



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Ecology AO # 15-11

Subject of possible rule making: This rulemaking will propose amendments to Chapter 173-331 WAC - *Vehicle Battery Recycling*. Changes the agency is considering include, but are not limited to:

- Clarifying rule language to make it easier to comply and implement.
- Replacing the \$15.00 licensing program implemented by Business Licensing Services at the Department of Revenue, with an on-line electronic registration program managed by Ecology, possibly eliminating the fee.
- Eliminating the requirement for Ecology to maintain a list of persons who will accept broken or leaking vehicle batteries, and replacing it with guidance posted on the agency web site.
- Eliminating the language in the rule that requires Ecology to review applications before licenses are issued by the Department of Revenue.
- Replacing inadequate methodology for economic analysis required to be performed by Ecology in the event of a market failure, with a commitment to work with industry representatives to evaluate costs and alternatives.
- Revising reporting requirements as appropriate after evaluating value and redundancy with other laws and rules.
- Other corrections and clarifications as needed, including the elimination of out-of-date address and phone information.

Statutes authorizing the agency to adopt rules on this subject: RCW 70.95.670

Reasons why rules on this subject may be needed and what they might accomplish: See attachment.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: See attachment.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW).

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication

Contact Rule Coordinator:

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Important: Sign up for the ListServ to get updates and visit the website to learn more and about this rulemaking:
<http://www.ecy.wa.gov/programs/swfa/rules/wac173331/1511time.html>

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| DATE November 30, 2015 |
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| TITLE Statewide Resources Section Manager - Waste 2 Resources Program |

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| WSR 15-24-132 |

Supplemental Attachment to CR-101

Reasons why rules on this subject may be needed and what they might accomplish: Ecology is directed by RCW 70.95.670 to adopt rules for vehicle battery recycling, implementing RCW 70.95.610 through 660. The rule has not been revised since it was adopted in 1991. We want to eliminate obsolete information, make the rule less burdensome, and clarify and make the vehicle battery recycler registration/authorization requirement easier to understand and less costly.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: RCW 70.95.670 requires Ecology to adopt rules implementing a vehicle battery recycling program. Dangerous waste rules (chapter 173-303 WAC) apply to vehicle batteries; WAC 173-303-520 specifically addresses requirements for persons reclaiming batteries. Corresponding federal rules can be found in 40 CFR Part 266.80. The Business Licensing Services division at the State Department of Revenue currently collects a \$15.00 fee to issue licenses for battery collectors.

We have communicated with the State Department of Revenue. They have no objection to repealing the fee program, but are also willing to continue working with Ecology. We have communicated with staff in Ecology's Hazardous Waste and Toxics Reduction Program. Used vehicle batteries are subject to regulation as dangerous waste if there is mishandling, or if work extends to reclamation. RCW 70.95.610(3) provides that nothing in the law [RCW 70.95] supersedes the provisions of Chapter 70.105 RCW (Hazardous Waste Management). This proposal will not conflict with or impact state dangerous waste or federal hazardous waste programs, other than to perhaps improve practices where used vehicle batteries are collected, thus reducing the possible need for action under state dangerous waste regulations. The state is authorized to implement the federal hazardous waste program in Washington in lieu of the Environmental Protection Agency (EPA), so no separate communication with EPA is necessary.