

Highlights of the 2014 Amendments to the Dangerous Waste Regulations

Purpose of the Amendments

The Washington Department of Ecology (Ecology) adopted amendments to the Dangerous Waste Regulations ([Chapter 173-303 WAC](#)) December 18, 2014. The rules became effective January 18, 2015.

The primary purpose of the rule revision was to incorporate federal requirements into the state's rules. Ecology is authorized by the U. S. Environmental Protection Agency (EPA) to implement the federal hazardous-waste rules in Washington. To maintain our authorization, Ecology must periodically update the rules by adopting new federal requirements. These changes ensure Washington State is consistent with the federal hazardous waste rules.

Other changes were made to update state-specific requirements, including technical corrections and other improvements. The [Chemical Test Methods for Designating Dangerous Waste](#) guidance was also revised.

Federal Rules Adopted by the State

❑ Standards for College and University Laboratories

These rules provide an alternative, optional set of generator requirements applicable to laboratories owned by or affiliated with colleges and universities. Affiliated laboratories could include art and photography schools, teaching hospitals, and other off-campus research laboratories. These optional standards provide flexible regulations specific to waste generation and accumulation in laboratories at colleges and universities. One benefit of the rule allows yearly clean out of laboratory stockrooms without requiring the wastes to be counted toward generator status determination.

MORE INFORMATION

Ecology regularly amends the dangerous waste regulations to align with EPA's hazardous waste rules and maintain our authorization to implement these regulations. State-only rules are also updated as needed.

Rulemaking documents are available at <http://www.ecy.wa.gov/laws-rules/wac173303/1307.html>.

The adopted regulations are also available at <http://apps.leg.wa.gov/wac/default.aspx?cite=173-303>.

If you have questions about dangerous waste management, contact your nearest regional office and ask for a hazardous waste specialist.

Northwest (425) 649-7000

Southwest (360) 407-6300

Central (509) 575-2490

Eastern (509) 329-3400

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology, 360-407-6700. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

❑ **Corrections to the Hazardous Waste Regulations**

Several technical corrections or clarifications were made as a result of corrections to the federal hazardous waste regulations. These changes relate to:

- dangerous waste identification
- manifesting
- generator requirements
- treatment, storage, and disposal facility standards
- land disposal restrictions program
- dangerous waste permit program

These changes correct existing errors that have occurred over time, and include typographical errors, incorrect outdated citations, and omissions. Many of the corrections made by EPA to the hazardous waste rules do not apply to Washington State.

❑ **Revisions to Import and Export Regulations**

Ecology adopted several changes to the federal hazardous waste regulations regarding hazardous waste exports and imports into the United States. Specifically, the amendments:

- Incorporate changes to international agreements on the transboundary movement of hazardous waste among countries belonging to the Organization for Economic Cooperation and Development (OECD).
- Establish notice and consent requirements for spent lead-acid batteries reclaimed overseas.
- Require U.S. waste receiving facilities to match incoming hazardous waste import shipments with EPA provided import consent documentation and to submit this documentation to EPA.

❑ **Removal of Saccharin as a Listed Dangerous Waste**

Ecology followed EPA's lead by removing saccharin and its salts from the lists of hazardous constituents and commercial chemical products in the dangerous waste regulations. Prior to

making its decision, EPA reviewed studies on the carcinogenic and other potential toxicological effects of saccharin and its salts. They also assessed waste generation and management information for saccharin and its salts. EPA determined, and Ecology agrees, that saccharin and its salts do not meet the criteria in the hazardous waste regulations for being listed as hazardous constituents, hazardous wastes, and hazardous substances.

❑ **Hazardous Waste Manifest Printing Specifications**

Ecology adopted a minor change to the hazardous waste manifest regulations affecting authorized printers of the manifest. This change allows use of distinct printing colors or other methods to distinguish the copy distribution notations from the rest of the form.

❑ **Carbamate Wastes, Revision of Treatment Standards for Carbamate Wastes**

This rule revises the land disposal restrictions (LDR) treatment standards for discarded hazardous wastes from the production of carbamate chemical products. Previously under the LDR program carbamate wastes had to meet numeric concentration limits before they could be land disposed. Due to lack of analytical standards, laboratories had difficulty analyzing carbamate wastes. With this rule, technology based treatment methods can be used as an alternative to the numeric limits. In addition, carbamate hazardous constituents were removed from the Universal Treatment Standards Table.

State-initiated Rule Amendments

State-initiated amendments consist of changes to federal rules previously adopted, or are changes to rules unique to Washington State, known as state-only rules. This fact sheet does not list all minor revisions, such as technical or grammatical corrections, updated internal references or clarifications.

❑ **Special Waste Rules**

Special wastes are state-only wastes (in solid form only) considered lower risk than normal dangerous waste. This rule change sets a time limit of 30 days for special waste to be stored at solid waste transfer stations. The 30 day limit can be extended upon approval from the local solid waste authority. An additional change notes that some special waste may also be Department of Transportation hazardous materials, subject to DOT shipping requirements. WAC 173-303-073

❑ **Update References to Test Methods and Tank Standards**

Several references to test methods and tank guidance standards were updated to the latest editions. WAC 173-303-110(3)(g)(ix), 173-303-110(3)(h)(i), 173-303-110(3)(h)(vii), 173-303-640(2)(c)(v)(B) Note, 173-303-640(4)(i)(iii) Note, and 173-303-640(9)(b).

❑ **Electronic Submittal of Documents**

A 2012 Washington State law requires state agencies to allow businesses to submit documents and forms electronically. Several dangerous waste rules were revised to allow generators the option of electronically submitting documents, which were previously required to be submitted by mail. WAC 173-303-140(4)(d)(iii), 173-303-335(4), 173-303-400(3)(c)(vi)(B), 173-303-610(6), 173-303-610(11), 173-303-810(14)(a)(i), 173-303-830(4)(a)(i)(A)

❑ **Dangerous Waste Facilities Waste Acceptance**

These changes clarify that anyone who accepts dangerous waste from off-site must have a Dangerous Waste permit or meet requirements for a dangerous waste recycling facility. This is not new, but previous rule language did not explicitly state this requirement. A change in the manifest system requirements also clarifies that manifest regulations apply to owners and operators of treatment, storage and disposal facilities, as well as dangerous waste recyclers.

WAC 173-303-170(3), 173-303-370(1) and 173-303-600(2)

❑ **Independent Qualified Registered Professional Engineer**

These changes maintain consistency with other dangerous waste regulatory requirements which require independent qualified registered professional engineers to certify certain activities. The current changes ensure critical work at hazardous waste facilities is properly done. These changes require, in almost all cases, that facilities use an independent professional engineer for regulatory certifications of permitted treatment, storage and disposal facility construction projects. WAC 173-303-200(1)(b)(iv), 173-303-200(4)(a)(iv)(A)(III), 173-303-400(3)(c)(xxii)(B), 173-303-64690, 173-303-650(4)(c), 173-303-650(5)(d)(ii)(B), 173-303-660(6)(e)(ii), 173-303-665(2)(a)(i), 173-303-806(4)(d)(v), 173-303-806(4)(e)(iii)(A)(I), and 173-303-806(4)(h)(ii)(A)(I).

❑ **Financial Assurance Rule Changes**

Several minor changes were made to the financial assurance regulations, including:

- Disallowing use of “sibling” companies in determining financial assurance costs for closure cost estimates
- Clarifying that financial assurance cost estimates must be in “current dollars”, and net present value adjustments are not allowed.
- Companies using a financial test or corporate guarantee must now have a tangible net worth of at least 25 million dollars in order to use the financial test or corporate guarantee option. This change was done to keep pace with inflation.
- Financial assurance liability minimums were raised to adjust for inflation. Liability insurance covers bodily injury and property damage, but does not cover costs of pollution cleanup. WAC 173-303-620

❑ **Financial Assurance Rules for Corrective Action Sites**

Ecology adopted financial assurance rules for corrective action sites. These rules codify guidance and past practice, and also mirror existing financial assurance rules for closure/post closure. WAC 173-303-620(11), 173-303-64620(5).

❑ **Enforceable Documents in Lieu of a Post Closure Permit**

Ecology adopted RCRA rules allowing interim status facilities to use enforceable documents in lieu of a post closure permit. Facilities that have cleaned up pollution and undergone closure will be allowed flexibility in using enforceable documents, such as agreed orders or consent decrees, and not be required to obtain a RCRA post closure permit. WAC 173-303-400(3)(c)(iii)(G), 173-303-645(1)(e), 173-303-800(2), 173-303-806(4)(a), and 173-303-806(4)(o).

❑ **P and U Lists Commercial Chemical Products Corrections**

Several errors were corrected in the commercial chemical products lists, including corrections to chemical names, waste codes and Chemical Abstract numbers. WAC 173-303-9903 and 9904.

❑ **Public Records Request Section Deleted**

A section dealing with public records requests was deleted. This rule was outdated and in conflict with the Public Records Act. WAC 173-303-905.

❑ **Chemical Test Methods Guidance Revisions**

Chemical Test Methods guidance (publication no. 97-407) was revised to clarify methods for determining state-only persistence. EPA SW-846 Method 9076 was removed as a recommended test for halogenated organic compounds. This method was considered inadequate for

designation purposes because it only quantifies half the chlorine, half the bromine, half the iodine, and none of the fluorine. Also, it may give false positive results because it detects inorganic halides along with organic halides. EPA method 9023 is now recommended for the determination of total extractable organic halides. Method 9056 (along with preparation method 5050) continues to be a recommended method for determining total halide concentration. We also removed guidance on designation that was inconsistent with the dangerous waste regulations.

❑ **K181 Dyes and/or Pigments Production Wastes**

In 2009 Ecology adopted this EPA rule for dyes and or pigments production wastes. A clerical error prevented the rule from being in effect and usable. The error was corrected and the rule is now in effect. WAC 173-303-9904.

❑ **National Environmental Performance Track Program (NEPT)**

EPA terminated the NEPT program May 19, 2009, without any plans to reinstate it. Ecology removed references to the program from our dangerous waste regulations.