



# PREPROPOSAL STATEMENT OF INQUIRY

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

**Agency:** Department of Ecology AO # 16-03

**Subject of possible rulemaking:** This rulemaking will amend Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations. These regulations set standards for managing dangerous wastes safely. 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, 4) Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule, 5) the Hazardous Waste Generator Improvements Rule, 6) Hazardous Waste Export-Import Revisions, and 7) the Hazardous Waste Electronic Manifest 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 Revised Code of Washington (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 maintain its authorization by the Environmental Protection Agency (EPA) and remain consistent with EPA regulations. Rules Ecology must adopt include the electronic manifest rule, revisions to import-export rules, and revisions to the export provisions of the cathode ray tube rule. These rules will improve the transport and tracking of dangerous waste. The definition of solid waste rule will help ensure the legitimacy of dangerous waste recycling. Adopting pharmaceutical waste rules for healthcare facilities and waste management vendors will help these facilities properly manage this waste stream, reducing confusion and the regulatory burden associated with waste management. Additionally, this rule prohibits disposal of drugs to the sewer, resulting in fewer toxic chemicals in our waterways. Parts of the generator improvement rule will fix regulatory gaps and make corrections to federal hazardous waste regulations. There are two optional federal rules Ecology will consider adopting as part of this rulemaking. Parts of the generator improvement rule are optional and will benefit generators by making the regulations more user-friendly and providing flexibility in managing waste. The solvent wipes rule is also optional and will allow more flexibility to safely manage dangerous waste solvent 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 rulemaking
- Pilot rulemaking
- Agency study

Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedures Act

(Chapter 34.05 RCW)

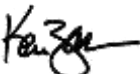
**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication** See Attachment B

**Contact Rule Coordinator:**

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| <b>DATE</b><br><br>2/21/2017                                                                                                  |
| <b>NAME (TYPE OR PRINT)</b><br>Ken Zarker                                                                                     |
| <b>SIGNATURE</b><br>                        |
| <b>TITLE</b><br>Pollution Prevention and Regulatory Assistance Section Manager - Hazardous Waste and Toxics Reduction Program |

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| <b>DATE: February 21, 2017<br/>TIME: 10:44 AM</b>                   |
| <b>WSR 17-06-017</b>                                                |

## Attachment A

### **Rule Background Information**

**Management Standards for Hazardous Waste Pharmaceuticals.** These rules are currently proposed by EPA as a sector-specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and pharmaceutical reverse distributors. Although these are a less stringent, simplified set of regulations for pharmaceutical waste generators, 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) that are reused or disposed in municipal landfills or hazardous waste landfills. Ecology is considering adopting the exclusion for reused wipes, but not adopting the exclusion for wipes disposed in municipal landfills. We will consider adopting the exclusion for wipes disposed at hazardous waste landfills.

### **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 criteria for legitimate recycling, a prohibition on sham recycling and updates to recycling variance requirements. During this rulemaking we do not propose 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. Ecology plans to adopt these revisions.

### **Hazardous Waste Generator Improvements Rule.**

Ecology plans to adopt these revisions. EPA's objectives for the Hazardous Waste Generator Improvements Rule are:

- Reorganize the generator regulations to be more user-friendly.
- Fix regulatory gaps to clarify how the hazardous waste regulations work.
- Provide generator flexibility in managing wastes in a more cost-effective and protective manner.
- Make technical corrections and conforming changes.

### **Hazardous Waste Export-Import Revisions.**

This rule amends existing export-import regulations to align U.S. manifest regulations with current Organization for Economic Cooperation and Development (OECD) export-import rules for hazardous waste shipments between members. States are required to adopt these rules, although EPA is the implementing agency.

### **Hazardous Waste Electronic Manifest Rule.**

This rule establishes new requirements that will authorize the use of electronic manifests as a means to track shipments of hazardous waste from the generator to the treatment, storage, and disposal facility. Ecology is required to adopt these rules to remain equivalent to and consistent with federal requirements.

## Attachment B

### **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. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development. 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. The purpose of the meeting will be informational as well as to seek input from 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](http://www.ecy.wa.gov/programs/hwtr/laws_rules/wac173303/1603ov.html)

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