



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Hazardous Waste Fee Regulation

Chapter 173-305 WAC

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Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1704017.html>.

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325).

If you need this document in a version for the visually impaired, call the Hazardous Waste and Toxics Reduction Program at 360-407-6700.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

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Purpose

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

Introduction

On April 5, 2017, Ecology adopted amendments to our Hazardous Waste Fee Regulation (Chapter 173-305 Washington Administrative Code (WAC) (AO #16-06)). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-305 WAC 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 amended rule.

This plan also includes:

- Supporting documents that may need to be written or revised.
- 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

The following changes were made to the Hazardous Waste Fee Regulation:

- The definition of “price deflator” was updated to clarify how the fee is adjusted annually for inflation. The price deflator uses figures set by the United States Department of Commerce and Bureau of Economic Analysis relative to state and local government gross domestic products.
- Two types of dangerous wastes were excluded from hazardous waste fee calculations:
 - Dangerous waste treated on-site by the generator, as regulated by the Dangerous Waste Regulations WAC 173-303-170(3)(b) and (c), and
 - Non-recurrent dangerous waste as reported on the dangerous waste generator report required under WAC 173-303-060(5).

Ecology already uses the above-cited price deflator factor to adjust the fee for inflation. The previous (original) price deflator factor has not been published by the federal government for many years. Ecology needed to update the price deflator definition in this rule. This update does not change how Ecology calculates the hazardous waste fee.

Ecology has applied the exclusions from hazardous waste fee calculations for many years. This rulemaking will not change Ecology's current practice of excluding these two types of waste when calculating the hazardous waste fee. The rulemaking will not require businesses to change how they report dangerous waste.

Informing and Educating Persons Affected by the Rule

Ecology will provide information and education through the following methods:

- Send emails to Hazardous Waste Fee Rule LISTSERV subscribers.
- Send letters to tribal governments.
- Post information about the final rule on Ecology's Hazardous Waste Fee Regulation website.
- Publish rule adoption announcement in the May 2017 issue of *Shoptalk*, Ecology's quarterly newsletter from the Hazardous Waste and Toxics Reduction Program, distributed to over 10,000 businesses and interested parties.

Promoting and Assisting Voluntary Compliance

This rulemaking addresses administrative procedures for hazardous waste fee calculations. This rulemaking does not change compliance requirements for businesses subject to Chapter 173-305 WAC. Businesses should continue to report their dangerous waste as they have in previous years.

Evaluating the Rule

There will be no need to evaluate the impact of the rulemaking since it does not introduce new requirements for businesses subject to Chapter 173-305WAC. Ecology's fee calculation procedures will not change. The adopted rulemaking language will align with the way fees have, and will continue to be, calculated.

Training and Informing Ecology Staff

Ecology staff who work with businesses subject to Chapter 173-305 WAC will be notified that this rulemaking is final through email, routine networking, team meetings, and messaging from program management and supervisors. Since this rulemaking does not change Ecology's current practices, additional staff training is not necessary.

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

Ecology will update the Hazardous Waste Fee Regulation website.

More Information

Chapter 173-305 WAC Hazardous Waste Fee Regulation Rulemaking:
http://www.ecy.wa.gov/programs/hwtr/laws_rules/HWFee/1606ov.html.

Chapter 173-305 WAC, Hazardous Waste Fee Regulation:
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173.305>.

Department of Ecology Hazardous Waste Planning Fee:
<http://www.ecy.wa.gov/programs/hwtr/P2/P2fees/p3fees.html>.

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