



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# **Rule Implementation Plan**

## **Dangerous Waste Regulations**

### **Chapter 173-303 WAC**

---

January 2019

Publication 19-04-006

## Publication and Contact Information

This document is available on the Department of Ecology's website at:

<https://fortress.wa.gov/ecy/publications/summarypages/1904006.html>

For more information contact:

Hazardous Waste and Toxics Reduction Program  
P.O. Box 47600  
Olympia, WA 98504-7600

Robert Rieck

E-mail: [robert.rieck@ecy.wa.gov](mailto:robert.rieck@ecy.wa.gov)

Phone: 360-407-6751

Washington State Department of Ecology – [www.ecology.wa.gov](http://www.ecology.wa.gov)

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

*To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6700 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.*

# **Rule Implementation Plan**

---

## **Dangerous Waste Regulations Chapter 173-303 WAC**

Hazardous Waste and Toxics Reduction Program

Washington State Department of Ecology

Olympia, Washington

*This page is purposely left blank.*

# Table of Contents

Purpose.....	1
Introduction.....	1
Implementation and Enforcement.....	1
Informing and Educating Persons Affected by the Rule .....	3
Promoting and Assisting Voluntary Compliance .....	3
Evaluating the Rule.....	4
Training and Informing Ecology Staff.....	4
List of Supporting Documents that May Need to be Written or Revised.....	5
More Information.....	5

# Purpose

The Washington State 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 January 28, 2019, Ecology adopted amendments to Chapter 173-303 WAC Dangerous Waste Regulations (AO # 16-03). The purpose of this rule implementation plan is to inform those who must comply with these regulations 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) is authorized by the Environmental Protection Agency (EPA) to implement the dangerous waste regulations. HWTR maintains this authorization by adopting new federal hazardous waste rules, as well as through enforcement of our state regulations. We adopt new EPA regulations on a regular basis to remain equivalent to and consistent with federal hazardous waste regulations. States are required to adopt some EPA rules, while others are optional. This rule package has both types of rules. Ecology has amended specific sections of the dangerous waste regulations to incorporate new federal hazardous waste rules, including but not limited to:

- 1) Conditional Exclusions for Solvent-Contaminated Wipes
- 2) Revisions to the Definition of Solid Waste
- 3) Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule.
- 4) Hazardous Waste Generator Improvements Rule (GIR)
- 5) Hazardous Waste Export-Import Revisions
- 6) Hazardous Waste Electronic Manifest Rule

Amendments also include several state-initiated technical and editorial corrections and clarifications. Amendments include:

- Changes to the PCB waste exclusion to reduce duplicative regulation of state-only PCB wastes also regulated under the Toxic Substance Control Act 40 CFR Part 760.
- Above-ground signage requirements for underground dangerous waste tanks to increase safety awareness.

The generator improvement rule includes a major reorganization of generator requirements according to generator category. Experienced users of the regulations will need to relearn where to find applicable regulations, while people new to the dangerous waste regulations should find the reorganization beneficial. Amendments also include several minor state-initiated technical and editorial corrections and clarifications.

These rule changes are part of the existing regulatory framework for managing dangerous wastes, and will not require additional staff for implementation. Implementation of the new rules will be absorbed into existing workload and priorities of the implementing programs.

Regional Hazardous Waste and Toxics Reduction Program (HWTR) hazardous waste inspectors work with medium and large quantity generators, ensuring compliance through site inspections, the inspection report and any needed follow-up to make sure violations are corrected. Some technical assistance also occurs during site visits, and it is expected that inspectors will inform and educate facilities about these rule changes during these visits. HWTR program toxics reduction staff also interact with pollution prevention planning facilities, and likewise will inform them about changes, particularly those that provide regulatory relief.

Ecology's Nuclear Waste program hazardous waste inspectors also enforce the dangerous waste regulations, primarily at the Hanford facility. The Industrial Section staff of the Solid Waste Management program work with refineries, pulp mills and other large facilities on multimedia compliance, including hazardous waste. We will work with these other programs within Ecology to inform them about these rule changes.

City and county local jurisdictional health authorities are typically the regulatory agencies who work with small quantity generators. The program will continue working with local agencies to inform them about rule changes that impact small quantity generators (SQG), and those local agencies may in turn provide SQGs assistance on complying with the new regulations.

HWTR headquarters staff primarily developed initial draft rule language in 2016. In 2017, we formed a Generator Improvements Rule (GIR) team to help provide regional perspective as we drafted up new rules. This team was comprised of regional hazardous waste enforcement experts, including staff from the HWTR, Nuclear Waste Program and the Industrial Section of the Solid Waste Management Program. Ecology sought stakeholder input on draft rules, initially in fall 2016, then later in fall 2017 when we included GIR revisions in the rulemaking. As a result of this input, some changes were made to the rules prior to rule proposal.

Commenters on proposed rules asked for a delayed effective date to allow implementation of new hazardous/dangerous waste and hazard labeling requirements. Also a few facilities indicated that changes to contingency plan rules would require extra time to implement. As a result, HWTR is making the rules effective 90 days after adoption, instead of the usual 31 days.

## Informing and Educating Persons Affected by the Rule

The audience for this rule includes dangerous waste generators, hazardous waste transporters and treatment, storage and disposal facility staff. Local government, consultants, business associations and environmental groups also have an interest in rule changes. We began this rule process early 2016, and did extensive outreach to stakeholders throughout the rulemaking, including:

- Use of agency WAC Track listserv and the dangerous waste rulemaking listserv to notify stakeholder at critical points in the process.
- Regular updates to our rulemaking website to inform stakeholders about the rulemaking and opportunities to participate.
- Held several informational webinars and in-person meetings discussing draft rules, along with two public hearings on proposed rules.
- Published two articles in Ecology's *ShopTalk* publication notifying the regulated community about the process and explaining the proposed rules.

Ecology will continue to use these methods to inform and notify stakeholders on issues related to these rule amendments. Information and guidance about the new rules will continue to be available in future *Shoptalk* articles. Currently, generator instructional tutorials and videos on generator dangerous waste management are available online. As need arises, focus sheets or other media may be developed to answer common questions about the new rules.

As regional staff visit generators and treatment, storage, and disposal facilities, they will inform them about the new requirements and emphasize rules that will affect them. Both regional and headquarters staff will be available to provide technical assistance on the new rules over email and the phone. Additionally, the program surveyed generators about their preferences for receiving education about these changes, such as web based, webinars, or guidance documents. We also asked them to rank what topics were of most interest to them. Results of this survey will be used to craft effective ways to educate generators. In Spring 2019, HWTR will be holding a public webinar on the changes. As the need arises, additional trainings may be offered to the public.

## Promoting and Assisting Voluntary Compliance

The actions mentioned above to inform and educate stakeholders on the changes also help promote voluntary compliance. *Shoptalk* articles explaining some of the key changes will help with voluntary compliance. Existing guidance publications will be updated and new guidance will be written as needed to help generators understand and comply with the rules. As mentioned, we are delaying the effective date of the rules 90 days after adoption. This not only allows time for facilities to start implementing the changes, but allows our inspectors to learn the new requirements. During the interim period prior to the effective date, inspectors will note in their facility inspection report possible violations of new rules. These notations would be technical assistance, not an actual notice of violation. In some cases they may point out rules providing regulatory relief. Generators will be better prepared once the new rules are in effect.



HWTR is developing a dangerous waste rule citation checklist comparing locations of existing regulations to their new location. We expect to have this checklist available in the new printed regulations. 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.

From the generator survey mentioned above, ecology will receive input on preferences for guidance documents and training. Supporting educational materials will be developed based on their preferences.

Activities that have proven useful in promoting voluntary compliance include:

- An index to the regulations to assist the regulated community in finding relevant citations.
- Guidance documents developed for particular waste streams or industries, including fact and focus sheets and industry-specific booklets. The regulations and guidance documents are available on Ecology's website.
- Routine training of regional staff on new and amended regulations.
- Maintain a tracking system 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.

## **Evaluating the Rule**

A key indicator on effectiveness of the rule is feedback Ecology receives from generators during compliance inspections and toxics reduction staff visits. HWTR uses 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 Ecology Staff**

The rule changes during this process made far-reaching changes to existing regulations, including a major reorganization of the generator rules. Along with printed copies of the new regulations, a summary of adopted rules and updates will be sent to Ecology staff. A staff training webinar is planned for January 2019, and additional in-person staff trainings in February 2019. A contact person in each regional HWTR office kept regional staff informed throughout the rulemaking process. Additional updates will be distributed using this contact person process. Staff from the Industrial Section of the Solid Waste Management program and the Nuclear Waste program served on the rule development team, and will be continuing the role of informing their programs about trainings or guidance on the new rules.

# List of Supporting Documents that May Need to be Written or Revised

Because regulatory citations have changed in the newly adopted rule, many commonly used guidance documents will need revision soon after rule adoption. Internal tools used by hazardous waste inspectors to document facility violations and write facility inspection reports are also high priorities for revision. Many other HWTR guidance publications will also need to be evaluated and prioritized for possible revision. High priority guidance publications include:

- *Designating Dangerous Waste* (Ecology publication 96-436)
- *Guide for Dangerous Waste Generators in Washington* (Ecology publication 98-1252-HWTR)
- *Does my business generate dangerous waste? A guide for small quantity generators* (Ecology publication 16-04-027)
- *Shop Guide for Dangerous Waste Management* (Ecology publication 09-04-015)
- *Risk Labels Required for Dangerous Waste Management* (Ecology publication 12-04-016)
- *Counting Dangerous Waste Under the Dangerous Waste Regulations* (Ecology publication 98-414)
- *Treatment by Generator*
- *Focus Sheet: Used Shop Towels* (Ecology publication F-SHW-92-116)
- *General Facility Inspection Log* (Ecology publication 13-04-012)
- *Weekly Inspection Checklist* (Ecology publication 12-04-019)
- *Satellite Accumulation Technical Information Memorandum* (Ecology publication 94-120)
- *How to Develop a Personnel Training Plan* (Ecology publication 12-04-017)
- *How to Develop a Written Contingency Plan* (Ecology publication 12-04-018)
- *Notification of Dangerous Waste Activities – Line by Line Instructions* (Ecology publication 06-04-001)
- Many other generator guidance publications (too many to list here)

The program is planning to write a new guidance publication on episodic waste generation. We will evaluate if other new guidance publications are needed as we receive feedback from inspectors and the regulated community on their needs.

## More Information

The website for this rulemaking is at: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-303-Feb17>

Hazardous waste information for businesses is located at this portal: <https://ecology.wa.gov/Waste-Toxics/Business-waste>