



Certification of Designation Guidelines

Hazardous Waste and Toxics Reduction Program

Washington State Department of Ecology
Olympia, Washington

April 2025, Publication 25-04-017

Publication Information

This document is available on the Department of Ecology's website at:
<https://apps.ecology.wa.gov/publications/summarypages/2504017.html>

Related Information

Webpage:

- [Designate your waste](#)¹

Publications:

- [Dangerous Waste Designation](#)²
- [Chemical Test Methods for Designating Dangerous Waste](#)³
- [Biological Testing Methods for the Designation of Dangerous Waste](#)⁴
- [Designation Checklist](#)⁵

Contact Information

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Website: [Washington State Department of Ecology](#)⁶

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¹ <https://ecology.wa.gov/Designation>

² <https://apps.ecology.wa.gov/publications/SummaryPages/2304006.html>

³ <https://apps.ecology.wa.gov/publications/summarypages/97407.html>

⁴ <https://apps.ecology.wa.gov/publications/summarypages/8012.html>

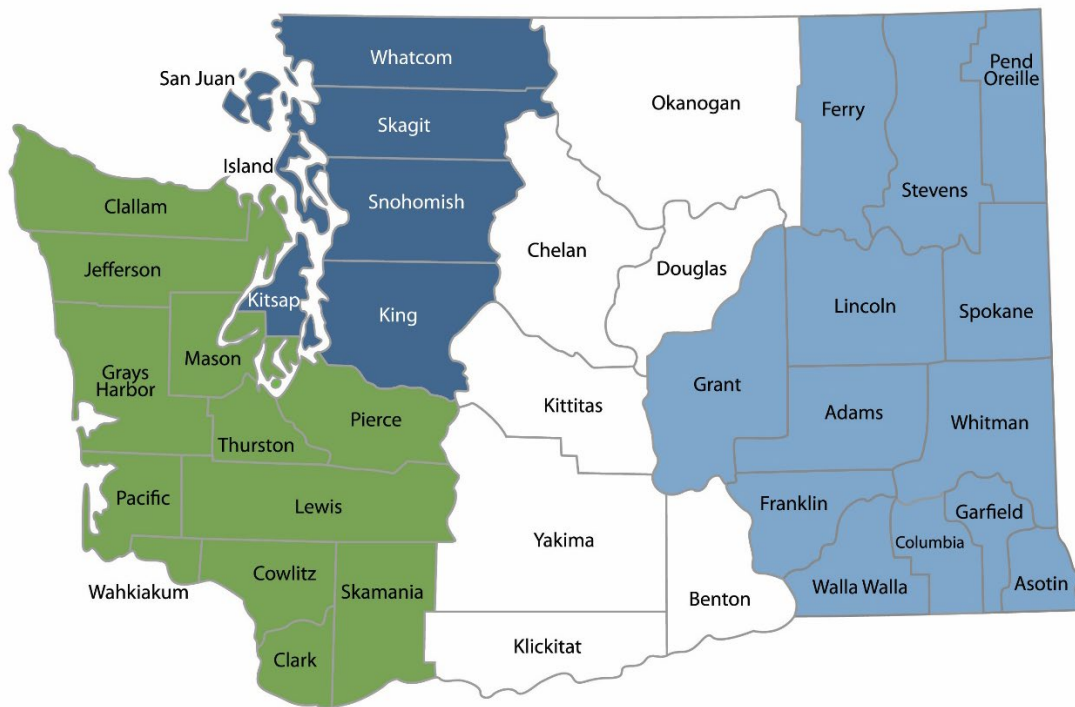
⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/1604028.html>

⁶ www.ecology.wa.gov/contact

⁷ www.ecology.wa.gov/accessibility

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region
360-407-6300

Northwest Region
206-594-0000

Central Region
509-575-2490

Eastern Region
509-329-3400

Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	P.O. Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 West Alder Street Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 North Monroe Spokane, WA 99205	509-329-3400
Headquarters	Statewide	P.O. Box 47600 Olympia, WA 98504	360-407-6000

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DEPARTMENT OF
ECOLOGY
State of Washington

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Introduction

These guidelines establish and explain how to obtain, maintain, and withdraw a Certificate of Designation in accordance with WAC 173-303-075. When issued, this certificate provides waste generators certainty on their waste designations by establishing their solid waste's designation status (described on the certificate). The certification process is illustrated in [Appendix A. Certification Flowchart](#).

These guidelines implement WAC 173-303-075, Certification of Designation, and are issued under the authority of the Hazardous Waste Management Act, Chapter 70A.300 RCW. Applying for and renewing certificates of designation is entirely voluntary. Waste generators aren't required to obtain certificates.

Contact us to learn more about the application process, questions, or comments:

Hazardous Waste and Toxics Reduction Program
Regulatory Assistance Unit Supervisor
Phone: 360-407-6700 (call for the current email address)
Address: P.O. Box 47600, Olympia, WA 98504-7600

Applying for a Certificate

1. Submit the application

To apply for a Certificate of Designation, the **waste generator**:

- Fills out the application in [Appendix D. Certificate of Designation Application](#).
 - Be as complete and accurate as possible. If you're unable to provide requested information, indicate why the information isn't available.
 - You must sign beneath the verification statement to indicate the submitted information is true, accurate, and complete to the best of your knowledge.
- The application may be submitted electronically or by mail. Submit the application electronically by calling 360-407- 6700 and asking for instruction. You can mail applications to:

Department of Ecology
Hazardous Waste and Toxics Reduction Program
Regulatory Assistance Unit Supervisor
P.O. Box 47600
Olympia, WA 98504-7600

2. Confidentiality

The Washington Public Records Act, Chapter 42.56 RCW, requires us to promptly make identifiable public records available for inspection and provide records upon request. This means any documents you submit to Ecology become subject to public disclosure.

Some people submitting information to Ecology request the agency treat all or some of that information as confidential business information. Ecology reviews each request to determine if the confidentiality claim meets the criteria in RCW 43.21A.160. If you believe the information submitted with your application meets these criteria, you will need to justify your reasoning for keeping the information confidential.⁸ Contact Ecology's Public Records Officer at RecordsOfficer@ecy.wa.gov or 360-407-6040 if you have questions about this process.

⁸ We reserve the right to provide confidential information to the U.S. Environmental Protection Agency (EPA) according to the interim and final authorization agreements between the state and federal governments.

Application Assessment

When assessing your application, we'll consider the following criteria.

1. Application completeness

We will not issue a Certificate of Designation until we determine the application is complete.

First, we'll determine if the application is complete enough to accurately designate the waste for certification, based on the adequacy of the information provided by the applicant.

We may decide additional information is necessary before your waste can be properly designated. In this case, we will ask you to submit the additional information in writing. This may include test data pursuant to WAC 173-303-070(4).

2. Assessment process

Once we determine an application is complete and adequate information exists to correctly designate a waste, we will assess the waste status and a certificate will be issued or denied.

Within 60 calendar days of determining an application is complete, we will notify you in writing of our intent to issue or deny the certificate and the basis for the decision.

If you disagree with our decision and feel the decision was made in error, you will have 60 calendar days from our notification to provide new data or evidence in writing. The new information will be considered, and a final decision will be made based on the original and additional information.

If you haven't objected after 60 calendar days from being notified of our decision, or if you confirm in writing that you agree with the decision, we will either issue or deny the certificate.

3. Compliance during assessment

While we're assessing an application (including requesting additional information), you must continue to designate your waste according to WAC 173-303-070 through 173-303-100 and manage your waste accordingly. Submitting an application doesn't eliminate your responsibilities to handle your waste according to Dangerous Waste Regulations, Chapter 173-303 WAC.

Waste Characterization

When you apply for certification, you must be able to demonstrate that your waste isn't dangerous and illustrate the variability of the waste. Follow the sampling and test methods in [WAC 173-303-110](#).⁹ You must:

- Be able to demonstrate with 95 percent confidence (using a one-tailed test) that your waste isn't dangerous.
- Determine how many samples are required to make this demonstration.
- Consider consulting with Ecology to determine which specific waste designation tests are required for certification.
- Consider whether the test data will be normally distributed or not.

In cases where the data is normally distributed, you may use the t-test to make the 95 percent demonstration. Prior to sampling and testing, you must complete these steps:

- Describe (in words) the variability of your waste.
- Indicate which statistical methods you'll use to analyze the data.
- Indicate which criteria you'll use to make the 95 percent demonstration.

In cases where the data isn't normally distributed, you must complete these steps:

- Indicate which statistical method you'll use.
- Demonstrate that the data is amendable to analysis using the selected statistical method.

You may be able to demonstrate your waste isn't dangerous after testing a minimum of three samples and providing a convincing demonstration or explanation that your waste doesn't designate and is only subject to minimum variation based on all the following factors:

- The invariant or never changing nature of raw materials (quantity and chemical properties) used in the waste generation process.
- The invariant or never changing nature of the process.
- Historical data about constituent concentration in the waste, provided the data fulfills designation requirements.

Using historical data on constituent concentration is of limited value to demonstrate that a waste isn't toxic, except for waste which contain a single offending constituent. The mixtures approach (book designation) for estimating toxicity doesn't account for synergism; this can be addressed by conducting fish bioassay testing.

⁹ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-303-110>

Alternatively, you may be able to hypothesize a worst-case scenario, and then demonstrate that such waste could not be dangerous. For highly variable waste streams, if a worst-case scenario can be defined, reduced frequency of testing may be appropriate depending on how convincing the industry can be regarding finding/describing the worst-case scenario.

For highly variable waste streams, for which a worst-case scenario cannot be defined, use accepted statistical methods to show how you will demonstrate with 95 percent confidence that your waste isn't dangerous.

Where there's inherent variability in the raw materials or in the process, you should expect similar variability in the waste constituents, characteristics, and criteria. You must do sufficient testing to demonstrate, statistically, that the waste isn't dangerous.

If the waste variability is normally distributed, use the student t-test to interpret the data. If the data isn't normally distributed, you may use a worst-case scenario approach or other methods of statistical analysis.

Generally, you can gather more statistical information about the waste's variability by analyzing constituent concentrations rather than by analyzing pass/fail data. In the case of acute toxicity, you can gather more information by correlating number of deaths with constituent concentration than by analyzing pass/fail data.

Ecology won't issue a certificate in cases where the waste variability cannot be adequately characterized, unless either:

- You can show the worst-case scenario wouldn't produce dangerous waste.
- There's a preponderance of historical data that convincingly demonstrates the waste isn't dangerous.

For more information on sampling and test methods, refer to the following resources developed by Ecology and EPA:

- [Chemical Test Methods for Designating Dangerous Waste](https://apps.ecology.wa.gov/publications/summarypages/97407.html)¹⁰
- [Biological Testing Methods for the Designation of Dangerous Waste](https://apps.ecology.wa.gov/publications/summarypages/8012.html)¹¹
- [RCRA Waste Sampling Draft Technical Guidance Document](https://www.epa.gov/hw-sw846/draft-technical-guidance-about-waste-sampling-under-resource-conservation-and-recovery-act) (August 2002)¹²
- [ASTM Manual 42 - RCRA Waste Management: Planning, Implementation, and Assessment of Sampling Activities](https://www.astm.org/DIGITAL_LIBRARY/MNL/SOURCE_PAGES/MNL42.htm)¹³

¹⁰ <https://apps.ecology.wa.gov/publications/summarypages/97407.html>

¹¹ <https://apps.ecology.wa.gov/publications/summarypages/8012.html>

¹² <https://www.epa.gov/hw-sw846/draft-technical-guidance-about-waste-sampling-under-resource-conservation-and-recovery-act>

¹³ https://www.astm.org/DIGITAL_LIBRARY/MNL/SOURCE_PAGES/MNL42.htm

Issuance of Certificate

1. Information to appear on the certificate

The following information will be on a Certificate of Designation:¹⁴

- Identifying information:
 - Facility name
 - Facility address
 - Facility Contact telephone number
 - EPA/State Identification Number (if generating regulated amounts of designated dangerous wastes)
- A statement of the waste designation status (dangerous waste, acute hazardous waste, extremely hazardous waste, or non-dangerous) and the reason for its status.
- A description of the waste, including:
 - The process or source of the waste
 - The physical nature of the waste (liquid, solid, gas, color, odor, etc.)
 - The waste's generation quantity and rate
 - Typical waste containers
 - Typical method of transport
 - The name or names of sites approved for receiving the waste (when appropriate)
- The conditions that must be met for the certificate to remain valid or the date the certificate will expire (when necessary)
- The date the certificate was issued
- The Director of Ecology's signature or their designee
- A Certificate of Designation number
- A statement regarding the certificate's applicability and how changes in raw materials and/or process affect the certificate

2. Determining waste status

We'll determine waste status based on information available to us, including information you provide.

¹⁴ See the sample Certificate of Designation in Appendix B.

The Certificate of Designation's waste status describes Ecology's decision on how the waste is designated based on the information provided with the application. The Certificate of Designation will indicate if the waste is:

- **Designated dangerous waste by WAC 173-303-080 through 173-303-100.**
 - This indicates we concur that the waste was designated using lists, characteristics, and/or criteria, and it's regulated as dangerous waste.
 - If the waste is dangerous waste, waste codes will be included and will indicate if the waste is dangerous waste (DW), acute hazardous waste (AHW), or an extremely hazardous waste (EHW).
- **Undesignated by WAC 173-303-080 through 173-303-090.**
 - This indicates the waste was checked against the federal listings (F, P, K, and U codes) and characteristics, and those waste codes don't apply.
- **Undesignated by WAC 173-303-080 through 173-303-100.**
 - This indicates we checked the waste against the federal listings (F, P, K, and U codes), characteristics, and state-only criteria, and determined it isn't dangerous waste.
 - The waste won't fall under the Dangerous Waste Regulations while the certificate is in effect, but will be subject to state and local solid waste regulations.

3. Certificate conditions and expiration date

For most certificates, we'll establish specific conditions you must follow for your certificate to remain valid. We'll establish them to assure your waste continues to exhibit and be managed following the designation status on the certificate. The conditions will also let you know if your certificate continues to be valid for your waste.

You're responsible for checking your waste on a regular basis to ensure the certificate conditions are met. This way, your certificate isn't subject to frequent renewal or withdrawal and modification.

In some cases, we may determine there isn't enough information to establish conditions that will ensure your certificate can remain indefinitely valid. We may set a fixed validity timeframe by establishing an expiration date, after which you must renew the certificate or it will automatically be invalid.

To determine expiration dates, we'll consider two general sources of information you provide:

- **Data showing the waste is constant over time.**
 - You'll need to demonstrate a low probability that your waste will change enough to affect its designation status.
 - This demonstration should focus on one of two factors:

- The process generating the waste doesn't change significantly over time.
- If the process does change, these changes won't affect the waste's designation status.
- **Historical information you provide for a definite time period.**
 - This shows the waste generating process has remained essentially unchanged.
 - The greater the time period this can be documented, the longer the certificate duration is likely to be.

When we issue a Certificate of Designation, we'll state the conditions in your certificate and/or the expiration date. We'll also provide copies of issued certificates to the local health department or health district where you're located.

4. Certificate compliance

Once we issue a Certificate of Designation, you must comply with the applicable requirements of Chapter 173-303 WAC for the particular waste status assigned to the waste. The certificate will remain in effect unless:

- Ecology suspends part or all of the certificate during review and amendment (see [Certificate Review section](#)).
- Ecology withdraws the certificate (see [Certificate Withdrawal section](#)).
- The certificate expires (see [Certificate Expiration and Renewal section](#)).

Failure to comply with the conditions or requirements of the certificate will be a basis to amend or withdraw the certificate.

Certificate Denial

Ecology will deny a Certificate of Designation application if any of the following are true:

- You fail to provide the information required by Ecology.
- The information provided is inadequate for accurate waste designation.
- You cannot demonstrate the constancy of their waste.
- A certificate expiration date is deemed necessary and has passed.

You are subject to all applicable requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC.

If Ecology denies your application for a certificate of designation, you may submit a new certificate application any time with the additional information required. You may also appeal Ecology's denial to the Washington State Pollution Control Hearings Board (PCHB) within 30 days after the date of receipt that you received Ecology's decision. The appeal process is governed by RCW 43.21B and WAC 371-08.

To appeal, you must do both of the following within 30 days after the date of receipt of Ecology's denial:

- File your appeal and a copy of Ecology's notice of denial with the PCHB during regular business hours. See WAC 371-08-340 for what to include in your notice of appeal.
- Serve a copy of your appeal and Ecology's notice of denial on Ecology by mail, in person, or by email.

Certificate Review

1. Review process

We will periodically review Certificates of Designation. If review indicates the certificate is no longer correct, there are a few actions we may take, including:

- Amending the certificate.
- Suspending parts of the certificate.
- Withdrawing the certificate.

We'll only notify you that we're reviewing your certificate if we change or withdraw it. The certificate will remain in effect during review, unless we notify you in writing.

2. Review triggers

These circumstances or actions may trigger our review of your certificate:

- New information on the waste indicating the waste status (designation) in the certificate isn't correct.
- Information indicating the waste changed¹⁵ or will change in a way that affects the waste status, the certificate conditions, or the certificate's expiration date.
- Notifying us that information on the certificate changed.
- Upon your request.

3. When you must notify Ecology

You must notify us in writing as soon as you're aware the following changes occurred or will occur:

- Changes as these appear on the certificate:
 - The company's name, mailing address, or telephone number.
 - The site contact name, mailing address, email address, or telephone number.
 - The site's physical address or new EPA/State ID number.
- Changes in raw materials used in the waste generating process.
- Changes in the waste generating process that may affect the waste designation status or the certificate conditions, or that may affect the certificate's expiration date.
- Changes in test data or information regarding the waste's chemical constituents and concentrations that affect the waste status or certificate conditions.

¹⁵ For example, the waste was mixed with other dangerous wastes.

- Changes in the waste's physical nature.
- Changes in the waste generation rate that would affect the waste status or certificate conditions—either quantity or frequency.
- Changes in the type or types of containers, transportation modes, or sites receiving the waste that are different from those described on the certificate.

If you don't notify us of these changes as soon as you become aware of them, we may immediately withdraw the certificate.

4. Amending the certificate

When we determine a certificate's information is no longer valid, we'll either issue a new certificate or withdraw the current certificate.

If there are minor changes that won't affect the waste status or expiration date, the certificate will remain in effect until we issue a new certificate. Minor changes include updating:

- Name, address, or telephone number.
- Waste description, unless changes in the generation quantity or rate affect the waste status.
- Typographical errors in the certificate.

If major changes affect waste status, conditions, or expiration date, we may suspend specific parts of the certificate if we determine that allowing them to remain in effect would pose a threat to human health or the environment. We'll notify you in writing of:

- Suspended parts.
- Reasons for suspension.
- Designation status of your waste (if affected by the suspension).
- Responsibilities and applicable regulatory requirements you must follow during the suspension.

Unless stated in writing, the certificate's suspended parts will remain suspended until we issue a new, amended certificate or withdraw the old certificate.

We'll notify you if we intend to amend your certificate.

- If there's an imminent threat to public health or the environment, the amendment will go into effect immediately and we'll notify you.
- If there isn't an imminent threat, you'll have 60 calendar days from notification to indicate and justify any objections you have in writing.
- After 60 calendar days, we'll consider any new information you submitted, determine the final amendments, and issue a new certificate or withdraw the certificate.

5. Complying with the amendment

After we amend and issue a new certificate, you must acknowledge the new certificate was issued and the old certificate was withdrawn. You're prohibited from using the old certificate after receiving the new, amended one. If you use the old certificate we may withdraw the new certificate.

Certificate Withdrawal

1. Basis for withdrawal

We may withdraw a certificate based on these circumstances or actions:

- An imminent threat to public health or the environment.
- Your failure to notify us as required under [Certificate Review: 3. When you must notify Ecology](#).
- Our determination that you knowingly submitted false or incorrect information.
- Your failure to comply with the certificate and its conditions, or your abuse of the certificate.
- Your request that Ecology withdraw the certificate.

2. Withdrawal process

When we decide to withdraw a certificate:

- We'll notify you of the decision with reasons, in writing.
 - If there is an imminent threat to public health or the environment, then the certificate will be withdrawn immediately.
 - If there is no imminent threat to public health or the environment, then you'll have 60 calendar days from the date of the withdrawal notification to describe and justify your objections in writing.
- After 60 calendar days, we'll consider any new information you submitted and make a final decision on whether to permanently withdraw the certificate.
- We'll notify you of the final decision in writing.

3. Complying after withdrawal

After a certificate is withdrawn, you're prohibited from using the certificate and are subject to all applicable requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC.

Certificate Expiration and Renewal

1. You must request renewal

Each Certificate of Designation with an expiration date will expire as indicated unless the generator specifically requests certificate renewal in writing. You must submit your renewal request at least 60 calendar days before the certificate expiration date.

If you don't submit your request in time, you'll have to submit a new certificate application as described in the [Applying for a Certificate section](#).

2. Renewing an expiring certificate

We'll consider a certificate renewal request similarly to the [application assessment procedures](#); however, you won't need to submit a new application.

When considering a certificate for renewal, we may request additional information. We'll notify you of our intent to renew or not within 60 calendar days of receiving a request or within 60 calendar days of receiving any new information we requested from you. We'll determine whether to renew your certificate following the [Application Assessment: 2. Assessment process section](#).

If we decide not to renew

We'll notify you in writing if we determine the certificate won't be renewed. You must describe and justify any objections in writing to us within 60 calendar days. After 60 calendar days, we'll consider any new information you provided and make a final decision to either renew the certificate or allow it to expire.

If we decide to renew

If we decide to renew the certificate, then we'll either update the expiration date or establish new certificate conditions and issue a new certificate. We'll determine the new expiration date or certificate conditions as described in the [Issuance of Certificate: 3. Certificate conditions and expiration date section](#).

3. How to comply during renewal and after expiration

While a certificate is going through the renewal process, you must comply with the existing certificate. If a new certificate isn't issued until after the existing certificate's expiration date, the existing certificate will remain in effect until we issue the new certificate.

If a certificate expires and we aren't renewing the certificate, you must acknowledge in writing that you're prohibited from using the expired certificate.

Revising the Certification Guidelines

We may revise these certification guidelines as necessary to correct errors, clarify or modify procedures, or include additional requirements. You may request we revise these guidelines by submitting a petition that states your desired revisions. Petition must be in accordance with the Dangerous Waste Regulations, WAC 173-303-910(1).

Appealing Decisions

If you disagree with our final decision, you may petition Ecology in accordance with WAC 173-303-910(5). Anyone adversely affected by any final decision by Ecology under these certification guidelines may appeal the decision to the Washington State Pollution Control Hearings Board in accordance with WAC 173-303-845.

The appeal process is governed by RCW 43.21B and WAC 371-08.

To appeal, you must do both of the following within 30 days after the date of receipt of Ecology's denial:

- File your appeal and a copy of Ecology's notice of denial with the PCHB during regular business hours. See WAC 371-08-340 for what to include in your notice of appeal.
- Serve a copy of your appeal and Ecology's notice of denial on Ecology by mail, in person, or by email.

Appendix A. Certification Flowchart

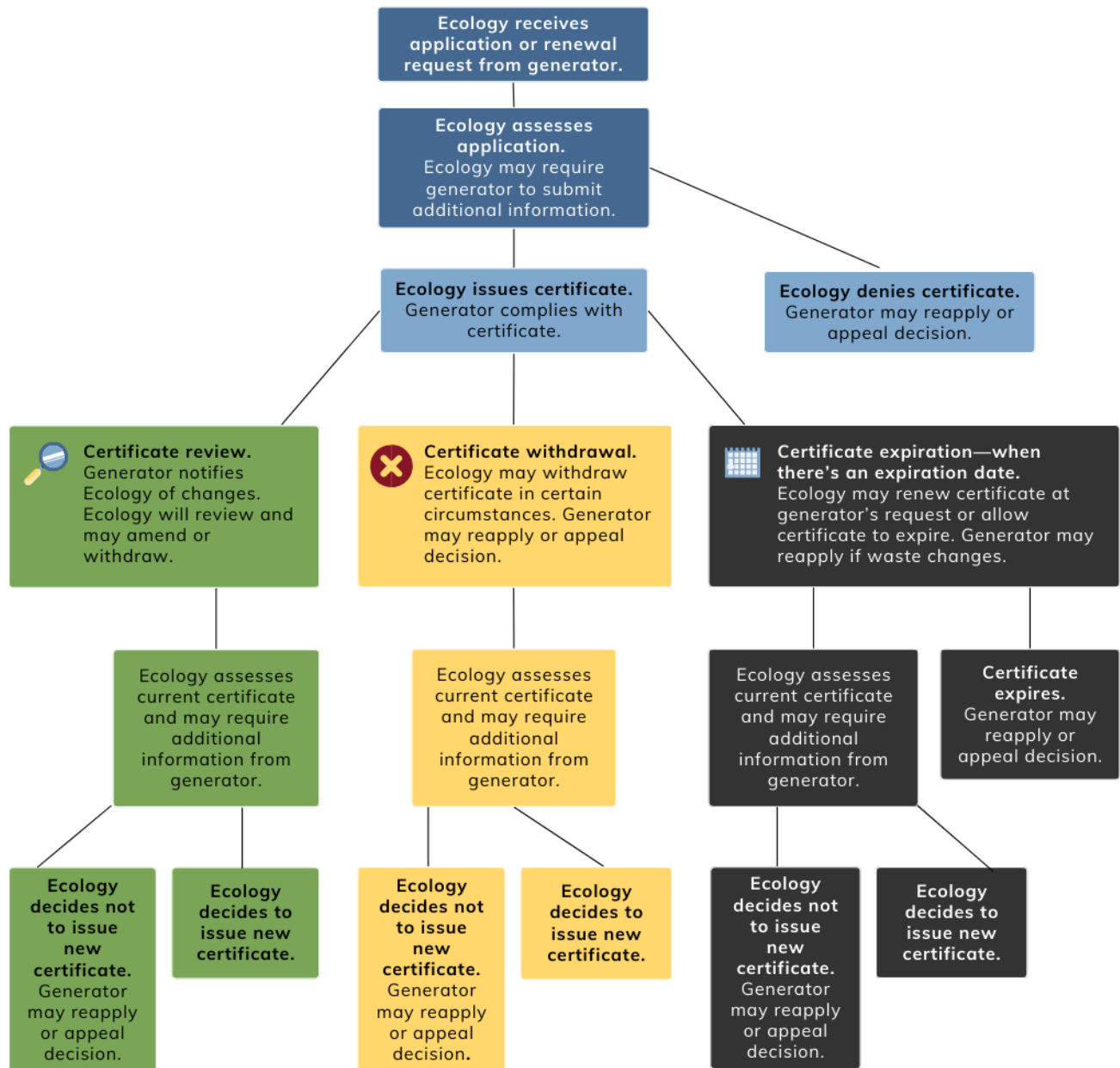


Figure 1: Certification flowchart

Plain text version

- Ecology receives application or renewal request from generator.
- Ecology assesses application—Ecology may require generator to submit additional information.
 - Ecology denies certificate. Generator may reapply or appeal decision.
 - Ecology issues certificate. Generator complies with certificate.

- **Certificate review.** Generator notifies Ecology of changes. Ecology will review and may amend or withdraw.
 - Ecology assesses current certificate and may require additional information from generator.
 - Ecology decides not to issue new certificate. Generator may reapply or appeal decision.
 - Ecology decides to issue new certificate.
- **Certificate withdrawal.** Ecology may withdraw certificate in certain circumstances. Generator may reapply or appeal decision.
 - Ecology assesses current certificate and may require additional information from generator.
 - Ecology decides not to issue new certificate. Generator may reapply or appeal decision.
 - Ecology decides to issue new certificate.
- **Certificate expiration**—when there’s an expiration date. Ecology may renew certificate at generator’s request or allow certificate to expire. Generator may reapply if waste changes.
 - Ecology assesses current certificate and may require additional information from generator.
 - Ecology decides not to issue new certificate. Generator may reapply or appeal decision.
 - Ecology decides to issue new certificate.
 - Certificate expires. Generator may reapply or appeal decision.

Appendix B. Example Certificate of Designation Upon Approval of a Request

Certificate Number: 00-00

Facility Name/Address: Name of Facility
Street Address
City, State Zip Code

Facility Contact Phone Number: 000-000-0000

State/EPA ID (if issued): WA0000000000

Waste Description: Fly ash and bottom ash from coal combustion.

Status:

- ☐ The waste **is** designated as dangerous waste under WAC 173-303-080 through 173-303-100. If selected, specify waste codes.
- ☐ The waste **isn't** dangerous waste under WAC 173-303-080 through 173-303-090 (listed and characteristic waste).
- ☒ The waste **isn't** dangerous waste under WAC 173-303-080 through 173-303-100 (listed, characteristic, and state-only criteria waste).

Physical Nature: Solid.

Source: Combustion of bituminous coal in a spreader stoker traveling grate boiler.

Generation Rate: Maximum: 800,000 lbs/mo
Average: 450,000 lbs/mo

Type of Container: Unspecified.

Mode of Transport: Wetted ash in open dump truck.

Testing: Annual testing required.

- Fish Bioassay
- Toxicity Characteristic (TC) analysis (only D004 through D011 need to be tested).

Date Issued: August 30, 2024

Expiration Date: August 30, 2029

Signature, Program Manager

This Certificate of Designation is issued pursuant to WAC 173-303-075, the Certification Guidelines (publication 25-04-017), and the information provided in the certificate application. It applies only to the wastes described in this certificate. Any change in the raw materials used or change in the manner in which the waste is generated will result in the generation of a new waste. Such new wastes are not covered by this Certificate and will require a new application if certification is desired.

Appendix C. Text of WAC 173-303-075, Certification of Designation

(1) Purpose and applicability.

(a) The purpose of WAC 173-303-075 is to establish procedures by which the generator of a solid waste may apply to the department for a review of their waste, and for a determination of the designation of their waste. When a final determination is made, the department will issue a certificate of designation which will describe the status of the generator's waste with respect to the designation requirements of this [chapter 173-303 WAC](#).¹⁶

(b) The provisions of this section are applicable to any person who produces a solid waste, who may be subject to the requirements of this chapter 173-303 WAC as the generator of a dangerous waste and who wishes to obtain a certificate designating the status of their waste.

(2) Certification. Any person who produces a solid waste which could be a dangerous waste may apply to the department, in accordance with the guidelines published pursuant to WAC 173-303-075(4), for a certificate of designation for their waste.

(a) The certificate of designation will describe the status of the designation for a waste or wastes as follows:

(i) Either, the certificate will state that the waste or wastes listed in the certificate are designated dangerous waste; or

(ii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the designation lists or characteristics of WAC [173-303-080](#)¹⁷ through [173-303-090](#),¹⁸ or

(iii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the dangerous waste lists, characteristics or criteria, WAC 173-303-080 through [173-303-100](#).¹⁹

(b) The certificate of designation will, at a minimum, include the following information:

(i) The name, address, telephone number and, where applicable, the EPA/state identification number of the person to whom the certificate is issued;

(ii) A statement of the status of the designation of the waste or wastes listed in the certificate and, if designated, whether DW or EHW;

(iii) A listing of the waste or wastes for which the certificate has been issued;

¹⁶ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-303>

¹⁷ <https://app.leg.wa.gov/wac/default.aspx?cite=173-303-080>

¹⁸ <https://app.leg.wa.gov/wac/default.aspx?cite=173-303-090>

¹⁹ <https://app.leg.wa.gov/wac/default.aspx?cite=173-303-100>

- (iv) The signature of the director or their designee;
- (v) The date on which the certificate was issued; and
- (vi) The period of time or conditions for which the certificate is valid.

(c) Once a certificate of designation has been issued to a person, that person is no longer subject to the designation procedures of WAC 173-303-080 through 173-303-100, unless the period of time for which the certificate is valid expires, the conditions under which the certificate is valid change, or the department withdraws its certification of designation in accordance with WAC 173-303-075(5). If the certificate states that the waste or wastes listed in it are designated, then the person to whom the certificate is issued must comply with all applicable requirements of this chapter 173-303 WAC. If the certificate states that the waste or wastes listed in it are not designated, then the person to whom the certificate is issued is not subject to the requirements of this chapter 173-303 WAC, unless the certificate becomes invalid or the department withdraws its certification.

(d) While an application for a certificate of designation is pending final action by the department, the person applying for certification must comply with all applicable requirements of this chapter 173-303 WAC.

(e) While a certificate of designation is being amended, in accordance with WAC 173-303-075(5), the certificate will remain in effect except for those parts of the certificate which the department specifically suspends.

(3) Designation. Determination of the status of designation for a waste or wastes for which a certificate of designation is being sought will follow the procedures set forth in this subsection.

(a) A waste will be certified as a dangerous waste if it is designated under any of the methods set forth in WAC 173-303-080 through 173-303-100.

(b) A waste will be certified as not a dangerous waste if:

(i) It has only been checked against WAC 173-303-080 through 173-303-090 (lists and characteristics) and it is not designated; or

(ii) It has been checked against the dangerous waste lists, characteristics and criteria, WAC 173-303-080 through 173-303-100, and it is not designated.

(4) Application. Any person who wishes to apply for a certificate of designation must do so according to the certification guidelines published by and available from the department. The department will follow the procedures specified in the certification guidelines when considering an application for a certificate.

(5) Review of certification. Review of and changes to or withdrawal of certificates of designation will be performed by the department according to the procedures specified in the certification guidelines, available from the department. At a minimum, the certification guidelines provide for the following procedures:

(a) The department will periodically review each certificate of designation to insure that it is current and accurately states the proper designation for the waste or wastes listed on the certificate.

(b) The department may amend, or any person with a certificate of designation may request the department to amend, any certificate in the event that changes to the certificate are necessary to keep it current or maintain its accuracy. The person will obtain concurrence of the department if he wishes to amend their certificate to reflect changes in the information on the certificate (e.g., new wastes, changes in waste properties, changes of address, etc.).

(c) The department reserves the authority to withdraw any certificate of designation if there is reason to believe that the certificate results in a threat to public health or the environment. If a certificate is withdrawn, then the waste or wastes listed on the certificate will be subject to all applicable requirements of this chapter 173-303 WAC.

[Statutory Authority: Chapters [70.105](#)²⁰ and [70.105D](#)²¹ RCW. WSR 95-22-008 (Order 94-30), § 173-303-075, filed 10/19/95, effective 11/19/95; WSR 94-01-060 (Order 92-33), § 173-303-075, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. WSR 84-09-088 (Order DE 83-36), § 173-303-075, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW [70.95.260](#).²² WSR 82-05-023 (Order DE 81-33), § 173-303-075, filed 2/10/82.]

²⁰ <https://app.leg.wa.gov/rCW/dispo.aspx?cite=70.105>

²¹ <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.105D>

²² <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70.95.260>

Appendix D. Certificate of Designation Application

Please see our [certificate of designation application](#).²³

²³ <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070777.html>