WAC 173-350-310 Transfer stations and drop box facilities

(1) ~~*Intermediate solid waste handlingfacilities*~~**Transfer stations and drop box facilities - Applicability.**

(a) These standards apply to ~~This section is applicable to any facility engaged in solid waste handling that provides intermediate storage and/or processing prior to transport for final disposal. This includes, but is not limited to, material recovery facilities,~~ transfer stations~~, baling and compaction sites,~~ and drop box facilities as defined in WAC 173-350-100.

(b) ~~This section is not applicable~~ These standards do not apply to:

(~~a~~i) Storage, treatment or recycling of solid waste in piles ~~which are~~ subject to WAC 173-350-320;

(~~b~~ii) Storage or recycling of solid waste in surface impoundments ~~which are~~ subject to WAC 173-350-330;

~~(c) Composting facilities subject to WAC 173-350-220;~~

(iii~~d~~) Recycling and material recovery facilities ~~which is~~ subject to WAC 173-350-210;

(iv~~e~~) Storage of waste tires ~~which is~~ subject to WAC 173-350-350;

(vf) ~~Storage~~ Handling of moderate risk waste prior to recycling ~~which is~~ subject to WAC 173-350-360; and

~~(g)Energy recovery or incineration of solid waste which is subject to WAC 173-350-240; and~~(vih) ~~Drop boxes~~ Waste containers placed at the point of waste generation ~~which is~~ subject to WAC 173-350-300.

(2) ~~(*Materials recovery facilities*~~**Transfer stations and drop box facilities - Permit exemptions** ~~*and notification*~~.

~~(a)~~ In accordance with RCW 70.95.305, drop boxes ~~material recovery facilities~~ managed in accordance with the terms and conditions of Table 310-A ~~(b) of this subsection~~ are exempt from solid waste handling permitting. ~~An owner or operator that does not comply with the terms and conditions of (b) of this subsection is required to obtain a permit from the jurisdictional health department as an intermediate solid waste handling facility and shall comply with the requirements of WAC 173-350-310.~~ If a facility does not operate in compliance with the terms and conditions established for an exemption under this subsection, the facility ~~is~~may be subject to the permitting requirements for solid waste handling under this chapter. In addition, violations of the terms and conditions of~~(cb)~~ this subsection may be subject to the enforcement~~penalty~~ provisions of RCW 70.95.315.

Table 310-A Terms and Conditions for Solid Waste Permit Exemption

	Waste Materials	Specific Requirements for Activity or Operation
(1)	Drop boxes used solely for collecting recyclable materials	(a) Meet the performance standards of WAC 173-350-040; and (b) Allow department and jurisdictional health department representatives to inspect the drop box at reasonable times for the purpose of determining compliance with this chapter.

~~(b) Material recovery facilities shall be managed according to the following terms and conditions to maintain their exempt status:~~

~~(i) Meet the performance standards of WAC 173-350-040;(ii) Accept only source separated recyclable materials and dispose of an incidental and accidental residual not to exceed five percent of the total waste received, by weight per year, or ten percent by weight per load;~~

~~(iii) Allow inspections by the department or jurisdictional health department at reasonable times;~~

~~(iv) Notify the department and jurisdictional health department, thirty days prior to operation, or ninety days from the effective date of the rule for existing facilities, of the intent to operate a material recovery facility in accordance with this section. Notification shall be in writing, and shall include:~~

~~(A) Contact information for facility owner or operator;~~

~~(B) A general description of the facility; and~~

~~(C) A description of the types of recyclable materials managed at the facility;~~

~~(v) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report shall detail facility activities during the previous calendar year and shall include the following information:~~

~~(A) Name and address of the facility;~~

~~(B) Calendar year covered by the report;~~

~~(C) Annual quantities and types of waste received, recycled and disposed, in tons, for purposes of determining progress towards achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4); and~~

~~(D) Any additional information required by written notification of the department.~~

(~~2~~3) ~~*Intermediate solid waste handling*~~ **Transfer stations and drop box facilities - Permit requirements – Location** ~~standards~~. There are no specific location standards for transfer stations or drop box ~~intermediate solid waste handling~~ facilities subject to this chapter; however, ~~intermediate solid waste handling~~ facilities must meet the ~~requirements under~~performance standards of WAC 173-350-040~~(5)~~.

(~~3~~4) ~~*Intermediate solid waste handling*~~ **Transfer stations and drop box facilities - Permit requirements – Design** ~~standards~~. Transfer sta-

tions and drop box facilities must be designed so that the facilities can be operated to meet the performance standards of WAC 173-350-040.

The owner or operator of all transfer stations or drop box ~~intermediate solid waste handling~~ facilities ~~shall~~must prepare engineering reports/plans and specifications to address the following design standards:

(a) ~~Material recovery facilities, t~~Transfer stations~~, baling and compaction sites shall~~must:

(i) Control public access, and prevent unauthorized vehicular traffic and illegal dumping of waste;

(ii) Be sturdy and constructed of easily cleanable materials;

(iii) Provide effective means to control rodents, insects, birds and other vectors;

(iv) Provide effective means to control litter, including but not limited to, orientation of the tipping floor in a manner that prevents prevailing winds from moving waste outside the collection area when other structures are not in place to prevent this;

(v) Provide ~~protection of the tipping floor from wind, rain or snow;~~a tip floor made of impervious material such as concrete or asphalt to prevent soil and groundwater contamination. The surface ~~shall~~must be durable enough to withstand damage from operating equip-

ment. The jurisdictional health department may approve other types of surfaces if the applicant can demonstrate that it will prevent soil and groundwater contamination;

(vi) ~~Provide pollution control measures to protect surface and groundwaters, including runoff collection and discharge designed to handle a twenty-five-year storm as defined in WAC 173-350-100, and equipment cleaning and washdown water;~~Cover the tipping floor to protect it from precipitation;

(vii) ~~Provide pollution control measures to protect air quality; and~~Convey leachate from the tipping floor to a surface impoundment, tank, or sanitary sewer, or use other methods to prevent uncontrolled discharges;

(viii) ~~Provide all-weather surfaces for vehicular traffic.~~Provide for storm water runoff collection and discharge from a twenty-five-year storm;

(ix) Provide pollution control measures to protect air quality; and

(x) Provide all-weather surfaces for vehicular traffic.

(b) Drop ~~boxes shall be constructed of durable watertight materials with a lid or screen on top that prevents the loss of materials~~

~~during transport and access by rats and other vectors, and control litter.~~box facilities must:

(i) Control public access, and prevent unauthorized vehicular traffic and illegal dumping of waste;

(ii) Provide drop boxes constructed of durable, watertight materials with a lid or screen on top that prevents litter, the loss of materials during transport, and access by rats and other vectors;

(iii) Be designed so that customers may easily place waste directly into drop boxes; and

(iv) Provide all-weather surfaces for vehicular traffic.

(5) **Transfer stations and drop box facilities - Permit requirements - Documentation.**

(a) The owner or operator must submit facility drawings and construction documents for, at a minimum, any elements described in (4) of this section to the jurisdictional health department for review and approval. The facility drawings and construction documents must be prepared by an engineer licensed in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features. The engineering report must

demonstrate that the proposed design will meet the performance standards of WAC 173-350-040;

(ii) Scale drawings of the facility including the location and size of waste storage areas, fixed equipment, buildings, storm water management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(iii) Design specifications for the engineered features of the facility as applicable; and

(iv) For new construction, a construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction of the facility, to ensure the facility is constructed in accordance with the approved design.

(b) The owner or operator must provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and any testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly-constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in ac-

cordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(6) ~~*Intermediate solid waste handling*~~ **Transfer stations and drop box facilities - Permit requirements – Operating** ~~standards~~. The owner or operator of a transfer station or drop box ~~intermediate solid waste handling~~ facility ~~shall~~must:

(a) Operate the ~~facility to:~~

~~(i) For material recovery facilities transfer stations, bailing and compaction sites:~~site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan must be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of waste materials to be handled at the facility;

~~(A) Be protective of human health and the environment;~~

~~(B)~~ (ii) A description of the procedures used to ensure that ~~Prohibit the disposal of~~ dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how waste materials are to be handled on-site including maximum facility capacity, methods of adding or removing waste from the facility and equipment used, and how operators will ensure adequate dumping capacity at all times;

(iv) A description of how the owner or operator will ensure the facility is operated in a way to:

(A) Control litter, dust, and nuisance odors;

(B) Control rodents, insects, and other vectors;

~~(C) Control rodents, insects, and other vectors;~~

~~(D) Control litter;~~

(C~~E~~) Prohibit scavenging;

~~(G) Control dust;~~

~~(H) For putrescible waste, control nuisance odors;~~

~~(I) Provide attendant(s) on-site during hours of operation;~~

(D~~J~~) Provide~~Have~~ a sign ~~that must be posted~~ at the site entrance that identifies the facility and shows at ~~least~~ a minimum the name of the site~~, and, if applicable, hours during which the site is open for pub-~~

~~lic use, what materials the facility does not accept and other necessary information posted at the site entrance~~; and

(E) Ensure that waste capable of attracting birds does not pose an aircraft safety hazard.

~~and~~

~~(K) Have communication capabilities to immediately summon fire, police, or emergency service personnel in the event of an emergency.~~(v) A description of how operators will inspect and maintain the facility to prevent deterioration or the release of wastes to the environment that could pose a threat to human health, including the inspection form operators will use. Inspections must be as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(vi) A description of how operators will maintain operating records on the amounts (weight or volume) and types of waste received or removed from the facility, including the form or computer printout used to record this information. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or re-

medial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department;

(vii) Safety and emergency plans; and

(viii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(b) For transfer stations, the plan of operations must also address how the operators will:

(i) Provide attendant(s) on-site during hours of operation;

(ii) Immediately summon fire, police, or emergency service personnel in the event of an emergency;

(iii) Remove or otherwise manage leachate from containment structure(s) to prevent soil and/or groundwater contamination; and

(iv) Remove waste from the tipping floor at least daily.

(c~~ii~~) For drop box facilities, the plan of operations must also address how the operators will ~~:~~

~~(A) Be~~ service~~d~~ the facility as often as necessary to ensure adequate dumping capacity at all times. Storage of waste outside the drop boxes is prohibited;

~~(B) Be protective of human health and the environment;~~

~~(C) Control rodents, insects, and other vectors;~~

~~(D) Control litter;~~

~~(E) Prohibit scavenging;~~

~~(F) Control dust;~~

~~(G) For putrescible waste, control nuisance odors; and~~

~~(H) Have a sign that identifies the facility and shows at least the name of the site, and, if applicable, hours during which the site is open for public use, what materials the facility does not accept and other necessary information posted at the site entrance;~~

~~(b) Inspect and maintain the facility to prevent deterioration or the release of wastes to the environment that could pose a threat to human health. Inspection shall be as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;~~

~~(c) Maintain daily operating records on the weights and types of wastes received or removed from the facility. Facility inspection reports shall be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department;~~

(d) Prepare and submit ~~a copy of~~ an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report ~~shall~~ must detail the facility's activities during the previous calendar year and ~~shall~~ must include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity of each type of solid waste handled by the facility, in tons;

(iv) Destination of waste transported from the facility for processing or disposal; and

(v) Any additional information required by the jurisdictional health department as a condition of the permit.~~(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:~~

~~(i) A description of the types of solid wastes to be handled at the facility;~~

~~(ii) A description of how solid wastes are to be handled on-site during the facility's life, including maximum facility capacity, methods of adding or removing waste from the facility and equipment used;~~

~~(iii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;~~

~~(iv) Safety and emergency plans;~~

~~(v) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;~~

~~(vi) For putrescible wastes, an odor management plan describing the actions to be taken to control nuisance odors;~~

~~(vii) The forms used to record volumes or weights; and~~

~~(viii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.~~

(7~~5~~) ~~*Intermediate solid waste handling*~~ **Transfer stations and drop box facilities - Permit requirements – Groundwater monitoring** ~~re-~~

~~quirements~~. There are no specific groundwater monitoring requirements for ~~intermediate solid waste handling~~transfer stations or drop box facilities subject to this chapter; however, ~~intermediate solid waste handling~~facilities must meet the ~~requirements under~~performance standards of WAC 173-350-040.~~(5)~~

(8~~6~~) ~~*Intermediate solid waste handling*~~ **Transfer stations and drop box facilities - Permit requirements - Closure** ~~requirements~~. The owner or operator of a~~n~~ transfer station or drop box ~~intermediate solid waste handling~~ facility ~~shall~~must develop, keep, and follow a closure plan that includes:

(a) ~~Notify~~ Notification to the jurisdictional health department ninety days ~~one hundred eighty days~~ in advance of closure of a transfer station or a drop box facility; ~~All waste shall be removed to a facility that conforms with the applicable regulations for handling the waste.~~

(b) ~~Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include the methods of removing waste.~~Removal of all waste to a facility that conforms with the applicable regulations for handling the waste; and

(c) Methods of removing waste.

(97) ~~*Intermediate solid waste handling*~~ **Transfer stations and drop box facilities - Permit requirements - Financial assurance**. There are no specific financial assurance requirements for ~~intermediate solid waste handling~~transfer stations and drop box facilities subject to this chapter; however, ~~intermediate solid waste handling~~ facilities must meet the ~~requirements under~~performance standards of WAC 173-350-040~~(5)~~.

(108) **Transfer stations and drop box ~~Intermediate solid waste handling~~ facilities - Permit application contents**. The owner or operator of a~~n~~ transfer station or drop box ~~intermediate solid waste handling~~ facility ~~shall~~must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and WAC 173-350-715, each application for a permit ~~shall~~must contain:

(a) ~~For material recovery facilities, transfer stations, baling and compaction sites:(i)~~ Engineering reports/plans and specifications that address the ~~design~~ standards of subsections (4) and (5)~~(a)~~ of this section;

(b~~ii~~) A plan of operation meeting the applicable requirements of subsection (6~~4~~) of this section; and

(c~~iii~~) A closure plan meeting the requirements of subsection (8~~6~~) of this section~~;~~.

~~(b) For drop boxes:~~

~~(i) Engineering reports/plans and specifications that address the design standards of subsection (4)(b) of this section;~~

~~(ii) A plan of operation meeting the applicable requirements of subsection (5) of this section; and~~

~~(iii) A closure plan meeting the requirements of subsection (7) of this section.~~

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-310, filed 1/10/03, effective 2/10/03.]

WAC 173-350-320 Piles used for storage or treatment.

(1) **Piles used for storage or treatment - Applicability**.

(a) ~~This section is applicable~~applies ~~to~~ These standards apply to ~~solid waste stored or treated~~the storage or treatment ~~or~~ of solid waste ~~treated~~ in piles.

(b) ~~where putrescible waste piles that do not contain municipal solid waste are in place for more than three weeks, nonputrescible waste and contaminated soils and dredged material piles are in place~~

~~for more than three months and municipal solid waste piles are in place for more than three days. This section is not applicable~~does These standards do not apply to:

(i) ~~Waste~~ Ppiles located at composting facilities subject to WAC 173-350-220 that are an integral part of the facility's operation;

(ii) ~~Piles of nonputrescible waste stored in enclosed buildings provided that no liquids or liquid waste are added to the pile;and~~Piles of waste tires ~~or used tires~~ subject to WAC 173-350-350;

(iii) Piles to be land applied that are managed under WAC 173-350-230;

(iv) Piles located at anaerobic digester sites that are subject to WAC 173-350-250; and

(v~~i~~) Impacted soil and impacted sediment managed consistent with the criteria in WAC 173-350-995.

(2) **Piles – Permit exemptions.** In accordance with RCW 70.95.305, ~~storage piles of wood waste used for fuel or as a raw material, wood derived fuel, and agricultural wastes on farms, are subject solely to the requirements of (c)(i) through (iii) F~~facilities managing solid wastes in piles meeting the conditions listed in Table 320-A and the conditions of (a) of this subsection are exempt from solid waste handling permitting. If a facility does not operate in compliance with

the terms and conditions established for an exemption under this sub-section, the facility may be subject to the permitting requirements for solid waste handling under this chapter. ~~An owner or operator that does not comply with the terms and conditions of (c)(i) through (iii) of this subsection is required to Table 320-A and (c) of this subsection must obtain a permit from the jurisdictional health depart-ment and must shall comply with all other applicable requirements of this chapter.~~In addition, violations of the terms and conditions of this subsection may be subject to the ~~penalty~~enforcement provisions of RCW 70.95.315.

Table 320-A Terms and Conditions for Solid Waste Permit Exemptions

	Waste Materials	Volume, Storage Time and Throughput Requirements	Specific Requirements for Activity or Operation
(1)	Non-putrescible solid wastes	Up to 250 cubic yards No storage time limit	No notification or reporting requirements.
(2)	Agricultural waste and on-farm vegeta-tive wastes stored on farms	No volume limit The duration of storage of the entire pile is limited to one year and limited to the amount that will be applied to the site dur-ing a one-year period according to the plan of operation devel-oped under WAC 173-350-230, or less, if the jurisdictional health department believes it is necessary to prevent the con-tamination of groundwater, surface water, air and land. Subsequent accumulation under the same conditions is allowed at the same location after the entire pile has been used.	No notification or reporting requirements.
(3)	Wood waste used for fuel or raw material and wood derived	No volume limit At the end of each calendar	(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the

	fuel	year, the facility must have removed at least 50 percent of the sum of the volume of all waste present at the start of the calendar year and of the volume of all waste accepted during the calendar year. For example: A facility begins the calendar year with 375 CY of wood waste on hand. The facility accepts 280 CY during the calendar year. In order to meet this exemption requirement, at least 0.5 x (375 + 280) = 328 CY must be removed from the facility by the end of the calendar year, leaving no more than 327 CY on hand.	department. Notice of intent must be submitted on a form provided by the department and must be complete. (b) Maintain records on the volume of wastes received, processed, and moved off site for 5 years; and (c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and where it went, and the amount of waste remaining at the facility at year's end, in tons; and (iv) Any additional information required by the department.
(4)	Cured concrete	250 – 2000 cubic yards At the end of each calendar year, the facility must have removed at least 50 percent of the sum of the volume of all waste present at the start of the calendar year and of the volume of all waste accepted during the calendar year. For example: A facility begins the calendar year with 375 CY of cured concrete on hand. The facility accepts 280 CY during the calendar year. In order to meet this exemption requirement, at least 0.5 x (375 + 280) = 328 CY must be removed from the facility by the end of the calendar year, leaving no more than 327 CY on hand.	(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department and must be complete. (b) Maintain records on the volume of wastes received, processed, and moved off site for 5 years; and (c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and where it went, and the amount of waste remaining at the facility at year's end, in tons; and (iv) Any additional information required by the department.
(5)	Asphaltic materials	250 – 2000 cubic yards At the end of each calendar year, the facility must have removed at least 50 percent of the sum of the volume of all waste present at the start of the calendar year and of the volume of all waste accepted during the calendar year. For example: A facility begins	(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department and must be complete. (b) Maintain records on the volume of wastes received, processed, and moved off site for 5 years, and (c) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report

		the calendar year with 375 CY of cured concrete on hand. The facility accepts 280 CY during the calendar year. In order to meet this exemption requirement, at least 0.5 x (375 + 280) = 328 CY must be removed from the facility by the end of the calendar year, leaving no more than 327 CY on hand.	must detail the facility's activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and where it went, and the amount of waste remaining at the facility at year's end, in tons; and (iv) Any additional information required by the department.
(6)	Impacted soils and impacted sediments not meeting management standards of WAC 173-350-995	No volume limit All piles are removed within 90 days from the date storage began	No notification or reporting requirements.
(7)	Piles of non-putrescible waste stored in enclosed buildings provided that no liquids or liquid waste are added to the pile	No volume limit. No time limit.	(a) Thirty days prior to operation, facilities must submit a notification of intent to operate as a conditionally exempt facility to the jurisdictional health department and the department. Notice of intent must be submitted on a form provided by the department and must be complete; and (b) Prepare and submit annual reports to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information: (i) Name and address of the facility; (ii) Calendar year covered by the report; (iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and where it went, and the amount of waste remaining at the facility at year's end, in tons; and (iv) Any additional information required by the department.

(a~~c~~) ~~Owners and operators of all storage~~Management of waste in piles identified in Table 320-A must meet the following terms and conditions to maintain their ~~that are categorically~~ exempt status ~~from solid waste handling permitting in accordance with (b) of this subsection shall~~:

~~(i) (i) Ensure that at least fifty percent of the material stored in the pile is used within one year and all material is used within three years;~~

(i) ~~(ii)~~ Comply with the performance standards of WAC 173-350-040;

~~and~~

(ii) Manage the operation to prevent attraction of vectors; and

(iii) Allow the department ~~and~~or jurisdictional health department ~~representatives~~ to inspect the ~~waste pile~~ site at reasonable times ~~for the purpose of determining compliance with this chapter~~.

~~(d) In accordance with RCW 70.95.305, the storage of inert waste in piles is subject solely to the requirements of (e)(i) through (vi) of this subsection and are exempt from solid waste handling permitting. The storage of inert waste in piles at a facility with a total volume of two hundred fifty cubic yards or less is subject solely to the requirements of (e)(iv) of this subsection. An owner or operator that does not comply with the terms and conditions of (e)(i) through (vi) of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with all other applicable requirements of this chapter. In addition, violations of the terms and~~

~~conditions of (e)(i) through (vi) may be subject to the penalty provisions of RCW 70.95.315.~~

~~(e) Owners and operators of all storage piles that are categorically exempt from solid waste handling permitting in accordance with (d) of this subsection shall:~~

~~(i) Implement and abide by a procedure that is capable of detecting and preventing noninert wastes from being accepted or mixed with inert waste;(ii) Ensure that at least fifty percent of the material stored in the pile is used within one year and all the material is used within three years;~~

~~(iii) Control public access and unauthorized vehicular traffic to prevent illegal dumping of wastes;~~

~~(iv) Comply with the performance standards of WAC 173-350-040;~~

~~(v) Allow department and jurisdictional health department representatives to inspect the waste pile at reasonable times for the purpose of determining compliance with this chapter; and~~

~~(vi) Notify the department and jurisdictional health department thirty days prior to commencing operations of the intent to store inert waste in accordance with this section. Notification shall be in writing, and shall include:~~

~~(A) Contact information for the owner or operator;~~

~~(B) A general description and location of the facility; and~~

~~(C) A description of the inert waste handled at the facility.~~

(~~3~~2) **Piles used for storage or treatment - Permit requirements – Location** ~~standards~~. There are no specific location standards for piles subject to this chapter; however, waste piles must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(~~4~~3) **Piles used for storage or treatment - Permit requirements – Design**. Piles used for storage or treatment of solid waste must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040. If applicable, the owner or operator of a pile used for storage or treatment of solid waste must prepare engineering reports/plans and specifications to address the following design standards:

(a) The maximum waste capacity, elevation and boundaries of the waste pile must be provided. ~~The owner or operator of~~ All piles used for storage or treatment regulated under this section ~~shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. The maximum waste capacity, elevation and boundaries of the waste pile shall be provided. Piles shall~~ must be designed and constructed to meet the following requirements:

(i) Control public access to prevent illegal dumping and unauthorized access to the facility;

(ii) Comply with the ~~uniform~~international fire code as implemented through the local fire control agency, when applicable;

(iii) ~~Minimize~~Control vectors ~~harborage to the extent practicable~~; and

(iv) Provide all-weather surfaces for vehicles~~ularapproach roads and exits~~.

(b) In addition to the requirements of (a) of this subsection, the owner or operator of piles of putrescible waste, ~~contaminated~~ impacted soils or ~~dredged material~~ impacted sediments not otherwise excluded from this section, or waste determined by the jurisdictional health department to ~~be~~ likely ~~to~~ produce leachate posing a threat to human health or the environment ~~shall~~ must prepare engineering reports/plans and specifications of the surface on which the pile(s) will be placed. This must include~~ing~~ an analysis of the surface under the stresses expected during operations, and the design of the surface water management systems including run-on prevention and runoff conveyance, storage, and treatment. The facility ~~piles shall~~ must be designed and constructed to:

(i) Place waste on a ~~sealed~~ impervious surface, such as concrete or asphaltic concrete, to prevent soil and groundwater contamination. The surface ~~shall~~ must be durable enough to withstand material handling practices. The jurisdictional health department~~,~~ may at the time of permitting:

(A) A~~a~~pprove other types of surfaces ~~such as engineered soil,~~ if the applicant can demonstrate that the proposed surface will prevent soil and groundwater contamination; and

(B) Waive the impervious surface requirement if the applicant can demonstrate how soil and groundwater will be protected by other design features or permits.

(ii) Control run-on and runoff from a twenty-five-year storm~~, as defined in WAC 173-350-100~~.

(5) **Piles used for storage or treatment – Permit requirements - Documentation.**

(a) The owner or operator must submit construction documents for, at a minimum, any elements described in (4) of this section to the jurisdictional health department for review and approval. The construction documents must be prepared by an engineer licensed in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features of any impervious surface, such as concrete, asphaltic concrete, or other proposed surface; storm water management features; and emission control features as required by the permitting air authority where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;

(ii) Scale drawings of the facility including the location and size of waste storage areas, fixed equipment, buildings, storm water management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(iii) Design specifications for the engineered features of the facility including any impervious or other proposed surface, run-on/runoff controls, storm water management features, and aeration and emission management features as required by a permitting air authority where applicable; and

(iv) A construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction of the facility to ensure the facility is constructed in accordance with the approved design.

(b) The owner or operator must provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly-constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(6) **Piles used for storage or treatment - Permit requirements – Operating** ~~*standards*~~. The owner or operator of piles used for storage or treatment ~~shall~~must:

(a) Operate the ~~facility to:~~ site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation must be available on-site for inspection at the request of the jurisdictional health department. If necessary, the plan may be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of waste materials to be handled at the facility;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how waste materials are to be handled onsite, including recycling or recovery, storage, maximum facility capacity, methods of adding or removing waste materials from the facility and equipment used, and how operators will ensure adequate dumping capacity at all times;

(iv) A description of how the owner or operator will ensure the facility is operated in a way to:

(A~~i~~) Control litter, ~~fugitive~~ dust, and nuisance odors;

(B~~ii~~) Control rodents, insects, and other vectors;

(C) Control access to the pile; and

~~(iii) Ensure that nonpermitted waste is not accepted at the facility;~~

~~(iv) Control vector harborage and implement vector control as necessary;~~

(D~~v~~) Ensure that waste piles capable of attracting birds do not pose an aircraft safety hazard. ~~and~~

~~**(vi)** For piles of putrescible waste and contaminated soils or dredged material, control nuisance odors;.~~(~~b~~v) A description of how operators will inspect ~~Inspect~~ and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may cause or lead to the release of wastes to the environment or a threat to human health. Inspections ~~shall~~must include the ~~engineered~~ surface on which the piles are placed, and the leachate and storm water control systems. Inspections ~~shall~~must be as needed, but at least weekly, to ensure ~~it~~ the facility is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(vi~~i~~i) A description of how operators will m~~M~~aintain ~~daily~~ operating records on the amounts (weight or volume)~~s~~ and ~~the~~ types of waste received and removed from the facility, including the form or computer printout used to record this information. Facility annual reports must be maintained in the operating record. Facility inspection reports ~~shall~~ must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation ~~shall~~ must be noted in the operating record. Records ~~shall~~

must be kept for a minimum of five years and ~~shall~~ must be available upon request by the jurisdictional health department;

~~(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to the site operating personnel that concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:~~

~~(i) A description of the types of solid waste to be handled at the facility;~~

~~(ii) A description of how solid wastes are to be handled on-site during the facility's life including:~~

~~(A) The maximum amount of waste to be stored or treated in pile(s) at the facility;~~

~~(B) Methods of adding and removing waste from the pile and equipment used;~~

~~(iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;~~

(~~i~~vii) Safety and emergency plans;

~~(v) Forms to record weights or volumes; and~~

(viii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department;

(ix~~f~~) ~~Operate the facility in conformance with the following operating standards when~~ If storing or ~~or~~ treating impacted ~~contaminated~~ soils or impacted sediments ~~dredged material~~each plan of operation must also include:

(A) A description of contaminants and concentrations in impacted soils and impacted sediments that will be handled at the facility;

~~(i) Ensure that all impacted soils and impacted sediments dredged material are sufficiently characterized 995 if propose to use materials under WAC 173-350-995;:~~(B~~A~~) The procedure to ensure that materials are characterized p~~P~~rior to storage or ~~or~~ treatment so that unacceptable contaminants ~~not identified~~, or contaminants at concentrations greater than those provided in the approved plan of operation are not accepted or handled at the facility; ~~and~~

(C) The procedure to ensure that all impacted soils and impacted sediments are sufficiently characterized in accordance with the stand-

ards in WAC 173-350-995 if proposed to use materials under WAC 173-350-995;

(DB) The procedure to ensure that materials that will not be used under WAC 173-350-995 will be ~~Prior to removal to an offsite location so that all soils and dredged material that are not clean soils or dredged material~~ delivered to a facility that meets the requirements of chapter 70.95 RCW, Solid waste management—Reduction and recycling;

(Eii) ~~In addition to the daily operating records in (c) of this subsection,~~ How operators will arecord ~~of~~ the source of impacted ~~contaminated~~ soils and ~~dredged material~~ impacted sediments received at the facility, contaminants and concentrations contained, and any documentation used to characterize soils and sediments. Records ~~shall~~ must be maintained of end uses or disposal, including the location of final placement~~, for any soils or impacted sedimentdredged material removed from the facility that contain residual contaminants~~;

~~(iii) In addition to the elements in (e) of this subsection, the plan of operation shall include:~~

~~(A) A description of contaminants and concentrations in impacted soils and impacted sediment dredged material that will be handled at the facility;~~(FB) A sampling and analysis plan and other procedures used to characterize soils and sediments; and

(GC) Forms used to record the source of impacted ~~contaminated~~ soils or impacted sediments~~dredged material~~, contaminant concentrations and other documentation used for~~to characterize~~ soils and sediments ~~dredged material~~, and end uses and the location of final placement for any impacted soils or impacted sediments~~dredged material removed from the facility that contain residual contaminants~~.

(x~~iiv~~) Treatment of impacted ~~contaminated~~ soils and ~~dredged materials~~ impacted sediments ~~shall~~ must be performed using a process that reduces or eliminates contaminants and harmful characteristics. Impacted ~~Contaminated~~ soils and impacted sediments ~~dredged materials shall~~ must not be diluted to meet treatment goals or as a substitute for disposal, except for incidental dilution of minor contaminants.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of solid waste handled by the facility, including amounts received, amounts removed and where it

went, and the amount of waste remaining at the facility at year's end, in tons;

(iv) Destination of waste material transported from the facility for processing or disposal; and

(v) Any additional information required by the jurisdictional health department as a condition of the permit.

(7~~5~~) **Piles used for storage or treatment~~, or~~ - Permit requirements – Groundwater monitoring** ~~*requirements*~~. There are no specific groundwater monitoring requirements for piles used for storage and treatment subject to this chapter; however, waste piles must meet the ~~requirements provided unde~~performance standards of~~r~~ WAC 173-350-040~~(5)~~.

(8~~6~~) **Piles used for storage or treatment - Permit requirements – Closure** ~~*requirements*~~. The owner or operator of piles used for storage or treatment ~~shall~~ must develop, keep, and follow a closure plan that addresses:

(a) Notification to the jurisdictional health department sixty days in advance of closure;

(b) Removal of all waste ~~shall be removed from the pile at closure~~ to a facility that conforms with the applicable regulations for handling the waste; and

(c) Methods for removing the wastes.

~~(b) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. As a minimum, the closure plan shall include the methods of removing waste.~~

(9~~7~~) **Piles used for storage or treatment - Permit requirements – Financial assurance** ~~*requirements*~~. There are no specific financial assurance requirements for piles used for storage or treatment subject to this regulation chapter; however, waste piles must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(10~~8~~) **Piles used for storage or treatment - Permit application contents**. The owner or operator of piles used for storage or treatment ~~shall~~ must obtain a permit from the jurisdictional health department. All applications for permits ~~shall~~ must be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and WAC 173-350-715, each application for a permit ~~shall~~ must contain:

~~(a) The design of fire control features;~~

(a~~b~~) Engineering reports/plans and specifications that address the ~~design~~ standards of subsections (4~~3~~)and (5) of this section;

(b) A construction quality assurance plan that addresses the requirements of (5) of this section;

(c) A plan of operation meeting the requirements of subsection (5~~4~~) of this section; and

(d) A closure plan meeting the requirements of subsection (8~~6~~) of this section.

~~(9) *Piles used for storage, or treatment, or recycling - Construction records*. The owner or operator of piles used for storage, or treatment, or recycling shall must provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall must not commence operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.~~[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-320, filed 1/10/03, effective 2/10/03.]

WAC 173-350-330 Surface impoundments and tanks.

(1) **Surface impoundments and tanks - Applicability**.

(a) These standards ~~are applicable~~ apply to:

(i) Surface impoundments holding solid waste associated with solid waste facilities including, but not limited to, leachate lagoons associated with landfills permitted under this chapter and chapter 173-351 WAC, Criteria for municipal solid waste landfills, and surface impoundments associated with recycling facilities, transfer stations, and piles used for storage or ~~or~~treatment;

(ii) ~~Above or below ground tanks~~Tanks with a capacity greater than one thousand gallons holding solid waste associated with solid waste handling facilities used to store or treat liquid or semisolid wastes or leachate associated with solid waste handling facilities; and

(iii) Piping systems within the boundaries of solid waste facilities that convey solid waste to or from surface impoundments and tanks as described in (i) or (ii) of this subsection.

(b) These standards ~~are~~ do not apply ~~applicable~~ to:

(i) Surface impoundments ~~or~~, tanks ~~whose facilities~~or piping systems that are ~~regulated under local, state or federal water pollution control permits~~elements of:

(A) Wastewaster treatment systems permitted under local, state or federal water pollution control permits, including storm water per-

mits, which specify similar requirements for surface impoundment, tanks and piping systems associated with the permitted system; and

(~~ii~~B) Leachate ~~holding ponds~~management features at compost facilities regulated under WAC 173-350-220, except that tanks used to store leachate must meet design standards in (4)(b) of this section.

(~~iii~~ii) Septic tanks ~~receiving only domestic sewage~~ regulated under chapter 246-272A WAC, On-site sewage systems, that receive only domestic sewage generated at the solid waste facility~~from facilities at the site~~;

(iii) Wastewater features that convey only domestic sewage generated at the solid waste facility to a domestic wastewater facility.

(iv) Agricultural waste ~~managed according to~~operations conducted in accordance with a farm management plan written in conjunction with the local conservation district;

(v) Underground storage tanks subject to chapter 173-360 WAC, Underground storage tanks; ~~and~~

(vi) Tanks used to store moderate risk waste subject to WAC 173-350-360; and

(vii) Tanks with a capacity of five thousand gallons or less meeting the conditions for exemption under Table 220-A(1), Table 225-A(1) or Table 250-A(1).

(c) Specific elements of these standards apply to or are referenced as criteria for other activities that are primarily regulated under other sections of this chapter, or by other regulations. Those other activities include, but are not limited to:

(i) Beneficial use permit exemptions under WAC 173-350-200(3);

(ii) Composting facility design standards under WAC 173-350-220(4);

(iii) Land application operating criteria under WAC 173-350-230(6);

(iv) Anaerobic digester design standards under WAC 173-350-250(4); and

(v) Standards for facilities storing biosolids or sewage sludge under WAC 173-308-280.

(2) **Surface impoundments and tanks – Permit exemptions.** There are currently no exemptions for surface impoundments and tanks.

(3) **Surface impoundments and tanks - Permit requirements – Location** ~~*standards*~~.

(a) Surface impoundments and tanks ~~shall~~ must not be located in unstable areas unless the owner or operator demonstrates that engineering measures have been incorporated in the facility's design to ensure that the integrity of the liners, monitoring system and struc-

tural components will not be disrupted. The owner or operator ~~shall~~must place the demonstration in the application for a permit.

(b) No surface impoundment or tank regulated under this section may be located closer than one hundred feet to an existing drinking water supply well.

(~~4~~3) **Surface impoundments and tanks - Permit requirements – Design** ~~*standards*~~. Surface impoundments and tanks must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040. The owner or operator of surface impoundments and tanks regulated under this section must prepare engineering reports/plans and specifications to address the following design standards:

(a) ~~The owner or operator of a surface impoundment shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the design standards of this subsection. In determining pond capacity, volume calculations shall be based on the facility design, monthly water balance, and precipitation data. All surface impoundments~~All surface impoundments regulated under this section ~~shall~~ must be designed and constructed to meet the following requirements:

(i) Have a liner consisting of a minimum 30-mil thickness geomembrane overlying a structurally stable foundation to support the liners and the contents of the impoundment. (HDPE geomembranes used as primary liners or leak detection liners ~~shall~~ must be at least 60-mil thick to allow for proper welding.) The jurisdictional health department may approve the use of alternative designs if the owner or operator can demonstrate during the permitting process that the proposed design will prevent migration of solid waste constituents or leachate into the ground or surface waters at least as effectively as the liners described in this subsection.

(ii) Have a groundwater monitoring system ~~which~~ that complies with the requirements of WAC 173-350-500 or a leak detection layer. If a leak detection layer is used, it ~~shall~~ must consist of an appropriate drainage layer underlain by a geomembrane of at least 30-mil thickness.

(iii) Have embankments and slopes designed to maintain structural integrity under conditions of a leaking liner and capable of withstanding erosion from wave action, overfilling, or precipitation.

(iv) Have ~~freeboard equal to or greater than~~a minimum of eighteen inches of freeboard above the design operating capacity to provide protection against wave action, overfilling, or precipitation. Im-

poundment operating capacity volume calculations must be based on the facility design, monthly water balance, and normal climatic precipitation and evaporation data for the location of the facility. During the permitting process the jurisdictional health department may reduce the freeboard requirement provided that other specified engineering controls are in place which prevent overtopping.

(v) Identify a leakage rate for the primary containment system that will trigger corrective action.

(vi) When a surface impoundment is constructed with a single geomembrane liner, the owner or operator ~~liner~~must~~:~~

~~(A) T~~ test the liner ~~be tested~~using an electrical leak location evaluation capable of detecting a hole 3 millimeters in its longest dimension or other equivalent ~~postconstruction~~post-construction test method prior to being placed in service. Results of the test ~~shall~~ must be submitted with the construction record drawings~~.~~; and

~~(vi) Surface impoundments that have the potential to impound more than ten-acre feet (three million two hundred fifty-nine thousand gallons) of liquid measured from the top of the embankment and which would be released by a failure of the containment embankment shall be reviewed and approved by the dam safety section of the department.~~

(vii) ~~No~~All surface impoundment liners ~~shall~~ must be ~~constructed~~designed ~~such~~ so that the bottom of the lowest liner component is ~~less than~~a minimum of five feet ~~(one and one-half meters)~~ above the seasonal high level of groundwater, unless the owner or operator can demonstrate during the permitting ~~procedure~~process that the proposed liner design will not be affected by contact with groundwater. ~~All surface impoundment liners shall be constructed such that the bottom of the lowest component is above the seasonal high level of groundwater.~~ For the purpose of this section, groundwater includes any water-bearing unit ~~which~~ that is horizontally and vertically extensive, hydraulically recharged, and volumetrically significant.

(b) ~~The owner or operator of a tank used to store or treat liquid or semisolid wastes meeting the definition of solid waste or leachate, shall prepare engineering reports/plans and specifications, including a construction quality assurance plan, to address the following design standards:~~Tanks must be designed and constructed to meet the following requirements:

(i) Tanks and ancillary equipment ~~shall~~ must be tested for leaks or tightness using a method acceptable to the jurisdictional health department prior to being covered, enclosed or placed in use. If a tank is found to leak or not to be tight, all repairs necessary to

remedy the leak(s) in the system ~~shall~~ must be performed and verified to the satisfaction of the jurisdictional health department prior to the tank being covered or placed in use;

(ii) Tanks that are constructed or installed to be wholly or partially ~~B~~below ground ~~tanks and other tanks where all or portions of the tank are not readily visible shall~~must ~~be~~:

(A) ~~Retested for tightness at a minimum of once every two years; or~~ Be designed to resist buoyant forces in areas of high groundwater ~~and shall either be:~~;

(B) Be ~~E~~equipped with a leak detection system capable of detecting a release from the tank; and

(C) Have a leakage rate identified for the primary containment system. Leakage above this rate will trigger corrective action.

(iii) For tanks or components in which the external shell of a metal tank or any metal component will be in contact with the soil or water, a determination ~~shall~~ must be made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank during its operating life. This determination ~~shall~~ must be included with design information submitted with the permit application;

(iv) Above ground tanks ~~shall~~ must be equipped with secondary containment. This may be accomplished by use of a double-walled tank with leak detection, or construction of a separate containment structure using materials~~constructed of, or lined with, materials~~ compatible with the waste being stored and capable of containing the volume of the largest tank within its boundary plus the precipitation from ~~the~~ a twenty-five-year storm if containment structure is exposed to precipitation~~ event as defined in WAC 173-350-100~~;

(v) Areas used to load or unload tanks ~~shall~~ must be designed to contain spills, ~~drippage~~ drips and accidental releases during loading and unloading of vessels;

(vi) Tanks and piping ~~shall~~ must be protected from impact by vehicles or equipment through use of curbing, grade separation, bollards or other appropriate means;

(vii) Tanks ~~shall~~ must be structurally suited for the proposed use; and

(viii) Tanks, valves, fittings and ancillary piping ~~shall~~ must be protected from failure caused by freezing.

(c) All facilities which include surface impoundments or tanks regulated under this section must provide controls to limit public access and prevent unauthorized vehicular traffic and illegal dumping of

wastes. This must be accomplished by use of artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment. A lockable gate is required at each entry to the facility.

(5) **Surface impoundments and tanks – Permit requirements – Documentation.**

(a) The owner or operator must submit construction documents for, at a minimum, any elements described in (4) of this section to the jurisdictional health department for review and approval. The construction documents must be prepared by an engineer licensed in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features of surface impoundment and tank systems, storm water management features, and emission control features as required by the permitting air authority where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;

(ii) Scale drawings of the facility including the location and size of waste storage areas, fixed equipment, buildings, storm water management features where applicable, access roads, traffic patterns,

and other constructed areas and buildings integral to facility operation;

(iii) Design specifications for the engineered features of the facility including any surface impoundment and tank systems, run-on/runoff controls, storm water management features, and aeration and emission management features as required by a permitting air authority where applicable; and

(iv) A construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction of the facility to ensure the facility is constructed in accordance with the approved design.

(b) The owner or operator must provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly-constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(64) **Surface impoundments and tanks - Permit requirements – Operating** ~~*standards*~~. The owner or operator of a surface impoundment or tank ~~shall~~must:

(a) Operate the facility ~~to:~~

~~(i) Prevent overfilling of surface impoundments or tanks and maintain required freeboard;~~

~~(ii) Control access to the site;~~

~~(iii) Control nuisance odors for wastes or liquids with the potential to create nuisance odors; and~~

~~(iv) Control birds at impoundments storing wastes capable of attracting birds.~~

in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must

~~(b)~~ ~~Inspect surface impoundments, tanks and associated piping, pumps and hoses as needed, but at least weekly, to ensure they are meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. In addition, surface impoundments shall have regular liner inspections. Their frequency and methods of inspection shall be specified in the plan of operation and shall be based on the type of liner, expected service life of the material, and the site-specific service~~

~~conditions. The inspections shall be conducted at least once every five years, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. The jurisdictional health department shall be given sufficient notice and have the opportunity to be present during liner inspections.~~

develop, keep, and follow a plan of operation approved as part of the permitting process. The plan must describe the facility's operation and convey to site operating personnel the concept of operation intended by the designer. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan may be modified with the approval, or at the direction, of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of solid waste to be handled at the facility;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how wastes are handled on-site during the facility's active life, including:

(A) The equipment and procedures that will be used to prevent overfilling of surface impoundments or tanks;

(B) The equipment and procedures that will be used to maintain a minimum of eighteen inches of freeboard in surface impoundments; and

(C) The equipment and procedures that will be used to control access to the site.

(iv) A description of how the owner or operator will ensure the facility is operated in a way to:

(A) Control litter, dust, and nuisance odors; and

(B) Control rodents, insects, and other vectors.

(v) A description of how operators will inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may cause or lead to the release of wastes to the environment that could pose a threat to human health, including the inspection form operators will use. Inspections must be conducted as needed, but at least weekly, to ensure the facility is meeting the operational standards unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. Facility inspection reports must be maintained in the operating record. The elements addressed in this description must include:

(A) The groundwater monitoring system, if required;

(B) The overfilling prevention equipment, including details of filling and emptying techniques;

(C) The liners and embankments, tank piping and secondary containment;

(D) Procedures for cleaning containment structures, including removal of sediment, vegetation, and debris; and

(E) Procedures for testing surface impoundment liners, tanks, and piping systems for leaks.

(vi) A description of how the operators will maintain operating records on the amounts (weight or volume) and types of waste received and removed from the facility, including the form or computer printout used to record this information. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department;

(vii) A description of safety planning and emergency activities, including:

(A) How on-site fire protection will be provided, as determined by the local and state fire control jurisdiction;

(B) How communications sufficient to handle emergencies will be provided between employees working at the facility and management offices, on-site and offsite;

(C) Response procedures in the event of fire, a description of fire protection equipment available on-site and actions to take if there is a fire or explosion; and

(D) Response procedures in the event leaks are detected, or other releases occur.

(viii) Acknowledgment that the owner or operator will inspect surface impoundments, tanks and associated piping, pumps and hoses as needed, but at least weekly, to ensure they are operating as designed and meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;

(ix) Acknowledgment that the owner or operator will inspect surface impoundment liners for leaks no less frequently than every five years. The frequency and methods of inspection must be specified in

the plan of operation and must be based on the type of liner, expected service life of the material, and the site-specific service conditions. The jurisdictional health department must be given sufficient notice and have the opportunity to be present during liner inspections;

(x) Acknowledgment that the owner or operator will conduct leak or tightness testing no less frequently than every two years on all below-ground tanks and other tanks and piping that have not been equipped with a leak detection system capable of detecting a release from the tank or piping and where any portions of the tank or piping cannot be inspected visually. The jurisdictional health department must be given sufficient notice and have the opportunity to be present during leak or tightness testing events; and

(xi) Other details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

(A) Name and address of the facility;

(B) Calendar year covered by the report;

(C) Results of groundwater monitoring in accordance with WAC 173-350-500, if applicable;

(D) Results of leak detection system monitoring, if applicable;

(E) Results of liner inspections and piping tightness testing, if applicable; and

(F) Any additional information required by the jurisdictional health department as a condition of the permit.

(7~~5~~) **Surface impoundments and tanks - Permit requirements – Groundwater monitoring** ~~*requirements*~~.

(a) Surface impoundments not equipped with a leak detection layer are subject to the groundwater monitoring requirements of WAC 173-350-500.

(b) Surface impoundments equipped with a leak detection layer and tanks are not subject to the groundwater monitoring requirements of this chapter; however, surface impoundments must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(8~~6~~) **Surface impoundments and tanks - Permit requirements – Closure** ~~*requirements*~~. The owner or operator of a surface impoundment or

tank ~~shall~~ must develop, keep, and follow a closure plan that includes:

(a) ~~Notify~~ Notification to the jurisdictional health department sixty days in advance of closure; ~~All waste from the surface impoundment or tank shall be removed to a facility that conforms with the applicable regulations for handling the waste.~~

(b) ~~Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include the methods of removing waste.~~ Removal of all waste material from the surface impoundment or tank to a facility that conforms with the applicable regulations for handling the waste; and

(c) Methods of removing waste material.

(9~~7~~) **Surface impoundments and tanks - Permit requirements – Financial assurance** ~~*requirements*~~. There are no specific financial assurance requirements for surface impoundments or tanks subject to this chapter; however, surface impoundments and tanks must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(10~~8~~) **Surface impoundments and tanks - Permit application contents**. ~~(a)~~The owner or operator of a surface impoundment or tank ~~shall~~ must obtain a solid waste permit from the jurisdictional health de-

partment, either as a separate permit or in compliance with (11)(a). All applications for permits ~~shall~~ must be submitted in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and WAC 173-350-715, each application for a permit involving surface impoundments or tanks ~~shall~~ must contain:

(~~i~~a) Engineering reports/plans and specifications that address the ~~design~~ standards of subsections (4~~3~~) and (5) of this section;

(b) A construction quality assurance plan that addresses the requirements of (5) of this section;

(~~ii~~c) A plan of operation meeting the requirements of subsection (~~4~~6) of this section;

(~~iii~~d) For surface impoundments not equipped with a leak detection layer, hydrogeologic reports and plans that address the requirements of subsection (7~~5~~) of this section;

(~~iv~~e) A closure plan meeting the requirements of subsection (8~~6~~) of this section; and

(f) Documentation that all owners of property located within one hundred feet of the surface impoundment or tank have been notified that the proposed facility may impact their ability to construct water

wells, in accordance with chapter 173-160 WAC, Minimum standards for construction and maintenance of wells.

~~(9) *Surface impoundments and tanks - Construction records*. The owner or operator of a surface impoundment or tank shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.~~

(11) **Surface impoundments and tanks – Relationship to other permits.**

(a) Permits for other types of solid waste facilities with surface impoundments or tanks to which this section is applicable must address the applicable requirements of this section in addition to requirements for the other types of solid waste handling.

(b) Surface impoundments that have the potential to impound more than ten-acre feet (three million two hundred fifty-nine thousand gal-

lons) of liquid measured from the top of the embankment and would be released by a failure of the containment embankment must also be reviewed and approved by the dam safety section of the department.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-330, filed 1/10/03, effective 2/10/03.]

WAC 173-350-350 Waste tire storage. ~~and transportation.~~

(1) **Waste tire storage ~~and transportation~~ - Applicability.**

(a) ~~This section is applicable~~ These standards apply to ~~all~~ facilities that store waste tires in quantities greater than eight hundred automobile tires or greater than ~~sixteen thousand pounds~~ eight tons of all types of waste tires.

~~(a) This section is not applicable~~These standards do not apply to

(b) ~~(i) t~~The storage of waste tires in ~~an enclosed building or in~~ mobile containers used to transport waste tires. For purposes of this section, mobile containers must be used primarily for the transport of tires and must be moved between the storage facility and off site annually.

~~(b) Persons engaged in the business of transporting waste tires except for:~~

~~(i) Any person transporting five tires or less;~~

~~(ii) Any person transporting used tires back to a retail outlet for repair or exchange;~~

~~(iii) Any waste hauler regulated by chapter 81.77 RCW, Solid waste collection companies;~~

~~(iv) The United States, the state of Washington or any local government, or contractors hired by these entities, when involved in the cleanup of illegal waste tire piles; and~~

~~(v) Tire retailers associated with retreading facilities who use company-owned vehicles to transport waste tires for the purposes of retreading or recycling.~~

(2) **Waste tire storage – Permit exemptions.** There are currently no exemptions for waste tire storage. ~~*Waste tire storage and transportation - Transportation prohibitions and enforcement.*~~

~~(a) No person shall enter into a contract for transportation of waste tires with an unlicensed waste tire transporter.~~

~~(b) Waste tires shall only be delivered to a facility that has obtained the required permits or licenses for storage, processing, or disposal of waste tires.~~

~~(c) Any person subject to this section who transports or stores waste tires without a valid waste tire carrier license or waste tire storage license issued by the Washington State Department of licensing shall be subject to the penalty provisions of RCW 70.95.560.~~

~~(3) *Waste tire storage and transportation - Carrier license requirements.*~~

~~(a) All persons subject to this section engaged in the business of transporting waste tires are required to obtain a waste tire carrier license from the Washington state department of licensing.~~

~~(b) Application forms for a waste tire carrier license will be available at unified business identifier service centers located throughout the state. Unified business identifier service locations include:~~

~~(i) The field offices of the department of revenue and the department of labor and industries;~~

~~(ii) The tax offices of employment security;~~

~~(iii) The Olympia office of the secretary of state; and~~

~~(iv) The business license service office of the Washington state department of licensing.~~

~~(c) An application for a waste tire carrier license and a cab card for one vehicle shall include a two hundred fifty dollar applica-~~

~~tion fee, fifty dollars of which shall be nonrefundable. Each additional vehicle cab card to be used by the licensee requires an additional fifty dollar fee. The application shall include:~~

~~(i) A performance bond in the sum of ten thousand dollars in favor of the state of Washington; or~~

~~(ii) In lieu of the bond, an applicant may submit other financial assurance acceptable to the department.~~

~~(d) The refundable portion of application fees may be returned to the applicant if the application is withdrawn before the department has approved or denied the application.~~

~~(e) A waste tire carrier license shall be valid for one year from the date of approval.~~

(~~4~~3) **Waste tire storage ~~and transportation~~ - Permit requirements - Location** ~~*standards*~~. There are no specific location standards for waste tire storage sites subject to this chapter; however, waste tire storage sites must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(~~5~~4) **Waste tire storage ~~and transportation~~ - Permit requirements - Design** ~~*standards*~~. Waste tire storage facilities must be designed so that the facility can be operated to meet the performance standards of 173-350-040. The owner or operator of a waste tire storage ~~area~~ facil-

ity ~~shall~~ must prepare engineering reports/plans and specifications to address the design standards of this subsection. The maximum number of tires to be stored on site and the individual ~~pile~~ waste tire storage locations and size~~d~~s ~~shall~~ must be provided. ~~The f~~Facility design requirements are as follows:~~shall be designed so that~~

(a) Unless otherwise specified in fire code, waste tires stored inside an enclosed building or structure must be stored so that:

(i) Storage piles or racks adjacent to or along one wall do not extend beyond twenty-five feet from the wall, do not exceed fifty feet in length along the wall, and do not exceed thirty feet in height;

(ii) Storage piles or racks not adjacent to or along a wall do not exceed fifty feet in width and do not exceed thirty feet in height;

(iii) Aisles between storage piles or racks are no less than eight feet in width; and

(iv) Buildings and structures where the designated area for the storage of tires exceeds twenty thousand cubic feet in space are equipped throughout with an automatic sprinkler system.

(b) Unless otherwise specified in fire code, waste tires stored outside must be stored so that:

(i) ~~(a)~~ The size of any individual pile of waste tires ~~stored outside shall be~~ is limited to:

~~(i)~~(A) A maximum area of five thousand square feet;

(B)~~(ii)~~ A maximum volume of fifty thousand cubic feet; and

(C)~~(iii)~~ A maximum height of ten feet.

(ii) ~~(b)~~ A clear space of at least forty feet between each pile of waste tires ~~shall be~~ is provided. The clear space ~~shall~~ must not contain flammable or combustible material or vegetation;

(iii) ~~(c)~~ Tire storage ~~shall~~ is not ~~be~~ located within fifty~~ten~~ feet of any property line or building; ~~and shall not exceed six feet in height within twenty feet of any property line or building; and~~

(iv) Tire storage is not located within one hundred feet of brush or forested areas;

(v) Where the total volume of waste tires stored on site is more than one hundred and fifty thousand cubic feet, storage arrangement must meet the following:

(A) Individual storage piles comply with size and separation requirements outlined in 4(b)(i-iv) of this subsection;

(B) Adjacent storage piles are considered a group, and the aggregate volume of storage piles in a group do not exceed one hundred and fifty thousand cubic feet; and

(C) Separation between groups is at least seventy-five feet.

(vi) Waste tire storage is not located under bridges, elevated trestles, elevated roadways, or elevated railroads.

(c)~~(d)~~ Public access ~~shall be limited~~ to any waste tire storage facility must be limited.

(5) **Waste tire storage – Permit requirements – Documentation.**

(a) The owner or operator must submit construction documents for, at a minimum, any elements described in (4) of this section to the jurisdictional health department for review and approval. The construction documents must be prepared by an engineer licensed in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of WAC 173-350-040; and

(ii) Scale drawings of the facility including the location and size of waste storage areas, fixed equipment, buildings, storm water management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation.

(6) **Waste tire storage ~~and transportation~~ - Permit requirements – Operating** ~~*standards*~~. The owner or operator of a waste tire storage facility ~~shall~~must:

~~(a) Operate the facility to:~~

~~(i) Have communication capabilities to immediately summon fire, police, or other emergency service personnel in the event of an emergency;~~

~~(ii) Control public access in a manner sufficient to prevent arson, unauthorized vehicular traffic and illegal dumping of wastes;~~

~~(iii) Manage waste tires in such a way that it is protected from any material or conditions which may cause them to ignite;~~

~~(iv) Limit the total quantity of waste tires stored on-site at any time to the amount permitted by the jurisdictional health department;~~

~~(v) Provide on-site fire control equipment sufficient to extinguish any fire reasonably possible from one individual pile of waste tires. Fire control equipment may include, but is not limited to:~~

~~(A) Automatic sprinkler protection;~~

~~(B) Fire hydrants, hoses and ancillary equipment;~~

~~(C) Portable fire extinguishers; and~~

~~(D) Material-handling equipment capable of moving tires during firefighting operations;~~

~~(vi) Provide vector control; and~~

~~(vii) Issue written receipts upon receiving loads of waste tires;~~

~~(b) Inspect and maintain the facility to prevent malfunctions, deterioration, operator errors and discharges that may lead to the release of wastes to the environment or cause a threat to human health. Inspections shall be as needed, but at least weekly, to ensure it is meeting the operational standards, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process;~~

~~(c) Maintain daily operating records including:~~

~~(i) The numbers of tires received and removed from the site. Quantities may be measured by:~~

~~(A) Actual number of tires; or~~

~~(B) Weight, provided the operator documents the approximate number of tires included in each load; or~~

~~(C) Volume in cubic yards, provided the operator documents the approximate number of tires included in each load;~~

~~(ii) Facility inspection reports;~~

~~(iii) Significant deviations from the plan of operation;~~

~~(iv) Records shall be kept for a minimum of five years and shall be available upon request by the jurisdictional health department;~~

~~(d) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report shall detail the facility activities during the previous calendar year and shall include the following information:~~

~~(i) Name and address of the facility;~~

~~(ii) Calendar year covered by the report;~~

~~(iii) Annual quantity of tires, in tons;~~

~~(iv) Annual quantity of tires removed from the facility and end use, in tons;~~

~~(v) Total tons of tires remaining at the facility at year's end;~~

~~(vi) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and~~

~~(vii) Any additional information required by the jurisdictional health department as a condition of the permit;~~

~~(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be~~

~~available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:~~

~~(i) A description of how waste tires are to be handled on-site during the active life including:~~

~~(A) Transportation and routine storage; and~~

~~(B) Procedures for ensuring that all waste tires received by the facility have been transported in accordance with this section;~~

~~(ii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;~~

~~(iii) Safety, fire and emergency plans addressing the following:~~

~~(A) Procedures for the use of communications equipment to immediately report emergencies to the fire department, police, or emergency service personnel;~~

~~(B) A list of all emergency equipment at the facility including the location and a brief description of its capabilities;~~

~~(C) Procedures for firefighting and the operation of fire control equipment;~~

~~(D) Employee training and emergency duty assignments;~~

~~(E) Procedures for and frequency of fire drills;~~

~~(iv) The forms used to record weights and volumes; and~~

~~(v) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.~~

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan may be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of waste tires to be handled at the facility;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how waste tires are to be handled on-site during the facility's life, including:

(A) Routine storage;

(B) Procedures for ensuring that all waste tires received by the facility have been transported in accordance with the waste tire carrier section WAC 173-350-355;

(C) Maximum facility capacity; and

(D) Methods of adding or removing waste tires from the facility and equipment used.

(iv) A description of how the owner or operator will ensure the facility is operated in a way to:

(A) Control litter, dust, and nuisance odors;

(B) Control rodents, insects, and other vectors;

(C) Control public access in a manner sufficient to prevent arson, unauthorized vehicular traffic, illegal dumping of wastes, and to prohibit scavenging;

(D) Prohibit open burning and manage waste tires in a way to protect them from any material or conditions that may cause them to ignite;

(E) Provide attendant(s) on-site during hours of operation;

(F) Provide a sign at the site entrance that identifies the facility and shows at a minimum the name of the site;

(G) Immediately summon fire, police, or emergency service personnel in the event of an emergency;

(H) Limit the total quantity of waste tires stored on-site at any time to the amount permitted by the jurisdictional health department;

(I) Provide on-site fire control equipment sufficient to extinguish any fire reasonably possible from one individual pile of waste tires. Fire control equipment may include, but is not limited to automatic sprinkler protection, fire hydrants, fire hoses, ancillary firefighting equipment, portable fire extinguishers, and material-handling equipment capable of moving tires during firefighting operations; and

(J) Issue written receipts upon receiving loads of waste tires.

(v) A description of how operators will inspect and maintain the facility to prevent deterioration or the release of wastes to the environment that could pose a threat to human health, including the inspection form operators will use. Inspections must be as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. Facility inspection reports must be maintained in the operating record;

(vi) A description of how operators will maintain operating records on the amounts (number of tires, weight of tires in tons, or volume of tires in cubic yards) and types of waste received and removed from the facility, including the form or computer printout used to record this information. Weight and volume are adequate measurements

provided that the operator documents the approximate number of tires included in each load. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department; ~~—~~ ~~:~~

(vii) Safety, fire, and emergency plans addressing the following:

(A) Procedures for the use of communications equipment to immediately report emergencies to the fire department, police, or emergency service personnel;

(B) A list of all emergency equipment at the facility including the location and a brief description of its capabilities;

(C) Procedures for firefighting and the operation of fire control equipment;

(D) Employee training and emergency duty assignments; and

(E) Procedures for and frequency of fire drills.

(viii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity of tires received, in tons;

(iv) Annual quantity of tires removed from the facility and where they went, in tons;

(v) Total tons of tires remaining at the facility at year's end;

(vi) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and

(vii) Any additional information required by the jurisdictional health department as a condition of the permit.

(7) **Waste tire storage ~~and transportation~~ - Permit requirements – Groundwater monitoring** ~~*requirements*~~. There are no specific groundwater monitoring requirements for waste tire storage sites; however, waste

tire storage sites must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(8) **Waste tire storage ~~and transportation~~ - Permit requirements – Closure ~~requirements~~.**

(a) The owner or operator of a facility that stores waste tires ~~shall~~ must develop, keep, and follow a closure plan that includes:

(i~~a~~) Notification to~~y~~ the jurisdictional health department and ~~where applicable~~the financial assurance instrument provider, one hundred eighty days in advance of closure;

(ii~~b~~) Commencement of closure ~~implementation of the closure plan~~, in part or whole, within thirty days after receipt of the final waste tires;

(iii) Projected time intervals that identify when partial closure is to be implemented;

(iv) Closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument;

(v) Methods of waste tire removal; and

(vi~~c~~) ~~Provide c~~Submittal of a certification that the site has been closed in accordance with the approved closure plan to the jurisdictional health department~~; and~~.

~~(d) Develop, keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum the closure plan shall include:~~

~~(i) Projected time intervals that identify when partial closure is to be implemented, and identify closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument; and~~

~~(ii) Methods of waste tire removal.~~

(b~~e~~) The jurisdictional health department ~~shall~~ must notify the owner or operator, the department, and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility has been closed in accordance with the specifications of the approved closure plan.

(9) **Waste tire storage ~~and transportation~~ - Permit requirements – Financial assurance ~~requirements~~**.

(a) The owner or operator ~~shall~~ must establish a financial assurance mechanism in accordance with WAC 173-350-600 for closure in accordance with the approved closure plan. The funds ~~shall~~ must be sufficient for hiring a third party to remove the maximum number of tires permitted to be stored at the facility and deliver the tires to a facility permitted to accept the tires.

(b) Nothing in this section ~~shall~~ may prohibit the application of funds from an existing bond as required under RCW 70.95.555, to the total amount required for financial assurance, ~~provided~~ if the bond can be used for the activities described in (a) of this subsection.

(c) No owner or operator ~~shall~~ may commence or continue operations at the site until a financial assurance instrument has been provided for closure activities in conformance with WAC 173-350-600.

(10) **Waste tire storage ~~and transportation~~ - ~~Solid waste p~~Permit application contents** ~~*requirements*~~. A person who stores more than eight hundred automobile tires or the combined weight equivalent of eight tons of waste tires ~~The owner or operator shall~~ must obtain a solid waste permit from the jurisdictional health department. All applications for permits ~~shall~~ must be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and WAC 173-350-715, each application for a permit ~~shall~~ must contain:

(a) Engineering reports/plans and specifications that address the ~~design~~ standards of subsections (~~5~~4) and (5) of this section;

(b) A plan of operation addressing the requirements of subsection (6~~5~~) of this section;

(c) A closure plan meeting the requirements of subsection (8~~7~~) of this section; and

(d) Documentation as needed to meet the financial assurance requirements of subsection (9~~8~~) of this section.

(11) **Waste tire storage ~~and transportation~~ - Storage site license requirements**.

(a) ~~In order to~~ An owner or operator of a waste tire storage facility must obtain a waste tire storage license. The facility owner or operator ~~shall~~ must first obtain a solid waste handling permit for the storage of waste tires from the jurisdictional health department.

(b) Application forms for a waste tire storage site owner license are available at unified business identifier service locations located throughout the state. Unified business identifier service locations include:

(i) The field offices of the Washington state ~~D~~department of revenue and the Washington state department of labor and industries;

(ii) The tax offices of Washington state department of employment security;

(iii) The Olympia office of the secretary of state; and

(iv) The business license service office of the Washington state department of revenue.

(c) An application for a waste tire storage site owner license ~~shall~~ must include an ~~two hundred fifty dollar~~ application fee determined by the Washington state department of revenue for each facility~~,~~ ~~fifty dollars of which shall be nonrefundable~~. ~~The~~ A refundable portion of application fees may be returned to the applicant under the following conditions:

(i) The department determines that a solid waste permit would meet the substantive requirements of RCW 70.95.555 and determines that a license is not required; or

(ii) The applicant withdraws the application before the department has approved or denied the application.

(d) A waste tire storage site license ~~shall~~ is~~be~~ valid for one year from the date of approval and must be renewed annually.

(12) **Waste tire storage prohibitions and enforcement.**

(a) Waste tires may only be delivered to a facility that has obtained the required permits or licenses for storage, processing, or disposal of waste tires.

(b) Any person subject to this section who stores waste tires without a valid waste tire storage license issued by the Washington state department of revenue is subject to the enforcement provisions of RCW 70.95.560.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-350, filed 1/10/03, effective 2/10/03.]

WAC 173-350-355 Waste tire transportation.

(1) **Waste tire transportation - Applicability.** These standards apply to:

(a) Persons engaged in the business of transporting waste tires except for:

(i) Any person transporting five tires or less;

(ii) Any person transporting used tires back to a retail outlet for repair or exchange;

(iii) Any waste hauler regulated by chapter 81.77 RCW, Solid waste collection companies;

(iv) The United States, the state of Washington or any local government, or contractors hired by these entities, when involved in the cleanup of illegal waste tire piles; and

(v) Tire retailers associated with retreading facilities who use company-owned vehicles to transport waste tires for the purposes of retreading or recycling.

(~~3~~2) **Waste tire transportation - Carrier license requirements.**

(a) All persons subject to this section engaged in the business of transporting waste tires are required to obtain a waste tire carrier license from the Washington state department of revenue.

(b) Application forms for a waste tire carrier license will be available at unified business identifier service centers located throughout the state. Unified business identifier service locations include:

(i) The field offices of the Washington state department of revenue and the Washington state department of labor and industries;

(ii) The tax offices of Washington state department of employment security;

(iii) The Olympia office of the secretary of state; and

(iv) The business license service office of the Washington state department of revenue.

(c) An application for a waste tire carrier license and a cab card for one vehicle must include an application fee determined by the Washington state department of revenue. Each additional vehicle cab card to be used by the licensee requires an additional fee determined by the Washington state department of revenue. The application must include:

(i) A performance bond in the sum of ten thousand dollars in favor of the state of Washington; or

(ii) In lieu of the bond, an applicant may submit other financial assurance acceptable to the department.

(d) A refundable portion of application fees may be returned to the applicant if the application is withdrawn before the department has approved or denied the application.

(e) A waste tire carrier license is valid for one year from the date of approval and must be renewed annually.

[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-350, filed 1/10/03, effective 2/10/03.]

(3) **Waste tire transportation - Prohibitions and enforcement.**

(a) No person may enter into a contract for transportation of waste tires with an unlicensed waste tire transporter.

(b) Waste tires may only be delivered to a facility that has obtained the required permits or licenses for storage, processing, or disposal of waste tires.

(c) Any person subject to this section who transports waste tires without a valid waste tire carrier license issued by the Washington state department of revenue is subject to the enforcement provisions of RCW 70.95.560.

WAC 173-350-360 Moderate risk waste handling.

(1) **Moderate risk waste handling - Applicability.**

(a) ~~This section is applicable~~ These standards apply to:

(i) Any facility that accepts segregated solid waste categorized as moderate risk waste (MRW), as defined in WAC 173-350-100;

(ii) A "transporter" or "marine terminal operator" who owns or leases and operates a "transfer facility" (as these terms are defined in WAC 173-303-040) or a transfer facility at a marine terminal and stores a shipment of MRW or household hazardous waste (HHW) for a period of longer than ten days. Such shipments must be documented on a shipping paper according to 49 C.F.R. Subpart C – Shipping Paper Parts 172.200 through 172.204. A transporter must maintain ten-day storage records that include the dates that a shipment of MRW and HHW entered the transfer facility and departed the transfer facility. Ten-day records must be retained for two years; and

(iii) Mobile systems and collection events.

(b) ~~This section is~~ These standards do not ~~applicable~~ apply to:

(i) A transporter or marine terminal operator who owns or leases and operates a transfer facility or a transfer facility at a marine terminal and stores a shipment of MRW or HHW that is documented on a

shipping paper according to 49 C.F.R. Subpart C – Shipping Paper Parts 172.200 through 172.204 for a period of 10 days or less;~~Persons transporting MRW managed in accordance with the requirements for shipments of manifested dangerous waste under WAC 173-303-240;~~

(ii) Universal waste regulated under chapter 173-303 WAC, Dangerous Waste Regulations; and

(iii) Conditionally exempt small quantity generators managing their own wastes in compliance with the performance standards of WAC 173-350-040 and WAC 173-303-070 (8)(b).

(2) **Moderate risk waste handling – Permit exemptions.** ~~*Mobile systems and collection events*. In accordance with RCW 70.95.305, the operation of mobile systems and collection events are subject solely to the requirements of (a) through (n) of this subsection and are exempt from solid waste handling permitting. An owner or operator that does not comply with the terms and conditions of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with the applicable requirements for a moderate risk waste handling facility. In addition, violations of the terms and conditions of this subsection may be subject to the penalty provisions of RCW 70.95.315. Owners and operators of mobile systems and collection events shall:~~

~~(a) Notify the department and the jurisdictional health department of the intent to operate a mobile system or collection event at least thirty days prior to commencing operations. The notification shall include a description of the types and quantities of MRW to be handled;~~

~~(b) Manage mobile systems or collection events in compliance with the performance standards of WAC 173-350-040;~~

~~(c) Record the weights or gallons of each type of MRW collected, number of households and conditionally exempt small quantity generators served, and type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal). Records shall be maintained for a period of five years and will be made available to the department or jurisdictional health department on request;~~

~~(d) Ensure that the MRW at a mobile system or collection event is handled in a manner that:~~

~~(i) Prevents a spill or release of hazardous substances to the environment;~~

~~(ii) Prevents exposure of the public to hazardous substances; and~~

~~(iii) Results in delivery to a facility that meets the performance standards of WAC 173-350-040;~~

~~(e) Ensure that incompatible wastes are not allowed to come into contact with each other;~~

~~(f) Ensure that containers holding MRW remain closed except when adding or removing waste in order to prevent a release of MRW through evaporation or spillage if overturned;~~

~~(g) Ensure that containers holding MRW have legible labels and markings that identify the waste type;~~

~~(h) Ensure that containers holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);~~

~~(i) Ensure that personnel are familiar with the chemical nature of the materials and the appropriate mitigating action necessary in the event of fire, leak or spill;~~

~~(j) Control public access and prevent unauthorized entry;~~

~~(k) Prepare and submit a copy of an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report shall detail the collection activities during the previous calendar year and shall include the following information:~~

~~(i) Name of owner or operator, and locations of all collection sites;~~

~~(ii) Calendar year covered by the report;~~

~~(iii) Annual quantity and type of MRW, in pounds or gallons by waste type;~~

~~(iv) Number of households and CESQGs served;~~

~~(v) Type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal); and~~

~~(vi) Any additional information required by written notification of the department;~~

~~(l) Allow inspections by the department or the jurisdictional health department at reasonable times;~~

~~(m) Notify the department and the jurisdictional health department of any failure to comply with the terms and conditions of this subsection within twenty-four hours; and~~

~~(n) Mobile collection systems using truck or trailers with concealed construction, permanently attached to a chassis may require a commercial coach insignia if subject to chapter 296-150C WAC, administered by the department of labor and industries.~~ In accordance with RCW 70.95.305, the operation of mobile systems, collection events, limited MRW facilities, product take-back centers, and law enforcement agencies managed in accordance with the terms and conditions in Table 360-A below are exempt from solid waste handling permitting. If a facility does not operate in compliance with the terms and conditions

established for an exemption under this subsection, the facility may be subject to the permitting requirements for solid waste handling under this chapter. In addition, violations of the terms and conditions of Table 360-A and this subsection may be subject to the enforcement provisions of RCW 70.95.315.

Table 360-A Terms and Conditions for Solid Waste Permit Exemptions

Terms and Conditions for Conditional Permit Exemption	Mobile System*	Collection Event*	Limited MRW Facility	Product Take- Back Center	Law Enforcement
(a) Notify the department and the jurisdictional health department of the intent to operate at least thirty days prior to commencing operations. The notification must include a description of the types and quantities of MRW to be handled;	X	X	X		
(b) Manage MRW in compliance with the performance standards of WAC 173-350-040;	X	X	X	X	X
(c) Maintain records of the amount and type of MRW received, number of households and/or conditionally exempt small quantity generators served, and the type of final disposition (e.g., reuse, recycled, treatment, energy recovery, incineration, or landfilling). Records must be maintained for five years and will be made available to the department or jurisdictional health department on request;	X	X	X**		
(d) Ensure MRW is handled in a manner that: (i) Prevents a spill or release of hazardous substances to the environment; (ii) Prevents exposure of the public to hazardous substances; and (iii) Results in delivery to a facility that meets the performance standards of WAC 173-350-040;	X	X	X	X	X
(e) Ensure that incompatible wastes are not allowed to come into contact with each other;	X	X		X	
(f) Ensure that containers holding MRW remain closed except when adding or removing waste in order	X	X	X		

Terms and Conditions for Conditional Permit Exemption	**Mobile System***	**Collection Event***	**Limited MRW Facility**	**Product Take- Back Center**	**Law Enforcement**
to prevent a release of MRW through evaporation or spillage if overturned;					
(g) Ensure that containers holding MRW have legible labels and markings that identify the waste type;	X	X	X	X	
(h) Ensure that containers holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);	X	X	X	X	
(i) Ensure that designated personnel are familiar with the chemical nature of the materials and the appropriate mitigating action necessary in the event of fire, leak or spill;	X	X		X	
(j) Control public access and prevent unauthorized entry;	X	X	X	X	
(k) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the collection activities during the previous calendar year and must include the following information: (i) Name and addresses of all collection sites; (ii) Calendar year covered by the report; (iii) Annual quantity and type of MRW, in pounds or gallons by waste type; (iv) Number of households and CESQGs served annually; (v) Type of final disposition (for example, reuse, recycled, treatment, energy recovery, incineration, or landfilling) by waste type of MRW; and (vi) Any additional information required by the department;	X	X	X**		
(l) Allow inspections by the department or the jurisdictional health department at reasonable times;	X	X	X	X	
(m) Notify the jurisdictional health department and the department of any spills or discharges of MRW to the environment within twenty-four hours of knowledge of an incident;	X	X	X	X	X
(n) Mobile collection systems using truck or trailers with concealed construction, permanently attached to a chassis may require a commercial coach insignia if subject to chapter 296-150C WAC, Commercial coaches, administered by the department of labor and industries; and	X	X			
(o) Provide secondary containment for containers and tanks capable of storing fifty-five gallons or more of liquid MRW.	X	X	X	X	

*The requirements of these columns do not apply to law enforcement agencies conducting a mobile system or collection event.

**Limited MRW Facilities are NOT required to keep track of number of households and CESQG's served annually.

~~(3) *Limited MRW facilities and product take-back centers*. In accordance with RCW 70.95.305, the operation of limited MRW facilities is subject solely to the requirements of (a) through (i) of this subsection and is exempt from solid waste handling permitting. Product take-back centers are only subject to (b), (e) and (f) of this subsection. An owner or operator that does not comply with the terms and conditions of this subsection is required to obtain a permit from the jurisdictional health department and shall comply with the applicable requirements for an MRW facility. In addition, violations of the terms and conditions of this subsection may be subject to the penalty provisions of RCW 70.95.315. Owners and operators of limited MRW facilities shall:~~

~~(a) Notify the department and the jurisdictional health department within thirty days prior to operation of the intent to operate a limited MRW facility with a description of the type and quantity of MRW to be handled;~~

~~(b) Ensure waste at a limited MRW facility or product take-back center is handled in a manner that:~~

~~(i) Prevents a spill or release of hazardous substances to the environment;~~

~~(ii) Prevents exposure of the public to hazardous substances; and~~

~~(iii) Results in delivery to a facility that meets the performance standards of WAC 173-350-040;~~

~~(c) Ensure that containers and tanks holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);~~

~~(d) Provide secondary containment for containers and tanks capable of storing fifty-five gallons or more of liquid MRW;~~

~~(e) Ensure the facility meets the performance standards of WAC 173-350-040;~~

~~(f) Notify the department and the jurisdictional health department of any failure to comply with the terms and conditions of this subsection within twenty-four hours of knowledge of an incident;~~

~~(g) Allow inspections by the department and jurisdictional health department at reasonable times;~~

~~(h) Maintain records of the amount and type of MRW received, and the final disposition of the MRW by amount and type; and~~

~~(i) Prepare and submit a copy of an annual report to the jurisdictional health department and the department by April 1st on forms~~

~~supplied by the department. The annual report shall cover the facility's activities during the previous calendar year and shall include the following information:~~

~~(A) Name and address of the facility;~~

~~(B) Calendar year covered by the report;~~

~~(C) Annual quantity and type of MRW, in pounds or gallons by waste type;~~

~~(D) Number of households and CESQGs served;~~

~~(E) Type of final disposition (e.g., reuse, recycled, treatment, energy recovery, or disposal); and~~

~~(F) Any additional information required by written notification of the department.~~

(3~~4~~) **Moderate risk waste facilities - Permit requirements - Location ~~standards~~.** There are no specific location standards for moderate risk waste facilities subject to this chapter; however, moderate risk waste facilities must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(4~~5~~) **Moderate risk waste facilities – Permit requirements - Design~~standards~~.** Moderate risk waste facilities (MRW) must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040. The owner or operator of a MRW facility must pre-

pare engineering reports/plans and specifications to address the design standards of this subsection.

(a) ~~The owner or operator of a moderate risk waste facility shall~~ must prepare engineering reports/plans and specifications, ~~including a construction quality assurance plan, to address the following design standards. Each~~All MRW facilities regulated under this subsection~~y~~ must be designed and constructed to meet the following requirements:

(i) Be surrounded by a fence, walls, or natural features and provided with a lockable door or gate to control public and animal access;

(ii) Be constructed of materials that are chemically compatible with the MRW handled;

(iii) Provide secondary containment to capture and contain releases and spills, and facilitate timely cleanup in areas where MRW is handled. All secondary containment ~~shall~~must:

(A) Have sufficient capacity to:

(I) Contain ten percent of the volume of all containers or tanks holding liquid or the total volume of the largest container holding liquids in the area, whichever is greater;

(II) Provide additional capacity to hold the precipitation from a twenty-five-year storm ~~as defined in WAC 173-350-100~~, in uncovered areas; and

(III) Provide additional capacity to hold twenty minutes of flow from an automatic fire suppression system, where ~~such~~ a suppression system exists.

(B) Be segregated ~~for~~ to prevent incompatible wastes from coming into contact with one another; and

(C) For a floor or other structure that serves as the secondary containment, be free of cracks or gaps and ~~is~~ sufficiently impervious to contain leaks, spills, accumulated precipitation, or fire suppression materials until the collected material is detected and removed. The ~~base~~ floor ~~shall~~ must be sloped or the containment system ~~shall~~ must otherwise be designed and operated to drain and remove liquids resulting from leaks, spills, precipitation, or fire suppression unless the containers are elevated or are otherwise protected from contact with accumulated liquids.

(iv) Be accessible by all-weather roads;

(v) Prevent run-on and control runoff from a twenty-five-year storm~~, as defined in WAC 173-350-100~~;

(vi) Provide a sign at the site entrance that identifies the facility and shows at ~~least~~ a minimum the name of the site;

(vii) Provide sufficient ventilation to remove toxic vapors and dust from the breathing zone of workers and prevent the accumulation of flammable or combustible gases or fumes that could present a threat of fire or explosion;

(viii) Be constructed with explosion-proof electrical wiring, fixtures, lights, motors, switches and other electrical components as required by local fire code or the department of labor and industries;

(ix) Provide electrical grounding in areas where flammable and combustible liquids are consolidated to allow for bonding to consolidation equipment; and

(x) Provide protection of ~~the~~ MRW ~~handling areas~~ from wind and precipitation~~, rain or snow~~.

(b) The owner or operator of a tank used to store or treat MRW ~~shall~~ must ~~prepare engineering reports/plans and specifications, including a construction quality assurance plan, to~~ address the following design standards:

(i) Tanks and ancillary equipment ~~shall~~ must be tested for tightness using a method acceptable to the jurisdictional health department prior to being covered, enclosed or placed in use. If a tank is found

not to be tight, all repairs necessary to remedy the leak(s) in the system ~~shall~~ must be performed and verified to the satisfaction of the jurisdictional health department prior to the tank being covered or placed in use;

(ii) Below ground tanks ~~shall~~ must be designed to resist buoyant forces in areas of high groundwater and ~~shall~~ must either be:

(A) Retested for tightness at a minimum of once every two years; or,

(B) Equipped with a leak detection system capable of detecting a release from the tank.

(iii) For tanks or components in which the external shell of a metal tank or any metal component will be in contact with the soil or water, a determination ~~shall~~ must be made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank during its operating life. This determination ~~shall~~ must be included with design information submitted with the permit application;

(iv) Areas used to load or unload tanks ~~shall~~ must be designed to contain spills, ~~drippage~~ drips and accidental releases during loading and unloading of vessels;

(v) Tanks and piping ~~shall~~ must be protected from impact by vehicles or equipment through use of curbing, grade separation, bollards, or other appropriate means;

(vi) Tanks ~~shall~~ must be structurally suited for the proposed use; and

(vii) Tanks, valves, fittings and ancillary piping ~~shall~~ must be protected from failure caused by freezing.

(c) Prefabricated structures with concealed construction ~~shall~~ must meet the requirements of chapter 296-150F WAC, Factory-built housing and commercial structures, administered by the department of labor and industries.

(5) **Moderate risk waste facilities – Permit requirements – Documentation.**

(a) The owner or operator must submit construction documents for, at a minimum, any elements described in (4) of this section to the jurisdictional health department for review and approval. The construction documents must be prepared by an engineer licensed in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features of moderate risk waste facilities and tank systems, secondary containment areas, ventilation sys-

tems, storm water management features, and emission control features as required by the permitting air authority where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;

(ii) Scale drawings of the facility including the location and size of waste storage areas, fixed equipment, buildings, storm water management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(iii) Design specifications for the engineered features of the facility including any tank systems, run-on/runoff controls, storm water management features, and aeration and emission management features as required by a permitting air authority where applicable; and

(iv) A construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed during construction of the facility to ensure the facility is constructed in accordance with the approved design.

(b) The owner or operator must provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality as-

surance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly-constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(6) **Moderate risk waste facilities - Permit requirements – Operating ~~standards~~.** The owner or operator of a MRW facility ~~shall~~must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must develop, keep, and follow a plan of operation approved as part of the permitting process. The plan must describe the facility's operation and convey to site operating personnel the concept of operation intended by the designer. The plan of operation must be available on-site for inspection at the request of the jurisdictional health department. If necessary, the plan may be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of solid wastes to be handled at the facility;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how MRW will be handled on-site during the active life of the facility including:

(A) Methods for managing and/or identifying unknown wastes;

(B) Procedures for managing wastes that arrive in corroded or leaking containers or when MRW is left at the gate when the facility is unattended;

(C) Protocol for sorting, processing, and packaging MRW;

(D) Maximum quantities of MRW to be safely stored in each area at any time;

(E) Waste acceptance protocol to preclude and redirect fully regulated dangerous waste and any unacceptable waste types, such as explosives and/or radioactives; and

(F) For facilities that offer material exchanges, a procedure for determining what MRW is suitable for exchange and how the materials exchange will be operated.

(iv~~a~~) A description of how the owner or operator will ensure ~~thManage~~MRW handling activities and facilities will be managed so that:

(A~~i~~) Each storage area is marked with signs to clearly show the type of MRW to be stored in that area;

(B~~ii~~) Incompatible MRW and materials ~~shall~~ are not ~~be~~ mixed together or allowed to come into contact with each other;

(C~~iii~~) MRW ~~shall be~~is compatible with the containment system;

(D~~iv~~) Unless otherwise approved by the jurisdictional health department, c~~C~~ontainers or tanks are closed except when actively adding or removing MRW in order to prevent a release of MRW through evaporation or spillage if overturned;

(E~~v~~) All containers or tanks have visible and legible labels or markings that identify the MRW type and are visible for inspection;

(F~~vi~~) Containers of MRW ~~shall be~~ are stored in a manner that allows for easy access and inspection. Drums containing MRW ~~shall~~ must have at least one side with a minimum of thirty inches clear aisle space;

(G~~vii~~) Containers holding MRW are maintained in good condition including, but not limited to, no severe rusting or apparent structural defects;

(H~~viii~~) ~~Uniform hazardous waste manifests are prepared and used at the point where possession of the MRW is given to a commercial registered dangerous waste transporter for shipments of MRW destined for~~

~~out-of-state locations. This shall be completed in accordance with WAC 173-303-180;~~ A shipment of MRW transported is documented on a shipping paper in accordance with 49 C.F.R. Subpart C – Shipping Paper parts 172.200 through 172.204, except shipping papers are not required for:

(I) Transportation of HHW in a private motor vehicle or vessel including a leased or rented motor vehicle or vessel by a homeowner for non-commercial purposes to an MRW facility;

(II) Transportation of MRW or HHW in a motor vehicle, aircraft or vessel operated by a federal, state, or local government employee solely for non-commercial federal, state, or local government purposes.~~;~~

(I~~ix~~) Public access is restricted to areas identified in the plan of operation and unauthorized entry is prevented;

(J~~x~~) Communication capabilities are provided to summon fire, police, or emergency service personnel;

(K~~xi~~) Flammable or explosive gases do not exceed ten percent of the lower explosive limit in the area where flammable liquid MRW is consolidated~~handled~~. An explosive gas monitoring alarm system ~~program shall~~ must be implemented to ensure that this standard is achieved;

~~(xii) MRW is delivered to a facility that meets the performance standards of WAC 173-350-040;~~

(L~~xiii~~) ~~Personnel responsible for routine inspections and operations are familiar with the chemical nature of the materials and the appropriate mitigating action necessary in the event of fire, leak or spill~~ Personnel trained to manage MRW in accordance with this section and the plan of operation approved during the permitting process are present at all times when MRW is accepted and handled; and

(M~~xiv~~) The jurisdictional health department and the department are notified ~~are notified~~ of any spills or discharges of MRW to the environment within twenty-four hours of knowledge of an incident.

(v) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs. The operator must ensure that routine and annual inspections are conducted as follows:

(A~~i~~) Routine inspections ~~shall~~ must be conducted at least weekly or once each operating day, whichever is more frequent, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. Routine inspections ~~shall~~ must be performed for:

(I~~A~~) Operating hazards;

(II~~B~~) Presence of operable safety equipment;

(III~~C~~) Container integrity; and

(IV~~D~~) General facility condition.

(B~~ii~~) Annual inspections ~~shall~~ must be conducted to determine the condition of:

(I~~A~~) Secondary containment systems including all readily accessible below floor space, sumps, and tanks for deterioration and evidence of containment failure; and

(II~~B~~) All ventilation and flammable vapor monitoring systems.

(vi) A description of how operators will maintain operating records on the amounts (weight or volume) and the types of waste received and removed from the facility, including the form or computer printout used to record this information. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department;

(vii) Safety and emergency plans including:

(A) A list of all on-site emergency equipment with its capability, purpose, and training requirements;

(B) A description of actions to take if leaks in containers, tanks, or containment structures are suspected or detected and for other releases (e.g., failure of runoff containment system, gases generated due to chemical reactions or rapid volatilization).

(viii) A description of employee training requirements; and

(ix) Other details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(bc) ~~Maintain daily operating records ofn the weights, or gallonsvolumes, and the types of MRW waste collected received and removed from the facility. Maintain facility annual reports. Facility inspection reports shallmust be maintained in the operating record, including at least the date and time of the inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation shall be noted in the operating record. Records shallmust be kept for a minimum of five years and shallmust be available for inspection at the request of the jurisdictional health department.~~

~~(d)~~ Prepare and submit ~~a copy of~~ an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report ~~shall~~ must detail the facility's activities during the previous calendar year and must include the following information:

(i) Name and address of the facility and locations of all collection sites;

(ii) Calendar year covered by the report;

(iii) Annual ~~quantity~~ quantities and types of MRW, in pounds or gallons;

(iv) Number of households and CESQGs served;

(v) Type of final disposition (~~e.g.~~for example, reuse, recycled, treatment, energy recovery, incineration, or landfilling~~disposal~~) by waste type of MRW;

(vi) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and

(vii) Any additional information required by the jurisdictional health department as a condition of the permit.

~~(e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan shall describe the facility's operation and shall convey to site operating personnel the concept of~~

~~operation intended by the designer. The plan of operation shall be available for inspection at the request of the jurisdictional health department. If necessary, the plan shall be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation shall include the following:~~

~~(i) A description of the types of solid wastes to be handled at the facility;~~

~~(ii) A description of how MRW will be handled on-site during the active life of the facility including:~~

~~(A) Methods for managing and/or identifying unknown wastes;~~

~~(B) Procedures for managing wastes that arrive in corroded or leaking containers or when MRW is left at the gate when the facility is unattended;~~

~~(C) Protocol for sorting, processing and packaging MRW;~~

~~(D) Procedures to protect containers of MRW susceptible to damage from weather and temperature extremes;~~

~~(E) Maximum quantities of MRW to be safely stored in each area at any time;~~

~~(F) Waste acceptance protocol to preclude and redirect fully regulated dangerous waste and any unacceptable waste types, such as explosives and/or radioactives; and~~

~~(G) For facilities that offer material exchanges, a procedure for determining what MRW is suitable for exchange and how the materials exchange will be operated;~~

~~(iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;~~

~~(iv) Safety and emergency plans including:~~

~~(A) A list of all on-site emergency equipment with its capability, purpose, and training requirements;~~

~~(B) A description of actions to take if leaks in containers, tanks, or containment structures are suspected or detected and for other releases (e.g., failure of runoff containment system, gases generated due to chemical reactions or rapid volatilization);~~

~~(v) The forms used to record weights and volumes; and~~

~~(vi) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.~~

~~(C) Protocol for sorting, processing, and packaging MRW;~~

~~(D) Procedures to protect containers of MRW susceptible to damage from weather and temperature extremes;~~

~~(E) Maximum quantities of MRW to be safely stored in each area at any time;~~

~~(F) Waste acceptance protocol to preclude and redirect fully regulated dangerous waste and any unacceptable waste types, such as explosives and/or radioactives; and~~

~~(G) For facilities that offer material exchanges, a procedure for determining what MRW is suitable for exchange and how the materials exchange will be operated;~~

~~(iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs;~~

~~(iv) Safety and emergency plans including:~~

~~(A) A list of all on-site emergency equipment with its capability, purpose, and training requirements;~~

~~(B) A description of actions to take if leaks in containers, tanks, or containment structures are suspected or detected and for other releases (e.g., failure of runoff containment system, gases generated due to chemical reactions or rapid volatilization);~~

~~(v) The forms used to record weights and volumes; and~~

~~(vi) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.~~

(7) **Moderate risk waste facilities - Permit requirements – Groundwater monitoring ~~requirements~~.** There are no specific groundwater monitoring requirements for MRW facilities subject to this chapter; however, moderate risk waste facilities must meet the ~~requirements provided under~~performance standards of WAC 173-350-040~~(5)~~.

(8) **Moderate risk waste facilities - Permit requirements – Closure ~~requirements~~.**

(a) The owner or operator of a moderate risk waste facility ~~shall~~ must develop, keep, and follow a closure plan that includes:

(i~~a~~) Notification to~~y~~ the jurisdictional health department, and where applicable, the financial assurance instrument provider, no later than one hundred eighty days prior to the projected date of the final receipt of MRW, of the intent to ~~implement the closure plan~~close the facility in part or whole;~~. The facility shall close in a manner that:~~

~~(i) Minimizes the need for further maintenance;~~

(ii) Removal ofes all MRW ~~and ensures delivery of the MRW~~ to a facility that conforms with the applicable regulations for handling the waste;

(iii) Decontamination ofes all areas where MRW has been handled, including, but not limited to, secondary containment, buildings, tanks, equipment, and property;

~~(iv) Prepares the facility for remedial measures after closure, if required.~~

(~~b~~iv) Commencement of closure activities in part or whole within thirty days following the receipt of the final volume of MRW; ~~Waste shall not be accepted for disposal or for use in closure.~~

(~~c~~v) ~~At facility closure completion, in part or whole, submit the following to the jurisdictional health department:~~Submittal of a

~~(i) C~~certification by the owner or operator~~,~~ and a professional engineer licensed in the state of Washington that the site has been closed in accordance with ~~the approved closure plan~~closure procedures; ~~and~~

(vi~~i~~i) Submittal of ~~A~~a closure report signed by the facility owner or operator and the certifying engineer that describes:

(A) Actions taken to determine if there has been a release to the environment; and

(B) The results of all inspections conducted as part of the closure procedure.

~~(d) Keep and abide by a closure plan approved by the jurisdictional health department as part of the permitting process. At a minimum, the closure plan shall include:~~

~~(i) A description of the activities and procedures that will be used to ensure compliance with this subsection;~~

(vii~~i~~) An estimate of the maximum volume of MRW on-site at any time during the active life of the facility; and

(viii~~iii~~) Closure cost estimates and projected fund withdrawal intervals from the financial assurance instrument, if ~~such~~ an instrument is required by subsection (9) of this section.

(~~e~~b) The jurisdictional health department ~~shall~~ will notify the owner or operator, the department and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility has been closed in accordance with the specifications of the approved closure plan.

(9) **Moderate risk waste facilities - Permit requirements – Financial assurance ~~requirements~~.**

(a) The owner or operator of any fixed moderate risk waste facility that stores more than nine thousand gallons of MRW on-site, ex-

cluding used oil, is required to establish financial assurance in accordance with WAC 173-350-600.

(b) Proof of financial assurance ~~shall~~ must be provided to the jurisdictional health department prior to the acceptance of any MRW. The financial assurance instrument ~~shall~~ must provide sufficient funds to guarantee that all closure requirements are met. In the event that hazardous substances are released to the environment and site remediation is necessary, additional financial assurance ~~shall~~ must be provided in order that site remediation can be accomplished.

(c) Nothing in this section ~~shall~~ prevents an owner or operator from including the cost of MRW facility financial assurance in an instrument established for a co-located permitted solid waste facility so long as there are adequate funds available for both closure activities and the instrument identifies the commitment of funds for both activities.

(10) **Moderate risk waste facilities - Permit application contents.** The owner or operator of a MRW facility ~~shall~~ must obtain a solid waste permit from the jurisdictional health department. All applications for permits ~~shall~~ must be submitted in accordance with the requirements established in WAC 173-350-710. In addition to the re-

quirements of WAC 173-350-710 and WAC 173-350-715, each application for a permit ~~shall~~ must contain:

(a) Engineering reports/plans and specifications that address the ~~design~~ standards of subsections (4~~5~~)and (5) of this section;

(b) A construction quality assurance plan that addresses the requirements of subsection (5) of this section;

(c~~b~~) A plan of operation meeting the requirements of subsection (6) of this section;

(d~~c~~) A closure plan meeting the requirements of subsection (8) of this section; and

(e~~d~~) Documentation as needed to meet the financial assurance requirements of subsection (9) of this section.

~~(11) *Moderate risk waste facilities - Construction records*. The owner or operator of a moderate risk waste facility shall must provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. Facilities shall not commence operation until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering re-~~

~~port/plans and specifications and has approved the construction documentation in writing.~~[Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-360, filed 1/10/03, effective 2/10/03.]