



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Dangerous Waste Regulations

Chapter 173-303 WAC

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Purpose

The Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On December 18, 2014, Ecology adopted amendments to Chapter 173-303 WAC¹ Dangerous Waste Regulations (AO # 13-07). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-303 WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Ecology's Hazardous Waste and Toxics Reduction Program (HWTR) headquarters staff developed the rule amendments with input from regional staff. Most of this rule making consisted of changes or improvements to existing regulatory requirements. Ecology will provide guidance for affected colleges and universities as needed.

Following adoption, the headquarters team will offer technical support while continuing to develop statewide policy along with guidance and training. Headquarters staff will seek authorization from EPA for the federal regulations adopted. Authorization gives Ecology authority to implement the program in place of EPA.

New rules were adopted for:

- Financial assurance at operating facilities.
- Facilities in post-closure.
- Corrective action sites.
- Academic laboratories

¹ Washington Administrative Code

Regarding operating facilities and facilities in post-closure, Ecology will begin implementing and enforcing the new financial assurance requirements at each facility's next renewal date. Facilities will not be required to change their financial assurance mechanism mid-term, but will be expected to update the applicable documents at the next applicable renewal date.

The new requirements do not have any effect on current corrective action sites—they simply codify existing practice. Implementation will occur at future corrective action sites; Ecology will ensure that the language contained in future Agreed Orders or Consent Decrees conforms to the new regulations.

Hazardous waste inspectors and technical assistance staff at the four regional offices interact with generators daily. They are the primary Ecology staff implementing and enforcing the Dangerous Waste Regulations, including the newly amended sections. Industrial Section staff of the Waste to Resources Program and Nuclear Waste Program staff also implement these regulations. These rule changes are part of the existing regulatory framework for managing dangerous wastes, and will not require additional staff for implementation. Implementation and enforcement will be absorbed into existing workload and priorities of the implementing programs.

Informing and Educating Those Affected by the Rule

Ecology will notify interested persons through the dangerous waste rules electronic e-mail list (listserv) about the rule adoption. Email messages will also be sent to generators listed in our dangerous waste annual report database. Articles published in *Shoptalk* throughout the rule making notified the regulated community about the process and explained the proposed rules. Information and guidance about the new rules will continue to be available in future *Shoptalk* articles. As regional staff visits generators and storage, treatment, and disposal facilities, they will inform and educate them about the new requirements and emphasize rules that may benefit them, such as the Academic Laboratory Rule.

Currently, [generator workshop tutorials](#) and [videos](#) are available online. As need arises, focus sheets or other media may be developed to answer common questions about the new rules. Both regional and headquarters staff will also be available to provide technical assistance on the new rules over email and the phone. Ecology uses a listserv of interested people to send out information related to the rule amendments. This list includes generators, counties, environmentalists, tribes and other interested people. Announcement of upcoming dangerous waste rule making, availability of draft rule language for review and comment, and other opportunities have been and will continue to be announced using this list serv.

Ecology recognizes that institutions wishing to enroll in the Academic Laboratory Rule (also known as the Subpart K rule) need special instructions. These instructions will be sent to all eligible schools, and include guidance on properly completing the annual dangerous waste report form.

In addition, Ecology plans to send a letter to each facility affected by changes to financial assurance regulations. This will provide instructions on how to comply with the revised regulations.

Promoting and Assisting Voluntary Compliance

The actions mentioned above to inform and educate stakeholders on the changes also help promote voluntary compliance. The Dangerous Waste Regulations are complex regulations. *Shoptalk* articles explaining some of the key changes will help with voluntary compliance. New guidance will be written as needed to help generators understand and comply with the rules.

The Chemical Testing Methods guidance has been updated as part of the rule process. Changes to the document included clarifications and reference and test method updates. Both compliance and toxics reduction staff will inform the regulated community about relevant changes during their site visits. Program staff are available to respond to stakeholder questions by phone and e-mail.

A number of other activities have proven useful in promoting voluntary compliance:

- An index to the regulations to assist the regulated community in finding relevant requirements. The index is updated with each rule making.
- The regulations and guidance documents are available on Ecology's website.
- Routine training of regional staff on new and amended regulations.
- Maintenance of a file for comments and suggestions for improving the regulations. The file is used during each subsequent rule making. These suggestions come from both Ecology staff and the regulated community.
- Guidance documents developed for particular waste streams or industries, including fact and focus sheets and industry-specific booklets.

To assist affected companies in complying with the revised financial assurance regulations, Ecology is developing web-based forms. Each form is fully compliant with the new regulations and is expected to be a fillable PDF document that companies can simply complete, print, sign, and send to Ecology. We believe these new forms will make it easier for businesses to comply with the financial assurance regulations and will make Ecology's review and acceptance of the documents more efficient.

Evaluating the Rule

Ecology receives feedback from businesses during inspections and toxics reduction staff visits. We use this input to evaluate if the rule changes are achieving their purpose. Following initial implementation, the numbers of violations or necessary enforcement actions can be monitored. This information will be used to determine what additional education is needed for generators. Changes to the rules will be monitored over a period of time and may be discussed at a variety of program staff meetings including the Permit Implementation Team, Compliance Network, Corrective Action Network, Toxics Reduction Network meetings, and all-staff meetings.

Training and Informing Agency Staff

A contact person in each HWTR regional office keeps staff informed throughout the rule process. Additional updates will be distributed using this contact person process. HWTR headquarters staff will inform other Ecology programs, including the Industrial Section of the Waste 2 Resources program and the Nuclear Waste program.

The rule changes during this process did not make far-reaching changes to existing regulations. A summary of adopted rules and updates will be sent to Ecology staff and training offered at staff meetings or other workshops as needed.

Supporting Documents

In the HWTR Program, publications are reviewed for accuracy each time they need to be reprinted. Some guidance documents may need to be revised sooner as a result of these rule changes. A few new guidance documents may need to be written, depending on interest from affected parties.

The HWTR program will maintain supporting documents by:

- Updating or replacing previous financial assurance forms.
- Creating new financial assurance mechanism forms.
- Creating guidance on the academic laboratory rule (Subpart K).

More Information

- HWTR website for Dangerous Waste Rule Development Chapter 173-303 WAC http://www.ecy.wa.gov/programs/hwtr/laws_rules/DWRuleMaking.html
- Ecology Current Rule Making webpage. <http://www.ecy.wa.gov/laws-rules/wac173303/1307.html>
- Dangerous Waste Rules listserv. Subscribe to receive emails on updates to the dangerous waste rules. <http://listserv.wa.gov/cgi-bin/wa?SUBED1=DW-RULES&A=1>

Contact Information

For more information about how these regulations will be implemented, contact:

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