



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Summary of Proposed Amendments to the Dangerous Waste Regulations Chapter 173-303 WAC**

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# Publication and Contact Information

This document is available on the Department of Ecology's website at:  
<https://fortress.wa.gov/ecy/publications/summarypages/1804019.html>

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## Purpose of this Document

This document provides a summary of proposed amendments to the Dangerous Waste Regulations. Proposed language is available for review and comment. Amendments based on federal rules are listed in Table 1, along with a description of state differences. The state citations column lists where changes were made to the Dangerous Waste Regulations. State-initiated changes are listed in Table 2.

## Submit Comments

Submit comments by October 5, 2018. Use our online form, send them by mail, or attend a public hearing:

1. Online comment form: <http://wt.ecology.commentinput.com/?id=4AbZi>
2. US mail. Robert Rieck, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.
3. Parcel delivery services. Robert Rieck, Department of Ecology, 300 Desmond Dr. SE, Lacey, WA 98503
4. Attend a public hearing. Go to our [Chapter 173-303 website](#)<sup>1</sup> for public hearing dates.

### Accommodation Requests:

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6700 or visit [ecology.wa.gov/accessibility](http://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.

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<sup>1</sup> [ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-303-Feb17](http://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-303-Feb17)



# **Summary of Proposed Amendments to the Dangerous Waste Regulations Chapter 173-303 WAC**

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Hazardous Waste and Toxics Reduction Program  
Washington State Department of Ecology  
Lacey, Washington

# Table of Contents

Table 1. Federal Rule Summaries.....	1
Table 2. State-Initiated Rule Amendments.....	9
List of Links to WAC.....	17

**Table 1. Federal Rule Summaries**

Federal Rule Title and EPA Summary	Major Differences Between State and EPA	State Citation(s) <sup>2</sup>
<p><b>Hazardous Waste Generator Improvements Rule; Final Rule November 28, 2016 – Vol. 81 FR 85732</b></p> <p>With this action, the United States Environmental Protection Agency (EPA) is finalizing revisions to the Resource Conservation and Recovery Act's (RCRA) hazardous waste generator regulatory program proposed on September 25, 2015. There are several objectives to these revisions. They include reorganizing the hazardous waste generator regulations to make them more user-friendly and thus improve their usability by the regulated community; providing a better understanding of how the RCRA hazardous waste generator regulatory program works; addressing gaps in the existing regulations to strengthen environmental protection; providing greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner; and making technical corrections and conforming changes to address inadvertent errors and remove obsolete references to programs that no longer exist. This final rule responds to the comments of EPA stakeholders, taking into consideration the mission of EPA and the goals of RCRA.</p>	<ul style="list-style-type: none"> <li>• The federal generator improvement rule (GIR) now includes a requirement for hazard labels on containers, tanks and containment buildings. WA has required hazard labels for many years. Unlike EPA, the state proposed rule does not to include examples of acceptable labeling systems; rather we give hazard label examples denoting dangerous waste characteristics and criteria. Some labels, such as US DOT's class 9 label, do not say what the hazard is. We are not specifying US DOT or other labeling systems to avoid implying any and all labels are adequate. We also are proposing to require labels to be legible from 25 feet or letters are at least ½ inch in height. This text size standard also applies to dangerous waste labels.</li> <li>• The federal GIR requires LQG containers holding ignitable and reactive wastes to be located 50 feet from the property line. This is a new rule allowing generators to obtain written approval from the local fire authorities in order to store wastes within this restricted area. WA never adopted or intends to adopt this 50-foot setback rule; instead, we continue to reference the International Fire Code (IFC) standards for separation distances for storage of explosives. State rules (but not RCRA) currently subject MQGs to the IFC standards for storage of ignitable and reactive wastes in containers. We are not proposing to adopt the RCRA GIR waiver allowance from the 50-foot setback rule; rather we plan to continue to referencing IFC setback distances for storage of</li> </ul>	<p>017(2)(b)(iii)</p> <p>040</p> <ul style="list-style-type: none"> <li>• “central accumulation area”</li> <li>• “control”</li> <li>• “large quantity generator”</li> <li>• “medium quantity generator”</li> <li>• “small quantity generator”</li> </ul> <p>060(6)</p> <p>070(1)(b) and (c)</p> <p>070(3), (4) and (6)</p> <p>082(2)(b)</p> <p>169-174,</p> <p>190(3)(b) and (7) through (9),</p> <p>200-201,</p> <p>210(3)(a) and (c), (4),</p> <p>220(1)(b)-(d)</p> <p>235. Citation updates throughout</p>

<sup>2</sup> These citations show where analogous federal rule language has been placed in the dangerous waste regulations

Table 1. Federal Rule Summaries

Federal Rule Title and EPA Summary	Major Differences Between State and EPA	State Citation(s) <sup>2</sup>
	<p>reactive wastes. New RCRA GIR drip pad hazardous waste accumulation rules allow MQG and LQG drip pad wastes to be accumulated on the drip pad for 90 days, then an additional 180 or 90 days accumulation at a central accumulation area, respectively (adding up to a total of 270 or 180 days possible accumulation). WA proposes only 180 days total accumulation time for MQGs, and 90 days total accumulation time for LQGs. In addition, we propose the generator maintain records of the original start date waste begins to be accumulated on the drip pad.</p> <ul style="list-style-type: none"> <li>• WA is proposing GIR episodic generation rules, with a few state differences: <ul style="list-style-type: none"> <li>○ The definition for planned episodic event does not include regular maintenance. Ecology believes that wastes from regular maintenance usually are generated during normal generator operations, thus do not fit the definition of an episodic event.</li> <li>○ The state requires wastes from episodic events to be reported on dangerous waste annual reports, including all dangerous waste generated during the calendar year of the episodic event.</li> <li>○ Episodic wastes are also subject to pollution prevention fees and planning.</li> <li>○ Labels must meet state-only readability requirements, including the standard that hazard labels are understandable.</li> </ul> </li> <li>• RCRA GIR requires that any generator who is an LQG for at least one month out</li> </ul>	<p>235(1) (deleting two definitions and moving to 040)</p> <p>235(14)(a)(i)</p> <p>320(2)(c)</p> <p>370(1), (9)</p> <p>400. Citation updates throughout</p> <p>400(3)(a)(v)-(vii)</p> <p>520(1)</p> <p>573(41)</p> <p>578(3)</p> <p>600. Citation updates throughout</p> <p>630(1)</p> <p>640(2)(a)</p> <p>690(1)(b)</p> <p>691(1)(b)</p>

<b>Federal Rule Title and EPA Summary</b>	<b>Major Differences Between State and EPA</b>	<b>State Citation(s)<sup>2</sup></b>
	of the year must submit a biennial report for entire year. WA is proposing this rule applies to both MQGs and LQGs, except that WA requires annual reporting.	
<p><b>Hazardous Waste Export-Import Revisions; Final rule November 28, 2016 - Vol. 81 FR 85696</b></p> <p>The Environmental Protection Agency (EPA) is amending existing regulations regarding the export and import of hazardous wastes from and into the United States. EPA is making these changes to: Provide greater protection to human health and the environment by making existing export and import related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD); enable electronic submittal to EPA of all export and import-related documents (e.g., export notices, export annual reports); and enable electronic validation of consent in the Automated Export System (AES) for export shipments subject to RCRA export consent requirements prior to exit. The AES resides in the U.S. Customs and Border Protection's Automated Commercial Environment (ACE).</p>	There are no differences in the state rule.	<p>040</p> <ul style="list-style-type: none"> <li>• “export”</li> <li>• “exporter”</li> <li>• “recognized trader”</li> </ul> <p>071(3)(l)(iv)</p> <p>071(3)(r)(iv)</p> <p>120(2)(a)(i)</p> <p>120(6)</p> <p>170(7)</p> <p>220(1)(e)</p> <p>230(1)</p> <p>240(11)</p> <p>250(1)(b), (3), (7)(b), (8)(b), (9)(d)</p> <p>290(1)</p> <p>370(3), (7)</p> <p>520(1)(a)-(b)</p> <p>522(b)(iii)</p> <p>573(16), (26), (27), (34), (37)-(38)</p>
<p><b>Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System;</b></p>	There are no differences in the state rule.	040

Table 1. Federal Rule Summaries

Federal Rule Title and EPA Summary	Major Differences Between State and EPA	State Citation(s) <sup>2</sup>
<p><b>Electronic Manifests; Final rule February 7, 2014 – Vol. 79 FR 7518</b></p> <p>The Environmental Protection Agency (EPA or the Agency) is establishing new requirements that will authorize the use of electronic manifests (or e-Manifests) as a means to track off-site shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. This final rule also implements certain provisions of the Hazardous Waste Electronic Manifest Establishment Act, Public Law 112-195, which directs EPA to establish a national electronic manifest system (or e-Manifest system), and to impose reasonable user service fees as a means to fund the development and operation of the e-Manifest system. The requirements announced here clarify explicitly that electronic manifest documents obtained from the Agency's national e-Manifest system and completed in accordance with today's regulation, are the legal equivalent of the paper manifest forms (EPA Forms 8700-22 and 8700-22A) that are currently authorized for use in tracking hazardous waste shipments. Upon completion of the e-Manifest system, the electronic manifest documents authorized by this final regulation will be available to manifest users as an alternative to the paper manifest forms, to comply with federal and state requirements respecting the use of the hazardous waste manifest. Users who elect to opt out of the electronic submittal to the e-Manifest system may continue to use the paper manifest to track</p>	<p><i>Note: The state's proposed e-manifest regulations only include EPA's first e-manifest regulations (One Year Rule). At this time we are not proposing to adopt the January 2018 Hazardous Waste Electronic Manifest User Fee Rule, although the e-manifest regulations will be in effect nationwide June 30, 2018.</i></p>	<ul style="list-style-type: none"> <li>• “electronic manifest”</li> <li>• “manifest”</li> <li>• “user of the electronic manifest system”</li> </ul> <p>180(9)-(11)</p> <p>250(1)(a), (10)</p> <p>370(2)(e), (10)</p>

<b>Federal Rule Title and EPA Summary</b>	<b>Major Differences Between State and EPA</b>	<b>State Citation(s)<sup>2</sup></b>
<p>their shipments during transportation, which then will be submitted by the designated facility for inclusion in the e-Manifest system. EPA recognizes that there will be a period of transition to electronic submittals and the Agency will, as we implement e-Manifest, assess what measures might be effective to expedite the transition from paper manifests to electronic manifests. This final regulation further clarifies those electronic signature methods that the Agency recommends for executing electronic manifests in the first generation of the national e-Manifest system. This regulation also specifies how issues of public access to manifest information will be addressed when manifest data are submitted and processed electronically. Finally, this regulation announces, consistent with the mandate of the Hazardous Waste Electronic Manifest Establishment Act, that the final electronic manifest requirements promulgated today will be implemented in all states on the same effective date for the national e-Manifest system. Authorized states must adopt program revisions equivalent to and consistent with today's federal requirements, but EPA will implement these electronic manifest regulations unless and until the states are fully authorized to implement them in lieu of EPA.</p>		
<p><b>1. Revisions to the Definition of Solid Waste; Final Rule</b></p> <p><b>January 13, 2015 – Vol. 80 FR 1694</b></p>	<p>In these proposed rules ecology does not intend to adopt recycling exemptions for:</p> <ul style="list-style-type: none"> <li>• Solvent remanufacturing</li> </ul>	<p>016(4)(d)</p> <p>016(5)(d)(ii)</p> <p>016(8)</p>

Table 1. Federal Rule Summaries

Federal Rule Title and EPA Summary	Major Differences Between State and EPA	State Citation(s) <sup>2</sup>
<p>The Environmental Protection Agency (EPA, or the Agency) is publishing a final rule that revises several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The purpose of these revisions is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material.</p> <p><b>2. Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule; Final rule May 30, 2018 – Vol. 83 FR 24664</b></p> <p>The Environmental Protection Agency is revising regulations associated with the definition of solid waste under the Resource Conservation and Recovery Act. These revisions implement vacaturs ordered by the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit), on July 7, 2017, as modified on March 6, 2018</p> <p><i>Note: With the May 30, 2018 rulemaking, EPA revised the 2015 DSW rule, upon which our proposed rule is based. Ecology has determined that no changes to our proposed rules are necessary as a result of the court vacatur and subsequent changes to the 2015 federal DSW rule. In this 2018 rulemaking, EPA removed</i></p>	<ul style="list-style-type: none"> <li>• Materials recycled under control of the generator</li> <li>• Materials transferred for recycling - known as the “transfer based exclusion”</li> <li>• Non-waste determination</li> </ul> <p>At this time, few states have adopted these exemptions, in part due to concerns about the safety of hazardous waste recycling. At another rulemaking, we may consider adopting these exemptions if they prove to be safe and worthwhile. We determined that non-waste determinations would be redundant to state rule petition processes and rules allowing generators to verify designation status for solid wastes.</p> <p>Ecology does not intend to adopt definitions for:</p> <ul style="list-style-type: none"> <li>• Intermediate facility</li> <li>• Land based units</li> <li>• Non-waste determination</li> <li>• Reclaim (EPA modified an existing definition for reclaim for purposes of the new recycling exemptions. Ecology is not adopting these changes.)</li> </ul>	<p>017(5)(a)(iv)-(v)</p> <p>017(5)(b)(iii)</p> <p>017(7)(a)</p> <p>017(7)(c)-(e)</p> <p>017(8)</p> <p>019</p> <p>040</p> <ul style="list-style-type: none"> <li>• “Contained”</li> <li>• “Facility”</li> <li>• “Hazardous Secondary Material”</li> <li>• “Hazardous Secondary Material Generator”</li> <li>• “Transfer facility”</li> </ul>

<b>Federal Rule Title and EPA Summary</b>	<b>Major Differences Between State and EPA</b>	<b>State Citation(s)<sup>2</sup></b>
<p><i>legitimacy criteria factor 4 (dealing with “toxics along for the ride”). WA is still proposing to adopt this factor, meaning the state will be more stringent than RCRA in viewing legitimate recycling.</i></p>		
<p><b>Conditional Exclusions from Solid Waste and Hazardous Waste for Solvent Contaminated Wipes; Final Rule</b></p> <p><b>July 31, 2013 – Vol. 78 FR 46448</b></p> <p>The Environmental Protection Agency (EPA or the Agency) is publishing a final rule that modifies its hazardous waste management regulations for solvent-contaminated wipes under the Resource Conservation and Recovery Act. Specifically, this rule revises the definition of solid waste to conditionally exclude solvent-contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses.</p>	<p>EPA excludes solvent-contaminated wipes that are reused, and also wipes that are disposed at solid waste landfills, solid waste combustors, dangerous waste landfills and dangerous waste incinerators. Because of concerns about placing flammable wipes in solid waste containers an refuse trucks, ecology is not proposing to adopt the exclusion for wipes disposed to solid waste landfills and solid waste combustors. We do plan does intend to adopt the exclusion for wipes sent to dangerous waste landfills and dangerous waste permitted incinerators. Wipes designating for Washington state-only criteria (toxicity and persistence) also qualify for these exclusions.</p>	<p>040</p> <ul style="list-style-type: none"> <li>• “No free liquids”</li> <li>• “Solvent-contaminated wipe”</li> <li>• “Wipe”</li> </ul> <p>070(3)(rr) and (ss)</p>
<p><b>Revisions to the Export Provisions of the Cathode Ray Tube (CRT) Rule</b></p> <p><b>June 26, 2014 – Vol. 79 FR 36220</b></p>	<p>There are no differences in the state rule. Ecology is proposing to adopt by reference EPA’s CRT export provisions at 40 CFR 261.39(a)(5)(i-xi) and 261.41.</p>	<p>040</p> <ul style="list-style-type: none"> <li>• “CRT transporter”</li> </ul>

Table 1. Federal Rule Summaries

<b>Federal Rule Title and EPA Summary</b>	<b>Major Differences Between State and EPA</b>	<b>State Citation(s)<sup>2</sup></b>
<p>The Environmental Protection Agency (EPA or the Agency) is revising certain export provisions of the cathode ray tube (CRT) final rule published on July 28, 2006. The revisions will allow the Agency to better track exports of CRTs for reuse and recycling in order to ensure safe management of these materials.</p>		<ul style="list-style-type: none"> <li>• “CRT exporter”</li> </ul> <p>071(3)(oo)</p>

**Table 2. State-Initiated Rule Amendments**

DW rule cite	Suggested change	Why needed
040 various places	Place terms defined in other sections of the rules within the 040 definitions with a reference to the section where they are defined.	By having most defined terms within the 040 definitions section, it should be easier for readers to find those terms.
040 “accumulation”	Refer to definition of storage.	Following EPA’s lead with GIR changes, this definition clarifies that accumulation is a form of storage.
040 “authorized representative”	This new state definition modifies a RCRA definition at 40 CFR 260.10.	We are providing this definition to help resolve compliance issues around who is legally allowed to sign a generator’s paperwork, such as annual reports.
040 “electronic signature”	Add electronic signature definition, referencing RCW 19.034.020.	Provides a clear definition of electronic signature in support of new rules allowing use of electronic signature for signing inspection logs.
040 “enforceable document”, 610(3)(a)(ix), 610(3)(b)(ii)(D), 610(8)(b)(iv), 610(8)(d)(ii)(D), 620(1)(d)(i).	Change internal reference from 645(1)(e) to 645(1)(f)	The reference to 645(1)(e) is incorrect because the rule allowance for alternative requirements for groundwater monitoring and corrective action was moved from 645(1)(e) to 645(1)(f) during the 2014 rulemaking.
040 “point of generation”	Define the place and date for determining the point of waste generation	This is a new state definition provided in support of GIR changes and to clarify the meaning of this term.

Table 2. State-Initiated Rule Amendments

<b>DW rule cite</b>	<b>Suggested change</b>	<b>Why needed</b>
040 “storage”	Update the definition of storage	The state definition for storage is slightly modified in support of GIR changes to clarify that accumulation is a form of storage.
040 “weekly inspections”. 400(3)(b)((v) 630(6)	Provide a definition for “weekly inspection” as follows: “Weekly inspections” means at least once during the period from Sunday to Saturday.  This new definition is referenced numerous times throughout the revised rules.	Provides a clear boundary on time period between weekly inspections. This will improve compliance by helping generators to make timely inspections in order to spot leaking or damaged drums.
045	Revise 40 CFR incorporation by reference date	This date is updated each time dangerous waste rules are revised.
060(1)	Add recycling facilities to those entities required to have an EPA/state ID #.	Aligns with a GIR change affecting LQG reporting, as found in section 220(1)(b). This is not a new requirement, but a clarification.
060(2)	Add a parenthetical statement giving an example of activities transporters are not allowed to perform.	A clarification on allowable transporter activities.
060(4)	Delete “cancelled” and replace with “withdrawn”.	Amend wording to clarify procedure for withdrawing an EPA/state ID#.
060(5)	Add references to sections 120 and 515.	Highlighting that recyclers and oil processors have annual report obligations.

<b>DW rule cite</b>	<b>Suggested change</b>	<b>Why needed</b>
070(3)(d)(iv)	Clarify existing rules that wastes must be designated for both state toxic and persistent criteria.	This is an existing requirement, but has not been clear in the designation process rules.
071(1)	Clarify that excluded wastes may continue to have some dangerous waste management requirements.	Clarification.
071(3)(k)(i)	Align the state exclusion for PCBs with RCRA PCB exclusion by narrowing it to only include PCB dielectric fluid and electric equipment containing such fluid, as regulated under 40 CFR part 761. An exemption for state-only PCB wastes that are also regulated under 40 CFR part 761 is being added.	Currently the state exclusion excludes more materials than EPA. Existing 071(3)(k)(i) excludes any PCB materials regulated under 40 CFR part 761.60, meaning our exclusion could also exclude contaminated hydraulic equipment and other types of items listed in 761.60, and be less stringent than RCRA. By providing an exemption for state-only PCB wastes, we avoid double regulation of certain TSCA PCB waste that are also state-only regulated dangerous waste.
110(3)(a) through (c)	Revise the EPA SW-846 Test Methods reference to include Update V to the Third Edition. Correct reference titles.	EPA updated SW-846 to Update V of the Third Edition.
120(5)	Revise to read <i>(5) Used oil that is recycled and is also a dangerous waste solely because it exhibits a dangerous waste characteristic or criteria is not subject to this chapter except for <u>applicable requirements of WAC 173-303-515 and the requirements of 40 C.F.R. Part 279, which is incorporated by reference at WAC <a href="#">173-303-515</a>.</u></i>	Correction. Current wording of 120(5) is incorrect because it does not include requirements and prohibitions of section 515 Used Oil. Adding a reference to 515 will clarify the requirements for recycled used oil.

Table 2. State-Initiated Rule Amendments

DW rule cite	Suggested change	Why needed
140(2)(a)	Revise to read: The word "EPA" (in 40 C.F.R.) means "Ecology" at 40 C.F.R. 268.44(m) <u>and at 268.45(a).</u>	268.45 is incorporated by reference at 140(2)(a), but is not currently modified in the state rules to replace "EPA" with "Ecology". This implies that only EPA has authority to determine if hazardous debris must be treated prior to disposal, not ecology. This change gives ecology legal ability to make this determination.
172(5)(a) 630(2)	Amend the container condition examples by adding severe flaking or scaling.	Clarifying examples of containers not in good condition.
172(5)(c)(iii) 630(5)(c)	Clarify the aisle space separation rule and stipulate that the view of the container be unobstructed to allow complete inspection.	Clarification
172(5)(d) and 200(3)(d)	Add the ability for electronic signatures to be used to sign inspection logs.	This will benefit generators by allowing electronic record keeping for noting completion of inspections.
172(5)(e) and 200(3)(e)	Revise rule to require that central accumulation areas have secondary containment.	Existing rules require central accumulation areas to have secondary containment, unless the accumulation area was built before 1986. This change removes obsolete language so it is clear that secondary containment is required.
201(8)(a), 350(1) 360(2)	Emergency circumstance is changed to "any emergency event". Natural disaster is added to the list of events that contingency plans must address.	Consistent terminology will help clarify when generators and TSDs need to implement contingency plans and emergency procedures.

**Summary of proposed amendments to the Dangerous Waste Regulations**

DW rule cite	Suggested change	Why needed
	“In the event of an emergency” is changed to “any emergency event identified in WAC 173-303-350”.	This change aligns with revisions to 201(8) and 350(1). The reference to section 350 clarifies what emergency events must be implemented.
220(1)(a)	Add clarification to annual report requirement	Clarification.
235(12)(c)	Change internal reference WAC 173-303-200(1)(b)(i) to WAC 173-303-200.	Update references due to GIR reorganization.
235(15)(b)(v)	Change internal reference WAC 173-303-070(7) to WAC 173-303-070(3).	WAC 173-303-070(3) more closely match the analogous RCRA citation at 40 CFR 262.11 for determining if a solid waste is a dangerous waste.
235(16)(b)	Change internal reference WAC 173-303-070(2) to WAC 173-303-070.	Referring to 070 in its entirety more closely matches the analogous RCRA citation at 40 CFR 261.3 for determining if a solid waste is a dangerous waste.
235(17)(a)	Change internal references to generator requirements.	Update references due to GIR reorganization.
270(2) and (3)	Update notification procedures for discharges during transport.	Update to align with U.S. Department of Transportation regulations.
320(2)(d)	Revise to read: (d) The owner or operator must keep a <u>written or electronic</u> inspection log or summary, including at least the date and time of the inspection, the printed name and the handwritten <u>or electronic</u> signature of the inspector, a	Many facilities already have capacity to use electronic signatures, and this change allows electronic signatures and logs for general inspections.

Table 2. State-Initiated Rule Amendments

DW rule cite	Suggested change	Why needed
	notation of the observations made, an account of spills or discharges in accordance with WAC <a href="#">173-303-145</a> , and the date and nature of any repairs or remedial actions taken.	
370(5)(e)(i)-(ii), (f)(i)-(ii), 522(3)(a)	Revise to “EPA/state ID#” for consistency with definition.	Technical correction
380(2)(a)	Reference to sections 9903 and 9904 added.	Clarification
505(1)(b)(i)	Add “...as modified at WAC 173-303-140(2)(e).” to the end of the last sentence.	This change informs the reader that 40 CFR 268.7(b)(6) is modified by WAC 173-303-140(2)(e).
510(4)(b)(iii), (6)(d), (7)(d), (8)(c)(i).	Update internal references.	Update references due to GIR reorganization.
515(8) and (9)	Adding used oil transporter, used oil processor, and used oil burner annual report requirement.	Clarification.
573(35)	<p>Revise to read: “The owner or operator of a destination facility (as defined in WAC <a href="#">173-303-040</a>) is subject to all applicable requirements of WAC <a href="#">173-303-140</a> and <a href="#">173-303-141</a>, <a href="#">173-303-280</a> through <a href="#">173-303-525</a>, <a href="#">173-303-600</a> through <a href="#">173-303-695</a>, <a href="#">173-303-800</a> through <a href="#">173-303-840</a>, and the notification requirement at WAC <a href="#">173-303-060</a>, <u>or</u></p> <p>(b) The owner or operator of a destination facility that recycles a particular universal waste without</p>	Grammatical error. Adding a semicolon and the word “or” clarifies that immediate recyclers as described in section 120(4)(c) also qualify as universal waste destination facilities and do not need a dangerous waste TSD permit.

DW rule cite	Suggested change	Why needed
	storing that universal waste before it is recycled must comply with WAC <a href="#">173-303-120</a> (4)(c).”	
610(8)(b)(iv)	Change internal reference 645(1)(e) to 645(1)(f). Also change internal reference 620(8)(d) to 620(1)(d).	Correction.
620(1)(c)(ii) and 64620((5)(a)(ii)	Modify existing language regarding facility operator financial assurance obligations.	Clarification of financial assurance responsibilities for operators of facilities that are not state or federally owned, but may be leased or otherwise under contract with the state or federal government. This change does not impose any additional requirements.
630(3)	Add proposed state labeling criteria for readability and understanding.	Align TSD container dangerous waste and hazard labeling requirements with related generator changes.
630(6) 640(6)(d)	Revise to read: “The owner or operator must keep a <u>written or electronic</u> inspection log including at least the date and time of the inspection, the printed name and the handwritten <u>or electronic</u> signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken.”	Many facilities already have capacity to use electronic signatures and logs. This change allows electronic signatures and logs for container area inspections.
630(8)(a)	Update International Fire Code reference for storage of reactive wastes	Update references

Table 2. State-Initiated Rule Amendments

DW rule cite	Suggested change	Why needed
630(8)(b) 640(9)(b)	Revise for consistent naming of NFPA 30 “Flammable and combustible Liquids Code”	Correction
640(5)(d)	Proposing dangerous waste and hazard labels for tank systems, including aboveground postings of labels for underground tanks. Also proposing label legibility and understandability criteria.	Conforming change with GIR related generator rule revisions.
640 (6)(b)(ii)	Revise to read: “Data gathered from monitoring <del>any</del> and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and...”	Correction. This change will clarify that both monitoring equipment <i>and</i> leak detection equipment need to be inspected at least once each day.
64610(4)	Change internal reference from RCW 70.105D.020(7) to RCW 70.105D.020(13)	Internal reference correction.
9903 U019, U020 Numerical List	Correct entries for U019 and U020	Correction
9904 F037	Change the word “wastewater” to “waters” in the second paragraph.	Revised to match RCRA.

## List of Links to WAC

WAC	Rule Name	Link
173-303-040	Definitions	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-040">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-040</a>
173-303-060	Notification and identification numbers	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-060">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-060</a>
173-303-120	Recycled, reclaimed, and recovered wastes	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-120">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-120</a>
173-303-140	Land disposal restrictions	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-140">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-140</a>
173-303-141	Treatment, storage, or disposal of dangerous waste	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-141">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-141</a>
173-303-145	Spills and discharges into the environment	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-145">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-145</a>
173-303-280	General requirements for dangerous waste management facilities	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-280">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-280</a>
173-303-515	Standards for the management of used oil	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-515">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-515</a>
173-303-525	Special requirements for recyclable material utilized for precious metal recovery	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-525">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-525</a>
173-303-600	Final facility standards	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-600">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-600</a>
173-303-695	Containment buildings	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-695">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-695</a>

List of Links to WAC

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<b>WAC</b>	<b>Rule Name</b>	<b>Link</b>
173-303-800	Permit requirements for dangerous waste management facilities	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-800">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-800</a>
173-303-840	Procedures for decision making	<a href="http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-840">http://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-840</a>