

**PACIFIC** groundwater **GROUP**

**TERMINAL 91 TANK FARM  
RCRA PERMIT RENEWAL APPLICATION**

**August 2019**

# **TERMINAL 91 TANK FARM RCRA PERMIT RENEWAL APPLICATION**

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## **FIGURES**

### **Part A**

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Figure A2: Aerial Photograph and Existing Facility

Figure A3: Site Photograph and Existing Facility

### **Part B**

Figure B1: Vicinity Map

Figure B2: Location of Terminal 91 Tank Farm Lease Parcel

Figure B3: Adjacent Land Use

Figure B4: TFLP Former Operational Areas

Figure B5: Traffic Flow Patterns

Figure B6: Local Wind Patterns

Figure B7: On Site Storm Water Drainage Patterns

Figure B8: 100 Year Flood Plain

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## **ATTACHMENTS**

Attachment 1: Agreed Orders DE8938 and DE24768

Attachment 2: Completed AOCs and SWMUs Requiring Corrective Action

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## ACRONYMS

AO	Agreed Order
AOC	Area of Concern
CMP	Compliance Monitoring Plan
OMP	Operations and Maintenance Plan
EPA	Environmental Protection Agency
HAZWOPER	Hazardous Waste Operations and Emergency Response
LNAPL	Light Non-Aqueous Phase Liquid
MTCA	Model Toxics Control Act
PSCAA	Puget Sound Clean Air Agency
RCRA	Resource Conservation and Recovery Act
RFA	RCRA Facility Assessment
RI	Remedial Investigation
SEPA	State Environmental Policy Act
SWMU	Solid Waste Management Unit
TFAA	Tank Farm Affected Area
TFLP	Tank Farm Lease Parcel
WAC	Washington Administrative Code

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## A. PART A OF THE RCRA PERMIT APPLICATION

All information submitted in Part A of this Permit Renewal Application is solely for the purpose of renewing and extending the Part B Permit for corrective action activities.

The Resource Conservation and Recovery Act (RCRA) permit for Terminal 91 was originally associated with an active dangerous waste treatment and storage facility operated by Burlington Environmental Inc. (Burlington) at the Tank Farm Lease Parcel (TFLP). Burlington operated the TFLP under lease from the Port of Seattle (Port), the past and current owner. Burlington submitted the final documentation certifying above-ground closure of the Final Status (Part B) portions of the TFLP to the Washington Department of Ecology (Ecology) on March 3, 1997. Ongoing corrective actions at the Terminal 91 facility are being conducted by the Port under agreed orders (AOs) with Ecology. Copies of AOs DE8938 and DE24768 are Attachment 1. Proposed AO DE24768 is being reviewed concurrent with this permit application, AO DE8938 is already being implemented. Because the TFLP dangerous waste operations have been closed and the only ongoing operations at the facility are related to corrective actions, much of the information typically required in Part A and Part B permit applications is not pertinent to this application. For Part A:

- Process codes are not listed in Sections XII and XIII because there are no active processes at the facility.
- Dangerous wastes are not listed in Section XIV because dangerous wastes are no longer accepted at the facility.

Figures referenced in the Part A form are included as Figures A1 through A3.

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## B. FACILITY DESCRIPTION AND GENERAL PROVISIONS

### B.1 GENERAL FACILITY DESCRIPTION

The Port is the current Site Owner and Site Operator for the purposes of this application. The USEPA/Ecology Facility Identification Number for the site is WAD980982706. Contact information for the Port is:

Port of Seattle  
PO Box 1209  
Pier 69  
Seattle, WA 98111  
(206) 728-3000

The Terminal 91 facility is located at 2001 West Garfield Street in Seattle, King County, Washington. Refer to Figures B1 and B2 for vicinity and facility maps. Land use at Terminal 91 is zoned by the City of Seattle as General Industrial. Figure B3 shows the land use and zoning categories for the area surrounding the Terminal 91 facility.

Terminal 91 covers approximately 210.6 acres owned by the Port. The property consists of an upland area, two piers (Piers 90 and 91), and about 35 acres of submerged lands around the piers referred to as the submerged lands area. Previous reports and documents, including AO DE8938, divide the facility into the upland, the tank farm lease parcel (TFLP), tank farm affected area (TFAA), and submerged lands area.

The facility is regulated under RCRA due to historic hazardous waste operations at the TFLP. That former facility's regulatory status subjects all contiguous Port-owned property comprising Terminal 91 to corrective action requirements. The hazardous waste operations were conducted by Chemical Processors, which was also named Burlington Environmental Inc, Philip Environmental, and Philips Services Corporation. Those operations were associated with RCRA hazardous waste permit number WAD000812917. The Port was the owner of the TFLP formerly leased and operated by Burlington, which leased property that consisted of three tank yards and associated buildings located on approximately four acres within the 216-acre Terminal 91 facility (Figure B4). Burlington and the Port terminated the lease for the TFLP and Burlington completed the closure of above-ground treatment and storage units at its permitted operations in approximately 1997. Hazardous waste ID WAD000812917 was withdrawn effective December 31, 2003 under agreement with the Port and Ecology.

A remedial action was completed at the TFLP under AO DE8938. This remedial action included removal of contaminated soils, installation of a slurry wall, installation of a protective asphalt cover, and implementation of an operations and maintenance plan and a compliance monitoring plan. Groundwater sampling and product recovery (if required based on field criteria) produce less than 100 gallons of contaminated groundwater per year.

The TFLP historical operations are discussed in Section B.1.2. Historical releases at the TFLP and other portions of the facility are discussed in Part E of this application.



### **B.1.1 Facility Owner/Operator**

The Port is the current owner and operator of the Terminal 91 facility.

### **B.1.2 Terminal 91 History**

A tank farm was built on the TFLP in or about 1926. The TFLP was operated by various oil companies until December 1941 when the United States Navy took possession of the entire Terminal 91 Facility through condemnation. In about 1972, the Navy declared the facility as surplus. The Port began managing the Terminal 91 and, in 1976, the Port acquired the facility. Terminal 91 is under the Port's management and ownership at the present time.

Ecology employs Model Toxics Control Act (MTCA) (Washington Administrative Code [WAC] 173-340) authority to implement RCRA corrective action requirements at Terminal 91. Ecology and the Port have conducted investigations and cleanups under a series of AOs since Ecology assumed RCRA corrective action oversight for Terminal 91 from the US Environmental Protection Agency (EPA) in 1998. These AOs and their associated actions are summarized below.

- 1998 AO (DE98HW-N108) Tank Farm Affected Area (TFAA) and Voluntary Cleanup Program Work (Discrete Units). The first AO for Terminal 91 was signed in 1998 (Ecology 1998). It required the Port and other parties to conduct a remedial investigation (RI) and feasibility study (FS) for the former Burlington dangerous waste treatment and storage facility, commonly referred to as the Tank Farm Lease Parcel (TFLP). The investigation area extended beyond the 4-acre TFLP boundaries to include any area determined to have been affected by releases from the Tank Farm. This area is identified as the TFAA. Investigations conducted since 1998 have determined the extent of the TFAA. Generally, the TFAA extends southward from the Tank Farm onto Piers 90 and 91, but it does not include the adjacent Port-owned marine sediment (submerged lands area) (Figures B2 and B4).
- Separately from the 1998 AO, the Port undertook investigations and cleanups at other known or suspected release areas on Terminal 91 that were not within the TFAA. There were approximately 38 of these separate units, referred to as Discrete Units. Most of the Discrete Units had been identified by EPA as a result of a RCRA Facility Assessment (RFA) in 1994. The purpose of the RFA was to identify all areas at Terminal 91 affected by hazardous substances releases. Based on Port records regarding management of Terminal 91, the Port identified additional Discrete Units in 1997. None of the Discrete Units were located within the submerged lands area. All were located within the upland area, so the Port's corrective actions to address the Discrete Units involved only the upland area. Ecology and the Port addressed the Discrete Units under Ecology's Voluntary Cleanup Program. The Port removed all of the tanks and a number of buildings at the TFLP as part of a MTCA interim remedial action reported in October 2005.
- 2010 Agreed Order (DE7321). Ecology and the Port entered a replacement AO in 2010. The 2010 AO required the Port to complete the required work under the 1998 AO, including the developing a draft cleanup action plan (CAP) for the TFAA. It also extended the facility to include the rest of the contiguously owned Port property (i.e., all 216 acres of Terminal 91) in order to align with the RCRA requirement calling for corrective

action with respect to the entire “facility,” defined as including the former Tank Farm dangerous waste facility and all contiguously owned property. The 2010 AO also listed all previously identified Discrete Units for Terminal 91 and set requirements for the Port to address them. Although the 2010 AO included the submerged lands area, no Discrete Units were located there; accordingly, the 2010 AO deferred the need to consider investigation or remediation of the submerged lands area. Meanwhile, investigations of subsurface contamination from the Tank Farm and Discrete Units revealed no evidence that such contamination had migrated to or otherwise affected the submerged lands area.

- 2012 Agreed Order (DE8938). In 2012, the Port and Ecology signed a new AO, which required the Port to perform the cleanup action per the CAP for the TFAA and an adjacent Discrete Unit (Solid Waste Management Unit [SWMU 30]), and to continue work on the remaining Discrete Units. By 2015, the Port had completed active work (i.e., construction of the remedial features) at the TFAA and SWMU 30. By 2018, Ecology had approved all Discrete Units as having been adequately addressed (Attachment 2). Monitoring and operations and maintenance for the TFLP and TFAA are ongoing as required by the AO and associated compliance monitoring plan and operations and maintenance plan.
- 2013 Agreed Order Amendment (DE8938). The West Yard area was removed from the permit following the sale of that portion of the Terminal 91 facility. This removal reduced the facility size from 216 acres to 210 acres.
- 2016 Agreed Order Amendment. In January 2016, Ecology and the Port entered an Amendment to the 2012 AO (First Amendment), which required the Port to conduct two new, separate actions:
  - Action 1 Regrade Project – Regrade the accumulated shoal material along the southeast portion of Pier 91 in the submerged lands area. This task, known as the Regrade Project, was completed in April 2016.
  - Action 2 Submerged Lands Preliminary Investigation – Conduct a preliminary investigation in the Submerged Lands Area. This investigation was completed, and the final report approved by Ecology in September 2018. The preliminary investigation indicated that an RI was warranted for the Submerged Lands portion of Terminal 91.
- Proposed 2019 Agreed Order (DE24768). Following the submerged lands preliminary investigation, the Port and Ecology prepared an AO for completion of an RI of the Submerged Lands portion of Terminal 91. AO DE24768 is being reviewed concurrent with this application.

Work performed by Burlington and the Port under oversight by EPA and then by Ecology is summarized in the following table of key reports.

Key Reports Prepared Under Agency Oversight	Year	Agency
RCRA Facility Investigation (RFI)	1995	EPA
Draft Remedial Investigation/Data Evaluation Report	1999	Ecology
Final Bridge Document Report 1	2001	Ecology
Draft Bridge Document Report 2	2003	Ecology

Final Remedial Investigation Summary Report Terminal 91 Tank Farm Site	2007	Ecology
Final Draft Feasibility Study Report, Terminal 91 Site	2009	Ecology
Final Cleanup Action Plan	2010	Ecology
Operation and Maintenance Plan, Terminal 91 Tank Farm Cleanup	2013	Ecology
Compliance Monitoring Plan, Terminal 91 Tank Farm Cleanup	2013	Ecology
Engineering Design Report, Terminal 91 Tank Farm Cleanup	2013	Ecology
T-91 Historical Review Report	2017	Ecology
Terminal 91: Submerged Lands Area Preliminary Investigation Sampling and Analysis Plan	2017	Ecology
Construction Report, Terminal 91 Tank Farm Affected Area Cleanup Action	2017	Ecology
Terminal 91: Submerged Lands Area Preliminary Investigation Surface Sediment Characterization Results	2018	Ecology
Terminal 91: Submerged Lands Area Preliminary Investigation Phase 2: Surface and Subsurface Sediment Characterization Results	2018	Ecology

### **B.1.3 Materials Historically Handled at the Facility**

This section has been omitted from the application as the information requested is no longer applicable.

### **B.1.4 Plant Management**

This section has been omitted from the application as the information requested is no longer applicable.

### **B.1.5 Summary of Waste Types Listed in the Part A**

This section has been omitted from the application as the information requested is no longer applicable.

### **B.1.6 Tank Storage and Treatment Operations**

This section has been omitted from the application as the information requested is no longer applicable.

### **B.1.7 Detailed Process/Activity Descriptions**

Dangerous waste operations are no longer conducted at Terminal 91 and no processes are described.

The only other activity description at the facility relative to this application is traffic. In order to perform corrective actions at the facility, field teams perform quarterly gauging at a passive free-product recovery system and semi-annual or annual groundwater monitoring. General driving routes used during these activities are shown in Figure B5. Traffic is generally discussed in Section B.3.

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## **B.2 SEISMIC CONSIDERATION**

Not applicable. Terminal 91 is not a new facility nor is there a proposed expansion of an existing facility relevant to this application.

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## **B.3 TRAFFIC INFORMATION**

Traffic access to Terminal 91 is controlled by a security gate at the main entrance on the eastern side of the facility. The main gate is staffed by security guards. Additional traffic may enter from the Magnolia Bridge with access limited to the cruise parking area. The entire north end of the facility is surrounded by a chain link fence. Tenants access the facility through the main gate. Cruise terminal passenger vehicle access is routed through controlled lanes to Pier 91.

The south end of the facility including Piers 90 and 91 is bounded by Elliott Bay. Ship moorage at Piers 90 and 91 must be arranged in advance and the facility does not function as a public marina.

Despite its proximity, the Magnolia Bridge is not a part of the Terminal 91 facility and is therefore not discussed in this application.

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## **B.4 TOPOGRAPHIC MAPS**

The following figures referenced in this section describe Terminal 91's topographic features as of August 2019. Individual figures were provided to reduce the amount of overlapping information. Each figure in this section highlights certain features as follows:

- Figure B1 shows the location of the Terminal 91 facility, in relation to the greater Seattle area and topographic features.
- Figure B2 shows the legal boundaries of Terminal 91, the TFLP, the Upland and Submerged Lands portions, and security gates.
- Figure B3 shows the adjacent land use.
- Figure B4 shows the former TFLP operational areas.
- Figure B5 shows the traffic patterns at the facility related to corrective action activities (monitoring and LNAPL gauging).
- Figure B6 shows the wind patterns including a wind rose of the facility's vicinity.
- Figure B7 shows the Terminal 91 surface water flow or drainage patterns.
- Figure B8 shows the 100 Year Floodplain in relation to Terminal 91.

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## **C. WASTE CHARACTERISTICS**

This section has been omitted from the application as the information requested is no longer applicable.

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## D. PROCESS INFORMATION

This section has been omitted from the application as there is no longer any active dangerous waste processing at the TFLP and no such activities are planned elsewhere at Terminal 91.

Dangerous wastes have not been generated during ongoing investigative activities. Light non-aqueous-phase liquid (LNAPL) containing polychlorinated biphenyls (PCBs) that is generated from specific monitoring wells is handled and disposed in accordance with the Toxic Substances Control Act (40 CFR 761. 60) and Dangerous Waste Regulations (WAC 173-303). Wastes are generated during compliance monitoring. Those wastes are handled in accordance with the Dangerous Waste Regulations.

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## **E. RELEASES FROM SOLID WASTE MANAGEMENT UNITS**

Much of the information typically required for this section has been omitted from the application because SWMUs have been closed and corrective actions at the SWMUs have been addressed under the referenced AOs. Releases at the facility and the progression of corrective actions are discussed in Section B.1.

The RFA that was prepared by the EPA in 1994 identified SWMUs and areas of concern (AOCs) at Terminal 91. Subsequent investigation and corrective actions have addressed all AOCs and SWMUs. Attachment 2 lists Terminal 91 AOCs and SWMUs along with the date of completion.

The facility is currently under Agreed Order (DE8938) to conduct compliance monitoring and operations and maintenance of the TFLP. The AO includes a contingency plan to be followed if new releases are discovered.

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### **E.1 RELEASES**

This section has been omitted from the application. This information is provided in other sections of this application and the Agreed Orders in Attachment 1.

All information relating to the locations where solid wastes have been stored or managed on the TFLP was provided in the Solid Waste Management Report (EPA 1988), which is the equivalent to an RFA. Locations where dangerous wastes were stored at the TFLP are shown in Figure B4.

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### **E.2 STATUS OF CORRECTIVE ACTIONS**

Upland corrective actions are currently being conducted under AO DE8938 (signed in 2012). TFLP investigations and corrective actions have been ongoing since 1994, beginning with an RFA completed by EPA. The RFA was part of the RCRA process for implementing corrective action at the dangerous waste treatment and storage facility located at the TFLP. The RFA was expanded to include 124 acres of upland property at Terminal 91 owned by the Port, including the TFLP. That upland property, excluding the Tank Farm, is the upland portion of Terminal 91. The upland portion of Terminal 91 was included in the RFA because the regulatory definition of facility for the purposes of corrective action includes contiguous property under control of the owner or operator of the dangerous waste treatment and storage facility. The RFA identified and labeled a number of AOCs and SWMUs in the upland and TFLP portions of Terminal 91 during a 1992 EPA inspection. These AOCs and SWMUs have been addressed by subsequent corrective actions (Attachment 2).

Corrective action at the TFLP was completed under a cleanup action plan and included removal of contaminated soils, installation of a bentonite slurry wall around the former tank farm, installation of a protective cover layer, installation of a passive product recovery system, and implementation of a groundwater compliance monitoring plan and operations and maintenance plan.

AO DE 8938 includes a contingency action section that provides standardized operating procedures to follow in the event of newly discovered contaminated areas at Terminal 91.

AO DE24768 includes an RI in the submerged lands area. AO DE24768 is being reviewed concurrent with this application.

### **E.2.1 Summary of Corrective Action Activities Under Agreed Order**

Substantial corrective actions have been completed at the TFLP. All above ground tanks and piping were removed in 2005 after the aboveground closure was approved. A protective cover layer, perimeter bentonite slurry wall, and passive product recovery system were installed with construction completion in 2015. Following construction completion, the TFLP and TFAA moved into a compliance monitoring and operations and maintenance phase, which is being conducted under AO DE8938. AO DE8938 requires quarterly and annual progress reporting to Ecology.



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## **F. PROCEDURES TO PREVENT HAZARDS**

This section is not applicable as there is currently no storage, treatment, or loading/unloading of dangerous wastes at Terminal 91. However, basic security measures are taken as described below.

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### **F.1 SECURITY**

#### **F.1.1 Security Procedures and Equipment**

Dangerous waste operations no longer occur at Terminal 91, except as required by the AO for corrective action. The Port provides 24-hour controlled access to the facility. All entrances are manned by guards that also periodically patrol the area.

#### **F.1.2 Waiver**

Not applicable. No waiver is requested.

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### **F.2 INSPECTION PLAN**

This section is not applicable. Terminal 91 currently has no active collection, consolidation, storage, treatment, and/or preparation for shipment of dangerous waste. Corrective actions prevent contact with contamination.

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### **F.3 PREPAREDNESS AND PREVENTION REQUIREMENTS**

This section is not applicable. Terminal 91 currently has no active collection, consolidation, storage, treatment, and/or preparation for shipment of dangerous waste. Corrective actions prevent contact with contamination.

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### **F.4 PREVENTIVE PROCEDURES, STRUCTURES, AND EQUIPMENT**

This section is not applicable. Terminal 91 currently has no active collection, consolidation, storage, treatment, and/or preparation for shipment of dangerous waste.

Investigation derived wastes generated during sampling or product recovery are stored in labeled drums on secondary containment pallets. Drums and contents are disposed of consistent with applicable regulations.

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### **F.5 PREVENT REACTION OF IGNITABLE, REACTIVE, AND/OR INCOMPATIBLE WASTES**

This section is not applicable. Terminal 91 currently has no active collection, consolidation, storage, treatment, and/or preparation for shipment of dangerous waste.

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## **G. CONTINGENCY PLAN**

All dangerous waste facilities have ceased operations at the Terminal 91, except as required by Ecology under AO for corrective actions, and, therefore, the information requested in this section of the application is no longer applicable.

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## H. SECTION H TRAINING PLAN

All dangerous waste facilities have ceased operations, except as required by Ecology under AO for corrective actions, and, therefore, the information requested in this section of the application is no longer applicable. Environmental field staff working on corrective actions are required to have 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training.

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## **I. SECTION I CLOSURE PLAN AND CLOSURE COST ESTIMATES**

This section of the permit application describes actions to be taken to achieve clean closure after operations cease at the facility. The former dangerous waste management facility operated at the TFLP has been closed. Therefore, Section I is not applicable with the exception of Sections I.1 and I.3.

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### **I.1 CLOSURE**

Burlington Environmental submitted the final documentation certifying above-ground closure of the Final Status (Part B) portions of the TFLP to Ecology on March 3, 1997. The required closure activities were completed from February 4 through 13, 1997 in accordance with the August 1996 Closure Plan and Closure Cost Estimates as approved by Ecology on October 29, 1996, following public comment regarding the Plan submitted as Part B Permit Modification Request PRMOD8-2. The Dangerous Waste ID associated with the TFLP (WAD000812917) was withdrawn effective December 31, 2003.

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### **I.2 CLOSURE COST ESTIMATE**

The former dangerous waste management facility operated at the TFLP has been closed. Therefore, with the exception of Section I.1, Section I is not applicable. Financial assurance for additional corrective actions completed under MTCA are addressed through the financial assurance of the associated AOs (see Attachment 1 and Section J.2.6).

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### **I.3 NOTICE IN DEED OF ALREADY CLOSED DISPOSAL UNITS**

This section is not applicable; the facility did not operate disposal units.

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### **I.4 POST-CLOSURE PLAN**

All tanks and process systems at the TFLP have been closed. Post closure plans are required for any area that cannot be cleaned up to meet closure standards. Soil and groundwater at the TFLP currently exceed cleanup levels in some areas of the TFAA. Post closure is addressed through AO DE8938 (Attachment 1), which provides for long term compliance monitoring and contingency action, if necessary.

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### **I.5 LIABILITY REQUIREMENTS**

Liability insurance is not required for this application because operations at the facility have been discontinued.

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## **J. OTHER FEDERAL AND STATE LAWS**

### **J.1 FEDERAL REQUIREMENTS**

Regulations require that EPA follow the procedures under certain federal laws before granting or denying a RCRA permit. The discussion that follows provides a description of how these laws currently apply to existing corrective action conducted at Terminal 91.

#### **J.1.1 Wild and Scenic Rivers Act**

Not applicable. The facility does not affect any rivers designated under the Wild and Scenic Rivers Act.

#### **J.1.2 National Historic Preservation Act of 1966**

Not applicable. The facility is not listed or eligible for listing on the national or local Registers of Historic Places.

#### **J.1.3 Endangered Species Act**

Threatened or endangered species known to exist on- or in areas adjacent to the facility include bald eagles, killer whales (orcas), Chinook salmon, and bull trout. Ongoing corrective action activities are not expected to affect critical habitat areas where endangered species might be present. As discussed in Section J.2.4, future corrective actions, which have not been defined at this time, may trigger review of impacts associated with those future actions.

#### **J.1.4 Coastal Zone Management Act**

The State of Washington Shoreline Management Act (SMA) of 1971, under the jurisdiction of Ecology, is the approved implementation vehicle for the Coastal Zone Management Act. The SMA is implemented at the local level by individual shoreline master programs, which are prepared by local agencies and approved by Ecology.

Terminal 91 is located in or near a designated shoreline area as defined in the City of Seattle Shoreline Master Program. Smith Cove and Smith Cove Waterway (east slip, center slip, and west slip) are located immediately west of Terminal 91 (Figure B1). These surface waters are used for industrial and maritime activities and provide access to Elliott Bay and Puget Sound.

#### **J.1.5 Fish and Wildlife Coordination Act**

Not applicable. There are no current plans to impound, divert, control, or modify any body of water in the vicinity of the facility as part of planned corrective action pursuant to the AO or applicable requirements.

### **J.1.6 RCRA Corrective Action Program**

The Corrective Action Program requires corrective action for all releases of hazardous waste or constituents from hazardous waste treatment, storage, or disposal facilities, where necessary to protect human health and the environment.

A summary of the corrective actions conducted to date by the Port and facility operators is presented in Section E of this application.

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## **J.2 STATE REQUIREMENTS**

Ecology regulations require that a facility that stores or handles dangerous waste comply with all applicable federal, state, and local environmental protection laws and regulations. Following closure of the TFLP dangerous waste facility in 1997, no regulated wastes have been managed at Terminal 91 outside of corrective action activities. As such, the majority of state and local regulations described below no longer apply. A discussion of each regulation is included below.

### **J.2.1 National Emission Standard for Asbestos**

Ecology regulations [WAC 173-303-395(3)] require that all waste material containing asbestos be disposed at a facility operated in accordance with 40 CFR Part 61 Subpart M, National Emission Standard for Asbestos. Except to comply with requirements of the Agreed Order, Burlington no longer conducts operations at the TFLP. Therefore, this requirement is not applicable.

### **J.2.2 State Water Pollution Control Standards**

The Revised Code of Washington (RCW) Chapter 90.48 designates Ecology as the State Water Pollution Control Agency for the purposes of the Federal Clean Water Act to establish and administer state programs for water pollution control. No industrial or sanitary wastewater is discharged from Terminal 91 under the Permit; therefore, this regulation is not applicable.

Stormwater and run-off from paved and unpaved areas at Terminal 91 are managed by a stormwater management system operated by the Port under a municipal NPDES permit.

### **J.2.3 Minimum Functional Standards for Solid Waste Handling**

Regulations contained in WAC 173-304 and 173-350 establish minimum functional performance standards for solid waste handling and operation of solid waste handling facilities. The facility was formerly operated as a dangerous waste management facility, and investigations associated with its former use continue to be addressed through ongoing compliance monitoring. Any non-dangerous wastes managed as part of corrective action will be handled in compliance with these regulations.

#### **J.2.4 State Environmental Policy Act**

This application does not propose any new dangerous waste activities at the facility and dangerous waste operations have not occurred at the facility since 1997 beyond management of investigation and remediation derived waste. The application is being submitted to allow for continuation of ongoing corrective action activities that are required by AO under MTCA. Those activities will not require a State Environmental Policy Act (SEPA) checklist for this permit application. WAC 197-11-250 describes the integration of MTCA and SEPA processes. WAC 197-11-800 (17) categorically exempts basic information collection from the requirements for threshold determination. At present, the AO that will be reviewed concurrent with this RCRA permit renewal application includes only RI activities for the submerged lands area. If necessary, remedial actions will be developed in a subsequent feasibility and cleanup action plan later in the process. Consistent with WAC 197-11-265, SEPA review would be initiated for future corrective/remedial actions as appropriate.

#### **J.2.5 Puget Sound Clean Air Act**

Not applicable. The Washington Clean Air Act and the Federal Clean Air Act are implemented by the Puget Sound Clean Air Agency (PSCAA). Currently, no activities proposed under the corrective action procedures of the Part B Permit are subject to PSCAA regulations.

#### **J.2.6 Model Toxics Control Act**

Relevant portions of MTCA will be applied to cleanup activities at the TFLP and any other RIs conducted under AO (Attachment 2).

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### **J.3 LIST OF PERMITS**

With the exception of the necessary RCRA Permit for ongoing corrective action activities, no other permits, including those subject to state and/or local regulatory authority, are held pursuant to the dangerous waste activities formerly conducted at the TFLP. Additional permits and registrations will be obtained as needed for activities such as construction or remediation.

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## K. CERTIFICATION

In accordance with 40 CFR 270.11 (d) and Washington State Dangerous Waste Regulations, Chapter 173-303 WAC, paragraph 173-303-810 (13), the following certification is made in reference to August 2019 Part B Application for Terminal 91 Facility located in Seattle, Washington.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Stephen Metruck  
Chief Executive Officer  
Port of Seattle



**ATTACHMENT 1**  
**AGREED ORDERS DE8938 AND DE24768**

**ATTACHMENT 2**  
**COMPLETED AOCs AND SWMUs REQUIRING CORRECTIVE ACTION**

## TERMINAL 91

### COMPLETED AOCs AND SWMUS REQUIRING CORRECTIVE ACTION AND COMPLETION DATES

Discrete Unit	SWMU, AOC, or Other Area	Description	Status
A.1.	AOC 2	USTs and UST Releases on Terminal 91 Premises—Tanks A-G	Complete with recording of restrictive environmental covenant 8/30/17.
B.1.	SWMU 32	Oil Blending Station	Complete; Ecology letter 4/20/05
B.2.	SWMU 33	Solid Waste Yard	Complete; Ecology letter 4/20/05
B.3.	SWMU 35	Storage Area Outside Building W-47	Complete; Ecology letter 4/20/05
B.4.	SWMU 36	Storage Inside Building W-47	Complete; Ecology letter 4/20/05
B.5.	SWMU 37	Car Wash Station	Complete; Ecology letter 4/20/05
B.6.	SWMU 38	Paint and Motor Oil Waste Building C-154	Complete; Ecology letter 4/20/05
B.7.	SWMU 39	Paint Filter Waste Storage Area	Complete; Ecology letter 4/20/05
B.8.	SWMU 40	Short Fill	Complete after restrictive covenant; Ecology letter 4/20/05
B.9.	SWMU 43	Berth Stations and Valve Vaults	Complete; Ecology letter 4/20/05
B.10.	SWMU 44	Waste Oil Storage Shed	Complete; Ecology letter 4/20/05
B.11.	SWMU 45	Storm Drain at North End of Terminal 91	Complete; Ecology letter 4/20/05
B.12.	SWMU 46	Two Storm Drains at Center of Terminal 91	Complete; Ecology letter 4/20/05
B.13.	SWMU 47	Abandoned Oil/Water Separator	Complete; Ecology letter 4/20/05
B.14.	SWMU 48	Transfer Piping	Complete; Ecology letter 4/20/05
B.15.	AOC 2	USTs and UST Releases on Terminal 91 Premises—Tanks H and I	Complete; Ecology letter 4/20/05
B.16.	AOC 2	USTs and UST Releases on Terminal 91 Premises—Tank J	Complete; Ecology letter 4/20/05
B.17.	AOC 2	USTs and UST Releases on Terminal 91 Premises—Tank K	Complete; Ecology letter 4/20/05
B.18.	AOC 2	USTs and UST Releases on Terminal 91 Premises—Tank T	Complete; Ecology letter 11/16/11
B.19.	AOC 2	USTs and UST Releases on Terminal 91 Premises—Tank Z	Complete; Ecology letter 4/20/05
B.20.	AOC 4	Leaking Motor	Complete; Ecology letter 4/20/05
B.21.	AOC 5	PCB Transformer Pad	Complete; Ecology letter 4/20/05
B.22.	AOC 7--Pier 90 Area	Concrete Aprons	Complete; Ecology letter 11/16/11
	AOC 7--Pier 91 Area	Concrete Aprons (see also 1991 Soil Investigation for Pier 91 Chill Facility)	Complete; Ecology email 10/9/12
B.23.	AOC 16	Inactive Transformers	Complete; Ecology letter 4/20/05
B.24.	Other Area (from Baseline Report)	1990 PNO Pipeline Break South of Building T-38, Pier 91	Complete after restrictive covenant; Ecology letter 4/20/05

B.25.	Other Area (from Baseline Report)	1991 PNO Pipeline Break at South End of Pier 91	Complete; Ecology letter 4/20/05
B.26.	Other Area (from Baseline Report)	1994 Transformer Pad	Complete; Ecology letter 4/20/05
B.27.	Other Area (from Baseline Report)	1994 DAS Building Site Investigation	Complete; Ecology letter 4/20/05
B.28.	Other Area (from Baseline Report)--Pier 90 Area	1991 Soil Investigation for Pier 91 Chill Facility--Pier 90 Area (see also AOC 7)	Complete; Ecology letter 11/16/11
B.29.	Other Area (from Baseline Report)	1996 PNO Pipeline Alignment Soil Remediation, Pier 90	Complete; Ecology letter 11/16/11
B.30.	Other Area (from Baseline Report)	1996 PNO Pipeline Break, Pier 91	Complete; Ecology email 10/9/12
B.31.	Other Area (from Baseline Report)	1994 DAS Utility Trench Investigation	Complete; Ecology letter 11/16/11
B.32.	Other Area (Independent Cleanup)	1999 PNO Pipeline Release on Pier 90	Complete; Ecology email 3/16/12
B.33.	Other Area (Independent Cleanup)	Pier 91 Pipeline Decommissioning and Historic Pipeline Releases in the Vicinity of the Carnitech Building	Complete; Ecology email 10/9/12
B.34.	Other Area (Independent Cleanup)	Pier 91 Pipeline Decommissioning and Historic Pipeline Releases in the Vicinity of the Cruise Ship Terminal	Complete; Ecology email 10/9/12
B.35.	Other Area (Independent Cleanup)	Pier 91 Historic Pipeline Releases	Areas B & C--Complete; Ecology emails 2/3/12 and 3/16/12  Area D--Complete; Ecology email 7/17/13
B.36.	Other Area (Brownfields Investigation)	Building 136  Building 136 Hydraulic Lifts	Complete; Ecology memo emailed 12/23/13  Complete; Ecology letter 10/31/18
B.37.	Other Area (Brownfields Investigation)	Locomotive Fueling Area	Complete; Ecology email 8/4/16
B.38.	Other Area (Brownfields Investigation)	Incinerator UST Area	Complete; Ecology email 8/4/16
B.39.	Tank Farm Affected Area Interim Action	Stormwater Sump Bottom Filling Interim Remedial Action	Complete; Ecology letter 12/7/11

Notes:

AOC is Area of Concern

SWMU is Solid Waste Management Unit