing permit until a new final permit is reissued.
- 4 **1.2.1.1.3** If the Department tentatively decides to terminate the permit it will issue a notice of
5 intent to terminate and follow procedures in WAC 173-303-840(2).
- 6 **1.2.1.2** Permit modifications at the request of the Permittees must comply with procedures and
7 other requirements of the three-tiered modification system specified in WAC 173-303-
8 830(4).
- 9 **1.2.1.3** The filing of a request by the Permittees for a permit modification, revocation and
10 re-issuance, termination, notification of planned changes, or anticipated noncompliance
11 does not stay any permit condition.
- 12 **1.2.2** Transfer of Permit
- 13 **1.2.2.1** In accordance with WAC 173-303-810(14)(c), this permit is not transferable to any
14 person except after notice to the Department.
- 15 **1.2.2.2** This permit may be transferred to a new owner or operator only if it has been modified
16 or revoked and reissued in accordance with WAC 173-303-830(2)(a) and (b) or
17 WAC 173-303-830(3) to identify the new Permittee(s) and incorporate such other
18 requirements as may be necessary.
- 19 **1.2.2.3** Before transferring ownership or operation of the Facility, the Permittees must notify the
20 new owner or operator in writing of the requirements of this permit and Chapter 173-303
21 WAC in accordance with WAC 173-303-290(2).
- 22 **1.2.2.4** In accordance with WAC 173-303-830(2), the Permittees must maintain financial
23 assurance conforming to the requirements of WAC 173-303-620 until the Department
24 notifies the Permittees that the new owner or operator has demonstrated compliance with
25 the financial requirements.
- 26 **1.2.3** Duty to Reapply and Permit Continuation
- 27 **1.2.3.1** If the Permittees wish to continue an activity regulated by the permit after its expiration
28 date, the Permittees must apply for and obtain a new permit. In addition, the Permittees
29 must apply for and obtain a new permit if closure required by this permit has not or will
30 not be completed by the permit's expiration date. Department review of any application
31 for a permit re-issuance will consider improvements in the state of control and
32 measurement technology, as well as changes in applicable regulations.
- 33 **1.2.3.1.1** To continue an activity allowed by this permit after the permit's expiration date or to
34 complete closure, the Permittees must submit to the Department a new permit application
35 at least 180 days before this permit's expiration date, unless the Department grants a later
36 date provided that such date will never be later than the expiration date of the effective
37 permit.
- 38 **1.2.3.1.2** In accordance with WAC 173-303-806(7), if the Permittees submit a timely, complete
39 application and the Department has not made a final permit determination as set forth in
40 WAC 173-303-840, this Permit will remain in effect beyond the permit's expiration date
41 until the Department does make a final permit determination (issuing or denying a new
42 permit.)

1 **1.2.3.2** If the Permittees fail to submit a timely, complete application as required under
2 Permit Condition 1.2.3.1 then those permit terms and conditions necessary to conduct and
3 complete all Closure activities subject to Addendum I, “Closure Plan” will remain in
4 effect beyond the permit’s expiration date until the Department terminates the terms
5 and/or conditions or the permit is revoked and reissued.

6 **1.3 Duties and Requirements**

7 **1.3.1** Duty to Comply

8 The Permittees must comply with all conditions of this permit except to the extent, and
9 for the duration, such noncompliance is authorized by an Emergency Permit issued under
10 WAC 173-303-804. Other than as authorized by an Emergency Permit, any permit
11 noncompliance constitutes a violation of Chapter 173-303 WAC and/or Chapter 70A.300
12 RCW and is grounds for: a) enforcement action; b) termination of permit; c) revocation
13 and re-issuance of permit; d) modification of permit; or e) denial of a permit renewal
14 application.

15 **1.3.2** Need to Halt or Reduce Activity Not a Defense

16 If any enforcement action is taken because of Permittees’ noncompliance with this
17 permit, the necessity to halt or reduce the permitted activity to maintain compliance with
18 the conditions of this permit is not a defense for the Permittees.

19 **1.3.3** Duty to Mitigate

20 The Permittees must take all steps required by the Department to minimize or correct any
21 adverse impact on the environment resulting from noncompliance with this permit. That
22 the Permittees took such mitigation is not a defense to enforcement for noncompliance
23 with the permit.

24 **1.3.4** Proper Operation and Maintenance

25 The Permittees must at all times properly operate and maintain all facilities and systems
26 of treatment and control which are installed or used by the Permittees to achieve
27 compliance with the conditions of this permit. Proper operation and maintenance includes
28 effective performance, adequate funding, adequate operator staffing and training, and
29 adequate laboratory and process controls, including appropriate quality assurance
30 procedures (this includes quality assurance and quality control). This provision requires
31 the operation of back-up or auxiliary facilities or similar systems only when necessary to
32 achieve compliance with the conditions of this permit.

33 **1.3.5** Duty to Provide Information

34 The Permittees must furnish to the Department, within a reasonable time, any information
35 which the Department requests to determine whether cause exists for modifying,
36 revoking and reissuing, or terminating this permit or for determining compliance with
37 this permit. The Permittees must also furnish to the Department, upon request, copies of
38 records required to be kept by this permit.

39 **1.3.6** Inspection and Entry

40 **1.3.6.1** Pursuant to WAC 173-303-810(10), the Permittees must allow authorized representatives
41 of the Department upon the presentation of credentials to:

42 **1.3.6.1.1** Enter upon the Permittees’ premises where a regulated facility or activity is located or
43 conducted, or where records must be kept under the conditions of this permit;

- 1 **1.3.6.1.2** Have access to and copy, at reasonable times, any records that must be kept under the
2 conditions of this permit;
- 3 **1.3.6.1.3** Inspect at reasonable times any facilities, equipment (including monitoring and control
4 equipment), practices, or operations regulated or required under this permit; and
- 5 **1.3.6.1.4** Sample or monitor, at reasonable times, for the purposes of assuring permit compliance
6 or as otherwise authorized by Chapter 173-303 WAC any substances or parameters at any
7 location.
- 8 **1.3.7** Reporting Planned Changes
- 9 **1.3.7.1** In accordance with WAC 173-303-810(14)(a), the Permittees must give notice to the
10 Department as soon as possible of any planned physical alterations or additions to the
11 permitted facility. Such physical alterations or additions must be in compliance with the
12 permit. The Permittees must not manage dangerous waste in the new or physically
13 changed portions of the facility until:
- 14 **1.3.7.1.1** The permit has been modified or the Permittees have obtained a temporary authorization
15 for the physical change and for any change in the way waste is managed.
- 16 **1.3.7.1.2** The Permittees have submitted to the Department by certified mail or hand delivery a
17 letter signed by the Permittees and a registered professional engineer stating the facility
18 has been constructed or modified in compliance with the permit, and either
- 19 **1.3.7.1.3** The Department has inspected the modified or newly constructed facility and finds it in
20 compliance with the permit, or
- 21 **1.3.7.1.4** Within fifteen days of the date of the submission of the certified letter as specified in
22 Permit Condition 1.3.7.1.2, the Permittees have not received notice from the Department
23 of its intent to inspect.
- 24 **1.3.8** Reporting Noncompliance with the Permit and Reporting Emergencies
- 25 **1.3.8.1** The Permittees must meet requirements for immediate reporting and written submissions
26 in WAC 173-303-810(14)(f) for noncompliance which may endanger health or the
27 environment.
- 28 **1.3.8.2** In accordance with WAC 173-303-810(14)(g), the Permittees must report instances of
29 noncompliance not reported under WAC 173-303-810(14)(d), (e), and (f) (as specified in
30 Permit Conditions 1.4) at the time of the next monitoring report or within six months of
31 the date of noncompliance, whichever is sooner.
- 32 **1.3.8.3** The Permittees must give advance notice to the Department as soon as possible of any
33 planned changes in the permitted facility or activity that may result in noncompliance
34 with permit requirements. Such changes require a permit modification pursuant to
35 WAC 173-303-830 before they can be implemented.
- 36 **1.3.8.4** The Permittees must meet requirements for reporting and written submissions in Permit
37 Addendum G in the event of spills, releases and other emergencies.
- 38 **1.3.9** Reporting Relevant Facts and Incorrect Information
- 39 Pursuant to WAC 173-303-810(14)(h), if the Permittees become aware that they failed to
40 submit any relevant facts in the permit application, or submitted incorrect information in
41 the permit application or in any report to the Department, the Permittees must promptly
42 submit the relevant and correct information.

- 1 **1.3.10** Reporting Compliance Schedules
- 2 Reports of permit compliance or noncompliance or any progress reports on interim and
- 3 final permit requirement contained in any compliance schedules must be submitted no
- 4 later than 14 days following each scheduled compliance date.
- 5 **1.3.11** Other Reporting
- 6 **1.3.11.1** Monitoring Reports: Monitoring results must be reported at intervals specified elsewhere
- 7 in this permit.
- 8 **1.3.11.2** The following reports are required:
- 9 a. Manifest discrepancy report as specified at WAC 173-303-370(4).
- 10 b. Unmanifested waste report as specified at WAC 173-303-390(1).
- 11 c. Annual report as specified at WAC 173-303-390(2).
- 12 d. Additional reports as specified at WAC 173-303-390(3).
- 13 **1.3.12** Information Repository
- 14 The Permittees must establish and maintain an information repository at any time the
- 15 Department requires based on the factors set forth in WAC 173-303-281(6)(b). The
- 16 information repository will be governed by the provisions in WAC 173-303-281(6)(c)
- 17 through (f).
- 18 **1.4** **Monitoring and Records**
- 19 **1.4.1** Samples and measurements taken for the purpose of monitoring must be representative of
- 20 the monitored activity.
- 21 **1.4.2** As provided at WAC 1730-303-810(11)(c), the Permittees must retain records of all
- 22 monitoring information for a minimum of three years from the date of the sample,
- 23 measurement, report or application. The record retention period may be extended by
- 24 request of the Department at any time.
- 25 **1.4.2.1** The Permittees must maintain specific monitoring records for longer than three years
- 26 when that is specified in other parts of this permit.
- 27 **1.4.2.2** The Permittees must maintain records from all ground water monitoring wells and
- 28 associated ground water surface elevations for the active life and post closure period of
- 29 the facility.
- 30 **1.4.3** Pursuant to WAC 173-303-810(11)(d), records of monitoring information must include
- 31 all of the following:
- 32 a. The dates, exact place, and times of sampling or measurements.
- 33 b. The individuals who performed the sampling or measurements.
- 34 c. The dates analyses were performed.
- 35 d. The individuals who performed the analyses.
- 36 e. The analytical techniques or methods used.
- 37 f. The results of such analyses.
- 38 **1.4.4** In addition, the Permittees must meet specific monitoring and record keeping
- 39 requirements when those are specified in other parts of this permit.

1 **1.5 Signature and Certification Requirements**

2 **1.5.1** All applications, reports, or information submitted to the Department must be signed in
3 accordance with WAC 173-303-810 (12) and must be certified according to
4 WAC 173-303-810 (13).

5 **1.5.2** Except as otherwise specified in this permit, all applications, reports, notifications or
6 other submissions that are required by this permit to be submitted to the Department must
7 be sent by certified mail or hand delivered to the following address or other address as
8 specified by the Department:

9 Program Manager, Nuclear Waste Program
10 Department of Ecology
11 3100 Port of Benton Boulevard
12 Richland, WA 99354-1670
13 Telephone: (509) 372-7950

14 A change in this address does not require a permit modification under WAC 173-303-
15 830.

16 **1.6 Confidential Information**

17 **1.6.1** Information submitted by the Permittees to the Department identified as confidential by
18 the Permittees will be treated in accordance with applicable provisions of WAC 173-303-
19 810(15), Chapter 42.17 RCW, and RCW 43.21A.160.

20 **1.7 Waste Minimization**

21 **1.7.1** In accordance with WAC 173-303-380(1)(q), the Permittees must place a certification in
22 the operating record on an annual basis that:

23 **1.7.1.1** A program is in place to reduce the volume and toxicity of hazardous waste generated to
24 the degree determined by the Permittees to be economically practicable.

25 **1.7.1.2** Proposed methods of treatment, storage or disposal are those practicable methods
26 currently available to the Permittees which minimize the present and future threat to
27 human health and the environment.

28 **1.7.2** The Permittees must report waste minimization efforts in their annual report as required
29 by Permit Condition 1.3.11.2.

30 **1.8 Performance Standards**

31 **1.8.1** The Permittees shall design, construct, operate and maintain the facility to the maximum
32 extent practicable given the limits of technology in a manner to ensure performance
33 standards in WAC 173-303-283 are met.

34 **1.9 Documents and Records to be Maintained at the Facility Site**

35 **1.9.1** The following documents must be maintained at the facility:

- 36 a. This permit, including all of its attachments and addendums and all amendments,
37 revisions, and modifications to these documents.
- 38 b. Records required by this permit (commonly called the operating record).
- 39 c. Other permits and approvals that authorize actions which affect safety and
40 environmental protection (including, but not limited to, Air Quality Program
41 registrations, Toxic Substance Control Act [TSCA] authorizations, SEPA
42 decision documents).

1 **FACILITY-SPECIFIC CONDITIONS**

2 **2.1 General Waste Management**

3 **2.1.1** The Permittees are authorized to accept dangerous and/or mixed waste at the MWSF that
4 satisfies the waste acceptance requirements described in Addendum C, "Waste Analysis
5 Plan."

6 **2.1.2** The Permittees are authorized to store dangerous and/or mixed wastes that are physically
7 located at the MWSF as of the effective date of this permit, and wastes accepted for
8 storage within the MWSF pursuant to Condition 2.1.1.

9 **2.1.3** All mixed waste received from off-site generators and all mixed waste generated on-site
10 which is accumulated for over ninety (90) days must be managed by the Permittees only
11 in Building 1002 (MWSF).

12 **2.2 Waste Analysis**

13 **2.2.1** The Permittees will comply with all requirements of Addendum C, "Waste Analysis
14 Plan," for sampling and analysis of all wastes and waste surrogates used to confirm the
15 designation of dangerous and/or mixed waste managed within the MWSF.

16 **2.2.2** The Permittees will have accurate and complete waste profile(s) as described in Permit
17 Addendum C, "Waste Analysis Plan," for every waste stream accepted for storage at the
18 MWSF.

19 **2.2.3** The Permittees will place a copy of each waste profile required by Condition 2.2.2 in the
20 MWSF Operating Record, required by the Permit Condition 2.11.4.

21 **2.2.4** Records and results of waste analysis required by Addendum C, "Waste Analysis Plan,"
22 will be maintained in the MWSF Operating Record, required by Permit Condition 2.11.4.

23 **2.2.5** Although generator information is used for all or part of the waste stream analysis
24 required by WAC 173-303-300(2), the Permittees are responsible for the quality of the
25 information. Inaccurate or inadequate information from the generator is not a defense for
26 noncompliant management of a waste stream at the MWSF.

27 **2.3 Security**

28 **2.3.1** The Permittees must comply with all requirements and implement and maintain the
29 security measures documented in Addendum F, "Procedures to Prevent Hazards,"
30 Section F.1 Security.

31 **2.4 Inspections**

32 **2.4.1** The Permittees must comply with all requirements Addendum F, "Procedures to Prevent
33 Hazards," Section F.2 Inspection Plan.

34 **2.5 Preparedness and Prevention**

35 **2.5.1** The Permittees must comply with all requirements specified in Addendum F, "Procedures
36 to Prevent Hazards," Section F.3 Preparedness and Prevention Requirements.

37 **2.5.2** The Permittees must comply with all requirements specified in Addendum F, "Procedures
38 to Prevent Hazards," Section F.4 Preventative Procedures, Structures, and Equipment.

39 **2.5.3** The Permittees must comply with all requirements specified in Addendum F, "Procedures
40 to Prevent Hazards," Section F.5 Prevent Reaction of Ignitable, Reactive, and/or
41 Incompatible Waste.

1 **2.6 Training**

2 **2.6.1** The Permittees must comply with all training requirements specified in Addendum H,
3 “Personnel Training.”

4 **2.7 Contingency Plan**

5 **2.7.1** The Permittees must comply with all preparedness and prevention, and emergency
6 requirements specified in Addendum G, “Contingency Plan.”

7 **2.7.2** The Permittees must follow procedures in Addendum G, “Contingency Plan”
8 G.9 Amendment to Contingency Plan and procedures for a formal permit modification
9 under WAC 173-303-830 to change the location of the emergency list and to change
10 equipment listed in Table G-1 Mixed Waste Storage Facility Emergency Equipment and
11 Table G-2 Mixed Waste Storage Facility Spill Kit Contents.

12 **2.8 Spills and Discharges Into the Environment**

13 **2.8.1** The Permittees must comply with the requirements of WAC 173-303-145 including, but
14 not limited to, notification, mitigation, and control measures specified in WAC 173-303-
15 145(2) and (3) under the following circumstances:

- 16 a. A spill or non-permitted discharge of dangerous waste occurs onto the ground,
17 into the ground water, or into the surface water;
- 18 b. A spill or non-permitted discharge of dangerous waste results in emission into the
19 air such that human health or the environment is threatened; or
- 20 c. Other spills or discharges occur which threaten human health or the environment.

21 **2.9 Container Management**

22 **2.9.1** The Permittees shall ensure that all containers stored in the MWSF are managed in
23 accordance with all requirements specified in Addendum D, “Process Information.”

24 **2.9.2** The Permittees shall ensure that all containment systems used to store dangerous and/or
25 mixed waste are constructed and maintained in accordance with all requirements
26 specified in Addendum D, “Process Information.”

27 **2.9.3** The Permittees shall ensure that the preparation and transportation of mixed waste being
28 shipped to and from off-site locations is conducted in accordance with applicable
29 Department of Transportation (DOT) regulations.

30 **2.9.4** The Permittees must ensure that prior to shipment, each waste container is marked with
31 the following:

- 32 i. Uniform Hazardous Waste Manifest number.
- 33 ii. DOT labels and markings as required.

34 **2.10 Closure**

35 **2.10.1** The Permittees must close the MWSF in accordance with the Addendum I, “Closure
36 Plan.”

37 **2.10.2** The Permittees must initiate Closure either within thirty days after the date on which the
38 MWSF receives the last known final volume of mixed waste, or no later than one year in
39 which the MWSF received its most recent volume of mixed waste, if there is a reasonable
40 possibility for the MWSF to accept more mixed waste after the thirty day limit. If the
41 Permittees can demonstrate to the Department that the MWSF has the capacity to receive
42 additional dangerous wastes and they have taken, and will continue to take, all steps to

1 prevent threats to human health and the environment, including compliance with all
2 applicable permit requirements, the Department may approve an extension to the
3 one-year limit.

4 **2.11 Contents of the Operating Record**

5 **2.11.1** PSNS & IMF must keep an operating record (physical or electronic) at the facility. The
6 information required by Permit Conditions 2.11.2 – 2.11.10 must be recorded, as it
7 becomes available, and maintained in the operating record until closure of the facility.

8 **2.11.2** A description of and the quantity of each dangerous waste received or managed on-site,
9 and the method(s) and date(s) of its storage at the facility as required by Permit Condition
10 2.12 of this permit.

11 **2.11.3** The location of each dangerous waste within the MWSF and the quantity at each
12 location. This information must include cross-references to specific manifest document
13 numbers.

14 **2.11.4** The records and results of waste analyses, waste determinations (as required by
15 40 CFR Parts 264 and 265, Subpart CC), and trial tests required by WAC 173-303-300,
16 *General waste analysis*, and by 40 CFR sections 264.1034, 264.1063, 264.1083,
17 265.1034, 265.1063, 265.1084, 268.4(a), and 268.7. Note that data from laboratory
18 analyses for 40 CFR 268.4(a) and 268.7 must meet the requirements of WAC 173-303-
19 110.

20 **2.11.5** Summary reports and details of all incidents that require implementing the contingency
21 plan, as specified in WAC 173-303-360 (2)(k).

22 **2.11.6** Records and results of inspections as required by WAC 173-303-320 (2)(d),
23 *General inspection* (except such information need be kept only for five years).

24 **2.11.7** Monitoring, testing, or analytical data, and corrective action where required by
25 WAC 173-303-630 through 173-303-695 and 40 CFR sections 264.1034 (c) through (f),
26 264.1035, 264.1063 (d) through (i), 264.1064, and 264.1082 through 264.1090
27 (incorporated by reference at WAC 173-303-690, 173-303-691, and 173-303-692). Note
28 that data provided from laboratory analyses for WAC 173-303-400(3) which incorporates
29 by reference 40 CFR Part 265 Subparts F through R, WAC 173-303-140 (4)(b),
30 173-303-395(1), 173-303-630 through 173-303-680, 173-303-693 and 173-303-695,
31 40 CFR 268.4(a) and 268.7 must meet the requirements of WAC 173-303-110;

32 **2.11.8** All closure and post-closure cost estimates required for the MWSF.

33 **2.11.9** Information contained in the notice (except the manifest number), and the certification
34 and demonstration if applicable, required by the generator or the owner or operator under
35 40 CFR 268.7.

36 **2.11.10** Any records required under WAC 173-303-280(6).

37 **2.12 Recordkeeping and Retention Times**

38 **2.12.1** Each dangerous waste received and stored, at the MWSF must be described by its
39 common name and by its dangerous waste number(s) from WAC 173-303-080 through
40 173-303-104. Each listed, characteristic, and criteria waste has its own four-digit
41 dangerous waste number. Where a dangerous waste contains more than one process
42 waste or waste constituent the waste description must include all applicable dangerous
43 waste numbers. If the dangerous waste number is not listed in WAC 173-303-9903 or
44 173-303-9904, the waste description must include the process which generated the waste.

- 1 **2.12.2** The waste description must include the waste’s physical form (i.e., liquid, solid, sludge,
2 or contained gas).
- 3 **2.12.3** The estimated or manifest-reported weight, or volume and density, where applicable, of
4 the dangerous waste must be recorded, using one of the units of measure specified in
5 WAC 173-303-380(2)(c) Table 1.
- 6 **2.12.4** The method(s) (by handling code[s]) of management for each dangerous waste received
7 or managed, and the date(s) of storage must be recorded, using the handling code(s)
8 specified in WAC 173-303-380(2)(d) Table 2.
- 9 **2.12.5** All MWSF records, including plans, required by this permit must be furnished upon
10 request, and made available at all reasonable times for inspection, by any authorized
11 officer, employee, or representative of Ecology.
- 12 **2.12.6** The retention period for all MWSF records required under this permit is extended
13 automatically during the course of any unresolved enforcement action regarding the
14 MWSF or as requested by Ecology.
- 15 **2.13** **Corrective Action**
- 16 **2.13.1** Unless otherwise specified, the definitions set forth in RCW Chapter 70A.300;
17 WAC Chapter 173-303 and RCW Chapter 70A.305; and WAC Chapter 173-340,
18 undertaken in whole or in part to fulfill the requirements of WAC 173-303-646, shall
19 control the meanings of the terms used in this section of this permit. Additional or
20 modified definitions are as follows:
- 21 a. Corrective Action: means any activities including investigations, studies,
22 characterizations, and corrective measures, including actions taken pursuant to
23 RCW Chapter 70A.305 and WAC Chapter 173-340.
- 24 b. Facility: for the purposes of RCRA corrective action, the “Facility” shall be
25 NBK–Bremerton, as depicted in Section E.2 of Permit Addendum E.
- 26 **2.13.2** In accordance with WAC 173-303-646, the Permittees must conduct corrective action, as
27 necessary to protect human health and the environment, for all releases of dangerous
28 waste and dangerous constituents, including releases from all solid waste management
29 units and areas of concern at the facility, and releases that have migrated beyond the
30 facility boundary. The Permittees may be required to implement measures at the facility
31 to address releases which have migrated beyond the facility’s boundary.
- 32 **2.13.3** Work under other cleanup authorities or programs, including work under the FFCA and
33 work under MTCA, may be used to satisfy corrective action requirements, provided it
34 protects human health and the environment and conforms to permit condition 2.13.2.
35 Subject to Permit Condition 2.13.4, the Permittees shall be considered in compliance with
36 the requirements of WAC 173-303-64620 as long as they remain in compliance with the
37 following MTCA Cleanup Action Plan and CERCLA RODs, including any modifications
38 which may result from periodic five year reviews:
- 39 • Final Cleanup Action Plan, OU C, Bremerton Naval Complex (BNC), signed
40 December 17, 2007.
- 41 • Final ROD, BNC, OU A, signed January 24, 1997.
- 42 • Final ROD, BNC, OU B Marine, signed June 13, 2000.
- 43 • Final ROD, BNC, OU B Terrestrial, signed March 8, 2004.

- 1 • Final ROD, BNC, OU Naval Supply Center (NSC), signed December 13, 1996.
2 • Final ROD, BNC, OU D, signed May 11, 2005.
- 3 **2.13.4** Upon completion of work required by the RODs and the Cleanup Action Plan referenced
4 in Permit Condition 2.13.3, Ecology will determine whether the Permittees have satisfied
5 the requirements of WAC 173-303-646, including but not limited to the requirements of
6 WAC 173-303-64620(1) ,(2), and (4), or if additional corrective action is required
7 pursuant to WAC 173-303-64620(1) or (2).
- 8 **2.13.5** The Permittees shall notify Ecology, in writing, of any newly-identified solid waste
9 management unit(s) (SWMU[s]) at NBK–Bremerton at which solid wastes, including
10 spills, have been routinely and systematically released. The notification shall occur no
11 later than fifteen (15) days after discovery. This notification shall include the information
12 specified in WAC 173-303-806(4)(a)(xxiii).
- 13 **2.13.6** The Permittees shall notify Ecology, in writing, of any newly-discovered release(s) of
14 dangerous wastes and/or dangerous constituents, including releases from any SWMUs at
15 the facility, immediately upon discovery or as soon as practicable. This notification shall
16 include the information specified in WAC 173-303-806(4)(a)(xxiv).
- 17 **2.13.7** Prior to any voluntary or involuntary conveyance or relinquishment of title, easement,
18 leasehold, or other interest in any portion of the facility, the Permittees shall provide for
19 continued implementation of all corrective action requirements of this section of this
20 permit and implementation of any corrective action(s) that Ecology determines to be
21 necessary pursuant to this section of this permit.
- 22 **2.13.8** Prior to any transfer of any legal or equitable interest the Permittees may have in the
23 facility or any portions thereof, the Permittees shall serve a copy of this section of this
24 permit upon any prospective purchaser, lessee, transferee, assignee, or other successor in
25 such interest. At least 30 days prior to the finalization of any transfer, the Permittees shall
26 notify Ecology of the contemplated transfer and provide Ecology with a plan for
27 continued implementation of this section of this permit. The Permittees shall also submit
28 a request for modification of this permit per WAC 173-303-830(3) and (4).

Date Issued: 03/18/2022
Expiration Date: 04/18/2032

WA2170023418
Puget Sound Naval Shipyard & Intermediate Maintenance Facility

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