

**WAC 173-350 Revision
MRW Workgroup Meeting
Conference Call
January 22, 2015**

Meeting Participants

Name	Org	E-mail	Phone	In Attendance on the Phone
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Rick Gilbert	Kitsap County Public Works	rgilbert@co.kitsap.wa.us	360-337-5692	Y
Rob Rieck	Ecology - HWTR	Roro461@ecy.wa.gov	360-407-6751	N
Cheryl Christian	WA Dept of Labor & Industries	Chrh235@lni.wa.gov	360-902-5732	Y
Gerald Tousley	Thurston Co. Health Dept.	tousle@thurston.wa.us	360-867-2589	Y
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Patti Johnson	Kittitas County Solid Waste	Patti.johnson@co.kittitas.wa.us	509-962-7070	Y
Bryan Hunt	NE Tri-County Health	bhunt@netchd.org	509-685-2637	Y

Conference Call Agenda

1. Brief Introductions
2. Verify accuracy of the notes from our last meeting (attached)
3. Discuss the 'items for future discussion' in the notes
4. Bring up and discuss any new issues that may have surfaced since our last discussion
5. Discuss Next Steps
6. End Meeting

Notes

Background and Scope of Work

- *3-yr process began Nov, 2013. Will need draft language for public comment approximately 1.5 years from now - May 2016.*
- *Ecology decides on language, but hope for a consensus-based process where we all feel heard and can understand the justification for whatever final rule language looks like.*

- *In general, I would like to see our workgroup clarify current design and operational requirements. Additionally, I intend to see if it is possible to provide more consistency between the design requirements for MRW (WAC 173-350-360) and TSD facilities (Chapter 173-303 WAC), and worker safety requirements in WAC 173-350-360 and requirements of the Washington State Department of Labor and Industries where feasible. Also, our workgroup will look at the definition of a limited MRW facility to determine if this definition should be changed to provide more collection opportunities for MRW materials.*
- *Currently, there is a product take back section included in the MRW section of the rule. This group will not address product take back in this section because as of right now the thinking is to move product take back out of the MRW section of the rule and create a new section for it. There is another Ecology Employee (Megan Warfield) tasked looking into this. In the event a new product take back section is not created, this group may have to look at that in the future.*

Items Discussed by Agenda Topic

1. **Brief Introductions** – See table above for participants
2. **Verify accuracy of the notes from our last meeting** - No changes to notes
3. **Items for Future Discussion** – see below at end of each bullet for direction of each in underlined bold font
 - **Clarify weather and temperature extremes in 360(6)(e)(ii)(D).** Shouldn't this be taken care of in the design standards or through building codes? Should this requirement stay in rule? **This should stay in rule even though building codes should take care of it. It is a way to make sure people are thinking about temperature extremes.**
 - **Clarify what is meant by “segregated” in 360(5)(a)(iii)(B).** One idea is to provide clarification based on being segregated by “hazard class.” **Yes, look at using hazard class.**
 - **Clarify intent of the applicability section for 360(1)(a)(ii).** This section is incorrect in using the term “bill of lading” instead of shipping paper and for excluding 10-day transfer facility from exemption if manifests are used. This section should be simplified to account for the real intent of excluding 10-day transfer facilities. Could change **360(1)(a)(ii)** to read as: **ii) Persons transporting MRW using a shipping paper ~~only a bill of lading (MRW that is not shipped using a uniform hazardous waste manifest)~~ who store MRW for more than ten days at a single location; Yes, this change is ok.**
 - **Correct an incorrect reference in 360 (1)(b)(i).** This section references WAC 173-303-240, which is for transporters of regulated DW. Households and CESQG's are not subject to that section of 303. Could change **360(1)(b)(ii)** to read as: **(i) Persons transporting MRW managed in accordance with the requirements for shipments of manifested dangerous waste under WAC ~~173-303-240~~; 49 CFR Parts 171-180. Yes, this change is ok.**
 - **Clarify in the applicability sections of 210 (Recycling) and 310 (Intermediate Solid Waste Handling) that those sections do not apply to the recycling of MRW.** These sections currently reference storage of MRW is not applicable. I will need to work with the Ecology leads for those sections to get this included. **Yes, this clarification is ok.**
 - **Limited MRW sites are not staffed.** Consider removing the annual reporting requirement of tracking the number of households and CESQG's served. At a minimum remove the requirement to track CESQG's served since, technically, CESQG's are not allowed to use limited MRW sites. **See definition of Limited MRW and 360(3)(i)(D). Yes, remove annual reporting requirements for households.**
 - **Discuss whether or not to allow businesses (CESQG's) to participate at limited sites.** As stated in the bullet above, CESQG's are not allowed to use a limited MRW site. If this is something we

explore, we would want to make sure this would work as one of the options for CESQG's under 303(070)(8)(b). **See definition of Limited MRW . No, do not want to allow businesses to use limited sites due to possibilities of increased costs and liability.**

- **Discuss 360(5)(a)(iii)(C) further regarding “having a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks...”** This section has been interpreted in the past to mean the base underlying the containers needs to be coated with a chemical resistant epoxy coating. We discussed this some when discussing matching up MRW and TSD design requirements, but further discussion is needed here. **See 360(5)(a)(iii)(C). The group felt this language was still good to keep, but possibly adding language like “or equivalent protection”.** **However, the group felt Ecology should update its FAQ on this topic so it is clear that a chemical resistant epoxy coating is not the preferred or only method to achieve compliance in this area.**
 - **Discuss the requirement to have 30” of isle space between containers.** This requirement can add costs in the form of storage space and facility footprint. Consider removing the requirement if the material is stored for a certain amount of time (example – if stored for less than 30 days) or an exemption for loose or lab packed containers. **See 360(6)(a)(vi). Most in the group felt that this requirement could and should go away. However, some pointed out that there might and probably were other laws or regulations that would prevent us from changing the requirement. Post-Meeting Info - After the meeting Bryan and Cheryl both e-mailed me with some references to check out. I have been through both, but was unable to locate 30” references yet, but might have missed it. I will keep researching this, but early indications are this might be a tough one to change.**
4. **Bring up and discuss any new issues that may have surfaced since our last discussion** – Nothing was brought up.
 5. **Discuss Next Steps** – I asked and received the ok from those on the call to start drafting new language for thre MRW Section of the rule based on the discussions we have had thus far. I have been in communication with those that were unable to make this call and also received their ok to start drafting new language.

Future Mtgs

- Location for face-to-face meeting: Ellensburg seemed to work as we have a mix of locations of where people would be coming from.
- After getting out new draft language for the MRW section, I will e-mail the group to discuss the format of the next meeting. Right now, my inclination would be for a face to face to discuss the draft language.

Thanks Everyone!

Al Salvi