



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: September 30, 2020

TIME: 3:28 PM

WSR 20-20-045

Agency: Department of Ecology AO # 19-07

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Ecology is amending Chapter 173-303 WAC Dangerous Waste Regulations. These regulations set standards for the safe management of dangerous wastes. Chapter 173-303 WAC implements Chapter 70.105 RCW and Subtitle C of the federal Resource Conservation and Recovery Act (RCRA). Chapter 70.105 RCW gives the Department of Ecology’s (Ecology) Hazardous Waste and Toxics Reduction program authority to adopt regulations for dangerous waste management. Ecology amended specific sections of the dangerous waste regulations to incorporate new federal hazardous waste rules, including:

- 1) Management Standards for Hazardous Waste Pharmaceuticals and Amendments to the P075 Listing for Nicotine. 84 FR 5816; February 22, 2019.
- 2) Safe Management of Recalled Airbags. 83 FR 61552; November 30, 2018.
- 3) User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations. 83 FR 420; January 3, 2018.

State-initiated amendments included:

- 1) Corrections and clarifications to the generator improvements rule and other dangerous waste rules adopted January 28, 2019.
- 2) Updating Biological Testing Methods for the Designation of Dangerous Waste - publication 80-12.
- 3) Other clarifications and corrections as necessary.

Citation of rules affected by this order:

New: WAC 173-303-555

Repealed:

Amended: WAC 173-303-010, 017, 030, 040, 045, 070, 071, 073, 081, 082, 090, 100, 110, 140, 141, 160, 169, 170, 171, 172, 173, 174, 180, 200, 201, 220, 250, 370, 380, 505, 573, 600, 630, 640, 650, 680, 800, 810, 900, 910, 9903.

Suspended:

Statutory authority for adoption: Chapter 70.105, 70.105D RCW

Other authority: Subtitle C of the federal Resource Conservation and Recovery Act

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-08-048 on March 25, 2020 (date).

Describe any changes other than editing from proposed to adopted version: See the Concise Explanatory Statement Publication 20-04-038 for a full explanation.

1. **WAC 173-303-017(8)(a), -017(8)(a)(viii), -017(8)(b), -200(15)(b)(i), -200(15)(b)(iii), -555(12)(a)(i) and (ii).** Corrected references to the site identification form.
2. **WAC 173-303-070(4).** Removed proposed rule requiring facilities to submit waste analysis plans to Ecology upon request.
3. **WAC 173-303-170(5)(b).** Removed the term “injunctive relief” to correct an oversight in the proposed rule.
4. **WAC 173-303-172(5)(a), -172(9)(a)(iv), -200(3)(a), -200(7)(a)(iv), -200(13)(a)(iv)(A)(III), -201(7)(e), - 201(14)(k)(i).** Replaced “owner or operator” with “generator” to clarify applicability.

5. **WAC 173-303-201(9)(b)(i) Contents of a Contingency Plan.** Changed proposed internal references for contingency plan contents which describe facility personnel emergency actions. The references were changed from “subsections (8) through (14)” to “subsections (8) and (14).”
6. **WAC 173-303-220(3) Generator Reporting.** Clarified that the list of additional reports as provided in the rule are only examples which clarify what types of reports Ecology might request from a generator. Removed the phrase “including, but not limited to,” in the parenthetical statement and replaced it with, “for example.” Also removed the proposed term “nonengineering reports.”

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Robert Rieck
 Address: Department of Ecology
 Hazardous Waste and Toxics Reduction Program
 Olympia, Washington 98504
 Phone: 360-407-6751
 Fax: N/A
 TTY: People with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington Relay Service at 711)
 Email: hwtrrulemaking@ecy.wa.gov
 Web site: <https://fortress.wa.gov/ecy/publications/summarypages/2004042.html>
 Other: N/A

**Note: If any category is left blank, it will be calculated as zero.
 No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
 A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	<u>1</u>	Amended	<u>21</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency’s own initiative:

New	___	Amended	<u>35</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>3</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: September 30, 2020

Name: Laura Watson

Title: Director

Signature:

A handwritten signature in black ink, appearing to read 'L. Watson', written in a cursive style.