



**Washington State  
Dangerous Waste Regulations**

## **Proposed Amendments**

**Comments due:  
October 1, 2014**

**Submit comments to Robert Rieck at:  
Hazardous Waste and Toxics Reduction Program (HWTR)  
Department of Ecology  
PO Box 47600  
Olympia WA 98504-7600**

**Fax: (360) 407-6715  
E-mail: [dworm@ecy.wa.gov](mailto:dworm@ecy.wa.gov)**

### **[COMMENT FORM](#)**

*To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, please call the Hazardous Waste and Toxics Reduction Program at 360-407-6700. Persons with impaired hearing may call the Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.*

*El Departamento de Ecología del Estado de Washington invita el comentario público sobre las enmiendas propuestas a las Regulaciones de los Desechos Peligrosos, Capítulo 173-303 WAC. El periodo de recepción del comentario público estará abierto a partir del 18 de agosto de 2014 hasta el 1º de octubre de 2014. Habrá una audiencia pública el 24 de septiembre de 2014. Para mayor información, favor de contactar a Luis Buen Abad (425) 649-4485 o por correo electrónica a [Luis.Buenabad@ecy.wa.gov](mailto:Luis.Buenabad@ecy.wa.gov).*



# Dangerous Waste Regulations, Chapter 173-303 WAC

## Proposed Amendments, August 2014

This document contains preamble explanations for the proposed amendments to the Dangerous Waste Regulations, Chapter 173-303 WAC. It lists all proposed changes to the regulations. The proposed rule language is in a separate document, as are the changes to the *Chemical Test Methods for Designating Dangerous Waste*, Ecology publication number 97-407\*. The draft amendments were made available for public review February 2014.

Some changes were made to the draft rules after considering this input, including several minor clarifications and corrections. Draft rules that will not be proposed include:

- A draft rule exclusion for fuel and water mixture draw waters.
- Three draft changes pertaining to independent qualified registered professional engineer certifications.
- An Environmental Protection Agency (EPA) rule that adds gasification technology as another method for processing refinery dangerous waste.

Amendments based on federal rules are listed in Table 1. The summary paragraph from each Federal Register Notice is followed by an explanation of differences in the draft state rule language. State differences are highlighted in gray. If no differences are listed, Ecology will adopt all changes made by the federal rule into the state rule. State-initiated changes are listed in Table 2. The citations column lists the section of the regulations where changes were made to the Dangerous Waste Regulations.

The formal comment period on the proposed amendments begins August 18, 2014. Submit comments by October 1, 2014 using the [comment form](#). Formal comments can also be given at the proposed rule amendment public hearing to be held September 24, 2014.

\*See Ecology's Hazardous Waste and Toxics Reduction [rule amendment website](#) for these documents and more information about the rule amendment process.

### **[COMMENT FORM](#)**

If you have questions about these changes or the rulemaking process, call Rob Rieck at 360-407-6751.

# Table 1. Federal Rule Summaries

# COMMENT FORM

Federal Rule Title, Date, Federal Register (FR) Notice Page Number, and EPA Summary-	State Citation(s) where the federal rule language is proposed to be incorporated into the <i>Dangerous Waste Regulations</i>
<b>Differences in the State Draft Rule</b>	<b>WAC 173-303-</b>
<p><b>Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities, and Other Eligible Academic Entities Formally Affiliated With Colleges and Universities</b> December 1, 2008 - 73 FR 72912</p>	<p>070(7)(c)(vi) 070(7)(c)(vii) 170(7) 170(7)(a) and (b) 235</p>
<p>EPA SUMMARY: The Environmental Protection Agency (EPA or the Agency) is finalizing an alternative set of generator requirements applicable to laboratories owned by eligible academic entities, as defined in this final rule. The rule provides a flexible and protective set of regulations that address the specific nature of hazardous waste generation and accumulation in laboratories at colleges and universities, as well as other eligible academic entities formally affiliated with colleges and universities. This final rule is optional and colleges and universities, and other eligible academic entities formally affiliated with a college or university, have the choice of managing their hazardous wastes in accordance with the new alternative regulations as set forth in this final regulation or remaining subject to the existing generator regulations.</p> <p><b>Differences in the draft State rule:</b> The proposed state rule adds an additional labeling rule requiring laboratory waste accumulation containers to have the accumulation start date written on the label, which is physically attached to the container. The federal rule only requires that the accumulation start date be “associated” with the container (for example, recorded in a computer spreadsheet). The second change adds state-only unused commercial chemical products as eligible dangerous wastes that can be managed under the laboratory clean-out provisions. EPA’s final rule allows for unused commercial chemical products (P, U, and characteristic) generated from lab clean-outs to not be counted toward generator status; the state rule extends this allowance to state-only unused commercial chemical products . Another minor change requires small quantity generators who notify Ecology of their participation in the program to obtain EPA/state identification numbers, if they do not already have one. The federal rule does not have this requirement.</p>	
<p><b>Technical Corrections to the Standards Applicable to Generators of Hazardous Waste; Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material at Laboratories Owned by Colleges and Universities and Other Eligible Academic Entities Formally Affiliated With Colleges and Universities</b></p>	
<p>EPA SUMMARY: EPA is taking direct final action for six technical corrections to an alternative set of hazardous waste generator requirements known as the “Academic Laboratories rule” or “Subpart K,” which is applicable to laboratories owned by eligible academic entities. These changes correct errors published in the Academic Laboratories Final rule, including omissions and redundancies, as well as the removal of an obsolete reference to the National Environmental Performance Track program, which has been terminated. These technical corrections will improve the clarity of the Academic Laboratories rule.</p> <p><b>Differences in the draft state rule:</b> These corrections have been made.</p>	<p>These technical correction citations are listed in the original rule described above.</p>

Federal Rule Title, Date, Federal Register (FR) Notice Page Number, and EPA Summary-	State Citation(s) where the federal rule language is proposed to be incorporated into the <i>Dangerous Waste Regulations</i>
<b>Differences in the State Draft Rule</b>	<b>WAC 173-303-</b>
<b>Revisions to the Requirements for: Transboundary Shipments of Hazardous Wastes Between OECD Member Countries, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes, and Imports of Hazardous Wastes</b> <b>January 8, 2010 – 75 FR 1236</b>	170(6) 230(1) 240(11) 290(1)(b) 370(3) 370(7) 520(1)(a) and (b)
EPA SUMMARY: This rule amends certain existing regulations promulgated under the hazardous waste provisions of the Resource Conservation and Recovery Act (RCRA) regarding hazardous waste exports from and imports into the United States. Specifically, the amendments implement recent changes to the agreements concerning the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD) and establish notice and consent requirements for spent lead-acid batteries intended for reclamation in a foreign country. They also specify that all exception reports concerning hazardous waste exports be sent to the International Compliance and Assurance Division in the Office of Enforcement and Compliance Assurance’s Office of Federal Activities in Washington, DC, and require U.S. receiving facilities to match EPA provided import consent documentation to incoming hazardous waste import shipments and to submit to EPA a copy of the matched import consent documentation and RCRA hazardous waste manifest for each import shipment.	
<b>Differences in the draft state rule:</b> There are no differences in the state rule.	
<b>Hazardous Waste Technical Corrections and Clarifications Rule</b> <b>March 18, 2010 – 75 FR 12989 (see also 4/12/2012 Clarification Rule)</b>	040 016(5) (table 1) 070(8)(a)(iii) 090(7)(a)(viii) 120(3) 120(3)(d) 140(4)(b)(iv) 180(3)(f) 200(1)(f) 200(2)(a) 200(2)(b) 200(3)(c) 220(2)(e) and Note 230(2) 350(2) 370(5)(e)(vi) 370(5)(f)(i) 370(5)(f)(vii) 370(5)(f)(viii) 505(1)(b)(i) 810(8)(b) 9903 (U239) 9904 (F037) 9904 (K107)
EPA SUMMARY: The Environmental Protection Agency (EPA or the Agency) is taking Direct Final action on a number of technical changes that correct or clarify several parts of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations that relate to hazardous waste identification, manifesting, the hazardous waste generator requirements, standards for owners and operators of hazardous waste treatment, storage, and disposal facilities, standards for the management of specific types of hazardous waste and specific types of hazardous waste management facilities, the land disposal restrictions program, and the hazardous waste permit program. These changes correct existing errors in the hazardous waste regulations that have occurred over time in numerous final rules published in the <b>Federal Register</b> , such as typographical errors, incorrect or outdated citations, and omissions. Some of the corrections are necessary to make conforming changes to all appropriate parts of the RCRA hazardous waste regulations for new rules that have since been promulgated. In addition, these changes clarify existing parts of the hazardous waste regulatory program and update references to Department of Transportation (DOT) regulations that have changed since the publication of various RCRA hazardous waste final rules.	
<b>Differences in the draft state rule:</b> The state will adopt most of these corrections and clarifications. A few will not be adopted because they do not apply to Washington state or we have not adopted the specific rule that EPA is correcting at this time.	

Federal Rule Title, Date, Federal Register (FR) Notice Page Number, and EPA Summary-	State Citation(s) where the federal rule language is proposed to be incorporated into the <i>Dangerous Waste Regulations</i>
<b>Differences in the State Draft Rule</b>	<b>WAC 173-303-</b>
<p><b>Hazardous Waste Technical Corrections and Clarifications Rule</b>  <b>April 13, 2012 – 77 FR 22229</b></p> <p>SUMMARY: The Environmental Protection Agency (EPA or the Agency) is taking final action on two of six technical amendments that were withdrawn in a June 4, 2010, Federal Register partial withdrawal notice. The two amendments that are the subject of today’s final rule are: A correction of the typographical error in the entry “K107” in a table listing hazardous wastes from specific sources; and a conforming change to alert certain recycling facilities that they have existing certification and notification requirements under the Land Disposal Restrictions regulations. The other four amendments that were withdrawn in the June 2010 partial withdrawal notice will remain withdrawn unless and until EPA determines action is warranted in the future.</p> <p><b>Differences in the draft state rule:</b> Ecology is adopting the two changes mentioned above, but is also adopting one of the withdrawn technical changes. This change deletes the previous 200(1)(b)(iv)(B) and moves the text to a new 200(1)(g). This change clarifies that this rule exemption applies to all generators, not just to generators with containment buildings.</p>	<p>200(1)(g)  505(1)(b)(i)  9904 (K107)</p>
<p><b>Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Removal of Saccharin and Its Salts From the Lists of Hazardous Constituents, Hazardous Wastes, and Hazardous Substances</b>  <b>December 17, 2010 – 75 FR 78918</b></p> <p>EPA SUMMARY: The Environmental Protection Agency (EPA or the Agency) is amending its regulations under the Resource Conservation and Recovery Act (RCRA) to remove saccharin and its salts from the lists of hazardous constituents and commercial chemical products, which are hazardous wastes when discarded or intended to be discarded. EPA is also amending the regulations under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to remove saccharin and its salts from the list of hazardous substances. This final rule is in response to a petition submitted to EPA by the Calorie Control Council (CCC) to remove saccharin and its salts from the above lists. EPA is granting CCC’s petition based on a review of the evaluations conducted by key public health agencies concerning the carcinogenic and other potential toxicological effects of saccharin and its salts, as well as EPA’s own assessment of the waste generation and management information for saccharin and its salts. This review/ assessment demonstrates that saccharin and its salts do not meet the criteria in the hazardous waste regulations for remaining on EPA’s lists of hazardous constituents, hazardous wastes, and hazardous substances.</p> <p><b>Differences in the draft state rule:</b> There are no differences in the state rule.</p>	<p>9903 (U202)  9903  9905</p>

Federal Rule Title, Date, Federal Register (FR) Notice Page Number, and EPA Summary-	State Citation(s) where the federal rule language is proposed to be incorporated into the <i>Dangerous Waste Regulations</i>
<b>Differences in the State Draft Rule</b>	<b>WAC 173-303-</b>
<b>Hazardous Waste Manifest Printing Specifications Correction Rule</b> <b>June 22, 2011 – 76 FR 36363</b>	180(7)(a)
<p>EPA SUMMARY: The Environmental Protection Agency (EPA) is taking Direct Final action on a minor change to the Resource Conservation and Recovery Act (RCRA) hazardous waste manifest regulations that affects those entities that print the hazardous waste manifest form in accordance with EPA’s Federal printing specifications. Specifically, this action amends the current printing specification regulation to indicate that red ink, as well as other distinct colors, or other methods to distinguish the copy distribution notations from the rest of the printed form and data entries are permissible. This change will afford authorized manifest form printers greater flexibility in complying with the federal printing specifications.</p>	
<p><b>Differences in the draft state rule:</b> No differences in the state rule. No changes to 173-303 are needed. This rule is already incorporated by reference at 180(7)(a)</p>	
<b>Land Disposal Restrictions: Revision of the Treatment Standards for Carbamate Wastes</b> <b>June 13, 2011 – 76 FR 34147</b>	140(2)(a)
<p>EPA SUMMARY: <b>SUMMARY:</b> The Environmental Protection Agency (EPA or the Agency) is issuing a Direct Final Rule to revise the Land Disposal Restrictions (LDR) treatment standards for hazardous wastes from the production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates, and container residues that become hazardous wastes when they are discarded or intended to be discarded. Currently, under the LDR program, most carbamate wastes must meet numeric concentration limits before they can be land disposed. However, the lack of readily available analytical standards makes it difficult to measure whether the numeric LDR concentration limits have been met. Therefore, we are providing as an alternative standard the use of the best demonstrated available technologies (BDAT) for treating these wastes. In addition, this action removes carbamate Regulated Constituents from the table of Universal Treatment Standards.</p>	
<p><b>State rule:</b> There are no differences in the state rule. This federal rule is incorporated by reference at 140(2)(a).</p>	

**Table 2. State-Initiated Rule Amendments**

Citation WAC 173-303-	Requirement	Reason for change
040	In the definition for “Enforceable document” the reference to 610(1)(d) is changed to 610(1)(e), and the reference to 620(8)(d) is changed to 620(1)(d).	Citation for alternative closure/post closure requirements is corrected.
040	Clarify the definition for “Dermal Rabbit LD 50” to read “...half <b>or more</b> ...”	Technical clarification.
040	In the definition for “Facility” change RCW 70.105D.20(4) to RCW 70.105D.20(8).	Citation corrected.
040	Clarify the definition for “Fish LC 50” to read “...fifty percent <b>or more</b> ...”	Technical clarification.
040	Clarify the definition for “Inhalation Rat LC50” to read “...kills within fourteen days half <b>or more</b> of a group of ten rats each.”	Technical clarification.
040	In the definition for “Release” change RCW 70.105D.020(20) to RCW 70.105D.020(32).	Citation corrected.
045	Change the reference date of EPA’s hazardous waste and permit regulations to June 30, 2013.	Dangerous waste regulations must reference the correct version of 40 CFR Parts 260 through 280 and Part 124.
070(1)(b)	The wording is changed to clarify that every person who generates a solid waste must designate it.	This paragraph does not clearly say that a generator must designate their solid waste. This change will more closely match the language in 40 CFR 262.11 to clarify that a generator must designate their solid waste.
072(1)(b)	Remove non-existent subsection (5) from second sentence.	Internal citation corrected.
073(1)	Cite the definition of special waste in 040.	Referencing the special waste definition in 073 (1) directs the reader to the criteria for special waste. The generator must know if their waste designates as a special waste in order to manage it as such.
073(2)(e)(v)	Limits special wastes held at transfer stations to no longer than 30 days. The transfer station operator has the option of applying to the solid waste permitting authority for a longer holding time.	The rule does not give a time limit for holding special wastes at transfer stations. A regulatory time limit helps prevent special wastes from being accumulated for long periods of time at the transfer station, with an increased potential for releases.
073(2)(g)	Clarify that transport of special waste must meet US DOT hazardous materials shipping requirements. Renumber current 073(2)(g) to (h).	The special waste bill of lading form in 9906 does not contain information needed to meet US DOT hazardous materials shipping requirements. This change clarifies applicability of US DOT shipping regulations to special waste.
073(2)(h)(i) and (ii)	Update references and language to match the revised WAC 173-351-300.	Clarify that special wastes disposed in alternative design solid waste landfills have an engineered liner with leachate collection.
100(5)(b)(i)	Insert hyper script “ <i>a</i> ” following parenthetical description of test endpoints.	Editing correction.
110(3)(a)	Update to latest edition of SW-846 and how it can be obtained.	Reference updated.
110(3)(c) 110(7)	Update Chemical Test Methods (CTM) guidance (publication number 97-407) Chapter 3.8 <i>Test Methods for Determining Halogenated Organic Compounds</i> , Chapter 3 endnotes, and Appendix 5.	The revision will clarify appropriate test methods to be used to designate persistent wastes.



Citation WAC 173-303-	Requirement	Reason for change
110(3)(g)(ix) 110(3)(h)(vii)	Update reference to API Manual of Petroleum Measurement Standards.	Reference updated.
110(3)(h)(i)	Update reference to NFPA 30 Flammable and Combustible Code.	Reference updated.
130	Delete WAC 173-303-130 "Containment and control of infectious wastes."	This action removes the section from the rule.
140(4)(d)(iii) 335(4) 400(3)(c)(vi)(B) 610(6) 610(11) 810(14)(a)(i) 830(4)(a)(i)(A)	Add language allowing facilities to submit information to Ecology via electronic format, such as email or fax. Sample language includes "other means that establish proof of receipt (including applicable electronic means)..."	These changes will be consistent with state law requiring state agencies to accept documents submitted electronically.
170(3) 370(1) 600(2)	Change three rules to better define facilities allowed to accept dangerous waste (DW): <ul style="list-style-type: none"> <li>170(3) is modified to clarify that the TSD facility requirements are the final facility standards found in section 600, which include sections 280-395 by reference.</li> <li>370(1) clarifies that the phrase "owners and operators" applies specifically to owners and operators of permitted TSD and DW recycling facilities.</li> <li>600(2) clarifies that only permitted dangerous waste facilities, DW recycling facilities, or exempted facilities can accept DW from off-site sources.</li> </ul>	The regulations don't clearly say that a person or facility that accepts dangerous waste from other generators must have a RCRA permit or be a dangerous waste recycling facility. These rule changes will clarify who is allowed to receive dangerous waste.
180(3)(c)	Delete 180(3)(c) dangerous waste shipment instructions. 180(3)(d), (e) and (f) are renumbered.	This rule isn't needed because it repeats the text in 180(1)(c). Also, it is inconsistent with the RCRA manifest rules for this section.
180(6)	Change "Item 11" to "Item 9b."	Correct error in manifest item number in order to keep rules up to date with current uniform hazardous waste manifest.
190(5)(b)(ii)	Change internal 180(7) reference to 180(6).	Correct citation error.
200(1)(b)(iv) 200(4)(a)(iv)(III) 400(3)(c)(xxii)(B) 64690 650(4)(c) 650(5)(d)(ii)(B) 660(6)(e)(ii) 665(2)(a)(i) 806(4)(d)(v) twice 806(4)(e)(iii)(A)(I) 806(4)(h)(ii)(A)(I)	Add the requirement that facilities use an "independent qualified registered professional engineer" instead of a "qualified professional engineer" (or similar language) for certifications.	EPA's 2006 Burden Reduction Initiative Rule modified RCRA to allow use of in-house professional engineers (PE) for certification purposes. The 2009 dangerous waste regulatory amendments retained the requirement that independent professional engineers be used. With these changes, Ecology seeks to clarify that facilities use an independent PE in situations where PE certifications are required. In response to informal comments indicating compliance would be very difficult and impractical, we decided not to propose three of these rules affecting certification of long term projects.  This change maintains consistency with other Chapter 173-303 WAC requirements where an independent qualified registered professional engineer must be used.

Citation WAC 173-303-	Requirement	Reason for change
200(1)(b)(iv)(B)	Move second sentence to new 200(1)(g).	Correct rule placement error. This sentence is meant to apply to all generators subject to 200(1). Its current placement makes it applicable only to 200(1)(b)(iv) containment buildings.
200(5) 400(3)(c)(xxii)(B) 040	Delete definition of “Performance track member facility” and subsection 200(5) dealing with National Environmental Performance Track program.	The National Environmental Performance Track program (NEPT) was terminated by EPA on May 19, 2009. EPA does not intend to reinstate the program, but has not yet removed the NEPT regulations from RCRA. Ecology proposes to remove references to the program from our dangerous waste regulations.
200(2)(b) 200(3)(c)	Delete the phrase “per waste stream.”	Changed for consistency with federal rules. The phrase was also found in 200(2)(a), but was deleted in the 2009 rule amendments. These two instances were overlooked.
240(6)	In the third sentence, remove capital letters from the words “Provided” and “That.”	Editing correction.
330(1)(d)	The second sentence of existing 330(1)(c)(ii) is changed to 330(1)(d), and the current (d) is renumbered to (e).	Editing correction. The second sentence of 330(1)(c)(ii) is a distinctly different requirement than the preceding sentence, and needs to be cited separately.
380(1)(r)	Add a new sub sub section (r) requiring certificates of major tank system repair (as required by 640(7)(f)) to be retained in the operating record.	This requirement was in the federal 2006 Burden Reduction Initiative rule, but by oversight was not adopted during the last Dangerous Waste rule amendments.
400(3)(c)(ii)(G) 645(1)(e) 800(2) 800(12) 806(4)(a) 806(4)(o)	Adopt federal rules that allow use of enforceable documents in lieu of RCRA post closure permits.	This rule allows interim status facilities to use Model Toxics Control Act enforceable documents, such as agreed orders, in place of a RCRA post closure permit. This option provides an easier, more efficient regulatory process for facilities entering post closure while maintaining appropriate agency oversight.
505(1)(b)(iv)	In the second sentence, correct the citation reference (b)(v)(A) to read (b)(iv)(A).	Correct citation error.
573(9)(b)(ii)(A)	Add “and manages” after “Removes”	The rule is corrected to match the federal rule.
573(19)(iv) and (v)	Remove the reference to thermostats in subparagraph (iv), and revise the universal waste calculation in subparagraph (v) to delete thermostats from the example calculation.	Thermostats are no longer a separate universal waste category. They are now considered to be a type of mercury-containing equipment.
600(1)	Reword to say “Final facility standards are established in WAC <a href="#">173-303-600</a> through <a href="#">173-303-695</a> , and also include WAC <a href="#">173-303-280</a> through <a href="#">173-303-395</a> . Final facility standards are minimum statewide standards, which describe the acceptable management of dangerous waste.	This change clarifies which rules are the final facility standards.
610(3)(a)(ix) 610(3)(b)(ii)(D) 610(8)(b)(iv) 610(8)(d)(ii)(D) 040 “enforceable document”	The reference to 620(8)(d) is changed to 620(1)(d) for these rules.	Correction of citation error. 620(8)(d) is an incorrect reference to alternative requirements for financial assurance for post closure.
610(4)(c)	Change internal citations to match analogous RCRA rule at 40 CFR 264.113(c).	Technical correction.

Citation WAC 173-303-	Requirement	Reason for change
610(12)(f)	610(12)(f) is missing the word “the” before the word department.	Editing correction.
620(1)(d)(i)	Replace the reference to 610(1)(d) with 610(1)(e).	Correction of invalid reference.
620(3)(a)(ii) 620(6)(a) 620(9)(a)	Revise wording to be gender neutral.	Edit to meet Code Reviser standards.
620(3)(a)(ii) 620(5)(a)	Revise to ensure that cost estimates for financial assurance are done by a third party, and not by a related corporate entity.	Clarification of types of financial assurance estimates that meet the intent of the regulations.
620(3)(a)(v) 620(4)(g) 620(6)(c)	Revise rules to clarify that cost estimates for closure and post-closure financial assurance must be in current dollars, and net present value adjustments are not allowed.	This clarification makes the rule easier to understand and comply with.
620(4)(a)(vi) 620(4)(d)(iv) 620(6)(a)(vi)	Revise rules to clarify that the financial test and the corporate guarantee are two separate but related options.	Correction of misleading rule language. The current wording of the rule technically requires both documents to be submitted, but only one document is actually required.
620(4)(d)(iv) 620(6)(a)(vi) 620(8)(a)(iv)	Raise the minimum tangible net worth requirement from \$20 million to \$25 million to qualify for use of the financial test or corporate guarantee option.	This change raises the tangible net worth requirement to keep pace with inflation.
620(4)(d)(v) 620(6)(a)(vii)	Add a rule allowing facility owners/operators requesting the use of the financial test or corporate guarantee to submit an “Agreed Upon Procedures” report in place of a “negative assurance” report as required in federal regulations.	Federal rules require a negative assurance financial report from a certified public accountant (CPA) attesting to the accuracy of the financial documents. Due to CPA conduct rules, CPA’s are no longer allowed to submit this type of report. This rule allows submittal of a type of financial report that is acceptable to EPA.
620(8)(a)(i) (renumber (8)(a)(i), (ii), and (iii))	Update the minimum financial assurance amounts for liability coverage.	The amount of liability coverage is increased to keep pace with inflation.
620(11) 64620(5)	Add rules for corrective action financial assurance.	No federal or state financial assurance rules currently exist for corrective action sites. This rule codifies existing EPA guidance and current Ecology practice as it is used in MTCA Agreed Orders and Consent Decrees.
620(1)(d)(i)	Change the reference to 610(1)(d) to 610(1)(e).	Technical correction. 610(1)(d) is an incorrect reference for alternative requirements.
630(7)(d)	Remove the word “generators” and put in “owners and operators.”	TSD applicability clarification: The section clearly applies to TSDs, and indirectly to generators through 200(b)(i).
110(3)(g)(ix) 110(3)(h)(i) 110(3)(h)(vii) 640 (2)(c)(v)(B) <i>Note</i> 640(4)(i)(iii) <i>Note</i> 640(9)(b)	Update test methods.	Update test method references to latest edition.
645(8)(c)	Add the phrase “ ...applicable to resource protection wells, which are...” to the fourth sentence.	Clarify that the standards applicable to resource protection wells apply to this rule.

Citation WAC 173-303-	Requirement	Reason for change
650(6)(b)(ii)	Change reference citation from (2)(j)(ii)(D) and (E) to (2)(j)(iii)(D) and (E).	Correct citation error.
806(4)(j)(iv)(C) 806(4)(k)(v)(C)	Delete the word “design.”	The rule is corrected to match the federal rule. The intended meaning is not affected.
806(4)(n) 811 841	Add solid fuel boiler, liquid fuel boiler, and hydrochloric acid production furnace to facilities listed in 806(4)(n), 811, and 841.	Ecology adopted the NESHAPS Hazardous Waste Combustors rule in 2009. By oversight we did not include these types of boilers and furnaces, which are permitted to burn hazardous waste.
810(14)(a)(i) Note	Add the word “qualified” to the phrase independent registered professional engineer.	Technical correction to match regulatory defined term.
830 Appendix I	Add new entry O. “Burden Reduction” to the permit modifications table in Appendix I.	In 2009, Ecology adopted EPA Burden Reduction rules allowing use of a single contingency plan and for changes to detection and compliance monitoring program. These changes are now added to the permit modification table in section 830.
830(4) Appendix I (F)(1)(c) (F)(4)(a) (G)(1)(e) (G)(5)(c) (H)(5)(c)	Add the following note at the end of these citations, “ <i>Note: The RCRA section referenced above, 40 CFR 268.8(a)(2)(ii), is no longer in the RCRA regulations. It was removed on April 8, 1996 (61 FR 15599).</i> ”	EPA has not corrected the analogous RCRA rules to remove this reference to a non-existent RCRA rule. Once EPA makes the corrections, Ecology will correct the dangerous waste regulations.
905	Delete rule.	This rule conflicts with Public Records Act (PRA) rules. PRA rules require state agencies to respond to public disclosure requests within 5 days, but do not require them to furnish public records within a specified time frame. 905 could be interpreted to require Ecology to provide requesters with dangerous waste records within 20 working days.
9903	Correct errors with waste codes, CAS numbers, and chemical names.	Technical corrections.
9904 K181 9904 K181 (iv) 9904(4)(b) 9904(4)(c) 9904(4)(c)(i) and (ii)	Correct an error in the K181 listing for non wastewaters from dye and pigment production. In addition, six internal references are corrected.	The K181 listing code number is not in effect because of an error when the rules were filed with the Code Revisers Office in July 2009. This error resulted in the listing number itself not becoming adopted during the 2009 rule amendment process, but the rule language was adopted. This correction makes the listing fully effective.
9904 K069 listing	Add an administrative stay note for sludge generated from secondary acid scrubber systems in 40 CFR 261.32. The note follows the K069 listing.	EPA dropped <i>slurries from air pollution control devices</i> from the listing. This change will match the federal K069 listing.