



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 # 16-03

Subject of possible rule making: This rulemaking will amend Chapter 173-303 WAC, Dangerous Waste Regulations. These regulations set standards for the safe management of dangerous wastes. The Department of Ecology (Ecology) plans to amend specific sections of the dangerous waste regulations to incorporate new federal hazardous waste rules, including but not limited to: 1) Management standards for Hazardous Waste Pharmaceuticals, 2) Conditional Exclusions for Solvent-contaminated Wipes, 3) Definition of Solid Waste Revisions to Solid Waste Variances and to the Definition of Legitimacy, and 4) Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule. Amendments will also include several minor technical and editorial corrections and clarifications. See Attachment A

Statutes authorizing the agency to adopt rules on this subject: Chapter 70.105 RCW Hazardous Waste Management Act.

Reasons why rules on this subject may be needed and what they might accomplish: Ecology is required to adopt certain federal hazardous waste rules to remain authorized by the Environmental Protection Agency (EPA) and consistent with EPA regulations. A key reason for starting rulemaking now on the pharmaceutical rule is to resolve problems with pharmaceutical waste management. A healthcare sector stakeholder group recommended Ecology adopt newly proposed EPA rules for management of hazardous waste pharmaceuticals, and Ecology's Hazardous Waste and Toxics Reduction (HWTR) program agrees with this approach. Adopting new pharmaceutical waste rules will help healthcare facilities and waste management vendors properly manage this waste stream, reduce the regulatory burden associated with waste management, and reduce confusion. Additionally, the new rules prohibit disposal of drugs to the sewer, resulting in fewer toxic chemicals in our waterways. Adopting the solvent wipes rule allows more flexibility to safely manage dangerous waste wipes while reducing regulatory requirements.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: EPA has authority to regulate hazardous waste within Washington state. Ecology will keep EPA informed about our rulemaking efforts, and provide drafts and formal rule proposals for their review. We will communicate and coordinate with EPA throughout the process. Ecology will work closely with other interested state and local government agencies and encourage them to provide input in development of rule language.

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 Procedures 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 See Attachment B

Contact Rule Coordinator:

Robert Rieck
Hazardous Waste and Toxics Reduction Program
PO Box 47600, Olympia, WA 98504-7600

Phone: 360-407-6751
E-mail: Robert.rieck@ecy.wa.gov

Important: Interested parties can join the dangerous waste rulemaking listserv: <http://listserv.wa.gov/cgi-bin/wa?A0=DW-RULES>

DATE
02/16/2016

NAME (TYPE OR PRINT)
Ken Zarker

SIGNATURE

TITLE
Pollution Prevention and Regulatory Assistance Section Manager -
Hazardous Waste and Toxics Reduction Program

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STATE OF WASHINGTON
FILED

DATE: February 17, 2016

TIME: 9:32 AM

WSR 16-05-098

Rule Background Information

Management standards for Hazardous Waste Pharmaceuticals. These rules are currently proposed by the Environmental Protection Agency (EPA) as a sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and pharmaceutical reverse distributors. Although these are a streamlined set of regulations for generators of pharmaceuticals, EPA proposes to make them mandatory standards which states must adopt and affected generators must follow. Ecology plans to adopt the same standards for state-only pharmaceuticals to help ensure consistent, safe management of all pharmaceutical wastes.

Conditional Exclusions for Solvent-contaminated Wipes. The EPA rule conditionally excludes solvent-contaminated wipes (also called shop towels or rags) from dangerous waste regulation when they are laundered and reused. Ecology plans to adopt this part of the rule. EPA's rule also excludes solvent-contaminated wipes that are disposed. Ecology will ask for stakeholder input during the rulemaking process to help determine if the wipes disposal option should also be adopted.

Definition of Solid Waste: Revisions to Solid Waste Variances and to the Definition of Legitimacy. Ecology plans to adopt certain standards as required by EPA's January 13, 2015 Definition of Solid Waste Rule. This includes rules codifying existing recycling legitimacy criteria guidance and updates to recycling variance requirements. During this rulemaking we do not plan to adopt optional exclusions for hazardous secondary materials being reclaimed.

Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule. The EPA rule revises certain export provisions of the CRT exclusion Ecology adopted in 2007. EPA implements export regulations, and these revisions will allow EPA to better track exports of CRTs for reuse and recycling ensuring safer management of these materials.

Participation of Interested Parties

Stakeholders and governmental entities including local, state and tribal governments will be notified of various Ecology actions as the rulemaking progresses. We will use the Dangerous Waste Rules listserv, Turbowaste annual report email contacts, *ShopTalk*, and the HWTR rulemaking website to keep the regulated community updated about the changes. Early draft rule language will be available for review and comments. These comments will be considered as Ecology writes the formal proposed rules. Ecology expects to hold at least one informal public meeting about the planned rule changes. Depending on responses from that meeting, we may hold additional meetings for affected regulatory sectors and interested governmental entities. Visit the HWTR rulemaking website at: http://www.ecy.wa.gov/programs/hwtr/laws_rules/wac173303/1603ov.html