

Department of Ecology's Hazardous Waste and Toxics Reduction Program
Summary of Draft Amendments to the *Dangerous Waste Regulations*
Chapter 173-303 WAC

March 2008

The *Dangerous Waste Regulations* will be amended later this year. Two publications, Biological and Chemical Testing Methods, will be updated at the same time. Pre-proposal draft amendments and test method changes are available for review and comment. These comments will be incorporated into the draft amendments before the changes are formally proposed.

This document lists all draft changes to the *Dangerous Waste Regulations*. Amendments based on federal rules are listed in Table 1. The summary paragraph from each Federal Register Notice is followed by an explanation of differences in the draft state rule language. State differences are highlighted in gray. If no differences are listed, Ecology will adopt all changes made by the federal rule into the state rule. State-initiated changes are listed in Table 2. The citations column lists where changes were made or provisions added to the *Dangerous Waste Regulations*.

Submit comments by April 25, 2008 to Chipper Hervieux electronically at pher461@ecy.wa.gov or mail to Department of Ecology HWTR Program, PO Box 47600 Olympia, WA 98504-7600.

Table 1. Federal Rule Summaries

Federal Rule Title, Date, Federal Register (FR) Notice Page Number, and EPA Summary-	State Citation(s) where the federal rule language has been incorporated into the <i>Dangerous Waste Regulations</i>
Differences in the State Draft Rule	WAC 173-303-
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards July 30, 2003 - 68 FR 44659	515(11) IBR
EPA SUMMARY: Today's final rule eliminates drafting errors and ambiguities in the used oil management standards. Specifically, this rule clarifies when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the RCRA used oil management standards and when it is not; that mixtures of conditionally exempt small quantity generator (CESQG) waste and used oil are subject to the RCRA used oil management standards irrespective of how that mixture is to be recycled; and that the initial marketer of used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil.	
Differences in the draft state rule: Only the third change listed above that EPA made to the federal regulations is being proposed by Ecology. The existing state rule which is not being changed requires CESQG used oil that is mixed with waste to be managed under the requirements for dangerous waste burned for energy recovery. The state rule also has	

<p>different standards for used oil contaminated with PCBs. The only changes being made to the state rule with this proposal are the changes to initial marketer requirements.</p>	
<p>National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks April 26, 2004 - 69 FR 22601</p> <p>EPA SUMMARY: This action promulgates national emission standards for hazardous air pollutants (NESHAP) for automobile and light-duty truck surface coating operations located at major sources of hazardous air pollutants (HAP). The final rule implements section 112(d) of the Clean Air Act (CAA) by requiring these operations to meet HAP emission standards reflecting the application of the maximum achievable control technology (MACT). The final rule will protect air quality and promote the public health by reducing emissions of HAP from facilities in the automobile and light-duty truck surface coating source category. The primary HAP emitted by these operations are toluene, xylene, glycol ethers, methyl ethyl ketone (MEK), methyl isobutyl ketone (MIBK), ethylbenzene, and methanol. The final standards are expected to reduce nationwide organic HAP emissions from major sources in this source category by approximately 60 percent.</p> <p>This action also amends the Surface Coating of Miscellaneous Metal Parts and Products NESHAP (40 Code of Federal Regulations [CFR] part 63, subpart MMMM) and the Surface Coating of Plastic Parts and Products NESHAP (40 CFR part 63, subpart PPPP) to clarify the interaction between these rules and the Surface Coating of Automobiles and Light-Duty Trucks NESHAP (40 CFR part 63, subpart IIII).</p> <p>Additionally, this action amends the Resource Conservation and Recovery Act (RCRA) Air Emission Standards for Equipment Leaks at 40 CFR parts 264 and 265, subparts BB, for owners and operators of hazardous waste treatment, storage, and disposal facilities to exempt air emissions from certain activities covered by the final NESHAP from these RCRA standards.</p> <p>State rule: These corrections have been incorporated into the state rule.</p>	<p>691(1)(g) 400(3)(a)</p>
<p>Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatment Standards February 24, 2005 - 70 FR 9137</p> <p>CERCLA- Comprehensive Environmental Response, Compensation, and Liability Act</p> <p>EPA SUMMARY: The Environmental Protection Agency (EPA) is today listing as hazardous nonwastewaters generated from the production of certain dyes, pigments, and FD&C colorants. EPA is promulgating this regulation under the Resource Conservation and Recovery Act (RCRA), which directs EPA to determine whether these wastes pose a substantial present or potential hazard to human health or the environment when they are improperly treated, stored, transported, disposed of or otherwise managed. This listing sets annual mass loadings for constituents of concern, such that wastes would not be hazardous if the constituents are</p>	<p>071(3)(kk)(i), (iii), and (v) 140(2)(a) 9904(1) & (2) 9905</p>

<p>below the regulatory thresholds. If the wastes meet or exceed the regulatory levels for any constituents of concern, the wastes must be managed as listed hazardous wastes, unless the wastes are either disposed in a landfill unit that meets certain liner design criteria, or treated in a combustion unit as specified in the listing description. This rule also adds five toxic constituents to the list of hazardous constituents that serves as the basis for classifying wastes as hazardous. In addition, this rule establishes Land Disposal Restrictions (LDR) treatment standards for the wastes, and designates these wastes as hazardous substances subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This rule does not adjust the one pound statutory reportable quantity (RQ) for the waste.</p> <p>Differences in the draft state rule: The draft state rule does not allow these wastes to be placed in solid waste landfills to qualify for the exclusion from the listing. Initial analysis shows that the allowed quantities and limits could potentially lead to groundwater contamination. If the waste meets or exceeds the regulatory thresholds, <u>under the state rule</u> the waste must be managed as listed hazardous waste unless it is disposed in a 1) hazardous waste landfill or 2) treated in a combustion unit. The federal rule allows this waste to be managed in either a 1) hazardous waste landfill, 2) a solid waste landfill or 3) in a combustion unit.</p>	
<p>Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System March 4, 2005 - 70 FR 10775</p> <p>EPA SUMMARY: The Environmental Protection Agency (EPA) is establishing new requirements revising the Uniform Hazardous Waste Manifest regulations and the manifest and continuation sheet forms used to track hazardous waste from a generator's site to the site of its disposition. The revisions announced today will standardize the content and appearance of the manifest form and continuation sheet (Forms 8700-22 and 22a), make the forms available from a greater number of sources and adopt new procedures for tracking certain types of waste shipments with the manifest. The latter types of shipments include hazardous wastes that destination facilities reject, wastes consisting of residues from non-empty hazardous waste containers, and wastes entering or leaving the United States.</p> <p>Differences in the draft state rule: The draft state rule requires unmanifested waste reports (letters) to be submitted to the appropriate regional office. For unmanifested waste reports the federal rule listed treatment, storage, and disposal as the types of waste management at facilities. The state rule includes recycling as part of the list of waste management activities for which an unmanifested waste report would be required. This is consistent with the way the rule has been implemented.</p>	<p>040 Definitions -Designated Facility -Manifest -Manifest tracking number</p> <p>160(2)(a) 180 180(7) 180(8) 190(3)(b) 190(4) 200(6) 230(1) 230(2)(c), (d), (e) 180(1) 250(1) & (9) 250(6) 370(1) – (8) 390(1)</p>
<p>Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB June 14, 2005 - 70 FR 34537</p> <p>EPA SUMMARY: The Environmental Protection Agency is amending a variety of testing and monitoring requirements in the Resource Conservation and Recovery Act (RCRA) hazardous and non-hazardous solid waste regulations and for certain Clean Air Act (CAA) regulations that relate to hazardous waste combustors. These amendments allow more flexibility when conducting RCRA-related sampling and analysis by</p>	<p>083(2)(b)(iii)(A)&(B) 090(5)(a)(i) 110(3)(a) 110(3) (d) 110(3)(f) 110(3)(g) 140(2)(a)(i) 140(4)(b)(iii) 300(5)(f)</p>

<p>removing from the regulations a requirement to use the methods found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," also known as "SW-846," in conducting various testing and monitoring and by limiting required uses of an SW-846 method to circumstances where the method is the only one capable of measuring the particular property (i.e., the method is used to measure a required method-defined parameter). This action is an important step forward in implementing the use of a performance-based approach, which is part of the Agency's efforts toward Innovating for Better Environmental Results.</p>	<p>380(1)(c) & (f) 400(3)(c)(xiii) 515(10) 515(13) 515(3) 515(4) 515(8) 515(9) 640(1)(b)</p>
<p>Additionally, the Agency is making certain other clarifications and technical amendments. These changes should make it easier and more cost effective to comply with the affected regulations, without compromising human health or environmental protection.</p>	<p>645(4)(a) and (b) 645(9)(g)(ii), (iii), and (iv)(A) 645(10)(g) 64610(4) 690(2) 690(3)</p>
<p>Differences in the draft state rule: The most significant difference in the state rule is that the requirement to use SW-846 is retained. Amendments will clarify that SW-846 must be used, including where federal requirements have been incorporated by reference. The state rule also retains the cyanide and reactivity guidance.</p>	<p>806(4)(f)(iii)(A)(III) 806(4)(xx)(D)(II) 807(2)(a)(iii) 910(2)(d)</p>
<p>The reasons for retaining the requirement to use SW 846 are:</p> <ol style="list-style-type: none"> 1. Budgetary and workload impacts to the State. 2. Potential negative impacts to data quality. 3. Possible negative impacts upon the regulated community. 4. Potential legal impacts upon enforcement cases. 	
<p>One of the major advantages of analytical methods contained in SW-846 is the detailed scientific evaluation to which they are subjected. As EPA identified in its Federal Register announcement of June 14, 2005: "SW-846 methods, for example, are reviewed by a technical work group composed of national expert-level chemists who provide peer input and determine whether method reliability is sufficiently documented." For this reason Washington and other states have depended upon SW-846 to provide validated methods that can be used to meet the requirements of the regulations. Washington does not have the resources and, in a time of decreasing financial support from the federal government, cannot divert already over-extended resources to review methods outside of SW-846. While the requirement to use SW-846 testing methods will be retained, Ecology does have an existing petition process for deviating from SW-846 at WAC 173-303-110 (5) for equivalent testing methods.</p>	
<p>Another reason to retain SW-846 is that its removal could potentially have a negative impact upon a majority of the regulated community. The largest segment of the regulated community is small businesses with limited knowledge of analytical methodology and designation requirements. With the current requirement to use SW-846 approved methods for designation purposes, the regulations provide simplicity to the majority of the regulated community. The designation requirements are clearly defined with technically approved methods. If SW-846 were removed from the <i>Dangerous Waste Regulations</i>, this clarity would be eliminated. It could also possibly increase the legal liability for this segment as the generator remains legally liable for designation of its waste.</p>	
<p>Ecology is proposing to retain the cyanide and sulfide for reactivity</p>	

<p>guidance because while the guidance has technical problems and is not well suited for the evaluation of waste reactivity, Ecology is concerned with EPA's decision to remove these criteria without providing an improved replacement. Cyanide and sulfide reactivity remain a legitimate concern with certain waste streams. Removal of the guidance removes an important designation criteria from the regulations. These criteria are included as screening criteria in treatment, storage, and disposal facility TSDF Part B permits. Ecology proposes to retain this guidance until improved methodologies and resultant regulatory limits can be provided.</p>	
<p>Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatment Standards; Correction June 16, 2005 - 70 FR 35032</p>	<p>Corrections from this rule are included with the related rule dated February 24, 2005 70 <u>FR</u> 9137</p>
<p>EPA SUMMARY: EPA issued a final rule in the Federal Register on February 24, 2005, listing as hazardous under the Resource Conservation and Recovery Act (RCRA) nonwastewaters generated from the production of certain dyes, pigments, and FD&C colorants. This document corrects typographical errors in the regulatory text and notes other typographical errors in the preamble. State rule: These corrections have been made.</p>	
<p>Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Correction June 16, 2005 - 70 FR 35034</p>	<p>Corrections from this rule are included with the related rule dated March 4, 2005 70 <u>FR</u> 10775</p>
<p>"EPA SUMMARY: The Environmental Protection Agency (EPA) is correcting errors that appeared in the <i>Hazardous Waste Manifest Final Rule</i>, which was published in the Federal Register (FR) on March 4, 2005 (70 FR 10776). This final rule does not create new regulatory requirements." State rule: These corrections have been made.</p>	
<p>Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB August 1, 2005 70 FR 146</p> <p>EPA Corrections to the FR Notice for Methods Innovation Rule (no summary in the FR Notice) State rule: These corrections have been made in Chemical Testing Methods.</p>	<p>These corrections were made to the groundwater list, which is incorporated in the state's draft update to publication ##97-407 <i>Chemical Testing Methods</i></p>
<p>Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury-containing Equipment August 5, 2005 - 70 FR 45507</p> <p>EPA SUMMARY: Today's final rule adds mercury-containing equipment to the federal list of universal wastes regulated under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Handlers of universal wastes are subject to less stringent standards for storing, transporting, and collecting these wastes. EPA has concluded that regulating spent mercury-containing equipment as a universal waste will lead to better management of this equipment and will facilitate compliance with hazardous waste requirements. Differences in the draft state rule: Ecology's two separate categories</p>	<p>040</p> <ul style="list-style-type: none"> • Mercury-containing equipment • Universal waste • Ampule • Large quantity handler • Small quantity handler <p>077(2) 600(3)(o)(ii) 400(2)(c)(xi)(B) 140(2)(a) [573(4)(d)] was</p>

<p>for mercury universal wastes- Mercury-containing equipment and Mercury thermostats were combined into one Universal Waste Mercury-containing equipment category. The combined category includes all of the provisions from EPA's final mercury-containing equipment rule.</p>	<p>deleted- it was a placeholder because of the overlap in timing between the state & federal rule]</p> <p>800(7)(c)(iii)(B) 573(1)(a)(ii) 573(3)(b)(ii)&(iii) 573(9)(b)(i)-(iv) 573(10)(b) (i)&(ii) 573(19)(b)(iv)&(v) 573(20)(b)(i)-(iv) 573(21)(b)(i)&(ii)</p>
<p>National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II) October 12, 2005 - 70 FR 59402</p>	<p>110(1) 110(3)(g)(viii) 400(3)(a) 510(1)(a)</p>
<p>EPA SUMMARY: This action finalizes national emission standards (NESHAP) for hazardous air pollutants for hazardous waste combustors (HWCs): hazardous waste burning incinerators, cement kilns, lightweight aggregate kilns, industrial/commercial/institutional boilers and process heaters, and hydrochloric acid production furnaces. EPA has identified HWCs as major sources of hazardous air pollutant (HAP) emissions. These standards implement section 112(d) of the Clean Air Act (CAA) by requiring hazardous waste combustors to meet HAP emission standards reflecting the performance of the maximum achievable control technology (MACT).</p> <p>The HAP emitted by HWCs include arsenic, beryllium, cadmium, chromium, dioxins and furans, hydrogen chloride and chlorine gas, lead, manganese, and mercury. Exposure to these substances has been demonstrated to cause adverse health effects such as irritation to the lung, skin, and mucus membranes, effects on the central nervous system, kidney damage, and cancer. The adverse health effects associated with exposure to these specific HAP are further described in the preamble. For many HAP, these findings have only been shown with concentrations higher than those typically found in the ambient air.</p> <p>This action also presents our decision regarding the February 28, 2002 petition for rulemaking submitted by the Cement Kiln Recycling Coalition, relating to EPA's implementation of the so-called omnibus permitting authority under section 3005(c) of the Resource Conservation and Recovery Act (RCRA). That section requires that each permit issued under RCRA contain such terms and conditions as permit writers determine to be necessary to protect human health and the environment. In that petition, the Cement Kiln Recycling Coalition requested that we repeal the existing site-specific risk assessment policy and technical guidance for hazardous waste combustors and that we promulgate the policy and guidance as rules in accordance with the Administrative Procedure Act if we continue to believe that site-specific risk assessments may be necessary.</p> <p>State rule: These changes were incorporated into the state rule.</p>	<p>670(1)(b)(i) 670(1)(b)(v) 806(17) 806(4)(j)(iv)(C) 806(4)(k)(v)(C) 806(4)(f)(v) 807 811 815(2)(b)(iii) (remainder renumbered and citation corrected) 830 830(4)(j)(i) 830(4)(j)(ii) 830(4)(j)(iii) 830(4)(k) 841</p>

Resource Conservation and Recovery Act Burden Reduction Initiative

April 4, 2006 - 70 FR 16861

EPA SUMMARY: The Environmental Protection Agency (EPA), in accordance with the goals of the Paperwork Reduction Act (PRA), is promulgating changes to the regulatory requirements of the Resource Conservation and Recovery Act (RCRA) hazardous waste program to reduce the paperwork burden these requirements impose on the states, EPA, and the regulated community. EPA has estimated that the total annual hour savings under the final rule ranges from 22,000 hours to 37,500 hours per year. The total annual cost savings under the final rule ranges from approximately \$2 million to \$3 million. This rulemaking will streamline our information collection requirements, ensuring that only the information that is actually needed and used to implement the RCRA program is collected and the goals of protection of human health and the environment are retained.

Differences in the draft state rule: Ecology is proposing to adopt only some of the changes from EPA's Burden Reduction Rule. Ecology is proposing to adopt all of the amendments that removed obsolete provisions; changes for detection monitoring at 40 CFR 264.98(d), (g)(2), (g)(3), (f), and (g); changes for compliance monitoring at 264.99(f), and (g); and allowing the use of an integrated contingency plan.

Ecology is not proposing to adopt changes that could lessen the current level of human or environmental protection. Therefore, Ecology will retain 1) existing requirements for record retention and submitting reports to Ecology, 2) requirements to use an independent registered professional engineer, 3) existing inspection frequency requirements - including not adopting the provision that would allow Performance Track Facilities to seek approval to conduct less frequent inspections, and (4) the requirement to notify Ecology of the intent to incinerate F020, F021, F022, F023, F026, or F027. This last requirement emphasizes that these wastes are held to a higher level of destruction.

In order to retain these requirements for the Interim Status Facility Standards that are incorporated by reference in section 400(3)(c), several additions were made. Rather than adding requirements, these additions retain existing requirements. This subsection did not list the 40 CFR subparts in alphabetical order, so it was reorganized. Now the federal subparts are in alphabetical order. In the draft language, provisions in 400(3)(c) that are not listed as having been changed, but are shown with ~~strikeout~~ and underline, were moved to a new location without being modified.

017(5)(b)(ii)(B) through (G)
040- Definition
Performance Track
member facility 140(2)(c)
140(2)(d)
140(2)(e)
140(2)(f)
140(4)(b)(i)
140(4)(b)(v)
350(2)
400(3)(a)
400(3)(a)(xiii)(B)
400(3)(c)(ix)(B)
400(3)(c)(ix)(C)
400(3)(c)(ix)(D)
400(3)(c)(ix)(E)
400(3)(c)(ix)(G)
400(3)(c)(ix)(H) & (I)
400(3)(c)(ix)(J)
400(3)(c)(ix)(K)
400(3)(c)(ix)(L)
400(3)(c)(v)(A)
400(3)(c)(v)(B)
400(3)(c)(v)(D)
400(3)(c)(v)(E)
400(3)(c)(vi)(C)
400(3)(c)(vi)(D)
400(3)(c)(vii)(E)
400(3)(c)(vii)(C)
400(3)(c)(vii)(D)
400(3)(c)(vii)(E)
400(3)(c)(viii)(A)
400(3)(c)(x)(A)
400(3)(c)(xi)(A)
400(3)(c)(xii)(A)
400(3)(c)(xviii)(A)
400(3)(c)(xviii)(B)
400(3)(c)(xviii)(C)
400(3)(c)(xviii)(D)
400(3)(c)(xviii)(E)
400(3)(c)(xviii)(F)
400(3)(c)(xx)(A)&(B)
400(3)(c)(xx)(C)
400(3)(c)(xxii)(A)
400(3)(c)(xxii)(B)
640(4)(a)(ii), (iii), & (iv)
640(4)(a)(2) 640(4)(a)(i)
640(4)(a)(ii)
640(4)(i)(ii)
645(9)(d)
645(9)(g)(ii)
645(9)(g)(iii)
645(10)(f)
645(10)(g)
660(2)(j)
695

**Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations
July 14, 2006 - 70 FR 40253**

EPA SUMMARY: The Environmental Protection Agency (EPA) is correcting errors in the hazardous waste and used oil regulations, as a result of printing omissions, typographical errors, misspellings, citations to paragraphs and other references that have been deleted or moved to new locations without correcting the citations, and similar mistakes appearing in numerous final rules published in the Federal Register. This final rule does not create new regulatory requirements.

State rule: These errors have been corrected.

040 Definitions
-Incompatible Waste
-Personnel or facility personnel
-Underground source of drinking water [referenced at 650(2)(l)(ii)(B)]

071(3)(aa)(ii)
071(3)(g)(i)
082(4)
140(4)(b)(v)(B)
140(2)(a)
200(1)(b)(i) - (iv)
300(5)(h)(iii)(B)
310(2)(b)
380(2)(b)
400(2)(c)(ii)
645(10)(h)
645(9)(g)(iv)(A)
640(4)(e)(ii)(E)(II)
645(8)(a)(i)
645(8)(a)(i)(A)
655(12)
650(2)(j)(i)(B)
650(2)(j)(iii)(B)
665(11)
665(8)(a)
665(8)(b)
665(2)(k)(ii)(B)
675(4)(a)(i)
675(4)(a)(iv)(A)
675(4)(b)
675(4)(m)(ii) and (iii)
690(1)(c)
692(1)(c)
806(12) was added
806(4)(g)(viii)(A)-(D) were added
830(3)(c) was added
830 Appendix I F.2.
830 Appendix I C.4.
830 Appendix I C.6.
830 Appendix I H.6.
830 Appendix I C.7.
830 Appendix I C.7.
830 Appendix I C.8.
9903 P045
9903 P194
9903 "comment" expanded and numerical list of "P" wastes added
9904 K107
9904 Footnote added to "F" listed wastes

Table 2. State-Initiated Rule Amendments

Citation WAC 173-303-	Requirement	Reason for change
030	Add acronyms (PODC, DRE, APTI, MACT, TEQ, CAMU, TU)	Improve clarity of rule
040	Closure- update to reflect closure guidance	Clarification that closure is required by recyclers, generators, some generators and transporters
040	Compliance Procedure- remove the dates	Removed the years that were cited (instead of including all years) Added the title of the second chapter that was cited by number
040	Inhalation LC ₅₀ definition added Dermal LD ₅₀ definition modified to Dermal Rabbit LD ₅₀ Oral LD ₅₀ definition modified to Oral Rat LD ₅₀	Definition moved from section 100 Definitions modified for consistency with Toxic Category Table in WAC 173-303-100(5)
040	Person	Updated to match federal rule
040	Staging Pile- Add "must be designated by the director" CL 175	Updated to match federal rule
040	Surface Impoundment- Change language to reflect federal definition	The word "dangerous" deleted for consistency with federal rule and authorization by EPA
070(7)(c)	Clarify that counting exclusion applies to permit by rule (PBR)	Clarification- this has mistakenly been interpreted to apply to TBG units- reference added to 802(5)
070(8)(d)	Used oil burned for energy recovery	Citations corrected
071(3)(cc)(ii)	NAICS deletions- 487110, 722310, 425110	3 codes deleted- the codes are for businesses that would not have the type of waste being excluded
081(1), 081(1)(a), & 082(1)	Link to definition of commercial chemical product for clarity	Provide clarity to the regulated community on which waste codes to use
090(5)(a)(i) and (6)(a)(i), & (iii)	ASTM and NACE updates	Update
090(6)(a)(ii)	Clarify that the NACE test method is the same as SW-846 Method 1110A	Clarification
100(2), (3), (5)(b)(i)	Two toxicity data sources added- Ecotoxicology database (ECOTOX) and Hazardous Substance Database (HSDB)	100(5)(b) Additional data sources (ECOTOX and HSDB) are added because: 1) RTECS has a major limitation in that it includes <u>no</u> data on aquatic toxicity. Ecology has run into several situations where generators have designated their waste using RTECS only to find the waste would have designated if fish toxicity had been used. ECOTOX has extensive aquatic toxicity (along with much of the same data as in RTECS). HSDB has both types of toxicity although not in as much detail. HSDB has a lot of other information which may be of use such as PBT status; and 2) Both ECOTOX and HSDB are free. Allowing the use of these other sources means that

	154 & 158	
110(5)	Clarify requirement to submit petition for alternate test method	"May" was changed to "must", the word "testing" was removed, and a citation to section 110 test methods was added to clarify that anyone interested in an alternate test method must use the petition process.
120(4)(c)	Correct second (c)(vii) to (c)(vix)	Citation corrected
140(4)(b)(iii)	Correct test method reference	Correction
140(4)(b)(iv)(B)	Updated for ASTM	Test method update
145(2)(b)	Add local air authorities in eastern Washington	Reflects the presence of local air authorities in eastern Washington
200(1)(b)(ii) & (iii) 200(4)(a)(iv)(A)(II)	See 640 and 675 for "stress of installation"	This phrase was deleted at 200 and added at 640 & 675
200(1)(b)(iv)	Correct the references	A sentence was added to substitute the state citations for the federal citations for closure & financial assurance. The word "shall" was changed to "must".
200(2)(a)	Satellite Accumulation	Removed "per waste stream" for consistency with the federal rules
270(3)	49 CFR 171.16 reference reworded at 171.16(b) (1) Submit a written Hazardous Materials Incident Report to the Information Systems Manager, PHH-63, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590-0001, or an electronic Hazardous Material Incident Report to the Information System Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001 at http://hazmat.dot.gov ;	Updated
282(2)(b)(v)	Deleted obsolete language and added new language for recycling facilities that would be exempt from siting criteria	Revised which recycling facilities are exempt from siting criteria
282(3)(p)	Significant expansion	Clarifies what is meant by a 25% expansion-storage capacity is the base
282(4)(a)	Delete language related to the original effective date of the section	Obsolete language deleted
281(4)&(5)	Citations corrected from 840 to 830	Citations corrected
310(1)	Reworded	Reworded to be consistent with federal rule
380(1)(f)	Add "incorporated by reference" for clarity	Clarifies that the requirements have been incorporated by reference
400(2)(c)(xiv)	Federal language added	For equivalence with federal rule. Consistent with the exclusions for final facilities, industrial waste reference is not included

400(2)(c)(xv)	Federal language added	For equivalence with federal rule
400(3)(c)(iv) Moved from (3)(a)(x)	Reference regarding Subpart B modified as the only part of Subpart B that is incorporated by reference is 265.19	Clarification- not necessary to reference all of subpart B since interim status facilities are required to comply with WAC 173-303-290 (see -400(3)(a)(i))
505(1)(b)(iv)	Delete "v"	Citation corrected
506(3)(vii)	CFC recycling- delete exception from closure and financial responsibility requirements	The exemption from closure and financial responsibility requirements is being deleted. An oversight prevented this deletion from taking place in 2004 as part of the Hazardous Waste Facility Initiative that required closure and financial responsibility for used oil and recycling facilities
510(1)(b)(i)(B)	100(6)(a)&(b) corrected	Correct internal citation
522(4)	Correct the reference from 24 hour recycling to immediate recycling	Reference corrected for consistency with dangerous waste recycling requirements
610(3)(a)(ix), (3)(b)(ii)(D), (8)(b)(iv), and (8)(d)(ii)(D)	Change (1)(d) to (1)(e)	Citation corrected
610(12)(e) 620(1)(e)(ii)	Change "resource reclamation units" to 'recycling units"	Terminology correction for consistency
620(3)(c)(iv)	Add corporate guarantors (see 620(6)(a)(vi))	This clarifies that corporate guarantors are also subject to the \$20M
620(4)(c) 620(4)(e)(i) 620(4)(f)	New financial instrument- "assigned security deposit" for used oil processors and recyclers	New option for financial assurance
620(4)(d)(i)	Add "used oil" to clarify that trust funds can be used by UO processors and recyclers	Clarification that used oil processors may use partially funded trust funds
620(5)(c) 620(5)(d) 620(7)	Add hyphen to post-closure	Edit
640(4)(c)(i) & 675(4)(a)(v)	Add "stress of installation" (move from 200)	Relocated the requirement
200(1)(b)(ii) & (iii) 200(4)(a)(iv)(A)(II)	Deleted now that it has been added to 640 and 675	
Federal		
610(6) & (11)	Add "qualified" to the certification requirement	Consistency with federal rule & other required certifications
64660(3)(d)(iv)(F)	Modify "SW846" to "SW-846"	For consistency
665(13)	Added this provision which used to be at 665(9)- in federal rule at 264.314	Addition required by EPA for equivalence with the federal rules
806(2)(a)	Corrected citation from 803(4) to 803(3)	Citation corrected
806(4)(h)(iii)	Add federal language on facility siting	For federal equivalence
806(8)	Updated for federal consistency	Language updated for consistency with federal rule and authorization

810(11)(c)	Duplicate provision deleted	Provision exists at 810(11)(e)
810(16)	Citation corrected	Citation corrected
830(3)(c)	Add federal language	For federal equivalence
830(4)(b)(vii)	Corrected reference (b)(6)(i) – (ii)	Citation corrected
845(8)(c)	Delete “Parts 1 and 3”	Update reference to Chapter 173-160
902(2)(c)(i) – (vi)	Citizen Proponent Negotiation	Language added to correlate with existing language and new recycling facility exemption from siting criteria in 282(2)(b)
910(3)	Petition to exempting waste	Clarification that "storage" capacity is the base for a 25% expansion
9901	Delete obsolete title	Reserved section title removed
9902	Delete obsolete title	Reserved section title removed