



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Ecology AO # 07-16

- Permanent Rule  
 Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of WAC 173-345 Recyclable Materials—Transporter and Facility Requirements is to require transporters of recyclable material to: register with Ecology, transport recyclable materials only to locations where recycling occurs, and keep records of all activities for two years. In addition, these new rules require recycling facilities to notify Ecology of their existence 30 days before operation commences (90 days for existing facilities). The adopted rule will incorporate language that prescribes penalties for non-compliance of up to \$1,000 per violation.

**Citation of existing rules affected by this order:**

Repealed: N/A  
 Amended: N/A  
 Suspended: N/A

**Statutory authority for adoption:** Chapter 70.95 RCW and Chapter 70.95.400 - 430 RCW

**Other authority :** N/A

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 08-22-100 on 11/5/2008.

Describe any changes other than editing from proposed to adopted version:

The final rule language has changes in sections 030, 040, and 060 from the proposed rule language. In section 030, the following terms and their definitions were deleted from the final rule language: "disposal site", "energy recovery", "incidental", and "transformation". The "covered electronic product" definition was replaced with a reference to the definition in WAC 173-900. The term "person" was added and clarified in the adopted rule language. In section 040, Ecology deleted recyclable materials and clarified that a separate container must be provided. Section 060 was changed by eliminating specific methods of disposal.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: N/A This rule is exempt from the Small Business Economic impact Statement (SBEIS) under chapter 19.85 RCW, and from Cost Benefit Analysis and Least Burdensome Alternative analysis under RCW 34.05.328. The rule itself imposes no costs, as it uses existing language from RCW 70.95 through 440, and from chapter 173-350 WAC.

Name: \_\_\_\_\_ phone \_\_\_\_\_  
 Address: \_\_\_\_\_ fax \_\_\_\_\_ e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:**

4/21/09

**NAME (TYPE OR PRINT)**

Jay J. Manning

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED

DATE: April 22, 2009  
 TIME: 11:22 AM

**WSR 09-09-131**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Federal rules or standards:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Recently enacted state statutes:</b>	New	<u>10</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>10</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Pilot rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
<b>Other alternative rule making:</b>	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>