

Implementation Guidelines For Local Hazardous Waste Plans

Washington State Department of Ecology
Solid Waste Services Program
July 1992
Publication #WDOE 92-14

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Implementation Guidelines
for
Local Hazardous Waste Plans

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SCAN 585-7233

July 1992

ACKNOWLEDGEMENTS

Ecology would like to express its appreciation for the time and effort expended in brainstorming, review documents and coordination to some of the local moderate risk waste coordinators and local staff. These people assisted in the preparation of this document as members of the Moderate Risk Waste Guidance Development Group — Implementation Guidelines:

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Table Of Contents

I.	Introduction	1
A.	Background	1
B.	Authority	2
C.	Purpose	2
D.	Organization of the guidelines	2
II.	Regulatory Status of Moderate Risk Waste	5
A.	Household hazardous waste	5
B.	Small quantity generator waste	5
C.	Fixed facilities	8
D.	Collection events and mobile facilities	8
E.	Liability	9
F.	Local regulations.	10
G.	Compliance coordination with dangerous waste.	12
	1. Generators regulated solely because of accumulation	14
III.	Roles and Responsibilities in Implementation.	17
A.	Introduction	17
B.	The role of local government	17
C.	The role of the department.	18
	1. The regional moderate risk waste coordinator	
	2. Technical assistance requests	
	3. Coordination assistance	
	4. Financial assistance	
	5. Verification of implementation (oversight)	
IV.	Definition of Implementation	25
A.	What is implementation	25
B.	What is not implementation.	25
C.	Use of these guidelines to determine implementation	26
V.	Modifying Plans and Implementation Actions	29
A.	Introduction	29
B.	Changes in a plan.	29
C.	The process of changing a plan	31
D.	Obtaining variances	32
VI.	Summary and Conclusions.	35
VII.	Appendices	37

Table of Figures

Figure 1	7
The Hazardous Waste Generator Universe from the perspective of Moderate Risk Waste	
Figure 2	10
Jurisdiction in the Generator Universe	
Figure 3	21
Moderate Risk Waste Responsibilities within Ecology	

I. INTRODUCTION

A. Background

In 1985, the Washington State Legislature enacted Engrossed Substitute House Bill 975 (the Act), amending Chapter 70.105 of the Revised Code of Washington (RCW), the Hazardous Waste Management Act. Among other things, these amendments defined a new waste stream, "Moderate Risk Waste" (MRW):

"(a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances." (RCW 70.105.010(17))

The Act mandated that local governments or groups of contiguous local governments prepare and implement a Local Hazardous Waste Management Plan ("Plan") to manage MRW. The Act also established Ecology in the role of providing financial and technical assistance.

Across the state, cities and counties prepared cooperative plans. A planning area generally consisted of one or more counties and the cities and towns therein. All 33 plans in the state have been prepared as of July 5, 1991, including six multi-county plans and one city plan. Ecology's financial assistance program paid for 75% of the cost of planning and early implementation. Ecology also provided technical staff to assist each county.

Current Plans cover a five-year implementation period. The next set of Plans, which will be drafted during the mid-1990's, will be written to twenty-year time frames, with five-year updates.

Now that the MRW system is moving from planning activities to implementation activities, several new issues have arisen. The most commonly expressed are:

- What activities are included in the implementation of a Plan?
- How will Ecology evaluate the implementation of Plans for adequacy?
- What are the roles of Ecology and local government in implementation?

Answers to these questions and related issues are the subject of these guidelines.

B. Authority

The Act mandates that Ecology provide technical assistance to local governments in plan preparation and implementation (RCW 70.105.255). This document offers such assistance as guidance to local agencies involved in MRW management efforts under that technical assistance mandate.

C. Purpose

This document defines "implementation" in the context of the Plans. The guidelines will discuss Ecology's perspective when evaluating local government efforts to comply with RCW 70.105.220(8), which requires local governments to implement their Plans. It provides direction on efforts and procedures to coordinate activities within Ecology and between Ecology and local governments regarding the implementation of Plans. A companion document "The Moderate Risk Waste Technical Manual" will provide "how to" information and examples to facilitate accomplishing certain moderate risk waste tasks such as educational campaigns, developing ordinances, etc.

D. Organization of the Guidelines

These guidelines are organized into six sections as follows:

Introduction: (begins on page 1)

Contains discussions on the background and need for this document, the authority to prepare the document, the purpose of the document, and a summary of its structure.

Regulatory Status Of Moderate Risk Waste: (page 5)

Briefly discusses the various solid and hazardous waste regulations and their impact on moderate risk waste. Issues include the regulation and permitting required for a collection system, some discussion of liability, and the impacts of the Resource Conservation and Recovery Act and Dangerous Waste regulations on MRW. This section also discusses the coordination of on-site business assistance and inspections between Ecology and local governments.

Roles And Responsibilities In Implementation: (page 17)

Discusses the roles of both Ecology and local government. There is a brief description of Ecology's assistance program, and the role of the Ecology regional MRW coordinators, who are now the primary contact for local governments implementing Plans.

Definition Of Implementation: (page 25)

Defines implementation of a Plan, and gives examples of actions that are and are not implementation. This section also discusses the need for flexibility in using these guidelines in differing areas of the state due to the unique nature of each planning area.

Modifying Plans: (page 29)

Discusses changing Plans to keep up with the evolving methods and techniques to handle moderate risk waste. The discussion includes both policy and procedural issues. The variance process is also presented, including criteria to be used in granting a variance.

Summary And Conclusions: (page 35)

Presents a discussion of the philosophy and spirit of the guidelines, and the requisite state-local partnership needed for success.

II. REGULATORY STATUS OF MODERATE RISK WASTE

A. **Household Hazardous Waste**

Household hazardous waste (HHW) is generally excluded from the state Dangerous Waste (DW) regulations under WAC 173-303-071(3)(c). A working definition of HHW, based on statute (see page 1), is waste that is hazardous in characteristic and is derived from a household. The term "household" as set out in these regulations includes single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic areas, and day-use recreation areas. Under these regulations, the only criteria used in identifying HHW is that it originated from one the household sources listed above.

Businesses occupying facilities identified above as "households" do not generate household hazardous waste. These businesses, like all businesses in the state, should refer to the Dangerous Waste Regulations to determine their generator status as described in the next subsection.

HHW may be accumulated, and will retain its exclusion, regardless of quantity accumulated, or whether the accumulator is the household or someone else (a local government collection system). However, when collected by a local government collection system, the waste should be reused, recycled or delivered to a licensed hazardous waste treatment, storage or disposal facility. Mixing with other solid or hazardous wastes may cause HHW to lose its exemption and become regulated as a dangerous waste. An example of exemption loss is when HHW is mixed with regulated waste, however, as noted on page 7, if HHW is mixed with conditionally-exempt small quantity generator waste, the combined waste is still exempt.

HHW, as defined above, does fall under the Dangerous Waste regulations, on a currently infrequent basis, in the following circumstances: there has been or is a potential for discharge or release which could pose a threat to human health or the environment (WAC 173-303-050); there has been a spill (-145); or there is an imminent and substantial endangerment to health or the environment during the handling, storage, treatment, transportation, recycling or disposal of the waste (- 960). In these cases, Ecology may require a household or local government collection facility or event to follow the DW regulations.

Additionally, air and/or water quality standards, Labor and Industries requirements for working with hazardous materials, and/or requirements for transporting hazardous materials may regulate the handling of HHW. Further detail on these additional requirements can be found in the "Moderate Risk Waste Fixed Facility Guidelines, WDOE 92-13".

B. Small Quantity Generator (SQG) Waste

In WAC 173-303-070(8), generators use three criteria to determine whether they are an SQG:

- 1) Waste on the site of the SQG designates as Dangerous Waste either by being listed or by characteristic,
- 2) Hazardous waste generation, storage or accumulation amount by weight:
Businesses who produce hazardous waste or first cause a waste to be regulated as a hazardous waste are called hazardous waste generators. Generators who generate over a certain weight of waste, called the Quantity Exclusion Limit (QEL) are regulated generators under the Dangerous Waste Regulations. The QEL varies depending on the risk of the waste. The QEL is generally 220 pounds per month or batch for dangerous waste, but can be as low as 2.2 pounds per month or batch for a discarded chemical product listed as an Acutely Dangerous Chemical Product in the table in WAC 173-303-9903. The total amount of waste on-site determines generator status. For information regarding specific circumstances, contact the appropriate Ecology regional office.
- 3) Waste handling and management practices:
There are five waste handling and management practices allowed for SQG's to maintain exemption from the Dangerous Waste Regulations. Waste must be treated or recycled on-site, under an appropriate permit, or delivered to one of the following off-site locations:
 - A treatment, storage or disposal facility permitted under Chapter 173-303 WAC,
 - A treatment, storage or disposal facility permitted under 40 CFR (Code of Federal Regulations) Part 270 or by the authorized hazardous waste program of another state,
 - A facility, permitted under Chapter 173-304 WAC, to handle moderate risk waste and identified as such in the local hazardous waste plan approved by Ecology,
 - A facility that beneficially reuses, legitimately recycles or reclaims the waste, or
 - A facility, permitted under Chapter 173-304 WAC or the solid waste regulations of the receiving state, to handle municipal or industrial solid waste, *in accordance with state and local regulations.* (emphasis added)

Permits for the on-site treatment and/or recycling for hazardous waste for SQG's can be obtained from the Ecology regional office.

All generators with an EPA identification number, including those SQG's with an EPA identification number, must submit an annual report to the department. The department mails annual report forms (Form 4) around November 1 to all generators having an ID number. The forms can be obtained by contacting the department at:

Dangerous Waste Notifications
Department of Ecology
P. O. Box 47658
Olympia, WA 98504-7658
(206) 459-6306

Completed reports must be sent to the above address by March 1 of the subsequent year (i.e., 1991 reports are due March 1, 1992). This information is compiled to produce Ecology's **Annual Summary of Hazardous Waste**.

Based on the two latter criteria, the weight of waste and management practices, three groups of generators can be identified. Two groups can be distinguished using criteria #2: the amount, by weight, of dangerous waste generated: regulated generators who generate, store or accumulate over the QEL, and small quantity generators who generate, store or accumulate under the QEL. SQG's can then be split into two groups using the disposal and management practices criteria (criteria #3), those who are managing their waste according to the requirements above (conditionally-exempt SQG's), and those who are not managing their waste properly (regulated SQG's). From the perspective of moderate risk waste, the generator universe looks like this:

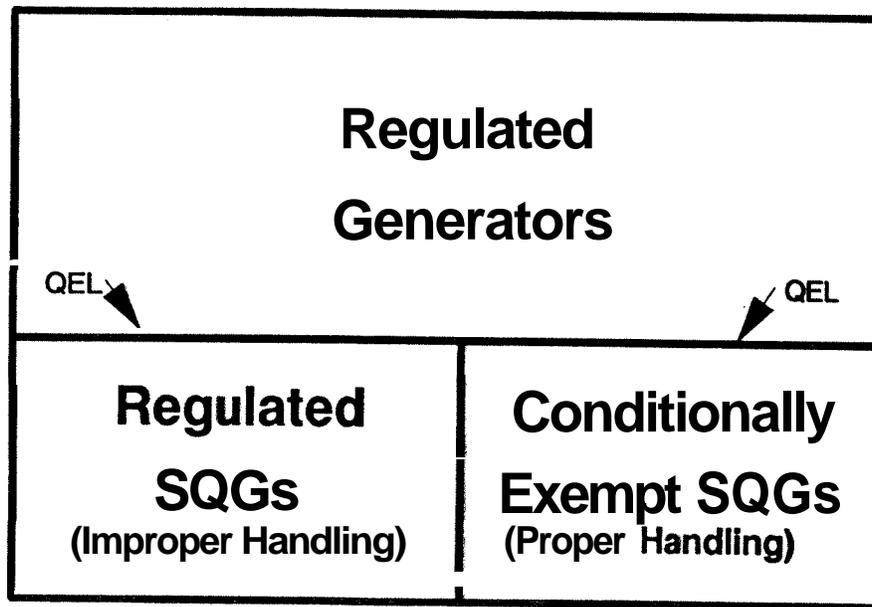


Figure 1: The Hazardous Waste Generator Universe from the perspective of moderate risk waste

Like Household Hazardous Waste, conditionally-exempt Small Quantity Generator (CESQG) Waste can be accumulated at a local government collection facility or event without becoming regulated by the Dangerous Waste Regulations. It may become regulated if mixed with other solid or hazardous wastes (see page 5). All CESQG waste should be disposed of at a permitted (RCRA Subtitle C) treatment, storage and disposal facility, or otherwise managed as dangerous waste. Also like HHW, CESQG waste may be subject to additional regulations, such as those mentioned for HHW at the end of section II(A) on page 5.

Once delivered to a local government facility, HHW and CESQG waste can be bulked, lab packed, loose packed or otherwise comingled in the same container, without creating a regulated waste. This allows for easier management of the wastes, more efficient use of facility space and the ability for smaller facilities to accumulate an economic load for shipping. Washington State Department of Transportation regulations, however, only allow mixing if the materials have the same DOT hazard classification.

Some treatment, storage and disposal facilities may not accept mixed HHW and CESQG waste. Local governments should check with their collection contractor to see if this is the case.

C. MRW Fixed Facilities

Because HHW is excluded from regulation as dangerous waste, and Small Quantity Generator waste is conditionally exempt from the Dangerous Waste Regulations, collection of the waste and regulation of facilities handling these wastes fall under RCW 70.95, the Solid Waste Management and Recycling Act, and Chapter 173-304 WAC, the Minimum Functional Standards for Solid Waste Handling (MFS). The MFS are currently being revised, with one proposed amendment encompassing the regulation of MRW fixed facilities.

The current MFS regulations require MRW fixed facilities to obtain a solid waste handling permit from the local jurisdictional health district or department, and all other applicable permits, such as building and fire. If a county or other proponent proposes an MRW fixed facility as part of a larger solid waste facility, such as a landfill or transfer station, the permit for the larger facility should be written or modified to include the MRW fixed facility.

In the interim, while the regulations are under revision, Ecology has the **Moderate Risk Waste Fixed Facility Guidelines, March 1992 WDOE 92-13**. The guidelines are for use by local regulatory agencies and the facility proponents in the design, permitting and operations of these facilities. In some instances additional facility design and operations standards may be imposed by the jurisdictional health district. Ecology will use the fixed facility guidelines in its own review of permit applications for these facilities. Counties are encouraged to work with appropriate health district staff as well as the Ecology regional MRW coordinator and Ecology regional solid waste staff in the development and implementation of these projects.

Facility owner/operators must take special care at collection facilities to avoid accepting waste from regulated hazardous waste generators. Owners and operators of MRW facilities are responsible for having policies and procedures in place to screen businesses and prohibit the acceptance of regulated dangerous waste. Acceptance of dangerous waste from regulated generators places the owner/operator and the business in violation of Chapters 173-303 and -304 WAC. The most common method used for screening businesses involves some form of pre-inspection and/or pre-registration.

D. Collection Events and Mobile Collection Facilities

Current regulations require neither solid nor hazardous waste handling permits for the operation of a collection event or a mobile collection system. The key consideration in determining that an activity is an event or mobile (versus a permit-requiring permanent) facility is that the collected waste is removed daily, or as soon as possible from these facilities, and not stored on-site. A mobile system, which travels to different locations, can be considered a series of collection events, orchestrated to maximize service in a given area. For more "how to" information in the development of both collection events and mobile systems, interested persons should reference Ecology's "**Guidelines for Collection Events WDOE 88-9**", as revised.

Local governments or jurisdictional health districts may issue regulations governing these activities under RCW 70.95 and/or RCW 70.05. These activities must meet all local building, fire and health codes.

E. Liability

Even though, under the conditions specified in sections A and B of this chapter, HHW and CESQG waste are exempt from both the Dangerous Waste regulations and RCRA, they are not exempt from the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). Washington's counterpart to CERCLA, the Model Toxics Control Act (MTCA) also has jurisdiction over these wastes.

Local governments can incur liability under these laws for these wastes in three ways:

1) Past practices:

Due to improper MRW disposal practices in the past, potential or realized environmental damage has been identified. Facilities which have already been affected by past practices include many of Washington's landfills. There have been reports of wastewater treatment plant upsets from improper disposal of MRW, although no plant has yet needed cleanup action.

2) By continued allowance of improper disposal techniques

Currently a significant amount of MRW is disposed of in the solid waste or wastewater management systems. These actions may contaminate the facilities accepting the waste and can lead to discharges to the environment. Neither solid waste landfills nor wastewater treatment plants are designed to accept these wastes. If significant environmental contamination is detected at these facilities, CERCLA and/or MTCA are triggered. Municipalities and local governments, who generally own and/or operate these facilities, or contribute waste to them, then become a potentially responsible party in the cleanup of the facility and the environment.

3) Actions leading to an accident or spill at a MRW collection facility:

Upon discharge of hazardous waste into the environment, and detection of contaminants above specified levels, CERCLA and/or MTCA are triggered. As owner/operator of the facility, the local government may be designated a potentially responsible party for the cleanup. However, the risk associated with this possibility can be lessened by the appropriate design, construction, and operations of collection facilities. Appropriate guidance on the design and operation of a fixed facility is available from Ecology's **"Moderate Risk Waste Fixed Facilities Guidance WDOE 92-13"**.

A licensed hazardous waste treatment, storage and disposal (TSD) facility may be contracted to handle the waste at collection events or mobile facilities. In some of these cases, the TSD may choose to accept liability for the waste and its handling. This shift in responsibility will, of course, increase the cost of the event. Nonetheless, the cleanup laws are written with a large enough liability net that it is difficult to provide total separation from potential liability for the local government. Consequently, any TSD services contracted for by local government should be carefully scrutinized before using the services. Such scrutiny should include a review of the safety plan and spill response plan prepared for the local collection site, an on-site inspection of the TSD, inquiries to Ecology about compliance history, and discussions with other jurisdictions who have used this TSD. The sharing of liability on a multi-jurisdictional project is generally determined on a case-by-case basis.

F. Local Regulations

Both Ecology and local governments may now regulate certain classes of generators, each by promulgating and enforcing its own laws and regulations.

Ecology derives its regulatory authority from the Hazardous Waste Management Act, RCW 70.105.020 through 145, and the Dangerous Waste Regulations, Chapter 173-303 WAC. Ecology has authority to enforce against generators violating these regulations.

Local governments have specific authority to adopt ordinances and regulations under RCW 70.95.160, to manage moderate risk waste and implement the Plan. In addition, jurisdictional health district may choose to use RCW 70.05.060 and .070 when appropriate (protection of public health). Moderate risk waste, by definition, is solid waste, therefore all authorities granted local governments for solid waste apply to moderate risk waste. Local ordinances may parallel but may not conflict with state law and regulations. Local governments do not have the authority to implement the Dangerous Waste Regulations.

The following diagram describes the regulation of the generator community between state and local jurisdictions:

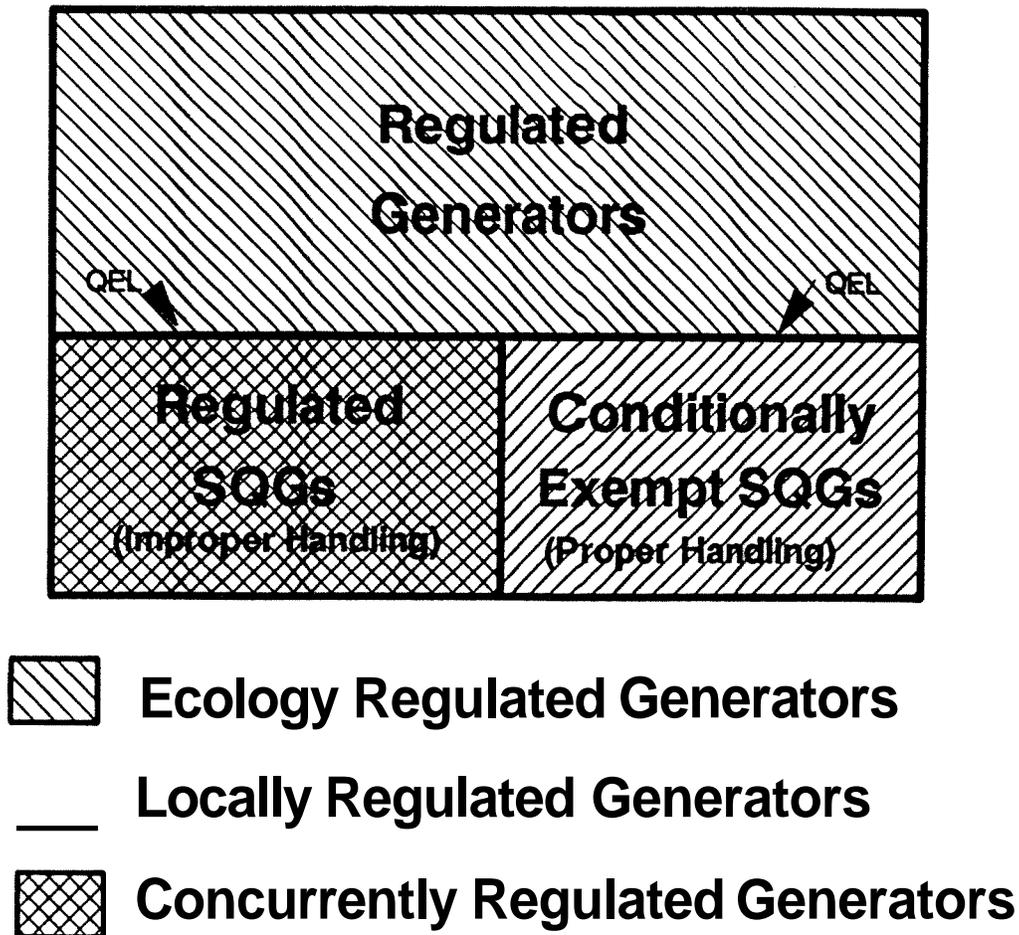


Figure 2: Jurisdiction in the Generator Universe

Local ordinances related to moderate risk waste generally come in four types:

Waste Acceptance Control Program:

This type of ordinance has its basis on municipal solid wasteload checking. It focusses on the point at which MRW enters a solid waste system, such as a landfill or transfer station, or even curbside. When the owner/operator discovers MRW in an incoming load, s/he either diverts the waste to the MRW collection system or refuses the load. S/he also notifies the generator of the waste that MRW is not accepted at the facility. Repeat offenders, households or businesses who continue to have MRW discovered in their trash, may receive on-site consultations, and/or special disposal fees and/or fines may be assessed.

Mandatory Disposal

This type of ordinance employs an approach similar to current solid waste and litter control ordinances and laws. The ordinance states where disposal locations for moderate risk waste exist and includes a prescribed penalty for dumping elsewhere. An example of this approach is in Chapter 70.951 RCW (Used Oil Recycling Act), Section 060. This statute requires used oil to be delivered to a collection point for recycling. Using used oil for weed abatement, dust suppression, or disposal in a solid waste landfill is prohibited. Each prohibition has an effective date, varying from January 1992 to January 1994. Violation of these prohibitions is a misdemeanor (maximum penalty: 90 days in jail, \$1000, or both (RCW 9A.20.021)).

Nuisance Abatement

This type of ordinance employs a CERCLA-style (based on liability and the generator's responsibility to cleanup) approach. The ordinance focusses on the effects of improper management of moderate risk waste. Each generator assumes the responsibility for their own waste. Action by the regulatory agency is triggered if there is an accident or release into the environment involving the generator or a complaint received regarding the generator. The cleanup of the affected area or remedy of the conditions of the complaint is the responsibility of the generator. This burden of liability can act as a deterrent to improper handling or disposal of moderate risk waste. In addition, regulations can be promulgated under this option specifying proper waste handling and management techniques for the prevention of release of waste to the environment. This can lead to a program where the local government can work on-site with the business to prevent environmental releases.

Business Inspections:

This type of ordinance employs the same style as EPA and Ecology

use to enforce RCRA and the Dangerous Waste regulation. This is probably the best known methodology, with staff visiting and inspecting selected businesses in the area. Prior notification may be given the recipient business, but this may prejudice the results of the ensuing inspection. During the inspection, violations may be found and documented at the site and a compliance order may be written. This approach captures the hazardous waste and diverts it to proper management, before it enters into and impacts the solid waste and wastewater systems as well as the environment.

On-site actions with businesses such as business inspections or voluntary waste audits are the most effective actions a local government can perform in the prevention of the mishandling and improper disposal of moderate risk waste. While on-site with the business, waste reduction and recycling techniques can be taught and prescribed, and corrective action to improper waste management can be taken prior to impact on the municipal waste stream or the environment. As implementation progresses, all local moderate risk waste systems should move toward inclusions of on-site action with businesses in the MRW work plan. (See *"Planning Guidelines for Local Hazardous Waste Plans-- July 1987 WDOE 87-18"*, page 13)

G. Compliance Coordination with Dangerous Waste

Because both Ecology and local government are working on-site with businesses, it is possible that both agencies may end up working with the same business. This could confuse the business community and decrease the effectiveness of both Ecology's and local government's programs in business assistance and compliance. To prevent this, a coordination policy between Ecology and local government follows: The discussion refers to the generator classes in Figures 1 and 2, and describes the actions each agency should take when encountering each class of generators.

In exchanging information regarding generators encountered, Ecology shall submit its referrals to the senior or supervisory inspector assigned to moderate risk waste within the designated local agency. Local governments participating in the compliance coordination effort should forward their information to the complaint tracker at their corresponding Ecology regional office.

It should be noted that this section applies to local governments who are directly contacting or working on-site with businesses. It is important that local compliance staff receive proper training, especially regarding proper inspection techniques. The Ecology regional MRW coordinator may assist in the design and implementation of a local training program. At this time, Ecology recommends that local staff:

Attain proficiency in the following areas:

- Inspection/audit techniques and procedures,
- Personal safety in the work place,
- Waste designation and generator status (WAC 173-303-070), and
- Methods of waste reduction and recycling technologies.

Perform joint on-site field work with Ecology staff, as available, which may include working at least one day with the "New Notifier" inspector at the appropriate Ecology regional office. Local inspectors should inquire of their regional Ecology office to determine the availability of field training.

The classes of generators and areas of responsibility in Compliance Coordination are as follows:

Regulated Generators

These are solely Ecology's responsibility. If contacted by local government, these businesses will be requested to contact the Ecology Regional Office. This is the only legal option for this class. Ecology cannot delegate authority over this class of generators. However, some types of education and information dissemination that lead the business into compliance with the regulations may be done by the local governments under the direction of the Ecology Regional Office. Local governments may request consent from the Ecology Regional Office to allow the local staff to provide education and information to these businesses.

Conditionally-exempt Small Quantity Generators:

These are moderate risk waste generators. Local government is the primary contact for this group. If contacted by Ecology, they will be requested to contact the local MRW agency responsible for business assistance and/or compliance.

Regulated Small Quantity Generators:

These generators are violating the Dangerous Waste Regulation and may be violating local ordinances and regulations as well. Thus, both levels of government (local and state) have jurisdiction over these generators.

When Ecology or local staff contact a regulated SQG, the contacting agency will notify its counterpart (Ecology will notify the local government, and local government will notify Ecology). An inspection report or summary is part of the notification process.

Ecology's regional office and the local MRW agency will work out a compliance strategy. The agencies may choose to take action:

- o Jointly--working together on a particular case, within agreed upon roles and actions, leading to a single response to the business,
- o In Concert--each agency working on a piece of the case, leading to separate but coordinated responses to the business, so as to create the perception of a unified response,
- o Independently--each agency pursuing its own separate actions.

Both agencies need not take action if one agency achieves results satisfactory to both. However, one agency taking action does not preclude the other agency from taking action. It is the responsibility of the agency that initially contacts the business to inform and involve all players in the coordinating process, following the initial identification of a Regulated Small Quantity Generator.

Generators regulated solely because of accumulation (GRSA's)

Under the Dangerous Waste Regulations, fully regulated generators are those who generate over the QEL per month or batch, or who accumulate over the QEL on-site. Generators who accumulate over the QEL remain fully regulated generators until s/he removes the waste from the site and properly disposes of the waste as dangerous waste.

There are many businesses within the state who fall into this class: for example, they generate hazardous waste at a rate below the QEL, but, due to lack of information regarding disposal options, have continued to store their hazardous waste on-site. Often, the intention of the business is to accumulate and store these wastes rather than improperly disposing of it. However, they now have accumulated enough waste to exceed the QEL. In these cases, it is in the best interest of the state and the environment to move these wastes to a licensed hazardous disposal site in an efficient, effective and environmentally safe manner.

Since action in this area is optional for local governments, those choosing to work with this class of generators should contact their Ecology regional MRW Coordinator. The Coordinator will assist the local government in providing and procuring appropriate expertise for its local MRW staff in the Dangerous Waste Regulations. Due to the fact that generators who accumulate over 2200 lbs are also regulated at the federal level, local governments are limited to assisting SQG's with an accumulation less than 2200 lbs. Copies of an information packet will be sent to agencies with properly trained staff for use with these generators. The following procedure will be followed by these staff, when contacting a GRSA:

- 1) Upon contacting the generator, the local staff will proceed with the inspection or audit.
- 2) An information sheet with the generator's name and address, as a minimum, will be forwarded with the inspection report to the Ecology Regional Office. Local staff also retains a copy of the information sent to Ecology.

- 3) Ecology dangerous waste and moderate risk waste staff will consider the information presented by local staff. Use of the information submitted by local staff for evaluation of the case does not require nor preclude a follow-up inspection by Ecology staff.
- 4) Regional Ecology staff will formulate and execute an enforcement response, if any. Consultation with EPA will be made by regional Ecology staff as needed.
- 5) Local staff may choose to assist as requested by and under the direction of the Ecology regional staff. Tasks requested by Ecology may include:
 - Assist the business in filling out reporting documents such as the Form 2 and Form 4. This may include the later revision of the Form 2 to remove the generator from the list of dangerous waste generators;
 - Assist the business in locating and obtaining the services of a permitted hazardous waste treatment, storage and disposal facility and transporter; and
 - Coordination or procurement of technologies related to waste reduction and recycling for use by the business.

Once the generator properly disposes of the waste, s/he will notify both Ecology and the original local inspector of its compliance. The generator is now under local jurisdiction, and tracking of the generator will be the responsibility of local government. If accumulation over the QEL recurs, the generator will be referred to Ecology as a regulated generator and regulated solely by Ecology.

III. ROLES AND RESPONSIBILITIES IN IMPLEMENTATION

A. Introduction

The basic roles of Ecology and local government are defined by statute:

"It is the intent of the legislature that the specific risk posed by such [moderate risk] waste be investigated and assessed and that programs be carried out as necessary to manage the waste appropriately. In addition, the legislature finds that, because local conditions vary substantially in regard to the quantities, risks, and management opportunities available for such wastes, **local government is** the appropriate level of government **to plan for and carry out programs to manage moderate risk waste, with assistance and coordination provided by the department [of Ecology].**" (RCW 70.105.005(10)) (Emphasis added.)

B. The role of local government

Local governments have been required to set up programs to manage moderate risk waste (RCW 70.105.220). The "**Planning Guidelines for Local Hazardous Waste Plans**", pages 12 through 14, delineate the minimum requirements for such a program. In summary, these requirements fit into five broad areas:

- Household and Public Education;
- Household Hazardous Waste Collection;
- Business Technical Assistance;
- Business Collection Assistance; and
- Enforcement.

In addition, under RCW 70.105.220(1)(f), local governments may add additional programs as needed, such as evaluation or agricultural education. The additional programs may not replace nor detract from the main programs delineated in the "Planning Guidelines".

Local government is the primary implementer of the Moderate Risk Waste Management Plan and the programs contained therein. Each Plan designates a local agency, such as the health department as lead in implementing the Plan, and is responsible to both Ecology and the participating jurisdictions to see that the goals and objectives of the Plan are accomplished in accordance and in the manner described in the approved Plan. It is also the responsibility of the lead local agency to keep the Plan up-to-date.

Local government is also responsible for allocating the resources and completing the tasks described in the recommended program in its approved Plan in a timely fashion. This may include designing a program in sufficient detail to implement fully, and coordinating actions with local jurisdictions

and Ecology. Actions in moderate risk waste management should be tracked at the local level and reported to Ecology periodically. Local government is the primary contact on moderate risk waste issues for both the public and small businesses, including provision of technical assistance. Once received, Ecology will typically refer requests for assistance from members of these groups to the local government, as appropriate.

It is also the responsibility of local government to protect the safety and health of waste management workers in its employ, and to provide appropriate and adequate training for those employees handling moderate risk waste, either as part of their jobs or through casual contact (such as workers at a landfill, who do not work directly with moderate risk waste).

c. The role of the department

In addition to the roles of coordination and assistance mentioned above Ecology was assigned another role by statute:

" . . . it is the purpose of this chapter [70.105 RCW]: . . . (3) To promote cooperation between state and local governments by assigning responsibilities for planning for hazardous wastes to the state and planning for moderate-risk waste to local governments." (RCW 70.105.007) (Emphasis added.)

Ecology's regional offices have been assigned as the lead in working with local governments in implementing their Plans. Headquarters staff support the regional staff and are also responsible for state-wide policy and program development, such as these guidelines. Headquarters staff are also responsible to assist in the training of regional staff, and state-wide information gathering. Both headquarters and regional staff participate in the design of grant programs for local governments.

1. The Ecology Regional MRW Coordinator

In each regional office of Ecology, there is a MRW Coordinator. This person is the initial contact for implementing jurisdictions in that region. Jurisdictions should contact their Ecology regional MRW Coordinator with all requests for implementation assistance, and should regularly report progress on MRW implementation to the Coordinator. Timely reporting will assist Ecology's efforts to keep the state-wide MRW database current, thereby improving information sharing with local jurisdictions. Issues and progress on grant agreements should be reported to the Grants Project Officer and coordinated with the regional MRW Coordinator. To provide better service to the local governments, the Ecology regional MRW Coordinator:

- meets regularly with the local moderate risk waste coordinator and staff, either one-on-one or in groups to review progress, discuss current issues of concern, and/or provide assistance.
- most Plans designate a committee to oversee and evaluate moderate risk waste programs and make recommendations to the elected

officials for changes and/or budget. In many counties, this is the Solid Waste Advisory Committee (SWAC) or a subcommittee of the SWAC. The regional Coordinator is an adjunct member of this committee in every county where such a committee exists. The Coordinator may participate fully in all discussions, however s/he may not vote or otherwise dictate local policy nor assume responsibility for implementation of tasks in the Plan.

- in counties that do not have specific committees, the Coordinator is an adjunct member of the Solid Waste Advisory Committee, and participates in discussions regarding moderate risk waste.

The establishment of a local SWAC is required by RCW 70.95.165(3). Local councils appoint members to the SWAC. During the early part of the planning efforts, Ecology informally requested and local governments state-wide granted adjunct membership on these committees for technical assistance purposes. The placement of the Ecology MRW regional Coordinator, replacing the headquarters coordinator, is merely a continuance of this assistance effort,

The Coordinator is also responsible for:

- Oversight of local moderate risk waste efforts, and evaluation of efforts for adequacy in complying with RCW 70.105.220(8);
- Recommending approval or denial of changes to plans and five-year updates to the regional section supervisor;
- Reviewing and commenting on grant requests to Ecology to support local MRW planning, implementation, and enforcement efforts;
- Representing Ecology at local public hearings, meetings, and public outreach/education efforts (i.e. school assemblies);
- Coordinating MRW training for local government staff; and
- Assisting in Ecology policy and program development for MRW.

2 Technical Assistance Requests

Technical assistance requests from local governments should initially go to the Ecology regional MRW Coordinator. The MRW Coordinator is responsible for assuring assistance to local jurisdictions, which may include resources from additional Ecology staff at headquarters, in the region, or from other programs as needed.

Technical assistance requests from local governments for issues including: compliance with MRW plan implementation; Dangerous Waste regulations (Chapter 173-303 WAC); the **MRW** Fixed Facilities Guidance; assistance in planning; executing a collection event or project; and, assistance in obtaining a permit for a MRW facility, should also go to the regional MRW Coordinator.

Due to its nature, MRW directly pertains to both Ecology's Solid and Hazardous Waste Program, and Ecology's Waste Reduction Recycling and Litter Control (WRRLC) Program. Because of this, the two programs will continue to strive for coordination wherever possible on MRW issues.

Waste reduction and recycling technical assistance is provided by the WRRLC Program. Regional WRRLC staff can assist local governments in providing waste reduction and recycling assistance to small quantity generators, information on alternatives to hazardous products, and household hazardous waste education. WRRLC also works with schools, community groups and the general public to provide training, education and information on MRW.

If MRW information requested is not available at the local level, local governments can direct such requests to Ecology's toll-free information lines.

Households can be referred to the Recycle Information Line at 1-800-RECYCLE (732-9253). The Recycle Information Line provides access to educational brochures, information on methods of waste reduction and recycling, locations of recycling and disposal facilities, and information on HHW collection events.

Small Quantity Generators (SQG's) can be referred to Ecology's Recycle Information Line for waste reduction and recycling assistance. Requests for SQG regulatory assistance may be referred to Ecology's regional dangerous waste inspectors. SQG's with requests for information on particular chemicals or waste streams can also be referred to Ecology's Hazardous Substance Information Office, at 1-800-633-7585.

If a local government does not have a MRW small business program, those seeking this type of assistance should contact Ecology's regional MRW Coordinator, to find out what resources are available elsewhere.

Figure 3, on the following page, summarizes the roles of the various divisions of Ecology.

Figure 3: Moderate Risk Waste Responsibilities within Ecology

Ecology Entity	Responsibility
MRW Regional Coordinator	<ul style="list-style-type: none"> * Direct Assistance to local government in MRW planning and MRW plan implementation activities. * Coordinates with other parts of Ecology to provide assistance to local governments. * Oversees and evaluates local efforts for compliance with RCW 70.105.220(8) * Provides input to the Waste Management Grants section on the execution and monitoring of grants <p>Note: The MRW Coordinator should be the initial contact for local government with Ecology</p>
MRW Headquarters Staff	<ul style="list-style-type: none"> * Support regional MRW Coordinators. * Policy and guideline development * State wide coordination * Interstate coordination
Waste Reduction Recycling and Litter Control (WRRLC) HQ Staff	<ul style="list-style-type: none"> * Provide research and training on waste reduction, recycling and related general household hazardous waste issues * Operate the 1-800-RECYCLE Information Line * Assist regional WRRLC staff in efforts to provide training and technical assistance
WRRLC Regional Staff	<ul style="list-style-type: none"> * Provide training and technical assistance to local government on waste reduction and recycling issues and related local government education programs * Provide technical assistance and education to schools, community groups, businesses, and the general public, in coordination with local government education efforts * Work with MRW regional Coordinator on MRW plan amendments and updates
Waste Management Grants Staff	<ul style="list-style-type: none"> * Administer 1991 MRW implementation grants * Administer Coordinated Prevention Grants * Design grant programs for local governments
Solid Waste Regional Staff	<ul style="list-style-type: none"> * Review applications for solid waste permits to operate a fixed MRW collection system
Solid Waste HQ Staff	<ul style="list-style-type: none"> * Develop Policies for solid waste management * Support in the development of amendments to the MFS as regards fixed MRW facilities.
Dangerous Waste Regional Staff	<p>Provide information to counties and businesses on Dangerous Waste regulations</p> <ul style="list-style-type: none"> * Support coordination of enforcement on MRW generators by local governments
Dangerous Waste HQ Staff	<ul style="list-style-type: none"> * Develop regulations and policy related to the management of Dangerous Waste

3. Assistance in Coordination and Communication among Jurisdictions

Ecology can also facilitate coordination and communication between jurisdictions for information sharing of joint projects. The purpose of this effort is to prevent "reinvention of the wheel" in every local area of the state. As with technical assistance, this service will be provided to local governments by the Ecology regional MRW Coordinator, with support from headquarters. In addition, Ecology is designing a database for use state-wide in information sharing.

One example of assistance in coordination and communication is the MRW FORUM activities, a series of state-wide meetings held in various locations across the state. The purpose of these meetings is to bring the various local MRW staff together to discuss common issues. Those wanting to receive announcements of future FORUMs should contact:

MRW FORUM
Solid and Hazardous Waste Program
Department of Ecology
P. O. Box 47600
Olympia, WA 98504-7600
(206) 438-7712 SCAN 585-7712

4. Financial Assistance

Financial assistance to implement MRW plans is authorized in RCW 70.105.235. There are two sources of revenue currently providing funds for Plan implementation:

The Local Toxics Control Account (LTCA) was established in RCW 70.105D.070 and derives its funds from the Hazardous Substance Tax (Chapter 82.21 RCW). This taxes the first possession of a hazardous substance at 0.7% of the wholesale value. LTCA monies can be used for any eligible cost associated with an approved Plan.

The Hazardous Waste Assistance Account was established in Chapter 70.95E RCW. RCW 70.95E.020 levies a \$35 fee on businesses that are generators or potential generators of hazardous waste. Selection of these businesses is by the Standard Industrial Classification (SIC) Codes (which are used to categorize businesses). The selection of businesses is based on those business types thought to generate or potentially generate hazardous waste. HWAA funds may only be used to implement the small business education and technical assistance components of an approved Plan.

These funds are administered through the Coordinated Prevention Grants (CPG) program. Current local match requirements under this program are

a maximum of 40%. Lower local match is available to counties under certain conditions. For further information on the Coordinated Prevention Grants and match, please see the **CPG Guidelines** or contact the Project Officer assigned to your area (or to find out who your Project Officer is) at:

Waste Management Grants
Department of Ecology
P. O. Box 47600
Olympia, WA 98504-7600
(206)438-7474 or SCAN 585-7474.

5. Verification of Implementation

RCW 70.105.220(8) mandates the implementation of MRW plans by local governments. The plans have been developed in a spirit of cooperation and assistance with the counties, resulting in high compliance. This spirit has been born from the pro-active, on-site assistance and teamwork between Ecology and local governments. The lead for the continuance of this pro-active approach, for Ecology's part, has been assigned to the Ecology regional MRW Coordinator. In working directly with local governments, the Ecology regional MRW Coordinator should be aware of emerging issues, and provide for pro-active resolution before a problem or dispute develops. The Ecology regional MRW Coordinator can continually verify implementation as part of this process.

The verification role should not, however, take precedence over the assistance role of Ecology. In the five years since passage of the Act, there have been no enforcement actions taken against local governments. It is the intent of Ecology to maintain that record for as long as possible.

Verification of Plan implementation will essentially be made using the Plan as approved by Ecology and its implementation schedules. In addition, if a grant agreement exists, Ecology will use any grant conditions, implementation schedules, and milestones to verify implementation. Ecology regional MRW Coordinators, in coordination with the CPG Project Officer, will monitor activities related to these two documents. If implementation schedules or milestones start falling behind, The Coordinator and/or project officer will contact the lead agency for implementing the Plan to resolve the delays.

While the general framework for oversight will be consistent throughout the state, the level and methods of oversight may vary on a case-by-case basis, since Ecology recognizes that conditions vary from county to county, and that each plan is unique. Specific decisions regarding oversight are the responsibility of the Ecology regional office. Counties are encouraged to include the Ecology regional MRW Coordinator as much as possible as a resource and advisor in local decision making, to help avoid problems by their early detection and resolution.

At times it may appear that a jurisdiction has no interest in participating in the current cooperative basis established in moderate risk waste. As mentioned above, due to the cooperative planning history of moderate risk waste, all jurisdictions should be given the benefit of the doubt as much as possible in making the determination that a jurisdiction is recalcitrant in implementing its plan. If recalcitrance is verified, the following should be considered by Ecology:

- First and foremost, a jurisdiction should be notified of all actions contemplated against it, and allowed time for response, before commencing any action;
- Generally, the first action contemplated against a jurisdiction is denial of special agreements, such as variances (a discussion of variances appears on page 25);
- Second, the Ecology regional MRW Coordinator contacts the Grants Project Officer to review how the jurisdiction is meeting its obligation (milestones and schedules) under the grant agreement. If implementation is not taking place according to the agreements, Grants will consider taking appropriate actions against the jurisdiction according to the conditions stated in the grant agreement. It is expected that enforcement actions could begin before Grants staff exhausts all its possible responses.
- All remedies in Chapter 70.105 RCW are available for use as necessary. Special use should be made of injunctive relief as described in section .120. The procedure to be followed when considering enforcement should be the same as the enforcement options provided for other violations of Chapter 70.105 RCW as found in the ***Ecology Enforcement Manual, Guidelines and Procedures, July, 1990*** (page 4). Actions may be formal or informal, at the discretion of the regional office.

In addition, it should be noted that if a local government fails to adopt a Local Hazardous Waste Management Plan for its jurisdiction, or fails to secure approval from the department for its Local Hazardous Waste Management Plan in accordance with the time schedule in Chapter 70.105 RCW or as agreed in any variance, the department shall prepare a hazardous waste plan for the local jurisdiction (RCW 70.105.230(2)).

Ecology is currently in the process of developing a data management system for tracking moderate risk waste activities state-wide. This system is intended to serve both local coordinators and as a tracking-verification tool for Ecology. In coordination with local governments, a reporting form for local governments will be developed. Attempts will be made to piggy-back this reporting system on a current reporting system to minimize workloads on local staff. Examples of possible systems include that used for reporting of grant-related activities, or annual reports submitted to elected officials.

IV. DEFINITION OF IMPLEMENTATION

A. **What is Implementation**

For the purposes of RCW 70.105.220(8) and these guidelines, implementation is defined as:

any action or series of actions that will result in the accomplishment of tasks and goals that are part of an approved Local Hazardous Waste Management Plan.

Examples of implementation include, but are not limited to:

- the actual performance of a task described in the plan (i.e., school assemblies, collection events, audits of small businesses),
- the performance of administrative tasks to include:
 - the procurement of resources to implement plan tasks,
 - the building and maintenance of necessary infrastructure to implement the plan such as coordination between implementing agencies or information gathering and dissemination of reports to Ecology, supporting jurisdictions and the public regarding the status of the local MRW program,
 - training of appropriate staff in MRW and hazardous waste management,
 - implementing recommendations of a study described in a plan.

B. **What is not Implementation**

Actions which are neither performance of a task in a Plan nor an administrative task as delineated above, are not considered implementation of a Plan. Examples of actions that will not be considered implementation may include, but are not limited to:

- Administration of other waste management programs, such as aluminum recycling, or landfill closure,
- Tasks related to moderate risk waste, such as collection events, in a planning area where the plan does not identify these events as recommended programs. Jurisdictions may do such additional tasks, but said tasks will not be counted as implementation and will be ineligible for financial support. In doing such tasks,

jurisdictions are not relieved from the responsibility of accomplishing Plan tasks.

In addition, omissions or failures to act may be considered non-implementation. Some of these failures may include:

- Failure to complete moderate risk tasks in a timely or adequate fashion, such as procuring adoption or approval of a Local Hazardous Waste Management Plan, completing tasks and/or programs recommended in an approved plan, or coordinating activities with Ecology or the participating jurisdictions.
- Failure to provide adequate resources to implement the Plan or any portion of it.
- Failure to keep the Plan current, amend a plan or request a variance to drop a program.

C. Use of these Guidelines to Determine Implementation

Each Plan contains the list and description of the tasks that represent a jurisdiction's commitments in MRW management. In addition, if there is a pertinent grant agreement, that agreement may provide additional detail regarding implementation schedules and milestones. These documents provide the yardstick against which local actions and performance will be evaluated. Thus, these guidelines should be used by both Ecology and local government according to the needs of each local area. Such decisions of applicability of sections of the guidelines should be made with consensus of the local government and the regional MRW Coordinator.

Some examples of how to use the guidance with this flexibility may include:

- If a jurisdiction has chosen in their plan to establish a collection system based solely on collection events, then all guidance to fixed facilities would not be applicable. However, whenever the Plan is amended to include new programs, then guidance appropriate to those programs would apply.
- If a local government has not yet implemented on-site audits to businesses, the compliance coordination section does not apply.
- Although local government is the primary contact for moderate risk waste generators, local governments may request Ecology to assist in direct contact with generators when, for example,

the request for information concerns state law or regulations,

the generator periodically generates over the QEL,

the generator wants to or needs to obtain an EPA identification number, or

on an interim basis, while the local government program for technical assistance is not functioning fully.

- If a local jurisdiction proposes a sufficiently substantial change in a program such that an amendment is required, and the local jurisdiction prefers to do a study before making the change, the amendment process may occur any time after the study has commenced and before actual implementation begins.
- If a program adjustment is particularly non-controversial, or consensus of the governments was obtained through a different process, such as the budget process, evidence of implicit consensus may be substituted for letters of concurrence. Implicit consensus is where the lead agency contacts the jurisdictions and the jurisdictions are given a reasonable time-frame to object to a given adjustment. Lack of response will then imply concurrence by the jurisdiction.
- Finally, if a local government is implementing its Plan in a timely fashion, the section on Ecology enforcement (page 24) should not apply.

V. MODIFYING PLANS AND IMPLEMENTATION ACTIONS

A. **Introduction**

There is an additional area where state and local coordination is essential, that of keeping implementation efforts up to date. Moderate risk waste is an emerging issue in Washington state. During the process of implementation, many new and innovative approaches and technologies in moderate risk waste management will be discovered. Local MRW agencies may want to incorporate some of those newer approaches and technologies into their plans and programs. Some MRW plans may need to be modified to include these newer approaches and technologies before the next revision cycle in the mid-1990's.

Plans are legally adopted documents. In almost all cases, several jurisdictions use the local plan to meet the requirements of RCW 70.105.220 for several jurisdictions (i.e., cities as participants in a regional plan with the county). To establish itself as a participating jurisdiction, a city, town or county must submit to Ecology a resolution of adoption passed by the council or commissioners. Thus, the compliance status of the plan and its implementation may be of interest to and affect all or some participating jurisdictions.

Local governments may receive grants to implement an Ecology-approved MRW plan under RCW 70.105.235. Therefore, for a project to receive financial assistance from Ecology, it must be part of an approved plan. The Ecology Regional Office must approve or deny all amendments to ensure that said amendments meet the requirements of RCW 70.105.220 and the Planning Guidelines.

In some plans or in related interlocal agreements, jurisdictions have chosen to delegate some or all amendatory authority to another jurisdiction or group. For example, some cities have delegated authority to the lead local agency. In areas where these plans or agreements currently exist, the terms of the agreements shall supercede the procedures for local concurrence delineated below.

B. **Changes to a Plan**

Each plan contains procedures to amend a plan. A change to a plan may or may not affect any particular jurisdiction. In changing a plan, all affected jurisdictions must be consulted. Designation of a jurisdiction as affected may occur by the following:

- 1) Only jurisdictions who are participants in a plan may be designated as affected by a change to that plan.
- 2) A jurisdiction may delegate its amendatory authority by specifically stating in the Plan which agency may act in its

behalf. These jurisdictions cannot be designated as affected jurisdictions, except as noted in (4) below.

- 3) The lead local agency shall designate which jurisdictions a particular amendment affects except for when a jurisdiction designates as in (4) below. Such designation shall accompany the proposed change when it is submitted to Ecology for approval.
- 4) A jurisdiction participating in the Plan may designate itself as affected or decline designation by notifying the lead local agency for a given change, and in accordance with any current local agreement.

There are three basic types of changes that are made to a plan:

1. Editorial changes:

These changes are generally made by the lead local planning or implementation agency. These are changes related to punctuation, grammar, or clarity of wording. An editorial change must not alter the intent or general sense of the plan's language, thus the editorial change does not affect any jurisdiction. This group includes typographical corrections.

2. Program Adjustments

These changes are generally made by the lead local agency with informal consultation of affected jurisdictions, as necessary. Formal concurrence from affected jurisdictions in the form of a resolution or motion is not necessary. However, a letter of concurrence from the mayor, equivalent elected official, or designee of all affected jurisdictions should be obtained, so that the action cannot be interpreted as unilateral on the part of the lead agency. These are non-substantial changes in the actual programs in the plan. Examples of revisions may include:

- A minor change in a time-line, a delay or advance of a milestone, (such as a delay in facility opening due to a lengthy permit review process, or implementing a facility or program earlier due to increased resources);
- An interim program to provide equivalent service while a program is delayed, (such as a continuation of collection events until a fixed facility can be opened);
- Minor changes in the scope of a program, (such as a total of eight oil facilities instead of ten, or inclusion of a new business group for special technical assistance efforts);
- Reassignment of a project (not a complete program) to a new agency with the agreement of both the rescinding and receiving agency. Examples may include: a series of school assemblies in a household

education program; a feasibility study/pilot project; or the publicity task for a collection event or facility; or

- Follow up actions to implementation activities, such as implementation of the recommendations of a feasibility study/pilot project. For example, the construction of a fixed facility in a particular location following the completion of a feasibility study to select a site.

3. Plan Amendments:

These are substantial changes affecting jurisdictions within the planning area in a significant way.

Each Plan delineates the procedure for getting local adoption of an amendment. Amendments will be required when:

- There is a fiscal impact on the jurisdictions that will increase their costs to support plan implementation, due to proposed increased services or new programs. On an amendment with fiscal impact all jurisdictions with fiscal impact are automatically affected, whether the proposed amendments affects service levels or not. Example of fiscal impacts would be the raising of a county-wide tipping fee, an increase in a per household or per business fee, or an increase in fees assessed jurisdictions. Increases in fees or assessments to account for inflation, or projected in the plan do not require an amendment.
- There is a major shift in the level of service of a program, such as: a permanent facility replacing collection events; inspections replacing voluntary audits; or the initiation of a program without a clear direction in the plan. A clear direction is evidenced by projected expenditures budgeted for a specific program.
- A jurisdiction participating in the plan requests in writing, with justification, that a particular change be designated as an amendment. This request should be sent to the Ecology MRW Regional Coordinator.

C. The Process of Changing A Plan

Copies of any and all changes (editorial, adjustments, or amendments) should be sent to the Ecology Regional MRW Coordinators.

The local lead agency shall send a preliminary draft of the proposed changes to the MRW Regional Coordinator, designating whether the lead local agency considers the changes editorial, adjustments or amendments. In addition, the lead local agency must include a list of the affected jurisdictions for non-editorial changes.

The status of all changes will be verified by Ecology as being either editorial, an adjustment, or an amendment. The Regional MEW Coordinator will coordinate a preliminary review of the changes as proposed within Ecology, and will respond to the local government with Ecology's comments within ninety days (see RCW 70.105.220(7)). These comments will include concurrence or denial of the designation of the changes and the list of affected jurisdictions. Jurisdictions that have notified the lead local agency that they are designating themselves as affected in respect to the amendment under consideration (see #4, page 29) will automatically be accepted and included as an affected jurisdiction.

The lead local agency will proceed to follow the appropriate process as described above or in its plan, according to whether the change is editorial, an adjustment, or an amendment.

After adoption by affected jurisdictions, all amendments must be submitted to the Ecology Regional MRW Coordinator for Ecology's approval. Ecology must approve or deny all amendments. Submissions to Ecology should include:

For editorial changes:

the text of the change

For program adjustments:

the text of the change;
justification of why an amendment is unnecessary;
list of affected jurisdictions; and
letters of concurrence from all affected jurisdictions

For final approval of a plan amendment:

the text of the change;
list of affected jurisdictions; and
resolutions of concurrence from all affected jurisdictions.

The lead jurisdiction will be notified by the Coordinator within ninety days of submission of the approval or rejection of a Plan amendment. Ecology shall approve an amendment that increases environmental protection; is consistent with pertinent rules, regulations and statutes as well as the local Plan; and is supported by the general consensus of the area's local governments.

D. Obtaining Variances

There may be cases when a local government desires to implement one of its programs in a way that would not meet the baseline requirements specified in the *Planning Guidelines for Local Hazardous Waste Plans WDOE 87-18* (pages 12 - 14). To remain in compliance, the local government must submit a request for and be granted a variance from Ecology. Ecology derives its authority to grant variances from RCW 70.105.220(9). Variance requests must be submitted to the regional MRW Coordinator. In granting or denying the variance, Ecology shall use two criteria:

1. Justification of need:

Questions used to determine this justification may include:

- Why is this action necessary?
- Are there reasonable alternatives that would maintain this program?
- Are there any special circumstances related to this request?
- Are/were there other jurisdictions in similar circumstances? How are they continuing their program or addressing this issue?

2. Impact of the action:

Questions used to determine the impact of the action may include:

- Will this action increase service to the local area in MRW?
- Will this action increase protection of the environment?
- Will this action increase the jurisdiction's ability to manage MRW more effectively?
- Will this action improve the compliance status of the planning area?
- Will this action improve the cooperation of the jurisdiction(s) in MRW implementation?

Issues will be evaluated over both short- and long-term scenarios. A response will be given the petitioning jurisdiction by the Ecology MRW Regional Coordinator within ninety days of submission.

VI. SUMMARY and CONCLUSIONS

Moderate risk waste, as an issue, is very young, and there are many changes that lie ahead. As the 33 planning areas continue to implement their plans, much more knowledge and information in moderate risk waste management will be discovered. Among those discoveries will lie new issues and more effective ways of handling old issues. The intent of this document is to address some administrative issues that can be foreseen at this time, and may be updated as needed. The forthcoming **Technical Manual** will provide information on technical issues.

More important, however, is the intent to communicate to local government what to expect from Ecology and what Ecology will expect of them as the implementation process continues. It is hoped that this understanding will maintain and enhance the partnership with local government that now exists in moderate risk waste. After all, there is no greater assistance than an understanding of one another and the support of each other in achieving success.

Appendices

- Appendix A: List of Acronyms
- Appendix B: List of Selected MRW Publications
- Appendix C: Ecology MRW Contacts

Appendix A: List of Acronyms

"the Act"	Engrossed Substitute House Bill 975, encoded as RCW 70.105.210 through .270, the enabling legislation for the current MRW system
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act (federal)
CESQG	Conditionally-Exempt Small Quantity Generator
CFR	Code of Federal Regulations
CPG	Coordinated Prevention Grants
DW	Dangerous Waste
GRSA	Generator Regulated Solely because of Accumulation
HHW	Household Hazardous Waste
HWAA	Hazardous Waste Assistance Account (state)
HWMA	Hazardous Waste Management Act (Chapter 70.105 RCW)
LTCA	Local Toxics Control Account (state)
MFS	Minimum Functional Standards for Solid Waste Handling
MRW	Moderate Risk Waste
MTCA	Model Toxics Control Act (Chapter 70.105D RCW)
"Plan"	A Local Hazardous Waste Plan to manage moderate risk waste as required in RCW 70.015.220
RCW	Revised Code of Washington
SQG	Small Quantity Generator
SWAC	Solid Waste Advisory Committee
WAC	Washington Administrative Code

Appendix B: List of Selected MRW Publications

Statutes (in RCW)

70.05	Local Health Departments, Boards, Officers--Regulations
70.95	Solid Waste Management--Reduction and Recycling Act
70.95E	Hazardous Waste Reduction Act
70.951	Used Oil Recycling Act
70.105	Hazardous Waste Management Act
70.105D	Model Toxics Control Act

Regulations (in WAC)

173-303	Dangerous Waste Regulations
173-304	Minimum Functional Standards for Solid Waste Handling
173-312	Coordinated Prevention Grants

Guidance

Household Hazardous Waste: Guidelines for Conducting Collection Events WDOE 88-6

Planning Guidelines for Local Hazardous Waste Plans--July 1987 WDOE 87-18

Moderate Risk Waste Fixed Facilities Guidance--March 1992 WDOE 92-13

Publications

Problem Waste Study, Volume 2-1: Moderate Risk Waste--A Progress Report

Problem Waste Study, Volume 2-2: Moderate Risk Waste--Best Available Technologies

Problem Waste Study, Volume 3: Used Oil

Washington State Hazardous Waste Management Plan WDOE 92-05

Appendix C: Regional MRW Contacts

Regional Office	Central	Eastern	Northwest	Southwest
MRW Coordinator	Dick Granberg (509)457-7147 SCAN 558-7147	Jim Wavada (509)456-6349 SCAN 545-6349	Ann Kenny (206)649-7269 SCAN 354-7269	Peggy Britt (206)753-3011 SCAN 234-3011
Complaint Tracker	Donna Smith (509)575-2012 SCAN 558-2012	Ted Hamlin (509)456-6367 SCAN 545-6367	Susanne Winter (206)649-7229 SCAN 354-7229	Verna Cleveland (206)586-5861 SCAN 321-5861
Address	106 South Sixth Street Yakima, WA 98902-3387	North 4601 Monroe, Suite 100 Spokane, WA 99205-1295	1390--160th Avenue S.E. Bellevue, WA 98008-5452	7272 Cleanwater Lane PO Box 47775 Olympia, WA 98504-7775
Counties in Region (includes all cities)	Benton Chelan Douglas Kittitas Klickitat Okanogan Yakima	Adams Asotin Columbia Ferry Franklin Garfield Grant Lincoln Pend Oreille Spokane Stevens Walla Walla Whitman	Island King Kitsap San Juan Skagit Snohomish Whatcom	Clallam Clark Grays Harbor Jefferson Lewis Mason Pacific Pierce Skamania Thurston Wahkiakum