



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

Small Business Economic Impact Statement

For Proposed Dangerous Waste Regulation

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Abstract

Washington Department of Ecology (Ecology) is proposing adoption of revisions to the *Dangerous Waste Regulations* (Chapter 173-303 WAC). The statutes authorizing Ecology to adopt the proposed rule are the Hazardous Waste Management Act (Chapter 70.105 RCW), the Hazardous Waste Cleanup-Model Toxics Control Act (Chapter 50.105D RCW), and the Fertilizer Regulation Act (Chapter 15.54 RCW). The key purpose of this rulemaking is to update the *Dangerous Waste Regulations* by incorporating recent federal hazardous waste requirements into the state's regulations. By staying current with the federal program, the regulated community has primarily one environmental agency to work with. Another purpose is to update state requirements, including implementing recommendations of the Hazardous Waste Facilities Initiative.

The proposed revisions include adding mercury-containing devices to the universal waste rule, updating export requirements, adopting air emission permit rules, and amendments to corrective action rules. Changes to state-only requirements are primarily technical in nature; however, changes to implement the Hazardous Waste Facilities Initiative to extend financial requirements to recyclers and used oil processors and re-refiners will have some impacts on those who must comply.

This Small Business Economic Impact Statement (SBEIS) was prepared as required under RCW 19.85.030. Ecology developed and issued this SBEIS as part of this rule adoption process. Ecology will use the information developed in the SBEIS as required by law to ensure that the proposed rule is consistent with legislative policy. The objective of this SBEIS is to identify and evaluate the various requirements and costs that the proposed rule might impose on business. In particular, the SBEIS examines whether the costs on business that might be imposed by the proposed rule impose a disproportionate impact on the State's small businesses.

1. Background

Washington Department of Ecology (Ecology) is proposing adoption of revisions to the *Dangerous Waste Regulations* (Chapter 173-303 WAC). The statutes authorizing Ecology to adopt the proposed rule are the Hazardous Waste Management Act (Chapter 70.105 RCW), the Hazardous Waste Cleanup-Model Toxics Control Act (Chapter 50.105D RCW), and the Fertilizer Regulation Act (Chapter 15.54 RCW). In Washington, dangerous wastes include federally regulated hazardous wastes (listed, flammable, corrosive, reactive or toxic), plus additional types of wastes captured by Washington's regulations because they are toxic or persistent. The key purpose of this rulemaking is to update the *Dangerous Waste Regulations* by incorporating recent federal hazardous waste requirements into the state's regulations. By staying current with the federal program, the regulated community has primarily one environmental agency to work with. Another purpose is to update state requirements, including implementing recommendations of the Hazardous Waste Facilities Initiative.

The proposed revisions include adding mercury-containing devices to the universal waste rule, updating export requirements, adopting air emission permit rules, and amendments to corrective action rules. Changes to state-only requirements are primarily technical in nature; however, changes to implement the Hazardous Waste Facilities Initiative to extend financial requirements to recyclers and used oil processors and re-refiners will have some impacts on those who must comply.

As required under RCW 19.85.030, Ecology is developing and issuing this Small Business Economic Impact Statement (SBEIS) as part of this rule adoption process. Ecology will use the information developed in the SBEIS as required by law to ensure that the proposed rule is consistent with legislative policy. The objective of this SBEIS is to identify and evaluate the various requirements and costs that the proposed rule might impose on business. In particular, the SBEIS examines whether the costs on business that might be imposed by the proposed rule impose a disproportionate impact on the State's small businesses. This is consistent with the legislative purpose of the Regulatory Fairness Act (RCW 19.85) and is set out in RCW 19.85.011: *"The legislature finds that administrative rules adopted by state agencies can have a disproportionate impact on the state's small businesses because of the size of those businesses. This disproportionate impact reduces competition, innovation, employment and new employment opportunities, and threatens the very existence of some small businesses."*

The purpose and contents of the SBEIS are contained in RCW 19.85.040. *"A small business economic impact statement must include [1] a brief description of the reporting, record keeping and other compliance requirements of the proposed rule, and [2] the kinds of professional services that a small business is likely to need in order to comply with such requirements. [3] It shall analyze the costs of compliance for business required to comply with the proposed rule adopted pursuant to RCW 34.05.320, including costs of equipment, supplies, labor and increased administrative costs. [4] It shall consider, based on input received, whether compliance with the rule will cause businesses to lose sales or revenue. [5] To determine whether the*

proposed rule will have a disproportionate impact on small businesses, the impact statement must compare the costs of compliance for small businesses with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs: a. Cost per employee; b. Cost per hour of labor; and c. Cost per hundred dollars of sales. A small business economic impact statement must also include: [6] A statement taken by the agency to reduce the costs of the rule on small businesses as required by RCW 19.85.030(3), or reasonable justification for not doing so, addressing the options listed in RCW 19.85.030(3); [7] A description of how the agency will involve small business in the development of the rule; and [8] A list of industries that will be required to comply with the rule.

For purposes of an SBEIS, “business,” “Small business,” and “industry” are defined by RCW 19.85.020. “Small business” means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees. “Industry” means all of the businesses in this state in any one four-digit standard industrial classification as published by the United States Department of Commerce.

The proposed dangerous waste rule developed by Ecology as part of this rulemaking process will be evaluated in the following sections of this document. Specifically, the following sections contain the information required by the Regulatory Fairness Act—Chapter 19.18 RCW.

2. Analysis of Compliance Costs for Washington Businesses

The proposed rule includes revisions to the existing rule sections and new sections. In some sections, no changes were made. In other sections, the changes will have little or no impacts on those required to comply.

Generally, the dangerous wastes are divided into two categories, one is federally regulated dangerous waste, and the other is state-only regulated dangerous waste. Federally regulated dangerous waste may be subject to both federal and state requirements; on the other hand, state regulated dangerous waste may also be subject to both federal and state requirements, or only to state requirements. In order to discuss the cost impacts of the proposed rule revisions, it is necessary to consider the baseline from which the changes in requirements are measured. The baseline describes the circumstance without the proposed rule revision. Because the generators must comply with federal requirement and existing state requirement whichever is more stringent, the baseline can be chosen as the more stringent one of the two requirements, and the costs analyzed are the additional costs of the proposed rule revision relative to the baseline.

In the proposed revision, some changes originated from federal requirements, others clarify existing rule with no real change, some only add new examples, and some are editorial changes. All of these make no real change from the baseline, and will not have cost impacts on those who comply with the rule, so they are excluded from this SBEIS.

This analysis only analyzes changes from the baseline that will result in additional costs. These changes can be summarized as changes of requirements for treatment, storage, and disposal (TSD) facilities, changes of requirements for generators, and changes of requirements for fertilizer registrants or manufacturers. Other areas of changes are for mercury, used oil, permit by rule, and financial assurance.

To investigate the economic impacts of these changes, RCW 19.85.040(3) states: *To obtain information for purposes of this section, an agency may survey a representative sample of affected businesses...* As such, Ecology conducted a survey to determine the costs of compliance or saving of those who are required to comply if the proposed rule revisions are adopted. The survey was intended for different groups that will be affected by different requirements, and the following analyses are based on this survey. Although the survey identified both cost changes and cost saving changes, this analysis is only concerned about the cost aspects.

As in the survey, this analysis divides the proposed rule revision into seven different groups to analyze. It first introduces the proposed revisions that will impact each group, then analyzes the possible impacts to various businesses, and finally gives the cost per employee ratio to see if the proposed revision will have disproportional impacts on small businesses. The cost per employee ratio is directly calculated from the dangerous waste survey data. All data are annual data.

2.1 Transportation Storage and Disposal Site (TSD)

Partial Closures - Section 400(3)(c)(ix) & 610(3)(c)

This change would require a TSD facility to notify Ecology when they begin to close an individual unit (tank, container, or incinerator unit) rather than waiting to notify Ecology when the TSD begins closure for the entire facility. The change applies to both interim status and final status facilities.

Documenting “knowledge” - Section 040- definition of Knowledge and Section 300

Under the existing rule, an owner or operator of a TSD is required to obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste before they treat, store or dispose of it. The amendment:

- Clarifies that the analysis **MUST** (rather than may) include either existing published or documented data or analytical data from similar waste, or a combination of both.
- Clarifies what would constitute “knowledge” from a generator to complete the waste profile.
- States that the TSD has to confirm the reliability of the information through either a site visit, or through ensuring the analysis is based on appropriate and representative sampling or testing, or through a comparison of their process to a similar process.

From the dangerous waste survey, the additional costs for business to comply with the above rule revisions are negligible, and the impacts are proportionally distributed between big and small businesses.

2.2 Generator

Using Knowledge for Designating Waste - Section 040 (Knowledge) & Section 300

Under the existing rule, a generator may use "knowledge" to designate their waste, and they must be able to demonstrate that the knowledge they used is sufficient. TSDs are currently required to obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste before they treat, store or dispose of it. A proposed rule for TSDs would require them to have copies of existing published or documented data or analytical data from similar waste, or a combination of both when the generator has used knowledge to designate their waste. Knowledge is being defined as "there is sufficient information about both the waste constituents and the process generating a waste to reliably substitute for direct testing of the waste. Such information must include the chemical, physical, and/or biological characteristics of the waste. (For example, if all chemical constituents used in an industrial process generating a waste are known and the formation of the waste byproducts from that industrial process are understood, that information may be sufficient without direct laboratory analysis to describe the waste for safe management under this chapter.)".

Marking packages of dangerous waste - Section 190(5)(b)

This change removes a gap in the existing labeling requirements. A generator would be required to mark all packages of dangerous waste in preparation for transport. The marking requirement is being changed from packages of 110 gallons or less to 1000 gallons or less. This means that packages between 110 and 1000 gallons would now have to be marked.

The cost per employee can be calculated from the survey. For big business it is \$3.92 per employee, while for small business it is \$5.89 per employee. So there will be disproportional impacts on small business.

2.3 Fertilizer - Sections 071(3)(oo) and (pp), and 505(1)

Ecology is providing 3 new fertilizer cost savings.

- If a fertilizer has already been registered in Washington 2 or more times, additional testing and fertilizer manufacturing description information would not be required unless the contents or process change.
- If a generator locates a fertilizer manufacturer who can use zinc from a recycled hazardous secondary material, then the zinc waste would be excluded for the generator.
- Fertilizers using the zinc are excluded as long as they meet certain contaminant limits.

Ecology believes these proposed rule revisions will benefit those required to comply, so there is no disproportional cost impact on small business.

2.4 Mercury (Universal Waste Rule) Sections 040, 077, 400(2)(c), 573, 600(3), 800(7)(c)

Mercury-Containing Equipment would move to streamlined universal waste management rather than being subject to all the requirements of the Dangerous Waste Rules.

- The mercury waste would not have to be counted toward waste generation totals or manifested offsite. It could be accumulated on-site for up to one year. While the waste must still go to a TSD or recycler:
- Some generators may be able to shift from being a large to a medium, or a medium to small quantity generator.
- Some generators may be able to have reduced transportation costs under universal waste handling.

Generally, the proposed rule revision will result in cost saving for both big and small business.

2.5 Used Oil - Section 515(13)

Ecology would be able to require anyone to test their used oil to determine if it is on-specification, if it contains a listed hazardous waste, or if it cannot be managed as used oil. Under this new authority, Ecology inspectors would be able to ask for a reduced set of tests. For example, the used oil could be tested using a chlorine compounds test rather than designation testing. From the survey, the possible cost for big business is \$0.31 per employee, and for small business, it is \$0.48 per employee. It suggests that this proposed rule revision will have disproportional impacts on small business.

2.6 Permit-by-Rule/Wastewater Treatment Unit - Section 040 Knowledge and 802(5)

In order to reduce costs for companies who own permit-by-rule wastewater treatment units (WAC 173-303-802(5)), Ecology will allow these facilities to receive (federally regulated) hazardous wastewaters that have been generated offsite. They can already accept state-only waste from off-site. This change reflects an interpretation by USEPA that allows wastewater treatment units to be considered designated facilities as identified by a generator's Uniform Hazardous Waste Manifest. This would also benefit companies who could send their wastewaters to a related facility's wastewater treatment unit.

This change will be limited to wastewaters from off-site that are from a similar industry and have similar dangerous constituents to those in the wastewaters that are normally generated and treated by the host wastewater treatment unit. In others words, the host could only accept wastewaters that will be covered by permit requirements and will be effectively treated by the wastewater treatment facility. Businesses wanting to take advantage of this change should plan to do so when their wastewater discharge permit is up for renewal.

What this change will not do is open up opportunities for businesses to operate under permit by rule and receive wastewater from unrelated off-site sources. The potential receiving facility must have a wastewater treatment unit that is designed to treat wastewaters that are generated on-site before it is eligible to receive similar wastewaters from off-site generated by their associated businesses.

Industries or businesses that would benefit from this change include the aerospace and petroleum refinery industries as well as some government facilities. The dangerous waste survey shows us that there are almost negligible impacts on small business, while there would be cost saving impacts to big business. So it would not impose disproportional impacts on small business.

2.7 Financial Responsibility requirements Sections -120(3), -120(4), -515(9), -610, and -620

In order to assure that owners and operators of hazardous waste recycling or used oil processing/re-refining facilities responsible for waste removal, disposal and decontamination of equipment and structures, Ecology intends to apply closure and financial assurance requirements for Treatment, Storage, and Disposal units to equipment and structures that are used to reclaim, reuse or recycle hazardous wastes or process used oil.

The increased financial responsibility requirements will:

- Require that off-site recyclers and used oil recyclers meet closure and the financial responsibility requirements.
- Preclude companies from using performance bonds.
- Require companies using a financial test to have \$20 millions in assets.

This financial responsibility requirement will impose disproportional impacts on small business. For small business, it is \$3657 per employee; while for big business, it is \$89 per employee.

3. Actions Taken to Reduce the Impact of the Rule on Small Business

The analysis above shows that not all dangerous waste related industries will be impacted by the proposed rule revision. For those that are impacted, some have proportional impacts between big and small business, and some will be cost saving. From the cost per employee ratio derived from the survey, this analysis shows that only small business in the TSD (financial assurance), generators, and used oil categories will have disproportional cost impacts.

RCW 19.85.030 (2) requires: *Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW [19.85.040](#), the agency shall, where*

legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. To comply with this requirement, the proposed rule revision provides some cost saving measures to mitigate the impacts to small business. Methods to reduce the cost on small businesses may include the following (a) through (f), which are summarized as follows:

(a) Reducing, modifying, or eliminating substantive regulatory requirements;

The Mercury and Fertilizer components of the rule amendments will reduce substantive requirements. Substantive requirements for post-closure plans (-610(8)) and financial responsibility (-620(6)) were not applied to recyclers and used oil processors.

(b) Simplifying, reducing, or eliminating record keeping and reporting requirements;

The Mercury and Fertilizer components of the rule amendments will indirectly reduce record keeping and reporting.

© Reducing the frequency of inspections;

This is not feasible. EPA authorizes Ecology to administer major portions of the federal program and Ecology has agreed to specific levels of inspections.

(d) Delaying compliance timetables;

Closure funding can be phased in over a three year period following Ecology approval of closure plans.

Companies will have 72 rather than 24 hours to temporarily hold wastes into recycling so that they will not be considered “stored” and subject to hazardous waste permitting.

(e) Reducing or modifying fine schedules for noncompliance;

Ecology will consider the economic impact of hazard waste fines on small businesses as a mitigating factor in its compliance assurance policy (HWTR Policy 3-1, revised January 2004). The basic process of establishing penalties involves: 1) Determining that a penalty is the appropriate response; 2) Classifying the violations that become the basis of a penalty as major, moderate or minor; 3) Establishing the penalty amount for each violation; 4) Applying mitigating factors (these include degree of threat to human health or the environment, history of compliance, and small business incentives).

(f) Any other mitigation techniques.

The Permit by Rule amendments will create cost savings for some companies and new earnings for others.

Ecology will provide guidelines, model closure plans, and on-site assistance on closure plans, closure cost estimating, and coordination on pollution liability coverage and financial assurance for closure.

4. Involvement of Small Business in the Development of the Proposed Rule

In the rule making process, all businesses, including the small ones, are invited to give comment on the proposed rule. Ecology also sent a draft version of the rule language out for public review and comment, and advertised via Shoptalk- a publication that goes out to more than 20,000 people, many are small businesses. Ecology also has an electronic listserve that sent out notices inviting review and comment. All these measures ensure that small businesses are fully involved in developing the proposed rule revision. Used oil facilities and recyclers were involved very early on in development of the changes that will impact them through the outreach conducted on the Hazardous Waste Facilities Initiative.

5. The Naic Code of Compliance Industry

NAIC codes of industries likely required to comply with the proposed rule revision are listed below.

1121	2362	3119	3254	3315	3341	3391	4245	4461	4841	4881	5161	5323	6223	8129
1123	2371	3121	3255	3321	3342	3399	4246	4471	4842	4882	5171	5324	6231	8131
1131	2372	3132	3256	3323	3343	4231	4247	4481	4851	4883	5173	5413	6232	8132
1132	2373	3133	3259	3324	3344	4232	4249	4483	4852	4884	5182	5611	6241	8134
1133	2379	3211	3261	3325	3345	4233	4411	4511	4853	4885	5239	5612	6243	8141
1151	2381	3212	3262	3327	3361	4234	4412	4521	4854	4911	5242	5615	7113	9211
1153	2382	3219	3273	3328	3363	4235	4413	4529	4855	4921	5251	5617	7121	9251
2123	2383	3221	3274	3329	3364	4236	4422	4532	4862	4922	5311	5619	7131	9261
2131	3113	3222	3279	3331	3365	4237	4431	4533	4869	4931	5312	5629	8111	9281
2211	3114	3241	3312	3332	3366	4238	4441	4539	4871	5111	5313	6111	8112	
2212	3115	3251	3314	3334	3372	4242	4442	4821	4872	5112	5321	6221	8122	
2213	3116	3253	3315	3339	3379	4244	4451	4832	4879	5121	5322	6222	8123	

**Dangerous Waste Regulations, Chapter 173-303 WAC
Amendments List for Economic Analysis**

**Supplement to Cost/Benefit Analysis and Small Business Economic
Impact Statement
June 2004**

Table 1. Codes for Economic Analysis

Generators or TSDs	Requirements	
	Federal	State
<i>Federal</i>	FF*	SF
<i>State Only</i>	FS	SS

*Note that a federal requirement that impacts generators of federally regulated hazardous waste is exempt from economic analysis in accordance with 34.05.328 & 19.85

Table 2. Codes for Compliance Criteria

Code	Explanation
NA	Analysis Not Required
#	Numbering
E	Edit Only
K	Clarification
CS	Cost Savings
Q	Analysis Required
Z	Consistency

Table 3. Analysis of Provisions Being Proposed for Adoption

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
<u>FEDERAL RULES BEING ADOPTED</u>				
120(2) & (6)	Export	FF	NA	Federal Requirement- exempt
170(6)	Export	FF	NA	Federal Requirement- exempt
220(1)	Export	FF	NA	Federal Requirement- exempt - requires information on annual rather than biennial report
230(1)	Export	FF	NA	Federal Requirement- exempt
240(11)	Export	FF	NA	Federal Requirement- exempt
250(1)	Export	FF	NA	Federal Requirement- exempt
290(1)	Export	FF	NA	Federal Requirement- exempt
370(4) &(5)	Export	FF	NA	Federal Requirement- exempt
370(6) & (7)	Export	FF	NA; #	Renumbered
525(1)	Export	FF	NA	Federal Requirement- exempt
573(16), (27), & (34)	Export	FF	NA	Federal Requirement- exempt
830(4)(j)	HW Combustors	FF	NA	Federal Requirement- exempt
830 Appendix I	HW Combustors	FF	NA	Federal Requirement- exempt
805(7)(b)	HW Combustors	FF	NA	Federal Requirement- exempt
40	HW Combustors	FF	NA	Federal Requirement- exempt
510	HW Combustors	FF	NA	Federal Requirement- exempt
670(1)	HW Combustors	FF	NA	Federal Requirement- exempt
680(1)	HW Combustors	FF	NA	Federal Requirement- exempt

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
806(4)(f)	HW Combustors	FF	NA	Federal Requirement- exempt
806(4)(n)	HW Combustors	FF	NA	Federal Requirement- exempt
807	HW Combustors	FF	NA	Federal Requirement- exempt
811	HW Combustors	FF	NA	Federal Requirement- exempt
841	HW Combustors	FF	NA	Federal Requirement- exempt
9904	LDR Phase IV	FF	NA	Federal Requirement- exempt
200(4)	180 Day Accumulation	FF	NA	Federal Requirement- exempt (cost savings)
9904 & 9905	Chlorinated Aliphatics	FF	NA	Federal Requirement - exempt
070(2)(c)	Mixture & Derived	FF	NA	Federal Requirement- exempt
081(3)	Mixture & Derived	FF	NA	Federal Requirement- exempt
082(3)	Mixture & Derived	FF	NA	Federal Requirement- exempt
070(2)(c) to 071(3)(qq)	Mixture & Derived	FF	NA; #	Moved to a different section
110	EPA Mailing Address	FF	NA	Federal Requirement- exempt

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
071(3)(kk) 9904	Inorganic Chemical Wastes	FF	NA	Federal Requirement- exempt
	Inorganic Chemical Wastes	FF	NA	Federal Requirement- exempt
64610	CAMU	FF	NA; #	Renumbering only
64620	CAMU	FF	NA; #;E	Renumbering and editing
64630	CAMU	FF	NA; #	Renumbering only
64640	CAMU	FF	NA	
64650	CAMU	FF; FS	NA	Federal Requirement- exempt (new definition)
64660	CAMU	FF; FS	NA	Federal Requirement- exempt
64670	CAMU	FF	NA; #; E	Federal Requirement- exempt
64680	CAMU	FF	NA; #; E	Renumbering and editing
64690	CAMU	FF	NA; #	Renumbering and editing
646100	CAMU	FF; FS	NA; CS	Renumbering only
				Federal Requirement- could impact generators with state-only waste; if so, would be a cost savings
071(3)(oo) & (pp)	Zinc Fertilizers	FF	NA; CS	Federal Requirement- exempt (cost savings)
505	Zinc Fertilizers	FF	NA; CS	Federal Requirement- exempt (cost savings)
140(2)	LDR Treatment for Batteries	FF	NA	Federal Requirement- exempt

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
40	Universal Waste Mercury Equipment	FF	NA	Federal Requirement- exempt (definition)
77	Universal Waste Mercury Equipment	FF	NA; CS	Federal Requirement- exempt (cost savings)
400(2)(c)	Universal Waste Mercury Equipment	FF	NA; CS	Federal Requirement- exempt (cost savings)
573	Universal Waste Mercury Equipment	FF	NA; CS	Federal Requirement- exempt (cost savings)
600(3)	Universal Waste Mercury Equipment	FF	NA; CS	Federal Requirement- exempt (cost savings)
800(7)(c)	Universal Waste Mercury Equipment	FF	NA; CS	Federal Requirement- exempt (cost savings)
380(1)(p)	Waste Minimization	FF	NA	Federal Requirement- exempt
390(2)(g)	Waste Minimization	FF	NA	Federal Requirement- exempt
810(1)(c)	Waste Minimization	FF	NA	Federal Requirement- exempt
200(5)	Performance Track	FF;FS	NA;CS	Federal Requirement-exempt
STATE INITIATED RULE AMENDMENT OR CORRECTION			-	

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)	Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
10	NA	SS, SF	NA; E; K	Clarify the interchangeability of "public" and "human" health
30 and 395(1)(d), 630(8)(a), 630(8)(b)	NA		NA; Z	References to the Uniform Fire Code are being changed to International Fire Code to reflect changes in other state requirements.
40	NA	SS, SF	CS	"Designated facility" definition broadened to include federally regulated HW from off-site
40	NA	SF, SS	NA; K	"Knowledge" This definition supports addition to section 300 and can be used by generators to know what constitutes sufficient knowledge for designation.
40	NA	SF, SS	NA; E	"Partial closure" definition was corrected by referencing correct citations per federal rule
40	NA	SS	NA, K	"Registration number" definition was added for clarity
40	NA	FF, FS	NA; E; Z	"Surface impoundment" definition corrected to correlate to federal definition
45(2)	NA	FF, FS	NA; E	citation corrected- results in newer version of federal rules being cited wherever federal rule is incorporated by reference
60(1)	NA	SS, SF	NA; K	Clarification of what it means to issue a site ID#
60(2)	NA	SS, SF	NA; E	New form names
070(8)(d)	NA	SF, SS	NA; K; Z	Clarification based on federal interpretation contained in FR Notice and consistency with EPA.
071(3)(g)(i)	NA	SS, SF	NA; K	Clarification of arsenical treated wood exclusion

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)		Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
071(3)(g)(ii)	NA		SS	NA; K	Clarification of exclusion for wood treated with preservatives other than arsenic
071(3)(o)	NA		SF, SS	NA; K	SIC codes are replaced with NAIC codes Organic Peroxides reference
100(5)(b)	NA		SS	NA; K	Clarification of book designation procedure
104	NA		SS	NA; E	Amended to include state-only waste codes in one location
110, 040 definition of "halogenated organic compounds", and 100(6)	NA		SS	NA; K	Chemical Testing Methods is amended to clarify which persistent compounds fail currently available tests. References throughout the regulation were updated to reflect the new revision date of December 2004.
161(6)	NA		SS, SF	NA; K; Z	Addition of 5 year paperwork retention is consistent with other paperwork requirements
190(5)(b)	NA		SS	Q	This change corrects the marking requirement that was adopted in 2000. The marking requirement applies to 1000 gallon or less containers.
200(2)(a)(ii)	NA		SF, SS	NA; K	Clarification that contingency planning and general facility inspections are required for satellite accumulation.
201(2)(e)	NA		SF, SS	NA; E	The sentence is deleted because relevant requirements already exist in the rule. Sentence was inadvertently added with the previous rulemaking.

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)		Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
300	NA	"EPA Waste Analysis at Facilities that Generate, Treat, Store, and Dispose of Hazardous Wastes- A Guidance Manual"	SF, SS While this is a requirement based on federal guidance, EPA does not include it in their rules	Q	This change places in rule the federal guidance (OSWER 9938.4-03 April 1994) on how a facility has to be able to demonstrate that a generator has sufficient knowledge about their waste to know its designation status. See 040 definition of knowledge.
320(2)(a)	NA		SF, SS	NA; E	To make gender neutral.
400(3)(c)(ix)	NA		SF, SS	Q	Facility owners must submit a closure plan and notify Ecology when they begin <u>partial</u> closure. Current rule requires such notification when they begin closure.
505(1)	NA		SS, SF	CS	Fertilizer registration will not be required if there has been no change for at least two previous registrations.
515(13)	NA		SS, SF	Q	Ecology may require testing of used oil to determine if it is on or off-specification. Although this is a new testing requirement, it may result in a cost savings because Ecology can now require testing instead of declaring their waste a solid waste and require more expensive designation testing.
600(3)(g)	NA		SF, SS	NA	citation corrected
610(2)(b)	NA		SS, SF	E; Z	Change reflects the new standards in MTCA for cleanup levels from "residential" to "unrestricted use"
610(3)(c)	NA		SS, SF	Q	Facility owners must submit a closure plan and notify Ecology when they begin partial closure. Current rule requires such notification when they begin closure.

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)		Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
640(4)	NA		SF, SS	E	Deletion of obsolete guidance, addition of current guidance.
640(7)	NA		SS, SF	K; Z	Spill reporting requirement in this section is changed to be consistent with the overriding regulatory requirement for spill reporting in section 145. This is a potential cost savings due to the possibility that a generator would not report their spill in accordance with 145.
802(5)	NA		SF, SS	CS	Related to the definition change for designated facility, this amendment allows on-site waste water treatment units to accept federally regulated wastes from off-site for treatment.
803(3)	NA		SF, SS	NA; E	Change from SIC to NAIC codes.
910(3)	Federal Delisting		FF	NA	This rule lets generators know that a federal delisting does not go into effect until the state has also delisted the waste.
910(1)	NA		SS, SF	NA; Z	This change provides consistency with the Administrative Procedures Act for the time limit a petition must be processed.
9904	NA		SF, SS	NA; E	Change from SIC to NAIC codes.
9904, 515(5), & 071(3)(k)	NA		SS	NA; E; Z	Waste code is changed from W001 to WPCB so as not to conflict with an EPA form code.
070(8)(b)	NA		SS, SF	NA; E; Z	Citation changed to reflect new solid waste regulations 173-350
600(3)(e)	NA		SS, SF	NA; E; Z	Citation changed to reflect new solid waste regulations 173-350

WAC 173-303- Amended Section (Proposed)	Federal Requirement (Abbreviated Rule Name)		Federal or State Requirement Codes	34.05.328 and 19.85 Compliance Criteria	Explanation of changes and analysis needed
Hazardous Waste Facilities Initiative	NA		SS, SF	Q	Closure standards and financial assurance requirements are expanded to used oil and recycling facilities 040 definition for resource reclamation unit, 120(3), 120(4) & (4)(c), 120(7), 515(9), 610(1)(a), 610(12), 620(1)(e), 620(4), 620(8), and 960

Export =Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision C(92)39 Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations - 61 FR 16290-16316 - April 12, 1996

HW Combustors= Hazardous Waste Combustors; Revised Standards; Final Rule-Part 1: RCRA Comparable Fuel Exclusion; Permit Modifications for Hazardous Waste Combustion Units; Notification of Intent To Comply;
Waste Minimization and Pollution Prevention Criteria for Compliance Extensions - 63 FR 33782 – 33829 - June 19, 1998

NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors;
Final Rule - 64 FR 52828-53077; 64 FR 63209-63213 - September 30, 1999; November 19, 1999

NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors;
Technical Corrections - 65 FR 42292-42302; 66 FR 24270-24272; 66 FR 35087-35107 - July 10, 2000; May 14, 2001; July 3, 2001

NESHAP: Interim Standards for Hazardous Air Pollutants for Hazardous Waste Combustors
Interim Standards Rule) - 67 FR 6792-6818 - February 13, 2002

NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors;
Final Rule - 67 FR 6968-6996 - February 14, 2002

LDR Phase IV= Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters 64 FR 56469-56472 - October 20, 1999

180 Day Accumulation= 180-Day Accumulation Time Under RCRA for Waste Water Treatment Sludges From the Metal Finishing Industry; Final Rule - 65 FR 12378-12398 - March 8, 2000

Chlorinated Aliphatics= Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities - 65 FR 67068-67133 - November 8, 2000

Mixture and Derived= Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-From Rules - 66 FR 27266-27297 - May 16, 2001

EPA Mailing Address= Change of Official EPA Mailing Address; Additional Technical Amendments and Corrections - 66 FR 34374-34376 - June 28, 2001

Inorganic Chemical Wastes= Hazardous Waste Management System; Identification and Listing of Hazardous Waste: Inorganic Chemical Manufacturing Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities
66 FR 58258-58300; 67 FR 17119-17120 - November 20, 2001; April 9, 2002

CAMU= Amendments to the Corrective Action Management Unit Rule - 67 FR 2962-3029 - January 22, 2002
Zinc Fertilizers= Zinc Fertilizers Made From Recycled Hazardous Secondary Materials - July 24, 2002 67 FR 48393-48415

LDR Batteries= Land Disposal Restrictions: National Treatment Variance To Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver- Containing Batteries - October 7, 2002 - 67 FR 62617-62625

Universal Waste Mercury Equipment= Universal Waste Rule for mercury containing equipment
To be finalized by EPA May 2004

Waste Minimization= Waste Minimization HSWA Codification Rule 50 FR 28702-28755 - July 15, 1985 and Biennial Report Correction - 51 FR 28556 - August 8, 1986

Performance Track= National Environmental Performance Track Program 69 FR 21737-21754, April 22, 2004