



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology AO# 07-12

Subject of possible rule making: Dangerous Waste Regulations, chapter 173-303 WAC will be amended to incorporate several federal hazardous waste regulations, including updates to manifest requirements, merging universal waste rules for mercury-containing devices and mercury thermostats, and incorporating some of EPA's Burden Reduction Initiative rules. Some state-only requirements will be updated; these consist mainly of technical and editorial corrections and clarifications. Testing methods for state wastes will be updated. Changes are being considered to some permit pre-application requirements.

Statutes authorizing the agency to adopt rules on this subject: Chapters 70.105 and 70.105D RCW, the Hazardous Waste Management Act and Hazardous Waste Cleanup-Model Toxics Control Act.

Reasons why rules on this subject may be needed and what they might accomplish: The main purpose of this rule process is to update the Dangerous Waste Regulations by incorporating recent federal hazardous waste requirements into the state's regulations. Ecology is authorized by EPA to implement the federal hazardous waste program in Washington. By staying current with the federal program, the regulated community has primarily one environmental agency to work with. The second purpose is to update state requirements to make improvements, corrections, and clarifications.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The federal Environmental Protection Agency (EPA) implements hazardous waste regulations in Washington until Ecology adopts those regulations and begins implementing them. A formal EPA authorization process follows Ecology's rule adoption. EPA is aware of which federal regulations Ecology intends to adopt during this rule process. Ecology will provide drafts and the formal proposal to EPA for their review and will communicate and coordinate with EPA throughout the process.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The main purposes of this rule making is to update existing hazardous waste requirements with newer federal rules. Since many of these are already in effect and were developed as part of federal rule making, the process will consist primarily of making draft and proposed rule language available for review and comment. Input will be sought during the draft rule phase where Ecology may differ from EPA on some optional federal rules. Ecology is seeking comment at this time on possible changes to permit pre-application requirements. See attached.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

To submit comments on amending permit pre-application requirements or for more detailed information about the rulemaking content and process contact: Patricia (Chipper) Hervieux at pher461@ecy.wa.gov or, you may call (360) 407-6756, write Attn: HWTR PO Box 47600 Olympia, WA 98504-7600, or FAX (360) 407-6715. To receive draft and proposed rules, hearing announcements, and opportunities for public involvement you may sign up for the DW Regulations list serve at: <http://listserv.wa.gov/archives/dw-rules.html>

DATE

10/18/07

NAME (TYPE OR PRINT)

Darin Rice

SIGNATURE

K Seiler for DR

TITLE

Program Manager, Hazardous Waste and Toxic Reduction

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