



DEPARTMENT OF
ECOLOGY
State of Washington

Washington State
Dangerous Waste Regulations

Proposed Amendments

**Comments due:
March 5, 2009**

**Submit comments to Robert Rieck at:
Hazardous Waste and Toxics Reduction Program (HWTR)
Department of Ecology
PO Box 47600
Olympia WA 98504-7600**

**Fax: (360) 407-6715
E-mail: rori461@ecy.wa.gov**

[COMMENT FORM](#)

If you need this information in an alternate format, please call the Hazardous Waste and Toxics Reduction Program at 360-407-6700. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Dangerous Waste Regulations, Chapter 173-303 WAC
Proposed Amendments, January 2009

This document contains preamble explanations for the proposed amendments to the *Dangerous Waste Regulations*, Chapter 173-303 WAC. The proposed rule language itself is in a separate document, as are the changes to *Chemical Testing Methods for Designating Dangerous Waste* and to *Biological Testing Methods 80-12*. The proposed amendments were made public for review and comment in spring 2008. Those comments were considered and as a result, some minor changes were made to the rules. Many of these changes were to the *Chemical Test Methods (CTM)*; other small changes provide clarification or corrected errors.

The Chemical Test Method was re-organized as a result of these comments. This re-organization resulted in the addition of new items and deletion of some items from the last public review of Chemical Test Method. Chapter three of the CTM is now entirely devoted to the Analytical Test Methods for Designating Dangerous Waste. Chapter two is devoted to information about dangerous waste designation and regulatory definitions. A major change deletes the EPA cyanide and sulfide reactivity test procedures, and Appendix 4 provides an EPA letter explaining why these tests are no longer valid. To replace the test for sulfide reactivity, a reference to an ASTM sulfide reactivity screening test is provided.

Because CTM was entirely reorganized, it was not possible to preserve the strike-out and underline that indicate all changes to the original document. Reviewers are asked to compare the final proposed draft CTM to the pre-proposal draft that was made available for public comment in spring 2008. Please contact Rob Rieck at rori461@ecy.wa.gov if you need more information about changes made to CTM.

Your comments on the proposed amendments will be taken into consideration prior to adoption, which is scheduled for spring 2009. Please submit your written comments on the provided form. The form can be found by clicking on the "COMMENT FORM" link below.

Submit written comments on the proposed amendments and *Biological Testing Methods 80-12* by March 5, 2009 to:

Rob Rieck
HWTR Program
Department of Ecology
PO Box 47600
Olympia WA 98504-7600
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E-mail: rori461@ecy.wa.gov

Comments on the *Chemical Testing Methods for Designating Dangerous Waste* should be submitted by **March 5, 2009 to:**

Samuel Iwenofu
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COMMENT FORM

If you have questions about these changes or the rulemaking process, call Rob Rieck at (360) 407-6751.

***Dangerous Waste Regulations* Chapter 173-303 WAC Draft Amendments**

January 2009

The *Dangerous Waste Regulations* will be amended in 2009. Ecology is proposing to adopt several federal hazardous waste rules into the state *Dangerous Waste Regulations*. Some are proposed with language that is identical to the federal rule. Others are proposed with differences in the state version.

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*.

This draft rule package includes amendments to the *Dangerous Waste Regulations* and changes to both *Biological* and *Chemical Testing Methods*. Submit comments by March 5, 2009 to Robert Rieck electronically at rori461@ecy.wa.gov, or mail to:

Hazardous Waste and Toxics Reduction Program
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

[COMMENT FORM](#)

Table 1. Federal Rule Summaries

COMMENT FORM

Federal Rule Title, 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>
		WAC 173-303
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards		515(11)IBR
July 30, 2003	68 FR 44659	
<p>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.</p>		
<p>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 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>		
National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks		691(1)(g) 400(3)(a)
April 26, 2004	69 FR 22601	
<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</p>		

<p>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>Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA¹ 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</p>		<p>071(3)(kk)(i), (iii), and (v) 140(2)(a) 9904(1) & (2) 9905</p>
<p>February 24, 2005</p>	<p>70 FR 9137</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 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: There are no differences in the state rule.</p>		

¹ Comprehensive Environmental Response, Compensation, and Liability Act

Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System		040 Definitions
March 4, 2005	70 FR 10775	-Designated Facility -Manifest -Manifest tracking number
<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>		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>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>		
Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB		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) 380(1)(c) & (f) 400(3)(c)(xiii) 515(10) 515(13) 515(3) 515(4) 515(8)
June 14, 2005	70 FR 34537	
<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 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>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</p>		

health or environmental protection.

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 reasons for retaining the requirement to use SW 846 are:

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.

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.

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 *Dangerous Waste Regulations*, 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.

Ecology is proposing to remove the EPA cyanide and sulfide reactivity test methods from the Chemical Test Methods publication (#97-407) and replace it with a reference to ASTM D4978-95(2007) method for Reactive Sulfides. The EPA methods had already been removed from SW-846 because of technical problems, but Ecology had retained them until better tests were available. The ASTM test is referenced because it will provide a better method of designating for sulfide reactivity.

The word "carcinogen" was corrected to read "carbonaceous" in WAC 173-303-400(3)(c)(xiii).

515(9)
640(1)(b)
645(4)(a) and (b)
645(9)(g)(ii), (iii), and (iv)(A)
645(10)(g)
64610(4)
690(2)
690(3)
806(4)(f)(iii)(A)(III)
806(4)(xx)(D)(II)
807(2)(a)(iii)
910(2)(d)

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		Corrections from this rule are included with the related rule dated February 24, 2005 70 <u>FR</u> 9137
June 16, 2005	70 FR 35032	
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) non-wastewaters 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.		
Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Correction		Corrections from this rule are included with the related rule dated March 4, 2005 70 <u>FR</u> 10775
June 16, 2005	70 FR 35034	
"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 (<u>70 FR 10776</u>). This final rule does not create new regulatory requirements."		
State rule: These corrections have been made.		
Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB		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>
August 1, 2005	70 FR 146	
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.		
Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury-containing Equipment		040 <ul style="list-style-type: none"> • Mercury-containing equipment • Universal waste • Ampule • Large quantity handler • Small quantity handler 077(2)
August 5, 2005	70 FR 45507	
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.		

<p>Differences in the draft state rule: Ecology's two separate categories 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>600(3)(o)(ii) 400(2)(c)(xi)(B) 140(2)(a) [573(4)(d)] was deleted- it was a placeholder because of the overlap in timing between the state & federal rule] 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)</p>	
<p>October 12, 2005</p>	<p>70 FR 59402</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</p>	<p>110(1) 110(3)(g)(viii) 400(3)(a) 510(1)(a) 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>

<p>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>Resource Conservation and Recovery Act Burden Reduction Initiative</p>		<p>017(5)(b)(ii)(B) through (G) 040- Definition <i>Performance Track member facility</i></p>
<p>April 4, 2006</p>	<p>70 FR 16861</p>	
<p>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.</p>		<p>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)(vi)(E) 400(3)(c)(vii)(C) 400(3)(c)(vii)(D) 400(3)(c)(vii)(E)</p>
<p>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.</p> <p>Ecology submitted comments to EPA when the federal rule was proposed, encouraging EPA to retain many of the existing requirements that EPA lessened under the Burden Reduction Rule. Ecology's proposed rule is consistent with those comments to EPA. Ecology is not proposing to adopt changes that could lessen the current level of human or environmental protection, that reduce access to available information, or that risk a conflict of interest. Therefore, Ecology will <u>retain</u> 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.</p> <p>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</p>		

<p>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 <u>underline</u>, were moved to a new location without being modified.</p>	<p>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</p>
<p>Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations</p>	
<p>July 14, 2006</p>	<p>70 FR 40253</p>
<p>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.</p>	<p>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) 090(5)(a)(iii) & (iv) 140(4)(b)(v)(B) 140(2)(a) 200(1)(b)(i) - (iv) 300(5)(h)(iii)(B) 310(2)(b)</p>
<p>STATE RULE: These errors have been corrected.</p>	

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

National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Amendments		510(1)(a) 670(1)(b)(i) 670(1)(b)(iii)
April 8, 2008	73 FR 18970	
<p>EPA SUMMARY: EPA is finalizing amendments to the national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors, which EPA promulgated on October 12, 2005. The amendments to the October 2005 final rule clarify several compliance and monitoring provisions, and also correct several omissions and typographical errors in the final rule. We are finalizing the amendments to facilitate compliance and improve understanding of the final rule requirements. This rule does not address issues for which petitioners sought reconsideration. Nor does it address issues raised in EPA's comment solicitation of September 27, 2007.</p>		
<p>STATE RULE: These changes were incorporated into the state rule.</p>		

Table 2. State-Initiated Rule Amendments

[COMMENT FORM](#)

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
045	Incorporation by reference updated	The date was revised for provisions that are incorporated by reference to July 2007
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 generators don't have to pay hundreds of dollars a year for access to RTECS and can access both over the internet.
100(5)(c)(i)&(ii)	Delete parenthetical reference regarding category D or above at (5)(c)(i), and "category range" at (5)(c)(ii) as these are unnecessary	Unnecessary phrase deleted
100(5)(b)(iii) Example 1 continued	Delete last sentence of example	Based on the example, the waste couldn't be a special waste even if it was at a lower concentration since the waste is aqueous
104(5) & 180(5)	Delete lab pack codes due to a conflict with new federal manifest rule	Lab pack codes are no longer allowed on manifests and should not be used
110(1)	Test method results need to be reported on a dry weight basis First sentence revised.	Clarification that dry weight basis is required to compensate for variability in water content and consistency for designation test results. This clarification was added to Chemical Testing Methods also. The first sentence was revised for clarity. It is now closer to the federal version. The revision prevents misunderstandings about the purpose of the test methods listed. For example, other methods can be used in permits to support facility operations.

110(2)(a), (3)(a), (3)(e), (3)(g), &(3)(h) (2)(a)(vi), (2)(b)	ASTM updates, corrections, & clarifications Reference to AC&D liquid sample removed	Corrections and clarifications 110(2) Reference to the AC&D liquid sampler was removed because: The type of samplers that can be used to sample waste streams was expanded to include any device in the ASTM method <u>as long as the method is appropriate to the waste type</u> . The AC& D sampler is one of the devices allowed in the ASTM method so it was no longer necessary to call out that specific device and that specific company. Most recent update to SW 846, which is now in EPA guidance
110(3)(a)	Update IV to SW 846	
110(3)(b)	Biological Testing Method guidance update	Eliminated the need for generators submitting waste for bioassay to do a % solid determination. Typically a % solid determination wouldn't cost much (probably less than \$25 per sample) but it means the generators don't have to purchase or maintain equipment, SOPs for the procedure, train staff, etc. and could probably reduce staff slightly.
110(3)(c)	Chemical Testing Method guidance update Ecology has split this guidance into two separate parts to make it more easily understood and useful - a designation guidance and a chemical test methods guidance.	Ecology received input that its guidance document 'Chemical Testing Methods for Designating Dangerous Waste' was confusing and contradictory. Therefore Ecology has edited the document to address these concerns. These edits do not change the contents of the guidance document or change regulatory requirements in any way. The edits make Ecology's expectations clearer and more easily understood. In addition, Ecology added an additional method that can be used to meet state-only persistence designation requirements. This method has been evaluated by Ecology since the last re-write of the guidance in 1997.
110(3)(g)(x)	Duplicate deleted [see (vii)] CL 154 & 158	Edit
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. Ecology will continue to implement this rule the same as it has in the past. Separate satellite areas are still allowed for different waste streams being generated fairly close to each other.
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 a reference to this provision 140(4)(b). It 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)(4)(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