

WSR 09-03-050
PROPOSED RULES
INDETERMINATE SENTENCE
REVIEW BOARD

[Filed January 13, 2009, 10:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-20-096.

Title of Rule and Other Identifying Information: Chapter 381-90 WAC, Procedures for conducting hearings for determination of release to community custody; and chapter 381-100 WAC, Procedures for conducting community custody board violation hearings.

Hearing Location(s): Home Care Quality Authority, Conference Room, First Floor, 4317 6th Avenue Center, Suite 101, Lacey, WA 98503, on February 25, 2008, at 5:00 p.m.

Date of Intended Adoption: March 25, 2009.

Submit Written Comments to: Margaret McKinney, Executive Director, P.O. Box 40907, Olympia, WA 98504-0907, e-mail isrb@doc1.wa.gov, fax (360) 493-9287, by March 11, 2009.

Assistance for Persons with Disabilities: Contact Margaret McKinney by March 11, 2009, TTY (800) 833-6388.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To create indeterminate sentence review board chapter 381-90 WAC to outline procedures for conducting hearings to make a determination of release to the community in accordance with RCW 9.94A.712 and 9.95.420.

To create indeterminate sentence review board chapter 381-100 WAC to outline procedures for conducting community custody violation hearings in accordance with RCW 9.94A.712, 9.95.420, 9.95.430, 9.95.435, 9.95.440, and 9.95.900.

Anticipated effects of the rules are:

- Provide guidelines for the indeterminate sentence review board and the department of corrections when preparing for and conducting/participating in hearings to determine release to community custody.
- Provide guidelines for the indeterminate sentence review board, the department of corrections, and the attorney general's office in addressing community custody violations, and the hearing process.

Statutory Authority for Adoption: RCW 34.05.220 (1)(b).

Statute Being Implemented: RCW 9.94A.712, 9.95.420, 9.95.430, 9.95.435, 9.95.440, and 9.95.900.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These rules were created to develop procedures to comply with RCW 9.94A.712, 9.95.420, 9.95.430, 9.95.435, 9.95.440, and 9.95.900.

Name of Proponent: Indeterminate sentence review board, governmental.

Name of Agency Personnel Responsible for Drafting: ISRB Board Members and Staff, Robin Riley, Executive

Assistant, 4317 Sixth Avenue S.E., Lacey, WA, (360) 493-9266; Implementation and Enforcement: Margaret M. McKinney, E.D., 4317 Sixth Avenue S.E., Lacey, WA, (360) 493-9266.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None necessary.

A cost-benefit analysis is not required under RCW 34.05.328. None necessary.

January 7, 2009
Margaret McKinney
Executive Director

Chapter 381-90 WAC

PROCEDURES FOR CONDUCTING HEARINGS FOR DETERMINATION OF RELEASE TO COMMUNITY CUSTODY

NEW SECTION

WAC 381-90-010 Purpose. The purpose of this chapter is to specify policies and procedures for hearings conducted to determine the release of community custody board inmates sentenced under RCW 9.94A.712. The following regulations set forth procedural guidelines. These guidelines do not create procedural or substantive rights in any person, and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution or the Washington state Constitution. The regulations should be interpreted to have sufficient flexibility so as to be consistent with law and to permit the indeterminate sentence review board to accomplish its statutory purposes.

NEW SECTION

WAC 381-90-020 Authority. RCW 9.95.420 and 9.94A.712.

NEW SECTION

WAC 381-90-030 Scope. The provisions of this chapter shall apply to offenders sentenced under RCW 9.94A.712 and 9.95.420.

NEW SECTION

WAC 381-90-040 Definitions. For purposes of this chapter, the following words have the following meanings:

"Actuarial risk assessment instruments" means the tools used by the department of corrections to assess an inmate's risk of reoffense.

"Board" means the appointed members of the indeterminate sentence review board created under chapter 9.95 RCW.

"Classification counselor" means an employee of the department of corrections responsible for carrying out specific duties concerning the supervision of sentenced offenders in the prison system.

"Community custody" means that portion of an offender's sentence of confinement served in the community

subject to the controls placed on the offender's movement and activities by the court, board and department of corrections.

"Department" means the Washington state department of corrections.

"End of sentence review process" means the review and report issued by the end of sentence review committee in compliance with RCW 72.09.340, 72.09.345 and where appropriate RCW 72.09.370.

"In person" means physical presence, or presence via teleconference or videoconference.

"ISRB" means the indeterminate sentence review board.

"Revocation" means a repeal of community custody and a return to prison.

NEW SECTION

WAC 381-90-050 Release determination. (1) RCW 9.95.420 requires that any convicted person sentenced under the provisions of RCW 9.94A.712 shall be subject to a board hearing to determine releasability. The hearing must be held no later than ninety days before the expiration of the minimum term. However the hearing cannot be held unless the board has received:

(a) The results from the end of sentence review process;
 (b) Recommendations for conditions of community custody from the department.

(2) The end of sentence review committee report may include, but is not limited to:

(a) A prediction based upon the administration of actuarial risk assessment instruments and the sexual and criminal history of the offender, of the likelihood that the offender will commit new sex offenses if released;

(b) The institutional progress report(s) covering the inmate's adjustment, achievement, infractions and program participation during incarceration;

(c) Psychiatric or psychological reports, such as IQ appraisals, personality inventories, actuarial risk assessments and sexual history polygraphs;

(d) Behavioral details of the crime(s) of conviction, such as law enforcement reports, prosecutor's statements, court records, and presentence investigation reports;

(e) Recommendations for conditions of community custody in addition to those set by the sentencing court;

(f) The department's risk management level and the sex offender notification level;

(g) Written confirmation that the inmate has had an opportunity to review the information the department is submitting to the board and an opportunity to make a written statement.

(3) The board shall determine whether it is more likely than not that the offender will engage in sex offenses if released to the community in spite of board-imposed conditions of community custody. The board decision related to an offender's likelihood of sexual reoffense is based upon a preponderance of the evidence.

(4) In making a release decision the board may also consider:

(a) The length of time necessary for the offender to complete treatment and programming;

(b) The offender's failure to participate in required evaluations;

(c) The offender's proposed release plan; and

(d) Other pertinent information.

(5) If the board finds the offender not releasable, the board may add up to sixty months to the minimum term.

(6) If the offender is found not releasable and time is added to the minimum term:

(a) The offender may petition for an earlier review when the offender completes required treatment or programming.

(b) The board retains the authority to schedule an earlier review at its discretion.

NEW SECTION

WAC 381-90-060 Release determination after community custody revocation. The board may set a new minimum term if the offender is returned to prison on a revocation. The new minimum term shall not exceed the remaining portion of the sentence. Subsequent release determinations will be conducted as set out in WAC 381-90-050.

NEW SECTION

WAC 381-90-070 Conditions of community custody. Conditions of community custody include those ordered by the court and the board. The conditions are monitored by the department of corrections and enforced by the board.

NEW SECTION

WAC 381-90-080 Inmate to be served notice. The board will send the hearing notice to the institution superintendent/designee in advance of any hearing. The hearing notice shall specify the reason for the hearing, time, date, and place.

(1) Upon receipt of the hearing notice, the superintendent or designee shall serve the inmate with the document.

(2) The original hearing notice is to be signed by the inmate with date of service noted and returned to the board headquarters. The department should retain a copy in the inmate's institutional file and provide a copy to the inmate.

(3) In cases where the inmate refuses to sign the notice, the superintendent or designee shall note the date of service and obtain the signature of a witness to such service.

(4) The inmate will be allowed to review a copy of the end of sentence review report with supporting documents prior to the hearing. The inmate shall sign an acknowledgment form that the documents have been reviewed, noting the date and amount of time spent in review. If an interpreter assisted the offender, the interpreter shall also sign and date the acknowledgement form.

(5) The inmate shall be given the opportunity to make a written statement to the board.

NEW SECTION

WAC 381-90-090 Inmate shall be advised of rights. Each inmate who becomes the subject of a hearing conducted under the provisions of RCW 9.95.420 shall be advised of their rights at the time(s) he/she is served with a notice of the

hearing. The written notice provided by the board will advise the inmate of the following rights:

- (1) To participate in a hearing before a panel of the board and to testify under oath. The board may hold the hearing with the inmate in person or via video conferencing;
- (2) To submit letters or statements in support of release;
- (3) To review the ESRC report and supporting documents prior to the hearing; and
- (4) To receive a written decision from the board.

NEW SECTION

WAC 381-90-100 Conducting a hearing. All hearings conducted under the provisions of this chapter shall be held before a panel of at least two members of the indeterminate sentence review board. One member shall be designated, by decision of the panel, as the presiding member.

At the time of the hearing under the provisions of RCW 9.95.420, the presiding member will determine if the inmate was given proper notice of the hearing, was advised of the reason for the hearing, and was properly advised of their rights.

A limited number of observers may be present by prior approval of the panel members conducting the hearing, provided that the superintendent or designee authorizes such observers in the facility.

The board reserves the right to exclude any person from the room during a hearing upon its own motion or the motion of any party to the hearing provided that good cause for such exclusion is articulated on the record.

The presiding member may recess the hearing at any time for consultation with the other panel member(s).

The panel conducting the hearing will submit its recommendation to the full board for final determination.

In the event of a language and/or communication problem, a certified interpreter shall be present to interpret and assist.

The board will accept written information pertaining to the inmate from any interested person.

NEW SECTION

WAC 381-90-110 Continuances. Prior to the hearing, any party may make a written request for continuance. The board may grant continuances of scheduled hearings prior to and during hearings, either in the interest of justice or for good cause.

NEW SECTION

WAC 381-90-120 Inmate to be present. The subject of any hearing conducted under the provisions of this chapter may participate in the hearing. However, in the event the inmate refuses to appear, the board will continue the hearing until the next available docket. The ISRB will notify the inmate that if they refuse to attend the next scheduled hearing, the hearing will be conducted in absentia and the board's decision will be based on all available evidence.

NEW SECTION

WAC 381-90-130 Oaths and affirmations. The presiding member conducting hearings under the provisions of this chapter shall have the authority to administer oaths and affirmations.

NEW SECTION

WAC 381-90-140 Admissibility of information. All relevant information shall be admissible.

NEW SECTION

WAC 381-90-150 Disposition. The board shall make a finding of whether or not it is more likely than not that the inmate will commit another sex offense if released to the community.

A list of factors that the board may consider includes, but is not limited to:

- (1) Refusal to participate in available programs or resources designed to assist an inmate to reduce the risk of reoffense (e.g., stress and anger management, victim awareness, substance abuse treatment, sex offender treatment).
- (2) Serious and repetitive disciplinary infractions during incarceration.
- (3) Evidence of an inmate's continuing intent or propensity to engage in sex offenses.
- (4) Statements or declarations by the inmate of intent not to comply with conditions of community custody.
- (5) End of sentence review determination based on actuarial assessments identifying risk to sexually reoffend.

NEW SECTION

WAC 381-90-160 Statement of decision and reasons. The board will make a written statement of the decision and reasons in each case heard under the provisions of this chapter.

NEW SECTION

WAC 381-90-170 Hearing record preservation. There will be a recording made of all hearings conducted under the provisions of this chapter. Such recordings shall be preserved at the offices of the ISRB in Olympia in compliance with the current record retention schedule. Parties requesting a copy of any hearing must do so in writing. Parties may be required to reimburse the ISRB for the costs involved in duplication.

Chapter 381-100 WAC

PROCEDURES FOR CONDUCTING COMMUNITY CUSTODY BOARD VIOLATION HEARINGS

NEW SECTION

WAC 381-100-010 Purpose. The purpose of this chapter is to specify policies and procedures relating to community custody board violation hearings. The following regulations set forth procedural guidelines. They do not create pro-

cedural or substantive rights in any person, and should not be interpreted or applied in such a manner as to abridge rights already guaranteed by the United States Constitution. The regulations should be interpreted to have sufficient flexibility so as to be consistent with law and to permit the indeterminate sentence review board to accomplish its statutory purposes.

NEW SECTION

WAC 381-100-020 Authority. RCW 9.95.420, 9.95.430, 9.95.435, 9.95.440, and 9.95.900.

NEW SECTION

WAC 381-100-030 Scope. The provisions of this chapter shall apply to adult felony offenders granted community custody from a prison sentence under RCW 9.94A.712 who are alleged to have violated the terms of their order of release.

NEW SECTION

WAC 381-100-040 Definitions. For purposes of this chapter, the following words have the following meanings:

"Appeals panel" means three reviewing officers designated by the chair of the board or their designee with the authority to review decisions made by a board member or hearing officer, and to affirm, reverse, or modify decisions and sanctions in accordance with RCW 9.95.435.

"Board" means the members of the indeterminate sentence review board.

"Community corrections officer (CCO)" means an employee of the department of corrections responsible for carrying out specific duties concerning the supervision of sentenced offenders and monitoring of sentence conditions.

"Community custody" means that portion of an offender's sentence served in the community subject to controls placed on the offender's movement and activities by the board and supervised by the department of corrections. Offenders supervised on "community custody board" placement are those who have been sentenced under RCW 9.94A.712.

"Department" means department of corrections.

"Electronically" when used in reference to submission of documents to the board, means via facsimile, electronic mail or other generally accepted electronic means.

"Graduated sanction system" means structured incremental responses designed to reduce risk to the public, effectively intervene in noncompliant behavior, where possible, repair harm to the community, and make efficient use of limited state resources. Sanctions may include, but are not limited to, work release; home detention with electronic monitoring; work crew; community restitution; inpatient treatment; daily reporting; curfew; educational or counseling sessions; supervision enhanced through electronic monitoring; or any other sanctions available in the community; or, may include suspension or revocation of the release to community custody.

"Hearing officer" means a member, employee, or designee of the indeterminate sentence review board authorized to preside over community custody board violation hearings.

"Offender" means any person in the custody of or subject to the jurisdiction of the board.

"On-site desk" means the board's designee that receives notice of violations of community custody board conditions and schedules violation hearings.

"Presiding officer" means a member, employee or designee of the board authorized to act as a hearing officer to preside over community custody board violation hearings.

"Probable cause" means a determination, made by a hearing officer, that there is cause to believe a violation has occurred.

"Stipulated agreement" means an agreement between the offender and the board in which the offender admits violations and agrees to comply with intermediate sanctions. For the purposes of this subsection, "intermediate sanction" means board-imposed sanctions that are served in the community rather than total confinement.

"Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, to include, but not be limited to, adult correctional facilities, camp and prerelease facilities or a county or municipal jail.

"Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a result of the criminal conduct of the offender. "Victim" also means a parent or guardian of a victim who is a minor child unless the parent or guardian is the perpetrator of the offense.

"Working day" means Monday through Friday, 8:00 a.m. to 5:00 p.m., Pacific Time, except for holidays observed by the state of Washington.

NEW SECTION

WAC 381-100-050 Intent. (1) The indeterminate sentence review board will exercise its authority over offenders in a manner that:

(a) Places a high priority on public safety;

(b) Imposes only those reasonable and enforceable conditions of community custody necessary to facilitate the safety of previous victims and potential victims, encourage responsibility, and to assist the offender's lawful reintegration into the community; and

(c) Supports the role and responsibility of the community corrections officer to assist offenders to reenter the community in a law abiding manner.

(2) In making a decision on sanctions, community custody revocation or reinstatement, the indeterminate sentence review board may consider the following factors in addition to factors that are case specific:

(a) Whether or not the community custody violation behavior also resulted in a criminal conviction;

(b) The relationship of the community custody violation behavior to the committing offense and the nature of the violation;

(c) The length of time the offender has been on community custody as well as time previously served on the conviction;

- (d) The perspective and recommendation of victim(s) and/or other concerned citizens;
- (e) The recommendation and supporting reasons offered by the community corrections officer, the offender and attorney, and the assistant attorney general;
- (f) The level of risk to the community posed by the offender;
- (g) The previous board action during the period of community custody;
- (h) The number of previous violation hearings and offender compliance with resulting sanctions; and
- (i) The sanction range under the administrative sanction grid.

NEW SECTION

WAC 381-100-055 Board notification of alleged violations. Whenever the CCO receives notification of an offender's alleged violation behavior, the CCO must notify the ISRB hearing officer of alleged violation(s). Notification may be made via telephone or electronic means.

NEW SECTION

WAC 381-100-060 Notice of arrest by law enforcement officer. Whenever a community corrections officer is notified of an offender's arrest the community corrections officer shall notify the board on-site desk of the arrest within one working day. Notice should be submitted electronically.

NEW SECTION

WAC 381-100-070 Notice of suspension of community custody. When a community corrections officer causes the arrest and detention of an offender, the community corrections officer shall cause a suspension of community custody order to be personally served on the offender within twenty-four hours of arrest, excluding weekends and holidays. The community corrections officer shall electronically submit a copy of the suspension of community custody order to the board and the attorney general within one working day of service of the suspension order.

NEW SECTION

WAC 381-100-080 Board to reinstate. When a community corrections officer suspends, arrests, or detains an offender, such offender shall not be reinstated on community custody or released from custody on bail or personal recognition, except by the board and the issuance by the board of an order of reinstatement on community custody to the same or modified conditions of community custody.

NEW SECTION

WAC 381-100-090 Administrative reinstatements.
 (1) When a community corrections officer has caused the arrest and detention of an offender and after investigation determines:

- (a) That the alleged violations are unfounded; or

- (b) That the seriousness of the alleged violations is mitigated by new information; or

- (c) That further custody is unwarranted and a community custody board revocation hearing is unnecessary; the officer shall submit a written request for reinstatement or report with recommendations to the ISRB.

(2) The board may exercise the option of administrative reinstatement absent a recommendation of the community corrections officer, when such reinstatement is consistent with criteria identified within WAC 381-100-050 and RCW 9.95.440.

NEW SECTION

WAC 381-100-100 Notice and allegations. (1) **In custody.** When a community corrections officer is notified of the arrest and detention by law enforcement of an alleged community custody violator and/or the community custody is suspended by the community corrections officer, the community corrections officer shall cause the offender to be personally served with a copy of the *Notice of Allegations and Rights and Privileges* form within three working days of the service of suspension of community custody. The CCO shall submit the notice of allegations electronically to the board with a copy to the attorney general within twenty-four hours of service, excluding weekends and holidays.

(2) **Out of custody.** If an out of custody hearing is requested by the community corrections officer and/or ordered by the board, the notice of allegations shall be served on the offender within three working days of written notice of probable cause from the board, but not less than two working days prior to the hearing. The CCO shall submit the notice of allegations electronically to the board with a copy to the attorney general within twenty-four hours of service, excluding weekends and holidays.

(3) **New or amended allegations.** If, after service of alleged violations as set forth above, the CCO brings forth additional alleged violations or changes to existing alleged violations, the CCO shall cause the offender to be personally served with a copy of the new or amended allegations. The offender will have two working days from the date of service of the new or amended allegations before the board will consider the allegations. The offender may waive the two working days notice and proceed with those new or amended allegations at an already scheduled hearing.

The CCO shall submit such new or amended allegations of violation electronically to the board with a copy to the attorney general within one working day of service on the offender.

(4) **Interpreter services.** Community corrections officers shall obtain interpreter services for offenders with known language or communication barriers when serving documents. For a board hearing, court-certified interpreters shall be used when possible. The CCO shall obtain interpreter services for the offender's board hearing.

(5) **Contents of factual allegations.** The factual allegations of the violations of each condition shall include:

- (a) The circumstances of the alleged violation(s);
- (b) Date of violation or approximation thereof; and
- (c) Location or place where violation occurred.

(6) **Allegations of a new crime.** Whenever an offender is accused of a violation of their community custody that includes the commission of a felony or misdemeanor, the community corrections officer shall advise the board of the status of any pending charge(s). In the case of pending criminal allegations, the board may defer any board hearing pending the outcome or may dismiss without prejudice one or more allegations. If the offender is convicted of a new crime, the CCO shall provide the board with a certified copy of the judgment and sentence.

NEW SECTION

WAC 381-100-110 Probable cause review. A probable cause review shall be conducted by the board's designee within forty-eight hours of the board's receipt of the factual allegation(s) to determine whether probable cause exists to believe the violation or violations occurred. A written probable cause finding will be issued. If the hearing officer finds probable cause, the hearing officer will decide if the offender will be conditionally released or remain in custody pending further action by the board.

NEW SECTION

WAC 381-100-120 Violation report to be submitted by community corrections officer. (1) For community custody board offenders who are being held in total confinement prior to a hearing, the community corrections officer shall cause the offender to be personally served a violation report within five working days after receipt of written notice of probable cause from the board.

(2) For community custody board offenders who are not being held in total confinement prior to the hearing, the community corrections officer shall cause the offender to be personally served a violation report within ten working days after receipt of written notice of probable cause from the board.

(3) The violation report shall be submitted to the board and the attorney general within two business days from the date of service of the notice of violations on the offender.

(4) The violation report may be submitted electronically.

(5) The violation report shall contain the following:

(a) The specific conditions alleged to have been violated;

(b) A summary of facts supporting the allegations;

(c) Any mitigating information;

(d) The evidence relating to the violations to be introduced at the hearing; and

(e) A preliminary recommendation for disposition.

(6) The violation report should include a list of witnesses whom the community custody officer may wish to have called for testimony.

NEW SECTION

WAC 381-100-130 Administrative review. (1) Following receipt of the violation report, a board hearing officer will conduct an administrative review to determine the next board action.

(2) The offender and/or attorney may submit information in writing that the board shall consider in an administrative review.

NEW SECTION

WAC 381-100-140 Community custody board violation hearings. (1) The board shall schedule all community custody board violation hearings and shall provide notice to the alleged community custody violator of the time and place of the hearing.

(2) Such notice shall also be provided to the department of corrections, the attorney general, and to counsel for the offender, if retained or appointed, no less than two working days prior to the hearing.

(3) The board reserves the right to select and change the place of the community custody board violation hearing.

(4) The CCO will arrange interpreter services for offenders with known language or communication barriers for violation hearings and will provide the information to the board prior to the scheduling of a hearing.

NEW SECTION

WAC 381-100-150 Rights and privileges relating to violation hearings. (1) An alleged community custody violator shall be entitled to a fair and impartial hearing of the charges of the community custody violation within thirty working days, but not less than two working days, after notice of service of violations specified.

(2) The board shall notify the offender of the right to:

(a) Be present during the fact finding and disposition phases of the hearing. If the offender refuses to participate in the hearing, the board may conduct the hearing in the absence of the offender and may impose sanctions that could include loss of liberty of the offender;

(b) Have the assistance of an interpreter if the offender has a language or communications barrier;

(c) Testify or remain silent;

(d) Call witnesses and present documentary evidence, provided, however:

(i) At an in-custody hearing, outside witnesses may be excluded due to institutional or community concerns; or

(ii) The presiding officer may exclude persons from the hearing upon a finding of good cause; or

(iii) The presiding officer may allow a witness to testify outside of the offender's presence when there is substantial likelihood that the witness will not be able to give effective, truthful testimony in the presence of the offender during the hearing. The offender may submit a list of questions to ask such witness and testimony may be limited to evidence relevant to the issues under consideration;

(iv) The presiding officer may allow telephonic testimony of witnesses.

(e) Question witnesses who testify;

(f) Be represented by counsel if revocation of the release to community custody is a probable sanction for the violation;

(g) Receive a copy of the findings and conclusions. This includes the evidence relied upon, a finding of guilty or not

guilty, the reasons to support the findings, and any sanction(s) imposed;

(h) Receive notice of the right to appeal the sanction to the board; and

(i) Receive notice of the right to file a personal restraint petition under court rules after the final decision of the board.

(3) The board may not revoke the release to community custody of any offender who was not represented by counsel at the hearing, unless the offender has:

- (a) Waived the right to counsel; and/or
- (b) Waived their right to appear; and/or
- (c) Refused to participate in the hearing.

NEW SECTION

WAC 381-100-160 Acknowledgment of rights. The community corrections officer shall forward to the board and attorney general signed copies of the receipt and acknowledgment of these rights along with copies of the factual allegations. Should the offender refuse to sign either the factual allegations or notification of rights, the community corrections officer shall witness the refusal and note the time and place of service.

NEW SECTION

WAC 381-100-170 Discovery. (1) The community corrections officer shall provide the department's AAG, the offender and/or the offender's defense attorney with a copy of the factual allegations, the violation report, and all evidence relating to the violations charged intended for introduction at the hearing, either as factual evidence or in support of a dispositional recommendation. Such documents, materials, and information should include, but not be limited to, copies of the community custody order and addenda, copies of prior violation reports submitted to the board, and copies of all board actions or hearing findings issued during the current community custody.

(2) The offender or defense counsel shall provide to all parties, including the board, such documents, materials, and information that may be introduced at the hearing.

(3) The community corrections officer and defense shall provide to all parties, including the board, a list of witnesses they may wish to call for testimony.

(4) In addition, the CCO must provide to the offender and/or offender's attorney any material or information within the CCO's knowledge or possession which tends to negate and/or mitigate the offender's guilt as to the violations charged.

NEW SECTION

WAC 381-100-180 Filing with the board. Papers required to be filed with the board shall be deemed filed, upon actual receipt by the board at its offices in Olympia, or by a member or designee presiding at a hearing at any place within the state.

NEW SECTION

WAC 381-100-190 Subpoenas. (1) The board shall have the authority to issue subpoenas for compulsory attendance of witnesses and production of evidence

(2) Every subpoena, where authorized by law, shall state "indeterminate sentence review board," and the title of the proceeding. The subpoena shall command the person to whom it is directed to attend and/or give testimony or produce designated documents at a specified time and place.

(3) Subpoenas requiring the attendance and/or testimony of witnesses or the production of evidence may be issued upon application of any party, provided that such subpoenas are executed without expense to the board.

NEW SECTION

WAC 381-100-200 Hearing procedures—Presiding officer. All hearings conducted under this chapter will be heard by a minimum of one member of the board or a designee of the board, serving as the presiding officer. It is the duty of the presiding officer to conduct hearings in an impartial and orderly manner. He or she shall have the authority to:

- (1) Administer oaths and affirmations;
- (2) Rule on all procedural matters, objections, and motions;
- (3) Rule on offers of proof and receive relevant evidence;
- (4) Question witnesses to develop any facts deemed necessary to fairly and adequately decide the matter;
- (5) Render or defer a decision; and
- (6) Take any other action necessary and authorized by these rules and the law.

NEW SECTION

WAC 381-100-210 Hearing procedures—Prehearing conference. In any proceeding, the presiding officer, on his or her own motion or on the motion of one of the parties or their representatives, may direct the parties to appear in person or through electronic means at a specified time and place for a prehearing conference. Such conference may be immediately prior to the community custody violation proceeding. A prehearing conference is for the purpose of considering:

- (1) Simplification of the issues;
- (2) Amendments to any of the papers filed with the board;
- (3) Obtaining stipulations, admissions of fact, and documents;
- (4) Limitation of the number of witnesses; and
- (5) Such other matters as may aid in the disposition of the proceeding.

NEW SECTION

WAC 381-100-220 Hearing procedures—Presentation of state's case. A community corrections officer and/or an assistant attorney general shall present the state's case.

NEW SECTION

WAC 381-100-230 Hearing procedures—Appearance and practice before agency—Who may appear. No person may appear before the board in a representative capacity on behalf of the offender at a community custody board violation hearing other than the following:

- (1) Attorneys at law, qualified and entitled to practice before the supreme court of the state of Washington.
- (2) Law students admitted to practice under admission to practice rule 9 may represent the department of corrections, with the prior permission of the presiding officer.
- (3) Out-of-state attorneys must comply with admission to practice rule 7 (see Washington court rules).

NEW SECTION

WAC 381-100-240 Hearing procedures—Standards of ethical conduct. (1) All persons appearing in community custody violation proceedings before the board shall conform to the standards of ethical conduct required of attorneys before the courts of the state of Washington.

- (2) The board may decline to permit any person who does not conform to such standards to appear before it or any designee.

NEW SECTION

WAC 381-100-250 Hearing procedures—Witnesses.

- (1) Either party may call witnesses to testify in-person or electronically.
- (2) The presiding officer may limit the number of witnesses and the scope of the testimony to matters relevant to the allegations and/or disposition.
- (3) Witnesses may be excluded from in-person appearance as follows:
 - (a) Due to facility concerns; or
 - (b) Upon a finding of good cause by the presiding officer.
- (4) In addition, the presiding officer may exclude a witness from testifying at a hearing or may require a witness to testify outside of the presence of the offender when there is a substantial likelihood that the witness will not be able to give effective, truthful testimony in the offender's presence during the hearing.
 - (a) In this circumstance, if the offender is not represented by counsel, the offender shall be provided the opportunity to submit a list of questions for any witness testifying outside of their presence.
 - (b) If the offender is represented by counsel, the attorney shall be allowed to question the witness on the record, but outside the presence of the offender.
- (5) In all cases, the presiding officer shall take reasonable precautions related to the safety concerns of witnesses.

NEW SECTION

WAC 381-100-260 Hearing procedures—Continuances. (1) Any party to a community custody board violation hearing who desires a continuance shall notify the board in writing and state the reasons why the continuance is neces-

sary. If represented by counsel, all continuance requests must come from the representing counsel.

(2) Requests for continuances must arrive at the board offices in Olympia not less than twenty-four hours prior to the scheduled hearing. The presiding officer shall consider whether the request was timely and made for good cause and whether the offender will be substantially prejudiced in the presentation of their defense.

(3) The board may continue a hearing on its own motion if local prosecution is pending or if other circumstances require rescheduling.

(4) The board will notify all parties when continuances are granted.

(5) During a community custody board violation hearing, the presiding officer may, in their discretion or upon motion of counsel, continue the hearing for the introduction of additional evidence, presentation or argument.

NEW SECTION

WAC 381-100-270 Hearing procedures—Persons present. Community custody board violation hearings are open to the public unless the presiding officer, for a specifically stated reason, closes the hearing in whole or in part.

NEW SECTION

WAC 381-100-280 Rules of evidence—Admissibility.

- (1) All relevant evidence shall be admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness. "Relevant evidence" means evidence having a tendency to make the determination of the action more or less probable than it would be without the evidence.
- (2) In passing upon admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts in the state of Washington.
- (3) When objection is made to the admissibility of evidence, the evidence may be received subject to a later ruling.
- (4) The presiding officer may, in his or her discretion, either with or without objection, exclude inadmissible evidence, or order cumulative evidence discontinued.
- (5) Parties objecting to the introduction of evidence shall state the precise grounds of objection at the time such evidence is offered.
- (6) A certified laboratory report or a copy of such shall be admissible without further authentication.

NEW SECTION

WAC 381-100-290 Hearing procedures—Findings and conclusions. (1) Alleged violations of the conditions of community custody must be proven by a preponderance of evidence.

(2) No finding of a violation of conditions may be based on hearsay evidence alone.

(3) If the presiding officer concludes that the alleged violations of conditions of community custody have not been

proven by a preponderance of evidence, the offender shall be reinstated on community custody on the same or modified conditions.

(4) If the presiding officer concludes that the alleged violations of conditions of community custody have been proven by a preponderance of the evidence, the presiding officer may impose sanctions in accordance with an adopted graduated sanction grid. If the sanction is revocation of the offender's community custody, the board shall enter an order of community custody revocation and return the offender to prison.

(5) After issuance of a revocation sanction, the board will set a new minimum term in a timely manner.

(6) An offender convicted and sentenced to incarceration on a new criminal charge will have the right to a dispositional violation hearing by the board. The board may:

(a) Revoke the community custody of the offender and enter an order of community custody revocation.

(b) Reinstatement of the offender on community custody supervision under the same or modified conditions.

(7) The presiding officer shall make written findings and conclusions concerning the allegations in a timely manner following the decision.

NEW SECTION

WAC 381-100-310 Hearing record preservation.

There will be a recording made of all hearings conducted under the provisions of this chapter. Such recordings shall be preserved in accordance with the indeterminate sentence review board's records retention policies. Parties requesting duplication of any hearing must submit a request in writing; response to all such requests shall be governed by the applicable public disclosure statutes.

NEW SECTION

WAC 381-100-320 Appeal of community custody violation sanctions. (1) The offender may appeal the sanction of the community custody board violation hearing. Appeals must be filed with the board within seven days after the offender receives the findings and conclusions.

(2) The chair of the board or the chair's designee shall appoint a panel of three reviewing examiners to consider the appeal.

(3) The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following:

- (a) The crime of conviction;
- (b) The violation committed;
- (c) The offender's risk of reoffending; or
- (d) The safety of the community.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule and Other Identifying Information: Amendments to plan amendments, urban area boundary revisions, and economic development certification rules.

Hearing Location(s): Discovery Center, 5000 Discovery Drive, The Dalles, Oregon, on March 10, 2009, at 9:00 a.m. (Note this is the beginning of the commission's regular meeting. The actual hearing time may be later.)

Date of Intended Adoption: March 10, 2009.

Submit Written Comments to: Jill Arens, Executive Director, P.O. Box 730, White Salmon, WA 98672, e-mail crge@gorge.net, fax (509) 493-2229, by March 9, 2009.

Assistance for Persons with Disabilities: Contact Nancy Andring by March 3, 2009.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes clarify that the commission's consideration of applications to amend the management plan and revise urban area boundaries is a discretionary action, and specify that the commission will determine, as part of its work planning, how many of these types of applications it will accept for review. As well, these changes will enable the commission's executive director to make decisions on more economic development certifications instead of taking those certification decisions to the commission for a hearing and vote.

Reasons Supporting Proposal: Recent budget information leads the commission to reduce the amount of discretionary work that it does. In the past, the commission has considered plan amendment and urban area boundary revisions applications as applicants submit them. These changes are necessary for the commission to manage its workload. The changes to the economic development certification rule will expedite economic development grants.

Statutory Authority for Adoption: RCW 43.97.015; 16 U.S.C. §§ 544b(f), 544d(h), 544i(c); ORS 196.150.

Statute Being Implemented: RCW 43.97.015; 16 U.S.C. §§ 544b(f), 544d(h), 544i(c); ORS 196.150.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Columbia River Gorge Commission, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jill Arens, White Salmon, Washington, (509) 493-3323.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed amendments do not add substantive regulations. The affected portions of Commission Rules 350-11, [350-]12, and [350-]16 govern internal commission procedures.

A cost-benefit analysis is not required under RCW 34.05.328. These proposed amendments are exempt pursuant to RCW 34.05.328 [(5)(b)](ii), (iii), and (v).

January 13, 2009

Nancy A. Andring
Rules Coordinator

WSR 09-03-058
PROPOSED RULES
COLUMBIA RIVER
GORGE COMMISSION
[Filed January 13, 2009, 3:27 p.m.]

Original Notice.

Amendatory Section
350-40-020. Authority.

(1) Consideration of requests to revise urban area boundaries is a discretionary action authorized by section 4(f) of the Act. The Act does not entitle a county, or any person or entity, to have the Commission review a request to revise any urban area boundary. The Commission may make "minor revisions" to the boundaries of an Urban Area [Scenic Area Act, Section 4(f)]. ~~Such revisions must comply with procedural requirements and criteria in the Scenic Area Act.~~

(2) Three procedural requirements are included in Section 4 (f)(1) of the Scenic Area Act:

(a) Requests to revise an Urban Area boundary are submitted to the Commission by a county government;

(b) The Commission must consult the Secretary of Agriculture before revising an Urban Area boundary; and

(c) Two-thirds of the Commission members, including a majority of the members appointed from each state, must approve a revision of an Urban Area boundary. In the event of recusal, the doctrine of necessity shall apply.

(3) Section 4 (f)(2) of the Scenic Area Act allows the Commission to revise the boundaries of an Urban Area only if the following criteria are satisfied:

(a) A demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the Management Plan;

(b) Revision of Urban Area boundaries is consistent with the standards established in Section 6 and the purposes of the Scenic Area Act;

(c) Revision of Urban Area boundaries will result in maximum efficiency of land uses within and on the fringe of existing Urban Areas; and

(d) Revision of Urban Area boundaries will not result in the significant reduction of agricultural lands, forest lands, or open spaces.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

Amendatory Section
350-40-040. Processing of Application.

~~Each application to revise the boundaries of an Urban Area is reviewed according to the priorities established by the Commission in the Management Plan [see Part IV, Chapter 1, section Revision of Urban Area Boundaries, Policy 5]. Within priority categories established in the Management Plan, applications are reviewed in the order received. Applications for revision of urban area boundaries shall be reviewed upon receipt and in the order in which they are received, except that the Commission may, as part of its work planning, set a limit on the number of urban area boundary revision applications it will process during the biennium and may set its limit at zero.~~

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

Amendatory Section
350-50-020. Authority.

(1) Consideration of amendments to the Management Plan is a discretionary action authorized by section 6(h) of the Act. The Act does not entitle any person or entity to have the Commission review an application to amend the Management Plan. The Commission ~~shall~~ may adopt an amendment to the Management Plan only if it is consistent with the purposes and standards of the Scenic Area Act, the provisions in section 6(h) of the Act, and this rule.

(2) The Act only allows the Commission to adopt a plan amendment:

(a) If the Commission determines at any time that conditions within the Scenic Area have significantly changed; and

(b) If the Commission approves the plan amendment by a majority vote of the members appointed, including approval by at least three members from each state. In the event of recusal, the doctrine of necessity shall apply.

Reviser's note: The typographical error in the above material occurred in the copy filed by the Columbia River Gorge Commission and appears in the Register pursuant to the requirements of RCW 34.08.040.

Amendatory Section
350-50-060. Processing of Application.

(1) Applications for quasi-judicial amendments shall be reviewed upon receipt and in the order in which they are received, except that the Commission may, as part of its work planning, set a limit on the number of quasi-judicial applications it will process during the biennium and may set its limit at zero. Applications shall be reviewed pursuant to sections 070 through 120 of this division.

(2) The Executive Director shall maintain requests for legislative amendments. The Commission shall review requested legislative amendments at least once each biennium and determine which, if any, to handle as an application to amend the Management Plan. In determining which legislative amendments to handle, the Commission may consider such factors as: whether the issue has been the subject of appeals, whether the issue has been an implementation problem, whether the issue is a priority of federal, state, local, or tribal governments, and availability of data and resources necessary to analyze the issue. The Commission shall solicit public comment during its work planning concerning legislative amendments to initiate. The decision to initiate a legislative amendment is at the sole discretion of the Commission.

(3) For legislative amendments, the Executive Director shall hold a pre-application conference as provided in 350-50-045. Following the pre-application conference, the Executive Director shall process a legislative amendment pursuant to sections 080 through 120 of this division.

Amendatory Section**350-120-040. Review and Decision by Commission.**

(1) ~~The Commission shall review economic development certification applications that involve ground disturbance or changes to structures that are 50 years old or older in the general management area or special management areas. The Commission shall review the recommendation and report of the Director at a scheduled meeting. Public comment shall be allowed.~~

(2) ~~The Commission shall review the recommendation and report of the Director at a scheduled meeting. Public comment shall be allowed.~~ The Commission may request further information at the meeting if it is deemed relevant to its decision.

(3) ~~At the first Commission meeting occurring five (5) or more working days of after issuance of the Director's report, the Commission shall make a decision on the grant or loan, as follows:~~

(a) approve the request, certifying the grant or loan is consistent with the criteria listed in subsection (4) below; purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act;

(b) approve the request contingent upon approval of certain required state and/or federal environmental permits;

(c) defer the decision, pending receipt of further information; or

(d) deny the request, stating reasons why that the grant or loan is not consistent with one or more of the criteria listed in subsection (4) below. purposes of the Act, the management plan and land use ordinances adopted pursuant to the Act.

(4) Criteria for approval:

(a) The project and activity shall be consistent with the economic development policies in the Management Plan;

(b) The project and activity shall be consistent with the Economic Development Plans for Oregon and Washington as amended from time to time by the states consistent with Section 11(a) of the Scenic Area Act;

(c) The project shall not involve relocation of a business from one National Scenic Area community to another;

(d) The activity shall not involve program administration; and

(e) The project shall occur only in counties that have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary.

(45) The Director shall notify the applicant, and the applicable state investment board of the Commission's decision.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

Amendatory Section**350-120-050. Expedited Certification.**

(1) The Executive Director of the Gorge Commission may issue a decision for a certification application that is not required to be reviewed by the Commission as specified in 350-120-040(1) above. meets all of the following criteria. The Executive Director may, at his or her discretion, require

an application be reviewed pursuant to 350-120-030 and 040 above.

~~(a) The project and activity shall not involve ground disturbance or changes to structures that are 50 years old or older;~~

~~(b) The project shall be located wholly within an Urban Area;~~

~~(c) The project and activity shall be consistent with the economic development policies in the Management Plan~~

~~(d) The project and activity shall be consistent with the Economic Development Plans for Oregon and Washington as amended from time to time by the states consistent with Section 11(a) of the Scenic Area Act;~~

~~(e) The project shall not involve relocation of a business from one National Scenic Area community to another;~~

~~(f) The activity shall not involve program administration; and~~

~~(g) The project shall occur only in counties that have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary.~~

(2) In making a decision to certify a proposed grant or loan the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate, and

(b) Consider information submitted by the applicant and all other relevant information available.

(3) The Director shall approve a grant or loan for certification only if it is consistent with the criteria for approval specified in 350-120-040(4) above. purposes of the Act, and the management plan.

(4) Within 14 days of acceptance of the application as complete, the Director shall issue a decision along with findings of fact and conclusions of law setting forth the basis for the decision.

(5) The Director shall mail a copy of the decision to the applicant, the Forest Service, the States of Oregon and Washington, the Indian Tribes with treaty rights in the Scenic Area, the planning director of the applicable county or city, and any person who requests a copy of the decision.

(6) The Executive Director shall prepare periodic summaries of the certifications approved through this expedited process for submission to the Gorge Commission.

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Columbia River Gorge Commission and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 09-03-070**PROPOSED RULES****PROFESSIONAL EDUCATOR****STANDARDS BOARD**

[Filed January 15, 2009, 9:21 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-20-115.

Title of Rule and Other Identifying Information: WAC 181-82A-207 and 181-82A-208, specialty endorsements adding environmental and sustainability education, teacher of the visually impaired, and orientation and mobility teacher

(WAC 181-82A-207) and requiring assessment of teacher content knowledge in the specialty area (WAC 181-82A-208).

Hearing Location(s): The Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, on March 18, 2009, at 8:30 a.m.

Date of Intended Adoption: March 18, 2009.

Submit Written Comments to: David Brenna, Legislative and Policy Coordinator, P.O. Box 47236, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by March 16, 2009.

Assistance for Persons with Disabilities: Contact David Brenna by March 16, 2009, TTY (360) 664-3631 or (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Expands specialty endorsements adding environmental and sustainability education, teacher of the visually impaired, and orientation and mobility teacher to endorsements currently for only teaching deaf students. Includes requirement for assessing content knowledge of applicants.

Reasons Supporting Proposal: Consistent with state policy and national teacher board certification.

Statutory Authority for Adoption: RCW 28A.410.210.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educators standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, P.O. Box 42736, Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting David Brenna, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-3631, e-mail david.brenna@k12.wa.us.

January 15, 2009
David Brenna
Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 07-23-050, filed 11/15/07, effective 12/16/07)

WAC 181-82A-207 Specialty endorsement criteria.

(1) Specialty endorsements prepare a teacher to work with a specific student population/demographic and/or subject matter area, and are created to help teachers specialize beyond the required certificate endorsements as stated in WAC 181-82A-202. Specialty endorsements have unique endorsement competencies not found in any of the existing endorsements. Specialty endorsements shall include a means of assessing an applicant's content knowledge in the specialty subject area that shall be assessed and verified through program completion.

(2) Each college or university and/or Washington-based organization/association requesting the creation of a specialty endorsement shall seek a two phase approval by the professional educator standards board.

(a) Phase one: Proposers shall submit a preapproval proposal to the professional educator standards board that includes the following information:

(i) Documentation of nationally recognized teaching standards unique to the proposed specialty endorsement;

(ii) Letter of support from a professional educator standards board-approved college or university interested in offering the proposed specialty endorsement program.

(b) Phase two: If proposers receive preapproval from the professional educator standards board, they shall submit a phase two application available by the board. The phase two application, not to exceed ten pages, will address the following information:

(i) A description of the needs, student population and/or subject matter addressed by the proposed specialty endorsement;

(ii) A description of the unique knowledge and skills the proposed specialty endorsement provides to educators;

(iii) An explanation of the expected value and benefit of the proposed specialty endorsement for the K-12 system.

(c) Upon completion of both phases and board approval of a specialty endorsement, the process in WAC 181-82A-206 shall apply.

AMENDATORY SECTION (Amending WSR 06-20-063, filed 9/29/06, effective 10/30/06)

WAC 181-82A-208 Specialty endorsements. The following specialty endorsements may be added to an existing endorsed teaching certificate:

(1) Deaf education (per RCW 28A.410.225).

((+)) (a) This specialty endorsement is required for teachers who will be working almost exclusively with students who are deaf or hard of hearing.

((=)) (b) Program ((and test)) requirements are waived and this specialty endorsement granted if a candidate possesses a baccalaureate or master's degree in deaf education from a teacher training program approved by the council on education of the deaf.

(2) Environmental and sustainability education.

(3) Teacher of the visually impaired.

(4) Orientation and mobility teacher.

**WSR 09-03-071
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD**

[Filed January 15, 2009, 9:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-23-117.

Title of Rule and Other Identifying Information: WAC 181-82A-204, clarifies teaching experience requirements for

applicants in Pathway 1 and 2 seeking additional endorsements.

Hearing Location(s): The Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, on March 18, 2009, at 8:30 a.m.

Date of Intended Adoption: March 18, 2009.

Submit Written Comments to: David Brenna, Legislative and Policy Coordinator, P.O. Box 47236, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by March 16, 2009.

Assistance for Persons with Disabilities: Contact David Brenna by March 16, 2009, TTY (360) 664-3631 or (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Requires Pathway 1 applicants seeking additional endorsements to document experience as a full time, part time or substitute teacher for ninety days in addition to content knowledge as demonstrated in the passing of the content skills exam. Requires Pathway 2 applicants to have the same teaching experience.

Reasons Supporting Proposal: Consistent with state policy and national teacher board certification.

Statutory Authority for Adoption: RCW 28A.410.210.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educators standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, P.O. Box 47236, Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting David Brenna, P.O. Box 47236, Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-3631, e-mail david.brenna@k12.wa.us.

January 15, 2009

David Brenna

Legislative and

Policy Coordinator

AMENDATORY SECTION (Amending WSR 06-14-010, filed 6/22/06, effective 7/23/06)

WAC 181-82A-204 Endorsement requirements. (1) Candidates completing endorsements required to obtain a residency certificate, shall complete college/university teacher preparation programs approved by the professional educator standards board pursuant to chapter 181-78A WAC, which include methodology (see WAC 181-78A-264(5)) and field experience/internship (see WAC 181-78A-264(6)) and pursuant to endorsement program approval requirements in this chapter.

(2) In order to add an additional endorsement, the candidate shall:

(a) Have completed a state-approved endorsement program which includes methodology (see WAC 181-78A-264(5)) and addresses all endorsement-specific competencies adopted by the professional educator standards board and published by the superintendent of public instruction. The requirement for field experience shall be at the discretion of the college/university. Provided, that in cases where programs require a field experience/internship, the colleges/universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's teaching schedule; or

(b) Achieve National Board certification in a Washington teaching endorsement area and hold a valid National Board certificate; or

(c) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought. The instructional methodology and content-related skills of the desired subject endorsement must be compatible with one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of Pathway 1 endorsements adopted by the professional educator standards board and published by the superintendent of public instruction. The applicant must document a minimum of ninety days teaching experience as a contracted teacher via full-time, part-time, or substitute experience, in a public or state approved private school, or state agency providing educational services for students, in the endorsement area that is compatible in instructional methodology and content-related skills to the Pathway 1 endorsement; or

(d)(i) Pass the subject knowledge test approved by the professional educator standards board for the certificate endorsement being sought and successfully meet all eligibility criteria and process requirements for Pathway 2 endorsements as adopted by the professional educator standards board and published by the superintendent of public instruction. The desired subject endorsement must be identified as a Pathway 2 endorsement for one or more of the current endorsement(s) on the applicant's teacher certificate, per the list of Pathway 2 endorsements adopted by the professional educator standards board and published by the superintendent of public instruction. The applicant must document a minimum of ninety days teaching experience as a contracted teacher via full-time, part-time, or substitute experience, in a public or state approved private school, or state agency providing educational services for students, in the endorsement area that is compatible in instructional methodology and content-related skills to the Pathway 2 endorsement.

(ii) Teacher preparation programs that offer Pathway 2 endorsement programs shall follow process steps as adopted by the professional educator standards board and published by the superintendent of public instruction to verify successful completion of the Pathway 2 process and to recommend adding the endorsement to the applicant's teacher certificate.

(3) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington endorsement area.

(4) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(5) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(6) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

WSR 09-03-072
PROPOSED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed January 15, 2009, 9:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-11-075.

Title of Rule and Other Identifying Information: WAC 181-79A-211 (3)[(b)](ii), removes classroom experience requirement for certifying program administrators.

Hearing Location(s): The Inn at Gig Harbor, 3211 56th Street N.W., Gig Harbor, WA 98335, on March 18, 2009, at 8:30 a.m.

Date of Intended Adoption: March 18, 2009.

Submit Written Comments to: David Brenna, Legislative and Policy Coordinator, P.O. Box 47236, Olympia, WA 98504, e-mail david.brenna@k12.wa.us, fax (360) 586-4548, by March 16, 2009.

Assistance for Persons with Disabilities: Contact David Brenna by March 16, 2009, TTY (360) 664-3631 or (360) 725-6238.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Technical change to section referring specifically to program administration. Superintendents and principals are required to have classroom teaching experience. Program administration is not required to have teaching experience to perform their functions.

Reasons Supporting Proposal: Consistent with state policy and national teacher board certification.

Statutory Authority for Adoption: RCW 28A.410.210.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educators standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, P.O. Box 47236, Olympia, WA 98504, (360) 725-6238.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed amendment does not have an impact on small business and therefore does not meet the requirements for a statement under RCW 19.85.030 (1) or (2).

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting David Brenna, P.O. Box 47236,

Olympia, WA 98504, phone (360) 725-6238, fax (360) 586-3631, e-mail david.brenna@k12.wa.us.

January 15, 2009

David Brenna

Legislative and
Policy Coordinator

AMENDATORY SECTION (Amending WSR 08-15-141, filed 7/22/08, effective 8/22/08)

WAC 181-79A-211 Academic and experience requirements for certification—Administrators. Candidates for the respective administrative certificate shall complete the following requirements in addition to those set forth in WAC 181-79A-150 and 181-79A-213.

(1) Superintendent.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least forty-five quarter credit hours (thirty semester credit hours) of graduate level course work in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 181-79A-150(4).

(b) Continuing.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least sixty quarter credit hours (forty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate must meet requirements for a superintendent's certificate pursuant to WAC 181-79A-150(4).

(iii) Candidates applying for continuing superintendent's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(2) Principal.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

(b) Residency.

(i) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of principals.

(ii) The candidate shall have documented successful school-based experience in an instructional role with students.

(c) Continuing.

(i) The candidate who holds a valid initial principal's certificate issued prior to August 31, 1998, shall hold an approved master's degree and completed subsequent to the baccalaureate degree at least forty-five hours (thirty semester hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) The candidate who applies on or after August 31, 1998, shall hold a valid initial principal's certificate, an approved master's degree and shall have completed at least fifteen quarter (ten semester) credit hours of graduate course work offered by a college or university with a state approved principal program or one hundred fifty clock hours of study, which meet the state continuing education clock hour criteria pursuant to chapter 181-85 WAC, or a combination of credits and clock hours equivalent to the above. Such study shall:

(A) Be based on the principal performance domains included in WAC 181-78A-270 (2)(a) or (b);

(B) Be taken subsequent to the issuance of the initial principal's certificate; and

(C) Be determined in consultation with and approved by the candidate's employer or the administrator of a state approved principal preparation program.

(iii) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the academic requirement for the continuing certificate described in WAC 181-79A-211 (2)(c)(i), if the candidate meets requirements for and applies for the continuing certificate by the expiration date on that initial certificate.

(iv) The candidate must meet requirements for a principal's certificate pursuant to WAC 181-79A-150(4).

(v) Candidates applying for continuing principal's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer. Candidates applying for the continuing principal's certificate on or after August 31, 1998, shall provide documentation of three contracted school years of full-time employment as a principal or assistant principal.

(vi) Provided, That a candidate who held a valid initial principal's certificate on August 31, 1998, may meet the one hundred-eighty day experience requirement described in WAC 181-79A-211 (2)(c)(v), if that candidate meets requirements and applies for the continuing certificate by the expiration date on that initial certificate.

(d) Professional certificate.

(i) The candidate shall have completed an approved professional certificate program.

(ii) The candidate shall have documentation of three contracted school years of employment as a principal or assistant principal.

(3) Program administrator.

(a) Initial.

(i) The candidate shall hold an approved master's degree and have completed subsequent to the baccalaureate degree at least twenty-four quarter credit hours (sixteen semester credit hours) of graduate level course work in education.

(b) Residency certificate.

((+)) The candidate shall hold an approved master's degree and have completed an approved program for the preparation of program administrators.

~~((ii) The candidate shall have documented successful school-based experience in an instructional role with students.))~~

(c) Continuing.

(i) The candidate shall hold a valid initial program administrator's certificate, an approved master's degree and have completed subsequent to the baccalaureate degree at least thirty quarter credit hours (twenty semester credit hours) of graduate level course work in education or shall hold a doctorate in education.

(ii) Candidates applying for continuing program administrator's certificate shall provide documentation of one hundred eighty days or full-time equivalent or more employment in the respective role with an authorized employer—i.e., school district, educational service district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(d) Professional certificate.

The candidate shall have completed an approved professional certificate program.

WSR 09-03-073

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 07-12—Filed January 15, 2009, 10:48 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-21-110.

Title of Rule and Other Identifying Information: Dangerous waste regulations, chapter 173-303 WAC.

Hearing Location(s): Video conference hearings will be held simultaneously at the Department of Ecology, 300 Desmond Drive S.E., Auditorium ROA-32, Lacey, WA 98503, phone (360) 407-6000; at the Department of Ecology Northwest Regional Office, 3190 160th Avenue S.E., Room 2A, Bellevue, WA 98008, phone (425) 649-7000; at the Department of Ecology Central Regional Office, 15 West Yakima Avenue, Sundance Room, Yakima, WA 98902, phone (509) 575-2490; and at the Department of Ecology Eastern Regional Office, 4601 North Monroe Street, Room 1-SW-11, Spokane, WA 99205, phone (509) 329-3400, on February 24, 2009, at 1 p.m.

Date of Intended Adoption: May 22, 2009.

Submit Written Comments to: Robert Rieck, P.O. Box 47600, Olympia, WA 98504-7600, e-mail rori461@ecy.wa.gov, fax (360) 407-6715, by March 5, 2009.

Assistance for Persons with Disabilities: Contact Marnie Black by February 16, 2009, TTY (800) 833-8973 or (360) 407-6759.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The dangerous waste regulations set forth the requirements for determining if solid wastes are dangerous wastes, establish a system for tracking dangerous waste from initial generation to treatment or disposal, and establish requirements for facilities so that all dangerous wastes are managed safely and responsibly in Washington state. The proposed amendments will bring the state regulations current with federal requirements, and will update other requirements including biological and chemical testing methods.

Reasons Supporting Proposal: **Proposed Amendments Related to Federal Rules:** The Washington state department of ecology (ecology) is proposing to adopt several federal hazardous waste rules into the state dangerous waste regulations. Several are proposed with language identical to the federal rule. Others are proposed with differences between the state and federal version. The rule titles and Federal Register reference of the federal hazardous waste rule proposed for adoption are listed below. The text of the summary paragraphs that appeared in the Federal Register was included in ecology's public draft that was available for review fall of 2007. However, due to space constraints, only the titles and dates of the federal rules appear below. More detailed information appears on ecology's web site with the text of the proposed rule or may be obtained from the department.

Federal hazardous waste rules proposed for adoption essentially unchanged from the federal version include the following: (1) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks - April 26, 2004 - 69 F.R. 22601; (2) 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 F.R. 9137; (3) 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 F.R. 35032; (4) 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 F.R. 59402; (5) National Emission Standards for Hazardous Air Pollutants: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Amendments - April 8, 2008 - 73 F.R. 18970; (6) Hazardous Waste and Used Oil; Corrections to Errors in the Code of Federal Regulations - July 14, 2006 - 70 F.R. 40253; (7) Hazardous Waste Management System; Modification of the Hazardous Waste Program; Mercury-containing Equipment - August 5, 2005 - 70 F.R. 45507; (8) Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Correction - June 16, 2005 - 70 F.R. 35034; (9) Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB - August 1, 2005 - 70 F.R. 146.

The following federal regulations that are proposed for adoption either contain differences from the federal version or have extra explanatory information. (10) Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards - July 30, 2003 - 68 F.R. 44659; (11) Hazardous Waste Management System; Modification of the Hazardous Waste

Manifest System - March 4, 2005 - 70 F.R. 10775; (12) Waste Management System; Testing and Monitoring Activities; Final Rule: Methods Innovation Rule and SW-846 Final Update IIIB - June 14, 2005 - 70 F.R. 34537; (13) Resource Conservation and Recovery Act Burden Reduction Initiative - April 4, 2006 - 70 F.R. 16861.

Other Proposed Amendments Not Related to Federal Rules: Ecology is proposing other amendments not related to the federal rules listed above. Several editorial and technical corrections and clarifications are being made including correcting citations, improved definitions, clarify that counting exclusion applies to permit by rule (PBR), updating of several test methods, minor changes to financial assurance rules, updates for consistency with federal regulations and several other minor technical corrections. Several of the more significant changes are described below. More detailed explanations are available from ecology.

Changes are also being made to update the publications chemical test methods for designating dangerous waste and biological test methods. The draft changes are available for review in a separate document on ecology's web site with the other rule information.

WAC 173-303-100 (5)(b)(i), two additional toxicity data sources are proposed to be added for state criteria designation (ECOTOX and HSDB). This will make information on aquatic toxicity more readily available and at no cost to the generator.

WAC 173-303-104(5) and 173-303-108(5), the new federal manifest rule does not allow the use of lab pack codes, so this change stops the use of lab pack codes on manifests.

WAC 173-303-110 (3)(b) Biological testing methods 80-12, the document was updated to make it clearer and to remove outdated information. The test procedure for determining percent solids was eliminated since the percent moisture value is not used by this method.

WAC 173-303-110 (3)(c) Chemical testing methods update, chemical test methods was revised to make it easier to understand and use. Language was added to clarify that analytical test results must be reported on a dry weight basis. In addition, ecology added an additional method that can be used to meet state-only persistence designation requirements. The document is being split into sections on waste designation and on analytical methods.

WAC 173-303-282 (2)(b)(v), and (3)(p) and 173-303-902 (2)(c)(i)-(vi), this amendment would change permit pre-application requirements pertaining to siting criteria. Recycling facilities that meet several important limitations would be exempt from siting criteria and from the need to enter into citizen/proponent negotiations. Also, certain existing TSDs seeking a significant expansion would be exempt from citizen/proponent negotiations. These limitations for recycling facilities provide environmental safeguards:

- Recycling is done in a process exempt from dangerous waste permitting.
- Waste storage is used strictly to support the exempt recycling.
- Waste storage is in tanks, containers, or containment building.
- Waste storage is indoors.

Finally, the rule change clarifies that a 25% facility expansion means an increase in the waste "storage design capacity" as described in the facility's original Part A permit application or the previously approved significant expansion. The current regulation refers to "process design capacity" instead of "storage design capacity."

WAC 173-303-506 (3)[(a)](vii), these corrections will make CFC recyclers responsible for closure and financial assurance, consistent with other recyclers. CFC recyclers had inadvertently been left out of closure and financial assurance requirements, in effect since 2005.

WAC 173-303-620 (4)(c), this rule amendment allows a new optional financial assurance instrument for used oil processors and recyclers, termed an "assigned security deposit." This new option makes it easier for these facilities to obtain financial assurance, ensuring that the public is protected from paying spill clean-up costs.

Statutory Authority for Adoption: Chapters 70.105, 70.105D, and 15.54 RCW.

Statute Being Implemented: Chapter 70.105 RCW.

Rule is necessary because of federal law, 40 C.F.R. Parts 260 through 279.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Robert Rieck, Lacey, Washington, (360) 407-6751; Implementation and Enforcement: Darin Rice, Lacey, Washington, (360) 407-6702.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Publication and Contact Information: This report is available on the department of ecology's web site at www.ecy.wa.gov/biblio/0904005.html.

For more information contact Hazardous Waste and Toxics Reduction Program, P.O. Box 47600, Olympia, WA 98504-7600, e-mail dzin461@ecy.wa.gov, phone (360) 407-6752.

Washington state department of ecology, www.ecy.wa.gov/

- o Headquarters, Olympia, (360) 407-6000.
- o Northwest Regional Office, Bellevue, (425) 649-7000.
- o Southwest Regional Office, Olympia, (360) 407-6300.
- o Central Regional Office, Yakima, (509) 575-2490.
- o Eastern Regional Office, Spokane, (509) 329-3400.

If you need this publication in an alternate format, 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.

Conclusion: Based on research and analysis required by the Regulatory Fairness Act (RCW 19.85.011), ecology has determined that the proposed amendments to chapter 173-303 WAC, Dangerous waste regulations, do not have a disproportionate impact on small business¹ compared to large businesses. Ecology found that the rule amendments will not adversely affect any small businesses.

¹ "Small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and oper-

ated independently from all other businesses, and that has fifty or fewer employees.

Purpose of this Analysis: Ecology is proposing to amend the dangerous waste rules. RCW 19.85.011 requires ecology to show we have considered the impacts of the rule on small businesses in comparison to large businesses. This report provides the results of these analyses and shows the potential impacts associated with the proposed rule.

Background: In Washington, dangerous wastes include hazardous wastes (listed, flammable, corrosive, reactive, or toxic) regulated by the federal government and other types of wastes captured by Washington's rules because they are toxic or persistent. The state laws authorizing ecology to propose changes to the dangerous waste rules are the Hazardous Waste Management Act, chapter 70.105 RCW and the Hazardous Waste Cleanup-Model Toxics Control Act, chapter 70.105D RCW.

Purpose for Rule Proposal: The purpose of this rule making is to update the dangerous waste rules to stay current with the federal rules. By staying current with the federal program, the regulated community has primarily one environmental agency to work with. Another purpose is to update state requirements.

The proposed amendments to the dangerous waste rules will incorporate several federal hazardous waste rules and add some state-only requirements, including:

- Update manifest requirements (federal).
- Updates to the biological and chemical testing methods (state-only).
- Merging universal waste rules for mercury-containing devices and mercury thermostats (federal).
- Incorporating some of the environmental protection agency's (EPA) burden reduction initiative rule (federal).
- Delete the exemption from closure and financial responsibility for chlorofluorocarbon (CFC) recyclers (federal). An oversight prevented this deletion from taking place in 2004.
- Modifying prepermit siting criteria for treatment, storage, disposal, and recycling (TSDR) facilities. Recycling facilities will be exempt from siting criteria in limited circumstances.

Comparison of the Current and Proposed Rules:

Current Rule Requirements: The dangerous waste rules include waste management standards for generators of dangerous waste and for facilities that treat, store, dispose, or recycle those wastes. The rules combine federal and state requirements. Washington is authorized by EPA to implement the federal hazardous waste program. This means the state rule must be consistent with and no less stringent than the federal rules.

The current rule requirements addressed in this analysis include:

- The exemption of CFC recyclers from closure and financial assurance. An oversight prevented this deletion from taking place in 2004.
- Active landfills and surface impoundments that store, treat, or dispose of dangerous waste are not required to

include exposure information on their Part B permit application.

Description of Proposed Changes: Two rule changes will add costs only to large businesses.

Financial Assurance Requirements for CFC Recyclers: The first change will require CFC recyclers to have financial assurance. There is currently only one CFC recycler in Washington and this facility has 129 employees. To be conservative, ecology uses the worst-case scenario in that this facility will have to guarantee \$43,000 and pay 4%, per year, which will cost them \$1,720 annually, \$13 per employee. Ecology estimates that this facility will not lose sales or revenue due to this requirement.

Permit Application Public Exposure Information: The second rule change requires active landfills or surface impoundments that store, treat, or dispose of dangerous waste to include public exposure information on their Part B permit application. There is only one active landfill in Washington that will potentially be affected. This facility has 1,180 employees. Ecology estimates that this requirement will only add additional professional services. A risk assessment would be conducted by the facility's consulting firm and is estimated at \$100,000, \$85 per employee. Ecology estimates that this facility will not lose sales or revenue. It is already scheduled to close and quickly reaching capacity.

The NAICS Codes for the Affected Businesses:

NAICS CODE	DESCRIPTION
562920	Materials recovery facilities
331312	Primary aluminum productions

Clarifications to Existing Rule: There are also extensive minor corrections and clarifications that will make it easier to comply with the dangerous waste rules.

Exemptions from Analysis: Most of the proposed amendments to the dangerous waste rules are to stay current with the federal rules and are therefore exempt from analysis². Many of the other changes to the rule are cost savings and are also exempt because they are not imposing "more than minor costs"³ but would constitute a cost minimizing feature⁴.

² RCW 19.85.061 and 34.05.310(4).

³ RCW 19.85.030(1).

⁴ RCW 19.85.030.

A copy of the statement may be obtained by contacting Robert Rieck, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6751, fax (360) 407-6715, e-mail rori461@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Robert Rieck, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6751, fax (360) 407-6715, e-mail rori461@ecy.wa.gov.

January 13, 2009
 Polly Zehm
 Assistant Director

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-017 Recycling processes involving solid waste. (1) The purpose of this section is to identify those materials that are and are not solid wastes when recycled. Certain materials, as described in subsection (2) of this section, would not typically be considered to involve waste management and are exempt from the requirements of this chapter. All recycling processes not exempted by subsection (2) of this section are subject to the recycling requirements of WAC 173-303-120.

(2) General categories of materials that are not solid waste when recycled.

(a) Except as provided in subsection (3) of this section, materials are not solid wastes when they can be shown to be recycled by being:

(i) Used or reused as ingredients in an industrial process to make a product provided the materials are not being reclaimed; or

(ii) Used or reused as effective substitutes for commercial products; or

(iii) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on the land.

(b) Except as provided in subsection (3) of this section, the department has determined that the following materials when used as described are not solid wastes:

(i) Pulping liquors (e.g., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process;

(ii) Spent pickle liquor which is reused in wastewater treatment at a facility holding a national pollutant discharge elimination system (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(iii) Spent sulfuric acid used to produce virgin sulfuric acid.

(3) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (as described in subsection (2)(a) of this section):

(a) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(b) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(c) Materials accumulated speculatively as defined in WAC 173-303-016 (5)(d)(ii); or

(d) Materials listed in WAC 173-303-016(6); or

(e) Any materials that the department determines are being accumulated, used, reused or handled in a manner that poses a threat to public health or the environment.

(4) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate docu-

mentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(5) Variances from classification as a solid waste.

(a) In accordance with the standards and criteria in (b) of this subsection and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that the following recycled materials are not solid wastes:

(i) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in WAC 173-303-016 (5)(d)(ii));

(ii) Materials that are reclaimed and then reused within the original production process in which they were generated;

(iii) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;

(iv) State-only dangerous materials (not regulated as hazardous wastes (defined in WAC 173-303-040) by EPA) which serve as an effective substitute for a commercial product or raw material.

(b) Standards and criteria for variances from classification as a solid waste.

(i) The department may grant requests for a variance from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The department's decision will be based on the following criteria:

(A) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);

(B) The reason that the applicant has accumulated the material for one or more years without recycling seventy-five percent of the volume accumulated at the beginning of the year;

(C) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(D) The extent to which the material is handled to minimize loss;

(E) Other relevant factors.

(ii) The department may grant requests for a variance from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(A) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(B) ~~((The prevalence of the practice on an industry-wide basis;~~

~~((C))~~ The extent to which the material is handled before reclamation to minimize loss;

~~((D))~~ ~~(C)~~ The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

~~((E))~~ ~~(D)~~ The location of the reclamation operation in relation to the production process;

~~((F))~~ ~~(E)~~ Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

~~((G))~~ ~~(F)~~ Whether the person who generates the material also reclaims it;

~~((H))~~ ~~(G)~~ Other relevant factors.

(ii) The department may grant requests for a variance from classifying as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:

(A) The degree of processing the material has undergone and the degree of further processing that is required;

(B) The value of the material after it has been reclaimed;

(C) The degree to which the reclaimed material is like an analogous raw material;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The extent to which the reclaimed material is handled to minimize loss;

(F) Other relevant factors.

(iv) The department may grant requests for a variance from classifying as a solid waste those materials that serve as an effective substitute for a commercial product or raw material, when such material is not regulated as hazardous waste (defined in WAC 173-303-040) by EPA, if the materials are recycled in a manner such that they more closely resemble products or raw materials rather than wastes. This determination will be based on the following factors:

(A) The effectiveness of the material for the claimed use;

(B) The degree to which the material is like an analogous raw material or product;

(C) The extent to which the material is handled to minimize loss or escape to the environment;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The time period between generating the material and its recycling;

(F) Other factors as appropriate.

(6) Variance to be classified as a boiler.

In accordance with the standards and criteria in WAC 173-303-040 (definition of "boiler"), and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in WAC 173-303-040, after considering the following criteria:

(a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(b) The extent to which the combustion chamber and energy recovery equipment are of integral design; and

(c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(d) The extent to which exported energy is utilized; and

(e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids, or heated gases; and

(f) Other factors, as appropriate.

(7) Procedures for variances from classification as a solid waste or to be classified as a boiler.

The department will use the following procedures in evaluating applications for variances from classification as a solid waste or applications to classify particular enclosed controlled flame combustion devices as boilers:

(a) The applicant must apply to the department for the variance. The application must address the relevant criteria contained in subsections (5)(b) or (6) of this section.

(b) The department will evaluate the application and issue a draft public notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the recycler is located. The department will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at its discretion. The department will issue a final decision after receipt of comments and after the hearing (if any).

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-030 Abbreviations. The following abbreviations are used in this regulation.

APTI - Association for Preservation Technology International

ASTM - American Society for Testing Materials

APHA - American Public Health Association

CAMU - corrective action management unit

CDC - Center for Disease Control

CFR - Code of Federal Regulations

DOT - Department of Transportation

°C - degrees Celsius

DRE - destruction and removal efficiency

DW - dangerous waste

DWS - drinking water standards of the Safe Drinking Water Act

EHW - extremely hazardous waste

EP - extraction procedure

EPA - Environmental Protection Agency

°F - degrees Fahrenheit

g - gram

IARC - International Agency for Research on Cancer

IFC - International Fire Code

kg - kilogram (one thousand grams)

L - liter

lb - pound

LC₅₀ - median lethal concentration

LD₅₀ - median lethal dose

MACT - maximum achievable control technology

M - molar (gram molecular weights per liter of solution)

mg - milligram (one thousandth of a gram)

NFPA - National Fire Protection Association

NIOSH - National Institute for Occupational Safety and Health

pH - negative logarithm of the hydrogen ion concentration

PODC - principal organic dangerous constituent

POTW - publicly owned treatment works

ppm - parts per million (weight/weight)

RCRA - Resource Conservation and Recovery Act

RCW - Revised Code of Washington

TEQ - toxicity equivalence

TSD facility - treatment, storage, or disposal facility

TU - temporary unit

UBC - Uniform Building Code

UFC - Uniform Fire Code

USCG - United States Coast Guard

USGS - United States Geological Survey

WAC - Washington Administrative Code

% - percent

- number

AMENDATORY SECTION (Amending Order 07-05, filed 10/5/07, effective 11/5/07)

WAC 173-303-040 Definitions. When used in this chapter, the following terms have the meanings given below.

"Aboveground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Active life" of a facility means the period from the initial receipt of dangerous waste at the facility until the department receives certification of final closure.

"Active portion" means that portion of a facility which is not a closed portion, and where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after:

The effective date of the waste's designation by 40 CFR Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. (See also "closed portion" and "inactive portion.")

"Active range" means a military range that is currently in service and is being regularly used for range activities.

"Acute hazardous waste" means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P", including those wastes mixed with source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954. The abbreviation "AHW" will be used in this chapter to refer to those danger-

ous and mixed wastes which are acute hazardous wastes. Note - the terms acute and acutely are used interchangeably.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of dangerous waste from its point of generation to a storage or treatment tank(s), between dangerous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

"Batch" means any waste which is generated less frequently than once a month.

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Berm" means the shoulder of a dike.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: Process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least seventy-five percent of the recovered energy, calculated on an annual basis. In this calculation, no credit will be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the department has determined, on a case-by-case basis, to be a boiler, after considering the standards in WAC 173-303-017(6).

"By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a coproduct that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Carcinogenic" means a material known to contain a substance which has sufficient or limited evidence as a human or animal carcinogen as listed in both IARC and either IRIS or HEAST.

"Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A used, intact CRT means a CRT whose vacuum has not been released. A used, broken CRT means glass removed from its housing or casing whose vacuum has been released.

"Chemical agents and chemical munitions" are defined as in 50 U.S.C. section 1521 (j)(1).

"Cleanup-only facility" means a site, including any contiguous property owned or under the control of the owner or operator of the site, where the owner or operator is or will be treating, storing, or disposing of remediation waste, including dangerous remediation waste, and is not, has not and will not be treating, storing or disposing of dangerous waste that is not remediation waste. A cleanup-only facility is not a "facility" for purposes of corrective action under WAC 173-303-646.

"Closed portion" means that portion of a facility which an owner or operator has closed, in accordance with the approved facility closure plan and all applicable closure requirements.

"Closure" means:

- The requirements placed upon all recycling, used oil, and TSD facilities, plus some generators, and some transporters to ensure that all such facilities are closed in an acceptable manner (see also "post-closure"); and

- The process of taking a dangerous waste management unit or a recycling unit out of service and properly cleaning up or decontaminating the unit and any areas affected by releases from the unit.

"Commercial chemical product or manufacturing chemical intermediate" refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient.

"Commercial fertilizer" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and includes, but is not limited to, limes, gypsum, and manipulated animal manures and vegetable compost. The commercial fertilizer must be registered with the state or local agency regulating the fertilizer in the locale in which the fertilizer is being sold or applied.

"Compliance procedure" means any proceedings instituted pursuant to the Hazardous Waste Management Act (~~as amended in 1980 and 1983~~), chapter 70.105 RCW, and Hazardous waste fees, chapter 70.105A RCW, or regulations issued under authority of state law, which seeks to require compliance, or which is in the nature of an enforcement action or an action to cure a violation. A compliance procedure includes a notice of intention to terminate a permit pursuant to WAC 173-303-830(5), or an application in the state superior court for appropriate relief under the Hazardous Waste Management Act. A compliance procedure is considered to be pending from the time a notice of violation or of intent to terminate a permit is issued or judicial proceedings are begun, until the department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

"Component" means either the tank or ancillary equipment of a tank system.

"Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of WAC 173-303-695.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste or dangerous waste constituents which could threaten human health or environment.

"Contract" means the written agreement signed by the department and the state operator.

"Corrosion expert" means a person who, by reason of his knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"CRT collector" means a person who receives CRTs for recycling, repair, resale, or donation.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting all of the following activities:

- Receiving broken or intact CRTs; and
- Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and
- Sorting or otherwise managing glass removed from CRT monitors.

"Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents that have caused a waste to be a dangerous waste under this chapter.

"Dangerous waste management unit" is a contiguous area of land on or in which dangerous waste is placed, or the largest area in which there is a significant likelihood of mixing dangerous waste constituents in the same area. Examples of dangerous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Dangerous wastes" means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous, or extremely hazardous or mixed waste. As used in this chapter, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter. The abbreviation "DW" will refer only to that part of the regulated universe which is not extremely hazardous waste. (See also "extremely hazardous waste," "hazardous waste," and "mixed waste" definitions.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: Any material for which a specific treatment standard is provided in 40 CFR Part 268 Subpart D (incorporated by reference in WAC 173-303-140 (2)(a)); process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least seventy-five percent of their original volume. A mixture of debris that has not been treated to the standards provided by 40 CFR 268.45 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Department" means the department of ecology.

"Dermal Rabbit LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight which, when dermally (skin) applied for 24 hours, within 14 days kills half of a group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

"Designated facility" means:

- A dangerous waste treatment, storage, ~~(or)~~ disposal, or recycling facility that:
 - Has received a permit (or interim status) in accordance with the requirements of this chapter,
 - Has received a permit (or interim status) from another state authorized in accordance with 40 CFR Part 271,
 - Has received a permit (or interim status) from EPA in accordance with 40 CFR Part 270,
 - Has a permit by rule under WAC 173-303-802(5), or is regulated under WAC 173-303-120 (4)(c) or 173-303-525 when the dangerous waste is to be recycled, and
 - That has been designated on the manifest pursuant to WAC 173-303-180(1).

• "Designated facility" also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with WAC 173-303-370 (5)(f).

- If a waste is destined to a facility in an authorized state that has not yet obtained authorization to regulate that partic-

ular waste as dangerous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

• The following are designated facilities only for receipt of state-only waste; they cannot receive federal hazardous waste from off-site: Facilities operating under WAC 173-303-500 (2)(c).

"Designation" is the process of determining whether a waste is regulated under the dangerous waste lists, WAC 173-303-080 through 173-303-082; or characteristics, WAC 173-303-090; or criteria, WAC 173-303-100. The procedures for designating wastes are in WAC 173-303-070. A waste that has been designated as a dangerous waste may be either DW or EHW.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in WAC 173-303-573 (9)(a), (b) and (c) and 173-303-573 (20)(a), (b) and (c). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

"Dioxins and furans (D/F)" means tetra, penta, hexa, hepta, and octa-chlorinated dibenzo dioxins and furans.

"Director" means the director of the department of ecology or his designee.

"Discharge" or "dangerous waste discharge" means the accidental or intentional release of hazardous substances, dangerous waste or dangerous waste constituents such that the substance, waste or a waste constituent may enter or be emitted into the environment.

"Disposal" means the discharging, discarding, or abandoning of dangerous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any dangerous wastes into or on any land, air, or water.

"Domestic sewage" means untreated sanitary wastes that pass through a sewer system to a publicly owned treatment works (POTW) for treatment.

"Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue or deny, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate or deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination as discussed in WAC 173-303-830 is not a draft permit.

"Drip pad" is an engineered structure consisting of a curbed, free-draining base, constructed of nonearthen materials and designed to convey preservative kick-back or drip-page from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are dangerous wastes only because they exhibit the corrosivity characteristics defined in WAC 173-303-090 or are listed in WAC 173-303-081, or in 173-303-082 only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel.

"Enforceable document" means an order, consent decree, plan or other document that meets the requirements of 40 CFR 271.16(e) and is issued by the director to apply alternative requirements for closure, post-closure, ground water monitoring, corrective action or financial assurance under WAC 173-303-610 (1)(d), 173-303-645 (1)(e), or 173-303-620 (8)(d) or, as incorporated by reference at WAC 173-303-400, 40 CFR 265.90(f), 265.110(d), or 265.140(d). Enforceable documents include, but are not limited to, closure plans and post-closure plans, permits issued under chapter 70.105 RCW, orders issued under chapter 70.105 RCW and orders and consent decrees issued under chapter 70.105D RCW.

"Environment" means any air, land, water, or ground water.

"EPA/state identification number" or "EPA/state ID#" means the number assigned by EPA or by the department of ecology to each generator, transporter, and TSD facility.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of dangerous waste and that is in operation, or for which installation has commenced on or prior to February 3, 1989. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

"Existing TSD facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state, and local statutes, regulations, and ordinances and either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligation, which cannot be canceled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate

and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include Department of Defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and DOD-certified civilian or contractor personnel; and other federal, state, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses.

"Extremely hazardous waste" means those dangerous and mixed wastes designated in WAC 173-303-100 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous and mixed wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

"Facility" means:

- All contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, or disposing of dangerous waste. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combination of them). Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "TSD facility," "dangerous waste facility" or "waste management facility" are used interchangeably.

- For purposes of implementing corrective action under WAC 173-303-64620 or 173-303-64630, "facility" also means all contiguous property under the control of an owner or operator seeking a permit under chapter 70.105 RCW or chapter 173-303 WAC and includes the definition of facility at RCW 70.105D.020(4).

"Facility mailing list" means the mailing list for a facility maintained by the department in accordance with WAC 173-303-840 (3)(e)(I)(D).

"Final closure" means the closure of all dangerous waste management units at the facility in accordance with all applicable closure requirements so that dangerous waste management activities under WAC 173-303-400 and 173-303-600 through 173-303-670 are no longer conducted at the facility.

Areas only subject to generator standards WAC 173-303-170 through 173-303-230 need not be included in final closure.

"Fish LC50" means the concentration that will kill fifty percent of the exposed fish in a specified time period. For book designation, LC50 data must be derived from an exposure period greater than or equal to twenty-four hours. A hierarchy of species LC50 data should be used that includes (in decreasing order of preference) salmonids, fathead minnows (*Pimephales promelas*), and other fish species. For the ninety-six-hour static acute fish toxicity test, described in WAC 173-303-110 (3)(b)(i), coho salmon (*Oncorhynchus kisutch*), rainbow trout (*Oncorhynchus mykiss*), or brook trout (*Salvelinus fontinalis*) must be used.

"Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

"Fugitive emissions" means the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

"Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

"Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

"Ground water" means water which fills voids below the land surface and in the earth's crust.

"Halogenated organic compounds" (HOC) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, or iodine which is/are bonded directly to a carbon atom. This definition does not apply to the federal land disposal restrictions of 40 CFR Part 268 which are incorporated by reference at WAC 173-303-140 (2)(a). Note: Additional information on HOCs may be found in *Chemical Testing Methods for Designating Dangerous Waste*, Ecology Publication #97-407.

"Hazardous debris" means debris that contains a hazardous waste listed in WAC 173-303-9903 or 173-303-9904, or that exhibits a characteristic of hazardous waste identified in WAC 173-303-090.

"Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

"Hazardous wastes" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous and/or mixed waste by the United States EPA. This term will never be abbreviated in this chapter to avoid confusion with the abbreviations "DW" and "EHW." (See also "dangerous waste" and "extremely hazardous waste" definitions.)

"Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.

"Ignitable waste" means a dangerous waste that exhibits the characteristic of ignitability described in WAC 173-303-090(5).

"Inactive portion" means that portion of a facility which has not recycled, treated, stored, or disposed dangerous waste after:

The effective date of the waste's designation, for wastes designated under 40 CFR Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

"Inactive range" means a military range that is not currently being used, but that is still under military control and considered by the military to be a potential range area, and that has not been put to a new use that is incompatible with range activities.

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a dangerous waste ~~((which))~~ that is unsuitable for:

- Placement in a particular device or facility because it may ~~((corrode))~~ cause corrosion or decay ~~((the))~~ of containment materials~~((s))~~ (for example, container inner liners or tank walls); or ~~((is unsuitable for mixing))~~

- Commingling with another waste or material under uncontrolled conditions because the ~~((mixture))~~ commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

(See appendix V of 40 CFR Parts 264 and 265 for examples.)

"Independent qualified registered professional engineer" means a person who is licensed by the state of Washington, or a state which has reciprocity with the state of Washington as defined in RCW 18.43.100, and who is not an employee of the owner or operator of the facility for which construction or modification certification is required. A qualified professional engineer is an engineer with expertise in the specific area for which a certification is given.

"Industrial-furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy: Cement kilns; lime kilns; aggregate kilns; phosphate kilns; blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces); titanium dioxide chloride process oxidation reactors; coke ovens; methane reforming furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and halogen acid furnaces (HAFs) for the production of acid from halogenated dangerous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process,

and, except for dangerous waste burned as fuel, dangerous waste fed to the furnace has a minimum halogen content of 20% as-generated. The department may decide to add devices to this list on the basis of one or more of the following factors:

The device is designed and used primarily to accomplish recovery of material products;

The device burns or reduces secondary materials as ingredients in an industrial process to make a material product;

The device burns or reduces secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

The device burns or reduces raw materials to make a material product;

The device is in common industrial use to produce a material product; and

Other factors, as appropriate.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" in this section whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"Inhalation Rat LC₅₀" means a concentration in milligrams of substance per liter of air (mg/L) which, when administered to the respiratory tract for one hour or more, kills within fourteen days half of a group of ten rats each weighing between 200 and 300 grams.

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of his knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"Interim status permit" means a temporary permit given to TSD facilities which qualify under WAC 173-303-805.

"Knowledge" means sufficient information about a waste to reliably substitute for direct testing of the waste. To be sufficient and reliable, the "knowledge" used must provide information necessary to manage the waste in accordance with the requirements of this chapter.

Note: "Knowledge" may be used by itself or in combination with testing to designate a waste pursuant to WAC 173-303-070 (3)(c), or to obtain a detailed chemical, physical, and/or biological analysis of a waste as required in WAC 173-303-300(2).

"Lamp," also referred to as "universal waste lamp" means any type of high or low pressure bulb or tube portion of an electric lighting device that generates light through the discharge of electricity either directly or indirectly as radiant energy. Universal waste lamps include, but are not limited to, fluorescent, mercury vapor, metal halide, high-pressure sodium and neon. As a reference, it may be assumed that

four, four-foot, one-inch diameter unbroken fluorescent tubes are equal to 2.2 pounds in weight.

"Land disposal" means placement in or on the land, except in a corrective action management unit or staging pile, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

"Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, or an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

"Land treatment" means the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose. If the waste will remain after the facility is closed, this practice is disposal.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this section) who accumulates 11,000 pounds or more total of universal waste (batteries, ~~((thermostats,))~~ mercury-containing equipment, and lamps calculated collectively) ~~((and/))~~ or who accumulates more than 2,200 pounds of lamps at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 11,000 pounds or more total of universal waste and/or 2,200 pounds of lamps is accumulated.

"Leachable inorganic waste" means solid dangerous waste ~~((i.e.))~~ that is, passes the Paint Filter Test Method 9095B as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" EPA Publication SW-846 as incorporated by reference in WAC 173-303-110 (3)(a) that is not an organic/carbonaceous waste and exhibits the toxicity characteristic (dangerous waste numbers D004 to D011, only) under WAC 173-303-090(8).

"Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of dangerous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of dangerous waste into the secondary containment structure.

"Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

"Liner" means a continuous layer of man-made or natural materials which restrict the escape of dangerous waste, dangerous waste constituents, or leachate through the sides, bottom, or berms of a surface impoundment, waste pile, or landfill.

"Major facility" means a facility or activity classified by the department as major.

"Manifest" means the shipping document ~~((prepared))~~ EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A, originated and signed by the generator or offeror in accordance with the requirements of WAC 173-303-180 (Manifest), ((which is used to identify the quantity, composition, origin, routing, and destination of a dangerous waste while it is being transported to a point of transfer, disposal, treatment, or storage)) and the applicable requirements of WAC 173-303-170 through 173-303-692.

"Manifest tracking number" means the alphanumeric identification number (a unique three letter suffix preceded by nine numerical digits), that is preprinted in Item 4 of the Manifest by a registered source.

"Manufacturing process unit" means a unit which is an integral and inseparable portion of a manufacturing operation, processing a raw material into a manufacturing intermediate or finished product, reclaiming spent materials or reconditioning components.

"Marine terminal operator" means a person engaged in the business of furnishing wharfage, dock, pier, warehouse, covered and/or open storage spaces, cranes, forklifts, bulk loading and/or unloading structures and landings in connection with a highway or rail carrier and a water carrier. A marine terminal operator includes, but is not limited to, terminals owned by states and their political subdivisions; railroads who perform port terminal services not covered by their line haul rates; common carriers who perform port terminal services; and warehousemen and stevedores who operate port terminal facilities.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries ~~((thermostats,))~~ and lamps) that contains elemental mercury ~~((necessary for its operation))~~ integral to its function. Examples of mercury-containing equipment include thermostats, thermometers, manometers, and electrical switches.

"Micronutrient fertilizer" means a produced or imported commercial fertilizer that contains commercially valuable concentrations of micronutrients but does not contain commercially valuable concentrations of nitrogen, phosphoric acid, available phosphorous, potash, calcium, magnesium, or sulfur. Micronutrients are boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, and zinc.

"Military" means the Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE), or other parties under contract or acting as an agent for the foregoing, who handle military munitions.

"Military munitions" means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (DOE), and National Guard personnel. The term military munitions includes: Confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar

rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include nonnuclear components of nuclear devices, managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

"Military range" means designated land and water areas set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

"Miscellaneous unit" means a dangerous waste management unit where dangerous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 40 CFR Part 146, containment building, corrective action management unit, temporary unit, staging pile, or unit eligible for a research, development, and demonstration permit under WAC 173-303-809.

"Mixed waste" means a dangerous, extremely hazardous, or acutely hazardous waste that contains both a nonradioactive hazardous component and, as defined by 10 CFR 20.1003, source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of dangerous waste and for which installation has commenced after February 3, 1989; except, however, for purposes of WAC 173-303-640 (4)(g)(ii) and 40 CFR 265.193 (g)(2) as adopted by reference in WAC 173-303-400(3), a new tank system is one for which construction commences after February 3, 1989. (See also "existing tank system.")

"New TSD facility" means a facility which began operation or for which construction commenced after November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

"NIOSH registry" means the registry of toxic effects of chemical substances which is published by the National Institute for Occupational Safety and Health.

"Nonsudden accident" or "nonsudden accidental occurrence" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage which the owner or operator neither expected nor intended to occur.

"Off-specification used oil fuel" means used oil fuel that exceeds any specification level described in Table 1 in WAC 173-303-515.

"Onground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right of way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Noncontiguous properties owned by the same person but connected by a right of way which they control and to which the public does not have access, are also considered on-site property.

"Operator" means the person responsible for the overall operation of a facility. (See also "state operator.")

"Oral $Rat LD_{50}$ " means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

"Organic/carbonaceous waste" means a dangerous waste that contains combined concentrations of greater than ten percent organic/carbonaceous constituents in the waste; organic/carbonaceous constituents are those substances that contain carbon-hydrogen, carbon-halogen, or carbon-carbon chemical bonding.

"Partial closure" means the closure of a dangerous waste management unit in accordance with the applicable closure requirements of WAC 173-303-400 and 173-303-600 through 173-303-695 at a facility that contains other active dangerous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other dangerous waste management unit, while other units of the same facility continue to operate.

"Performance track member facility" means a facility that has been accepted by EPA for membership in the National Environmental Performance Track Program and is still a member of the program. The National Environmental Performance Track Program is a voluntary, facility based program for top environmental performers. Facility members must demonstrate a good record of compliance, past success in achieving environmental goals, and commit to future specific quantified environmental goals, environmental management systems, local community outreach, and annual reporting of measurable results.

"Permit" means an authorization which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific conditions for such facility operations. Permits must be issued by one of the following:

The department, pursuant to this chapter;

United States EPA, pursuant to 40 CFR Part 270; or

Another state authorized by EPA, pursuant to 40 CFR Part 271.

"Permit-by-rule" means a provision of this chapter stating that a facility or activity is deemed to have a dangerous waste permit if it meets the requirements of the provision.

"Persistence" means the quality of a material that retains more than half of its initial activity after one year (365 days)

in either a dark anaerobic or dark aerobic environment at ambient conditions. Persistent compounds are either halogenated organic compounds (HOC) or polycyclic aromatic hydrocarbons (PAH) as defined in this section.

"Person" means ~~((any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever))~~ an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel or facility personnel" means all persons who work at, or oversee the operations of, a dangerous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of WAC 173-303-400 or 173-303-280 through 173-303-395 and 173-303-600 through 173-303-695.

"Pesticide" means but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the department of agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the department of agriculture by regulation. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this chapter.

"Pile" means any noncontainerized accumulation of solid, nonflowing dangerous waste that is used for treatment or storage.

"Plasma arc incinerator" means any enclosed device using a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any confined and discrete conveyance from which pollutants are or may be discharged. This term includes, but is not limited to, pipes, ditches, channels, tunnels, wells, cracks, containers, rolling stock, concentrated animal feeding operations, or watercraft, but does not include return flows from irrigated agriculture.

"Polycyclic aromatic hydrocarbons" (PAH) means those hydrocarbon molecules composed of two or more fused benzene rings. For purposes of this chapter, the PAHs of concern for designation are: Acenaphthene, acenaphthylene, fluorene, anthracene, fluoranthene, phenanthrene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, pyrene, chrysene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-c,d)pyrene, benzo(g,h,i)perylene, dibenzo[(a,e), (a,h), (a,i), and (a,l)] pyrenes, and dibenzo(a,j)acridine.

"Post-closure" means the requirements placed upon disposal facilities (e.g., landfills, impoundments closed as disposal facilities, etc.) after closure to ensure their environmental safety for a number of years after closure. (See also "closure.")

"Processed scrap metal" is scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (that is, sorted), and fines, drosses and related materials that have been agglomerated. Note: Shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (WAC 173-303-071 (3)(gg)).

"Prompt scrap metal" is scrap metal as generated by the metal working/fabrication industries and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap is also known as industrial or new scrap metal.

"Publicly owned treatment works" or "POTW" means any device or system, owned by the state or a municipality, which is used in the treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW.

"Qualified ground water scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in ground water hydrology and related fields to make sound professional judgments regarding ground water monitoring and contaminant fate and transport. Sufficient training and experience may be demonstrated by state registration, professional certifications, or completion of accredited university courses.

"Reactive waste" means a dangerous waste that exhibits the characteristic of reactivity described in WAC 173-303-090(7).

"Reclaim" means to process a material in order to recover useable products, or to regenerate the material. Reclamation is the process of reclaiming.

"Recover" means extract a useable material from a solid or dangerous waste through a physical, chemical, biological, or thermal process. Recovery is the process of recovering.

"Recycle" means to use, reuse, or reclaim a material.

"Recycling unit" is a contiguous area of land, structures and equipment where materials designated as dangerous waste or used oil are placed or processed in order to recover useable products or regenerate the original materials. For the purposes of this definition, "placement" does not mean "storage" when conducted within the provisions of WAC 173-303-120(4). A container, tank, or processing equipment alone does not constitute a unit; the unit includes containers, tanks or other processing equipment, their ancillary equipment and secondary containment system, and the land upon which they are placed.

"Registration number" means the number assigned by the department of ecology to a transporter who owns or leases and operates a ten-day transfer facility within Washington state.

"Regulated unit" means any new or existing surface impoundment, landfill, land treatment area or waste pile that receives any dangerous waste after:

July 26, 1982, for wastes regulated by 40 CFR Part 261;

October 31, 1984 for wastes designated only by this chapter and not regulated by 40 CFR Part 261; or

The date six months after a waste is newly identified by amendments to 40 CFR Part 261 or this chapter which cause the waste to be regulated.

"Release" means any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of dangerous wastes, or dangerous constituents as defined at WAC 173-303-64610(4), into the environment and includes the abandonment or discarding of barrels, containers, and other receptacles containing dangerous wastes or dangerous constituents and includes the definition of release at RCW 70.105D.020(20).

"Remediation waste" means all solid and dangerous wastes, and all media (including ground water, surface water, soils, and sediments) and debris, that are managed for implementing cleanup.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and that is subsequently reused to treat, store, or dispose of dangerous waste. "Replacement unit" does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or EPA or state approved corrective action.

"Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

"Reuse or use" means to employ a material either:

As an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

In a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

"Runoff" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

"Satellite accumulation area" means a location at or near any point of generation where hazardous waste is initially accumulated in containers (during routine operations) prior to consolidation at a designated ninety-day accumulation area or storage area. The area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes into the satellite containers.

"Schedule of compliance" means a schedule of remedial measures in a permit including an enforceable sequence of interim requirements leading to compliance with this chapter.

"Scrap metal" means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators,

scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

"Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. This term does not include the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a maximum total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb of sludge treated on a wet-weight basis.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this section) who does not accumulate 11,000 pounds or more total of universal waste (batteries, ~~((thermostats,))~~ mercury-containing equipment, and lamps, calculated collectively) and/or who does not accumulate more than 2,200 pounds of lamps at any time.

"Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity tests of WAC 173-303-090 (6)(a)(iii).

"Solid waste management unit" or "SWMU" means any discernible location at a facility, as defined for the purposes of corrective action, where solid wastes have been placed at any time, irrespective of whether the location was intended for the management of solid or dangerous waste. Such locations include any area at a facility at which solid wastes, including spills, have been routinely and systematically released. Such units include regulated units as defined by chapter 173-303 WAC.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. *Sorb* means to either adsorb or absorb, or both.

"Special incinerator ash" means ash residues resulting from the operation of incineration or energy recovery facilities managing municipal solid waste from residential, commercial and industrial establishments, if the ash residues are designated as dangerous waste only by this chapter and not designated as hazardous waste by 40 CFR Part 261.

"Special waste" means any state-only dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is: Corrosive waste (WAC 173-303-090 (6)(b)(ii)), toxic waste that has Category D toxicity (WAC 173-303-100(5)), PCB waste (WAC 173-303-9904 under State Sources), or persistent waste that is not EHW (WAC 173-303-100(6)). Any solid waste that is regulated by the United States EPA as hazardous waste cannot be a special waste.

"Spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

"Stabilization" and "solidification" means a technique that limits the solubility and mobility of dangerous waste constituents. Solidification and immobilizes a waste through physical means and stabilization immobilizes the waste by bonding or chemically reacting with the stabilizing material.

"Staging pile" means an accumulation of solid, nonflowing, remediation waste that is not a containment building or a corrective action management unit and that is used for temporary storage of remediation waste for implementing corrective action under WAC 173-303-646 or other clean up activ-

ities. Staging piles must be designated by the department according to the requirements of WAC 173-303-64690.

"State-only dangerous waste" means a waste designated only by this chapter, chapter 173-303 WAC, and is not regulated as a hazardous waste under 40 CFR Part 261.

"State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

"Storage" means the holding of dangerous waste for a temporary period. "Accumulation" of dangerous waste, by the generator on the site of generation, is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

"Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serves to collect dangerous waste for transport to dangerous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid ((~~dangerous~~)) wastes or ((~~dangerous~~)) wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"Tank" means a stationary device designed to contain an accumulation of dangerous waste, and which is constructed primarily of nonearthen materials to provide structural support.

"Tank system" means a dangerous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Temporary unit" means a tank or container that is not an accumulation unit under WAC 173-303-200 and that is used for temporary treatment or storage of remediation waste for implementing corrective action under WAC 173-303-646 or other clean up activities.

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

"Thermal treatment" means the treatment of dangerous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the dangerous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of WAC 173-303-573 (9)(b)(ii) or (20)(b)(ii).

"TLm₉₆" means the same as "Aquatic LC₅₀."

"Totally enclosed treatment facility" means a facility for treating dangerous waste which is directly connected to a production process and which prevents the release of dangerous waste or dangerous waste constituents into the environment during treatment.

"Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, buildings, piers, and other similar areas where shipments of dangerous waste are held, consolidated, or transferred within a period of ten days or less during the normal course of transportation.

"Transport vehicle" means a motor vehicle, water vessel, or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, steamship, etc.) is a separate transport vehicle.

"Transportation" means the movement of dangerous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of dangerous waste.

"Travel time" means the period of time necessary for a dangerous waste constituent released to the soil (either by accident or intent) to enter any on-site or off-site aquifer or water supply system.

"Treatability study" means a study in which a dangerous waste is subjected to a treatment process to determine: Whether the waste is amenable to the treatment process; what pretreatment (if any) is required; the optimal process conditions needed to achieve the desired treatment; the efficiency of a treatment process for a specific waste or wastes; or the characteristics and volumes of residuals from a particular treatment process. Also included in this definition for the purpose of the exemptions contained in WAC 173-303-071 (3)(r) and (s), are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of dangerous waste.

"Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, with the exception of compacting, repackaging, and sorting as allowed under WAC 173-303-400(2) and 173-303-600(3).

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which dangerous wastes are degraded, transformed or immobilized.

"Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160 (2)(b), containers.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

"Underground source of drinking water" (USDW) means an aquifer or its portion:

• Which supplies any public water system or contains a sufficient quantity of ground water to supply a public water system; and currently supplies drinking water for human consumption or contains fewer than 10,000 mg/l total dissolved solids; and

• Which is not an exempted aquifer.

"USDW" means underground source of drinking water.

"Underground tank" means a device meeting the definition of "tank" in this section whose entire surface area is totally below the surface of and covered by the ground.

"Unexploded ordnance (UXO)" means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating dangerous waste without posing a threat of release of dangerous waste to the environment.

"Universal waste" means any of the following dangerous wastes that are subject to the universal waste requirements of WAC 173-303-573:

Batteries as described in WAC 173-303-573(2);

~~((Thermostats))~~ Mercury-containing equipment as described in WAC 173-303-573(3); and

Lamps as described in WAC 173-303-573(5)~~((; and Mercury-containing equipment as described in WAC 173-303-573(4)))~~.

"Universal waste handler":

Means:

A generator (as defined in this section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

Does not mean:

A person who treats (except under the provisions of WAC 173-303-573 (9)(a), (b), or (c) or (20)(a), (b), or (c)) disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturated zone" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geological formation nearest the natural ground surface that is capable of yielding ground water to wells or springs. It includes lower aquifers

that are hydraulically interconnected with this aquifer within the facility property boundary.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Waste-derived fertilizer" means a commercial fertilizer that is derived in whole or in part from solid waste as defined in chapter 70.95 or 70.105 RCW, or rules adopted thereunder, but does not include fertilizers derived from biosolids or biosolid products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

"Wastewater treatment unit" means a device that:

Is part of a wastewater treatment facility which is subject to regulation under either:

Section 402 or section 307(b) of the Federal Clean Water Act; or

Chapter 90.48 RCW, State Water Pollution Control Act, provided that the waste treated at the facility is a state-only dangerous waste; and

Handles dangerous waste in the following manner:

Receives and treats or stores an influent wastewater; or

Generates and accumulates or treats or stores a wastewater treatment sludge; and

Meets the definition of tank or tank system in this section.

"Water or rail (bulk shipment)" means the bulk transportation of dangerous waste which is loaded or carried on board a vessel or railcar without containers or labels.

"Zone of engineering control" means an area under the control of the owner/operator that, upon detection of a dangerous waste release, can be readily cleaned up prior to the release of dangerous waste or dangerous constituents to ground water or surface water.

Any terms used in this chapter which have not been defined in this section have either the same meaning as set forth in Title 40 CFR Parts 260, 264, 270, and 124 or else have their standard, technical meaning.

As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the singular include the plural, and words in the plural include the singular.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-045 References to EPA's hazardous waste and permit regulations. (1) Any references in this chapter to any parts, subparts, or sections from EPA's hazardous waste regulations, including 40 CFR Parts 260 through 280 and Part 124, are in reference to those rules as they existed on July 1, ~~((2003, except for the following: The National Environmental Performance Track Program accumulation requirements, incorporated at WAC 173-303-200(5), are from the April 22, 2004, Federal Register Volume~~

~~69, Number 78~~) 2007. Copies of the appropriate referenced federal requirements are available upon request from the department.

(2) The following sections and any cross-reference to these sections are not incorporated or adopted by reference because they are provisions that EPA cannot delegate to states:

- (a) 40 CFR Parts 260.1 (b)(4)-(6).
- (b) 40 CFR Parts 264.1 (d) and (f); 265.1 (c)(4); 264.149-150 and 265.149-150; 264.301(l); and 265.430.
- (c) 40 CFR Parts 268.5 and 268.6; 268 Subpart B; 268.42(b) and 268.44 (a) through (g).
- (d) 40 CFR Parts 270.1 (c)(1)(i); 270.3; 270.60(b); and 270.64.
- (e) 40 CFR Parts 124.1 (b)-(e); 124.4; 124.5(e); 124.9; 124.10 (a)(1)(iv); 124.12(e); 124.14(d); 124.15 (b)(2); 124.16; 124.17(b); 124.18; 124.19; and 124.21.

(3) The following sections and any cross-references to these citations are not incorporated or adopted by reference: 40 CFR Parts 260.20-260.22.

(4) Where EPA's regulations are incorporated by reference:

- (a) "Regional administrator" means "the department."
- (b) "Administrator" means "director."
- (c) "Director" means "department."
- (d) "40 CFR 260.11" means "WAC 173-303-110(3)."
- (e) These substitutions should be made as appropriate.

They should not be made where noted otherwise in this chapter. They should not be made where another EPA region is referred to, where a provision cannot be delegated to the state, or where the director referred to is the director of another agency.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-070 Designation of dangerous waste.

(1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

(b) The procedures in this section are applicable to any person who generates a solid waste (including recyclable materials) that is not exempted or excluded by this chapter or by the department. Any person who must determine whether or not their solid waste is designated must follow the procedures set forth in subsection (3) of this section. Any person who determines by these procedures that their waste is designated DW or EHW is subject to all applicable requirements of this chapter.

(c) The requirements for the small quantity generator exemption are found in subsection (8) of this section.

(2)(a) Except as provided at WAC 173-303-070 (2)(c), once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:

(i) The generator has been able to accurately describe the variability or uniformity of the waste over time, and has been able to obtain demonstration samples which are representative of the waste's variability or uniformity; and

(ii)(A) It does not exhibit any of the characteristics of WAC 173-303-090; however, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of WAC 173-303-140 (2)(a), even if they no longer exhibit a characteristic at the point of land disposal; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-083, it also has been exempted pursuant to WAC 173-303-910(3); or

(iii) If originally designated only through WAC 173-303-100, it does not meet any of the criteria of WAC 173-303-100.

Such solid waste will include but not be limited to any sludge, spill residue, ash emission control dust, leachate, or precipitation runoff. Precipitation runoff will not be considered a dangerous waste if it can be shown that the runoff has not been contaminated with the dangerous waste, or that the runoff is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the runoff does not exhibit any of the criteria or characteristics described in WAC 173-303-100.

(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(c)(i) A dangerous waste that is listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits one or more characteristics of ignitability as defined under WAC 173-303-090(5), corrosivity as defined under WAC 173-303-090(6), or reactivity as defined under WAC 173-303-090(7) is not a dangerous waste, if the waste no longer exhibits any characteristic of dangerous waste identified in WAC 173-303-090 or any criteria identified in WAC 173-303-100.

(ii) The exclusion described in (c)(i) of this subsection also pertains to:

(A) Any solid waste generated from treating, storing, or disposing of a dangerous waste listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under (a) and (b) of this section.

(B) Wastes excluded under this section are subject to 40 CFR Part 268, which is incorporated by reference at WAC 173-303-140 (2)(a) (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

(3) Designation procedures.

(a) To determine whether or not a solid waste is designated as a dangerous waste a person must:

(i) First, determine if the waste is a listed discarded chemical product, WAC 173-303-081;

(ii) Second, determine if the waste is a listed dangerous waste source, WAC 173-303-082;

(iii) Third, if the waste is not listed in WAC 173-303-081 or 173-303-082, or for the purposes of compliance with the federal land disposal restrictions as adopted by reference in WAC 173-303-140, determine if the waste exhibits any dangerous waste characteristics, WAC 173-303-090; and

(iv) Fourth, if the waste is not listed in WAC 173-303-081 or 173-303-082, and does not exhibit a characteristic in

WAC 173-303-090, determine if the waste meets any dangerous waste criteria, WAC 173-303-100.

(b) A person must check each section, in the order set forth, until they determine whether the waste is designated as a dangerous waste. Once the waste is determined to be a dangerous waste, further designation is not required except as required by subsection (4) or (5) of this section. If a person has checked the waste against each section and the waste is not designated, then the waste is not subject to the requirements of chapter 173-303 WAC.

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW must comply with the requirements of WAC 173-303-072.

(c) For the purpose of determining if a solid waste is a dangerous waste as identified in WAC 173-303-080 through 173-303-100, a person must either:

(i) Test the waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110; or

(ii) Apply knowledge of the waste in light of the materials or the process used, when:

(A) Such knowledge can be demonstrated to be sufficient for determining whether or not it designated and/or designated properly; and

(B) All data and records supporting this determination in accordance with WAC 173-303-210(3) are retained on-site.

(4) Testing required. Notwithstanding any other provisions of this chapter, the department may require any person to test a waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110 to determine whether or not the waste is designated under the dangerous waste lists, characteristics, or criteria, WAC 173-303-080 through 173-303-100. Such testing may be required if the department has reason to believe that the waste would be designated DW or EHW by the dangerous waste lists, characteristics, or criteria, or if the department has reason to believe that the waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW). If a person, pursuant to the requirements of this subsection, determines that the waste is a dangerous waste or that its designation must be changed, then they are subject to the applicable requirements of this chapter 173-303 WAC. The department will base a requirement to test a waste on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another persons' already designated DW or EHW;

(c) Evidence that the persons' waste has historically been a DW or EHW;

(d) Evidence or information about a person's manufacturing materials or processes which indicate that the wastes may be DW or EHW; or

(e) Evidence that the knowledge or test results a person has regarding a waste is not sufficient for determining whether or not it designated and/or designated properly.

(5) Additional designation required. A generator must manage dangerous waste under the most stringent management standards that apply. The following subsections describe how waste that has been designated as DW under the

dangerous waste lists, WAC 173-303-080 through 173-303-082, or characteristics, WAC 173-303-090, or in the case of (c) of this subsection, under the lists, characteristics, or criteria, must be further designated under the dangerous waste criteria, WAC 173-303-100. This further designation under the criteria is necessary because it may change how the waste must be managed. Additional designation is required when:

(a) The waste is designated as DW with a QEL of 220 pounds and the generator otherwise qualifies as a small quantity generator. In this case, a generator must determine if their DW is also designated as a toxic EHW, WAC 173-303-100, with a QEL of 2.2 pounds; or

(b) The waste is designated as DW and the waste is to be discharged to a POTW operating under WAC 173-303-802(4) (Permits by rule). In this case, a generator must determine if the waste is also an EHW under WAC 173-303-100; or

(c) The waste is designated as a state-only DW and the waste is to be:

(i) Burned for energy recovery, as used oil, under the provisions of WAC 173-303-515; or

(ii) Land disposed within the state. In this case, a generator must determine if the waste is also an EHW under WAC 173-303-100.

(6) Dangerous waste numbers. When a person is reporting or keeping records on a dangerous waste, they must use all the dangerous waste numbers which they know are assignable to the waste from the dangerous waste lists, characteristics, or criteria. For example, if the waste is ignitable *and* contains more than 5 mg/l leachable lead when tested for the toxicity characteristic, they must use the dangerous waste numbers of D001 and D008. This will not be construed as requiring a person to designate their waste beyond those designation requirements set forth in subsections (2), (3), (4), and (5) of this section.

(7) Quantity exclusion limits; aggregated waste quantities.

(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is subject to the full requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or meets the criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to the requirements described in subsection (8) of this section.

(b) Aggregated waste quantities. A person may be generating, accumulating, or storing more than one kind of dangerous waste. In such cases, they must consider the aggregate quantity of their wastes when determining whether or not their waste amounts exceed the specific limits for waste accumulation or the specific quantity exclusion limits (QEL) for waste generation. Waste quantities must be aggregated for all wastes with common QEL's. Example: If a person generates 100 pounds of an ignitable waste and 130 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity (230 pounds) exceeds their com-

mon QEL of 220 pounds. On the other hand, if a person generates one pound of a toxic EHW and 218 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 220 pounds, respective QEL's). (Note: In order to remain a small quantity generator, the total quantity of dangerous waste generated in one month, all DW and EHW regardless of their QELs, must not equal or exceed 220 pounds. Not more than 2.2 pounds of a waste with a 2.2 pound QEL may be part of that total.)

(c) When making the quantity determinations of this subsection and WAC 173-303-170 through 173-303-230, generators must include all dangerous wastes they generate, except dangerous waste that:

(i) Is exempt from regulation under WAC 173-303-071; or

(ii) Is recycled under WAC 173-303-120 (2)(a), (3)(c), (e), (h) or (5); or

(iii) Is managed in accordance with WAC 173-303-802(5) immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in WAC 173-303-040; or

(iv) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under WAC 173-303-120 (4)(a); or

(v) Is spent lead-acid batteries managed under the requirements of WAC 173-303-120 (3)(f) and 173-303-520; or

(vi) Is universal waste managed under WAC 173-303-077 and 173-303-573.

(d) In determining the quantity of dangerous waste generated, a generator need not include:

(i) Dangerous waste when it is removed from on-site storage; or

(ii) Reserve; or

(iii) Spent materials that are generated, reclaimed, and subsequently reused on-site, as long as such spent materials have been counted once (Note: If after treatment or reclamation a residue is generated with a different waste code(s), that residue must be counted); or

(iv) The container holding/containing the dangerous waste as described under WAC 173-303-160(1).

(8) Small quantity generators.

(a) A person is a small quantity generator and subject to the requirements of this subsection if:

(i) Their waste is dangerous waste under subsection (3) of this section, and the quantity of waste generated per month (or the aggregated quantity if more than one kind of waste is generated) does not equal or exceed the quantity exclusion limit (QEL) for such waste (or wastes) as described in WAC 173-303-070(7); and

(ii) The quantity accumulated or stored does not exceed 2200 pounds for wastes with a 220 pound QEL and 2.2 pounds for waste with a 2.2 pound QEL. (Exception: The accumulation limit for the acute hazardous wastes described in WAC 173-303-081 (2)(iv) and 173-303-082 (2)(b) is 220 lbs); and

(iii) The total quantity of dangerous waste generated in one month, all DW and EHW regardless of their QELs, does

not equal or exceed 220 pounds. If a person generates any dangerous wastes that exceed the QEL or accumulates or stores waste that exceeds the accumulation limits, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter. A small quantity generator who generates in excess of the quantity exclusion limits or, accumulates, or stores waste in excess of the accumulation limits becomes subject to the full requirements of this chapter and cannot again be a small quantity generator until after all dangerous waste on-site at the time he or she became fully regulated have been removed, treated, or disposed.

Example. If a person generates four pounds of an acute hazardous waste discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 220 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste.

(Comment: If a generator generates acute hazardous waste in a calendar month in quantities greater than the QELs, all quantities of that acute hazardous waste are subject to full regulation under this chapter. "Full regulation" means the regulations applicable to generators of greater than 2200 pounds of dangerous wastes in a calendar month.)

(b) Small quantity generators will not be subject to the requirements of this chapter if they:

(i) Designate their waste in accordance with WAC 173-303-070; and

(ii) Manage their waste in a way that does not pose a potential threat to human health or the environment; and

(iii) Either treat or dispose of their dangerous waste in an on-site facility, or ensure delivery to an off-site facility, either of which, if located in the United States, is:

(A) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(B) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

(C) Permitted to manage moderate-risk waste under chapter 173-350 WAC (Solid waste handling standards), operated in accordance with state and local regulations, and consistent with the applicable local hazardous waste plan that has been approved by the department;

(D) A facility that beneficially uses or reuses, or legitimately recycles or reclaims the dangerous waste, or that treats the waste prior to such recycling activities;

(E) Permitted, licensed, or registered to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to 40 CFR Part 258 or chapter 173-351 WAC;

(F) Permitted, licensed, or registered by a state to manage nonmunicipal nonhazardous waste and, if managed in a nonmunicipal nonhazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 CFR 257.5 through 257.30;

(G) A publicly owned treatment works (POTW): Provided, That small quantity generator(s) comply with the provisions of the domestic sewage exclusion found in WAC 173-303-071 (3)(a); or

(H) For universal waste managed under WAC 173-303-573, a universal waste handler or destination facility subject to the requirements of WAC 173-303-573; and

(iv) Submit an annual report in accordance with WAC 173-303-220 if they have obtained an EPA/state identification number pursuant to WAC 173-303-060.

(c) If a small quantity generator's wastes are mixed with used oil, the mixture is subject to WAC 173-303-510 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

(d) If a small quantity generator's used oil is to be recycled by being burned for energy recovery or re-refined, the used oil is subject to WAC 173-303-515.

AMENDATORY SECTION (Amending Order 07-05, filed 10/5/07, effective 11/5/07)

WAC 173-303-071 Excluded categories of waste. (1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not dangerous waste, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter must comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, 173-303-145, and 173-303-960, and as otherwise specified:

(a)(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works (POTW) for treatment provided:

(A) The generator or owner/operator has obtained a state waste discharge permit issued by the department, a temporary permit obtained pursuant to RCW 90.48.200, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165;

(B) The waste discharge is specifically authorized in a state waste discharge permit, pretreatment permit or written discharge authorization, or in the case of a temporary permit the waste is accurately described in the permit application;

(C) The waste discharge is not prohibited under 40 CFR Part 403.5; and

(D) The waste prior to mixing with domestic sewage must not exhibit dangerous waste characteristics for ignitability, corrosivity, reactivity, or toxicity as defined in WAC 173-303-090, and must not meet the dangerous waste criteria for toxic dangerous waste or persistent dangerous waste under WAC 173-303-100, unless the waste is treatable in the

publicly owned treatment works (POTW) where it will be received. This exclusion does not apply to the generation, treatment, storage, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment. Owners or operators of certain wastewater treatment facilities managing dangerous wastes may qualify for a permit-by-rule pursuant to WAC 173-303-802(5);

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes that are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including, but not limited to, garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste will not be deemed to be treating, storing, disposing of, or otherwise managing dangerous wastes for the purposes of regulation under this chapter, if such facility:

(i) Receives and burns only:

(A) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and

(B) Solid waste from commercial or industrial sources that does not contain dangerous waste; and

(ii) Such facility does not accept dangerous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that dangerous wastes are not received at or burned in such facility;

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-100(6). For the purposes of this exclusion, asphaltic materials means materials that have been used for structural and construction purposes (e.g., roads, dikes, paving) that were produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Treated wood waste and wood products including:

(i) Arsenical-treated wood that fails the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D004 through D017 only) or that fails any state criteria, if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use. Intended end use means the wood products must have been used in typical treated wood applications (for example, fence posts, decking, poles, and timbers).

(ii) Wood treated with other preservatives provided such treated wood and wood waste (for example, sawdust and shavings) are, within one hundred eighty days after becoming waste:

(A) Disposed of at a landfill that is permitted in accordance with chapter 173-350 WAC, Solid waste handling standards, or chapter 173-351 WAC, criteria for municipal solid waste landfills, and provided that such wood is neither a listed waste under WAC 173-303-9903 and 173-303-9904 nor a TCLP waste under WAC 173-303-090(8); or

(B) Sent to a facility that will legitimately treat or recycle the treated wood waste, and manage any residue in accordance with that state's dangerous waste regulations; or

(C) Sent off-site to a permitted TSD facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845. In addition, creosote-treated wood is excluded when burned for energy recovery in an industrial furnace or boiler that has an order of approval issued pursuant to RCW 70.94.152 by ecology or a local air pollution control authority to burn creosote treated wood.

(h) Irrigation return flows;

(i) Reserve;

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes:

(i) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60 (Toxic Substances Control Act) and that are dangerous either because:

(A) They fail the test for toxicity characteristic (WAC 173-303-090(8), Dangerous waste codes D018 through D043 only); or

(B) Because they are designated only by this chapter and not designated by 40 CFR Part 261, are exempt from regulation under this chapter except for WAC 173-303-505 through 173-303-525, 173-303-960, those sections specified in subsection (3) of this section, and 40 CFR Part 266;

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as WPCB under WAC 173-303-9904 when such wastes are stored and disposed in a manner equivalent to the requirements of 40 CFR Part 761 Subpart D for PCB concentrations of 50 ppm or greater.

(l) Samples:

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemptions in (l)(i) of this subsection, a sample collector shipping samples to a labora-

tory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(I) Assure that the following information accompanies the sample:

(AA) The sample collector's name, mailing address, and telephone number;

(BB) The laboratory's name, mailing address, and telephone number;

(CC) The quantity of the sample;

(DD) The date of shipment;

(EE) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (I)(i) of this subsection;

(m) Reserve;

(n) Dangerous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated. This exclusion does not apply to surface impoundments, nor does it apply if the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (NAICS codes 331111 and 332111), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(vii) and (viii). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria;

(q) As of January 1, 1987, secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; and

(v) A generator complies with the requirements of chapter 173-303 WAC for any residues (e.g., sludges, filters, etc.) produced from the collection, reclamation, and reuse of the secondary materials.

(r) Treatability study samples.

(i) Except as provided in (r)(ii) of this subsection, persons who generate or collect samples for the purpose of conducting treatability studies as defined in WAC 173-303-040 are not subject to the requirements of WAC 173-303-180, 173-303-190, and 173-303-200 (1)(a), nor are such samples included in the quantity determinations of WAC 173-303-070 (7) and (8) and 173-303-201 when:

(A) The sample is being collected and prepared for transportation by the generator or sample collector; or

(B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study; or

(D) The sample or waste residue is being transported back to the original generator from the laboratory or testing facility.

(ii) The exemption in (r)(i) of this subsection is applicable to samples of dangerous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with nonacute dangerous waste, 1000 kg of nonacute dangerous waste other than contaminated media, 1 kg of acutely hazardous waste, 2500 kg of media contaminated with acutely hazardous waste for each process being evaluated for each generated waste stream; and

(B) The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with nonacute dangerous waste or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of dangerous waste, and 1 kg of acutely hazardous waste; and

(C) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of (r)(ii)(C)(I) or (II) of this subsection are met.

(I) The transportation of each sample shipment complies with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(II) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:

(AA) The name, mailing address, and telephone number of the originator of the sample;

(BB) The name, address, and telephone number of the laboratory or testing facility that will perform the treatability study;

(CC) The quantity of the sample;

(DD) The date of shipment; and

(EE) A description of the sample, including its dangerous waste number.

(D) The sample is shipped, within ninety days of being generated or of being taken from a stream of previously gen-

erated waste, to a laboratory or testing facility which is exempt under (s) of this subsection or has an appropriate final facility permit or interim status; and

(E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

(I) Copies of the shipping documents;

(II) A copy of the contract with the facility conducting the treatability study;

(III) Documentation showing:

(AA) The amount of waste shipped under this exemption;

(BB) The name, address, and EPA/state identification number of the laboratory or testing facility that received the waste;

(CC) The date the shipment was made; and

(DD) Whether or not unused samples and residues were returned to the generator.

(F) The generator reports the information required under (r)(ii)(E)(III) of this subsection in its annual report.

(iii) The department may grant requests, on a case-by-case basis, for up to an additional two years for treatability studies involving bioremediation. The department may grant requests on a case-by-case basis for quantity limits in excess of those specified in (r)(ii)(A) and (B) of this subsection and (s)(iv) of this subsection, for up to an additional 5000 kg of media contaminated with nonacute dangerous waste, 500 kg of nonacute dangerous waste, 1 kg of acute hazardous waste, and 2500 kg of media contaminated with acute hazardous waste or for up to an additional 10,000 kg of wastes regulated only by this chapter and not regulated by 40 CFR Part 261, to conduct further treatability study evaluation:

(A) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process, (e.g., batch versus continuous), size of the unit undergoing testing (particularly in relation to scale-up considerations), the time/quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations.

(B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when:

There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

(C) The additional quantities and time frames allowed in (r)(iii)(A) and (B) of this subsection are subject to all the provisions in (r)(i) and (r)(ii)(C) through (F) of this subsection. The generator or sample collector must apply to the department where the sample is collected and provide in writing the following information:

(I) The reason the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

(II) Documentation accounting for all samples of dangerous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

(III) A description of the technical modifications or change in specifications which will be evaluated and the expected results;

(IV) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(V) Such other information that the department considers necessary.

(s) Samples undergoing treatability studies at laboratories and testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to chapter 70.105 RCW) are not subject to the requirements of this chapter, except WAC 173-303-050, 173-303-145, and 173-303-960 provided that the conditions of (s)(i) through (xiii) of this subsection are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to (s)(i) through (xiii) of this subsection. Where a group of MTUs are located at the same site, the limitations specified in (s)(i) through (xiii) of this subsection apply to the entire group of MTUs collectively as if the group were one MTU.

(i) No less than forty-five days before conducting treatability studies the laboratory or testing facility notifies the department in writing that it intends to conduct treatability studies under this subsection.

(ii) The laboratory or testing facility conducting the treatability study has an EPA/state identification number.

(iii) No more than a total of 10,000 kg of "as received" media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" dangerous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(iv) The quantity of "as received" dangerous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of nonacute dangerous wastes other than contaminated media, and 1 kg of acutely hazardous waste. This quantity limitation does not include treatment materials (including nondangerous solid waste) added to "as received" dangerous waste.

(v) No more than ninety days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving

bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

(vi) The treatability study does not involve the placement of dangerous waste on the land or open burning of dangerous waste.

(vii) The laboratory or testing facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

(A) The name, address, and EPA/state identification number of the generator or sample collector of each waste sample;

(B) The date the shipment was received;

(C) The quantity of waste accepted;

(D) The quantity of "as received" waste in storage each day;

(E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(F) The date the treatability study was concluded;

(G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated TSD facility, the name of the TSD facility and its EPA/state identification number.

(viii) The laboratory or testing facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(ix) The laboratory or testing facility prepares and submits a report to the department by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

(A) The name, address, and EPA/state identification number of the laboratory or testing facility conducting the treatability studies;

(B) The types (by process) of treatability studies conducted;

(C) The names and addresses of persons for whom studies have been conducted (including their EPA/state identification numbers);

(D) The total quantity of waste in storage each day;

(E) The quantity and types of waste subjected to treatability studies;

(F) When each treatability study was conducted;

(G) The final disposition of residues and unused sample from each treatability study.

(x) The laboratory or testing facility determines whether any unused sample or residues generated by the treatability study are dangerous waste under WAC 173-303-070 and if so, are subject to the requirements of this chapter, unless the

residues and unused samples are returned to the sample originator under the exemption in (r) of this subsection.

(xi) The laboratory or testing facility notifies the department by letter when it is no longer planning to conduct any treatability studies at the site.

(xii) The date the sample was received, or if the treatability study has been completed, the date of the treatability study, is marked and clearly visible for inspection on each container.

(xiii) While being held on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public.

Note: If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate.

(t) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D018 through D043 only) and are subject to the corrective action regulations under 40 CFR Part 280.

(u) Special incinerator ash (as defined in WAC 173-303-040).

(v) Wood ash that would designate solely for corrosivity by WAC 173-303-090 (6)(a)(iii). For the purpose of this exclusion, wood ash means ash residue and emission control dust generated from the combustion of untreated wood, wood treated solely with creosote, and untreated wood fiber materials including, but not limited to, wood chips, saw dust, tree stumps, paper, cardboard, residuals from waste fiber recycling, deinking rejects, and associated wastewater treatment solids. This exclusion allows for the use of auxiliary fuels including, but not limited to, oils, gas, coal, and other fossil fuels in the combustion process.

(w)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and

(ii) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(iii) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in (w)(i) and (ii) of this subsection, so long as they meet all of the following conditions:

(A) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;

(B) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or ground water or both;

(C) Any unit used to manage wastewaters and/or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

(D) Any drip pad used to manage the wastewaters and/or spent wood preserving solutions prior to reuse complies with the standards in Part 265, Subpart W which is incorporated by reference at WAC 173-303-400 (3)(a), regardless of whether the plant generates a total of less than 220 pounds/month of dangerous waste; and

(E) Prior to operating pursuant to this exclusion, the plant owner or operator submits to the department a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the department for reinstatement. The department may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that violations are not likely to recur.

(F) Additional reports.

(I) Upon determination by the department that the storage of wood preserving wastewaters and spent wood preserving solutions in tanks and/or containers poses a threat to public health or the environment, the department may require the owner/operator to provide additional information regarding the integrity of structures and equipment used to store wood preserving wastewaters and spent wood preserving solutions. This authority applies to tanks and secondary containment systems used to store wood preserving wastewaters and spent wood preserving solutions in tanks and containers. The department's determination of a threat to public health or the environment may be based upon observations of factors that would contribute to spills or releases of wood preserving wastewaters and spent wood preserving solutions or the generation of hazardous by-products. Such observations may include, but are not limited to, leaks, severe corrosion, structural defects or deterioration (cracks, gaps, separation of joints), inability to completely inspect tanks or structures, or concerns about the age or design specification of tanks.

(II) When required by the department, a qualified, independent professional engineer registered to practice in Washington state must perform the assessment of the integrity of tanks or secondary containment systems.

(III) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (w)(iii)(F)(I) of this subsection, it is determined that repairs or structural improvements are necessary in order to eliminate threats, the department may require the owner/operator to discontinue the use of the tank system or container storage unit and remove the wood preserving wastewaters and spent wood preserving solutions until such repairs or improvements are completed and approved by the department.

(x) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

(y) Used oil filters that are recycled in accordance with WAC 173-303-120, as used oil and scrap metal.

(z) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

(aa)(i) Wastes that fail the test for the toxicity characteristic in WAC 173-303-090 because chromium is present or are listed in WAC 173-303-081 or 173-303-082 due to the presence of chromium. The waste must not designate for any other characteristic under WAC 173-303-090, for any of the criteria specified in WAC 173-303-100, and must not be listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other than chromium. The waste generator must be able to demonstrate that:

((+)) (A) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

((+)) (B) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

((+)) (C) The waste is typically and frequently managed in nonoxidizing environments.

(ii) Specific wastes which meet the standard in (aa)(i)(A), (B), and (C) of this subsection (so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other characteristic) are:

(A) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(B) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(C) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.

(D) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(E) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(F) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

(G) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

(H) Wastewater treatment sludges from the production of TiO2 pigment using chromium-bearing ores by the chloride process.

(bb)(i) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces,

slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in WAC 173-303-040 - blast furnaces, smelting, melting and refining furnaces, and other devices the department may add to the list - of the definition for "industrial furnace"), that are disposed in subtitle D units, provided that these residues meet the generic exclusion levels identified in the tables in this paragraph for all constituents, and exhibit no characteristics of dangerous waste. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements.

Constituent	Maximum for any single composite sample-TCLP (mg/l)
Generic exclusion levels for K061 and K062 nonwastewater HTMR residues	
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
(2)Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70
Generic exclusion levels for F006 nonwastewater HTMR residues	
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

(ii) A one-time notification and certification must be placed in the facility's files and sent to the department for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to subtitle D units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the subtitle D unit receiving the waste changes. However, the generator or treater need only notify the department on an annual basis if such changes occur. Such notification and certification should be sent to the department by the end of the calendar year, but no later than December 31. The notification must include the following information: The name and address of the subtitle D unit receiving the waste shipments; the dangerous waste number(s) and treatability group(s) at the initial point of generation; and, the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of dangerous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment." These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics (WAC 173-303-090) or criteria (WAC 173-303-100).

(cc)(i) Oil-bearing hazardous secondary materials (that is, sludges, by-products, or spent materials) that are generated at a petroleum refinery (NAICS code 324110) and are inserted into the petroleum refining process (NAICS code 324110 - including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (that is, cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph: Provided, That the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in (cc)(ii) of this subsection, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (that is, from sources other than petroleum refineries) are not excluded under this section. Residuals generated from processing or recycling materials excluded under this paragraph, where such materials as generated would have otherwise met a listing under WAC 173-303-081 and 173-303-082, are designated as F037 listed wastes when disposed of or intended for disposal.

(ii) Recovered oil that is recycled in the same manner and with the same conditions as described in (cc)(i) of this subsection. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (NAICS codes 211111, 211112, 213111, 213112, 541360, 237120, 238910, 324110, 486110, 486910, 486210, 221210, ~~((486210, 487110;))~~ 488210, 488999,

~~((722310;))~~ 424710, 454311, 454312, 424720, ~~((425110;))~~ 425120). Recovered oil does not include oil-bearing hazardous wastes listed in WAC 173-303-081 and 173-303-082; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in WAC 173-303-040.

(dd) Dangerous waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are dangerous only because they exhibit the toxicity characteristic (TC) specified in WAC 173-303-090(8) when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

(ee) Biological treatment sludge from the treatment of one of the following wastes listed in WAC 173-303-9904 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K157) unless it exhibits one or more of the characteristics or criteria of dangerous waste.

(ff) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

(gg) Shredded circuit boards being recycled: Provided, That they are:

(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and

(ii) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

(hh) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (NAICS code 324110) along with normal petroleum refinery process streams, provided:

(i) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in WAC 173-303-090(5) and/or toxicity for benzene (WAC 173-303-090(8), waste code D018); and

(ii) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process.

An "associated organic chemical manufacturing facility" is a facility where the primary NAICS code is 325110, 325120, 325188, 325192, 325193, or 325199, but where operations may also include NAICS codes 325211, 325212, 325110, 325132, 325192; and is physically collocated with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (that is, sludges, by-products, or spent materials, including wastewater) from nor-

mal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

(ii) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in WAC 173-303-016(5).

(jj) Catalyst inert support media separated from one of the following wastes listed in WAC 173-303-9904 Specific Sources - Spent hydrotreating catalyst (EPA Hazardous Waste No. K171), and Spent hydrotreating catalyst (EPA Hazardous Waste No. K172). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria.

(kk) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed: Provided, That:

(i) The solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, K172, K174, K175, K176, K177, ~~((and))~~ K178, and K181 if these wastes had been generated after the effective date of the listing;

(ii) The solid wastes described in (kk)(i) of this subsection were disposed prior to the effective date of the listing;

(iii) The leachate or gas condensate ~~((does))~~ do not exhibit any characteristic or criteria of dangerous waste nor ~~((is))~~ are derived from any other listed hazardous waste;

(iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under sections 307(b) or 402 of the Clean Water Act.

(v) As of February 13, 2001, leachate or gas condensate derived from K169 - K172 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. ~~((After))~~ As of November 21, 2003, leachate or gas condensate derived from K176, K177, and K178 ~~((will))~~ is no longer ~~((be))~~ exempt if it is stored or managed in a surface impoundment prior to discharge. After February 26, 2007, leachate or gas condensate derived from K181 will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: If the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (for example, shutdown of wastewater treatment system): Provided, That the impoundment has a double liner, and: Provided further, That the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this paragraph after the emergency ends.

(ll) Dredged material. Dredged material as defined in 40 CFR 232.2 that is subject to:

(i) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers or an approved state under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(ii) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

(iii) In the case of a U.S. Army Corps of Engineers civil works project, the administrative equivalent of the permits referred to in (ll)(i) and (ii) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 CFR 336.1, 336.2 and 337.3.

(mm) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

(nn)(i) Controlled substances, legend drugs, and over-the-counter drugs that are state-only dangerous wastes.

(A) Controlled substances as defined and regulated by chapter 69.50 RCW (Schedule I through V);

(B) Legend drugs as defined and regulated by chapter 69.41 RCW; and

(C) Over-the-counter drugs as defined and regulated by chapter 69.60 RCW.

(ii) Controlled substances, legend drugs, and over-the-counter drugs that are held in the custody of law enforcement agencies or possessed by any licensee as defined and regulated by chapter 69.50 RCW or Title 18 RCW and authorized to possess drugs within the state of Washington are excluded, provided the drugs are disposed of by incineration in a controlled combustion unit with a heat input rate greater than 250 million British thermal units/hour, a combustion zone temperature greater than 1500 degrees Fahrenheit, or a facility permitted to incinerate municipal solid waste.

(iii) For the purposes of this exclusion the term "drugs" means:

(A) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(B) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or

(C) Substances (other than food) intended to affect the structure or any function of the body of man or other animals, as defined in RCW 18.64.011(3). (Note: RCW 18.64.011(3)(d) is intentionally not included in the definition of drugs for this exclusion.)

(iv) When possessed by any licensee the term drugs used in this exclusion means finished drug products.

(oo) Cathode ray tubes (CRTs) and glass removed from CRTs:

(i) Prior to processing: These materials are not solid wastes if they are destined for recycling and if they meet the following requirements:

(A) Storage. CRTs must be either:

(I) Stored in a building with a roof, floor, and walls; or

(II) Placed in a container (that is, a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

(B) Labeling. Each container in which the CRT is contained must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s) - contains leaded glass" or "leaded glass from televisions or computers." It must also be labeled: "Do not mix with other glass materials."

(C) Transportation. CRTs must be transported in a container meeting the requirements of (oo)(i)(A)(II) and (B) of this subsection.

(D) Speculative accumulation and use constituting disposal. CRTs are subject to the limitations on speculative accumulation as defined in WAC 173-303-016 (5)(d). If they are used in a manner constituting disposal, they must comply with the applicable requirements of WAC 173-303-505 instead of the requirements of this section.

(E) Exports. In addition to the applicable conditions specified in (oo)(i)(A) through (D) of this subsection, exporters of CRTs must comply with the following requirements:

(I) Notify EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve-month or lesser period. The notification must be in writing, signed by the exporter, and include the following information:

- Name, mailing address, telephone number and EPA/state ID number (if applicable) of the exporter of the CRTs.
- The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.
- The estimated total quantity of CRTs specified in kilograms.
- All points of entry to and departure from each foreign country through which the CRTs will pass.
- A description of the means by which each shipment of the CRTs will be transported (for example, mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.)).
- The name and address of the recycler and any alternate recycler.
- A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.
- The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.

(II) Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., N.W., Washington, D.C. In both cases, the following must be prominently displayed on the front of the envelope: "Attention: Notification of intent to export CRTs."

(III) Upon request by EPA, the exporter must furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

(IV) EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of (oo)(i)(E)(I) of this subsection. Where a claim of confidentiality is asserted with respect to any notification information required by (oo)(i)(E)(I) of this subsection, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

(V) The export of CRTs is prohibited unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, EPA will forward an "Acknowledgment of Consent" to export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, EPA will notify the exporter in writing. EPA will also notify the exporter of any responses from transit countries.

(VI) When the conditions specified on the original notification change, the exporter must provide EPA with a written renotification of the change, except for changes to the telephone number in (oo)(i)(E)(I) (first bullet) of this subsection and decreases in the quantity indicated pursuant to (oo)(i)(E)(I) (third bullet) of this subsection. The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to information about points of entry and departure and transit countries pursuant to (oo)(i)(E)(I) (fourth bullet) and (i)(E)(I) (eighth bullet) of this section) and the exporter of CRTs receives from EPA a copy of the "Acknowledgment of Consent" to export CRTs reflecting the receiving country's consent to the changes.

(VII) A copy of the "Acknowledgment of Consent" to export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the Acknowledgment.

(VIII) If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify EPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with (oo)(i)(E)(VI) of this subsection and obtain another "Acknowledgment of Consent" to export CRTs.

(IX) Exporters must keep copies of notifications and "Acknowledgments of Consent" to export CRTs for a period of five years following receipt of the "Acknowledgment."

(i) Requirements for used CRT processing: CRTs undergoing CRT processing as defined in WAC 173-303-040 are not solid wastes if they meet the following requirements:

(A) Storage. CRTs undergoing processing are subject to the requirement of (oo)(i)(D) of this subsection.

(B) Processing.

(I) All activities specified in the second and third bullets of the definition of "CRT processing" in WAC 173-303-040 must be performed within a building with a roof, floor, and walls; and

(II) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

(iii) Processed CRT glass sent to CRT glass making or lead smelting: Glass from CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in WAC 173-303-016 (5)(d).

(iv) Use constituting disposal: Glass from used CRTs that is used in a manner constituting disposal must comply with the requirements of WAC 173-303-505.

(v) Notification and recordkeeping for cathode ray tubes (CRTs) exported for reuse.

(A) Persons who export CRTs for reuse must send a one-time notification to the U.S. EPA Regional Administrator. The notification must include a statement that the notifier plans to export CRTs for reuse, the notifier's name, address, and EPA/state ID number (if applicable) and the name and phone number of a contact person.

(B) Persons who export CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported CRTs will be reused. This documentation must be retained for a period of at least five years from the date the CRTs were exported.

(pp) Zinc fertilizers made from hazardous wastes provided that:

(i) The fertilizers meet the following contaminant limits:

(A) For metal contaminants:

Maximum Allowable Total Concentration Constituent in Fertilizer, per Unit (1%) of Zinc (ppm)

Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

(B) For dioxin contaminants the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

(ii) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.

(iii) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with the requirements of (pp)(ii) of this subsection. Such records must at a minimum include:

(A) The dates and times product samples were taken, and the dates the samples were analyzed;

(B) The names and qualifications of the person(s) taking the samples;

(C) A description of the methods and equipment used to take the samples;

(D) The name and address of the laboratory facility at which analyses of the samples were performed;

(E) A description of the analytical methods used, including any cleanup and sample preparation methods; and

(F) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (3)(pp).

(qq) Debris. Provided the debris does not exhibit a characteristic identified in WAC 173-303-090, the following materials are not subject to regulation under this chapter:

(i) Hazardous debris that has been treated using one of the required extraction or destruction technologies specified in Table 1 of 40 CFR section 268.45, which is incorporated by reference at WAC 173-303-140 (2)(a); persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

(ii) Debris that the department, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-077 Requirements for universal waste. The wastes listed in this section are exempt from regulation under WAC 173-303-140, 173-303-170 through 173-303-9907 (except for WAC 173-303-960), and except as specified in WAC 173-303-573, and therefore are not fully regulated as dangerous waste. The wastes listed in this section are subject to regulation under WAC 173-303-573:

- (1) Batteries as described in WAC 173-303-573(2);
- (2) ~~((Thermostats as described in WAC 173-303-573(3);~~
- ~~(3))~~ Mercury-containing equipment as described in WAC 173-303-573~~((4))~~ (3); and
- ~~((4))~~ (3) Lamps as described in WAC 173-303-573(5).

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-081 Discarded chemical products. (1) A waste will be designated as a dangerous waste and assigned a "P" or "U" code if it is handled in any of the manners described in (e) of this subsection, and if it is a residue from the management of:

(a) A commercial chemical product or manufacturing chemical intermediate (see definition in WAC 173-303-040) which has the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(b) An off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(c) Any containers, inner liners, or residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate that has, or any off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed on the "P" or "U" discarded chemical products list of WAC 173-303-9903, unless the containers or inner liners are empty as described in WAC 173-303-160(2);

(d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial chemical product or manufacturing chemical intermediate which has, or of an off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed in the discarded chemical products list, WAC 173-303-9903;

(e) The materials or items described in (a), (b), (c), and (d) of this subsection are dangerous wastes when they are:

(i) Discarded or intended to be discarded as described in WAC 173-303-016 (3)(b)(i);

(ii) Burned for purposes of energy recovery in lieu of their original intended use;

(iii) Used to produce fuels in lieu of their original intended use;

(iv) Applied to the land in lieu of their original intended use; or

(v) Contained in products that are applied to the land in lieu of their original intended use.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes (including residues from the management of wastes) identified in subsection (1) of this section, will be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the "P" discarded chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) per month or per batch. Such wastes are designated DW and are identified as acute hazardous wastes;

(ii) For chemicals, and for residues from the cleanup of spills involving chemicals, designated on the "U" discarded chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated DW;

(iii) For containers or inner liners which held any chemical designated on the "P" discarded chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) of residue remaining in the containers or inner liners per month or per batch unless the containers or inner liners meet the definition of empty and have been triple rinsed as described in WAC 173-303-160(2). Such wastes are designated DW and are identified as acute hazardous wastes;

(iv) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the "P" discarded chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated DW and are identified as acute hazardous wastes.

(b) A person's total monthly waste quantity is the sum of all their wastes which share a common quantity exclusion limit (e.g., the total quantity of all discarded chemical products with a 2.2 pound QEL, the total quantity of all residues contaminated by discarded chemical products with a 2.2 pound QEL, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Dangerous waste numbers and mixtures. A waste that has been designated as a discarded chemical product dangerous waste must be assigned the dangerous waste number or numbers listed in WAC 173-303-9903 next to the generic chemical or chemicals that caused the waste to be designated.

A mixture of a solid waste with a waste that would be designated as a discarded chemical product under this section must be designated. The mixture designation is the same as the designation for the discarded chemical product that was mixed with the solid waste unless it has been excluded under WAC 173-303-070 (2)(c). For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (dangerous waste number P004, DW designation, QEL of 2.2 lbs.) and 22 lbs. (10 kg) of a solid waste, would be designated DW, and identified as acute hazardous waste. The mixture would have the dangerous waste number P004.

(4) Reserve.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-082 Dangerous waste sources. (1) The dangerous waste sources list appears in WAC 173-303-9904. Any waste that is listed or is a residue from the management of a waste listed on the dangerous waste sources list must be designated a dangerous waste, and identified as DW. Dangerous waste sources codes include WPCB or codes that begin with an "F" or "K."

(2) Quantity exclusion limit. A person whose waste is listed in WAC 173-303-9904 (including residues from the management of such wastes) is a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(a) 2.2 lbs. (1 kg) per month or per batch for wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027. These wastes are designated DW and identified as acute hazardous wastes;

(b) 220 lbs. (100 kg) per month or per batch of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water of a waste listed in (a) of this subsection, or of an acute hazardous waste listed in WAC 173-303-9904 under specific sources ("K" wastes). Note: Acute hazardous K listed wastes are followed by an "H." These wastes are designated DW and identified as acute hazardous wastes; or

(c) 220 lbs. (100 kg) per month or per batch for all other wastes.

(3) Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. A mixture of a solid waste with a waste that would be designated as a dangerous waste source under this section must be designated as a dangerous waste source unless it has been excluded under WAC 173-303-070 (2)(c). The mixture has the same designation (DW), and the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

(4) 40 CFR Part 261 Appendix VII *Basis for Listing Hazardous Waste* is adopted by reference.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-083 Deletion of certain dangerous waste codes following equipment cleaning and replacement. (1) Wastes from wood preserving processes at plants

that do not resume or initiate use of chlorophenolic preservatives will not meet the listing definition of F032 once the generator has met all of the requirements of subsections (2) and (3) of this section. These wastes may, however, continue to meet another dangerous waste listing description or may exhibit one or more of the dangerous waste characteristics.

(2) Generators must either clean or replace all process equipment that may have come into contact with chlorophenolic formulations or constituents thereof, including, but not limited to, treatment cylinders, sumps, tanks, piping systems, drip pads, fork lifts, and trams, in a manner that minimizes or eliminates the escape of dangerous waste or constituents, leachate, contaminated drippage, or dangerous waste decomposition products to the ground water, surface water, or atmosphere.

(a) Generators will do one of the following:

(i) Prepare and follow an equipment cleaning plan and clean equipment in accordance with this section;

(ii) Prepare and follow an equipment replacement plan and replace equipment in accordance with this section; or

(iii) Document cleaning and replacement in accordance with this section, carried out after termination of use of chlorophenolic preservatives.

(b) Cleaning requirements.

(i) Prepare and sign a written equipment cleaning plan that describes:

(A) The equipment to be cleaned;

(B) How the equipment will be cleaned;

(C) The solvent to be used in cleaning;

(D) How solvent rinses will be tested; and

(E) How cleaning residues will be disposed.

(ii) Equipment must be cleaned as follows:

(A) Remove all visible residues from process equipment;

(B) Rinse process equipment with an appropriate solvent until dioxins and dibenzofurans are not detected in the final solvent rinse.

(iii) Analytical requirements.

(A) Rinses must be tested in accordance with SW-846, Method 8290 as incorporated by reference at WAC 173-303-110 (3)(a).

(B) "Not detected" means at or below the lower method calibration limit (MCL) in accordance with SW-846, Method 8290, Table 1 as incorporated by reference at WAC 173-303-110 (3)(a).

(iv) The generator must manage all residues from the cleaning process as F032 waste.

(c) Replacement requirements.

(i) Prepare and sign a written equipment replacement plan that describes:

(A) The equipment to be replaced;

(B) How the equipment will be replaced; and

(C) How the equipment will be disposed.

(ii) The generator must manage the discarded equipment as F032 waste.

(d) Documentation requirements. Document that previous equipment cleaning and/or replacement was performed in accordance with this section and occurred after cessation of use of chlorophenolic preservatives.

(3) The generator must maintain the following records documenting the cleaning and replacement as part of the facility's operating record:

(a) The name and address of the facility;

(b) Formulations previously used and the date on which their use ceased in each process at the plant;

(c) Formulations currently used in each process at the plant;

(d) The equipment cleaning or replacement plan;

(e) The name and address of any persons who conducted the cleaning and replacement;

(f) The dates on which cleaning and replacement were accomplished;

(g) The dates of sampling and testing;

(h) A description of the sample handling and preparation techniques, including techniques used for extraction, contain-erization, preservation, and chain-of-custody of the samples;

(i) A description of the tests performed, the date the tests were performed, and the results of the tests;

(j) The name and model numbers of the instrument(s) used in performing the tests;

(k) QA/QC documentation; and

(l) The following statement signed by the generator or his authorized representative: I certify under penalty of law that all process equipment required to be cleaned or replaced under WAC 173-303-083 was cleaned or replaced as represented in the equipment cleaning and replacement plan and accompanying documentation. I am aware that there are significant penalties for providing false information, including the possibility of fine or imprisonment.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-090 Dangerous waste characteristics.

(1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The department will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), sampling and testing methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section are the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910(2).

(4) Quantity exclusion limit. A solid waste is a dangerous waste if it exhibits one or more of the dangerous waste characteristics described in subsections (5), (6), (7), and (8) of this section. If a person's solid waste exhibits one or more of these characteristics, then he or she is a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of their waste exceeds 220 lbs. (100 kg) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash

point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard (~~(D-93-79 or D-93-80)~~) D93-06, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard (~~(D-3278-78)~~) D3278-96 (2004)e1 as incorporated by reference at WAC 173-303-110 (3)(h)(v) and (vi);

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas (~~(that is defined in 49 CFR 173.115 and is determined to be flammable by the test methods described in that regulation)~~).

(A) The term "compressed gas" applies to any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70 degrees F or, regardless of the pressure at 70 degrees F, having an absolute pressure exceeding 104 p.s.i. at 130 degrees F; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100 degrees F as determined by ASTM Test D-323.

(B) A compressed gas must be characterized as ignitable if any one of the following occurs:

(I) Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits must be determined at atmospheric temperature and pressure. The method of sampling and test procedure must be acceptable to the Bureau of Explosives and approved by the director, Pipeline and Hazardous Materials Technology, U.S. Department of Transportation (see Note 2).

(II) Using the Bureau of Explosives' Flame Projection Apparatus (see Note 1), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or the flame flashes back and burns at the valve with any degree of valve opening.

(III) Using the Bureau of Explosives' Open Drum Apparatus (see Note 1), there is any significant propagation of flame away from the ignition source.

(IV) Using the Bureau of Explosives' Closed Drum Apparatus (see Note 1), there is any explosion of the vapor-air mixture in the drum; or,

(iv) It is an oxidizer(~~, if it is defined as such in 49 CFR 173.127~~). An oxidizer for the purpose of this subsection is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter (see Note 4).

An organic compound containing the bivalent -O-O- structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless:

(A) It is a forbidden explosive as defined in 49 CFR 173.54, or a Class 1 explosive, Division 1.1, Division 1.2, Division 1.3, and Division 1.5, as defined in 49 CFR 173.50, in which case it must be classed as an explosive;

(B) The material is forbidden to be offered for transportation according to 49 CFR 172.101 and 49 CFR 173.21;

(C) It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide; or

(D) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation (see Note 3), it has been determined that the material does not present a hazard in transportation.

Note 1: A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives.

Note 2: As part of a U.S. Department of Transportation (DOT) reorganization, the Office of Hazardous Materials Technology (OHMT), which was the office listed in the 1980 publication of 49 CFR 173.300 for the purposes of approving sampling and test procedures for a flammable gas, ceased operations on February 20, 2005. OHMT programs have moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA) in the DOT.

Note 3: As part of a U.S. Department of Transportation (DOT) reorganization, the Research and Special Programs Administration (RSPA), which was the office listed in the 1980 publication of 49 CFR 173.151a for the purposes of determining that a material does not present a hazard in transport, ceased operations on February 20, 2005. RSPA programs have moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA) in the DOT.

Note 4: The DOT regulatory definition of an oxidizer was contained in Sec. 173.151 of 49 CFR, and the definition of an organic peroxide was contained in paragraph 173.151a. An organic peroxide is a type of oxidizer.

(b) A solid waste that exhibits the characteristic of ignitability must be designated DW, and assigned the dangerous waste number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any one or more of the following properties:

(i) It is aqueous and has a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using Method 9040C in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in WAC 173-303-110 (3)(a);

(ii) It is liquid and corrodes steel (SAE 1020) at a rate greater than 0.250 inch (6.35 mm) per year at a test temperature of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard (~~(TM-01-69)~~) TM0169-2000 as standardized in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," (Method 1110A) EPA Publication SW-846, as incorporated by reference in WAC 173-303-110 (3)(a); or

(iii) It is solid or semisolid which, upon testing using Method 9045D in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW 846), results in a pH less than or equal to 2, or greater than or equal to 12.5.

(b) A solid waste that exhibits the characteristic of corrosivity because:

(i) It has either of the properties described in (a)(i) or (ii) of this subsection will be designated DW, and assigned the dangerous waste number of D002;

(ii) It only has the property described in (a)(iii) of this subsection will be designated DW, and assigned the dangerous waste number of WSC2.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating;

(ii) It reacts violently with water;

(iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.54, or a Class 1 explosive, Division 1.1, Division 1.2, Division 1.3, and Division 1.5, as defined in 49 CFR 173.50.

(b) A solid waste that exhibits the characteristic of reactivity must be designated DW, and assigned the dangerous waste number of D003.

(8) Toxicity characteristic.

(a) A solid waste exhibits the characteristic of toxicity if, using the *Toxicity Characteristic Leaching Procedure* (TCLP), test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as incorporated by reference in WAC 173-303-110 (3)(a), the extract from a representative sample of the waste contains any of the contaminants listed in the toxicity characteristic list in (c) of this subsection, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this subsection.

(b) A solid waste that exhibits the toxicity characteristic has the dangerous waste number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) Toxicity characteristic list. Any waste that contains contaminants which occur at concentrations at or above the DW threshold must be designated DW.

TOXICITY CHARACTERISTICS LIST:
Maximum Concentration of Contaminants
for the Toxicity Characteristic

Dangerous Waste Number	Contaminant	(Chemical Abstracts Services #)	DW (mg/L)
D004	Arsenic	(7440-38-2)	5.0
D005	Barium	(7440-39-3)	100.0
D018	Benzene	(71-43-2)	0.5
D006	Cadmium	(7440-43-9)	1.0
D019	Carbon tetrachloride	(56-23-5)	0.5
D020	Chlordane	(57-74-9)	0.03
D021	Chlorobenzene	(108-90-7)	100.0
D022	Chloroform	(67-66-3)	6.0
D007	Chromium	(7440-47-3)	5.0
D023	o-Cresol	(95-48-7)	200.0
		/1/	
D024	m-Cresol	(108-39-4)	200.0
		/1/	
D025	p-Cresol	(106-44-5)	200.0
		/1/	
D026	Cresol	/1/	200.0
D016	2,4-D	(94-75-7)	10.0
D027	1,4-Dichlorobenzene	(106-46-7)	7.5
D028	1,2-Dichloroethane	(107-06-2)	0.5
D029	1,1-Dichloroethylene	(75-35-4)	0.7
D030	2,4-Dinitrotoluene	(121-14-2)	0.13
		/2/	
D012	Endrin	(72-20-8)	0.02
D031	Heptachlor (and its epoxide)	(76-44-8)	0.008
D032	Hexachlorobenzene	(118-74-1)	0.13
		/2/	
D033	Hexachlorobutadiene	(87-68-3)	0.5
D034	Hexachloroethane	(67-72-1)	3.0
D008	Lead	(7439-92-1)	5.0
D013	Lindane	(58-89-9)	0.4
D009	Mercury	(7439-97-6)	0.2
D014	Methoxychlor	(72-43-5)	10.0
D035	Methyl ethyl ketone	(78-93-3)	200.0
D036	Nitrobenzene	(98-95-3)	2.0
D037	Pentachlorophenol	(87-86-5)	100.0
D038	Pyridine	(110-86-1)	5.0
		/2/	
D010	Selenium	(7782-49-2)	1.0
D011	Silver	(7440-22-4)	5.0
D039	Tetrachloroethylene	(127-18-4)	0.7
D015	Toxaphene	(8001-35-2)	0.5
D040	Trichloroethylene	(79-01-6)	0.5
D041	2,4,5-Trichlorophenol	(95-95-4)	400.0
D042	2,4,6-Trichlorophenol	(88-06-2)	2.0
D017	2,4,5-TP (Silvex)	(93-72-1)	1.0
D043	Vinyl chloride	(75-01-4)	0.2

/1/ If 0-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used.

/2/ At the time the TC rule was adopted, the quantitation limit was greater than the calculated regulatory level. The quantitation limit therefore became the regulatory level.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-100 Dangerous waste criteria. (1) Purpose. The purpose of this section is to describe methods for determining if a solid waste is a dangerous waste by the criteria set forth in this section. The dangerous waste criteria consist of:

- (a) Toxic dangerous wastes; and
- (b) Persistent dangerous wastes.

(2) References. The following toxicity data sources are adopted by reference:

(a) The National Institute for Occupational Safety and Health's (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS), Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (~~is adopted by reference~~)).

(b) The United States Environmental Protection Agency, Ecotoxicology Database (ECOTOX), Mid-Continent Ecology Division, 6201 Congdon Boulevard, Duluth, MN 55804.

(c) The United States National Library of Medicine Toxicology Data Network, Hazardous Substance Database (HSDB), 8600 Rockville Pike, Bethesda, MD 20894.

(3) A person must use data (~~which is~~) that are available to him or her, and, when such data (~~is~~) are inadequate for the purposes of this section, must refer to the (~~NIOSH RTECS~~) references identified in WAC 173-303-100(2) to determine:

(a) Toxicity data or toxic category for each known constituent in the waste;

(b) Whether or not each known constituent of the waste is a halogenated organic compound or a polycyclic aromatic hydrocarbon as defined in WAC 173-303-040.

(4) Quantity exclusion limit. A solid waste is a dangerous waste if it meets one or more of the dangerous waste criteria described in subsections (5) and (6) of this section. If a person's solid waste meets one or more of these criteria then he or she is a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of the waste exceeds the following quantity exclusion limits:

(a) For toxic dangerous wastes designated as EHW (WT01), the quantity exclusion limit is 2.2 lbs. per month.

(b) For all other wastes designating under this section the quantity exclusion limit is 220 lbs. (100 kg) per month or per batch.

(5) Toxicity criteria. Except as provided in WAC 173-303-070 (4) or (5), a person must determine if a solid waste meets the toxicity criteria under this section by following either the instructions for book designation, when his knowledge of the waste is sufficient, or by testing the waste using the biological testing methods adopted under WAC 173-303-110(3).

(a) Except as provided in WAC 173-303-070(4), if a person knows only some of the toxic constituents in the waste or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or concentrations, then the waste is not designated for toxicity under this subsection.

(b) Book designation procedure. A person may determine if a waste meets the toxicity criteria by following the book designation instructions as follows:

(i) A person must determine the toxic category for each known constituent. The toxic category for each constituent may be determined from available data, (~~including the NIOSH RTECS, and checking this data against~~) for example, Registry for Toxic Effects of Chemical Substances (RTECS), Hazardous Substances Data Bank (HSDB), and Ecotoxicology database (ECOTOX). The toxic category should then be identified, using the table(s) below. If data are available for more than one (~~of the~~) test endpoint(~~s~~) (that is, fish, oral rat, inhalation rat, or dermal rabbit), (~~then the data indicating severest~~) the value with the highest toxicity must be used(~~, and the most acutely toxic category must be assigned to the constituent. If the NIOSH RTECS or other data sources do not agree on the same category (for the same test endpoint), then the category arrived at using the NIOSH RTECS will be used to determine the toxic category. If toxicity data for a constituent cannot be found in the NIOSH RTECS, or other source reasonably available to a person, then the toxic category need not be determined for that constituent~~)). Similarly, if toxicity data do not agree on the same toxic category within the same test endpoint, the value with the highest toxicity must be used. Finally, if toxicity data for a constituent cannot be found in reasonably available sources (for example, RTECS, HSDB or ECOTOX), the toxic category for that constituent need not be determined.

TOXIC CATEGORY TABLE

Toxic Category	Fish	Oral	Inhalation	Dermal
	LC ₅₀ (mg/L) (*) ^b	((f))Rat((g)) LD ₅₀ (mg/kg)	((f))Rat((g)) LC ₅₀ (mg/L) ^c	((f))Rabbit((g)) LD ₅₀ (mg/kg)
X	<0.01	<0.5	<0.02	< 2
A	0.01 - <0.1	0.5 - <5	0.02 - <0.2	2 - <20
B	0.1 - <1	5 - <50	0.2 - <2	20 - <200
C	1 - <10	50 - <500	2 - <20	200 - <2000
D	10 - 100	500 - 5000	20 - 200	2000 - 20,000

(*) The LC₅₀ data must be from an exposure period greater than or equal to twenty-four hours. LC₅₀ data from any species is acceptable, however, if salmonid LC₅₀ data is available it will supersede all other fish data. If salmonid data is unavailable but fathead minnow data is available, it will supersede all other fish species data.

Note: "Inhalation LC₅₀" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for four hours or less, kills within fourteen days half of a group of ten rats each weighing between 200 and 300 grams.)

^a These four test endpoints are defined in WAC 173-303-040.

^b Fish LC₅₀ data must be derived from an exposure period greater than or equal to twenty-four hours. A hierarchy of species LC₅₀ data should be used that includes (in decreasing order of preference) salmonids, fathead minnows, and other fish species.

^c Inhalation Rat LC₅₀ data must be derived from an exposure period greater than or equal to one hour.

(ii) A person whose waste contains one or more toxic constituents must determine the equivalent concentration for the waste from the following formula:

$$\text{Equivalent Concentration (\%)} = \frac{\Sigma X\%}{1} + \frac{\Sigma A\%}{10} + \frac{\Sigma B\%}{100} + \frac{\Sigma C\%}{1000} + \frac{\Sigma D\%}{10,000}$$

where $\Sigma(X,A,B,C, \text{ or } D)\%$ is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste contains: Aldrin (A Category) - .01%; Endrin (A Category) - 1%; Benzene (D Category) - 4%; Phenol (C Category) - 2%; Dinoseb (B Category) - 5%; Water (nontoxic) - 87%. The equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C. (\%)} &= \frac{0\%}{1} + \frac{(0.01\%+1.0\%)}{10} + \frac{5.0\%}{100} + \frac{2.0\%}{1000} + \frac{4.0\%}{10,000} \\ &= 0\% + 0.101\% + 0.05\% + 0.002\% + 0.0004\% = 0.1534\% \end{aligned}$$

So the equivalent concentration equals 0.1534%.

(iii) A person whose waste contains toxic constituents must determine its designation according to the value of the equivalent concentration:

(A) If the equivalent concentration is less than 0.001%, the waste is not a toxic dangerous waste; or

(B) If the equivalent concentration is equal to or greater than 0.001% and less than 1.0%, the person will designate the waste as DW and assign the dangerous waste number WT02; and

(C) If the equivalent concentration is equal to or less than 0.01%, the DW may also be a special waste; or

(D) If the equivalent concentration is equal to or greater than 1.0%, the person will designate the waste as EHW and assign the dangerous waste number WT01.

Example 1. Continued. The equivalent concentration of 0.1534% (from Example 1. above) is greater than 0.001% and less than 1.0%. The waste is DW and the dangerous waste number WT02 must be assigned. (~~Since 0.1534% is also greater than 0.01%, the waste is not a special waste.~~)

(iv) Reserve.

(c) Designation from bioassay data. A person may determine if a waste meets the toxicity criteria by following the bioassay designation instructions of either:

(i) The DW bioassay. To determine if a waste is DW, a person must establish the toxicity category range (~~((D category toxicity or greater toxicity))~~) of a waste by means of the 100 mg/L acute static fish test or the 5000 mg/kg oral rat test, as described in the biological testing methods (bioassay) adopted in WAC 173-303-110(3). If data from the test indicates that the waste is DW, then the person will assign the dangerous waste number WT02. Otherwise, the waste is not regulated as toxic dangerous waste. No further testing must be done except as provided in WAC 173-303-070 (4) and (5), or if the person chooses to determine whether the waste is EHW, or in the case of state-only solid dangerous waste, if the person chooses to determine whether the waste is special waste; or

(ii) The EHW and special waste bioassay. To determine if a waste is EHW, a person must establish the toxicity (~~category range~~) of a waste by means of the fish bioassay at 10 mg/L or the rat bioassay at 50 mg/Kg, as described in the biological testing methods (bioassay) adopted in WAC 173-303-110(3). (NOTE: A fish bioassay at 1 mg/L corresponds with

the definition of EHW, which includes toxic categories X-B. However, the fish bioassay is not reproducible at these low levels.) If data from the test indicates that the waste is EHW, then the person will assign the dangerous waste number WT01. Otherwise, the waste will be designated DW, and the person will assign the dangerous waste number WT02. A person with state-only solid waste may choose to test a waste to determine if it is special waste. Testing levels for special waste must be at 10 mg/L for the fish bioassay or 500 mg/Kg for the oral rat bioassay. No further testing must be done except as provided in WAC 173-303-070 (4) and (5), or if the person chooses to test the waste in accordance with WAC 173-303-100 (5)(c)(i) to determine if the waste is not regulated as toxic dangerous waste.

(d) If the designation acquired from book designation and bioassay data do not agree, then bioassay data will be used to designate a waste. If a waste is designated as DW or EHW following the book designation procedure, a person may test the waste by means of the biological testing methods (bioassay) adopted under WAC 173-303-110(3), using either the static acute fish or the acute oral rat method, to demonstrate that the waste is not a dangerous waste or should be designated as DW and not EHW.

(e) A waste designated as DW by toxicity criteria must be assigned the dangerous waste number of WT02. A waste designated as EHW by toxicity criteria must be assigned the dangerous waste number of WT01.

(6) Persistence criteria. For the purposes of this section, persistent constituents are chemical compounds which are either halogenated organic compounds (HOC), or polycyclic aromatic hydrocarbons (PAH), as defined under WAC 173-303-040. Except as provided in WAC 173-303-070 (4) or (5), a person may determine the identity and concentration of persistent constituents by either applying knowledge of the waste or by testing the waste according to WAC 173-303-110 (3)(c) *Chemical Testing Methods for Designating Dangerous Waste* Publication #97-407.

(a) Except as provided in WAC 173-303-070(4), if a person knows only some of the persistent constituents in the waste, or only some of the constituent concentrations, and if the waste is undesignated for those known constituents or concentrations, then the waste is not designated for persistence under this subsection.

(b) When a waste contains one or more halogenated organic compounds (HOC) for which the concentrations are known, the total halogenated organic compound concentration must be determined by summing the concentration percentages for all of the halogenated organic compounds for which the concentration is known.

Example 2. A waste contains: Carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .020%. The total halogenated organic compound concentration would be:

$$\text{Total HOC Concentration (\%)} = .009\% + .012\% + .020\% = .041\%$$

(c) A person whose waste contains polycyclic aromatic hydrocarbons (PAH) as defined in WAC 173-303-040, must determine the total PAH concentration by summing the concentration percentages of each of the polycyclic aromatic hydrocarbons for which they know the concentration.

Example 3. A person's waste contains: Chrysene - .08%; 3,4 - benzo(a)pyrene - 1.22%. The total polycyclic aromatic hydrocarbon concentration would be:

Total PAH Concentration (%) = .08% + 1.22% = 1.30%

(d) A person whose waste contains halogenated organic compounds and/or polycyclic aromatic hydrocarbons must determine its designation from the persistent dangerous waste table.

PERSISTENT DANGEROUS WASTE TABLE

If your waste contains...	At a total concentration level of...	Then your waste's designation, and waste # are...
Halogenated Organic Compounds (HOC)	0.01% to 1.0% greater than 1.0%	DW, WP02 EHW, WP01
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*, WP03

*No DW concentration level for PAH.

(7) Reserve.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-104 State-specific dangerous waste numbers. (1) Purpose. This section sets forth the dangerous waste number for each of the dangerous waste criteria designations and for listed and characteristic waste codes that are unique to Washington state.

(2) Characteristics. A waste that exhibits any of the dangerous waste characteristics, WAC 173-303-090, must be assigned the dangerous waste number corresponding to the characteristic(s) exhibited by the waste (see WAC 173-303-090).

For state-only solid corrosive wastes, the dangerous waste number of WSC2 must be assigned.

(3) Criteria. The following table must be used for assigning dangerous waste numbers to wastes designated by the dangerous waste criteria at WAC 173-303-100.

GENERIC DANGEROUS WASTE NUMBERS TABLE

Dangerous Waste#	Dangerous Waste Criteria and Designation
Toxic Dangerous Wastes	
WT01 _____	EHW
WT02 _____	DW
Persistent Dangerous Wastes	
Halogenated Organic Compounds	
WP01 _____	EHW
WP02 _____	DW
Polycyclic Aromatic Hydrocarbons	
WP03 _____	EHW

(4) State source listed PCB wastes (WAC 173-303-9904) must be assigned the dangerous waste code of WPCB.

~~((5) Labpacks. State-only EHW labpacks must be assigned the dangerous waste code of WL01 and DW labpacks must be assigned the waste code WL02.))~~

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-110 Sampling (and), testing methods, and analytes. (1) Purpose. This section sets forth the testing methods to be used to comply with the requirements of this chapter. Quality control procedures specified by the testing method or an approved equivalent method must be followed for the analytical result to be considered valid for designation. All methods and publications listed in this section are incorporated by reference.

(2) Representative samples.

(a) The methods and equipment used for obtaining representative samples of a waste will vary with the type and form of the waste. The department will consider samples collected using the sampling methods below or the most recent version of such methods for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

(i) Crushed or powdered material - ASTM Standard ~~((D346-75))~~ D346-04e1;

(ii) Extremely viscous liquid - ASTM Standard ~~((D140-70))~~ D140-01 (2007);

(iii) Fly ash-like material - ASTM Standard ~~((D2234-86))~~ D2234/D2234M-03e1;

(iv) Soil-like material - ASTM Standard D1452-80 ~~((Reapproved 1990))~~ 2000;

(v) Soil or rock-like material - ASTM Standard ~~((D420-93))~~ D420-98 (2003);

(vi) Containerized liquid wastes - "COLIWASA" described in SW-846, as incorporated by reference at WAC 173-303-110 (3)(a), or the equivalent representative sampling method ~~((known as the plunger type sampler,))~~ described in ASTM ~~((D-5743-97, section 8.6))~~ D5743-97 (2003). Per this method, the selection of an appropriate device must be best suited for the characteristics of the waste being sampled; and((;))

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs - "Pond Sampler" described in SW-846, as incorporated by reference at WAC 173-303-110 (3)(a).

(b) Copies of these representative sampling methods are available from the department except for the ASTM standards ~~((and the AC & D Liquid Sampler Method))~~ which can be obtained by writing to:

ASTM
~~((1916 Race Street
 Philadelphia, PA 19103.))~~
100 Barr Harbor Drive
 West Conshohocken, PA 19428-2959

~~((AC & D Liquid Sampler Method
 AC & D Liquid Samplers
 77 Symons Street
 Richland, WA 99352))~~

(3) Test procedures. Copies of the test procedures listed in this subsection can be obtained by writing to the appropriate address below:

For copies of Department of Ecology test methods:

Attn: Test Procedures
Hazardous Waste Section
Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600

For copies of SW-846, including updates, and 40 CFR Part 261:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
(202) 512-1800

For copies of ASTM methods:

ASTM
(1916 Race Street
Philadelphia, PA 19103)
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

For copies of APTI methods:

APTI
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

The document titles and included test procedures are as follows:

(a) *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication, SW-846 (Third Edition (November 1986) as amended by Updates I (dated July 1992), II (dated September 1994), IIA (dated August 1993), IIB (dated January 1995), III (dated December 1996), ~~(and)~~ IIIA (dated April 1998), IIIB (dated July 2005), and IVA and IVB (dated January 2008)), which is incorporated by reference. The Third Edition of SW-846 and its Updates (document number 955-001-00000-1) are available from the Superintendent of Documents. Update IIIA is available through EPA's Methods Information Communication Exchange (MICE) Service. MICE can be contacted by phone at (703) 821-4690. Update IIIA can also be obtained by contacting the U.S. Environmental Protection Agency, Office of Solid Waste (5307W), OSW Methods Team, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Copies of the Third Edition and all of its updates are also available from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 605-6000 or (800) 553-6847;

(b) *Biological Testing Methods*, Department of Ecology Publication #80-12, the latest revision, describing procedures for:

- (i) Static acute fish toxicity test; and
- (ii) Acute oral rat toxicity test;

(c) *Chemical Testing Methods for Designating Dangerous Waste*, Department of Ecology Publication #97-407, February ((1998)) 2008 describing methods for testing:

- (i) Ignitability;
- (ii) Corrosivity;
- (iii) Reactivity;
- (iv) Toxicity characteristic leaching procedure;
- (v) Halogenated organic compounds; and
- (vi) Polycyclic aromatic hydrocarbons.
- (d) Reserve;
- (e)(i) The determination of Polychlorinated Biphenyls in Transformer Fluids and Waste Oils, EPA-600/4-81-045; and
- (ii) Analysis of Polychlorinated Biphenyls in Mineral Insulating Oils by Gas Chromatography, ASTM Standard ((D-4059-86)) D4059-00 (2005)e1.
- (f) ((40 CFR Part 261 Appendix III *Chemical Analysis Test Methods*, which refers to)) Appropriate analytical procedures to determine whether a sample contains a given toxic constituent are specified in Chapter Two, "Choosing the Correct Procedure" found in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, EPA Publication SW-846(, and 40 CFR Part 261 Appendix II, which refers to *Method 1311 Toxicity Characteristic Leaching Procedure*)).
- (g) The following publications for air emission standards (in addition to (a) of this subsection).

(i) ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography, ASTM Standard ((D-1946-82)) D1946-90 (2006).

(ii) ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), ASTM Standard ((D-2382-83)) D4809-06.

(iii) ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ASTM Standard ((E-169-87)) E169-04.

(iv) ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis, ASTM Standard ((E-168-88)) E168-06.

(v) ASTM Standard Practice for Packed Column Gas Chromatography, ASTM Standard ((E-260-85)) E260-96 (2006).

(vi) ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, ASTM Standard ((D-2267-88)) D5580-02.

(vii) ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, ASTM Standard ((D-2879-92)) D2879-97 (2002)e1.

(viii) "APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981.

(ix) "API Publication 2517, Third Edition," February 1989, "Evaporative Loss from External Floating-Roof Tanks," available from the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005.

((x) "ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope," ASTM Standard D 2879-92, available from American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 19103-))

(h) The following publications:

(i) "NFPA 30: Flammable and Combustible Liquids Code" (~~((1977 or 1981))~~ 2003), available from the National Fire Protection Association, (~~((470 Atlantic Avenue, Boston, MA 02210))~~ NFPA Headquarters, 1 Batterymarch Park, Quincy, MA 02169-7471.

(ii) U.S. EPA, "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, EPA Publication No. EPA-450/R-92-019, Environmental Protection Agency, Research Triangle Park, NC.

(iii) "ASTM Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals," ASTM Standard (~~((E926-88))~~ E926-94, Test Method C-Bomb, Acid Digestion Method, available from American Society for Testing Materials, 1916 Race Street, Philadelphia, PA 19103.

(iv) Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry. Available from NTIS, PB99-121949, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

(v) ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, ASTM Standard (~~((D-3278-78))~~ D3278-96 (2004)e1), available from American Society for Testing and Materials.

(vi) ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, ASTM Standard (~~((D-93-79 or D-93-80))~~ D93-06).

(vii) API Publication 2517, Third Edition, February 1989, "Evaporative Loss from External Floating-Roof Tanks," available from the American Petroleum Institute, 1220 L Street, Northwest, Washington, D.C. 20005.

(4) Substantial changes to the testing methods described above will be made only after the department has provided adequate opportunity for public review and comment on the proposed changes. The department may, at its discretion, schedule a public hearing on the proposed changes.

(5) Equivalent (~~((testing))~~) methods. Any person (~~((may))~~ must request (~~((the))~~ department (~~((to approve))~~ approval for the use of an equivalent (~~((testing))~~) method by submitting a petition, prepared in accordance with WAC 173-303-910(2), to the department.

(6) Reporting analytical results. Ecology requires that all test methods report their analytical results for solid and soil samples on a dry weight basis. Reporting on a dry weight basis compensates for variability in water content and provides a consistent procedure for all analytical results provided to ecology for designation purposes.

(7) "Ground-Water Monitoring List" Appendix IX to 40 CFR Part 264 is replaced with the version in Appendix 5 of Chemical Testing Methods for Designating Dangerous Waste. Department of Ecology Publication #97-407, March 2008. The Appendix "Ground-Water Monitoring List" in Chemical Testing Methods includes the columns "Suggested methods" and "PQL."

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-120 Recycled, reclaimed, and recovered wastes. (1) This section describes the requirements for persons who recycle materials that are solid wastes and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2)(a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:

(i) Industrial ethyl alcohol that is reclaimed (except that, unless provided otherwise in an international agreement as specified in 40 CFR 262.58: See export requirements at 40 CFR 261.6 (3)(i)(A) and (B) that are incorporated by reference at WAC 173-303-230(1));

(ii) Reserve;

(iii) Reserved;

(iv) Scrap metal that is not excluded under WAC 173-303-071 (3)(ff);

(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing dangerous wastes where such recovered oil is already excluded under WAC 173-303-071 (3)(cc));

(vi) Reserve;

(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;

(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 40 CFR 279.11 (which is incorporated by reference at WAC 173-303-515(4)) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;

(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 40 CFR 279.11 (which is incorporated by reference at WAC 173-303-515(4)); and

(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 40 CFR 279.11 (which is incorporated by reference at WAC 173-303-515(4)).

(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:

(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or

(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).

(3) The recyclable materials listed in (a) through (h) of this subsection are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840.

In addition to these requirements, owners and operators of facilities that receive recyclable materials from off-site are subject to WAC 173-303-610 (2) and (12) and to WAC 173-303-620 (1)(e).

(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Spent CFC or HCFC refrigerants that are recycled on-site or sent to be reclaimed off-site (see WAC 173-303-506);

(d) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);

(e) Reserved;

(f) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

(g) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525); and

(h) Spent antifreeze that is recycled on-site or sent to be recycled off-site (see WAC 173-303-522).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling. For the purpose of this section, the department may determine on a case-by-case basis that recyclable materials received from off-site are not stored if they are moved into an active recycling process within a period of time not to exceed seventy-two hours after being received. In making such a determination, the department will consider factors including, but not limited to, the types and volumes of wastes being recycled, operational factors of the recycling process, and the compliance history of the owner or operator. An active recycling process refers to a dynamic recycling operation that occurs within a recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities. Passive storage-like activities are not eligible for the recycling exemption under this subsection.

The recycling process itself is generally exempt from permitting unless the department determines, on a case-by-

case basis, that the recycling process poses a threat to public health or the environment.

Unless specified otherwise in subsections (2) and (3) of this section:

(a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

(i) WAC 173-303-060,

(ii) WAC 173-303-120 (4)(e),

(iii) WAC 173-303-283 through 173-303-290,

(iv) WAC 173-303-310 through 173-303-395,

(v) WAC 173-303-610 (2) and (12),

(vi) WAC 173-303-620 (1)(e),

(vii) WAC 173-303-630 (2) through (10), and

(viii) WAC 173-303-640 (2) through (10) except that requirements to post-closure planning or care in WAC 173-303-640(8) will not apply to closure of recycling units. In lieu of the dates in WAC 173-303-640 (2) and (4), for existing tank systems regulated under this subsection, owners and operators must complete the assessment of the tank system's integrity by June 1, 1992, and must meet the secondary containment requirements of WAC 173-303-640(4) by January 12, 1993;

~~((viii))~~ (ix) The owner or operator must obtain data, by screening-type analysis if necessary, confirming the designation of each waste stream, such that each dangerous waste received can be effectively recycled without jeopardizing human health or the environment. The owner or operator must verify the waste designation periodically, so that it is accurate and current, but at least once every six months or on a batch basis if shipments of a specific waste stream are less frequent. Copies of all analyses and data must be retained for at least five years and made available to the department upon request.

(d) Owners and operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

(i) For all recyclers, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395,

(B) WAC 173-303-800 through 173-303-840,

(C) WAC 173-303-140 (2)(a),

(D) WAC 173-303-120 (4)(e);

(ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iii) For recyclers with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650, and

(B) WAC 173-303-660.

(e) Owners and operators of facilities subject to dangerous waste permitting requirements with dangerous waste management units that recycle hazardous wastes are subject to the requirements of WAC 173-303-690, 173-303-691 (Air

emission standards for process vents and equipment leaks), and WAC 173-303-692 (Air emission standards for tanks, surface impoundments, and containers) for final status facilities, and 40 CFR Part 265 Subparts AA, BB, and CC, incorporated by reference at WAC 173-303-400(3) for interim status facilities.

(5) Used oil that is recycled and is also a dangerous waste solely because it exhibits a dangerous waste characteristic or criteria is not subject to the requirements of this chapter except for 40 CFR Part 279 which is incorporated by reference at WAC 173-303-515. Used oil that is recycled includes any used oil that is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

(6) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD) (as defined in 40 CFR 262.58 (a)(1)) for purpose of recovery is subject to the requirements of 40 CFR part 262, subpart H, if it is subject to either the manifesting requirements at WAC 173-303-180 or to the universal waste management standards of WAC 173-303-573.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

WAC 173-303-140 Land disposal restrictions. (1) Purpose.

(a) The purpose of this section is to encourage the best management practices for dangerous wastes according to the priorities of RCW 70.105.150 which are, in order of priority:

- (i) Reduction;
- (ii) Recycling;
- (iii) Physical, chemical, and biological treatment;
- (iv) Incineration;
- (v) Stabilization and solidification; and
- (vi) Landfill.

(b) This section identifies dangerous wastes that are restricted from land disposal, describes requirements for restricted wastes, and defines the circumstances under which a prohibited waste may continue to be land disposed.

(c) For the purposes of this section, the term "landfill," as stated in the priorities of RCW 70.105.150, will be the same as the term "land disposal." Land disposal will be used in this section to identify the lowest waste management priority.

(2) Applicability.

The land disposal restrictions of this section apply to any person who owns or operates a dangerous waste treatment, storage, or disposal facility in Washington state and to any person who generates or transports dangerous waste.

(a) Land disposal restrictions for wastes designated in accordance with WAC 173-303-070 (3)(a)(i), (ii), and (iii) are the restrictions set forth by the Environmental Protection Agency in 40 CFR Part 268 which are incorporated by reference into this regulation, as modified in (c) through (f) of this subsection, and the restrictions set forth in subsections (3) through (7) of this section. The words "regional administrator" (in 40 CFR) will mean the "department," except for 40

CFR Parts 268.5 and 268.6; 268 Subpart B; 268.42(b) and 268.44 (a) through (g). The authority for implementing these excluded CFR sections remains with the U.S. Environmental Protection Agency. The word "EPA" (in 40 CFR) means "Ecology" at 40 CFR 268.44(m). The exemption and exception provisions of subsections (3) through (7) of this section are not applicable to the federal land disposal restrictions.

Where the federal regulations that have been incorporated by reference refer to 40 CFR 260.11, data provided under this section must instead meet the requirements of WAC 173-303-110 (3)(a).

(b) Land disposal restrictions for state-only dangerous waste are the restrictions set forth in subsections (3) through (7) of this section.

(c) Where 40 CFR 268.7 (a)(1) is incorporated by reference, delete the sentence "Alternatively, the generator must send the waste to a RCRA-permitted dangerous waste treatment facility, where the waste treatment facility must comply with the requirements of 264.13 of this chapter and 268.7(b) of this section."

(d) Where 40 CFR 268.7 (a)(2) is incorporated by reference:

(i) Delete the words "or if the generator chooses not to make the determination of whether his waste must be treated" from the first sentence; and

(ii) Delete the sentence "(Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the EPA Hazardous Waste Numbers and Manifest Number of the first shipment and must state 'This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination'.)"

(e) Where 40 CFR 268.7 (b)(6) is incorporated by reference, replace the words "for the initial shipment of waste, prepare a one-time certification described in paragraph (b)(4) of this section, and a one-time notice which includes the information in paragraph (b)(3) of this section (except the manifest number)" with the words "submit a certification described in paragraph (b)(4) of this section, and a notice which includes the information listed in paragraph (b)(3) of this section (except for the manifest number) to the department for each shipment".

(f) Where 40 CFR 268.9(d) is incorporated by reference, replace paragraph (d) with the following: Wastes that exhibit a characteristic are also subject to Section 268.7 requirements, except that once the waste is no longer dangerous, a one-time notification and certification must be placed in the generators or treaters files and sent to the department. The notification and certification that is placed in the generators or treaters files must be updated if the process or operation generating the waste changes and/or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the department on an annual basis if such changes occur. Such notification and certification should be sent to the department by the end of the calendar year, but no later than December 31.

(i) The notification must include the following information:

(A) Name and address of the RCRA Subtitle D facility receiving the waste shipment; and

(B) A description of the waste as initially generated, including the applicable dangerous waste code(s), treatability group(s), and underlying hazardous constituents (as defined in Sec. 268.2(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.

(ii) The certification must be signed by an authorized representative and must state the language found in Section 268.7 (b)(4).

If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Sec. 268.7 (b)(4)(iv) applies.

(3) Definitions.

When used in this section the following terms have the meaning provided in this subsection. All other terms have the meanings given under WAC 173-303-040.

(a) "Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents which have caused a waste to be a dangerous waste under this chapter.

(b) "Land disposal" means placement in a facility or on the land with the intent of leaving the dangerous waste at closure, and includes, but is not limited to, placement for disposal purposes in a: Landfill; surface impoundment; waste pile; injection well; land treatment facility; salt dome or salt bed formation; underground cave or mine; concrete vault or bunker.

(c) "Organic/carbonaceous waste" means a dangerous waste that contains combined concentrations of greater than ten percent organic/carbonaceous constituents in the waste; organic/carbonaceous constituents are those substances that contain carbon-hydrogen, carbon-halogen, or carbon-carbon chemical bonding.

(d) "Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity test of WAC 173-303-090 (6)(a)(iii).

(e) "Stabilization" and "solidification" mean a technique that limits the solubility and mobility of dangerous waste constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes the waste by bonding or chemically reacting with the stabilizing material.

(4) Land disposal restrictions and prohibitions. The land disposal requirements of this subsection apply to land disposal in Washington state.

(a) Disposal of extremely hazardous waste (EHW). No person may land dispose of EHW, except as provided in subsection (5) of this section, at any land disposal facility in the state. No person may land dispose of EHW at the facility established under RCW 70.105.050, except as provided by subsections (5), (6), and (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(b) Disposal of liquid waste. Special requirements for bulk and containerized liquids.

~~(i) ((Effective May 8, 1985,)) The placement of bulk or noncontainerized liquid ((hazardous)) dangerous waste or ((hazardous)) dangerous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited. ((40 CFR 264.314(a) which applies prior to May 8, 1985, is incorporated by reference.))~~

(ii) Containers holding free liquids must not be placed in a landfill unless:

(A) All free-standing liquid:

(I) Has been removed by decanting, or other methods; or

(II) Has been mixed with sorbent or stabilized (solidified) so that free-standing liquid is no longer observed; or

(III) Has been otherwise eliminated; or

(B) The container is very small, such as an ampule; or

(C) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

(D) The container is a labpack and is disposed of in accordance with WAC 173-303-161 and this chapter.

(iii) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following tests must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" EPA Publication SW-846 as incorporated by reference in WAC 173-303-110 (3)(a).

(iv) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: Materials listed or described in (b)(iv)(A) of this subsection; materials that pass one of the tests in (b)(iv)(B) of this subsection; or materials that are determined by the department to be nonbiodegradable through WAC 173-303-910.

(A) Nonbiodegradable sorbents.

(I) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or

(II) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

(III) Mixtures of these nonbiodegradable materials.

(B) Tests for nonbiodegradable sorbents.

(I) The sorbent material is determined to be nonbiodegradable under ASTM Method ~~((G21-70 (1984a)))~~ G21-96 (2002) - Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

~~(II) ((The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b) - Standard Practice for Determining Resistance of Plastics to Bacteria; or~~

~~((H)))~~ The sorbent material is determined to be nonbiodegradable under OECD (Organization for Economic Coop-

eration and Development) test 301B: [CO₂ Evolution (Modified Sturm Test)].

(v) ~~((Effective November 8, 1985;))~~ The placement of any liquid which is not a ~~((hazardous))~~ dangerous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the department, or the department determines, that:

(A) The only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous waste; and

(B) Placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water (as that term is defined in ~~((40 CFR Section 144.3))~~ WAC 173-303-040).

(c) Disposal of solid acid waste. No person may land dispose solid acid waste, except as provided in subsections (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(d) Disposal of organic/carbonaceous waste.

(i) No person may land dispose organic/carbonaceous waste, except as provided in subsections (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter. Organic/carbonaceous wastes must be incinerated as a minimum management method according to the dangerous waste management priorities as defined in subsection (1)(a) of this section.

(ii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to black mud generated from the caustic leach recovery of cryolite at primary aluminum smelting plants.

(iii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to any person who certifies to the department that recycling, treatment and incineration facilities are not available within a radius of one thousand miles from Washington state's borders. Such certification must be sent to the department by certified mail and must include: The name, address and telephone number of the person certifying; a brief description of the organic/carbonaceous waste covered by the certification; a discussion of the efforts undertaken to identify available recycling, treatment and incineration facilities; and the signature of the person responsible for the certification and development of information used to support the certification. Records and information supporting the certification must be retained by the certifying person and must be made available to the department upon request.

A certification that has been properly submitted to the department will remain valid until the department determines that a recycling, treatment or incineration facility is available within a radius of one thousand miles from Washington state's borders and the person who submitted the certification is unable to demonstrate otherwise. A recycling, treatment or

incineration facility will be considered by the department to be available if such facility: Is operating, and; can safely and legally recycle, treat or incinerate the organic/carbonaceous waste, and; has sufficient capacity to receive and handle significant amounts of the waste, and; agrees to accept the waste.

(5) Treatment in land disposal facilities. The land disposal restrictions in subsection (4) of this section do not apply to persons treating dangerous wastes in surface impoundments, waste piles, or land treatment facilities provided that such treatment is performed in accordance with the requirements of this subsection and this chapter.

(a) Surface impoundment treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in surface impoundments for purposes of treatment provided the owner/operator can demonstrate that effective treatment of the dangerous waste constituents will occur and at closure the owner/operator complies with the prohibitions and restrictions of subsection (4) of this section.

(b) Waste pile treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in waste piles for purposes of treatment provided the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur and that at closure the owner/operator will be in compliance with the prohibitions and restrictions of subsection (4) of this section.

(c) Land treatment.

Liquid waste, extremely hazardous waste (EHW), and organic/carbonaceous waste may be land treated provided that the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur, and at the end of the post-closure care period the owner/operator will be in compliance with subsection (4) of this section.

(6) Case-by-case exemptions to a land disposal prohibition. Any person may petition the department for an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste. The procedures to submit a petition to the department are specified in WAC 173-303-910(6). The department may deny any petition if it determines that there is a potential for dangerous waste constituents to migrate from the land disposal facility where the waste is to be placed. The department will deny any petition when exemption would result in a substantial or imminent threat to public health or the environment. The department will deny any petition when exemption would result in a violation of applicable state laws.

The department may grant an exemption from the prohibitions and restrictions of subsection (4) of this section based on the demonstrations specified in (a), (b) or (c) of this subsection.

(a) Land disposal exemption for treatment residuals. Any person may request an exemption from a land disposal prohibition in subsection (4) of this section for treatment residuals by demonstrating to the department that:

(i) The person has applied the best achievable management method to the original waste; and

(ii) Application of additional management methods to the treatment residuals would prevent the person from utiliz-

ing the best achievable management methods for the original dangerous waste; and

(iii) The land disposal of the treatment residuals does not pose a greater risk to the public health and the environment than land disposal of the original dangerous waste would pose.

(b) Economic hardship exemption. Any person may request an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste by demonstrating to the department that alternative management of the dangerous waste will impose an unreasonable economic burden in relation to the threat of harm to public health and the environment. It will be solely within the discretion of the department to approve or deny the requests for exemptions based on economic hardship.

(c) Organic/carbonaceous waste exemption. Any person may request an exemption from the requirements in subsection (4) of this section by demonstrating to the department that:

(i) Alternative management methods for organic/carbonaceous waste are less protective of public health and the environment than stabilization or landfilling; or

(ii)(A) The organic/carbonaceous waste has a heat content less than 3,000 BTU/LB or contains greater than sixty-percent water or other noncombustible moisture; and

(B) Incineration is the only management method available within a radius of one thousand miles from Washington state's border (i.e., recycling or treatment are not available).

(7) Emergency cleanup provision. The department may, on a case-by-case basis, grant an exception to the land disposal restrictions in subsection (4) of this section for an emergency cleanup where an imminent threat to public health and the environment exists. Any exception will require compliance with applicable state law and will require (consistent with the nature of the emergency and imminent threat) application of the waste management priorities of RCW 70.105.-150.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-145 Spills and discharges into the environment. (1) Purpose and applicability. This section sets forth the requirements for any person responsible for a spill or discharge of a dangerous waste or hazardous substance into the environment, except when such release is otherwise permitted under state or federal law. For the purposes of complying with this section, a transporter who spills or discharges dangerous waste or hazardous substances during transportation will be considered the responsible person. This section applies when any dangerous waste or hazardous substance is intentionally or accidentally spilled or discharged into the environment (unless otherwise permitted) such that human health or the environment is threatened, regardless of the quantity of dangerous waste or hazardous substance.

(2) Notification. Any person who is responsible for a spill or nonpermitted discharge must immediately notify the

individuals and authorities described for the following situations:

(a) For spills or discharges onto the ground or into ground water or surface water, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, notify the appropriate regional office of the department of ecology;

(b) For spills or discharges which result in emissions to the air, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, in western Washington notify the local air pollution control authority(~~(-or-)~~); in eastern Washington notify the local air authority or the appropriate regional office of the department of ecology in those areas where there is no local authority.

(3) Mitigation and control. The person responsible for a spill or nonpermitted discharge must take appropriate immediate action to protect human health and the environment (e.g., diking to prevent contamination of state waters, shutting of open valves).

(a) In addition, the person responsible for a spill or discharge must:

(i) Clean up all released dangerous wastes or hazardous substances, or take such actions as may be required or approved by federal, state, or local officials acting within the scope of their official responsibilities. This may include complete or partial removal of released dangerous wastes or hazardous substances as may be justified by the nature of the released dangerous wastes or hazardous substances, the human and environmental circumstances of the incident, and protection required by the Water Pollution Control Act, chapter 90.48 RCW;

(ii) Designate and treat, store or dispose of all soils, waters, or other materials contaminated by the spill or discharge in accordance with this chapter 173-303 WAC. The department may require testing in order to determine the amount or extent of contaminated materials, and the appropriate designation, treatment, storage, or disposal for any materials resulting from cleanup; and

(iii) If the property on which the spill or discharge occurred is not owned or controlled by the person responsible for the incident, restore the area impacted by the spill or discharge, and replenish resources (e.g., fish, plants) in a manner acceptable to the department.

(b)(i) Where immediate removal, temporary storage, or treatment of spilled or discharged dangerous wastes or hazardous substances is necessary to protect human health or the environment, the department may direct persons to:

(A) Remove it without a manifest, by transporters who do not have EPA/state identification numbers;

(B) Temporarily store it at sites that are protective of human health and the environment and are secure from access by the public; and/or

(C) Treat it to reduce or control the hazards, under WAC 173-303-170.

(ii) When the department seeks to direct persons who are not responsible for a spill or discharge to carry out actions pursuant to this section, it will obtain their concurrence. It is the intent of the department that persons who provide these services may be deemed "good samaritans" under the provisions of chapter 70.136 RCW.

(4) Nothing in WAC 173-303-145 eliminates any obligations to comply with reporting requirements which may exist in a permit or under other state or federal regulations.

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

WAC 173-303-160 Containers. (1) Waste quantity. Containers and inner liners will not be considered as a part of the waste when measuring or calculating the quantity of a dangerous waste. Only the weight of the residues in non-empty or nonrinsed containers or inner liners will be considered when determining waste quantities.

(2) A container or inner liner is "empty" when:

(a) All wastes in it have been taken out that can be removed using practices commonly employed to remove materials from that type of container or inner liner (~~((e.g.))~~ for example, pouring, pumping, aspirating, etc.) and ~~((:))~~;

~~(i) No more than one inch of waste remains at the bottom of the container or inner liner((:)); or ((the volume of waste remaining in the container or inner liner is equal to three percent or less of the container's total capacity, or, if the container's total capacity is greater than one hundred ten gallons, the volume of waste remaining in the container or inner liner is no more than 0.3 percent of the container's total capacity))~~

(ii) No more than 3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is less than or equal to 119 gallons in size; or

(iii) No more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size.

A container (~~((which))~~ that held compressed gas is empty when the pressure inside the container equals or nearly equals atmospheric pressure; and

(b) If the container or inner liner held acutely hazardous waste, as defined in WAC 173-303-040, toxic EHW as defined in WAC 173-303-100 or pesticides bearing the danger or warning label, the container or inner liner has been rinsed at least three times with an appropriate cleaner or solvent. The volume of cleaner or solvent used for each rinsing must be ten percent or more of the container's or inner liner's capacity or of sufficient quantity to thoroughly decontaminate the container. In lieu of rinsing for containers that might be damaged or made unusable by rinsing with liquids (for example, fiber or cardboard containers without inner liners), an empty container may be vacuum cleaned, struck, with the open end of the container up, three times (for example, on the ground, with a hammer or hand) to remove or loosen particles from the inner walls and corners, and vacuum cleaned again. Equipment used for the vacuum cleaning of residues from containers or inner liners must be decontaminated before discarding, in accordance with procedures approved by the department. A container or inner liner is also considered "empty" if the container or inner liner has been cleaned by

another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal.

Any rinsate or vacuumed residue that results from the cleaning of containers or inner liners must, whenever possible, be reused in a manner consistent with the original intended purpose of the substance in the container or inner liner. In the case of a farmer, if the rinsate is a pesticide residue then the rinsate must be managed or reused in a manner consistent with the application instructions on the pesticide label. On-site disposal or burial of pesticide residues is prohibited. Otherwise, the rinsate must be checked against the designation requirements (WAC 173-303-070 through 173-303-100) and, if designated, managed according to the requirements of this chapter.

(c) In the case of a container, the inner liner, that prevented the container from contact with the commercial chemical product or manufacturing chemical, has been removed.

(3)(a) Any residues remaining in containers or inner liners that are "empty" as described in subsection (2) of this section will not be subject to the requirements of this chapter, and will not be considered as accumulated wastes for the purposes of calculating waste quantities.

(b) Any dangerous waste in either: A container that is not empty, or an inner liner removed from a container that is not empty (as defined in subsection (2) of this section) is subject to the requirements of this chapter.

(4) A person who cannot meet the provisions in (2)(b) of this section may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910(1).

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

WAC 173-303-180 Manifest. ~~((Before transporting dangerous waste or offering dangerous waste for transport off the site of generation, the generator must prepare a manifest and))~~ A generator who transports, or offers for transport a dangerous waste for off-site treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected dangerous waste load, must follow all applicable procedures described in this section.

(1) ~~((This subsection describes the))~~ Form and contents of dangerous waste manifests. 40 CFR Part 262 Appendix - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions) is ((adopted)) incorporated by reference. The manifest must be EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. The manifest must be prepared in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 CFR Part 262((, and in addition must contain the following information in the specified shaded items of the uniform manifest:

~~(a) Item D — The first transporter's telephone number must be provided in this space;~~

~~(b) Item F — If a second transporter is used, then the second transporter's telephone number must be provided in this space;~~

~~(c) Item H – The designated receiving facility's telephone number must be provided in this space;~~

~~(d) Item I, and R if the continuation sheet 8700-22A is used – The dangerous waste number (e.g., F001, D006, WT02) must be provided in this space for each corresponding waste entered and described under Item 11, and 28 if the continuation sheet 8700-22A is used. (Note: The waste code does not have to be entered in this block if it already appears in the corresponding U.S. DOT Description block.) As discussed in subsection (5) of this section, dangerous waste numbers WL01 or WL02 may be used in this space for lab packs;~~

~~(e) Item O, (on the continuation sheet 8700-22A) – If a third transporter is used, then the third transporter's telephone number must be provided in this space; and~~

~~(f) Item Q, (on the continuation sheet 8700-22A) – If a fourth transporter is used, then the fourth transporter's telephone number must be provided in this space).~~

(a) A generator must designate on the manifest one facility that is permitted to handle the waste described on the manifest.

(b) A generator may also designate on the manifest one alternate facility that is permitted to handle his or her waste in the event an emergency prevents delivery of the waste to a primary designated facility.

(c) If the transporter is unable to deliver the dangerous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.

(2) The manifest must consist of enough copies to provide the generator, each transporter~~((s))~~, and the designated facility owner/operator with a copy for their records, and ~~((a))~~ another copy ((for return)) to be returned to the generator.

(3) Manifest procedures.

(a) The generator must:

(i) Sign and date the manifest certification by hand;

(ii) Obtain the handwritten signature of the initial transporter and date of acceptance on the manifest; and

(iii) Retain one copy in accordance with WAC 173-303-210, Generator recordkeeping.

(b) The generator must give the remaining manifest copies to the transporter.

(c) If the transporter is unable to deliver the dangerous waste shipment to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste shipment.

(d) For shipments of dangerous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(e) For rail shipments of dangerous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:

(i) The next nonrail transporter, if any; or

(ii) The designated facility if transported solely by rail; or

(iii) The last rail transporter to handle the waste in the United States if exported by rail.

(f) For shipments of federally regulated hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

(4) Special requirements for shipments to the Washington EHW facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford must notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator must not ship any dangerous waste without prior approval from the EHW facility. The state operator may exempt classes of waste from the requirements of WAC 173-303-180 (4)(a) and (b) where small quantities or multiple shipments of a previously approved waste are involved, or there exists an emergency and potential threat to public health and safety.

~~(5) ((Special instructions for shipment of labpacks. For purposes of completing the uniform dangerous waste manifest, dangerous waste numbers WL01 (for labpacks containing wastes designated as EHW) or WL02 (for labpacks containing wastes designated only as DW) may be used to complete Items I and R in lieu of the dangerous waste numbers that would otherwise be assigned to the contents of the labpack.~~

~~(6))~~ The requirements of this section and WAC 173-303-190(2) do not apply to the transport of dangerous wastes on a public or private right of way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right of way: Provided, That ecology has approved an alternative paper tracking system that serves the purpose of a manifest. Notwithstanding WAC 173-303-240(2), the generator or transporter must comply with the requirements for transporters set forth in WAC 173-303-270 and 173-303-145 in the event of a discharge of dangerous waste on a public or private right of way.

~~((7))~~ (6) Special instructions for state-only dangerous waste that designates only by the criteria under WAC 173-303-100 and is not regulated as a hazardous waste under 40 CFR Part 261 or as a hazardous material under the 49 CFR hazardous material regulations. For purposes of completing the uniform hazardous waste manifest, Item 11, and Item 28 if continuation sheet 8700-22A is used, or to describe a state-only dangerous waste on a shipping paper, the shipping description must include the following in sequence with no additional information interspersed:

(a) Material Not Regulated by DOT;

(b) Washington State Dangerous Waste Only followed by the appropriate criteria designation of the waste that is either toxic, persistent, solid corrosive or a combination of these entered in parentheses;

(c) Shipping description examples: Material Not Regulated by DOT (Washington State Dangerous Waste Only, Toxic); Material Not Regulated by DOT (Washington State Dangerous Waste Only, Toxic, Persistent); Material Not Regulated by DOT (Washington State Dangerous Waste Only, Solid Corrosive).

(7) Manifest tracking numbers, manifest printing, and obtaining manifests.

(a) 40 CFR 262.21 (a) through (f) and (h) through (m) is incorporated by reference. EPA requirements for printing manifests for use or distribution are included in this section.

(b) A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under paragraphs (c) and (e) of 40 CFR 262.21. A registered source may be a:

- (i) State agency;
- (ii) Commercial printer;
- (iii) Dangerous waste generator, transporter or TSDF; or
- (iv) Dangerous waste broker or other preparer who prepares or arranges shipments of dangerous waste for transportation.

(c) A generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. Generators also must determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

(8) Waste minimization certification. A generator who initiates a shipment of dangerous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

(a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment"; or

(b) "I am a medium quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford." Note that a Washington state medium quantity generator regulated under WAC 173-303-202 is the type of generator referred to where the manifest states "(b) if I am a small quantity generator", due to the different term used by EPA.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-190 Preparing dangerous waste for transport. The generator must fulfill the following requirements before transporting off-site or offering for off-site transport any dangerous waste.

(1) Packaging. The generator must package all dangerous waste for transport in accordance with United States

DOT regulations on packaging, 49 CFR Parts 173, 178, and 179.

(2) Labeling. The generator must label each package in accordance with United States DOT regulations, 49 CFR Part 172.

(3) Marking. The generator must:

(a) Mark each package of dangerous waste in accordance with the applicable United States DOT regulations ~~(s))~~ on hazardous materials under 49 CFR Part 172; and

(b) Mark each ~~((package containing))~~ container of one hundred ((ten)) ~~nineteen~~ nineteen gallons or less of dangerous waste used in such transportation with the following, or equivalent words and information ~~((displayed))~~ in accordance with 49 CFR 172.304:

HAZARDOUS WASTE - State and federal law prohibits improper disposal. If found, contact the nearest police or public safety authority, and the Washington state department of ecology or the United States Environmental Protection Agency.

Generator's Name and Address

.....
.....
.....

Generator's EPA Identification Number

Manifest ~~((Document))~~ Tracking Number

.....

(4) Placarding. The generator ~~((will))~~ must placard, or offer ~~((to))~~ the initial transporter ~~((at))~~ the appropriate placards ~~((in accordance with))~~ according to United States DOT regulations ~~(s))~~ for hazardous materials under 49 CFR Part 172, Subpart F.

(5) State-only dangerous waste that is not regulated as a hazardous waste under 40 CFR Part 261 or as a hazardous material under 49 CFR must fulfill the following requirements before transport:

(a) Package in a nonleaking, nonsievable container or in a package that is equivalent to the manufacturing and testing specifications for packagings and containers of 49 CFR Parts 173, 178 and 179.

(b) Mark each package containing one thousand gallons or less with the following:

(i) Washington State Dangerous Waste-State law prohibits improper disposal. If found, contact the nearest police or public safety authority, and the Washington State Department of Ecology. The generator's name and address and manifest number must also be included; and

(ii) The state shipping description as described in WAC 173-303-180(7).

(c) Use of any other markings for a state-only dangerous waste is prohibited.

(6) State-only dangerous waste that is also regulated as a hazardous material under 49 CFR must be packaged, labeled and marked in accordance with WAC 173-303-190 (1), (2), (3) and (5)(b)(i).

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-200 Accumulating dangerous waste on-site. (1) A generator, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(a) All such waste is shipped off-site to a designated facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845 or recycled or treated on-site in ninety days or less. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless he has been granted an extension to the ninety day period allowed pursuant to this subsection;

(b) ~~((+))~~ The waste is placed:

(i) In containers and the generator complies with WAC 173-303-630 (2), (3), (4), (5), (6), (8), (9), (10), and 40 CFR Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a). For container accumulation (including satellite areas as described in subsection (2) of this section), the department may require that the accumulation area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, or due to a history of spills or releases from accumulated containers. In addition, any new container accumulation areas (but not including new satellite areas, unless required by the department) constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7); and/or

(ii) ~~((The waste is placed))~~ In tanks and the generator complies with 40 CFR Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a) and 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). ~~((At WAC 173-303-640 (4)(c)(i) add "stress of installation" after "climatic conditions."))~~ (Note: A generator, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section.) Such a generator is exempt from the requirements of WAC 173-303-620 and 173-303-610, except for WAC 173-303-610 (2) and (5); and/or

(iii) ~~((The waste is placed))~~ On drip pads and the generator complies with WAC 173-303-675 ~~((at WAC 173-303-675 (4)(a)(v) add "stress of installation" after "climatic conditions."))~~ and maintains the following records at the facility:

(A) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

(B) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

(iv) ~~((The waste is placed))~~ In containment buildings and the generator complies with 40 CFR Part 265 Subpart DD, which is incorporated by reference, and the generator has placed its professional engineer certification that the building complies with the design standards specified in 40 CFR 265.1101 in the facility's operating record no later than sixty days after the date of initial operation of the unit. Where subpart G and H are referenced in 40 CFR 265.1102, replace them with WAC 173-303-610 and 173-303-620. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator ~~((shall))~~ must maintain the following records at the facility:

(A) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the ninety-day limit, and documentation that the procedures are complied with; or

(B) Documentation that the unit is emptied at least once every 90 days.

In addition, such a generator is exempt from all the requirements in WAC 173-303-610 and 173-303-620, except for WAC 173-303-610(2) and 173-303-610(5).

(c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate). The department may also require that a sign be posted at each entrance to the accumulation area, bearing the legend, "danger—unauthorized personnel keep out," or an equivalent legend, written in English, and legible from a distance of twenty-five feet or more; and

(e) The generator complies with the requirements for facility operators contained in:

(i) WAC 173-303-330 through 173-303-360 (personnel training, preparedness and prevention, contingency plan and emergency procedures, and emergencies) except for WAC 173-303-335 (Construction quality assurance program) and WAC 173-303-355 (SARA Title III coordination); and

(ii) WAC 173-303-320 (1), (2)(a), (b), (d), and (3) (general inspection); and

(f) The generator complies with 40 CFR 268.7 (a)(5).

(2) Satellite accumulation.

(a) A generator may accumulate as much as fifty-five gallons of dangerous waste or one quart of acutely hazardous waste ~~((per waste stream))~~ in containers at or near any point of generation where waste initially accumulates (defined as a satellite accumulation area in WAC 173-303-040). The satellite area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes to a satellite container. Satellite

accumulation is allowed without a permit provided the generator:

(i) Complies with WAC 173-303-630 (2), (4), (5) (a) and (b), (8)(a), and (9) (a) and (b); and

(ii) Complies with subsection (1)(d) of this section.

(b) When fifty-five gallons of dangerous waste or one quart of acutely hazardous waste is accumulated per waste stream, the container(s) must be marked immediately with the accumulation date and moved within three days to a designated storage or accumulation area.

(c) On a case-by-case basis the department may require the satellite area to be managed in accordance with all or some of the requirements under subsection (1) of this section, if the nature of the wastes being accumulated, a history of spills or releases from accumulated containers, or other factors are determined by the department to be a threat or potential threat to human health or the environment.

(3) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste; or

(b) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the accumulation limit for such waste (or wastes); or

(c) Fifty-five gallons of dangerous waste or one quart of acutely hazardous waste, per waste stream, is accumulated in a satellite accumulation area.

(4)(a) A generator who generates 2200 pounds or greater of dangerous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the dangerous waste code F006, may accumulate F006 waste on-site for more than ninety days, but not more than one hundred eighty days without a permit or without having interim status provided that:

(i) The generator has implemented pollution prevention practices that reduce the amount of any dangerous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;

(ii) The F006 waste is legitimately recycled through metals recovery;

(iii) No more than 44,000 pounds of F006 waste is accumulated on-site at any one time; and

(iv) The F006 waste is managed in accordance with the following:

(A) The F006 waste is placed:

(I) In containers and the generator complies with the applicable requirements of WAC 173-303-630 (2), (3), (4), (5), (6), (8), (9), (10), and 40 CFR Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a); and/or

(II) In tanks and the generator complies with the applicable requirements of 40 CFR Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a) and 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a) (- At WAC 173-303-640 (4)(c)(i) add "stress of installation" after "climatic conditions"); and/or

(III) In containment buildings and the generator complies with subpart DD of 40 CFR part 265 which is incorporated by reference at WAC 173-303-400(3), and has placed its professional engineer certification that the building com-

plies with the design standards specified in 40 CFR 265.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:

- A written description of procedures to ensure that the F006 waste remains in the unit for no more than one hundred eighty days, a written description of the waste generation and management practices for the facility showing that they are consistent with the one hundred eighty-day limit, and documentation that the generator is complying with the procedures; or

- Documentation that the unit is emptied at least once every one hundred eighty days.

(B) In addition, such a generator is exempt from all the requirements in subparts G and H of 40 CFR part 265, except for 265.111 and 265.114 which are incorporated by reference at WAC 173-303-400(3).

(C) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(D) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Dangerous Waste"; and

(E) The generator complies with the requirements for owners or operators in WAC 173-303-330, 173-303-340, and 173-303-350, and with 40 CFR 268.7 (a)(5) which is incorporated by reference at WAC 173-303-140 (2)(a).

(b) A generator who generates 2200 pounds or greater of dangerous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the dangerous waste code F006, and who must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than ninety days, but not more than two hundred seventy days without a permit or without having interim status if the generator complies with the requirements of (a)(i) through (iv) of this subsection.

(c) A generator accumulating F006 in accordance with (a) and (b) of this subsection who accumulates F006 waste on-site for more than one hundred eighty days (or for more than two hundred seventy days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than 44,000 pounds of F006 waste on-site is an operator of a storage facility and is subject to the facility and permit requirements of this chapter unless the generator has been granted an extension to the one hundred eighty-day (or two hundred seventy-day if applicable) period or an exception to the 44,000 pound accumulation limit. Such extensions and exceptions may be granted by the department if F006 waste must remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than 44,000 pounds of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days or an exception to the accumulation limit may be granted at the discretion of the department on a case-by-case basis.

(5) **National environmental performance track.** 40 CFR Part 262.34 (j), (k), and (l) are incorporated by reference, except that:

(a) 262.34 (j)(3)(i) (container management) is replaced with the first sentence of WAC 173-303-200 (1)(b)(i) and 173-303-630(7) (secondary containment); and

(b) 262.34 (j)(3)(ii) (tank standards) is replaced with WAC 173-303-200 (1)(b)(ii); and

(c) 262.34 (j)(3)(iii) (drip pads) is replaced with WAC 173-303-200 (1)(b)(iii), except for (A) and (B); and

(d) 262.34 (j)(6) is replaced with WAC 173-303-200 (1)(c) and (d); and

(e) The first sentence of 262.34 (j)(7) is replaced with WAC 173-303-200 (1)(e) and (f). The second sentence is replaced with: In addition, the generator is exempt from all the requirements of WAC 173-303-610 and 173-303-620, except for WAC 173-303-610 (2) and (5). However, where drip pads are subject to closure requirements in WAC 173-303-675(6), the applicable portions of WAC 173-303-610 and 173-303-620 continue to apply.

(6) A generator who sends a shipment of dangerous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of WAC 173-303-370(5) may accumulate the returned waste on-site in accordance with subsection (1) of this section or WAC 173-303-201, depending on the amount of dangerous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:

(a) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

(b) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-230 Special conditions. (1) Exporting dangerous waste.

Federal export requirements, administered by EPA, are set forth at 40 CFR 262 Subparts E and H and 40 CFR(7) 261.6 (a)(3)(i)(A) and (B), and specify the procedures applicable to generators and transporters of hazardous waste (as defined in WAC 173-303-040). These requirements are incorporated by reference. Copies of any forms or reports submitted to the administrator of United States EPA as required by 40 CFR 262 Subpart E must also be submitted to the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer must comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), except that:

(a) In place of the generator's name, address and EPA/state identification number, the name and address of the foreign generator and the importer's name, address and EPA/state identification number must be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his agent must

sign and date the certification and obtain the signature of the initial transporter.

(c) A person who imports (~~hazardous~~) dangerous waste (~~must~~) may obtain the manifest form from (~~the consignment state if the state supplies the manifest and requires its use. If the consignment state does not supply the manifest form, then the manifest form may be obtained from~~) any source that is registered with the U.S. EPA as a supplier of manifests (for example, states, waste handlers, and/or commercial forms printers).

(d) In the international shipments block, the importer must check the import box and enter the point of entry (city and state) into the United States.

(e) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with WAC 173-303-370(3).

(3) Empty containers. For the purposes of this chapter, a person who stores, treats, disposes, transports, or offers for transport empty containers of dangerous waste that were for his own use will not be treated as a generator or as a facility owner/operator if the containers are empty as defined in WAC 173-303-160(2), and either:

(a) The rinsate is not a dangerous waste under this chapter; or

(b) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide residues, he reuses or manages the rinsate in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars must handle the rinsate according to this chapter, and according to chapter 90.48 RCW, Water pollution control.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-250 Dangerous waste acceptance, transport, and delivery. (1)(a) A transporter (~~must~~) may not accept dangerous waste from a generator unless (~~it is accompanied by~~) the transporter is also provided with a manifest signed (by the generator) in accordance with WAC 173-303-180(3), Manifest procedures.

(b) In the case of exports other than those subject to 40 CFR subpart H part 262 (which is incorporated by reference at WAC 173-303-230(1)), a transporter may not accept such waste from a primary exporter or other person if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and unless, in addition to a manifest signed (~~in accordance with the provisions of WAC 173-303-180, such waste is also accompanied~~) by the generator as provided in this section, the transporter must also be provided with an EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of 40 CFR subpart H part 262, a transporter may not accept hazardous waste without a

tracking document that includes all information required by 40 CFR 262.84.

(2) Before transporting a dangerous waste shipment, the transporter must sign and date the manifest, acknowledging acceptance of the dangerous waste. The transporter (~~shall~~) must return a signed copy to the generator before commencing transport.

(3) The transporter must insure that the manifest accompanies the dangerous waste shipment.

(4) A transporter who delivers a dangerous waste to another transporter, or to the designated facility must:

(a) Obtain the date of delivery and the handwritten signature of that transporter or designated facility owner/operator on the manifest;

(b) Retain one copy of the manifest in accordance with WAC 173-303-260, Transporter recordkeeping; and

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The transporter must deliver the entire quantity of dangerous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or

(b) The alternate designated facility, if the dangerous waste cannot be delivered to the designated facility because an emergency prevents delivery; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(6)(a) If the dangerous waste cannot be delivered in accordance with subsection (5) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions(-) and must revise the manifest according to the generator's instructions.

(b) If dangerous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:

(i) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with WAC 173-303-260, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in WAC 173-303-370 (5)(e)(i) through (vi) or 173-303-370 (5)(f)(i) through (vi).

(ii) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter must

retain a copy of the manifest in accordance with WAC 173-303-260, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new manifest for the shipment and comply with WAC 173-303-370 (5)(e)(i) through (vi).

(7) The requirements of subsections (3), (4), and (8) of this section do not apply to water (bulk shipment) transporters if:

(a) The dangerous waste is delivered by water (bulk shipment) to the designated facility;

(b) A shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper;

(d) The person delivering the dangerous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with WAC 173-303-260(2).

(8) For shipments involving rail transportation, the requirements of subsections (3), (4), and (7) of this section do not apply and the following requirements do apply.

(a) When accepting dangerous waste from a nonrail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the dangerous waste;

(ii) Return a signed copy of the manifest to the nonrail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next nonrail transporter, if any; or

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with WAC 173-303-260(2).

(b) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) accompanies the dangerous waste at all times.

(c) When delivering dangerous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with WAC 173-303-260(2).

(d) When delivering dangerous waste to a nonrail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next nonrail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with WAC 173-303-260(2).

(e) Before accepting dangerous waste from a rail transporter, a nonrail transporter must sign and date the manifest and provide a copy to the rail transporter.

(9) Transporters who transport dangerous waste out of the United States must:

(a) ~~((Indicate on the manifest the date the dangerous waste))~~ Sign and date the manifest in the international shipments block to indicate the date that the shipment left the United States;

(b) ~~((Sign the manifest and))~~ Retain one copy in accordance with WAC 173-303-260(3), Transporter recordkeeping: ~~((and))~~

(c) Return a signed copy of the manifest to the generator; and

(d) Give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-270 Discharges during transport. In the event of a spill or discharge of dangerous waste during transportation, the transporter must comply with the requirements of WAC 173-303-145, Spills and discharges into the environment. In addition to the notices required by WAC 173-303-145, the transporter must provide the following notifications:

(1) Give notice to the generator of the waste that a discharge has occurred;

(2) Give notice to the National Response Center (800-424-8802 or 202-426-2675), if required by 49 CFR 171.15;

(3) ~~((Report in writing))~~ Submit a written Hazardous Materials Incident Report as required by 49 CFR 171.16 to the ~~((Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau))~~ Information Systems Manager, PHH-63, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington D.C., 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 D.C., 20590-0001 at <http://hazmat.dot.gov>; and,

(4) For a water (bulk shipment) transporter, give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

WAC 173-303-281 Notice of intent. (1) Purpose. The purpose of this section is to provide notification to the department, local communities and the public that the siting of a dangerous waste management facility is being considered. Also, to provide general information about the proposed facility owner/operator, the type of facility and the types of wastes to be managed and compliance with the siting criteria.

(2) Applicability. This section applies to owners/operators of proposed facilities. This section also applies to existing facilities applying for a significant expansion, as defined

in WAC 173-303-282(3). This section does not apply to owners/operators of facilities or portions of facilities who are applying for research, development and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65. In addition, this section does not apply to owners/operators of facilities operating under an emergency permit pursuant to WAC 173-303-804 or to persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response Compensation and Liability Act, Sections 3004(u), 3004(v), and 3008(h) of the Resource Conservation and Recovery Act, chapter 70.105 RCW, or chapter 70.105D RCW, provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order, or is being conducted by the department or United States Environmental Protection Agency. As used in this section:

(a) "Proposed facility" means a facility which has not qualified for interim status under WAC 173-303-805 or for which the department has not issued a final facility permit under WAC 173-303-806 prior to the effective date of this section;

(b) "Existing facility" means a facility which has qualified for interim status under WAC 173-303-805 or for which the department has issued a final facility permit under WAC 173-303-806 prior to the effective date of this section; and

(c) "Expansion" means the enlargement of the land surface area of an existing facility from that described in an interim status permit application or final status permit, the addition of a new dangerous waste management process, or an increase in the overall design capacity of existing dangerous waste management processes at a facility.

(3) Notice of intent to file for an interim status or a dangerous waste permit.

(a) The notice of intent to be prepared by the owners/operators of the applicable facilities must consist of:

(i) The name, address, and telephone number of the owner, operator, and corporate officers;

(ii) The location of the proposed facility or expansion on a topographic map with specifications as detailed in WAC 173-303-806 (4)(a)(xviii);

(iii) A brief description of the types and amounts of wastes to be managed annually;

(iv) A brief description of the major equipment items proposed, if any, and the waste management activities requiring a permit or revision of an existing permit;

(v) Demonstration of compliance with the siting criteria as required under WAC 173-303-282 (6) and (7). The site conditions with regards to satisfying the criteria are to be assessed as of the date of submittal of the notice of intent to the department;

(vi) For informational purposes a complete summary of compliance violations of permit conditions at hazardous waste management facilities owned or operated by the applicant, its subsidiaries or its parent company, during the ten calendar years preceding the permit application. Along with the summary of compliance violations, as issued by appropriate state or federal regulatory agencies, the applicant must also submit responses to past violations and any written correspondence with regulatory agencies regarding the compliance status of any hazardous waste management facility

owned or operated by the applicant, its subsidiaries or parent company of the owner or operator. A more detailed compliance record must be provided upon request by the department;

(vii) For informational purposes the need for the proposed facility or expansion must be demonstrated by one of the following methods:

(A) Current overall capacity within Washington is inadequate for dangerous wastes generated in Washington as determined by regional or state dangerous waste management plans; or

(B) The facility is a higher priority management method, as described in RCW 70.105.150, than is currently in place or practical and available for the types of waste proposed to be managed; or

(C) The facility will add to the types of technology available or will reduce cost impacts (not to include transportation costs) to Washington generators for disposal of dangerous wastes; and

(ix) For informational purposes it must be shown how the capacity of the proposed facility or expansion will affect the overall capacity within the state, in conjunction with existing facilities in Washington.

(b) The notice of intent must be filed with the department, and copies must be made available for public review, no less than one hundred fifty days prior to filing an application for a permit or permit revision. The department will send a copy of the notice of intent to the elected officials of the lead local government and all local governments within the potentially affected area as required by WAC 173-303-902 (5)(b)(i). The department will continue to coordinate with interested local governments throughout the review of the proposal.

(c) Reserved.

(4) Preapplication public meeting and notice.

(a) Applicability. The requirements of subsections (4), (5), and (6) of this section apply to all final facility (part B) applications seeking initial permits for dangerous waste management units over which the department has permit issuance authority. These requirements also apply to final facility part B applications seeking renewal of permits for such units, where the renewal application is proposing a significant change in facility operations. For the purposes of these subsections, a "significant change" is any change that would qualify as a class 3 permit modification under WAC ((473-303-840)) 173-303-830(4). For the purposes of these subsections only, "dangerous waste management units over which the department has permit issuance authority" refers to dangerous waste management units for which the department has been authorized to issue dangerous waste permits. The requirements of these subsections do not apply to permit modifications under WAC ((473-303-840)) 173-303-830(4) or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

The applicant's meeting date must be coordinated with and approved by ecology. If timing allows, both the applicant and ecology's meetings may be held on the same day.

(b) Prior to the submission of a part B final facility permit application for a facility, the applicant must hold at least

one meeting with the public in order to solicit questions from the community and inform the community of proposed dangerous waste management activities. The applicant must post a sign-in sheet or otherwise provide a voluntary opportunity for attendees to provide their names and addresses.

(c) The applicant must submit a summary of the meeting, along with the list of attendees and their addresses developed under (b) of this subsection, and copies of any written comments or materials submitted at the meeting, to the department as a part of the part B application, in accordance with WAC 173-303-806 (4)(a).

(d) The applicant must provide public notice of the pre-application meeting at least thirty days prior to the meeting. The applicant must maintain, and provide to the department upon request, documentation of the notice.

(i) The applicant must provide public notice in all of the following forms:

(A) A newspaper advertisement. The applicant must publish a notice, fulfilling the requirements in (d)(ii) of this subsection, in a newspaper of general circulation in the county or equivalent jurisdiction that hosts the proposed location of the facility. In addition, the department will instruct the applicant to publish the notice in newspapers of general circulation in adjacent counties, where the department determines that such publication is necessary to inform the affected public. The notice must be published as a display advertisement.

(B) A visible and accessible sign. The applicant must post a notice on a clearly marked sign at or near the facility, fulfilling the requirements in (d)(ii) of this subsection. If the applicant places the sign on the facility property, then the sign must be large enough to be readable from the nearest point where the public would pass by the site.

(C) A broadcast media announcement. The applicant must broadcast a notice, fulfilling the requirements in (d)(ii) of this subsection, at least once on at least one local radio station or television station. The applicant may employ another medium with prior approval of the department.

(D) A notice to the department. The applicant must send a copy of the newspaper notice to the department and to the appropriate units of state and local government, in accordance with WAC 173-303-840 (3)(e)(i)(E).

(ii) The notices required under (d)(i) of this subsection must include:

(A) The date, time, and location of the meeting;

(B) A brief description of the purpose of the meeting;

(C) A brief description of the facility and proposed operations, including the address or a map (e.g., a sketched or copied street map) of the facility location;

(D) A statement encouraging people to contact the facility at least seventy-two hours before the meeting if they need special access to participate in the meeting; and

(E) The name, address, and telephone number of a contact person for the applicant.

(5) Public notice requirements at the application stage.

(a) Applicability. The requirements of this section apply to all final facility part B applications seeking initial permits for dangerous waste management units over which the department has permit issuance authority. The requirements of this section also apply to final facility part B applications

seeking renewal of permits for such units under WAC 173-303-806 (7)(a). For the purposes of this section only, "dangerous waste management units over which the department has permit issuance authority" refers to dangerous waste management units for which the department has been authorized to issue final facility permits. The requirements of this section do not apply to permit modifications under WAC 173-303-830(4) or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

(b) Notification at application submittal.

(i) The department will provide public notice as set forth in WAC 173-303-840 (3)(e)(i)(D), and notice to appropriate units of state and local government as set forth in WAC 173-303-840 (3)(e)(i)(E), that a part B permit application has been submitted to the department and is available for review.

(ii) The notice will be published within a reasonable period of time after the application is received by the department. The notice must include:

(A) The name and telephone number of the applicant's contact person;

(B) The name and telephone number of the department's contact, and a mailing address to which information, opinions, and inquiries may be directed throughout the permit review process;

(C) An address to which people can write in order to be put on the facility mailing list;

(D) The location where copies of the permit application and any supporting documents can be viewed and copied;

(E) A brief description of the facility and proposed operations, including the address or a map (for example, a sketched or copied street map) of the facility location on the front page of the notice; and

(F) The date that the application was submitted.

(iii) Concurrent with the notice required under (b) of this subsection, the department will place the permit application and any supporting documents in a location accessible to the public in the vicinity of the facility or at the department's office.

(6) Information repository.

(a) Applicability. The requirements of this section apply to all applications seeking final facility permits for dangerous waste management units over which the department has permit issuance authority. For the purposes of this section only, "dangerous waste management units over which the department has permit issuance authority" refers to dangerous waste management units for which the department has been authorized to issue dangerous waste permits.

(b) The department may assess the need, on a case-by-case basis, for an information repository. When assessing the need for an information repository, the department will consider a variety of factors, including: The level of public interest; the type of facility; the presence of an existing repository; and the proximity to the nearest copy of the administrative record. If the department determines, at any time after submittal of a permit application, that there is a need for a repository, then the department will notify the facility that it must establish and maintain an information repository. (See WAC 173-303-810(16) for similar provisions relating to the information repository during the life of a permit.)

(c) The information repository must contain all documents, reports, data, and information deemed necessary by the department to fulfill the purposes for which the repository is established. The department will have the discretion to limit the contents of the repository.

(d) The information repository must be located and maintained at a site chosen by the facility. If the department finds the site unsuitable for the purposes and persons for which it was established, due to problems with the location, hours of availability, access, or other relevant considerations, then the department will specify a more appropriate site.

(e) The department will specify requirements for informing the public about the information repository. At a minimum, the department will require the facility to provide a written notice about the information repository to all individuals on the facility mailing list.

(f) The facility owner/operator will be responsible for maintaining and updating the repository with appropriate information throughout a time period specified by the department. The department may close the repository at its discretion, based on the factors in (b) of this subsection.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-282 Siting criteria. (1) **Purpose.** This section establishes siting criteria which serve as an initial screen in the consideration of sites for dangerous waste management facilities. The purpose of the siting criteria is to immediately disqualify proposed dangerous waste facility sites in locations considered unsuitable or inappropriate for the management of dangerous wastes. Under RCW 70.105.-200 (1)(d), siting criteria cannot prevent existing dangerous waste management facilities from operating at or below their present level of activity.

A proposed site which is not disqualified under these criteria will be further studied to determine if it qualifies under site specific rules. Compliance with the siting criteria does not imply that a given project at a given location poses an acceptable level of risk, nor does it commit the department to the issuance of a dangerous waste permit. Projects that demonstrate compliance with the siting criteria will be subjected to comprehensive environmental and technical review pursuant to applicable laws and regulations before the department makes a final decision on a dangerous waste permit.

The department may deny a permit or require protective measures such as engineering enhancements or increased setback distances from resources in order to ensure protection of human health and the environment.

(2) **Applicability.**

(a) Except as otherwise specifically provided, this section applies to:

(i) Owners/operators of proposed facilities; and

(ii) Owners or operators of existing land-based facilities at which an expansion of the land based unit is proposed;

(iii) Owners or operators of existing incinerators at which an expansion is proposed; and

(iv) Owners or operators proposing a significant expansion of other existing dangerous waste management facilities not subject to (a)(i), (ii) and (iii) of this subsection, unless the owner/operator can demonstrate to the satisfaction of the department that the proposed expansion will provide a net increase in protection to human health and the environment beyond that which is currently provided at the facility. However, demonstrations under this subsection (iv) must not result in treatment or storage facilities expanding into land-based or incineration facilities if siting criteria cannot be satisfied.

(b) This section does not apply to:

(i) Owners/operators of facilities or portions of facilities who are applying for research, development and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65 or WAC 173-303-809;

(ii) Owners/operators of facilities operating under an emergency permit pursuant to WAC 173-303-804;

(iii) Persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response Compensation and Liability Act, Sections 3004(u), 3004(v), and 3008(h) of the Resource Conservation and Recovery Act, chapter 70.105 RCW, or chapter 70.105D RCW, provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order, or is being conducted by the department or United States Environmental Protection Agency;

(iv) Persons managing solid wastes who become subject to dangerous waste regulations through amendments to this chapter after the effective date of this section. This provision applies only to those activities operated in accordance with local, state, and federal requirements and which were being conducted prior to becoming subject to dangerous waste regulations, chapter 173-303 WAC or expansions, if it can be demonstrated to the satisfaction of the department that the proposed expansion of such activities will provide a net increase in protection to human health and the environment beyond that which is currently provided at the facility; or

(v) Owners/operators of facilities (~~which recycle hazardous waste and:~~

~~(A) Are otherwise exempt from regulation by this chapter under 120;~~

~~(B) Have notified the department pursuant to WAC 173-303-060, prior to the effective date of this section;~~

~~(C) Are currently operating as a recycling facility as of the effective date of this regulation; and~~

~~(D) Seek only to obtain a tank or container storage permit to support recycling operations under this chapter.~~

Further, significant expansions of such storage facilities meeting the qualifications for this exemption may be considered under subsection (2)(a)(iv) of this section)) who seek to obtain a dangerous waste permit for waste storage and satisfy all of the following:

(A) The facility recycles dangerous waste in a process that is exempt from dangerous waste permitting.

(B) Waste storage is used strictly to support the exempt recycling.

(C) Waste storage is in tanks, containers, or a containment building.

(D) Waste storage is indoors.

(3) **Definitions.** Any terms used in this section that are not defined below have the meanings provided in WAC 173-303-040. For the purposes of this section, the following terms have the described meanings:

(a) "Aquifer of beneficial use" means an aquifer that contains sufficient quality and quantity of water to allow it to be withdrawn for beneficial uses which include, but are not limited to, uses for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, or recreational purposes.

(b) "Displacement" means the relative movement of any two sides of a fault measured in any direction.

(c) "Domestic water use" means any water used for human consumption, other domestic activities or livestock watering for which the department has issued a permit of water right for surface water diversions pursuant to chapter 90.03 RCW, or for a well pursuant to chapter 90.44 RCW, or for which the department has received a well water report pursuant to RCW 18.104.050, or for any other valid water right claimed in accordance with chapter 90.14 RCW. This does not apply to wells abandoned in compliance with chapter 173-160 WAC.

(d) "Existing facility" means a facility which has qualified for interim status under WAC 173-303-805 or for which the department has issued a final facility permit under WAC 173-303-806.

(e) "Expansion" means the enlargement of the land surface area of an existing facility from that described in an interim status permit application or final facility permit, the addition of a new dangerous waste management process, or an increase in overall design capacity of existing dangerous waste management processes at a facility. However, a process or equipment change within the existing handling code (not to include "other") as defined under WAC 173-303-380 (2)(d) will not be considered a new dangerous waste management process.

(f) "Fault" means a fracture along which rocks or soils on one side have been displaced with respect to those on the other side.

(g) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

(h) "Land-based facility" means a dangerous waste management facility which falls under the definition of land disposal as defined in Section 3004(k) of the Resource Conservation and Recovery Act. These facilities use the land as an integral part of their waste management method and include, but are not limited to, landfills, surface impoundments, waste piles, and land treatment facilities. For the purposes of this section, this would not include waste piles in which the dangerous wastes are stored inside or under a structure that provides protection from precipitation and when runoff, leachate, or other types of waste dispersal are not generated under any conditions.

(i) "Nonland based facility" means a facility which does not use the land as an integral part of its waste management method and is not subject to the requirements of WAC 173-303-806 (4)(a)(xxi). These facilities include, but are not limited to, tanks, containers, and incinerators.

(j) "Perennial surface water body" means a surface water body which is normally continuous with natural flows throughout the year or an annually recurring body of water including lakes, rivers, ponds, streams, reservoirs, inland waters, and saltwaters. This does not include roadside ditches or storm drains. However, this definition does apply to irrigation or domestic water supply channels existing, or planned and approved by a governmental agency, at the time an owner/operator submits a notice of intent.

(k) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (i) Landfill; (ii) incineration; (iii) land treatment; (iv) surface impoundment to be closed as a landfill; or (v) waste pile to be closed as a landfill.

(l) "Prime farmland" means the land which has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber or oilseed crops, and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. It is permeable to water and air. Prime farmland is not excessively erodible or saturated with water for a long period of time, and it either does not flood frequently or is protected from flooding. Prime farmland will be determined by those general and specific criteria as defined in the National Soils Handbook, Soil Conservation Service, United States Department of Agriculture, Washington, D.C. and 7 CFR 2.62. Areas of prime farmland are identified in the most recent county soil survey maps prepared by the National Cooperative Soil Survey.

(m) "Proposed facility" means a facility which has not qualified for interim status under WAC 173-303-805 or for which the department has not issued a final facility permit under WAC 173-303-806.

(n) "Public gathering places" means a place such as a public or private health care or child care facility; an educational institution; a church; a government institution not associated with dangerous waste management; or a retail shopping center.

(o) "Residence" means any dwelling including, but not limited to, private homes, rental homes, boarding houses, apartments, motels, or hotels.

(p) "Significant expansion" means an expansion of an existing facility, operating under interim status or a final status permit, that is considered a class three modification as designated by 40 CFR Parts 270.41 and 270.42. Examples include, but are not limited to, a modification or addition of container units resulting in greater than a twenty-five percent increase in the facility's container storage capacity, storage of different wastes in containers that require additional or different management practices from those authorized under interim status or by a final status permit, and a modification or addition of tank units resulting in greater than twenty-five percent increase in the facility's capacity. In addition, for the purposes of this section, ((a single or cumulative increase of

greater than twenty-five percent of the process design capacity as described in the facility's original Part A permit application will be considered)) a significant expansion is a single or cumulative increase of greater than twenty-five percent of the storage design capacity as described in the facility's original Part A permit application, or of the storage capacity approved for the previous significant expansion, whichever is more recent.

(q) "Slope and soil instability" means areas for which there is credible evidence of, or the potential for, landslides, slumps, avalanches, earth or mud flows, or other unsuitable slope conditions.

(r) "Subsidence" means areas for which there is credible evidence of, or potential for, sinking of the land surface. Areas of subsurface mines, caves, cavernous materials, or where there has been significant removal of fluids may provide credible evidence of subsidence.

(s) "Wetland" means land transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification a wetland must have one or more of the following three attributes: (i) At least periodically, the land supports predominantly hydrophytes; (ii) the substrate is predominantly undrained hydric soil; and (iii) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year. The *Joint Federal Methodology for Identifying and Delineating Wetlands* must be used for defining the upland boundary of wetlands.

(4) Implementation.

(a) Submittal of information to demonstrate compliance. Documentation that a proposed facility or expansion site meets the siting criteria must be submitted to the department((=

~~(i)) in the notice of intent ((for those facilities for which a notice of intent is filed after the effective date of this section; or~~

~~(ii) Within ninety days of the effective date of this section for proposed facilities for which a notice of intent or an application for a Part B permit has been submitted to the department prior to the effective date of this section)).~~

(b) Consultation by department. The department will consult with the lead local government as defined in WAC 173-303-902 (4)(h) and consider those local land use, building, fire, air quality, and transportation standards to the extent they add to and do not conflict with the requirements of this section. Such consultation and consideration will be made prior to the department's rendering of a tentative decision under subsection (4)(c) of this section.

(c) Response by department. Within sixty days of receipt of a demonstration of compliance, the department will undertake one of the following actions:

(i) Return the demonstration of compliance as incomplete with written comments identifying the need for additional information. The owner or operator may resubmit the demonstration of compliance with complete information; or

(ii) Render a written tentative decision to approve or deny the demonstration of compliance.

(d) Public notice and hearing process. The department in making a tentative decision to approve or deny a demonstra-

tion of compliance with this section will take the following actions:

(i) For land-based facilities and incinerators:

(A) The department will publish a notice of its tentative decision in a daily or weekly newspaper of general circulation in the potentially affected area, and will give notice by other reasonable methods to persons potentially affected.

(B) The department will hold a public hearing at a location convenient to the public in the potentially affected area. Notice of the date, time, purpose, and place of the hearing will be provided in the publication of notice.

(C) The department will accept comments on its tentative decision for a minimum of forty-five days.

(D) After evaluating all public comments the department will make a final decision in accordance with chapter 34.05 RCW. The department will either approve or deny the owner/operator's demonstration of compliance.

(ii) For nonland-based facilities, excluding incinerators:

(A) The department will publish a notice of its tentative decision in a daily or weekly newspaper of general circulation in the potentially affected area, and will give notice by other reasonable methods to persons potentially affected.

(B) Upon the written request of any interested person, the department may hold a public hearing to consider public comments on the owner or operator's demonstration of compliance. A person requesting the hearing must state the issues to be raised and explain why written comments would not suffice. In any case, if ten or more persons request a public hearing on the subject of the department's tentative decision, the department will hold a public hearing for the purpose of receiving comments.

(C) The department will accept comments on its tentative decision for a minimum of forty-five days.

(D) After evaluating all public comments the department will make a final decision in accordance with chapter 34.05 RCW. The department will either approve or deny the owner or operator's demonstration of compliance.

(5) **Appeal of a department decision.** Any person who is adversely affected by a decision of the department under this section may appeal the decision to the pollution control hearings board pursuant to the authority of WAC 173-303-845.

(6) **Criteria for elements of the natural environment.** The following siting criteria establish locations from which facilities are excluded and establish minimum setback distances from identified resources. Unless otherwise stated, setback distances are measured horizontally from the dangerous waste management unit boundary to the identified resource.

These criteria will be used as an initial screening tool in the selection of sites which may be considered by the department for the purpose of managing dangerous waste. A more comprehensive evaluation of locational factors will occur during the department's review of a permit application. The department may deny a permit or impose additional setback distances or other permit requirements if necessary to protect human health and the environment.

(a) Earth. The intent of this subsection is to reduce the potential for the release of dangerous waste into the environment because of structural damage to facilities subject to the

hazards identified below. The owner/operator must provide supportive geologic, geotechnical, and soils information.

(i) Seismic risk. All dangerous waste management facilities must be located such that the dangerous waste management unit boundary is located at least five hundred feet from a fault which has had displacement in Holocene times.

(ii) Subsidence. No dangerous waste management unit is within an area of subsidence.

(iii) Slope or soil instability. No dangerous waste management facility may be located such that the dangerous waste management unit is within an area of slope or soil instability, nor in the areas affected by unstable slope or soil conditions.

(b) Air. The intent of this subsection is to reduce the potential for further degradation of air quality in areas currently experiencing air quality impacts.

(i) Incineration facilities may not be located in a Class I area designated in accordance with Section 162 or 164 of the Federal Clean Air Act (under WAC 173-300-030(13)).

(ii) Incineration facilities may not be located in a nonattainment area designated by the department unless compensating emission offset can be achieved.

(iii) Proposed incineration facilities must comply with WAC 173-303-806 (4)(a)(xxii) during the permitting process.

(c) Water. The intent of this subsection is to reduce the potential for contaminating waters of the state in the event of a release of dangerous wastes.

(i) Surface water.

(A) Flood, seiche, and tsunami protection.

(I) No dangerous waste management facility or dangerous waste management unit may be located within the one hundred-year flood plain as indicated in the most current Federal Emergency Management Agency maps.

(II) The owner/operator of a nonland-based facility must identify whether the facility is intended to be located within the five hundred-year flood plain, as indicated in the most current Federal Emergency Management Agency maps. Nonland-based facilities will require special design features so as to prevent flooding of the dangerous waste management unit in the event of a five hundred-year flood.

(III) Land-based facilities may not be located within the five hundred-year flood plain as indicated in the most current Federal Emergency Management Agency maps.

(IV) Dangerous waste management facilities may not be located in areas subject to seiches, or coastal flooding including tsunamis or storm surges as indicated in the most current maps of the National Flood Insurance Program of the Federal Emergency Management Agency.

(B) Perennial surface water bodies.

(I) Nonland-based facilities must be located such that the dangerous waste management unit boundary is at least five hundred feet from a perennial surface water body.

(II) Land-based facilities must be located such that the dangerous waste management unit boundary is at least one-quarter mile from a perennial surface water body.

(C) Surface water supply.

(I) No dangerous waste management facility may be located in a watershed identified in the report submitted to,

and approved by, the department of health under the authority of WAC 246-290-135(5), Watershed control.

(II) Nonland-based facilities must be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest surface water intake for domestic water.

(III) Land-based facilities must be located such that the dangerous waste management unit boundary is at least one-quarter mile from the nearest surface water intake for domestic water.

(ii) Ground water. To the extent feasible, proponents of land-based facilities should seek sites with natural site characteristics which are capable of providing protection of ground water resources. Natural features such as low permeability soils and substrata, relatively simple geologic formations, and high rates of evapotranspiration in relation to the seasonal occurrence of precipitation are preferable for the locations of land-based facilities. Proposed land-based facilities must comply with the contingent ground water protection program, WAC 173-303-806 (4)(a)(xxi), during the permitting process.

(A) Depth to ground water.

(I) Nonland-based facilities may not be located in areas where there is less than ten feet vertical separation between the lowest point of the dangerous waste management unit and the seasonal high water level of the uppermost aquifer of beneficial use.

(II) Land-based facilities may not be located in areas where there is less than fifty feet vertical separation between the lowest point of the dangerous waste management unit and the seasonal highwater level of the uppermost aquifer of beneficial use.

(B) Sole source aquifer. No land-based facilities may be located over an area designated as a sole source aquifer under section 1424(e) of the Federal Safe Drinking Water Act (P.L. 93-523).

(C) Ground water management areas. Owners/operators of facilities must identify whether the proposed facility location is within a ground water management area, as proposed or certified pursuant to RCW 90.44.130. In order to maintain consistency with the purpose and substantive requirements of certified ground water management area plans, the department may require additional protective measures or reject inconsistent projects.

(D) Ground water intakes.

(I) Nonland-based facilities must be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest ground water intake for domestic water.

(II) Land-based facilities must be located such that the dangerous waste management unit boundary is at least one-quarter mile from the nearest ground water intake for domestic water.

(E) Special protection areas. Land-based facilities must not be located within ground water special protection areas designated by ecology under the authority of chapter 90.48 RCW.

(d) Plants and animals: Intent. To reduce the potential for dangerous waste contaminating plant and animal habitat in the event of a release of dangerous wastes.

(i) Nonland-based facilities must be located such that the dangerous waste management unit boundary is at least five hundred feet from the following areas:

(A) Wetlands;

(B) Designated critical habitat, for federally listed threatened or endangered species, as defined by the Endangered Species Act of 1973 (P.L. 93-205);

(C) Habitat designated by the Washington department of wildlife as habitat essential to the maintenance or recovery of any state listed threatened or endangered wildlife species;

(D) Natural areas which are acquired or voluntarily registered or dedicated by the owner under chapter 79.70 RCW, Natural area preserves; and

(E) State or federally designated wildlife refuge, preserve, or bald eagle protection area.

(ii) Land-based facilities must be located such that the dangerous waste management unit boundary is at least one-quarter mile from those areas specified in item (i) above.

(e) Precipitation. The intent of this subsection is to reduce the potential for contaminating waters and soils of the state in the event of a release of dangerous wastes.

Land-based facilities must not be located in areas having a mean annual precipitation level of greater than one hundred inches. The mean annual precipitation map in the U.S. Geological Survey Water-Resources Investigations Report 84-4279 must be used to determine whether a land-based facility is proposed to be located in such an area.

(7) Criteria for elements of the built environment.

The following siting criteria establish locations from which facilities are excluded or which require separation from identified land uses. Unless otherwise stated, setback distances are measured horizontally from the dangerous waste management unit boundary to the identified land use.

These criteria must be used as an initial screening tool in the selection of sites which may be considered by the department for the purpose of managing dangerous waste. A more comprehensive evaluation of locational factors will occur during the department's review of a permit application. The department may deny a permit or impose additional setback distances or other permit requirements if necessary to protect human health and the environment.

(a) Adjacent land use.

(i) Nonland-based facilities must be located such that the dangerous waste management unit boundary is at least two hundred feet from the nearest point of the facility property line.

(ii) Land-based facilities must be located such that the dangerous waste management unit boundary is at least five hundred feet from the nearest point of the facility property line.

(b) Special land uses.

(i) Wild and scenic rivers. Dangerous waste management facilities must not be located within the viewshed of users on wild and scenic rivers designated by the state or federal government.

(ii) Nonland-based facilities must be located such that the dangerous waste management unit boundary is at least five hundred feet from the following:

(A) State or federally designated park, recreation area, or national monument;

(B) Wilderness area as defined by the Wilderness Act of 1964 (P.L. 88-577); and

(C) Land identified as prime farmland at the time a notice of intent is submitted to the department.

(iii) Land-based facilities must be located such that the dangerous waste management unit boundary is at least one-quarter mile from those land uses specified in item (ii) above.

(c) Residences and public gathering places.

(i) Nonland-based facilities with the exception of incineration facilities must be located such that the dangerous waste management unit boundary is at least five hundred feet from residences or public gathering places.

(ii) Incineration and land-based facilities must be located such that the dangerous waste management unit boundary is at least one-quarter mile from residences or public gathering places.

(d) Land use compatibility. Owners/operators of nonpreempted facilities must conform with local land use zoning designation requirements, as approved by the department under chapter 70.105 RCW.

(e) Archeological sites and historic sites. No dangerous waste management facility must be located in an archeological site or historic site designated by the state or federal government.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-300 General waste analysis. (1) Purpose. This section requires the facility owner or operator to confirm his knowledge about a dangerous waste before he stores, treats, or disposes of it. The purpose for the analysis is to insure that a dangerous waste is managed properly.

(2) The owner or operator must obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), before they store, treat, or dispose of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter. The analysis must include or consist of existing published or documented data on the dangerous waste, or on waste generated from similar processes, or data obtained by testing, or a combination of these.

(a) When an owner or operator relies on knowledge from the generator for waste designation or for this detailed analysis (commonly known as a waste profile) instead of analytical testing of a sample, that information must be documented and must meet the definition of "knowledge" as defined in WAC 173-303-040. To confirm the sufficiency and reliability of the "knowledge" used for the waste profile, the facility must do one or more of the following:

(i) Be familiar with the generator's processes by conducting site visits, and reviewing sampling data and other information provided by the generator to ensure they are adequate for safe management of the waste;

(ii) Ensure waste analysis contained in documented studies on the generator's waste is based on representative and appropriate sampling and test methods;

(iii) Compare the generator's waste generating process to documented studies of similar waste generating processes to ensure the waste profile is accurate and current;

(iv) Obtain other information as predetermined by the department on a case-by-case basis to be equivalent.

(b) As required in WAC 173-303-380 (1)(c), records must be retained containing specific information that show compliance with this subsection for sufficient and reliable information on the waste whether the owner or operator relies on analytical testing of the waste or knowledge from the generator, or a combination of these.

(3) The owner or operator of an off-site facility must confirm, by analysis if necessary, that each dangerous waste received at the facility matches the identity of the waste specified on the accompanying manifest or shipping paper.

(4) Analysis must be repeated as necessary to ensure that it is accurate and current. At a minimum, analysis must be repeated:

(a) When the owner or operator has been notified, or has reason to believe, that the process or operation generating the dangerous waste, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), has significantly changed; and

(b) When a dangerous waste received at an off-site facility does not match the identity of the waste specified on the manifest or the shipping paper.

(5) Waste analysis plan. The owner or operator must develop and follow a written waste analysis plan which describes the procedures he will use to comply with the waste analysis requirements of subsections (1), (2), (3), and (4) of this section. He must keep this plan at the facility, and the plan must contain at least:

(a) The parameters for which each dangerous waste, or nondangerous waste if applicable under WAC 173-303-610 (4)(d), will be analyzed, and the rationale for selecting these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsections (1) through (4) of this section);

(b) The methods of obtaining or testing for these parameters;

(c) The methods for obtaining representative samples of wastes for analysis (representative sampling methods are discussed in WAC 173-303-110(2));

(d) The frequency with which analysis of a waste will be reviewed or repeated to ensure that the analysis is accurate and current;

(e) The waste analyses which generators have agreed to supply;

(f) Where applicable, the methods for meeting the additional waste analysis requirements for specific waste management methods as specified in WAC 173-303-400(3) which incorporates by reference the regulations in 40 CFR Part 265 Subparts F through R 265.1034, 265.1063(d), 265.1084, 268.4(a) and 268.7 for interim status facilities and in WAC 173-303-140 (4)(b), 173-303-395(1), 173-303-630 through 173-303-670, and 40 CFR 264.1034, 264.1063(d), 264.1083, 268.4(a) and 268.7 for final status facilities. Note that data provided from laboratory analyses must meet the requirements of WAC 173-303-110(3);

(g) For off-site facilities, the waste analysis that dangerous waste generators have agreed to supply;

(h) For surface impoundments exempted from land disposal restrictions under 40 CFR 268.4(a), incorporated by reference in WAC 173-303-140(2), the procedures and schedules for:

(i) The sampling of impoundment contents;

(ii) The analysis of test data; and

(iii) The annual removal of residues that are not delisted under 40 CFR 260.22 and WAC 173-303-910(3) or which exhibit a characteristic of hazardous waste and either:

(A) Do not meet applicable treatment standards of 40 CFR Part 268, Subpart D; or

(B) Where no treatment standards have been established(=);

(I) Such residues are prohibited from land disposal under 40 CFR 268.32 or RCRA section 3004(d); or

(II) Such residues are prohibited from land disposal under 40 CFR 268.33(f).

(i) For owners and operators seeking an exemption to the air emission standards of subpart CC in accordance with Sec. 264.1082, incorporated by reference at WAC 173-303-692, or with 265.1083, incorporated by reference at WAC 173-303-400 (3)(a):

~~((A))~~ (i) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the results of the analysis of test data to verify the exemption.

~~((B))~~ (ii) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator or by the generator of the hazardous waste, if the waste is received from off-site, that is used as the basis for knowledge of the waste.

(6) For off-site facilities, the waste analysis plan required in subsection (5) of this section must also specify the procedures which will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

(a) The procedures which will be used to determine the identity of each movement of waste managed at the facility;

(b) The sampling method which will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and

(c) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

Comment: WAC 173-303-806 requires that the waste analysis plan be submitted with Part B of the permit application.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-310 Security. (1) The owner or operator must ~~((comply with the requirements of this section))~~ prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of his or her facility, unless he can demonstrate to the department that:

(a) Physical contact with waste(~~(s)~~), structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility; and

(b) Disturbance of the waste(~~(s)~~) or equipment (~~((within))~~) by the unknowing or unauthorized entry of persons or livestock onto the active portion of the facility (~~((by persons or livestock))~~) will not ~~((result in))~~ cause a violation((s)) of this chapter 173-303 WAC.

(2) A facility must have:

(a) Signs posted at each entrance to the active portion, and at other locations, in sufficient numbers to be seen from any approach to the active portion. Signs must bear the legend, "Danger-unauthorized personnel keep out," or an equivalent legend, written in English, and must be legible from a distance of twenty-five feet or more; and either

(b) A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or

(c) An artificial or natural barrier, or a combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates or other entrances to the active portion of the facility at all times.

(3) In lieu of WAC 173-303-310(2), above, the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit (as defined in WAC 173-303-040) must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into or onto the totally enclosed treatment facility or the elementary neutralization or wastewater treatment unit.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-350 Contingency plan and emergency procedures. (1) Purpose. The purpose of this section and WAC 173-303-360 is to lessen the potential impact on the public health and the environment in the event of an emergency circumstance, including a fire, explosion, or unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, surface water, or ground water by a facility. A contingency plan must be developed to lessen the potential impacts of such emergency circumstances, and the plan must be implemented immediately in such emergency circumstances.

(2) Contingency plan. Each owner or operator must have a contingency plan at his facility for use in emergencies or sudden or nonsudden releases which threaten human health and the environment. If the owner or operator has already prepared a spill prevention control and countermeasures (SPCC) plan in accordance with Part 112 of Title 40 CFR or Part 1510 of chapter V, or some other emergency or contingency plan, ~~((he))~~ they need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of this section and WAC 173-303-360. The owner or operator may develop one contingency plan that meets all regulatory requirements. Ecology recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance

("One Plan") as found at www.nrt.org. When modifications are made to nondangerous waste (non-Hazardous Waste Management Act or nondangerous waste regulation) provisions in an integrated contingency plan, the changes do not trigger the need for a dangerous waste permit modification.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with this section and WAC 173-303-360;

(b) A description of the actions which will be taken in the event that a dangerous waste shipment, which is damaged or otherwise presents a hazard to the public health and the environment, arrives at the facility, and is not acceptable to the owner or operator, but cannot be transported, pursuant to the requirements of WAC 173-303-370~~((5))~~ (6), Manifest system, reasons for not accepting dangerous waste shipments;

(c) A description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services as required in WAC 173-303-340(4);

(d) A current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator required under WAC 173-303-360(1). Where more than one person is listed, one must be named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility as alternates. For new facilities only, this list may be provided to the department at the time of facility certification (as required by WAC 173-303-810 (14)(a)(i)), rather than as part of the permit application;

(e) A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

(f) An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(4) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:

(a) Maintained at the facility; and

(b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(5) Amendments. The owner or operator must review and immediately amend the contingency plan, if necessary, whenever:

(a) Applicable regulations or the facility permit are revised;

(b) The plan fails in an emergency;

(c) The facility changes (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of dangerous waste or dangerous waste constituents, or in a way that changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-370 Manifest system. (1) Applicability. The requirements of this section apply to owners and operators who receive dangerous waste from off-site sources. If a facility receives dangerous waste accompanied by a manifest, the owner, operator, or his/her agent must sign and date the manifest as indicated in subsection (2) of this section to certify that the dangerous waste covered by the manifest was received, that the dangerous waste was received except as noted in the discrepancy space of the manifest, or that the dangerous waste was rejected as noted in the manifest discrepancy space.

(2) If a facility receives dangerous waste shipment accompanied by a manifest, the owner ~~((or))~~, operator, or ~~((his))~~ their agent, must:

(a) Sign and date, by hand, each copy of the manifest ~~((to certify that the dangerous waste covered by the manifest was received))~~;

(b) Note any ~~((significant))~~ discrepancies ~~((in the manifest,))~~ (as ((described)) defined in subsection (4)(a) of this section((;))) on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the ~~((signed))~~ manifest;

(d) Within thirty days ~~((after the))~~ of delivery, send a copy of the manifest to the generator; and

(e) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives hazardous waste imported from a foreign source, the receiving facility must mail a copy of the manifest to the following address within thirty days of delivery: International Compliance Assurance Division, OFA/OECA (2254A), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

(4) If a facility receives, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a manifest or shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator's certification, and signatures), the owner or operator, or his or her agent, must:

(a) Sign and date each copy of the manifest or shipping paper to certify that the dangerous waste covered by the manifest or shipping paper was received;

(b) Note any significant discrepancies in the manifest or shipping paper, as described in subsection ~~((4))~~ (5) of this section, on each copy of the manifest or shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper;

(d) Within thirty days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within thirty days after delivery) to the generator~~((-However, if the manifest is not received within thirty days after the delivery, the owner or operator, or his agent, must send a~~

copy of the signed and dated shipping paper to the generator); and

(e) Retain at the facility a copy of each shipping paper and manifest for at least three years from the date of delivery.

~~((4))~~ (5) Manifest discrepancies.

(a) Manifest discrepancies are:

(i) Significant (~~(discrepancies)~~) differences (as defined in (b) of this subsection) between the quantity or type of dangerous waste designated on the manifest or shipping paper, and the quantity (~~(or)~~) and type of dangerous waste a facility actually receives;

(ii) Rejected wastes, which may be a full or partial shipment of dangerous waste that the TSDF cannot accept; or

(iii) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in WAC 173-303-160(2).

(b) Significant (~~(discrepancies)~~) differences in quantity are: For bulk waste, variations greater than ten percent in weight (~~(for bulk quantities)~~) (~~(e.g.)~~) for example, tanker trucks, railroad tank cars, etc.) (~~(or)~~); for batch waste, any variations in piece count (~~(for nonbulk quantities (i.e., any missing container or package would be a significant discrepancy))~~), such as a discrepancy of one drum in a truckload. Significant (~~(discrepancies)~~) differences in type are obvious (~~(physical or chemical)~~) differences which can be discovered by inspection or waste analysis (~~(e.g.)~~) such as waste solvent substituted for waste acid(~~(s)~~), or toxic constituents not reported on the manifest or shipping paper.

~~((b))~~ (c) Upon discovering a significant (~~(discrepancy)~~) difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator (~~(and)~~) or transporter. If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator must immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

~~((5))~~ (d)(i) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in WAC 173-303-160(2), the facility must consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility must send the waste to the alternative facility or to the generator within sixty days of the rejection or the container residue identification.

(ii) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it must ensure that either the delivering transporter retains custody of the waste, or the facility must provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under (e) or (f) of this subsection.

(e) Except as provided in (e)(vii) of this section, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with WAC 173-303-180 and the following instructions:

(i) Write the generator's U.S. EPA/state ID number in Item 1 of the new manifest. Write the generator's name and

mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(ii) Write the name of the alternate designated facility and the facility's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(iii) Copy the manifest tracking number found in Item 4 of the old manifest to the special handling and additional information block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(iv) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the discrepancy block of the old manifest (Item 18a).

(v) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(vi) Sign the generator's/offoror's certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

(vii) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the alternate facility space. The facility must retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with (e)(i), (ii), (iii), (iv), (v), and (vi) of this subsection.

(f) Except as provided in (f)(vii) of this subsection, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with WAC 173-303-180 and the following instructions:

(i) Write the facility's U.S. EPA ID number in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(ii) Write the name of the initial generator and the generator's U.S. EPA ID number in the designated facility block (Item 8) of the new manifest.

(iii) Copy the manifest tracking number found in Item 4 of the old manifest to the special handling and additional information block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(iv) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the discrepancy block of the old manifest (Item 18a).

(v) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(vi) Sign the generator's/offoror's certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

(vii) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the alternate facility space. The facility must retain a copy for its records and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with (f)(i), (ii), (iii), (iv), (v), and (vi) of this subsection.

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in WAC 173-303-160(2) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to the discrepancy space of the amended manifest, and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years from the date of amendment, and must within thirty days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended.

(6) Reasons for not accepting dangerous waste shipments. The owner or operator may decide that a dangerous shipment should not be accepted by his facility.

(a) The following are acceptable reasons for denying receipt of a dangerous waste shipment:

(i) The facility is not capable of properly managing the type(s) of dangerous waste in the shipment;

(ii) There is a significant discrepancy (as described in subsection ((4)) (5) of this section) between the shipment and the wastes listed on the manifest or shipping paper; or

(iii) The shipment has arrived in a condition which the owner or operator believes would present an unreasonable hazard to facility operations, or to facility personnel handling the dangerous waste(s) (including, but not limited to, leaking or damaged containers, and improperly labeled containers).

(b) The owner or operator may send the shipment on to the alternate facility designated on the manifest or shipping paper, or contact the generator to identify another facility capable of handling the waste and provide for its delivery to that other facility, unless, the containers are damaged to such an extent, or the dangerous waste is in such a condition as to present a hazard to the public health or the environment in the process of further transportation.

(c) If the dangerous waste shipment cannot leave the facility for the reasons described in (b) of this subsection, then the owner or operator must take those actions described in the contingency plan, WAC 173-303-350 (3)(b).

((6)) (7) Within three working days of the receipt of a shipment subject to 40 CFR part 262, subpart H (which is incorporated by reference at WAC 173-303-230(1)), the owner or operator of the facility must provide a copy of the

tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, and to competent authorities of all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

(8) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. Facilities must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-380 Facility recordkeeping. (1) Operating record. The owner or operator of a facility must keep a written operating record at their facility. The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(a) A description of and the quantity of each dangerous waste received or managed on-site, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by subsection (2) of this section, recordkeeping instructions;

(b) The location of each dangerous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each dangerous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(c) Records and results of waste analyses, waste determinations (as required by Subpart CC), and trial tests required by WAC 173-303-300, General waste analysis, and by 40 CFR sections 264.1034, 264.1063, 264.1083, 265.1034, 265.1063, 265.1084, 268.4(a), and 268.7. Note that data from laboratory analyses must meet the requirements of WAC 173-303-110 (3)(a);

(d) Summary reports and details of all incidents that require implementing the contingency plan, as specified in WAC 173-303-360 (2)(k);

(e) Records and results of inspections as required by WAC 173-303-320 (2)(d), General inspection (except such information need be kept only for five years);

(f) Monitoring, testing, or analytical data, and corrective action where required by 40 CFR Part 265 Subparts F through R and sections 265.1034 (c) through (f), 265.1035, 265.1063 (d) through (i), 265.1064, and 265.1083 through 265.1090 for interim status facilities (incorporated by reference at WAC 173-303-400 (3)(a)), and by WAC 173-303-630 through 173-303-695 and 40 CFR sections 264.1034 (c) through (f), 264.1035, 264.1063 (d) through (i), 264.1064, and 264.1082 through 264.1090 for final status facilities (incorporated by reference at WAC 173-303-690, 173-303-691, and 173-303-692). Note that data provided under this

section from laboratory analyses must meet the requirements of WAC 173-303-110 (3)(a);

(g) All closure and post-closure cost estimates required for the facility;

(h) For off-site facilities, copies of notices to generators informing them that the facility has all appropriate permits, as required by WAC 173-303-290, Required notices;

(i) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to 40 CFR 268.5, a petition pursuant to 40 CFR 268.6, and the applicable notice required by a generator under 40 CFR 268.7(a);

(j) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required by the generator or the owner or operator under 40 CFR 268.7;

(k) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 CFR 268.7;

(l) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under 40 CFR 268.7;

(m) For an on-site land disposal facility, the information contained in the notice required by the generator or owner or operator of a treatment facility under 40 CFR 268.7, except for the manifest number;

(n) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 CFR 268.7;

(o) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 CFR 268.7;

(p) Any records required under WAC 173-303-280(6); and

(q) A certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that they generate to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.

(2) Recordkeeping instructions. This paragraph provides instructions for recording the portions of the operating record which are related to describing the types, quantities, and management of dangerous wastes at the facility. This information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility, as follows:

(a) Each dangerous waste received, treated, stored, or disposed of at the facility must be described by its common name and by its dangerous waste number(s) from WAC 173-303-080 through 173-303-104. Each listed, characteristic, and criteria waste has its own four-digit dangerous waste number. Where a dangerous waste contains more than one

process waste or waste constituent the waste description must include all applicable dangerous waste numbers. If the dangerous waste number is not listed, the waste description must include the process which generated the waste;

(b) The waste description must include the waste's physical form (i.e., liquid, solid, sludge, or contained gas);

(c) The estimated or manifest-reported weight, or volume and density, where applicable, of the dangerous waste must be recorded, using one of the units of measure specified in Table 1, below; and

TABLE 1

Unit of Measure	Code ¹
Gallons	G
Gallons per Hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short tons (2000 lbs)	T
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds	P
Pounds per Hour	J
Kilograms	K
Kilograms per Hour	R
Cubic yards	Y
Cubic meters	C
Acres	B
Acres-feet	A
Hectares	Q
Hectare-meter	F
Btu(°)s per Hour	I
<u>Pounds</u>	<u>P</u>
<u>Short tons</u>	<u>T</u>
<u>Kilograms</u>	<u>K</u>
<u>Tons</u>	<u>M</u>

Footnote: ¹Single-digit symbols are used here for data processing purposes.

(d) The method(s) (by handling code(s)) of management for each dangerous waste received or managed, and the date(s) of treatment, recycling, storage, or disposal must be recorded, using the handling code(s) specified in Table 2, below.

TABLE 2 - Handling Codes for Treatment, Storage, and Disposal Methods

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of dangerous waste received.

1. Storage

S01 Container (barrel, drum, etc.)
 S02 Tank
 S03 Waste pile
 S04 Surface impoundment
 S05 Drip Pad
 S06 Containment Building (Storage)
 S99 Other storage (specify)

2. Treatment

(a) Thermal Treatment

T06 Liquid injection incinerator
 T07 Rotary kiln incinerator
 T08 Fluidized bed incinerator
 T09 Multiple hearth incinerator
 T10 Infrared furnace incinerator
 T11 Molten salt destructor
 T12 Pyrolysis
 T13 Wet air oxidation
 T14 Calcination
 T15 Microwave discharge
 T18 Other (specify)

(b) Chemical treatment

T19 Absorption mound
 T20 Absorption field
 T21 Chemical fixation
 T22 Chemical oxidation
 T23 Chemical precipitation
 T24 Chemical reduction
 T25 Chlorination
 T26 Chlorinolysis
 T27 Cyanide destruction
 T28 Degradation
 T29 Detoxification
 T30 Ion exchange
 T31 Neutralization
 T32 Ozonation
 T33 Photolysis
 T34 Other (specify)

(c) Physical treatment

(i) Separation of components

T35 Centrifugation
 T36 Clarification
 T37 Coagulation
 T38 Decanting
 T39 Encapsulation
 T40 Filtration
 T41 Flocculation
 T42 Flotation
 T43 Foaming
 T44 Sedimentation
 T45 Thickening
 T46 Ultrafiltration
 T47 Other (specify)
 (ii) Removal of specific components
 T48 Absorption-molecular sieve
 T49 Activated carbon
 T50 Blending
 T51 Catalysis
 T52 Crystallization
 T53 Dialysis
 T54 Distillation

T55 Electrodialysis
 T56 Electrolysis
 T57 Evaporation
 T58 High gradient magnetic separation
 T59 Leaching
 T60 Liquid ion exchange
 T61 Liquid-liquid extraction
 T62 Reverse osmosis
 T63 Solvent recovery
 T64 Stripping
 T65 Sand filter
 T66 Other (specify)
 (d) Biological treatment
 T67 Activated sludge
 T68 Aerobic lagoon
 T69 Aerobic tank
 T70 Anaerobic tank
 T71 Composting
 T72 Septic tank
 T73 Spray irrigation
 T74 Thickening filter
 T75 Trickling filter
 T76 Waste stabilization pond
 T77 Other (specify)
 T78-79 (Reserved)
 (e) Boilers and industrial furnaces
 T80 Boiler
 T81 Cement kiln
 T82 Lime kiln
 T83 Aggregate kiln
 T84 Phosphate kiln
 T85 Coke oven
 T86 Blast furnace
 T87 Smelting, melting, or refining furnace
 T88 Titanium dioxide chloride process oxidation reactor
 T89 Methane reforming furnace
 T90 Pulping liquor recovery furnace
 T91 Combustion device used in the recovery of sulfur values from spent sulfuric acid
 T92 Halogen acid furnaces
 T93 Other industrial furnaces listed in WAC 173-303-040 (specify)
 (f) Other treatment
 T94 Containment building (treatment)

3. Disposal

D79 Underground injection
 D80 Landfill
 D81 Land treatment
 D82 Ocean disposal
 D83 Surface impoundment
 (to be closed as a landfill)
 D99 Other disposal (specify)

4. Miscellaneous (Subpart X)

X01 Open burning/open detonation
 X02 Mechanical processing
 X03 Thermal unit
 X04 Geologic repository
 X99 Other Subpart X (specify)

(3) Availability, retention and disposition of records.

(a) All facility records, including plans, required by this chapter must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is designated by the director.

(b) The retention period for all facility records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

(c) A copy of records of waste disposal locations and quantities under this section must be submitted to the United States EPA regional administrator, the department, and the local land use and planning authority upon closure of the facility.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-390 Facility reporting. The owner or operator of a facility is responsible for preparing and submitting the reports described in this section.

(1) Unmanifested waste reports. If a facility accepts any dangerous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in WAC 173-303-370(3) for water (bulk shipment) transporters, and if the waste is not excluded from the manifest requirements ((~~of~~) by this chapter (~~(173-303-WAC)~~)), then the owner or operator must prepare and submit a (~~single copy of a report~~) letter to the department within fifteen days after receiving the waste. Submit the letter to the appropriate department of ecology regional office. The letter is the unmanifested waste report ((form and instructions in the Unmanifested Dangerous Waste Report must be used for this report. The report must include at least)), and must contain the following information:

(a) The EPA/state identification number, name, and address of the facility;

(b) The date the facility received the waste;

(c) The EPA/state identification number, name, and address of the generator and the transporter, if available;

(d) A description and the quantity of each unmanifested dangerous waste the facility received;

(e) The method of management for each dangerous waste;

(f) The certification signed by the owner or operator of the facility or his or her authorized representative; and

(g) A brief explanation of why the waste was unmanifested, if known.

(2) Annual reports. The owner or operator of a facility that holds an active EPA/state identification number must prepare and submit a single copy of an annual report to the department by March 1 of each year. The report form and instructions in the Dangerous Waste Annual Report (which may be obtained from the department) must be used for this report. In addition, any facility which ships dangerous waste off-site must comply with the annual reporting requirements of WAC 173-303-220. The annual report must cover facility activities during the previous calendar year and must include, but is not limited to the following information:

(a) The EPA/state identification number, name, and address of the facility;

(b) The calendar year covered by the report;

(c) For off-site facilities, the EPA/state identification number of each dangerous waste generator from which the facility received a dangerous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;

(d) A description and the quantity of each dangerous waste the facility received during the year. For off-site facilities, this information must be listed by EPA/state identification number of each generator;

(e) The method of treatment, storage, or disposal for each dangerous waste;

(f) The most recent closure cost estimate under WAC 173-303-620(3) (or 40 CFR 265.142 for interim status facilities), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5) (or 40 CFR 265.144 for interim status facilities);

(g) For generators who treat, store, or dispose of hazardous waste on-site, a description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated;

(h) For generators who treat, store, or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for the years prior to 1984; and

(i) The certification signed in accordance with the requirements of WAC 173-303-810(12).

(3) Additional reports. The owner or operator must report to the department:

(a) Releases of dangerous wastes, fires, and explosions as specified in WAC 173-303-360 (2)(k);

(b) Interim status ground water monitoring data, as specified in 40 CFR 265.94 (a)(2) and (b)(2);

(c) Facility closures specified in WAC 173-303-610(6); and

(d) As otherwise required by WAC 173-303-645 through 173-303-665, WAC 173-303-690 through 173-303-692, and WAC 173-303-400.

The owner or operator must also submit any other reports (including engineering reports, plans, and specifications) required by the department.

(4) Recordkeeping. The owner/operator of a facility must keep a copy of all unmanifested waste reports, annual reports, and any other reports submitted to the department according to the requirements of this section for a period of three years from the date the report was submitted. Note that some records must be kept until closure of the facility as otherwise required under WAC 173-303-380.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-400 Interim status facility standards.

(1) Purpose. The purpose of WAC 173-303-400 is to establish standards which define the acceptable management of dangerous waste during the period of interim status and until certification of final closure or, if the facility is subject to

post-closure requirements, until post-closure responsibilities are fulfilled.

(2) Applicability.

(a) Except as provided in 40 CFR 265.1080(b), the interim status standards apply to owners and operators of facilities that treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section, interim status applies to all facilities that comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-805. The interim status standards also apply to those owners and operators of facilities in existence on November 19, 1980, for RCRA wastes and those facilities in existence on August 9, 1982, for state only wastes who have failed to provide the required notification pursuant to WAC 173-303-060 or failed to file Part A of the permit application pursuant to WAC 173-303-805 (4) and (5). Interim status will end after final administrative disposition of the Part B permit application is completed, or may be terminated for the causes described in WAC 173-303-805(8).

(b) Interim status facilities must meet the interim status standards by November 19, 1980, except that:

(i) Interim status facilities which handle only state designated wastes (~~((i-e))~~) that is, not designated by 40 CFR Part 261) must meet the interim status standards by August 9, 1982; and

(ii) Interim status facilities must comply with the additional state interim status requirements specified in subsection (3)(c)(ii), (iii) and (v), of this section, by August 9, 1982.

(c) The requirements of the interim status standards do not apply to:

(i) Persons disposing of dangerous waste subject to a permit issued under the Marine Protection, Research and Sanctuaries Act;

(ii) ~~((Reserved))~~ The owner or operator of a facility managing recyclable materials described in WAC 173-303-120 (2), (3), and (5) (except to the extent that they are referred to in WAC 173-303-515 or 173-303-505, 173-303-520, 173-303-525, or 40 CFR Part 266 subpart H);

(iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(iv) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment units as defined in WAC 173-303-040, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(5);

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200 provides otherwise;

(vi) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers or, in the case of repackaging of previously containerized waste into new containers, at the time the waste is first placed into the new containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(vii) The compaction or sorting, by a generator, of miscellaneous waste forms such as cans, rags, and bottles in a container, so long as the activity is solely for the purpose of reducing waste void space, and so long as these activities are conducted in a manner that protects human health and prevents any release to the environment and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(viii) Generators treating dangerous waste on-site in tanks, containers, or containment buildings that are used for accumulation of such wastes provided the generator complies with the WAC 173-303-170(3);

(ix) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 CFR section 268.40, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in WAC 173-303-395 (1)(a); and

(x) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance.

(xi) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) handling the wastes listed below. These handlers are subject to regulation under WAC 173-303-573, when handling the below listed universal wastes.

(A) Batteries as described in WAC 173-303-573(2);

(B) ~~((Thermostats as described in WAC 173-303-573(3);~~

~~((C))~~ Mercury-containing equipment as described in WAC 173-303-573~~((4))~~ (3); and

~~((D))~~ (C) Lamps as described in WAC 173-303-573(5).

(xii) WAC 173-303-578 identifies when the requirements of this section apply to the storage of military munitions classified as solid waste under WAC 173-303-578(2). The treatment and disposal of dangerous waste military munitions are subject to the applicable permitting, procedural, and technical standards in this chapter.

(xiii)(A) Except as provided in (c)(xiii)(B) of this subsection, a person engaged in treatment or containment activities during immediate response to any of the following situations:

(I) A discharge of a dangerous waste;

(II) An imminent and substantial threat of a discharge of dangerous waste;

(III) A discharge of a material that, when discharged, becomes a dangerous waste;

(IV) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in WAC 173-303-040.

(B) An owner or operator of a facility otherwise regulated by WAC 173-303-600 must comply with all applicable requirements of WAC 173-303-340 and 173-303-350.

(C) Any person who is covered by (c)(xiii)(A) of this section and who continues or initiates dangerous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

(D) In the case of an explosives or munitions emergency response, if a federal, state, tribal or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA/state identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

(xiv) The owner or operator of a facility that is permitted to manage solid waste pursuant to chapter 173-350 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC 173-303-070(8).

(xv) A farmer disposing of waste pesticides from his own use provided he complies with WAC 173-303-160(2)(b).

(3) Standards.

(a) Interim status standards are the standards set forth by the Environmental Protection Agency in 40 CFR Part 265 Section 265.19 of Subpart B, Subparts F through R, Subpart W, Subparts AA, BB, CC (including references to 40 CFR Parts 60, 61, and 63), DD, EE, and Appendix VI, which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter), and:

(i) The land disposal restrictions of WAC 173-303-140; the facility requirements of WAC 173-303-280 through 173-303-440 except WAC 173-303-335; and the corrective action requirements of WAC 173-303-646;

(ii) WAC 173-303-630(3), for containers. In addition, for container storage, the department may require that the storage area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being stored, or due to a history of spills or releases from stored containers. Any new container storage areas constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7).

(iii) WAC 173-303-640 (5)(d), for tanks; and

(iv) WAC 173-303-805.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA, BB, CC, DD, and EE to the state of Washington facilities, the federal terms have (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, must be replaced with) the following state of Washington meanings:

(i) "Regional administrator" means the "department" except for 40 CFR Parts 270.2; 270.3; 270.5; 270.10 (e)(1), (2) and (4); 270.10 (f) and (g); 270.11 (a)(3); 270.14 (b)(20); 270.32 (b)(2); and 270.51;

(ii) "Hazardous" means "dangerous" except for Subparts AA, BB, CC, and DD. These subparts apply only to hazardous waste as defined in WAC 173-303-040;

(iii) "Compliance procedure" has the meaning set forth in WAC 173-303-040, Definitions;

(iv) "EPA hazardous waste numbers" mean "dangerous waste numbers."

(c) In addition to the changes described in (b) of this subsection, the following modifications are made to interim status standards of 40 CFR Part 265 Subparts F through R, Subpart W, and Subparts AA, BB, CC, DD, and EE:

(i) The words "the effective date of these regulations" means:

(A) November 19, 1980, for facilities which manage any wastes designated by 40 CFR Part 261;

(B) For wastes which become designated by 40 CFR Part 261 subsequent to November 19, 1980, the effective date is the date on which the wastes become regulated;

(C) March 12, 1982, for facilities which manage wastes designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 CFR Part 261;

(D) For wastes which become designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 CFR Part 261 subsequent to March 12, 1982, the effective date is the date on which the wastes become regulated.

(ii) (~~"Subpart N — landfills" has an additional section added which reads: "An owner/operator must not landfill an organic carcinogen or an EHW, as defined by WAC 173-303-080 through 173-303-100, except at the EHW facility at Hanford";~~

~~(iii) "Subpart R — underground injection" has an additional section which reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-100";~~

~~(iv) "Subpart M — land treatment," section 265.273(b) is modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080";) The following sections and any cross-reference to these sections are not incorporated or adopted by reference:~~

~~(A) 40 CFR Parts 260.1 (b)(4)-(6) and 260.20-22.~~

~~(B) 40 CFR Parts 264.1 (d) and (f); 265.1 (c)(4); 264.149-150 and 265.149-150; 264.301(k); and 265.430.~~

~~(C) 40 CFR Parts 268.5 and 6; 268 Subpart B; 268.42(b); and 268.44 (a) through (g).~~

~~(D) 40 CFR Parts 270.1 (c)(1)(i); 270.60(b); and 270.64.~~

~~(E) 40 CFR Parts 124.1 (b)-(e); 124.4; 124.5(e); 124.9; 124.10 (a)(1)(iv); 124.12(e); 124.14(d); 124.15 (b)(2); 124.16; 124.17(b); 124.18; 124.19; and 124.21.~~

~~(F) 40 CFR Parts 2.106(b); 2.202(b); 2.205(i); 2.209 (b)(c); 2.212-213; and 2.301-311.~~

~~(G) 40 CFR 265.110(c), 40 CFR 265.118 (c)(4), 40 CFR 265.121 and 40 CFR 265.1080 (e) and (f).~~

~~(iii) Where the federal regulations that have been incorporated by reference refer to 40 CFR 260.11, data provided~~

under this section must instead meet the requirements of WAC 173-303-110 (3)(a).

(iv) "Subpart B - general facility standards." References to "EPA" in 40 CFR 265.19, means the "department." Additionally, references to "administrator" means the "director."

(v) "Subpart F - ground water monitoring((;))"

(A) Section 265.90 (d)(1) is modified by adding the following sentence. "A copy of the plan must be submitted to the department."

(B) Section 265.90 (d)(3) is modified by adding the following sentence. "A copy of the plan must be submitted to the department."

(C) Section 265.91(c) includes the requirement that: "Ground water monitoring wells must be designed, constructed, and operated so as to prevent ground water contamination. Chapter 173-160 WAC may be used as guidance in the installation of wells"((;)).

(D) Section 265.93 (d)(2) is modified by adding the following sentence. "A copy of the plan must be submitted to the department," and

(E) Section 265.93 (d)(5) is modified by adding the following sentence. "A copy of the report must be submitted to the department within 15 days."

(vi) "Subpart G - closure and post-closure."

(A) The third sentence in section 265.112 (d)(1) is modified to read "The owner or operator must submit the closure plan to the department at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit, or final closure of a facility with only such units."

(B) The sixth sentence of section 265.112 (d)(1) is modified to read "Owners or operators with approved closure plans must notify the department in writing at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit, or final closure of a facility with only such units." The first sentence of section 265.115 is modified to read "Within 60 days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas) and within 60 days of completion of final closure, the owner or operator must submit to the department, by registered mail, a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan." In addition, the clean-up levels for removal or decontamination set forth at WAC 173-303-610 (2)(b) apply.

(C) Section 265.113 (e)(5) is modified by changing "annual reports" to "semi-annual reports."

(D) Section 265.115 is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(E) Section 265.120 is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(vii) "Subpart H - financial requirements," ((has an additional section which))

(A) An additional sentence that reads: "Any owner or operator who can provide financial assurances and instruments which satisfy the requirements of WAC 173-303-620

will be deemed to be in compliance with 40 CFR Part 265 Subpart H."

(B) In 40 CFR Parts 265.143(g) and 265.145(g) the following sentence does not apply to the state: "If the facilities covered by the mechanisms are in more than one Region, identical evidence of financial assurance must be submitted to, and maintained with the Regional Administrators of all such Regions." Instead, the following sentence applies: "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained with the state agency regulating hazardous waste or with the appropriate regional administrator if the facility is located in an unauthorized state." ((~~the addition~~))

(C) Section 265.143(h) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(D) Section 265.145(h) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(E) Section 265.147(e) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(F) The following sections and any cross-reference to these sections are not incorporated by reference: 40 CFR Parts 265.149 and 265.150; ((and

(vii) "Subpart J - tank systems" section 265.193(a) is modified so that the dates by which secondary containment (which meets the requirements of that section) must be provided are the same as the dates in WAC 173-303-640 (4)(a);))

(viii) "Subpart I use and management of containers."

Section 265.174 is modified by replacing the paragraph with the following. "The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors."

(ix) "Subpart J - tank systems,"

(A) Section 265.191(a) is modified so that the date by which an assessment of a tank system's integrity must be completed is January 12, 1990.

((ix) "Subpart G - closure and post-closure." The third sentence in section 265.112 (d)(1) is modified to read "The owner or operator must submit the closure plan to the department at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit, or final closure of a facility with only such units." In addition, the sixth sentence of section 265.112 (d)(1) is modified to read "Owners or operators with approved closure plans must notify the department in writing at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit, or final closure of a facility with only such units." The first sentence of section 265.115 is modified to read "Within 60 days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas) and within 60 days of completion of final closure, the owner or operator must submit to the department, by registered mail, a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan." In addition, the clean-up levels

for removal or decontamination set forth at WAC 173-303-610 (2)(b) apply.

(x) "Subpart B – general facility standards. References to "EPA" (etc.), means the "department" except at 40 CFR 265.11. Additionally, references to "administrator" (etc.), means the "director" except at 40 CFR 265.12(a)."

(xi) The following sections and any cross reference to these sections are not incorporated or adopted by reference:

(A) 40 CFR Parts 260.1 (b)(4) (6) and 260.20-22.

(B) 40 CFR Parts 264.1 (d) and (f); 265.1 (e)(4); 264.149-150 and 265.149-150; 264.301(k); and 265.430.

(C) 40 CFR Parts 268.5 and 6; 268 Subpart B; 268.42(b); and 268.44 (a) through (g).

(D) 40 CFR Parts 270.1 (e)(1)(i); 270.60(b); and 270.64.

(E) 40 CFR Parts 124.1 (b) (e); 124.4; 124.5(e); 124.9; 124.10 (a)(1)(iv); 124.12(e); 124.14(d); 124.15 (b)(2); 124.16; 124.17(b); 124.18; 124.19; and 124.21.

(F) 40 CFR Parts 2.106(b); 2.202(b); 2.205(i); 2.209 (b) (e); 2.212-213; and 2.301-311.

(G) 40 CFR 265.110(e), 40 CFR 265.118 (e)(4), 40 CFR 265.121 and 40 CFR 265.1080 (e) and (f).

(xii) "Subpart EE – Hazardous waste munitions and explosives storage." The first sentence at 40 CFR 265.1202 is modified to exclude the exception for hazardous wastes managed under 261.3(d-)) (B) Section 265.191(a) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(C) Section 265.191 (b)(5)(ii) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(D) Section 265.192(a) introductory text is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(E) Section 265.192(b) introductory text is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(F) Section 265.193(a) is modified so that the dates by which secondary containment (which meets the requirements of that section) must be provided are the same as the dates in WAC 173-303-640 (4)(a).

(G) Section 265.193 (i)(2) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(H) Section 265.195(b) is modified by deleting the words "Except as noted under the paragraph (c) of this section."

(I) Section 265.195 is modified by deleting paragraphs (c) and (d).

(J) Section 265.196(f) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer" and by adding the following sentence. "A copy of the plan must be submitted to the department within seven days after returning the tank system to use."

(K) Section 265.201(c) is modified by deleting the words "Except as noted in paragraph (d) of this section."

(L) Section 265.201 is modified by deleting paragraphs (d) and (e).

(x) "Subpart K surface impoundments." Section 265.224(a) is modified by adding the following sentence. "A copy of the plan must be submitted to the department when

submitting the proposed action leakage rate under section 265.222."

(xi) "Subpart L waste piles." Section 265.259(a) is modified by adding the following sentence. "A copy of the response action plan must be submitted to the department when submitting the proposed action leakage rate under section 265.255."

(xii) "Subpart M land treatment."

(A) Section 265.273(b) is modified by replacing the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080".

(B) Section 265.280(e) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(xiii) "Subpart N - landfills."

(A) An additional sentence reads: "An owner/operator must not landfill an organic/carbonaceous waste or an EHW, as defined by WAC 173-303-080 through 173-303-100, except at the EHW facility at Hanford."

(B) Section 265.303(a). "A copy of the response action plan must be submitted to the department when submitting the proposed action leakage rate under section 265.302."

(xiv) "Subpart O incinerators."

(xv) "Subpart P thermal treatment."

(xvi) "Subpart Q chemical, physical and biological treatment."

(xvii) "Subpart R - underground injection." An additional sentence reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-100."

(xviii) "Subpart W drip pads."

(A) Section 265.441(a) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(B) Section 265.441(b) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(C) Section 265.441(c) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(D) Section 265.443 (a)(4)(ii) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(E) Section 265.443(g) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(F) 265.444(a) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(xix) "Subpart AA air emission standards for process vents."

(xx) "Subpart BB air emission standards for equipment leaks."

(A) Section 265.1061 is modified by adding (d) "If an owner or operator decides no longer to comply with this section, the owner or operator must notify the department in writing that the work practice standard described in 265.1057(a) through (e) will be followed."

(B) Section 265.1061(b) is modified by adding (b)(3) "An owner or operator must notify the department that the

owner or operator has elected to comply with the requirements of this section."

(C) Section 265.1062(a) is modified by adding the sentence "An owner or operator must notify the department before implementing one of the alternative work practices."

(xxi) "Subpart CC air emission standards for tanks, surface impoundments, and containers."

(xxii) "Subpart DD containment buildings."

(A) Section 265.1101 (c)(2) is modified by changing "qualified Professional Engineer" to "independent registered professional engineer."

(B) Section 265.1101 (c)(4) is modified by deleting the words "except for Performance Track member facilities, that must inspect up to once each month, upon approval of the director" and deleting the last sentence of the paragraph.

(xxiii) "Subpart EE - hazardous waste munitions and explosives storage."

The first sentence at 40 CFR 265.1202 is modified to exclude the exception for hazardous wastes managed under 261.3(d).

(4) The requirements of this section apply to owners or operators of all facilities that treat, store or dispose of hazardous waste referred to in 40 CFR Part 268, and the 40 CFR Part 268 standards are considered material conditions or requirements of the interim status standards incorporated by reference in subsection (3) of this section.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-505 Special requirements for recyclable materials used in a manner constituting disposal. (1) Applicability. (Also, see WAC 173-303-120(3).)

(a) This section applies to recyclable materials that are applied to or placed on the land:

(i) Without mixing with any other substance(s); or

(ii) After mixing or combining with any other substance(s). These materials will be referred to as "materials used in a manner that constitutes disposal."

(b)(i) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the product so as to become inseparable by physical means and if such products meet the applicable treatment standards in 40 CFR Part 268 Subpart D (or applicable prohibition levels in 268.32 or RCRA section 3004(d), where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that they contain.

(ii) Antiskid/deicing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of dangerous waste K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in (b)(i) of this subsection and remain subject to regulation.

(iii) Fertilizers that contain recyclable materials are not subject to regulation provided that:

(A) They are zinc fertilizers excluded according to WAC 173-303-071 (3)(pp); or

(B) They meet the applicable treatment standards in subpart D of Part 268, which is incorporated by reference at WAC 173-303-140 (2)(a) for each hazardous waste that they contain.

(Note: Fertilizers that contain recyclable material derived from state-only waste must also meet the treatment standards in WAC 173-303-140 (2)(a) that apply to the characteristics of dangerous waste that the state-only waste exhibits.)

(iv) The department may recommend registration under chapter 15.54 RCW for a waste-derived fertilizer (including fertilizers that contain recyclable material) or micronutrient fertilizer: Provided, That the registrant submits the information described in (b)((~~v~~)) (iv)(A) or (B) of this subsection. However, the information requirements in (b)(v)(A) of this subsection may not be required if: The registrant provides documentation that the fertilizer has been previously registered in Washington state two or more times using the information in (b)(v)(A) of this subsection, and the source materials used to manufacture the product have not changed.

(A) Initial criteria.

(I) The applicable Land Disposal Restriction (LDR) Certification as described in 40 CFR Part 268, or toxicity characteristic leaching procedure (TCLP) data that indicate the product contains less than the maximum concentrations for TCLP metals described in WAC 173-303-090(8); and

(II) Total Halogenated Organic Compounds (HOC) test data that indicate the product contains less than 1% total HOC.

(B) Secondary criteria.

(I) A complete description of the fertilizer manufacturing process, including the location of the manufacturing facility; and

(II) A complete list of all ingredients used in manufacturing the fertilizer and a complete description of the sources of those ingredients, including a description of the original process and location for each of those ingredients; and

(III) Evidence that any waste(s) used in manufacturing the product does not designate as dangerous waste according to procedures described in WAC 173-303-070; and

(IV) Other information as required by the department.

(2) Recyclable materials used in a manner that constitutes disposal are dangerous wastes and are subject to the following requirements:

(a) For generators, WAC 173-303-170 through 173-303-230;

(b) For transporters, WAC 173-303-240 through 173-303-270; and

(c) For facilities that store or use dangerous wastes in a manner constituting disposal, the applicable requirements of 40 CFR Part 268 (incorporated by reference in WAC 173-303-140 (2)(a)) and 173-303-280 through 173-303-840 (except that users of such products are not subject to these standards if the products meet the requirements of subsection (1)(b) of this section).

(d) The use of waste oil, used oil, or other material that is contaminated with dioxin or any other dangerous waste for dust suppression or road treatment is prohibited.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

WAC 173-303-506 Special requirements for the recycling of spent CFC or HCFC refrigerants. (1) Applicability. (Also, see WAC 173-303-120(3).)

(a) This section applies to spent chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) refrigerants that are reclaimed or recycled. Refrigerants eligible for these special requirements are those CFCs and HCFCs that were used as heat transfer material in a refrigeration cycle in totally enclosed heat transfer equipment and are subsequently reclaimed or recycled.

(b) Persons who generate, transport, or store spent CFC or HCFC refrigerants prior to reclamation or recycling and facilities that reclaim or recycle spent CFC or HCFC refrigerants are subject to the requirements of this section, and WAC 173-303-050, 173-303-145, and 173-303-960. Spent CFC or HCFC refrigerants that are not reclaimed or recycled are subject to all the applicable requirements of chapter 173-303 WAC. Any discharge of spent CFCs or HCFCs to the environment constitutes disposal and is subject to full regulation under chapter 173-303 WAC.

(2) Generator requirements.

(a) Persons who reclaim or recycle their spent CFC or HCFC refrigerants, either on-site or send their wastes off-site to be reclaimed or recycled, must keep records for a period of at least five years from the date of reclamation/recycling to document:

(i) The date of shipment (if sent off-site);

(ii) The quantity (by weight) reclaimed/recycled per shipment (when sent off-site) or batch (when recycled on-site);

(iii) The percentage of the total amount of CFC or HCFC wastes reclaimed/recycled per shipment or batch (and the manner of disposal for the remaining CFCs or HCFCs); and

(iv) The dates of reclamation/recycling.

(b) For CFCs or HCFCs sent off-site, the generator must obtain a signed document from the reclamation facility certifying the information in (a) of this subsection.

(3) Reclamation facility requirements.

(a) Facilities that reclaim or recycle CFC or HCFC refrigerants must comply with all the requirements of WAC 173-303-500 (except for WAC 173-303-500 (2)(c)(ii)). The applicable provisions of the following sections will also apply:

(i) WAC 173-303-280(2), General requirements for dangerous waste management facilities, imminent hazard;

(ii) WAC 173-303-283, Performance standards;

(iii) WAC 173-303-290 (1) and (2), Required notices;

(iv) WAC 173-303-380, Facility recordkeeping; except for WAC 173-303-380 (1)(c), (e), and (h);

(v) WAC 173-303-390(3), Facility reporting;

(vi) WAC 173-303-630(10), Use and management of containers;

(vii) WAC 173-303-640 (1), (2), (8), and (10), Tank systems (~~except WAC 173-303-640 (8)(e) and the second sentence of WAC 173-303-640 (8)(a) (i.e., a recycler, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial respon-~~

~~sibility for his tank system to satisfy the requirements of this section))~~).

(b) The reclamation facility must supply generators with a signed document certifying the information in subsection (2)(a) of this section.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-510 Special requirements for dangerous wastes burned for energy recovery. (1) Applicability. (Also, see WAC 173-303-120(3).)

(a) This section applies to generators, marketers, transporters, blenders, and burners of dangerous waste fuels that are to be burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, except as provided by (b) of this subsection. These regulations do not apply to gas recovered from dangerous waste management activities when such gas is burned for energy recovery. Note: (This note is a reminder that all generators, transporters, and burners of federally regulated hazardous waste fuels that are to be burned for energy recovery, and all storage facility owners and operators of facilities that store dangerous waste that is burned in a boiler or industrial furnace must comply with the requirements of 40 CFR Part 266 Subpart H.) In addition, the following are incorporated by reference for boilers and industrial furnaces that burn hazardous waste: 40 CFR 266.100 (b)(1), ~~266.100 (b)(2), 266.100 (b)(3),~~ 266.100 (d)(1), 266.100 (d)(3) intro, and 266.100(h).

(b) The following dangerous wastes are not subject to regulation under this section:

(i) Used oil burned for energy recovery if it is a dangerous waste because it:

(A) Exhibits a characteristic of dangerous waste identified in WAC 173-303-090; or

(B) Is designated as DW only (and not EHW) through the criteria of WAC 173-303-100.

Such used oil is subject to regulation under WAC 173-303-515 rather than this section.

Note: Used oil burned for energy recovery containing a listed waste or a waste designated as EHW through the criteria of WAC 173-303-100 (~~((a) and~~) ~~(6)(b) and (c)~~) is subject to this section.

(ii) (Reserved.)

(2) Definitions. Any terms used in this section that are not defined below have the meanings provided in WAC 173-303-040. For the purposes of this section, the following terms have the described meanings:

(a) "Dangerous waste fuel" means dangerous waste burned or to be burned for energy recovery. Fuel produced from dangerous waste by processing, blending, or other treatment is also dangerous waste fuel.

(b) "Distributor" means persons who distribute but do not process or blend dangerous waste fuel. Distributors may broker fuel by arranging for the final disposition of the fuel. Distributors are regulated under subsection (6) of this section.

(c) "Blender" means persons who produce, process, or blend fuel from dangerous wastes. Blenders are regulated under subsection (7) of this section.

(d) "Marketer" means persons who are:

(i) Generators who market dangerous waste fuel directly to a burner. Generators are regulated under subsection (4) of this section;

(ii) Distributors, regulated under subsection (6) of this section;

(iii) Blenders, regulated under subsection (7) of this section.

(3) Prohibitions.

(a) A person may market dangerous waste fuel only:

(i) To persons, in state, who have notified the department of their dangerous waste fuel activities under WAC 173-303-060 and have an EPA/state identification number or to out-of-state marketers or burners who have notified the EPA or authorized state agency and who have an EPA/state identification number; and

(ii) When marketed to a burner, to persons who burn the fuel in boilers or industrial furnaces identified in (b) of this subsection.

(b) Dangerous waste fuel may be burned for energy recovery in the following devices only;

(i) Industrial furnaces identified in WAC 173-303-040;

(ii) Boilers, as defined in WAC 173-303-040, that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any dangerous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than five hundred thousand (based on the most recent census statistics) unless such kiln fully complies with regulations under this chapter that are applicable to incinerators.

(4) Standards applicable to generators of dangerous waste fuel.

(a) All generators of dangerous waste that is used as a fuel or used to produce a fuel are subject to WAC 173-303-170 through 173-303-230.

(b) Generators who are marketers. Generators are marketers if they send their waste fuel directly to a burner. Generators who are marketers must:

(i) Prohibitions. Comply with the prohibitions under subsection (3) of this subsection.

(ii) Notification. Comply with the notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Generators who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(iii) Accumulation. Comply with accumulation requirements of WAC 173-303-200 or 173-303-201.

(iv) Storage. For generators who have interim or final status and exceed the accumulation time frames referenced in (b)(iii) of this subsection, comply with the storage provisions of:

(A) WAC 173-303-280 through 173-303-395; and

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities.

(v) Required notice. Obtain, prior to initiating the first shipment of dangerous waste fuel, a one time written and signed certification notice from the burner certifying that:

(A) The burner has notified as described under subsection (3) of this subsection; and

(B) The burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this subsection.

(vi) Recordkeeping. Keep a copy of each certification notice received for at least five years from the date of the last dangerous waste fuel shipment to the burner who sent such notice.

(c) Generators who are burners also are subject to subsection (8) of this section.

(5) Standards applicable to transporters of dangerous waste fuel. Transporters of dangerous waste fuel (and dangerous waste that is used to produce a fuel) are subject to the requirements of WAC 173-303-240 through 173-303-270.

(6) Standards applicable to distributors of dangerous waste fuel.

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Distributors who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Storage. Distributors who store dangerous waste fuels must comply with the applicable storage provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities;

(iv) The standards for generators in WAC 173-303-170 through 173-303-230.

(d) Off-site shipment. A distributor must meet the standards for generators in WAC 173-303-170 through 173-303-230 when the distributor initiates a shipment of dangerous waste fuel. Except that a distributor may not accumulate dangerous waste fuels under the accumulation provisions of WAC 173-303-200 or 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another distributor, a blender, or a burner, a distributor must obtain a one-time written and signed certification notice from the distributor, blender, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another distributor or blender, the distributor must provide the other distributor or blender with a one-time

written and signed certification that the distributor has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A distributor must keep a copy of each certification notice received or sent for at least five years from the date the distributor last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(7) Standards applicable to blenders of dangerous waste fuels.

(a) Prohibitions. The prohibitions under subsection (3) of this section.

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Blenders who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Facility. For tanks, containers, or other units used to hold dangerous waste prior to blending or processing; for blending or processing tanks, containers, or other units; and for tanks, containers, or other units, used to hold blended or processed fuel, blenders must comply with the applicable provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities;

(d) Off-site shipment. The standards for generators in WAC 173-303-170 through 173-303-230 when a blender initiates a shipment of dangerous waste fuel, except that a blender may not accumulate dangerous waste fuels under the accumulation provisions of WAC 173-303-200 or 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another blender, a distributor, or a burner, a blender must obtain a one-time written and signed certification notice from the blender, distributor, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another blender or distributor, the blender must provide the other blender or distributor with a one-time written and signed certification that the blender has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A blender must keep a copy of each certification notice received or sent for at least five years from the date the blender last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(8) Standards applicable to burners of dangerous waste fuel.

Owners and operators of industrial furnaces and boilers identified in subsection (3)(b) of this section must comply with:

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. A burner who has previously notified the department of dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify the dangerous waste fuel activities;

(c) Storage.

(i) For short term accumulation by generators who burn their dangerous waste fuel on-site, the applicable provisions of WAC 173-303-200 or 173-303-201.

(ii) For all burners who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities (the air emission requirements do not apply to burners that meet the small quantity burner exemption at 40 CFR 266.101);

(d) Required notices. Before a burner accepts the first shipment of dangerous waste fuel from a distributor, or a blender, or a generator the burner must provide the distributor, or the blender, or the generator a one-time written and signed notice certifying that:

(i) The burner has notified as described under subsection (3) of this section; and

(ii) The dangerous waste fuel will only be burned in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(e) Recordkeeping. In addition to the applicable recordkeeping requirements of WAC 173-303-380, a burner must keep a copy of each certification notice sent for at least five years from the date the burner last receives dangerous waste fuel from the person who received the certification notice.

(f) Local requirements. Any person who burns dangerous waste for energy recovery must comply with air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-515 Standards for the management of used oil. (1) **Purpose.** The purpose of this section is to provide used oil management standards for generators, transporters, collection centers, aggregation points, transfer facilities, processors, and re-refiners, burners, and marketers of used oil.

(2) **Definitions.** In addition to the terms used in this chapter, the definitions of 40 CFR Part 279 are incorporated by reference when managing used oil under this section. The term "hazardous waste" used in 40 CFR Part 279 means "dangerous waste" as defined in WAC 173-303-040.

(3) **Applicability.** This section identifies those materials subject to regulation as used oil. For the purpose of this section, the applicability statements of 40 CFR Part 279.10 are incorporated by reference, except 40 CFR Part 279.10 (b)(2) and (3), and as modified below. In addition, the test methods at WAC 173-303-110(3) must be used.

Materials containing or otherwise contaminated with or derived from used oil: The term "materials" used in 40 CFR Part 279.10 does not include dangerous waste.

(4) **Used oil specifications.** For the purpose of managing materials under this section, 40 CFR Part 279.11 and 40 CFR Part 261.3 (a)(2)(v) (rebuttable presumption) are incorporated by reference except that the test methods at WAC 173-303-110(3) must be used.

The table is included below for the reader's convenience.

Table 1—Used Oil Exceeding any Specification Level is Subject to this Section When Burned for Energy Recovery

Constituent/property	Allowable level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100° F minimum
Total halogens	4,000 ppm maximum\1\

Note: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).

\1\ Used oil containing more than 1,000 ppm total halogens is presumed to be a dangerous waste under the rebuttable presumption provided under 40 CFR 279.10(b)(1). Such used oil is subject to 40 CFR Subpart H of Part 266 rather than this section when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(5) **Prohibitions.** The prohibitions of 40 CFR Part 279.12 are incorporated by reference. The prohibitions for managing materials under this section include those listed in 40 CFR Part 279.12 and the following:

(a) Materials designating as EHW or WPCB cannot be managed under this section when burned for energy recovery. Note: Materials managed under this section containing 2 ppm or greater PCBs are subject to applicable requirements of 40 CFR Part 761.20(e).

(b) Metal working fluids that are formulated with chlorinated compounds such as chlorinated paraffins or chlorinated alkene polymers cannot be managed under this section when burned for energy recovery.

(c) Ethylene glycol based fluids cannot be managed under this section. These fluids are subject to section WAC 173-303-522 when recycled.

(d) The use of used oil or other materials managed under this section as a dust suppressant is prohibited.

(e) Materials to be managed under this section are prohibited from being mixed with any dangerous waste. If any material managed under this section is mixed with dangerous waste, the resultant mixture is dangerous waste and must be managed as such.

(6) **Standards for used oil generators.** This subsection applies to all used oil generators and persons managing mate-

rials under this section. The standards for used oil generators of 40 CFR Parts 279.20 through 279.24 are incorporated by reference except 40 CFR Part 279.21. Used oil generators and persons managing materials under this subsection are subject to the federal regulations listed above and the following:

(a) Storage requirements for containers and tanks.

(i) Containers must be closed at all times, except when adding or removing materials managed under this section.

(ii) Containers and tanks must not be opened, handled, managed or stored in a manner that may cause the container or tank to leak or rupture.

(b) Secondary containment requirements for storage of material managed under this section in tanks and containers.

The department may require secondary containment, on a case-by-case basis, in accordance with some or all of the requirements in WAC 173-303-630(7) and 173-303-640(4) if the department determines that a potential for spills and discharges, mismanagement, or other factors pose a threat to human health or the environment.

(c) Self-transport to approved collection centers. In addition to 40 CFR Part 279.24(a), generators may self-transport quantities greater than 55 gallons to a used oil collection center: Provided, That the owner/operator of the center records the name, address, telephone number, date of delivery and quantity of used oil being delivered to the site by the generator.

(7) **Standards for used oil collection centers and aggregation points.** For the purpose of managing materials under this section, 40 CFR Parts 279.30 through 279.32 are incorporated by reference. The standards for used oil collection centers under this subsection are those federal regulations listed above and the following modifications:

In addition to the requirements of 40 CFR Part 279.31, the owner or operator of a used oil collection center may accept greater than 55 gallons of used oil from generators: Provided, That:

(a) The requirements for a used oil transfer facility (40 CFR Parts 279.40 through 279.47) are complied with while that used oil is on site; and

(b) The owner/operator of the collection center records the name, address, telephone number, date of delivery and quantity of used oil being delivered to the site by the generator of the used oil; and

(c) Such records are kept on site for a period of three years.

(8) **Standards for used oil transporters and transfer facilities.** For the purpose of managing materials under this section, 40 CFR Parts 279.40 through 279.47 are incorporated by reference except that the test methods at WAC 173-303-110(3)(a) must be used. The standards for used oil transfer facilities under this subsection are those federal regulations listed above and the following modifications:

Additional reports. Upon determination by the department that the storage of used oil in tanks and/or containers poses a threat to public health or the environment, the department may require the owner/operator to provide additional information regarding the integrity of structures and equipment used to store used oil. This authority applies to tanks and secondary containment systems used to store used oil in

tanks and containers. The department's determination of a threat to public health or the environment may be based upon observations of factors that would contribute to spills or releases of used oil or the generation of hazardous by-products (e.g., hydrogen sulfide gas). Those observations may include, but are not limited to, leaks, severe corrosion, structural defects or deterioration (cracks, gaps, separation of joints), inability to completely inspect tanks or structures, or concerns about the age or design specification of tanks.

(a) When required by the department, a qualified, independent professional engineer registered to practice in Washington state must perform the assessment of the integrity of tanks or secondary containment systems.

(b) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (a) of this subsection, it is determined that repairs or structural improvements are necessary in order to eliminate threats, the department may require the owner/operator to discontinue the use of the tank system or container storage unit and remove the used oil until the repairs or improvements are completed and approved by the department.

(9) **Standards for used oil processors and rerefiners.** For the purpose of managing materials under this section, 40 CFR Parts 279.50 through 279.59 are incorporated by reference except that the test methods at WAC 173-303-110 (3)(a) must be used. The standards for used oil processors and rerefiners under this subsection are those federal regulations listed above and the following:

(a) In addition to the general facility standards of 40 CFR Part 279.52, owners and operators of used oil processing and/or rerefining facilities regulated under this subsection are subject to the following:

(i) Used oil and other materials managed under the standards for management of used oil may be stored on-site without a permit for ninety days prior to entering an active recycling process. An active recycling process refers to a dynamic recycling operation that occurs within the recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities;

(ii) Facility closure standards of WAC 173-303-610 (2) and (12); and

(iii) Financial requirements of WAC 173-303-620 (1)(e).

(b) Additional reports. Upon determination by the department that the storage of used oil in tanks and/or containers poses a threat to public health or the environment, the department may require the owner/operator to provide additional information regarding the integrity of structures and equipment used to store used oil. This authority applies to tanks and secondary containment systems used to store used oil in tanks and containers. The department's determination of a threat to public health or the environment may be based upon observations of factors that would contribute to spills or releases of used oil or the generation of hazardous by-products (for example, hydrogen sulfide gas). Those observations may include, but are not limited to, leaks, severe corrosion, structural defects or deterioration (cracks, gaps, separation of joints), inability to completely inspect tanks or structures, or concerns about the age or design specification of tanks.

(i) When required by the department, a qualified, independent professional engineer registered to practice in Washington state must perform the assessment of the integrity of tanks or secondary containment systems.

(ii) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (b) of this subsection, it is determined that repairs or structural improvements are necessary in order to eliminate threats, the department may require the owner/operator to discontinue the use of the tank system or container storage unit and remove the used oil until such repairs or improvements are completed and approved by the department.

(10) **Standards for used oil burners who burn off-specification.** For the purpose of managing materials under this subsection, 40 CFR Parts 279.60 through 279.67 are incorporated by reference except that the test methods at WAC 173-303-110 (3)(a) must be used.

(11) **Standards for used oil fuel marketers.** For the purpose of managing materials under this subsection, 40 CFR Parts 279.70 through 279.75 are incorporated by reference.

(12) **Standards for disposal of used oil.** For the purpose of managing materials under this subsection, 40 CFR Parts 279.80 through 279.82(a) are incorporated by reference.

(13) **Testing required.**

(a) Notwithstanding any other provisions of this section, the department may require any person to test their used oil according to the methods set forth in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication, SW-846* to either determine if the used oil is on-specification as described in WAC 173-303-515(4), determine whether the used oil contains a listed hazardous waste, or determine if the used oil is prohibited from being managed as used oil in WAC 173-303-515(5).

(b) Where the federal regulations that have been incorporated by reference refer to 40 CFR 260.11, data provided under this section must instead meet the requirements of WAC 173-303-110 (3)(a).

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

WAC 173-303-522 Special requirements for recycling spent antifreeze. (1) Applicability. This section applies to the recycling of spent antifreeze. Antifreeze means ethylene glycol based coolant used as a heat exchange medium in motor vehicle radiators, motorized equipment, or in other industrial processes. For the purposes of this section recycling means reclamation and reuse, but not burning for energy recovery. (Also, see WAC 173-303-120(3).)

(2) Standards. Persons who generate, transport, or store spent antifreeze but do not reclaim or recycle it are subject to the requirements of WAC 173-303-050, 173-303-145, and 173-303-960 if their spent antifreeze is going to a recycler. Any discharge of spent antifreeze to the environment constitutes disposal and is subject to full regulation under this chapter.

(a) Generator requirements:

(i) Persons who reclaim or recycle their spent antifreeze on-site, or send their antifreeze off-site to be reclaimed or

recycled, must keep records for a period of five years from the date of reclamation/recycling.

Proof of reclamation/recycling is either a log for on-site reclamation/recycling or an invoice or bill of lading for off-site reclamation/recycling.

(ii) Containers and tanks used to accumulate spent antifreeze must be labeled "spent antifreeze."

(iii) Spent antifreeze that is to be reclaimed can be accumulated on-site for any length of time, and in any amount.

(iv) During accumulation, spent antifreeze must be stored in a manner to prevent releases to the environment. This includes, but is not limited to, storing wastes in compatible containers, on impermeable surfaces, or in secondary containment structures.

(b) If spent antifreeze is mixed with another dangerous waste, generators are subject to the generator requirements, WAC 173-303-170 through 173-303-230.

(c) Persons who generate spent antifreeze that is not reclaimed/recycled, but is otherwise disposed, are subject to all applicable requirements of this chapter.

(3) Transporters and transfer facility requirements:

(a) Persons engaged in routine off-site transportation of spent antifreeze are required to obtain a state/EPA ID number, WAC 173-303-060, and to comply with the transporter requirements, WAC 173-303-240.

(b) If spent antifreeze is mixed with another dangerous waste, transporters are subject to the generator requirements, WAC 173-303-170 through 173-303-230.

(c) Transporters who store spent antifreeze at a transfer facility are allowed to use tanks or containers as defined in WAC 173-303-040, and store such waste for up to ten days, WAC 173-303-240(6).

Transporters may store spent antifreeze at a transfer facility for longer than ten days if they meet the requirements for tank and/or container management, including secondary containment in WAC 173-303-630 through 173-303-640.

(4) Reclamation/recycling facility requirements: Owners and operators of antifreeze reclaiming/recycling facilities are subject to the conditions of WAC 173-303-120 (4)(c). These conditions apply equally to facilities whether or not ~~((twenty four hour))~~ ecology approved case-by-case seventy-two hour storage of spent antifreeze occurs prior to reclamation.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-573 Standards for universal waste management. (1) Scope.

(a) This section establishes requirements for managing the following:

(i) Batteries as described in subsection (2) of this section;

~~((ii))~~ ~~((Thermostats as described in subsection (3) of this section;~~

~~((iii)))~~ Mercury-containing equipment as described in subsection ~~((4))~~ (3) of this section; and

~~((iv)))~~ (iii) Lamps as described in subsection (5) of this section.

(b) This section provides an alternative set of management standards in lieu of regulation under the rest of this

chapter except for WAC 173-303-050, 173-303-145, and 173-303-960.

(2) Applicability—Batteries.

(a) Batteries covered under this section.

(i) The requirements of this section apply to persons managing batteries, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(ii) Spent lead-acid batteries which are not managed under WAC 173-303-120 (3)(f) and 173-303-520, are subject to management under this section.

(b) Batteries not covered under this section. The requirements of this section do not apply to persons managing the following batteries:

(i) Spent lead-acid batteries that are managed under WAC 173-303-120(3) and 173-303-520.

(ii) Batteries, as described in WAC 173-303-040, that are not yet wastes under WAC 173-303-016, 173-303-017, or 173-303-070, including those that do not meet the criteria for waste generation in (c) of this subsection.

(iii) Batteries, as described in WAC 173-303-040, that are not dangerous waste. A battery is a dangerous waste if it exhibits one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100.

(c) Generation of waste batteries.

(i) A used battery becomes a waste on the date it is discarded ~~((e.g.))~~ for example, when sent for reclamation).

(ii) An unused battery becomes a waste on the date the handler decides to discard it.

~~(3) ((Applicability—Mercury thermostats.~~

~~(a) Thermostats covered under this section. The requirements of this section apply to persons managing thermostats, as described in WAC 173-303-040, except those listed in (b) of this subsection.~~

~~(b) Thermostats not covered under this section. The requirements of this section do not apply to persons managing the following thermostats:~~

~~(i) Thermostats that are not yet wastes under WAC 173-303-016, 173-303-017, or 173-303-070. Paragraph (c) of this subsection describes when thermostats become wastes.~~

~~(ii) Thermostats that are not dangerous waste. A thermostat is a dangerous waste if it exhibits one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100.~~

~~(c) Generation of waste thermostats.~~

~~(i) A used thermostat becomes a waste on the date it is discarded (e.g., sent for reclamation).~~

~~(ii) An unused thermostat becomes a waste on the date the handler decides to discard it.~~

~~(4))~~ **Applicability—Mercury-containing equipment.**

(a) Mercury-containing equipment covered under this section. The requirements of this section apply to persons managing mercury-containing equipment, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(b) Mercury-containing equipment not covered under this section. The requirements of this section do not apply to persons managing the following mercury-containing equipment:

(i) Mercury-containing equipment that is not yet a waste under WAC 173-303-016, 173-303-017, or 173-303-070.

Paragraph (c) of this subsection describes when mercury-containing equipment becomes a waste(-);

(ii) Mercury-containing equipment that is not a dangerous waste. Mercury-containing equipment (~~(that does not exhibit)~~) is a dangerous waste if it exhibits one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100 (~~(is not dangerous waste)~~); and

(iii) Equipment and devices from which the mercury-containing components have been removed.

(c) Generation of waste mercury-containing equipment.

(i) Used mercury-containing equipment becomes a waste on the date it is discarded.

(ii) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

~~((d) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) are exempt from 40 CFR 268.7 and 268.50 (incorporated by reference at WAC 173-303-140 (2)(a)) for mercury-containing equipment covered under this subsection-))~~ (4) Reserve.

(5) Applicability—Lamps.

(a) Lamps covered under this section. The requirements of this section apply to persons managing lamps, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(b) Lamps not covered under this section. The requirements of this section do not apply to persons managing the following lamps:

(i) Lamps that are not yet wastes under WAC 173-303-016, 173-303-017, or 173-303-070. Paragraph (c) of this subsection describes when lamps become wastes.

(ii) Lamps that are not dangerous waste. Lamps that do not exhibit one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100 are not dangerous waste.

(c) Generation of waste lamps.

(i) A used lamp becomes a waste on the date it is discarded.

(ii) An unused lamp becomes a waste on the date the handler decides to discard it.

(6) Applicability—Small quantity handlers of universal waste. Subsections (6) through (16) of this section apply to small quantity handlers of universal waste (as defined in WAC 173-303-040).

(7) Prohibitions.

A small quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in subsection (13) of this section; or by managing specific wastes as provided in subsection (9) of this section.

(8) Notification.

A small quantity handler of universal waste is not required to notify the department of universal waste handling activities.

(9) Waste management.

(a) Universal waste batteries. A small quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells;

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(iii) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (~~((e.g.))~~ for example, battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100.

(A) If the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it is subject to all applicable requirements of this chapter. The handler is considered the generator of the dangerous electrolyte and/or other waste and is subject to WAC 173-303-170 through 173-303-230.

(B) If the electrolyte or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste (~~((thermostats and))~~) mercury-containing equipment. A small quantity handler of universal waste must manage universal waste (~~((thermostats and))~~) mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A small quantity handler of universal waste must place in a container any universal waste (~~((thermostat or))~~) mercury-containing equipment with noncontained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the (~~((thermostat or))~~) device, (~~((and))~~) must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

(ii) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste

~~((thermostats or))~~ mercury-containing equipment provided the handler:

(A) Removes the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes the ampules only over or in a containment device ~~((e.g.))~~ for example, tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules~~(s))~~ from ~~((the))~~ that containment device to a container that meets the requirements of WAC 173-303-200;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of WAC 173-303-200;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, nonleaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(iii) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

(A) Immediately seals the original housing holding the mercury with an airtight seal to prevent the release of any mercury to the environment; and

(B) Follows all requirements for removing ampules and managing removed ampules under (b)(ii) of this subsection; and

(iv)(A) A small quantity handler of universal waste who removes mercury-containing ampules from ~~((thermostats or))~~ mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100:

(I) Mercury or clean-up residues resulting from spills or leaks; and/or

(II) Other solid waste generated as a result of the removal of mercury-containing ampules or housings ~~((e.g.))~~ for example, the remaining ~~((thermostat units or))~~ mercury-containing ~~((equipment))~~ device).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it must be managed in compliance with all applicable requirements of this chapter. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it subject to WAC 173-303-170 through 173-303-230.

(C) If the mercury, residues, and/or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Universal waste lamps. A small quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A small quantity handler of universal waste must immediately clean up and place in a container any universal waste lamps that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(ii) A small quantity handler of universal waste must minimize lamp breakage by accumulating lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. The containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(iii) A small quantity handler of universal waste must store lamps accumulated in cardboard or fiber containers indoors, meaning in a structure that prevents the container from being exposed to the elements.

(10) Labeling/markings.

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries ~~((i.e.))~~ that is, each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

~~((Universal waste thermostats (i.e., each thermostat), or a container in which the thermostats are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."~~

~~((e))~~ (i) Universal waste mercury-containing equipment (that is, each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste Mercury-Containing Equipment," ~~((or))~~ "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

~~((e))~~ (ii) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases "Universal Waste-Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Universal waste lamps ~~((i.e.))~~ that is, each lamp), or a container in which the lamps are accumulated, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

(11) Accumulation time limits.

(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of (b) of this subsection are met.

(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(ii) Marking or labeling each individual item of universal waste (for example, each battery, thermostat, mercury-containing equipment, or lamp) with the date it became a waste or was received;

(iii) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

(iv) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(12) Employee training.

A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

(13) Response to releases.

(a) A small quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A small quantity handler of universal waste must determine whether any material resulting from the release is dangerous waste, and if so, must manage the dangerous waste in compliance with all applicable requirements of this chapter. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with WAC 173-303-170 through 173-303-230.

(14) Off-site shipments.

(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of subsections (28) through (34) of this section while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR Parts 171 through 180, a small quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR Parts 172 through 180.

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:

(i) Receive the waste back when notified that the shipment has been rejected, or

(ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:

(i) Send the shipment back to the originating handler; or

(ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a small quantity handler of universal waste receives a shipment containing dangerous waste that is not a universal waste, the handler must immediately notify the department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The department will provide instructions for managing the dangerous waste.

(h) If a small quantity handler of universal waste receives a shipment of nondangerous, nonuniversal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(15) Tracking universal waste shipments.

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

(16) Exports.

A small quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in 40 CFR 262.58 (a)(1) (in which

case the handler is subject to the requirements of 40 CFR part 262, subpart H which is incorporated by reference at WAC 173-303-230) must:

(a) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56 (a)(1) through (4), (6), and (b) and 262.57 which are incorporated by reference at WAC 173-303-230(1);

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 40 CFR Subpart E of Part 262 which is incorporated by reference at WAC 173-303-230(1); and

(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

(17) Applicability—Large quantity handlers of universal waste.

Subsections (17) through (27) of this section apply to large quantity handlers of universal waste (as defined in WAC 173-303-040).

(18) Prohibitions.

A large quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in subsection (24) of this section; or by managing specific wastes as provided in subsection (20) of this section.

(19) Notification.

(a)(i) Except as provided in (a)(ii) of this subsection, a large quantity handler of universal waste must have sent written notification of universal waste management to the department, and received an EPA Identification Number, before meeting or exceeding the 11,000 pound storage limit and/or before meeting or exceeding the 2,200 pound storage limit for lamps.

(ii) A large quantity handler of universal waste who has already notified the department of their dangerous waste management activities and has received an EPA Identification Number is not required to renotify under this section.

(b) This notification must include:

(i) The universal waste handler's name and mailing address;

(ii) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;

(iii) The address or physical location of the universal waste management activities;

(iv) A list of all of the types of universal waste managed by the handler (~~((e.g.))~~ for example, batteries, thermostats, mercury-containing equipment, ~~((or))~~ and lamps); and

(v) A statement indicating that the handler is accumulating more than 11,000 pounds of universal waste at one time (~~((and the types of universal waste (e.g., batteries, thermostats, mercury-containing equipment, or lamps) the handler is accumulating above this quantity))~~), and/or a statement indicating that the handler is accumulating more than 2,200 pounds of lamps at one time. (For example, if a handler is accumulating 4,000 pounds of batteries, 4,500 pounds of thermostats, 2,000 pounds of mercury-containing equipment and 600 pounds of universal waste lamps, they would notify

for having 11,100 pounds of universal waste at one time - likewise, if a handler is accumulating 1,000 pounds of batteries, 4,000 pounds of thermostats, 2,000 pounds of mercury-containing equipment and 2,400 pounds of universal waste lamps, they would also need to notify for exceeding the 2,200 pound limit for universal waste lamps.)

(20) Waste management.

(a) Universal waste batteries. A large quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells;

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(iii) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (~~((e.g.))~~ for example, battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100.

(A) If the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it must be managed in compliance with all applicable requirements of this chapter. The handler is considered the generator of the dangerous electrolyte and/or other waste and is subject to WAC 173-303-170 through 173-303-230.

(B) If the electrolyte or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste (~~((thermostats and))~~ mercury-containing equipment. A large quantity handler of universal waste must manage universal waste (~~((thermostats and))~~ mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A large quantity handler of universal waste must place in a container any universal waste (~~((thermostat or))~~ mercury-containing equipment with noncontained elemental mercury or that shows evidence of leakage, spillage, or dam-

age that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the ~~((thermostat or mercury-containing equipment))~~ device, ~~((and))~~ must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

(ii) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste ~~((thermostats or))~~ mercury-containing equipment provided the handler:

(A) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device ~~((e.g.))~~ for example, tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks ~~((from))~~ of broken ampules, from ~~((the))~~ that containment device to a container that meets the requirements of WAC 173-303-200;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of WAC 173-303-200;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, nonleaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; ~~((and))~~

(iii) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

(A) Immediately seals the original housing holding the mercury with an airtight seal to prevent the release of any mercury to the environment; and

(B) Follows all requirements for removing ampules and managing removed ampules under (b)(ii) of this subsection; and

(iv)(A) A large quantity handler of universal waste who removes mercury-containing ampules from ~~((thermostats or))~~ mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100:

(I) Mercury or clean-up residues resulting from spills or leaks; and/or

(II) Other solid waste generated as a result of the removal of mercury-containing ampules or housings ~~((e.g.))~~ for example, the remaining ~~((thermostat units or equipment))~~ mercury-containing device.

(B) If the mercury, residues, and/or other solid waste exhibits a characteristic or criteria of dangerous waste, it must be managed in compliance with all applicable requirements of this chapter. The handler is considered the generator of the mercury, residues, and/or other waste and ~~((is subject to))~~ must manage it in compliance with WAC 173-303-170 through 173-303-230.

(C) If the mercury, residues, and/or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Universal waste lamps. A large quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A large quantity handler of universal waste must immediately clean up and place in a container any universal waste lamps that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(ii) A large quantity handler of universal waste must minimize lamp breakage by accumulating lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. The containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(iii) A large quantity handler of universal waste must store lamps accumulated in cardboard or fiber containers indoors, meaning in a structure that prevents a container from being exposed to the elements.

(21) Labeling/markings.

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries ~~((i.e.))~~ that is, each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with ~~((the))~~ any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

(b) ~~((Universal waste thermostats (i.e., each thermostat), or a container or tank in which the thermostats are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Mercury Thermostat(s)," or "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."~~

~~((e))~~ (i) Mercury-containing equipment (that is, each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury-Containing Equipment," or "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

~~((c))~~ (ii) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Universal waste lamp ~~((i-e))~~ that is, each lamp), or a container in which the lamps are accumulated, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

(22) Accumulation time limits.

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of (b) of this subsection are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(ii) Marking or labeling the individual item of universal waste (for example, each battery, thermostat, mercury-containing equipment, or lamp) with the date it became a waste or was received;

(iii) Maintaining an inventory system on site that identifies the date the universal waste being accumulated became a waste or was received;

(iv) Maintaining an inventory system on site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(23) Employee training.

A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(24) Response to releases.

(a) A large quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A large quantity handler of universal waste must determine whether any material resulting from the release is dangerous waste, and if so, must manage the dangerous waste in compliance with all applicable requirements of this chapter. The handler is considered the generator of the material resulting from the release, and is subject to WAC 173-303-145 and 173-303-170 through 173-303-230.

(25) Off-site shipments.

(a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a large quantity handler of universal waste self-transportes universal waste off site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of subsections (28) through (34) of this section while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 180, a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 CFR Parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

(e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:

(i) Receive the waste back when notified that the shipment has been rejected; or

(ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that he has received from another handler. If a handler rejects a shipment or a portion of a shipment, he must contact the originating handler to notify him of the rejection and to discuss reshipment of the load. The handler must:

(i) Send the shipment back to the originating handler; or

(ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a large quantity handler of universal waste receives a shipment containing dangerous waste that is not a universal waste, the handler must immediately notify the department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The department will provide instructions for managing the dangerous waste.

(h) If a large quantity handler of universal waste receives a shipment of nondangerous, nonuniversal waste, the handler

may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(26) Tracking universal waste shipments.

(a) Receipt of shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

(i) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

(ii) The quantity of each type of universal waste received (for example, batteries, thermostats, mercury-containing equipment, or lamps);

(iii) The date of receipt of the shipment of universal waste.

(b) Shipments off site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of universal waste sent must include the following information:

(i) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;

(ii) The quantity of each type of universal waste sent (for example, batteries, thermostats, mercury-containing equipment, or lamps);

(iii) The date the shipment of universal waste left the facility.

(c) Record retention.

(i) A large quantity handler of universal waste must retain the records described in (a) of this subsection for at least three years from the date of receipt of a shipment of universal waste.

(ii) A large quantity handler of universal waste must retain the records described in (b) of this subsection for at least three years from the date a shipment of universal waste left the facility.

(27) Exports.

A large quantity handler of universal waste who sends universal waste to a foreign destination other than to those OECD countries specified in 40 CFR 262.58 (a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H which is incorporated by reference at WAC 173-303-230) must:

(a) Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56 (a)(1) through (4), (6), and (b) and 262.57 which are incorporated by reference at WAC 173-303-230(1);

(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 40 CFR 262 Subpart E which is incorporated by reference at WAC 173-303-230(1); and

(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export.

(28) Applicability—Universal waste transporters.

Subsections (28) through (34) of this section apply to universal waste transporters (as defined in WAC 173-303-040).

(29) Prohibitions.

A universal waste transporter is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in subsection (32) of this section.

(30) Waste management.

(a) A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 CFR Part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 CFR 171.8. For purposes of the Department of Transportation regulations, a material is considered a dangerous waste if it is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in WAC 173-303-180. Because universal waste does not require a dangerous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.

(b) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 CFR 173.2. As universal waste shipments do not require a manifest under WAC 173-303-180, they may not be described by the DOT proper shipping name "hazardous waste, (l) or (s), n.o.s.," nor may the hazardous material's proper shipping name be modified by adding the word "waste."

(31) Storage time limits.

(a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

(b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements for small or large quantity handlers (subsections (6) through (27) of this section) while storing the universal waste.

(32) Response to releases.

(a) A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A universal waste transporter must determine whether any material resulting from the release is dangerous waste, and if so, it is subject to all applicable requirements of this chapter. If the waste is determined to be a dangerous waste, the transporter is subject to WAC 173-303-145 and 173-303-170 through 173-303-230.

(33) Off-site shipments.

(a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped off site meets the Department of Transportation's definition of hazardous materials under 49 CFR 171.8, the shipment must be properly

described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 CFR Part 172.

(34) Exports.

A universal waste transporter transporting a shipment of universal waste to a foreign destination other than to those OECD countries specified in 40 CFR 262.58 (a)(1) (in which case the handler is subject to the requirements of 40 CFR part 262, subpart H which is incorporated by reference at WAC 173-303-230) may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must ensure that:

- (a) A copy of the EPA Acknowledgment of Consent accompanies the shipment; and
- (b) The shipment is delivered to the facility designated by the person initiating the shipment.

(35) Applicability—Destination facilities. Subsections (35) through (37) of this section apply to destination facilities.

(a) The owner or operator of a destination facility (as defined in WAC 173-303-040) is subject to all applicable requirements of WAC 173-303-140 and 173-303-141, 173-303-280 through 173-303-525, 173-303-600 through 173-303-695, 173-303-800 through 173-303-840, and the notification requirement at WAC 173-303-060:

(b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with WAC 173-303-120 (4)(c).

(36) Off-site shipments.

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, he must contact the shipper to notify him of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must:

- (i) Send the shipment back to the original shipper; or
- (ii) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the owner or operator of a destination facility receives a shipment containing dangerous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the department of the illegal shipment, and provide the name, address, and phone number of the shipper. The department will provide instructions for managing the dangerous waste.

(d) If the owner or operator of a destination facility receives a shipment of nondangerous, nonuniversal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

(37) Tracking universal waste shipments.

(a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of universal waste received must include the following information:

- (i) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
- (ii) The quantity of each type of universal waste received (for example, batteries, thermostats, mercury-containing equipment, or lamps);
- (iii) The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility must retain the records described in (a) of this subsection for at least three years from the date of receipt of a shipment of universal waste.

(38) Imports.

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of this section, immediately after the waste enters the United States, as indicated in (a) through (c) of this subsection:

(a) A universal waste transporter is subject to the universal waste transporter requirements of subsections (28) through (34) of this section.

(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of subsections (6) through (27) of this section, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of subsections (35) through (37) of this section.

(d) Persons managing universal waste that is imported from an OECD country as specified at 40 CFR 262.58 (a)(1), which is incorporated by reference at WAC 173-303-230(1), are subject to (a) through (c) of this subsection, in addition to the requirements of 40 CFR part 262 subpart H, which is incorporated by reference at WAC 173-303-230(1).

(39) General—Petitions. Subsections (39) and (40) of this section address petitions to include other wastes under this section.

(a) Any person seeking to add a dangerous waste or a category of dangerous waste to this section may petition for a regulatory amendment under subsections (39) and (40) of this section and WAC 173-303-910 (1) and (7).

(b) To be successful, the petitioner must demonstrate to the satisfaction of the department that regulation under the universal waste regulations of this section is: Appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the dangerous waste program. The petition must include the information required by WAC 173-303-910 (1)(b). The petition should also address as many of the factors listed in subsection (40) of this section as are appropriate for the waste or waste category addressed in the petition.

(c) The department will evaluate petitions using the factors listed in subsection (40) of this section. The department

will grant or deny a petition using the factors listed in subsection (40) of this section. The decision will be based on the weight of evidence showing that regulation under this section is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the dangerous waste program.

(40) Factors for petitions to include other wastes under this section.

(a) The waste or category of waste, as generated by a wide variety of generators, is listed in WAC 173-303-081 or 173-303-082, or (if not listed) a proportion of the waste stream exhibits one or more characteristics or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100. (When a characteristic waste is added to the universal waste regulations of this section by using a generic name to identify the waste category (~~((e-g-))~~ for example, batteries), the definition of universal waste in WAC 173-303-040 will be amended to include only the dangerous waste portion of the waste category (~~((e-g-))~~ for example, dangerous waste batteries.) Thus, only the portion of the waste stream that does exhibit one or more characteristics or criteria (~~((i-e-))~~ that is, is dangerous waste) is subject to the universal waste regulations of this section;

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);

(c) The waste or category of waste is generated by a large number of generators (~~((e-g-))~~ for example, more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

(d) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other dangerous wastes, and specific management standards proposed or referenced by the petitioner (~~((e-g-))~~ for example, waste management requirements appropriate to be added to subsections (9), (20), and (30) of this section; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f) Regulation of the waste or category of waste under this section will increase the likelihood that the waste will be diverted from nondangerous waste management systems (~~((e-g-))~~ for example, the municipal waste stream, nondangerous industrial or commercial waste stream, municipal sewer or stormwater systems) to recycling, treatment, or disposal in compliance with the Hazardous Waste Management Act chapter 70.105 RCW, this chapter, and RCRA Subtitle C.

(g) Regulation of the waste or category of waste under this section will improve implementation of and compliance with the dangerous waste regulatory program; and/or

(h) Such other factors as may be appropriate.

(41) Applicability—Household and conditionally exempt small quantity generator waste.

(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of this section:

(i) Household wastes that are exempt under WAC 173-303-071 (3)(c) and are also of the same type as the universal wastes defined at WAC 173-303-040; and/or

(ii) Small quantity generator wastes that are conditionally exempt under WAC 173-303-070(8) and are also of the same type as the universal wastes defined at WAC 173-303-040.

(b) Persons who commingle the wastes described in (a)(i) and (ii) of this subsection together with universal waste regulated under this section must manage the commingled waste under the requirements of this section.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-600 Final facility standards. Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-695, is to establish minimum statewide standards which describe the acceptable management of dangerous waste. In addition to WAC 173-303-600 through 173-303-695, the final facility standards include WAC 173-303-280 through 173-303-395.

(2) The final facility standards apply to owners and operators of all facilities which treat, store or dispose of dangerous waste, and which are not exempted by subsection (3) of this section.

(3) The final facility standards do not apply to:

(a) Persons whose disposal activities are permitted under the Marine Protection, Research and Sanctuaries Act, except that storage, or treatment facilities where dangerous waste is loaded onto an ocean vessel for incineration or disposal at sea are subject to final facility standards;

(b) Persons whose disposal activities are permitted under the underground injection control program of the Safe Drinking Water Act, except that storage, or treatment facilities needed to handle dangerous wastes are subject to final facility standards;

(c) The owner or operator of a POTW which treats, stores, or disposes of dangerous waste provided he has a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a facility which is permitted to manage solid waste pursuant to chapter 173-350 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC 173-303-070(8);

(f) A farmer disposing of waste pesticides from his own use provided he complies with WAC 173-303-160 (2)(b);

(g) A transporter storing a manifested shipment of dangerous waste for ten days or less in accordance with WAC 173-303-240(6);

(h) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying

out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance;

(i) The owner or operator of a facility which is in compliance with the interim status requirements of WAC 173-303-400 and 173-303-805, until final administrative disposition of his final facility permit;

(j) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment unit as defined in WAC 173-303-040, provided that he has a permit by rule pursuant to the requirements of WAC 173-303-802(5);

(k) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers or, in the case of repackaging of previously containerized waste into new containers, at the time the waste is first placed into the new containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(l) The compaction or sorting of miscellaneous waste forms such as cans, rags, and bottles in a container, so long as the activity is solely for the purpose of reducing waste void space, and so long as these activities are conducted in a manner that protects human health and prevents any release to the environment and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b);

(m) Generators treating dangerous waste on-site in tanks, containers, or containment buildings that are used for accumulation of such wastes provided the generator complies with the WAC 173-303-170(3);

(n) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 CFR section 268.40, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in WAC 173-303-395 (1)(a);

(o) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) handling the wastes listed below. These handlers are subject to regulation under WAC 173-303-573, when handling the below listed universal wastes.

(i) Batteries as described in WAC 173-303-573(2);

~~(ii) Thermostats as described in WAC 173-303-573(3);~~

~~(iii)) Mercury-containing equipment as described in WAC 173-303-573((4)) (3); and~~

~~((iv)) (iii) Lamps as described in WAC 173-303-573(5);~~

(p)(i) Except as provided in (p)(ii) of this subsection, a person engaged in treatment or containment activities during immediate response to any of the following situations:

(A) A discharge of a dangerous waste;

(B) An imminent and substantial threat of a discharge of dangerous waste;

(C) A discharge of a material that, when discharged, becomes a dangerous waste;

(D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in WAC 173-303-040.

(ii) An owner or operator of a facility otherwise regulated by WAC 173-303-600 must comply with all applicable requirements of WAC 173-303-340 and 173-303-350.

(iii) Any person who is covered by (p)(i) of this subsection and who continues or initiates dangerous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

(iv) In the case of an explosives or munitions emergency response, if a federal, state, tribal or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA/state identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;

(q) WAC 173-303-578 identifies when the requirements of WAC 173-303-600 apply to the storage of military munitions classified as solid waste under WAC 173-303-578(2). The treatment and disposal of dangerous waste military munitions are subject to the applicable permitting, procedural, and technical standards in this chapter.

(4) Reserve.

(5) The owner or operator of a facility which recycles dangerous waste may, for such recycled wastes only, comply with the applicable recycling standards specified in WAC 173-303-120 and 173-303-500 through 173-303-525 in lieu of the final facility standards.

(6) The owner or operator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.

(7) The final facility requirements apply to owners or operators of all facilities that treat, store, or dispose of hazardous wastes referred to in 40 CFR Part 268, which is incorporated by reference at WAC 173-303-140(2).

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-610 Closure and post-closure. (1) Applicability.

(a) Subsections (2) through (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities.

(b) Subsections (7) through (11) of this section, (which concern post-closure care), apply to the owners and operators of all regulated units (as defined in WAC 173-303-040) at

which dangerous waste will remain after closure, to tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills, to surface impoundments, waste piles, and miscellaneous units as specified in WAC 173-303-650(6), 173-303-660(9), and 173-303-680(4), respectively; to containment buildings that are required under 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695) to meet the requirements for landfills; and, unless otherwise authorized by the department, to the owners and operators of all facilities which, at closure, cannot meet the removal or decontamination limits specified in subsection (2)(b) of this section.

(c) Owners and operators of off-site recycling facilities subject to WAC 173-303-120 (3) or (4), and off-site used oil processors subject to regulation under WAC 173-303-515(9) are subject to:

(i) WAC 173-303-610(2) Closure performance standard; and

(ii) WAC 173-303-610(12) Off-site recycling and used oil processor closure plans.

(d) For the purposes of the closure and post-closure requirements, any portion of a facility which closes is subject to the applicable closure and post-closure standards even if the rest of the facility does not close and continues to operate.

(e) Except for subsection (2)(a) of this section, the director may, in an enforceable document, replace all or part of the requirements of this section and the unit-specific requirements referenced in subsection (2)(b) of this section with alternative requirements when he or she determines:

(i) A dangerous waste unit is situated among other solid waste management units or areas of concern, a release has occurred, and both the dangerous waste unit and one or more of the solid waste management units or areas of concern are likely to have contributed to the release; and

(ii) It is not necessary to apply the requirements of this section (or the unit-specific requirements referenced in subsection (2)(b) of this section) because the alternative requirements will protect human health and the environment.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a)(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes or eliminates to the extent necessary to protect human health and the environment, post-closure escape of dangerous waste, dangerous constituents, leachate, contaminated runoff, or dangerous waste decomposition products to the ground, surface water, ground water, or the atmosphere; and

(iii) Returns the land to the appearance and use of surrounding land areas to the degree possible given the nature of the previous dangerous waste activity.

(b) Where the closure requirements of this section, or of WAC 173-303-630(10), 173-303-640(8), 173-303-650(6), 173-303-655(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680 (2) through (4), or 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695) call for the removal or decontamination of dangerous wastes, waste residues, or equipment, bases, liners, soils or other materials containing or contaminated with dangerous wastes or waste residue, then such removal or decontamina-

tion must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed:

(i) For soils, ground water, surface water, and air, the numeric cleanup levels calculated using unrestricted use exposure assumptions according to the Model Toxics Control Act Regulations, chapter 173-340 WAC as of the effective date or hereafter amended. Primarily, these will be numeric cleanup levels calculated according to MTCA Method B, although MTCA Method A may be used as appropriate, see WAC 173-340-700 through 173-340-760, excluding WAC 173-340-745; and

(ii) For all structures, equipment, bases, liners, etc., clean closure standards will be set by the department on a case-by-case basis in accordance with the closure performance standards of WAC 173-303-610 (2)(a)(ii) and in a manner that minimizes or eliminates post-closure escape of dangerous waste constituents.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the dangerous waste at partial or final closure are required by WAC 173-303-650(6) and 173-303-660(9) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with subsections (2), (3), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(8), 173-303-645, 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680(2), and 40 CFR 264.1102 (incorporated by reference at WAC 173-303-695). A copy of the approved plan and all revisions to the plan must be furnished to the department upon request, including request by mail until final closure is completed and certified in accordance with subsection (6) of this section. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include at least:

(i) A description of how each dangerous waste management unit at the facility will be closed in accordance with subsection (2) of this section;

(ii) A description of how final closure of the facility will be conducted in accordance with subsection (2) of this section. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility;

(iii) An estimate of the maximum inventory of dangerous wastes ever on-site over the active life of the facility. (Any change in this estimate is a Class 1 modification with prior approval under WAC 173-303-830(4));

(iv) A detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all dangerous wastes, and identification of the type(s) of the off-site dangerous waste management units to be used, if applicable;

(v) A detailed description of the steps needed to remove or decontaminate all dangerous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

(vi) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, ground water monitoring, leachate collection, and run-on and runoff control;

(vii) A schedule for closure of each dangerous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each dangerous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all dangerous waste inventory and of the time required to place a final cover must be included.); and

(viii) For facilities that use trust funds to establish financial assurance under WAC 173-303-620 (4) or (6) and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

(ix) For facilities where the director has applied alternative requirements under subsection (1)(~~(d)~~) (e) of this section, WAC 173-303-645 (1)(e), or 173-303-620 (8)(d), the closure plan must include either the alternative requirements or a reference to the enforceable document that contains the alternative requirements.

(b) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in WAC 173-303-800 through 173-303-840. The written notification or request must include a copy of the amended closure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

(ii) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:

(A) Changes in operating plans or facility design affect the closure plan; or

(B) There is a change in the expected year of closure, if applicable; or

(C) In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan; or

(D) The owner/operator requests the director apply alternative requirements under subsection (1)(~~(d)~~) (e) of this section, WAC 173-303-645 (1)(e), or 173-303-620 (8)(d).

(iii) The owner or operator must submit a written request for a permit modification including a copy of the amended

closure plan for approval at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than thirty days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to prepare a contingent closure plan under WAC 173-303-650(6) or 173-303-660(9), must submit an amended closure plan to the department no later than sixty days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665, or no later than thirty days from that date if the determination is made during partial or final closure. The department will approve, disapprove, or modify this amended plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved closure plan will become a condition of any permit issued.

(iv) The department may request modifications to the plan under the conditions described in (b)(ii) of this subsection. The owner or operator must submit the modified plan within sixty days of the department's request, or within thirty days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the department will be approved in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(c) Notification of partial closure and final closure.

(i) The owner or operator must notify the department in writing at least sixty days prior to the date on which they expect to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the department in writing at least forty-five days prior to the date on which they expect to begin closure of a treatment or storage tank, container storage, or incinerator unit, or final closure of a facility with only such units.

(ii) The date when he "expects to begin closure" must be either:

(A) No later than thirty days after the date on which any dangerous waste management unit receives the known final volume of dangerous wastes or, if there is a reasonable possibility that the dangerous waste management unit will receive additional dangerous wastes, no later than one year after the date on which the unit received the most recent volume of dangerous waste. If the owner or operator of a dangerous waste management unit can demonstrate to the department that the dangerous waste management unit or facility has the capacity to receive additional dangerous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit; or

(B) For units meeting the requirements of subsection (4)(d) of this section, no later than thirty days after the date on which the dangerous waste management unit receives the known final volume of nondangerous wastes, or if there is a reasonable possibility that the dangerous waste management

unit will receive additional nondangerous wastes, no later than one year after the date on which the unit received the most recent volume of nondangerous wastes. If the owner or operator can demonstrate to the department that the dangerous waste management unit has the capacity to receive additional nondangerous wastes and he has taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit.

(iii) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order to cease receiving dangerous wastes or to close, then the requirements of (c) of this subsection do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in subsection (4) of this section.

(iv) Removal of wastes and decontamination or dismantling of equipment. Nothing in this subsection will preclude the owner or operator from removing dangerous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(4) Closure; time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at a dangerous waste management unit or facility, the owner or operator must treat, remove from the unit or facility, or dispose of on site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that he has taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, and either:

(i) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is a reasonable likelihood that he or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(b) The owner or operator must complete partial and final closure activities in accordance with the approved closure plan and within one hundred eighty days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at the dangerous waste management unit or facility. The department may approve an extension to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates

that he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating dangerous waste management unit or facility, including compliance with all applicable permit requirements, and either:

(i) The partial or final closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is reasonable likelihood that he or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(c) The demonstrations referred to in (a)(i) and (b)(i) of this subsection must be made as follows: The demonstrations in (a)(i) of this subsection must be made at least thirty days prior to the expiration of the specified ninety-day period; and the demonstration in (b)(i) of this subsection must be made at least thirty days prior to the expiration of the specified one hundred eighty-day period unless the owner or operator is otherwise subject to the deadlines in (d) of this subsection.

(d) The department may allow an owner or operator to receive only nondangerous wastes in a landfill, land treatment, or surface impoundment unit after the final receipt of dangerous wastes at that unit if:

(i) The owner or operator requests a permit modification in compliance with all applicable requirements in WAC 173-303-830 and 40 CFR Part 124 and in the permit modification request demonstrates that:

(A) The unit has the existing design capacity as indicated on the part A application to receive nondangerous wastes; and

(B) There is a reasonable likelihood that the owner or operator or another person will receive nondangerous wastes in the unit within one year after the final receipt of dangerous wastes; and

(C) The nondangerous wastes will not be incompatible with any remaining wastes in the unit, or with the facility design and operating requirements of the unit or facility under this part; and

(D) Closure of the dangerous waste management unit would be incompatible with continued operation of the unit or facility; and

(E) The owner or operator is operating and will continue to operate in compliance with all applicable permit requirements; and

(ii) The request to modify the permit includes an amended wastes analysis plan, ground water monitoring and response program, human exposure assessment required under RCRA section 3019, and closure and post-closure plan, and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate, to reflect any changes due to the presence of dangerous constituents in the nondangerous wastes, and changes in closure activities, including the expected year of closure if applicable under subsection (3)(a)(viii) of this sec-

tion, as a result of the receipt of nondangerous wastes following the final receipt of dangerous wastes; and

(iii) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of nondangerous wastes following receipt of the final volume of dangerous wastes; and

(iv) The request to modify the permit and the demonstration referred to in (d)(i) and (ii) of this subsection are submitted to the department no later than one hundred twenty days prior to the date on which the owner or operator of the facility receives the known final volume of dangerous wastes at the unit, or no later than ninety days after the effective date of this rule in the state in which the unit is located, whichever is later.

(e) In addition to the requirements in (d) of this subsection, an owner or operator of a dangerous wastes surface impoundment that is not in compliance with the liner and leachate collection system requirements in 42 U.S.C. 3004 (o)(1) and 3005 (j)(1) or 42 U.S.C. 3004 (o)(2) or (3) or 3005 (j)(2), (3), (4) or (13) must:

(i) Submit with the request to modify the permit:

(A) A contingent corrective measures plan, unless a corrective action plan has already been submitted under WAC 173-303-645(10); and

(B) A plan for removing dangerous wastes in compliance with (e)(ii) of this subsection; and

(ii) Remove all dangerous wastes from the unit by removing all dangerous liquids, and removing all dangerous sludges to the extent practicable without impairing the integrity of the liner(s), if any.

(iii) Removal of dangerous wastes must be completed no later than ninety days after the final receipt of dangerous wastes. The department may approve an extension to this deadline if the owner or operator demonstrates that the removal of dangerous wastes will, of necessity, take longer than the allotted period to complete and that an extension will not pose a threat to human health and the environment.

(iv) If a release that is a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters of constituents specified in the permit or that exceeds the facility's ground water protection standard at the point of compliance, if applicable, is detected in accordance with the requirements in WAC 173-303-645, the owner or operator of the unit:

(A) Must implement corrective measures in accordance with the approved contingent corrective measures plan required by (e)(i) of this subsection no later than one year after detection of the release, or approval of the contingent corrective measures plan, whichever is later;

(B) May continue to receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and

(C) May be required by the department to implement corrective measures in less than one year or to cease the receipt of wastes until corrective measures have been implemented if necessary to protect human health and the environment.

(v) During the period of corrective action, the owner or operator must provide semiannual reports to the department

that describe the progress of the corrective action program, compile all ground water monitoring data, and evaluate the effect of the continued receipt of nondangerous wastes on the effectiveness of the corrective action.

(vi) The department may require the owner or operator to commence closure of the unit if the owner or operator fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within one year as required in (e)(iv) of this subsection, or fails to make substantial progress in implementing corrective action and achieving the facility's ground water protection standard or background levels if the facility has not yet established a ground water protection standard.

(vii) If the owner or operator fails to implement corrective measures as required in (e)(iv) of this subsection or if the department determines that substantial progress has not been made pursuant to (e)(vi) of this subsection the department will:

(A) Notify the owner or operator in writing that the owner or operator must begin closure in accordance with the deadline in (a) and (b) of this subsection and provide a detailed statement of reasons for this determination; and

(B) Provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than twenty days after the date of the notice.

(C) If the department receives no written comments, the decision will become final five days after the close of the comment period. The department will notify the owner or operator that the decision is final, and that a revised closure plan, if necessary, must be submitted within fifteen days of the final notice and that closure must begin in accordance with the deadlines in (a) and (b) of this subsection.

(D) If the department receives written comments on the decision, it will make a final decision within thirty days after the end of the comment period, and provide the owner or operator in writing and the public through a newspaper notice, a detailed statement of reasons for the final decision. If the department determines that substantial progress has not been made, closure must be initiated in accordance with the deadlines in (a) and (b) of this subsection.

(E) The final determinations made by the department under (e)(vii)(C) and (D) of this subsection are not subject to administrative appeal.

(5) Disposal or decontamination of equipment, structures and soils. During the partial and final closure periods, all contaminated equipment, structures and soils must be properly disposed of or decontaminated unless otherwise specified in WAC 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), or under the authority of WAC 173-303-680 (2) and (4). By removing any dangerous wastes or dangerous constituents during partial and final closure, the owner or operator may become a generator of dangerous waste and must handle that waste in accordance with all applicable requirements of WAC 173-303-170 through 173-303-230.

(6) Certification of closure. Within sixty days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas), and within sixty days of the completion of final closure, the

owner or operator must submit to the department by registered mail, a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent qualified registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until it releases the owner or operator from the financial assurance requirements for closure under WAC 173-303-620(4).

(7) Post-closure care and use of property.

(a) Post-closure care for each dangerous waste management unit subject to post-closure requirements must begin after completion of closure of the unit and continue for thirty years after that date and must consist of at least the following:

(i) Ground water monitoring and reporting as required by WAC 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680; and

(ii) Maintenance and monitoring of waste containment systems as applicable.

(b) Any time preceding partial closure of a dangerous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure period for a particular unit, the department may, in accordance with the permit modification procedures in WAC 173-303-800 through 173-303-840:

(i) Shorten the post-closure care period applicable to the dangerous waste management unit, or facility, if all disposal units have been closed, if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the dangerous waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the dangerous waste management unit or facility is secure); or

(ii) Extend the post-closure care period applicable to the dangerous waste management unit or facility if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of dangerous waste at levels which may be harmful to human health and the environment).

(c) The department may require, at partial or final closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the post-closure period when:

(i) Dangerous wastes may remain exposed after completion of partial or final closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health.

(d) Post-closure use of property on or in which dangerous wastes remain after partial or final closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the function of the facility's monitoring systems, unless the department finds that the disturbance:

(i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(ii) Is necessary to reduce a threat to human health or the environment.

(e) All post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in subsection (8) of this section.

(8) Post-closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste disposal unit must have a written post-closure plan. In addition, certain surface impoundments and certain piles from which the owner or operator intends to remove or decontaminate the dangerous wastes at partial or final closure are required by WAC 173-303-650 and 173-303-660, respectively, to have written contingent post-closure plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure plans under WAC 173-303-650 or 173-303-660 must submit a post-closure plan to the department within ninety days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the post-closure requirements. The plan must be submitted with the permit application, in accordance with WAC 173-303-806, and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved post-closure plan will become a condition of any permit issued.

(b) For each dangerous waste management unit subject to the requirements of this subsection, the post-closure plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;

(ii) A description of the planned maintenance activities, and frequencies at which they will be performed to comply with WAC 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680 during the post-closure care period, to ensure:

(A) The integrity of the cap and final cover or other containment structures in accordance with the requirements of 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680; and

(B) The function of the facility monitoring equipment;

(iii) The name, address, and phone number of the person or office to contact about the dangerous waste disposal unit or facility during the post-closure care period;

(iv) And, for facilities where the director has applied alternative requirements under subsection (1)(~~(d)~~) (e) of this section, WAC 173-303-645 (1)(e) or 173-303-620 (8)(d), the post-closure plan must include either the alternative requirements or a reference to the enforceable document that contains the alternative requirements.

(c) Until final closure of the facility, a copy of the approved post-closure plan must be furnished to the department upon request, including request by mail. After final closure has been certified, the person or office specified in (b)(iii) of this subsection must keep the approved post-closure plan during the remainder of the post-closure period.

(d) Amendment of plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements of WAC

173-303-800 through 173-303-840. The written notification or request must include a copy of the amended post-closure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification to amend the post-closure plan at any time during the active life of the facility or during the post-closure care period.

(ii) The owner or operator must submit a written notification or request for a permit modification to authorize a change in the approved post-closure plan whenever:

(A) Changes in operating plans or facility design affect the approved post-closure plan; or

(B) There is a change in the expected year of final closure, if applicable; or

(C) Events which occur during the active life of the facility, including partial and final closures, affect the approved post-closure plan; or

(D) The owner/operator requests the director to apply alternative requirements under subsection (1)(~~(d)~~) (e) of this section, WAC 173-303-645 (1)(e), or 173-303-620 (8) (d).

(iii) The owner or operator must submit a written request for a permit modification at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to submit a contingent post-closure plan under WAC 173-303-650 or 173-303-660 must submit a post-closure plan to the department no later than ninety days after the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665. The department will approve, disapprove, or modify this plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved post-closure plan will become a permit condition.

(iv) The department may request modifications to the plan under the conditions described in (d)(ii) of this subsection. The owner or operator must submit the modified plan no later than sixty days after the department's request, or no later than ninety days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure plan. Any modifications requested by the department will be approved, disapproved, or modified in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(9) Notice to local land authority. No later than the submission of the certification of closure of each dangerous waste disposal unit, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plat indicating the location and dimensions of landfill cells or other dangerous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obli-

gation to restrict disturbance of the dangerous waste disposal unit in accordance with the applicable requirements of this section. In addition, no later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department, a record of the type, location, and quantity of dangerous wastes disposed of within each cell or other disposal unit of the facility. For wastes disposed of before November 19, 1980 (March 12, 1982, for facilities subject to this chapter but not subject to 40 CFR Part 264), the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of his knowledge and in accordance with any records he has kept.

(10) Notice in deed to property.

(a) No later than sixty days after certification of closure of each dangerous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the department a record of the type, location, and quantity of dangerous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes (as defined in WAC 173-303-040) disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of his knowledge and in accordance with any records he has kept.

(b) Within sixty days of certification of closure of the first dangerous waste disposal unit and within sixty days of certification of closure of the last dangerous waste disposal unit, the owner or operator must:

(i) Record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(A) The land has been used to manage dangerous wastes;

(B) Its use is restricted under this section; and

(C) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or other dangerous waste disposal unit of the facility required in subsection (9) of this section have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department; and

(ii) Submit a certification, signed by the owner or operator, that he has recorded the notation specified in (b)(i) of this subsection, including a copy of the document in which the notation has been placed, to the department.

(c) If the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located wishes to remove dangerous wastes and dangerous waste residues, the liner, if any, or contaminated soils, he must request a modification to the post-closure permit in accordance with the applicable requirements in WAC 173-303-800 through 173-303-840. The owner or operator must demonstrate that the removal of dangerous wastes will satisfy the criteria of subsection (7)(d) of this section. By removing dangerous waste, the owner or operator may become a generator of dangerous waste and must manage it in accordance with all applicable requirements of this chapter. If he is granted a permit modification or otherwise granted approval to conduct

such removal activities, the owner or operator may request that the department approve either:

(i) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

(ii) The addition of a notation to the deed or instrument indicating the removal of the dangerous waste.

(11) Certification of completion of post-closure care. No later than sixty days after completion of the established post-closure care period for each dangerous waste disposal unit, the owner or operator must submit to the department, by registered mail, a certification that the post-closure care period for the dangerous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent qualified registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the department upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under WAC 173-303-620(6).

(12) Off-site recycling and used oil processor closure plans. The owner or operator of an off-site recycling facility subject to regulation under WAC 173-303-120 (3), (4), or used oil processor or rerefiner subject to WAC 173-303-515 (9) must have a written closure plan.

(a) Submittal. For new facilities, the closure plan must be submitted with the notification required under WAC 173-303-060. For existing facilities, the closure plan must be submitted within one hundred eighty days of the effective date of this regulation. For closure plans denied under (b) of this subsection that will be resubmitted, the amended plan must be resubmitted within ninety days after the owner or operator receives the denial.

(b) Review by department. Decision to approve or deny. Closure plans must be submitted to department for review, comment, approval or denial. The department decision to approve a closure plan must assure it is consistent with requirements in subsections (2) and (12) of this section. The department decision to deny a closure plan must be justified on the inability or unwillingness of the owner and operator to meet requirements in subsections (2) and (12) of this section or WAC 173-303-620 (1)(e). The department's decision may be appealed under the provisions of WAC 173-303-845.

(c) Availability. A copy of the approved closure plan and all updates to the plan must be maintained at the facility and furnished to the department upon request, including request by mail, until final closure is completed and certified in accordance with subsection (6) of this section.

(d) Contents of plan. The closure plan must identify steps necessary to perform final closure of recycling units at any point during its active life. The closure plan must include at least:

(i) An estimate of the maximum inventory of dangerous wastes or used oil ever on-site over the active life of the facility;

(ii) Descriptions, schedules, and disposal or decontamination procedures in subsections (3), (4), (5), (6) of this section, except any provisions dealing with permits, permit applications, modifications or approvals. The term "recycling

unit" will replace the terms "dangerous waste management unit" or "regulated unit" in these subsections. Any references to permits or permit modifications in these subsections do not apply.

(e) Obligation to amend. At least sixty days prior to a major change at an off-site recycling or used oil processor/rerefining facility, the owners/operator of that facility must submit an amended closure plan. A major change may include the addition of a recycling or recovery process that is subject to WAC 173-303-120 (3) or (4), any increase in the maximum inventory of dangerous waste or used oil described in the previously approved closure plan, the closure of an existing (~~resource reclamation~~) recycling unit, or a change in ownership or operational control. The department must approve or deny, with justification, the revised closure plan. Refer to (a) of this subsection when a closure plan is denied if the closure plan needs to be resubmitted. Alternatively, the owner or operator may challenge the denial pursuant to WAC 173-303-845.

(f) Notification of closure. At least forty-five days prior to closure, an owner/operator must provide written notice to department of intent to close.

(g) Relationship to closure plans for permitted facilities. A facility owner/operator that is subject to permitting and closure planning requirements for storage, treatment or disposal that is also required to prepare a closure plan for off-site recycling or used oil processing/rerefining, may satisfy the requirements of this subsection by combining all closure requirements in a single closure plan.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-620 Financial requirements. (1) Applicability.

(a) The requirements of subsections (3), (4), (7), (8), (9), and (10) of this section, apply to owners and operators of all dangerous waste facilities, except as provided otherwise in this section.

(b) The requirements of subsections (5) and (6) of this section apply to owners and operators of:

(i) Dangerous waste disposal facilities;

(ii) Tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills;

(iii) Miscellaneous units as specified in WAC 173-303-680(4);

(iv) Waste piles and surface impoundments to the extent that WAC 173-303-650 and 173-303-660, respectively, require that such facilities comply with this section; and

(v) Containment buildings that are required under WAC 173-303-695 to meet the requirements for landfills.

(c) States and the federal government are exempt from the requirements of this section. Operators of state or federally owned facilities are exempt from the requirements of this section, except subsections (3) and (5) of this section. Operators of facilities who are under contract with (but not owned by) the state or federal government must meet all of the requirements of this section.

(d) The director may, in an enforceable document, replace all or part of the requirements of this section with

alternative requirements for financial assurance when he or she:

(i) Applies alternative requirements for ground water monitoring, closure or post-closure under WAC 173-303-610 (1)(d) or 173-303-645 (1)(e); and

(ii) Determines that it is not necessary to apply the requirements of this section because the alternative requirements will protect human health and the environment.

(e) Except as provided in (c) of this subsection, the requirements of subsections (3), (4), (8), (9) and (10) of this section, apply to owners and operators of off-site recycling facilities and processors/rerefiners of used oil, except the term "recycling unit" will replace the terms "dangerous waste management unit" or "regulated unit."

(i) If the closure plan for an off-site recycling or used oil processing/rerefining facility has not been approved by the department within one year of submittal to the department, the department may determine the closure cost estimate and direct the facility to establish financial assurance in that amount. Note that the schedule for partially funded trust funds for existing facilities of WAC 173-303-620 (4)(c)(i) may apply.

(ii) Relationship to closure cost estimates and financial responsibility for permitted facilities. A facility owner/operator that is subject to closure cost estimating and financial responsibility requirements for dangerous waste management units and ((~~resource reclamation~~) recycling) unit may choose to consolidate those requirements into a single mechanism for submittal to the department.

(2) Definitions. As used in this section, the following listed or referenced terms have the meanings given below:

(a) "Closure plan" means the plan for closure prepared in accordance with the requirements of WAC 173-303-610(3), or for off-site recycling or used oil processing facilities prepared in accordance with WAC 173-303-610(12);

(b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (3) of this section;

(c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (5) of this section;

(d) "Parent corporation" means a corporation which directly owns at least fifty percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation;

(e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of WAC 173-303-610 (7), (8), (9), and (10);

(f) "Regional administrator" means the department;

(g) "Hazardous waste" means dangerous waste; and

(h) The additional terms listed and defined in 40 CFR 264.141 (f), (g), and (h) are incorporated by reference.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in WAC 173-303-610 (2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-

670(8), 173-303-680 (2) through (4) and 173-303-695. The closure cost estimate:

(i) Must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610 (3)(a));

(ii) Must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The owner or operator may use costs for on-site disposal if he can demonstrate that on-site disposal capacity will exist at all times over the life of the facility;

(iii) May not incorporate any salvage value that may be realized with the sale of dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure;

Except that, off-site recyclers subject to WAC 173-303-120 (3) or (4), or off-site used oil processors subject to WAC 173-303-515(9) may exclude the estimated value for certain types of recyclable materials from the estimated cost of closing a recycling unit. This exclusion may include dangerous wastes or used oil held in tanks or containers that are dedicated solely to the management of recyclable materials that will require only incidental processing prior to producing a product that may be sold to the general public. Incidental processing may include simple screening or filtering to remove minor amounts of foreign material or removal of less than five percent water by volume; and

(iv) May not incorporate a zero cost for dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), that might have economic value.

(b) During the active life of the facility, the owner or operator must revise the closure cost estimate no later than thirty days after the department has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with this section. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before submission of updated information to the department as specified in subsection (4) of this section. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent *Implicit Price Deflator for Gross National Product or Gross Domestic Product* as published by the United States Department of Commerce in its survey of current business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted closure cost estimate.

(4) Financial assurance for facility closure.

(a) An owner or operator of a TSD, or off-site recycling or used oil processing/rerefining facility must establish financial assurance for closure of the facility. The owner or operator must choose from the following options or combination of options:

- (i) Closure trust fund;
- (ii) Surety bond guaranteeing payment into a closure trust fund;
- (iii) Surety bond guaranteeing performance of closure;
- (iv) Closure letter of credit;
- (v) Closure insurance; or
- (vi) Financial test and corporate guarantee for closure.

(b) In satisfying the requirements of financial assurance for facility closure in this subsection, the owner or operator must meet all the requirements for the mechanisms listed above as set forth in 40 CFR 264.143 which are incorporated by reference. If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained with the state agency regulating hazardous waste or with the appropriate regional administrator if the facility is located in an unauthorized state.

(c) An owner or operator of an off-site recycling or used oil processing/rerefining facility may also meet the requirements of this subsection through the use of an assigned security deposit held in a Washington state bank. This mechanism is not available to an owner or operator of a TSD.

(i) The department will establish minimum standards for the assigned security deposit mechanism. These standards will include, but are not limited to, the language to be used in the assignment form. Copies of the assignment forms will be available from the department.

(ii) The department is not required to accept an assigned security deposit that does not meet the established minimum standards.

(d) 40 CFR 264.143 is modified by the following requirements:

(i) Partially funded trust funds of 264.143 (a)(3) may not be accepted as a mechanism for a closure trust fund for TSDs. Owners and operators of existing used oil and recycling units that become subject to this section may establish a partially funded closure trust fund with a pay-in period of five years. The fund must be fully funded no later than five years (and the first, second, third, fourth, and fifth payments due no later than one, two, three, four, and five year(s) respectively) after the date of the department's approval of the closure plan under WAC 173-303-610 (12)(b);

(ii) Insurance companies providing closure coverage must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, B++, B+ as rated by A.M. Best;

(iii) Ecology must be named as secondary beneficiary on an insurance policy;

(iv) Facility owners/operators and corporate guarantors requesting the use of the financial test and corporate guarantee must meet a minimum tangible net worth criterion of twenty million dollars.

~~((d))~~ (e) Owners and operators of off-site recycling facilities regulated under WAC 173-303-120 (3) or (4), or used oil processing/rerefining facilities regulated under WAC 173-303-515(9), must demonstrate financial assurance for closure of the facility or recycling units. In addition to the requirements of 40 CFR 264.143, as amended by this subsection, the financial assurance must meet the following requirements:

(i) For existing facilities choosing a surety bond guaranteeing payment, surety bond guaranteeing performance, letter of credit, insurance, financial test ~~((f))~~, corporate guarantee, or assigned security deposit, the mechanism must be established within thirty-six months of the effective date of this section;

(ii) Owners and operators of existing facilities choosing a partially funded trust fund mechanism must establish a fully funded trust fund within sixty months of approval of the closure plan by the department (see (c)(i) of this subsection);

(iii) For new facilities, financial assurance must be established and submitted to the department at least sixty days prior to the acceptance of the first shipment of wastes.

~~((e))~~ (f) Owners and operators of off-site recycling facilities regulated under WAC 173-303-120 (3) or (4), or used oil processing/rerefining facilities regulated under WAC 173-303-515(9) may request an alternative mechanism for financing the closure of recycling units that is determined by the department to be equivalent to one of the methods listed in (a) of this subsection. This may include any alternative mechanism as may be established through action by the Washington state legislature. An assigned security deposit that meets the department's standards is an equivalent alternative mechanism within the meaning of this section.

(5) Cost estimate for post-closure monitoring and maintenance.

(a) The owner or operator of a facility subject to post-closure monitoring or maintenance requirements must have a detailed written estimate, in current dollars, of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in WAC 173-303-610 (7) through (10), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-680(4). The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. (See definition of parent corporation in subsection (2)(d) of this section.) The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required by WAC 173-303-610.

(b) During the active life of the facility, the owner or operator must revise the post-closure cost estimate within thirty days after the department has approved the request to modify the post-closure plan, if the change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (6) of this section. For owners or operators using the financial test or corporate guarantee, the post-closure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before the submission of updated information to the department as specified in subsection (6) of this section. The adjustment may be made by recalculating the post-closure cost estimate in current dollars or by using an inflation factor derived from the most recent *Implicit Price Deflator for Gross National Product or Gross Domestic Product* as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest post-closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted post-closure cost estimate.

(6) Financial assurance for post-closure monitoring and maintenance.

(a) An owner or operator of a facility subject to post-closure monitoring or maintenance requirements must establish financial assurance for post-closure care in accordance with the approved post-closure care plan. He must choose from the following options or combination of options:

(i) Post-closure trust fund, except that the use of partially funded trust funds, as provided in 40 CFR 264.145(a), will not be allowed by the department;

(ii) Surety bond guaranteeing payment into a post-closure trust fund;

(iii) Surety bond guaranteeing performance of post-closure care;

(iv) Post-closure letter of credit;

(v) Post-closure insurance; however, financial or insurance institutions providing such insurance must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, B++, B+ as rated by A.M. Best; or

(vi) Financial test and corporate guarantee for post-closure care, except that the criterion for minimum tangible net worth in 40 CFR 264.145(f) must be in an amount of at least twenty million dollars.

(b) In satisfying the requirements of financial assurance for facility post-closure care in this subsection, the owner or operator must meet all the requirements set forth in 40 CFR 264.145 which are incorporated by reference. If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained with the state agency regulating hazardous waste or with the appropriate regional administrator if the facility is located in an unauthorized state.

(7) Use of a mechanism for financial assurance of both closure and post-closure care. An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both 40 CFR 264.143 and 264.145 which are incorporated by reference. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of postclosure care.

(8) Liability requirements.

(a) An owner or operator of a TSD facility, off-site recycling or used oil processing/refining facility, or a group of such facilities must demonstrate financial responsibility for bodily injury and property damages to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(a), which is incorporated by reference, with the following additional requirements:

(i) Insurance companies providing liability coverage must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, B++, B+ as rated by A.M. Best;

(ii) The department may file claims against liability insurance when contamination occurs as a result of releases or discharges of dangerous wastes or used oil from recycling units subject to regulation under this section to waters of the state as defined under chapter 90.48 RCW;

(iii) Facility owners/operators and corporate guarantors requesting the use of the financial test and corporate guarantee must meet a minimum tangible net worth criterion of twenty million dollars.

(b) An owner or operator of a facility with a regulated unit or units (as defined in WAC 173-303-040) or a disposal miscellaneous unit or units used to manage dangerous waste or a group of such facilities must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 CFR 264.147(b), 264.147 (f), (g), (h), (i), and (j) which are incorporated by reference.

(c) Request for variance. If an owner or operator can demonstrate to the satisfaction of the department that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the department. The request for a variance must be submitted to the department as part of the application under WAC 173-303-806(4) for a facility that does not have a permit, or pursuant to the procedures for permit modification under WAC 173-303-830 for a facility that has a permit. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The department may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the department to determine a level of financial responsibility other than that required by (a) or (b) of this subsection. Any request for a variance for a permitted facility will be treated as a request for a permit modification under WAC 173-303-830.

(d) Adjustments by the department. If the department determines that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the department may adjust the level of financial responsibility required under (a) or (b) of this subsection as may be necessary to protect human health and the environment. This adjusted level will be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the department determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a facility that has no regulated units (as defined in WAC 173-303-040), it may require that the owner or operator of the facility comply with (b) of this subsection. An owner or operator must furnish to the department within a reasonable time, any information which the department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustments of level or type of coverage for a facility that has a permit will be treated as a permit modification under WAC 173-303-830.

(e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this subsection until certifications of closure of the facility, as specified in WAC 173-303-610(6), are received by the department.

(f) The following subsections are incorporated by reference: 40 CFR section 264.147(f), Financial test for liability coverage, (g) Guarantee for liability coverage, (h) Letter of credit for liability coverage, (i) Surety bond for liability coverage, and (j) Trust fund for liability coverage.

(9) Incapacity of owners or operators, guarantor or financial institutions.

(a) An owner or operator must notify the department by certified mail of the commencement of a voluntary or invol-

untary proceeding under Title 11 (Bankruptcy), United States Code, naming the owner or operator as debtor, within ten days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in 40 CFR 264.143(f) and 264.145(f) must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (40 CFR 264.151(h)).

(b) An owner or operator who fulfills the requirements of 40 CFR 264.143, 264.145, or 264.147 (a) or (b) by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within sixty days after such an event.

(10) Wording of the instruments. The financial instruments required by this section must contain the wording specified by 40 CFR 264.151 which is incorporated by reference, except that:

(a) The words "regional administrator" and "environmental protection agency" must be replaced with the words Washington state department of ecology;

(b) The words "hazardous waste" must be replaced with the words "dangerous waste";

(c) Any other words specified by the department must be changed as necessary to assure financial responsibility of the facility in accordance with the requirements of this section; and

(d) Whenever 40 CFR 264.151 requires that owners and operators notify several regional administrators of their financial obligations, the owner or operator must notify both the department and all regional administrators of regions that are affected by the owner or operator's financial assurance mechanisms.

Copies of the financial instruments with the appropriate word changes will be available from the department by June 30, 1984.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-640 Tank systems. (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tank systems to treat or store dangerous waste, except as (b), (c), and (d) of this subsection provides otherwise.

(b) Tank systems that are used to store or treat dangerous waste which contain no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in subsection (4) of this section. To demonstrate the absence or presence of free liquids in the stored/treated waste, the Paint Filter Liquids Test Method 9095B described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" EPA Publication SW-846 as incorporated by reference at WAC 173-303-110 (3)(a) must be used.

(c) Tank systems, including sumps, as defined in WAC 173-303-040, that serve as part of a secondary containment system to collect or contain releases of dangerous wastes are exempted from the requirements in subsection (4)(a) of this section.

(d) Tanks, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in WAC 173-303-040 and regulated under WAC 173-303-675, must meet the requirements of this section.

(2) Assessment of existing tank system's integrity.

(a) For each existing tank system, the owner or operator must determine that the tank system is not leaking or is unfit for use. Except as provided in (b) of this subsection, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that attests to the tank system's integrity by January 12, 1988, for underground tanks that do not meet the requirements of subsection (4) of this section and that cannot be entered for inspection, or by January 12, 1990, for all other tank systems.

(b) Tank systems that store or treat materials that become dangerous wastes subsequent to January 12, 1989, must conduct this assessment within twelve months after the date that the waste becomes a dangerous waste.

(c) This assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be stored or treated, to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

- (i) Design standard(s), if available, according to which the tank system was constructed;
- (ii) Dangerous characteristics of the waste(s) that have been and will be handled;
- (iii) Existing corrosion protection measures;
- (iv) Documented age of the tank system, if available (otherwise, an estimate of the age); and
- (v) Results of a leak test, internal inspection, or other tank system integrity examination such that:

(A) For nonenterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects; and

(B) For other than nonenterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination, that is certified by an independent, qualified, registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that addresses cracks, leaks, corrosion, and erosion.

Note: Three publications may be used, where applicable, as guidelines in conducting other than a leak test: *Tank Inspection, Repair, Alteration, and Reconstruction*, API Standard 653, Addendum 4 issued in December 1999; *Guidance for Assessing and Certifying Tank Systems that Store and Treat Dangerous Waste*, Ecology Publication No. 94-114; and *Steel Tank Institute publication #SP001-00 Standard for Inspection of In-Service Shop Fabricated Aboveground Tanks for Storage of Combustible and Flammable Liquids* copyright 2000.

(d) If, as a result of the assessment conducted in accordance with (a) of this subsection, a tank system is found to be

leaking or unfit for use, the owner or operator must comply with the requirements of subsection (7) of this section.

(e) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to ensure that the tank retains its structural integrity and will not collapse, rupture, or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(3) Design and installation of new tank systems or components.

(a) Owners or operators of new tank systems or components must obtain (and for facilities that are pursuing or have obtained a final status permit, submit to the department, at time of submittal of Part B information) a written assessment, reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of dangerous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. This assessment (which will be used by the department to review and approve or disapprove the acceptability of the tank system design at facilities which are pursuing or have obtained a final status permit) must include, at a minimum, the following information:

- (i) Design standard(s) according to which tank system(s) are constructed;
- (ii) Dangerous characteristics of the waste(s) to be handled;
- (iii) For new tank systems or components in which the external shell of a metal tank or any external metal component of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of:

(A) Factors affecting the potential for corrosion, including but not limited to:

- (I) Soil moisture content;
- (II) Soil pH;
- (III) Soil sulfides level;
- (IV) Soil resistivity;
- (V) Structure to soil potential;
- (VI) Influence of nearby underground metal structures (e.g., piping);
- (VII) Existence of stray electric current;
- (VIII) Existing corrosion-protection measures (e.g., coating, cathodic protection); and

(B) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

- (I) Corrosion-resistant materials of construction such as special alloys, fiberglass reinforced plastic, etc.;
- (II) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (e.g., impressed current or sacrificial anodes); and

(III) Electrical isolation devices such as insulating joints, flanges, etc.

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in providing corrosion protection for tank systems.

(iv) For underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and

(v) Design considerations to ensure that:

(A) Tank foundations will maintain the load of a full tank;

(B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is either placed in a saturated zone, or is located less than five hundred feet from a fault which has had displacement in Holocene times; and

(C) Tank systems will withstand the effects of frost heave.

(b) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to ensure that the tank retains its structural integrity and will not collapse, rupture or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(c) The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

- (i) Weld breaks;
- (ii) Punctures;
- (iii) Scrapes of protective coatings;
- (iv) Cracks;
- (v) Corrosion;
- (vi) Other structural damage or inadequate construction/installation.

All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.

(d) New tank systems or components that are placed underground and that are backfilled must be provided with a backfill material that is a noncorrosive, porous, homogeneous substance and that is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

(e) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system must be performed

prior to the tank system being covered, enclosed, or placed into use.

(f) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

Note: The piping system installation procedures described in American Petroleum Institute (API) Publication 1615 (November 1979), "Installation of Underground Petroleum Storage Systems," or ANSI Standard B31.3, "Petroleum Refinery Piping," and ANSI Standard B31.4 "Liquid Petroleum Transportation Piping System," may be used, where applicable, as guidelines for proper installation of piping systems.

(g) The owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under (a)(iii) of this subsection, or other corrosion protection if the department believes other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

(h) The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of (b) through (g) of this subsection, that attest that the tank system was properly designed and installed and that repairs, pursuant to (c) and (e) of this subsection, were performed. These written statements must also include the certification statement as required in WAC 173-303-810 (13)(a).

(4) Containment and detection of releases.

(a) In order to prevent the release of dangerous waste or dangerous constituents to the environment, secondary containment that meets the requirements of this subsection must be provided (except as provided in (f) and (g) of this subsection):

(i) For all new and existing tank systems or components, prior to their being put into service(⊖);

(ii) ~~((For all existing tank systems used to store or treat Dangerous Waste Nos. F020, F021, F022, F023, F026, and F027, within two years after January 12, 1989;~~

~~(iii) For those existing tank systems of known and documented age, within two years after January 12, 1989, or when the tank system has reached fifteen years of age, whichever comes later;~~

~~(iv) For those existing tank systems for which the age cannot be documented, within eight years of January 12, 1989; but if the age of the facility is greater than seven years, secondary containment must be provided by the time the facility reaches fifteen years of age, or within two years of January 12, 1989, whichever comes later; and~~

~~(⊕)) For tank systems that store or treat materials that become dangerous wastes ((subsequent to January 12, 1989, within the time intervals required in (a)(i) through (iv) of this subsection, except that the date that a material becomes a dangerous waste must be used in place of January 12, 1989)), within two years of the dangerous waste listing, or when the tank system has reached fifteen years of age, whichever comes later.~~

(b) Secondary containment systems must be:

(i) Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, ground water, or surface water at any time during the use of the tank system; and

(ii) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

(c) To meet the requirements of (b) of this subsection, secondary containment systems must be at a minimum:

(i) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, stress of installation, and the stress of daily operations (including stresses from nearby vehicular traffic);

(ii) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

(iii) Provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of dangerous waste or accumulated liquid in the secondary containment system within twenty-four hours, or at the earliest practicable time if the owner or operator can demonstrate to the department that existing detection technologies or site conditions will not allow detection of a release within twenty-four hours; and

(iv) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within twenty-four hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator can demonstrate to the department that removal of the released waste or accumulated precipitation cannot be accomplished within twenty-four hours.

Note: If the collected material is a dangerous waste under WAC 173-303-070, it is subject to management as a dangerous waste in accordance with all applicable requirements of WAC 173-303-170 through 173-303-400 and WAC 173-303-600 through 173-303-695. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of sections 301, 304, and 402 of the Clean Water Act, as amended. If discharged to a publicly owned treatment works (POTW), it is subject to the requirements of section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR Part 302.

(d) Secondary containment for tanks must include one or more of the following devices:

(i) A liner (external to the tank);

(ii) A vault;

(iii) A double-walled tank; or

(iv) An equivalent device as approved by the department.

(e) In addition to the requirements of (b), (c), and (d) of this subsection, secondary containment systems must satisfy the following requirements:

(i) External liner systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event.

(C) Free of cracks or gaps; and

(D) Designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

(ii) Vault systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event;

(C) Constructed with chemical-resistant water stops in place at all joints (if any);

(D) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

(E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

(I) Meets the definition of ignitable waste under WAC 173-303-090(5); or

(II) Meets the definition of reactive waste under WAC 173-303-090(7), and may form an ignitable or explosive vapor(-); and

(F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

(iii) Double-walled tanks must be:

(A) Designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

(B) Protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

(C) Provided with a built-in continuous leak detection system capable of detecting a release within twenty-four hours, or at the earliest practicable time, if the owner or operator can demonstrate to the department, and the department concludes, that the existing detection technology or site conditions would not allow detection of a release within twenty-four hours.

Note: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks" may be used as guidelines for aspects of the design of underground steel double-walled tanks.

(f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of (b) and (c) of this subsection except for:

(i) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

(ii) Welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;

(iii) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

(iv) Pressurized aboveground piping systems with automatic shutoff devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shutoff devices) that are visually inspected for leaks on a daily basis.

(g) The owner or operator may obtain a variance from the requirements of this subsection if the department finds, as a result of a demonstration by the owner or operator that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous waste or dangerous constituents into the ground water, or surface water at least as effectively as secondary containment during the active life of the tank system or that in the event of a release that does migrate to ground water or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not, per a demonstration in accordance with (g)(ii) of this subsection, be exempted from the secondary containment requirements of this section.

(i) In deciding whether to grant a variance based on a demonstration of equivalent protection of ground water and surface water, the department will consider:

(A) The nature and quantity of the wastes;

(B) The proposed alternate design and operation;

(C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and ground water; and

(D) All other factors that would influence the quality and mobility of the dangerous constituents and the potential for them to migrate to ground water or surface water.

(ii) In deciding whether to grant a variance based on a demonstration of no substantial present or potential hazard, the department will consider:

(A) The potential adverse effects on ground water, surface water, and land quality taking into account:

(I) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;

(II) The hydrogeological characteristics of the facility and surrounding land;

(III) The potential for health risks caused by human exposure to waste constituents;

(IV) The potential for damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(V) The persistence and permanence of the potential adverse effects.

(B) The potential adverse effects of a release on ground water quality, taking into account:

(I) The quantity and quality of ground water and the direction of ground water flow;

(II) The proximity and withdrawal rates of ground water users;

(III) The current and future uses of ground water in the area; and

(IV) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water quality.

(C) The potential adverse effects of a release on surface water quality, taking into account:

(I) The quantity and quality of ground water and the direction of ground water flow;

(II) The patterns of rainfall in the region;

(III) The proximity of the tank system to surface waters;

(IV) The current and future uses of surface waters in the area and any water quality standards established for those surface waters; and

(V) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality.

(D) The potential adverse effects of a release on the land surrounding the tank system, taking into account:

(I) The patterns of rainfall in the region; and

(II) The current and future uses of the surrounding land.

(iii) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7) of this section, except subsection (7)(d) of this section; and

(B) Decontaminate or remove contaminated soil to the extent necessary to:

(I) Enable the tank system for which the variance was granted to resume operation with the capability for the detection of releases at least equivalent to the capability it had prior to the release; and

(II) Prevent the migration of dangerous waste or dangerous constituents to ground water or surface water.

(C) If contaminated soil cannot be removed or decontaminated in accordance with (g)(iii)(B) of this subsection, comply with the requirements of subsection (8) of this section.

(iv) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7)(a), (b), (c), and (d) of this section; and

(B) Prevent the migration of dangerous waste or dangerous constituents to ground water or surface water, if possible, and decontaminate or remove contaminated soil. If contaminated soil cannot be decontaminated or removed or if ground water has been contaminated, the owner or operator must comply with the requirements of subsection (8)(b) of this section; and

(C) If repairing, replacing, or reinstalling the tank system, provide secondary containment in accordance with the requirements of (a) through (f) of this subsection or reapply for a variance from secondary containment and meet the requirements for new tank systems in subsection (3) of this section if the tank system is replaced. The owner or operator must comply with these requirements even if contaminated soil can be decontaminated or removed and ground water or surface water has not been contaminated.

(h) The following procedures must be followed in order to request a variance from secondary containment:

(i) The department must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in (g) of this subsection according to the following schedule:

(A) For existing tank systems, at least twenty-four months prior to the date that secondary containment must be provided in accordance with (a) of this subsection.

(B) For new tank systems, at least thirty days prior to entering into a contract for installation.

(ii) As part of the notification, the owner or operator must also submit to the department a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in (g)(i) or (ii) of this subsection;

(iii) The demonstration for a variance must be completed within one hundred eighty days after notifying the department of an intent to conduct the demonstration; and

(iv) If a variance is granted under this subsection, the department will require the permittee to construct and operate the tank system in the manner that was demonstrated to meet the requirements for the variance.

(i) All tank systems, until such time as secondary containment that meets the requirements of this section is provided, must comply with the following:

(i) For nonenterable underground tanks, a leak test that meets the requirements of subsection (2)(c)(v) of this section or other tank integrity method, as approved or required by the department, must be conducted at least annually.

(ii) For other than nonenterable underground tanks, the owner or operator must either conduct a leak test as in (i)(i) of this subsection or develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection, and the characteristics of the waste being stored or treated.

(iii) For ancillary equipment, a leak test or other integrity assessment as approved by the department must be conducted at least annually.

Note: Three publications may be used, where applicable, as guidelines for assessing the overall condition of the tank system: *Tank Inspection, Repair, Alteration, and Reconstruction*, API Standard 653, Addendum 4 issued in December 1999; *Guidance for Assessing and Certifying Tank Systems that Store and Treat Dangerous Waste*, Ecology Publication No. 94-114; and *Steel Tank Institute publication #SP001-00 Standard for Inspection of In-Service Shop Fabricated Aboveground Tanks for Storage of Combustible and Flammable Liquids* copyright 2000.

(iv) The owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with (i)(i) through (iii) of this subsection.

(v) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in (i)(i) through (iii) of this subsection, the owner or operator must comply with the requirements of subsection (7) of this section.

(5) General operating requirements.

(a) Dangerous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

(b) The owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include at a minimum:

(i) Spill prevention controls (e.g., check valves, dry disconnect couplings);

(ii) Overflow prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

(iii) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

(c) The owner or operator must comply with the requirements of subsection (7) of this section if a leak or spill occurs in the tank system.

(d) All tank systems holding dangerous waste must be marked with labels or signs to identify the waste contained in the tank. The label or sign must be legible at a distance of at least fifty feet, and must bear a legend which identifies the waste in a manner which adequately warns employees, emergency response personnel, and the public of the major risk(s) associated with the waste being stored or treated in the tank system(s). (Note—If there already is a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate.)

(e) All tank systems holding dangerous wastes which are acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air.

(6) Inspections.

(a) The owner or operator must develop and follow a schedule and procedure for inspecting overflow controls.

(b) The owner or operator must inspect at least once each operating day:

(i) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

(ii) Data gathered from monitoring any leak detection equipment (e.g., pressure or temperature gauges, monitoring

wells) to ensure that the tank system is being operated according to its design; and

(iii) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of dangerous waste (e.g., wet spots, dead vegetation).

Note: WAC 173-303-320 requires the owner or operator to remedy any deterioration or malfunction he finds. Subsection (7) of this section requires the owner or operator to notify the department within twenty-four hours of confirming a leak. Also, 40 CFR Part 302 may require the owner or operator to notify the National Response Center of a release.

(c) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

(i) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and

(ii) All sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.

(d) The owner or operator must document in the operating record of the facility an inspection of those items in (a) through (c) of this subsection. The owner or operator must keep an inspection log including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

(7) Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(a) Cessation of use; prevent flow or addition of wastes. The owner or operator must immediately stop the flow of dangerous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

(b) Removal of waste from tank system or secondary containment system.

(i) If the release was from the tank system, the owner/operator must, within twenty-four hours after detection of the leak or, if the owner/operator demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of dangerous waste to the environment and to allow inspection and repair of the tank system to be performed.

(ii) If the material released was to a secondary containment system, all released materials must be removed within twenty-four hours or in as timely a manner as is possible to prevent harm to human health and the environment.

(c) Containment of visible releases to the environment. The owner/operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(i) Prevent further migration of the leak or spill to soils or surface water; and

(ii) Remove, and properly dispose of, any visible contamination of the soil or surface water.

(d) Notifications, reports.

(i) Any release to the environment must be reported to the department and other authorities immediately in accordance with WAC 173-303-145. Any release above the "reportable quantity" must also be reported to the National Response Center pursuant to 40 CFR Part 302.

(ii) Within thirty days (or fifteen days if classified as an emergency) of detection of a release to the environment, a report containing the following information must be submitted to the department:

(A) Likely route of migration of the release;

(B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

(C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within thirty days, these data must be submitted to the department as soon as they become available;

(D) Proximity to downgradient drinking water, surface water, and populated areas; and

(E) Description of response actions taken or planned.

(F) In the event of an emergency, additional information as required by WAC 173-303-360.

(e) Provision of secondary containment, repair, or closure.

(i) Unless the owner/operator satisfies the requirements of (e)(ii) through (iv) of this subsection, the tank system must be closed in accordance with subsection (8) of this section.

(ii) If the cause of the release was a spill that has not damaged the integrity of the system, the owner/operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

(iii) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

(iv) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner/operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of subsection (4) of this section before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of (f) of this subsection are satisfied. If a component is replaced to comply with the requirements of this subsection, that compo-

ment must satisfy the requirements for new tank systems or components in subsections (3) and (4) of this section. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with subsection (4) of this section prior to being returned to use.

(f) Certification of major repairs. If the owner/operator has repaired a tank system in accordance with (e) of this subsection, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, registered, professional engineer in accordance with WAC 173-303-810 (13)(a) that the repaired system is capable of handling dangerous wastes without release for the intended life of the system. This certification must be submitted to the department within seven days after returning the tank system to use.

Note: See WAC 173-303-320 for the requirements necessary to remedy a failure. Also, 40 CFR Part 302 may require the owner or operator to notify the National Response Center of certain releases.

(8) Closure and post-closure care.

(a) At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as dangerous waste, unless WAC 173-303-070 (2)(a) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for tank systems must meet all of the requirements specified in WAC 173-303-610 and 173-303-620.

(b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in (a) of this subsection, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (see WAC 173-303-665(6)). In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator must meet all of the requirements for landfills specified in WAC 173-303-610 and 173-303-620.

(c) If an owner or operator has a tank system that does not have secondary containment that meets the requirements of subsection (4)(b) through (f) of this section and is not exempt from the secondary containment requirements in accordance with subsection (4)(g) of this section, then:

(i) The closure plan for the tank system must include both a plan for complying with (a) of this subsection and a contingent plan for complying with (b) of this subsection.

(ii) A contingent post-closure plan for complying with (b) of this subsection must be prepared and submitted as part of the permit application.

(iii) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan, if those costs are greater than the costs of complying with the

closure plan prepared for the expected closure under (a) of this subsection.

(iv) Financial assurance must be based on the cost estimates in (c)(iii) of this subsection.

(v) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure, and financial responsibility requirements for landfills under this chapter (WAC 173-303-610 and 173-303-620).

(9) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in tank systems unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank system so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090, and 173-303-395 (1)(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

(iii) The tank system is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in tanks must locate the tanks in a manner equivalent to the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of the NFPA-30 *Flammable and Combustible Liquids Code* -1981, or as required by state and local fire codes when such codes are more stringent. The owner or operator must also comply with the requirements of WAC 173-303-395 (1)(d).

(10) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank system, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless WAC 173-303-395 (1)(b) is complied with.

(11) Air emission standards. The owner or operator must manage all hazardous waste placed in a tank in accordance with the applicable requirements of 40 CFR Subparts AA, BB, and CC, which are incorporated by reference at WAC 173-303-690 through 173-303-692.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-645 Releases from regulated units. (1) Applicability.

(a)(i) Except as provided in (b) of this subsection, the regulations in this section apply to owners and operators of facilities that treat, store, or dispose of dangerous waste. The owner or operator must satisfy the requirements identified in (a)(ii) of this subsection for all wastes (or constituents thereof) contained in solid waste management units at the facility, regardless of the time at which waste was placed in such units.

(ii) All solid waste management units must comply with the requirements in WAC 173-303-64620. Regulated units (as defined in WAC 173-303-040) must comply with the requirements of subsections (2) through (12) of this section, in lieu of WAC 173-303-64620, for purposes of detecting, characterizing, and responding to releases to the uppermost aquifer. The corrective action financial responsibility requirements of WAC 173-303-64620 apply to corrective action regulated units.

(b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this section if:

(i) The owner or operator is exempted under WAC 173-303-600; or

(ii) He operates a unit which the department finds:

(A) Is an engineered structure;

(B) Does not receive or contain liquid waste or waste containing free liquids;

(C) Is designed and operated to exclude liquid, precipitation, and other run-on and runoff;

(D) Has both inner and outer layers of containment enclosing the waste;

(E) Has a leak detection system built into each containment layer;

(F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods; and

(G) To a reasonable degree of certainty, will not allow dangerous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period.

(iii) The department finds, pursuant to WAC 173-303-655 (8)(d), that the treatment zone of a land treatment unit does not contain levels of dangerous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of WAC 173-303-655(6) has not shown a statistically significant increase in dangerous constituents below the treatment zone during the operating life of the unit. An exemption under this subsection can only relieve an owner or operator of responsibility to meet the requirements of this section during the post-closure care period; or

(iv) The department finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator must base any predictions made under this subsection on assumptions that maximize the rate of liquid migration.

(c) The regulations under this section apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the regulations in this section:

(i) Do not apply if all waste, waste residues, contaminated containment system components, and contaminated subsoils are removed or decontaminated at closure in accor-

dance with the removal or decontamination limits specified in WAC 173-303-610 (2)(b);

(ii) Apply during the post-closure care period if the owner or operator is conducting a detection monitoring program under subsection (9) of this section; and

(iii) Apply during the compliance period under subsection (7) of this section, if the owner or operator is conducting a compliance monitoring program under subsection (10) of this section, or a corrective action program under subsection (11) of this section.

(d) Regulations in this section may apply to miscellaneous units when necessary to comply with WAC 173-303-680 (2) through (4).

(e) The director may, in an enforceable document, replace all or part of the requirements of this section with alternative requirements for ground water monitoring and corrective action when he or she determines:

(i) A dangerous waste unit is situated among other solid waste management units or areas of concern, a release has occurred, and both the dangerous waste unit and one or more of the solid waste management units or areas of concern are likely to have contributed to the release; and

(ii) It is not necessary to apply the requirements of this section because the alternative requirements will protect human health and the environment.

(2) Required programs.

(a) Owners and operators subject to this section must conduct a monitoring and response program as follows:

(i) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit are detected at the compliance point under subsection (6) of this section, the owner or operator must institute a compliance monitoring program under subsection (10) of this section. Detected is defined as statistically significant evidence of contamination as described in subsection (9)(f) of this section;

(ii) Whenever the ground water protection standard under subsection (3) of this section, is exceeded, the owner or operator must institute a corrective action program under subsection (11) of this section. Exceeded is defined as statistically significant evidence of increased contamination as described in subsection (10)(h) of this section. Exceeded is defined as statistically significant evidence of contamination as described in WAC 173-303-645 (10)(d);

(iii) Whenever dangerous constituents under subsection (4) of this section, from a regulated unit exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section and the downgradient facility property boundary, the owner or operator must institute a corrective action program under subsection (11) of this section; and

(iv) In all other cases, the owner or operator must institute a detection monitoring program under subsection (9) of this section.

(b) The department will specify in the facility permit the specific elements of the monitoring and response program. The department may include one or more of the programs identified in (a) of this subsection, in the facility permit as may be necessary to protect human health and the environment and will specify the circumstances under which each of the programs will be required. In deciding whether to require

the owner or operator to be prepared to institute a particular program, the department will consider the potential adverse effects on human health and the environment that might occur before final administrative action on a permit modification application to incorporate such a program could be taken.

(3) Ground water protection standard. The owner or operator must comply with conditions specified in the facility permit that are designed to ensure that dangerous constituents under subsection (4) of this section, detected in the ground water from a regulated unit do not exceed the concentration limits under subsection (5) of this section, in the uppermost aquifer underlying the waste management area beyond the point of compliance under subsection (6) of this section, during the compliance period under subsection (7) of this section. To the extent practical, the department will establish this ground water protection standard in the facility permit at the time the permit is issued. If the department determines that an established standard is not protective enough, or if the department decides that it is not practical to establish standards at the time of permit issuance, the department will establish the ground water protection standard in the facility permit when dangerous constituents have been detected in the ground water from a regulated unit.

(4) Dangerous constituents.

(a) The department will specify in the facility permit the dangerous constituents to which the ground water protection standard of subsection (3) of this section, applies. Dangerous constituents are constituents identified in ~~((40 CFR Part 264 Appendix IX, which is adopted by reference (this list is available from the department)))~~ the Appendix "Ground-Water Monitoring List" in *Chemical Testing Methods for Designating Dangerous Waste* which is incorporated at WAC 173-303-110 (3)(c) and (7), and any other constituents not listed there which have caused a waste to be regulated under this chapter, that may be or have been detected in ground water in the uppermost aquifer underlying a regulated unit and that are reasonably expected to be in or derived from waste contained in a regulated unit, unless the department has excluded them under (b) of this subsection.

The department may also specify in the permit indicator parameters (e.g., specific conductance, pH, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents or reaction products as identified in the detection monitoring program under subsection (9)(a) of this section, that provide a reliable indication of the presence of dangerous constituents in the ground water.

(b) The department will exclude a ~~((40 CFR Part 264 Appendix IX))~~ constituent on the Appendix "Ground-Water Monitoring List" in *Chemical Testing Methods for Designating Dangerous Waste* which is incorporated at WAC 173-303-110 (3)(c) and (7), or other identified constituent from the list of dangerous constituents specified in the facility permit if it finds that the constituent is not capable of posing a substantial present or potential hazard to human health or the environment. In deciding whether to grant an exemption, the department will consider the following:

(i) Potential adverse effects on ground water quality, considering:

(A) The physical and chemical characteristics of the waste in the regulated unit, including its potential for migration;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity of ground water and the direction of ground water flow;

(D) The proximity and withdrawal rates of ground water users;

(E) The current and future uses of ground water in the area;

(F) The existing quality of ground water, including other sources of contamination and their cumulative impact on the ground water quality;

(G) The potential for health risks caused by human exposure to waste constituents;

(H) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(I) The persistence and permanence of the potential adverse effects;

(ii) Potential adverse effects on hydraulically-connected surface water quality, considering:

(A) The volume and physical and chemical characteristics of the waste in the regulated unit;

(B) The hydrogeological characteristics of the facility and surrounding land;

(C) The quantity and quality of ground water, and the direction of ground water flow;

(D) The patterns of rainfall in the region;

(E) The proximity of the regulated unit to surface waters;

(F) The current and future uses of surface waters in the area and any water quality standards established for those surface waters;

(G) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface water quality;

(H) The potential for health risks caused by human exposure to waste constituents;

(I) The potential damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(J) The persistence and permanence of the potential adverse effects; and

(iii) Any identification of underground sources of drinking water and exempted aquifers made pursuant to chapter 90.48 RCW, chapter 270, Laws of 1983, and other applicable state laws and regulations.

(5) Concentration limits.

(a) The department will specify in the facility permit concentration limits in the ground water for dangerous constituents established under subsection (4) of this section. The concentration of a dangerous constituent:

(i) Must not exceed the background level of that constituent in the ground water at the time that limit is specified in the permit; or

(ii) For any of the constituents listed in Table 1 of this subsection, must not exceed the respective value given in that table if the background level of the constituent is below the value given in Table 1; or

(iii) Must not exceed an alternate limit established by the department under (b) of this subsection.

Table 1.
Maximum Concentration of Constituents
for Ground Water Protection

Constituent	Maximum Concentration ¹
Arsenic	0.05
Barium	1.0
Cadmium	0.01
Chromium	0.05
Lead	0.05
Mercury	0.002
Selenium	0.01
Silver	0.05
Endrin	0.0002
Lindane	0.004
Methoxychlor	0.1
Toxaphene	0.005
2,4-D	0.1m
2,4,5-TP Silvex	0.01

¹Milligrams per liter.

(b) The department will establish an alternate concentration limit for a dangerous constituent if it finds that the constituent will not pose a substantial present or potential hazard to human health or the environment as long as the alternate concentration limit is not exceeded. In establishing alternate concentration limits, the department will consider the same factors listed in subsection (4)(b)(i) through (iii) of this section.

(6) Point of compliance.

(a) The department will specify in the facility permit the point of compliance at which the ground water protection standard of subsection (3) of this section, applies and at which monitoring must be conducted. The point of compliance is a vertical surface located at the hydraulically down-gradient limit of the waste management area that extends down into the uppermost aquifer underlying the regulated units. Alternatively, the point of compliance may be any closer points identified by the department at the time the permit is issued, considering the risks of the facility, the wastes and constituents managed there, the potential for waste constituents to have already migrated past the alternate compliance point, and the potential threats to ground and surface waters.

(b) The waste management area is the limit projected in the horizontal plane of the area on which waste will be placed

during the active life of a regulated unit. The waste management area includes horizontal space taken up by any liner, dike, or other barrier designed to contain waste in a regulated unit. If the facility contains more than one regulated unit, the waste management area is described by an imaginary line circumscribing the several regulated units.

(7) Compliance period.

(a) The department will specify in the facility permit the compliance period during which the ground water protection standard of subsection (3) of this section applies. The compliance period is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period).

(b) The compliance period begins when the owner or operator initiates a compliance monitoring program meeting the requirements of subsection (10) of this section.

(c) If the owner or operator is engaged in a corrective action program at the end of the compliance period specified in (a) of this subsection, the compliance period is extended until the owner or operator can demonstrate that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(8) General ground water monitoring requirements.

The owner or operator must comply with the requirements of this subsection for any ground water monitoring program developed to satisfy subsections (9), (10), or (11) of this section.

(a) The ground water monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths to yield ground water samples from the uppermost aquifer that:

(i) Represent the quality of background ground water that has not been affected by leakage from a regulated unit;

~~((A))~~ A determination of background ground water quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:

~~((H))~~ (A) Hydrogeologic conditions do not allow the owner or operator to determine what wells are hydraulically upgradient; and

~~((H))~~ (B) Sampling at other wells will provide an indication of background ground water quality that is representative or more representative than that provided by the upgradient wells; and

(ii) Represent the quality of ground water passing the point of compliance.

(iii) Allow for the detection of contamination when dangerous waste or dangerous constituents have migrated from the waste management area to the uppermost aquifer.

(b) If a facility contains more than one regulated unit, separate ground water monitoring systems are not required for each regulated unit, provided that provisions for sampling the ground water in the uppermost aquifer will enable detection and measurement at the compliance point of dangerous constituents from the regulated units that have entered the ground water in the uppermost aquifer.

(c) All monitoring wells must be cased in a manner that maintains the integrity of the monitoring well bore hole. This casing must allow collection of representative ground water samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and

between aquifers and water bearing strata. Wells must meet the requirements set forth in ((Parts 1 and 3 of)) chapter 173-160 WAC, "Minimum standards for construction and maintenance of wells."

(d) The ground water monitoring program must include at a minimum, procedures and techniques for:

- (i) Decontamination of drilling and sampling equipment;
- (ii) Sample collection;
- (iii) Sample preservation and shipment;
- (iv) Analytical procedures and quality assurance; and
- (v) Chain of custody control.

(e) The ground water monitoring program must include consistent sampling and analytical methods that ensure reliable ground water sampling, accurately measure dangerous constituents and indicator parameters in ground water samples, and provide a reliable indication of ground water quality below the waste management area.

(f) The ground water monitoring program must include a determination of the ground water surface elevation each time ground water is sampled.

(g) In detection monitoring or where appropriate in compliance monitoring, data on each dangerous constituent specified in the permit will be collected from background wells and wells at the compliance point(s). The number and kinds of samples collected to establish background must be appropriate for the form of statistical test employed, following generally accepted statistical principles. The sample size must be as large as necessary to ensure with reasonable confidence that a contaminant release to ground water from a facility will be detected. The owner or operator will determine an appropriate sampling procedure and interval for each hazardous constituent listed in the facility permit which will be specified in the unit permit upon approval by the department. This sampling procedure will be:

(i) A sequence of at least four samples, taken at an interval that assures, to the greatest extent technically feasible, that an independent sample is obtained, by reference to the uppermost aquifer's effective porosity, hydraulic conductivity and hydraulic gradient, and the fate and transport characteristics of the potential contaminants; or

(ii) An alternate sampling procedure proposed by the owner or operator and approved by the department.

(h) The owner or operator will specify one of the following statistical methods to be used in evaluating ground water monitoring data for each hazardous constituent which, upon approval by the department, will be specified in the unit permit. The statistical test chosen must be conducted separately for each dangerous constituent in each well. Where practical quantification limits (pql's) are used in any of the following statistical procedures to comply with (i)(v) of this subsection, the pql must be proposed by the owner or operator and approved by the department. Use of any of the following statistical methods must be protective of human health and the environment and must comply with the performance standards outlined in (i) of this subsection.

(i) A parametric analysis of variance (ANOVA) followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between

each compliance well's mean and the background mean levels for each constituent.

(ii) An analysis of variance (ANOVA) based on ranks followed by multiple comparisons procedures to identify statistically significant evidence of contamination. The method must include estimation and testing of the contrasts between each compliance well's median and the background median levels for each constituent.

(iii) A tolerance or prediction interval procedure in which an interval for each constituent is established from the distribution of the background data, and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(iv) A control chart approach that gives control limits for each constituent.

(v) Another statistical test method submitted by the owner or operator and approved by the department.

(i) Any statistical method chosen under (h) of this subsection for specification in the unit permit must comply with the following performance standards, as appropriate:

(i) The statistical method used to evaluate ground water monitoring data must be appropriate for the distribution of chemical parameters or dangerous constituents. If the distribution of the chemical parameters or dangerous constituents is shown by the owner or operator to be inappropriate for a normal theory test, then the data should be transformed or a distribution-free theory test should be used. If the distributions for the constituents differ, more than one statistical method may be needed.

(ii) If an individual well comparison procedure is used to compare an individual compliance well constituent concentration with background constituent concentrations or a ground water protection standard, the test must be done at a Type I error level no less than 0.01 for each testing period. If a multiple comparisons procedure is used, the Type I experiment wise error rate for each testing period must be no less than 0.05; however, the Type I error of no less than 0.01 for individual well comparisons must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals, or control charts.

(iii) If a control chart approach is used to evaluate ground water monitoring data, the specific type of control chart and its associated parameter values must be proposed by the owner or operator and approved by the department if it finds it to be protective of human health and the environment.

(iv) If a tolerance interval or a prediction interval is used to evaluate ground water monitoring data, the levels of confidence and, for tolerance intervals, the percentage of the population that the interval must contain, must be proposed by the owner or operator and approved by the department if it finds these parameters to be protective of human health and the environment. These parameters will be determined after considering the number of samples in the background data base, the data distribution, and the range of the concentration values for each constituent of concern.

(v) The statistical method must account for data below the limit of detection with one or more statistical procedures that are protective of human health and the environment. Any practical quantification limit (pql) approved by the department under (h) of this subsection that is used in the statistical

method must be the lowest concentration level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions that are available to the facility.

(vi) If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability as well as temporal correlation in the data.

(j) Ground water monitoring data collected in accordance with (g) of this subsection including actual levels of constituents must be maintained in the facility operating record. The department will specify in the permit when the data must be submitted for review.

(9) Detection monitoring program. An owner or operator required to establish a detection monitoring program under this subsection must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor for indicator parameters (e.g., pH, specific conductance, total organic carbon (TOC), total organic halogen (TOX), or heavy metals), waste constituents, or reaction products that provide a reliable indication of the presence of dangerous constituents in ground water. The department will specify the parameters or constituents to be monitored in the facility permit, after considering the following factors:

(i) The types, quantities, and concentrations of constituents in wastes managed at the regulated unit;

(ii) The mobility, stability, and persistence of waste constituents or their reaction products in the unsaturated zone beneath the waste management area;

(iii) The detectability of indicator parameters, waste constituents, and reaction products in ground water; and

(iv) The concentrations or values and coefficients of variation of proposed monitoring parameters or constituents in the ground water background.

(b) The owner or operator must install a ground water monitoring system at the compliance point, as specified under subsection (6) of this section. The ground water monitoring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) The owner or operator must conduct a ground water monitoring program for each chemical parameter and dangerous constituent specified in the permit pursuant to (a) of this subsection in accordance with subsection (8)(g) of this section. The owner or operator must maintain a record of ground water analytical data as measured and in a form necessary for the determination of statistical significance under subsection (8)(h) of this section.

(d) The department will specify the frequencies for collecting samples and conducting statistical tests to determine whether there is statistically significant evidence of contamination for any parameter or dangerous constituent specified in the permit under (a) of this subsection in accordance with subsection (8)(g) of this section. ~~((A sequence of at least four samples from each well (background and compliance wells) must be collected at least semiannually during detection monitoring.))~~

(e) The owner or operator must determine the ground water flow rate and direction in the uppermost aquifer at least annually.

(f) The owner or operator must determine whether there is statistically significant evidence of contamination for any chemical parameter of dangerous constituent specified in the permit pursuant to (a) of this subsection at a frequency specified under (d) of this subsection.

(i) In determining whether statistically significant evidence of contamination exists, the owner or operator must use the method(s) specified in the permit under subsection (8)(h) of this section. These method(s) must compare data collected at the compliance point(s) to the background ground water quality data.

(ii) The owner or operator must determine whether there is statistically significant evidence of contamination at each monitoring well as the compliance point within a reasonable period of time after completion of sampling. The department will specify in the facility permit what period of time is reasonable after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(g) If the owner or operator determines pursuant to (f) of this subsection that there is statistically significant evidence of contamination for chemical parameters or dangerous constituents specified pursuant to (a) of this subsection at any monitoring well at the compliance point, he or she must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what chemical parameters or dangerous constituents have shown statistically significant evidence of contamination:

(ii) Immediately sample the ground water in all monitoring wells and determine whether constituents in the ~~((list of Appendix IX of 40 CFR Part 264 (which is adopted by reference)))~~ Appendix "Ground-Water Monitoring List" in Chemical Testing Methods for Designating Dangerous Waste which is incorporated at WAC 173-303-110 (3)(c) are present, and if so, in what concentration. However, the department, on a discretionary basis, may allow sampling for a site-specific subset of constituents from the "Ground-Water Monitoring List" Appendix and other representative/related waste constituents.

(iii) For any "Ground-Water Monitoring List" Appendix ~~((IX))~~ compounds found in the analysis pursuant to (g)(ii) of this subsection, the owner or operator may resample within one month or at an alternative site-specific schedule approved by the director and repeat the analysis for those compounds detected. If the results of the second analysis confirm the initial results, then these constituents will form the basis for compliance monitoring. If the owner or operator does not resample for the compounds ~~((found pursuant to))~~ in (g)(ii) of this subsection, the dangerous constituents found during this initial "Ground-Water Monitoring List" Appendix ~~((IX))~~ analysis will form the basis for compliance monitoring.

(iv) Within ninety days, submit to the department an application for a permit modification to establish a compliance monitoring program meeting the requirements of subsection (10) of this section. The application must include the following information:

(A) An identification of the concentration ~~((of))~~ of any "Ground-Water Monitoring List" Appendix ~~((IX))~~ constitu-

ent detected in the ground water at each monitoring well at the compliance point;

(B) Any proposed changes to the ground water monitoring system at the facility necessary to meet the requirements of subsection (10) of this section;

(C) Any proposed additions or changes to the monitoring frequency, sampling and analysis procedures or methods, or statistical methods used at the facility necessary to meet the requirements of subsection (10) of this section;

(D) For each dangerous constituent detected at the compliance point, a proposed concentration limit under subsection (5)(a)(i) or (ii) of this section, or a notice of intent to seek an alternate concentration limit under subsection (5)(b) of this section; and

(v) Within one hundred eighty days, submit to the department:

(A) All data necessary to justify an alternate concentration limit sought under subsection (5)(b) of this section; and

(B) An engineering feasibility plan for a corrective action program necessary to meet the requirement of subsection (11) of this section unless:

(I) All dangerous constituents identified under (g)(ii) of this subsection are listed in Table I of subsection (5) of this section and their concentrations do not exceed the respective values given in that Table; or

(II) The owner or operator has sought an alternate concentration limit under subsection (5)(b) of this section for every dangerous constituent identified under (g)(ii) of this subsection.

(vi) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant difference for chemical parameters or dangerous constituents specified pursuant to (a) of this subsection at any monitoring well at the compliance point, he or she may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. The owner operator may make a demonstration under this subsection in addition to, or in lieu of, submitting a permit modification application under (g)(iv) of this subsection; however, the owner or operator is not relieved of the requirement to submit a permit modification application within the time specified in (g)(iv) of this subsection unless the demonstration made under this subsection successfully shows that a source other than a regulated unit caused the increase, or that the increase resulted from error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(A) Notify the department in writing within seven days of determining statistically significant evidence of contamination at the compliance point that he intends to make a demonstration under this subsection;

(B) Within ninety days, submit a report to the department which demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;

(C) Within ninety days, submit to the department an application for a permit modification to make any appropriate changes to the detection monitoring program facility; and

(D) Continue to monitor in accordance with the detection monitoring program established under this section.

(h) If the owner or operator determines that the detection monitoring program no longer satisfies the requirements of this section, he or she must, within ninety days, submit an application for a permit modification to make any appropriate changes to the program.

(10) Compliance monitoring program. An owner or operator required to establish a compliance monitoring program under this section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the ground water to determine whether regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section for each of those dangerous constituents and parameters;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must install a ground water monitoring system at the compliance point as specified under subsection (6) of this section. The ground water monitoring system must comply with subsection (8)(a)(ii), (b), and (c) of this section.

(c) The department will specify the sampling procedures and statistical methods appropriate for the constituents and the facility, consistent with subsection (8)(g) and (h) of this section.

(i) The owner or operator must conduct a sampling program for each chemical parameter or dangerous constituent in accordance with subsection (8)(g) of this section.

(ii) The owner or operator must record ground water analytical data as measured and in form necessary for the determination of statistical significance under subsection (8)(h) of this section for the compliance period of the facility.

(d) The owner or operator must determine whether there is statistically significant evidence of increased contamination for any chemical parameter or dangerous constituent specified in the permit, pursuant to (a) of this subsection, at a frequency specified under (f) of this subsection.

(i) In determining whether statistically significant evidence of increased contamination exists, the owner or operator must use the method(s) specified in the permit under subsection (8)(h) of this section. The method(s) must compare data collected at the compliance point(s) to a concentration limit developed in accordance with subsection (5) of this section.

(ii) The owner or operator must determine whether there is statistically significant evidence of increased contamination at each monitoring well at the compliance point within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit, after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of ground water samples.

(e) The owner or operator must determine the rate and direction of ground water flow in the uppermost aquifer at least annually.

(f) The department will specify the frequencies for collecting samples and conducting statistical tests to determine statistically significant evidence of increased contamination in accordance with subsection (8)(g) of this section. ~~((A sequence of at least four samples from each well (background and compliance wells) must be collected at least semiannually during the compliance period of the facility.))~~

~~(g) ((The owner or operator must analyze samples from all monitoring wells at the compliance point for all constituents contained in Appendix IX of Part 264 at least annually to determine whether additional dangerous constituents are))~~ Annually, the owner or operator must determine whether additional dangerous waste constituents from the Appendix "Ground-Water Monitoring List" in *Chemical Testing Methods for Designating Dangerous Waste* (which is incorporated at WAC 173-303-110 (3)(c)), which could possibly be present but are not on the detection monitoring list in the permit, are actually present in the uppermost aquifer and, if so, at what concentration, pursuant to procedures in (f) of this subsection. ((If the owner or operator finds Appendix IX constituents in the ground water that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month and repeat the Appendix IX analysis.)) To accomplish this, the owner or operator must consult with the department to determine on a case-by-case basis: Which sample collection event during the year will involve enhanced sampling; the number of monitoring wells at the compliance point to undergo enhanced sampling; the number of samples to be collected from each of these monitoring wells; and the specific constituents from the "Ground-Water Monitoring List" Appendix for which these samples must be analyzed. If the enhanced sampling event indicates that "Ground-Water Monitoring List" Appendix constituents are present in the ground water that are not already identified in the permit as monitoring constituents, the owner or operator may resample within one month or at an alternative site-specific schedule approved by the department, and repeat the analysis. If the second analysis confirms the presence of new constituents, the owner or operator must report the concentration of these additional constituents to the department within seven days after the completion of the second analysis and add them to the monitoring list. If the owner or operator chooses not to resample, then he or she must report the concentrations of these additional constituents to the department within seven days after completion of the initial analysis, and add them to the monitoring list.

(h) If the owner or operator determines, pursuant to (d) of this subsection, that any concentration limits under subsection (5) of this section are being exceeded at any monitoring well at the point of compliance, he must:

(i) Notify the department of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded;

(ii) Submit to the department an application for a permit modification to establish a corrective action program meeting the requirements of subsection (11) of this section, within ninety days, or within sixty days if an engineering feasibility

study has been previously submitted to the department under subsection (9)(h)(v) of this section. For regulated units managing EHW, time frames of sixty days and forty-five days, respectively will apply. However, if the department finds that the full extent of the ninety/sixty-day or the sixty/forty-five-day time periods will increase the likelihood to cause a threat to public health, or the environment, it can at its discretion reduce their duration. In specifying shorter limits, the department will consider the following factors:

(A) The physical and chemical characteristics of the dangerous constituents and parameters in the ground water;

(B) The hydrogeological characteristics of the facility and of the surrounding land;

(C) The rate of movement and direction of flow of the affected ground water;

(D) The proximity to and withdrawal rates of ground water users downgradient; and

(E) The current and future uses of ground water in the concerned area; and

(ii) The application must at a minimum include the following information:

(A) A detailed description of corrective actions that will achieve compliance with the ground water protection standard specified in the permit under (a) of this subsection; and

(B) A plan for a ground water monitoring program that will demonstrate the effectiveness of the corrective action. Such a ground water monitoring program may be based on a compliance monitoring program developed to meet the requirements of this subsection.

~~((h) Reserved.))~~

(i) If the owner or operator determines, pursuant to (d) of this subsection, that the ground water concentration limits under this section are being exceeded at any monitoring well at the point of compliance, he may demonstrate that a source other than a regulated unit caused the contamination or that the detection is an artifact caused by an error in sampling, analysis, or statistical evaluation or natural variation in the ground water. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make appropriate changes to the compliance monitoring program at the facility; and

(iv) Continue to monitor in accord with the compliance monitoring program established under this section.

(j) If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(11) Corrective action program. An owner or operator required to establish a corrective action program under this

section must, at a minimum, discharge the responsibilities described in this subsection.

(a) The owner or operator must take corrective action to ensure that regulated units are in compliance with the ground water protection standard under subsection (3) of this section. The department will specify the ground water protection standard in the facility permit, including:

(i) A list of the dangerous constituents and parameters identified under subsection (4) of this section;

(ii) Concentration limits under subsection (5) of this section, for each of those dangerous constituents and parameters;

(iii) The compliance point under subsection (6) of this section; and

(iv) The compliance period under subsection (7) of this section.

(b) The owner or operator must implement a corrective action program that prevents dangerous constituents and parameters from exceeding their respective concentration limits at the compliance point by removing the dangerous waste constituents and parameters or treating them in place. The permit will specify the specific measures that will be taken.

(c) The owner or operator must begin corrective action within a reasonable time period after the ground water protection standard is exceeded. The department will specify that time period in the facility permit. If a facility permit includes a corrective action program in addition to a compliance monitoring program, the permit will specify when the corrective action will begin and such a requirement will operate in lieu of subsection (10)(i)(ii) of this section.

(d) In conjunction with a corrective action program, the owner or operator must establish and implement a ground water monitoring program to demonstrate the effectiveness of the corrective action program. Such a monitoring program may be based on the requirements for a compliance monitoring program under subsection (10) of this section, and must be as effective as that program in determining compliance with the ground water protection standard under subsection (3) of this section, and in determining the success of a corrective action program under (e) of this subsection, where appropriate.

(e) In addition to the other requirements of this section, the owner or operator must conduct a corrective action program to remove or treat in place any dangerous constituents or parameters under subsection (4) of this section, that exceed concentration limits under subsection (5) of this section, in ground water between the compliance point under subsection (6) of this section, and the downgradient facility property boundary; and beyond the facility boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the satisfaction of the department that, despite the owner's or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. The owner/operator is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. For a facility seeking or required to have a permit, the corrective action measures to be taken must be specified in the permit.

(i) Corrective action measures under this subsection must be initiated at the effective date of the modified permit and completed without time delays considering the extent of contamination.

(ii) Corrective action measures under this subsection may be terminated once the concentration of dangerous constituents and parameters under subsection (4) of this section, is reduced to levels below their respective concentration limits under subsection (5) of this section.

(f) The owner or operator must continue corrective action measures during the compliance period to the extent necessary to ensure that the ground water protection standard is not exceeded. If the owner or operator is conducting corrective action at the end of the compliance period, he must continue that corrective action for as long as necessary to achieve compliance with the ground water protection standard. The owner or operator may terminate corrective action measures taken beyond the period equal to the active life of the waste management area (including the closure period) if he can demonstrate, based on data from the ground water monitoring program under (d) of this subsection, that the ground water protection standard of subsection (3) of this section, has not been exceeded for a period of three consecutive years.

(g) The owner or operator must report in writing to the department on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually.

(h) If the owner or operator determines that the corrective action program no longer satisfies the requirements of this section, he must, within forty-five days, submit an application for a permit modification to make any appropriate changes to the program.

(12) Use of the Model Toxics Control Act.

(a) The department may require the owner/operator of a facility to fulfill his corrective action responsibilities under WAC 173-303-645 using an enforceable action issued pursuant to the Model Toxics Control Act, as amended, (chapter 70.105D RCW) and its implementing regulations.

(b) Corrective action requirements imposed by an action issued pursuant to the Model Toxics Control Act will be in compliance with the requirements of WAC 173-303-645 and the requirements of chapter 173-303 WAC to the extent required by RCW 70.105D.030 (2)(d) and WAC 173-340-710.

(c) In the case of facilities seeking or required to have a permit under the provisions of this chapter the department will incorporate corrective action requirements imposed pursuant to the Model Toxics Control Act into permits at the time of permit issuance. Such incorporation will in no way affect the timing or scope of review of the Model Toxics Control Act action.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-64610 Purpose and applicability. (1) The provisions of this section, and WAC 173-303-64620 and 173-303-64630, establish requirements for corrective action

for releases of dangerous wastes and dangerous constituents including releases from solid waste management units.

(2) The provisions of this section apply to facilities seeking or required to have a permit to treat, store, recycle or dispose of dangerous waste.

(3) The provisions of this section do not apply to cleanup-only facilities.

(4) For purposes of this section, dangerous constituent means any constituent identified in WAC 173-303-9905 or ((40 CFR Part 264 Appendix IX)) Appendix "Ground-Water Monitoring List" in *Chemical Testing Methods for Designating Dangerous Waste* which is incorporated at WAC 173-303-110 (3)(c), any constituent that caused a waste to be listed as a dangerous waste or to exhibit a dangerous characteristic under this chapter or to meet a dangerous waste criteria under this chapter, and any constituent that is within the meaning of "hazardous substance" under RCW 70.105D.020 (7).

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-64660 Designation of a corrective action management unit. (1) The department must designate a CAMU that will be used for storage and/or treatment only in accordance with subsection (4) of this section. When designating all other CAMUs, the department will do so in accordance with WAC 173-303-64650 and 173-303-64670, and the following:

(a) The CAMU will facilitate the implementation of reliable, effective, protective, and cost-effective remedies;

(b) Waste management activities associated with the CAMU will not create unacceptable risks to humans or the environment resulting from exposure to dangerous wastes or dangerous constituents;

(c) The CAMU will include uncontaminated areas of the facility only if including such areas for the purposes of managing CAMU-eligible wastes is more protective than management of such wastes at contaminated areas of the facility;

(d) Areas within the CAMU where wastes remain in place after closure of the CAMU, will be managed and contained so as to minimize future releases of dangerous wastes and dangerous constituents to the extent practicable;

(e) When appropriate and practicable, the CAMU will expedite the timing of remedial activity implementation;

(f) The CAMU will enable the use, when appropriate, of treatment technologies (including innovative technologies) to enhance the long-term effectiveness of remedial actions by reducing the toxicity, mobility, or volume of wastes that will remain in place after closure of the CAMU; and

(g) The CAMU will, to the extent practicable, minimize the land area of the facility upon which wastes will remain in place after closure of the CAMU.

(2) The owner/operator must provide sufficient information to enable the department to designate a CAMU in accordance with the criteria in this section. This must include, unless not reasonably available, information on:

(a) The origin of the waste and how it was subsequently managed (including a description of the timing and circumstances surrounding the disposal and/or release);

(b) Whether the waste was listed or identified as dangerous at the time of disposal and/or release; and

(c) Whether the disposal and/or release of the waste occurred before or after the land disposal requirements of 40 CFR part 268, which are incorporated by reference at WAC 173-303-140 (2)(a), or, if the waste is a state-only dangerous waste, the land disposal restrictions of WAC 173-303-140 (2)(b), were in effect for the waste listing, characteristic, or criterion.

(3) When designating a CAMU, the department will specify, in the permit or order, requirements for the CAMU including the following:

(a) The areal configuration of the CAMU;

(b) Except as provided in subsection (5) of this section, requirements for CAMU-eligible waste management within the CAMU including specification of applicable design, operation, treatment, and closure requirements;

(c) Minimum design requirements. CAMUs, except as provided in subsection (4) of this section, into which wastes are placed must be designed in accordance with the following:

(i) Unless the department approves alternate requirements under (c)(ii) of this subsection, CAMUs that consist of new, replacement, or laterally expanded units must include a composite liner and a leachate collection system that is designed and constructed to maintain less than a 30-cm depth of leachate over the liner. For purposes of this subsection, composite liner means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML) (geomembrane), and the lower component must consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than 1×10^{-7} cm/sec. FML components consisting of high density polyethylene (HDPE) must be at least 60 mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component;

(ii) Alternate requirements. The department may approve alternate requirements if:

(A) The department finds that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents into the ground water or surface water at least as effectively as the liner and leachate collection systems in (c)(i) of this subsection; or

(B) The CAMU is to be established in an area with existing significant levels of contamination, and the department finds that an alternative design, including a design that does not include a liner, would prevent migration from the unit that would exceed long-term remedial goals.

(d) Minimum treatment requirements: Unless the wastes will be placed in a CAMU for storage and/or treatment only in accordance with subsection (4) of this section, CAMU-eligible wastes that, absent this subsection, would be subject to the treatment requirements of WAC 173-303-140(2), and that the department determines contain principal hazardous constituents must be treated to the standards specified in (d)(iii) of this subsection.

(i) Principal hazardous constituents are those constituents that the department determines pose a risk to human

health and the environment substantially higher than the cleanup levels or goals at the site.

(A) In general, the department will designate as principal hazardous constituents:

(I) Carcinogens that pose a potential direct risk from ingestion or inhalation at the site at or above 10^{-3} ; and

(II) Noncarcinogens that pose a potential direct risk from ingestion or inhalation at the site an order of magnitude or greater over their reference dose.

(B) The department will also designate constituents as principal hazardous constituents, where appropriate, when risks to human health and the environment posed by the potential migration of constituents in wastes to ground water are substantially higher than cleanup levels or goals at the site; when making such a designation, the department may consider such factors as constituent concentrations, and fate and transport characteristics under site conditions.

(C) The department may also designate other constituents as principal hazardous constituents that the department determines pose a risk to human health and the environment substantially higher than the cleanup levels or goals at the site.

(ii) In determining which constituents are "principal hazardous constituents," the department must consider all constituents which, absent this section, would be subject to the treatment requirements of WAC 173-303-140(2).

(iii) Waste that the department determines contains principal hazardous constituents must meet treatment standards determined in accordance with (d)(iv) or (v) of this subsection.

(iv) Treatment standards for wastes placed in CAMUs.

(A) For nonmetals, treatment must achieve 90 percent reduction in total principal hazardous constituent concentrations, except as provided by (d)(iv)(C) of this subsection.

(B) For metals, treatment must achieve 90 percent reduction in principal hazardous constituent concentrations as measured in leachate from the treated waste or media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by (d)(iv)(C) of this subsection.

(C) When treatment of any principal hazardous constituent to a 90 percent reduction standard would result in a concentration less than 10 times the Universal Treatment Standard for that constituent, treatment to achieve constituent concentrations less than 10 times the Universal Treatment Standard is not required. Universal Treatment Standards are identified in 40 CFR 268.48 Table UTS, which is incorporated by reference at WAC 173-303-140 (2)(a).

(D) For waste exhibiting the dangerous characteristic of ignitability, corrosivity or reactivity, the waste must also be treated to eliminate these characteristics.

(E) For debris, the debris must be treated in accordance with 40 CFR 268.45, which is incorporated by reference at WAC 173-303-140 (2)(a), or by methods or to levels established under (d)(iv)(A) through (D) of this subsection or (d)(v) of this subsection, whichever the department determines is appropriate.

(F) Alternatives to TCLP. For metal bearing wastes for which metals removal treatment is not used, the department

may specify a leaching test other than the TCLP (SW_846 Method 1311, WAC 173-303-110 (3)(a)) to measure treatment effectiveness, provided the department determines that an alternative leach testing protocol is appropriate for use, and that the alternative more accurately reflects conditions at the site that affect leaching.

(v) Adjusted standards. The department may adjust the treatment level or method in (d)(iv) of this subsection to a higher or lower level, based on one or more of the following factors, as appropriate. The adjusted level or method must be protective of human health and the environment:

(A) The technical impracticability of treatment to the levels or by the methods in (d)(iv) of this subsection;

(B) The levels or methods in (d)(iv) of this subsection would result in concentrations of principal hazardous constituents (PHCs) that are significantly above or below cleanup standards applicable to the site (established either site-specifically, or promulgated under state or federal law);

(C) The views of the affected local community on the treatment levels or methods in (d)(iv) of this subsection as applied at the site, and, for treatment levels, the treatment methods necessary to achieve these levels;

(D) The short-term risks presented by the on-site treatment method necessary to achieve the levels or treatment methods in (d)(iv) of this subsection;

(E) The long-term protection offered by the engineering design of the CAMU and related engineering controls:

(I) Where the treatment standards in (d)(iv) of this subsection are substantially met and the principal hazardous constituents in the waste or residuals are of very low mobility; or

(II) Where cost-effective treatment has been used and the CAMU meets the liner and leachate collection requirements for new land disposal units at WAC 173-303-665 (2)(h) and (j); or

(III) Where, after review of appropriate treatment technologies, the department determines that cost-effective treatment is not reasonably available, and the CAMU meets the liner and leachate collection requirements for new land disposal units at WAC 173-303-665 (2)(h) and (j); or

(IV) Where cost-effective treatment has been used and the principal hazardous constituents in the treated wastes are of very low mobility; or

(V) Where, after review of appropriate treatment technologies, the department determines that cost-effective treatment is not reasonably available, the principal hazardous constituents in the wastes are of very low mobility, and either the CAMU meets or exceeds the liner standards for new, replacement, or laterally expanded CAMUs in (c)(i) and (ii) of this subsection, or the CAMU provides substantially equivalent or greater protection.

(vi) The treatment required by the treatment standards must be completed prior to, or within a reasonable time after, placement in the CAMU.

(vii) For the purpose of determining whether wastes placed in CAMUs have met site-specific treatment standards, the department may, as appropriate, specify a subset of the principal hazardous constituents in the waste as analytical surrogates for determining whether treatment standards have been met for other principal dangerous constituents. This specification will be based on the degree of difficulty of treat-

ment and analysis of constituents with similar treatment properties.

(e) Except as provided in subsection (4) of this section, requirements for ground water and vadose zone monitoring and corrective action that are sufficient to:

(i) Continue to detect and to characterize the nature, extent, concentration, direction, and movement of existing releases of dangerous waste and dangerous constituents in ground water from sources located within the CAMU; and

(ii) Detect and subsequently characterize releases of dangerous waste and dangerous constituents to ground water that may occur from areas of the CAMU in which wastes will remain in place after CAMU closure.

(iii) Require notification to the department and corrective action as necessary to protect human health and the environment for releases to ground water from the CAMU.

(f) Except as provided in subsection (4) of this section, requirements for closure will minimize the need for further maintenance; and control, minimize, or eliminate, to the extent necessary to protect human health and the environment, for areas where wastes remain in place, post-closure escape of dangerous wastes, dangerous constituents, leachate, contaminated runoff, or dangerous waste decomposition products to the ground, to ground waters, to surface waters, or to the atmosphere.

(i) Requirements for closure will include, as appropriate and deemed necessary by the department, the following:

(A) Requirements for excavation, removal, treatment, and/or containment of wastes; and

(B) Requirements for removal and decontamination of equipment, devices, and structures used in CAMU-eligible waste management activities within the CAMU.

(ii) In establishing closure requirements for CAMUs under subsection (3) of this section, the department will consider the following factors:

(A) CAMU characteristics;

(B) Volume of wastes which will remain in place after CAMU closure;

(C) Potential for releases from the CAMU;

(D) Physical and chemical characteristics of the waste;

(E) ~~(Hydrological)~~ Hydrogeological and other relevant environmental conditions at the facility which may influence the migration of any potential or actual releases in and/or from the CAMU; and

(F) Potential for exposure of humans and environmental receptors if releases were to occur at or from the CAMU.

(iii) Cap requirements:

(A) At final closure of the CAMU, for areas in which wastes will remain after closure of the CAMU, with constituent concentrations at or above remedial levels or goals applicable to the site, the owner or operator must cover the CAMU with a final cover designed and constructed to meet the following performance criteria, except as provided in (f)(iii)(B) of this subsection:

(I) Provide long-term minimization of migration of liquids through the closed unit;

(II) Function with minimum maintenance;

(III) Promote drainage and minimize erosion or abrasion of the cover;

(IV) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(V) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(B) The department may determine that modifications to (f)(iii)(A) of this subsection are needed to facilitate treatment or the performance of the CAMU (e.g., to promote biodegradation).

(iv) The department will, for areas of the CAMU in which wastes will remain in place after CAMU closure, specify post-closure requirements to control, minimize, or eliminate, to the extent necessary to protect human health and the environment, post-closure escape of dangerous waste, dangerous constituents, leachate, contaminated runoff, and dangerous waste decomposition products to the ground, to ground waters, to surface waters, and to the atmosphere. Such post-closure requirements will include, as necessary to protect human health and the environment, monitoring and maintenance activities and the frequency with which such activities will be performed to ensure the integrity of any cap, final cover, or other containment system.

(4) CAMUs used for storage and/or treatment only are CAMUs in which wastes will not remain after closure. Such CAMUs must be designated in accordance with all of the requirements of this subsection, except as follows.

(a) CAMUs that are used for storage and/or treatment only and that operate in accordance with the time limits established in the staging pile regulations at 40 CFR 264.554 (d)(1)(iii), (h), and (i) are subject to the requirements for staging piles at 40 CFR 264.554 (d)(1)(i) and (ii), § 264.554 (d)(2), § 264.554 (e) and (f), and § 264.554 (j) and (k) in lieu of the performance standards and requirements for CAMUs in this section at subsections (1) and (3)(c) through (f). The staging pile requirements of 40 CFR Part 264.554 are incorporated by reference at WAC 173-303-64690.

(b) CAMUs that are used for storage and/or treatment only and that do not operate in accordance with the time limits established in the staging pile regulations at 40 CFR 264.554 (d)(1)(iii), (h), and (i), which are incorporated by reference:

(i) Must operate in accordance with a time limit, established by the department, that is no longer than necessary to achieve a timely remedy selected for the waste; and

(ii) Are subject to the requirements for staging piles at 40 CFR 264.554 (d)(1)(i) and (ii), 264.554 (d)(2), 264.554 (e) and (f), and 264.554 (j) and (k) in lieu of the performance standards and requirements for CAMUs in this section at subsections (1) and (3)(d) and (f).

(5) CAMUs into which wastes are placed where all wastes have constituent levels at or below remedial levels or goals applicable to the site do not have to comply with the requirements for liners at subsection (3)(c)(i) of this section, caps at subsection (3)(f)(iii) of this section, ground water monitoring requirements at subsection (3)(e) of this section or, for treatment and/or storage-only CAMUs, the design standards at subsection (4) of this section.

(6) The department must provide public notice and a reasonable opportunity for public comment before designating a CAMU. Such a notice will include the rationale for any proposed adjustments under subsection (3)(d)(v) of this section

to the treatment standards in subsection (3)(d)(iv) of this section.

(7) Notwithstanding any other provision of this subsection, the department may impose additional requirements as necessary to protect human health and the environment.

(8) Incorporation of the designation of and requirements for a CAMU into a existing permit must be approved by the department according to the procedures for agency initiated permit modifications under WAC 173-303-830(3), or according to the permit modification procedures of WAC 173-303-830(4).

AMENDATORY SECTION (Amending Order 99-01, filed 5/10/00, effective 6/10/00)

WAC 173-303-650 Surface impoundments. (1) Applicability. The regulations in this section apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of dangerous waste.

(2) Design and operating requirements.

(a)(i) Any surface impoundment that is not covered by (j) of this subsection must have a liner for all portions of the impoundment (except for an existing portion of a surface impoundment). The liner must be designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with subsection (6)(a)(i) of this section. For impoundments that will be closed in accordance with subsection (6)(a)(ii) of this section, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift;

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(D) For EHW management, the owner or operator must submit an engineering report with their permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report must be certified by an independent, qualified registered professional engineer.

(ii) The owner or operator of a new surface impoundment installed after October 31, 1984, and in which liquid EHW is managed must:

(A) Install a double lined system which incorporates the specifications of subsection (3)(a), (b), and (c) of this section; and

(B) Must comply with either the ground water monitoring requirements of WAC 173-303-645, or the unsaturated zone monitoring requirements of WAC 173-303-655(6).

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents listed in WAC 173-303-9905, or which otherwise cause his wastes to be regulated under this chapter, into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.

(d) A surface impoundment must be designed so that any flow of waste into the impoundment can be immediately shut off in the event of overtopping or liner failure.

(e) A surface impoundment must be designed to repel birds.

(f) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent their failure. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.

(g) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could weaken its structural integrity; and

(ii) Burrowing mammals which could weaken its structural integrity or create leaks through burrows.

(h) Earthen dikes must have a protective cover, such as grass, shale or rock to minimize wind and water erosion and to preserve their structural integrity.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(j) The owner or operator of each new surface impoundment unit on which construction commences after January 29, 1992, each lateral expansion of a surface impoundment unit on which construction commences after July 29, 1992, and each replacement of an existing surface impoundment unit that is to commence reuse after July 29, 1992, must install two or more liners and a leachate collection and removal system between such liners. "Construction com-

mences" is as defined in WAC 173-303-040 under "existing TSD facility."

(i) The liner system must include:

(A) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into such liner during the active life and post-closure care period; and

(B) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of dangerous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than $1 \times 10^{-(A)} \text{ cm/sec}$.

(ii) The liners must comply with (a)(i)(A), (B), and (C) of this subsection.

(iii) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system must be capable of detecting, collecting, and removing leaks of dangerous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this paragraph are satisfied by installation of a system that is, at a minimum:

(A) Constructed with a bottom slope of one percent or more;

(B) Constructed of granular drainage materials with a hydraulic conductivity of $1 \times 10^{-(A)} \text{ cm/sec}$ or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of $3 \times 10^{-(A)} \text{ m}^2\text{sec}$ or more;

(C) Constructed of materials that are chemically resistant to the waste managed in the surface impoundment and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes and any waste cover materials or equipment used at the surface impoundment;

(D) Designed and operated to minimize clogging during the active life and post-closure care period; and

(E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s). The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

(iv) The owner or operator will collect and remove pumpable liquids in the sumps to minimize the head on the bottom liner.

(v) The owner or operator of a leak detection system that is not located completely above the seasonal high water table must demonstrate that the operation of the leak detection sys-

tem will not be adversely affected by the presence of ground water.

(k) The department may approve alternative design or operating practices to those specified in (j) of this subsection if the owner or operator demonstrates to the department that such design and operating practices, together with location characteristics:

(i) Will prevent the migration of any dangerous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal system specified in (j) of this subsection; and

(ii) Will allow detection of leaks of dangerous constituents through the top liner at least as effectively.

(l) The double liner requirement set forth in (j) of this subsection may be waived by the department for any monofill, if:

(i) The monofill contains only dangerous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes dangerous for reasons other than the toxicity characteristic in WAC 173-303-090(8) or the toxicity criteria at WAC 173-303-100(5); and

(ii)(A) The monofill has at least one liner for which there is no evidence that such liner is leaking. For the purposes of this paragraph, the term "liner" means a liner designed, constructed, installed, and operated to prevent dangerous waste from passing into the liner at any time during the active life of the facility, or a liner designed, constructed, installed, and operated to prevent dangerous waste from migrating beyond the liner to adjacent subsurface soil, ground water, or surface water at any time during the active life of the facility. In the case of any surface impoundment which has been exempted from the requirements of (j) of this subsection on the basis of a liner designed, constructed, installed, and operated to prevent dangerous waste from passing beyond the liner, at the closure of such impoundment, the owner or operator must remove or decontaminate all waste residues, all contaminated liner material, and contaminated soil to the extent practicable. If all contaminated soil is not removed or decontaminated, the owner or operator of such impoundment will comply with appropriate post-closure requirements, including but not limited to ground water monitoring and corrective action;

(B) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in ~~(40 CFR Section 144.3)~~ WAC 173-303-040); and

(C) The monofill is in compliance with generally applicable ground water monitoring requirements for facilities with permits under RCRA section 3005(c); or

(iii) The owner or operator demonstrates that the monofill is located, designed and operated so as to assure that there will be no migration of any dangerous constituent into ground water or surface water at any future time.

(m) The owner or operator of any replacement surface impoundment unit is exempt from (j) of this subsection if:

(i) The existing unit was constructed in compliance with the design standards of sections 3004 (o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and

(ii) There is no reason to believe that the liner is not functioning as designed.

(3) Reserve.

(4) Monitoring and inspection.

(a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from subsection (2)(a)(i) of this section) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of overtopping control systems;

(ii) Sudden drops in the level of the impoundment's contents; and

(iii) Severe erosion or other signs of deterioration in dikes or other containment devices.

(c) Prior to the issuance of a permit, and after any extended period of time (at least six months) during which the impoundment was not in service, the owner or operator must obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike which provides freeboard, has structural integrity. The certification must establish, in particular, that the dike:

(i) Will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and

(ii) Will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

(d)(i) An owner or operator required to have a leak detection system under subsection (2)(j) or (k) of this section must record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

(ii) After the final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semi annually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semiannual recording schedules, the owner or operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

(iii) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the department based on pump activation level, sump dimensions, and level that

avoids backup into the drainage layer and minimizes head in the sump.

(5) Emergency repairs; contingency plans.

(a) A surface impoundment must be removed from service in accordance with (b) of this subsection when:

(i) Unexpected changes of liquid levels occur; or

(ii) The dike leaks.

(b) When a surface impoundment must be removed from service as required by (a) of this subsection, the owner or operator must:

(i) Immediately shut off the flow or stop the addition of wastes into the impoundment;

(ii) Immediately contain any surface leakage which has occurred or is occurring;

(iii) Immediately stop the leak;

(iv) Take any other necessary steps to stop or prevent catastrophic failure;

(v) Empty the impoundment, if a leak cannot be stopped by any other means; and

(vi) Notify the department of the problem in writing within seven days after detecting the problem.

(c) As part of the contingency plan required in WAC 173-303-340 through 173-303-360, the owner or operator must specify:

(i) A procedure for complying with the requirements of (b) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; description of a schedule of actions to be taken in the event of a possible failure; and the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the impoundment to be removed from service.

(d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment which was failing is repaired and the following steps are taken:

(i) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be recertified in accordance with subsection (4)(c) of this section;

(ii) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then:

(A) For any existing portion of the impoundment, a liner must be installed in compliance with subsection (2)(a)(i) or (3) of this section; and

(B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.

(e) A surface impoundment that has been removed from service in accordance with the requirements of this section and that is not being repaired must be closed in accordance with the provisions of subsection (6) of this section.

(6) Closure and post-closure care.

(a) At closure, the owner or operator must:

(i) Remove or decontaminate all dangerous waste and dangerous waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with dangerous waste and leachate, and manage them as dangerous waste; or

(ii) If the surface impoundment will be closed as a landfill, except that this option is prohibited if EHW would remain in the closed unit(s):

(A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

(B) Stabilize remaining wastes to a bearing capacity sufficient to support a final cover; and

(C) Cover the surface impoundment with a final cover designed and constructed to:

(I) Provide long-term minimization of the migration of liquids through the closed impoundment with a material that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present;

(II) Function with minimum maintenance;

(III) Promote drainage and minimize erosion or abrasion of the final cover; and

(IV) Accommodate settling and subsidence so that the cover's integrity is maintained.

(b) If some waste residues or contaminated materials are left in place at final closure (except that no EHW may ever be left in place), the owner or operator must comply with all post-closure requirements contained in WAC 173-303-610 (7), (8), (9), and (10), including maintenance and monitoring throughout the post-closure care period (specified in the permit). The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsections (2)(j)(ii)(D) and (E), and (4)(d) of this section, and comply with all other applicable leak detection system requirements of this chapter;

(iii) Maintain and monitor the ground water monitoring system and comply with all applicable requirements of WAC 173-303-645; and

(iv) Prevent run-on and runoff from eroding or otherwise damaging the final cover.

(c)(i) If an owner or operator plans to close a surface impoundment in accordance with (a)(i) of this subsection, and the impoundment does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (2)(b) of this section, then:

(A) The closure plan for the impoundment under WAC 173-303-610(3) must include both a plan for complying with (a)(i) of this subsection, and a contingent plan for complying with (a)(ii) of this subsection in case not all contaminated subsoils can be practicably removed at closure; and

(B) The owner or operator must prepare a contingent post-closure plan under WAC 173-303-610(8) for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and post-closure care of an

impoundment subject to (c) of this subsection must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under (a)(i) of this subsection.

Reserve.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a surface impoundment, unless the waste and impoundment satisfy all applicable requirements of WAC 173-303-140 (2)(a), and:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090; and

(ii) WAC 173-303-395 (1)(b) is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

(c) The surface impoundment is used solely for emergencies.

(8) Special requirements for incompatible wastes. Incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395 (1)(b) is complied with.

(9) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) The wastes F020, F021, F022, F023, F026, or F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this section. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

(10) Action leakage rate.

(a) The department must approve an action leakage rate for surface impoundment units subject to WAC 173-303-650 (2)(j) or (k). The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions

(e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

(b) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly or monthly flow rate from the monitoring data obtained under WAC 173-303-650 (4)(d) to an average daily flow rate (gallons per acre per day) for each sump. Unless the department approves a different calculation, the average daily flow rate for each sump must be calculated weekly during the active life and closure period, and if the unit is closed in accordance with WAC 173-303-650 (6)(b), monthly during the post-closure care period when monthly monitoring is required under WAC 173-303-650 (4)(d).

(11) Response actions.

(a) The owner or operator of surface impoundment units subject to subsection (2)(j) or (k) of this section must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in (b) of this subsection.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

(i) Notify the department in writing of the exceedance within seven days of the determination;

(ii) Submit a preliminary written assessment to the department within fourteen days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

(iii) Determine to the extent practicable the location, size, and cause of any leak;

(iv) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;

(v) Determine any other short-term and longer-term actions to be taken to mitigate or stop any leaks; and

(vi) Within thirty days after the notification that the action leakage rate has been exceeded, submit to the department the results of the analyses specified in (b) (iii), (iv), and (v) of this subsection, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the department a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in (b)(iii), (iv), and (v) of this subsection, the owner or operator must:

(i) Assess the source of liquids and amounts of liquids by source;

(ii) Conduct a fingerprint, dangerous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

(iv) Document why such assessments are not needed.

(12) Air emission standards. The owner or operator must manage all hazardous waste placed in a surface impoundment in accordance with the applicable requirements of 40 CFR Subparts AA, BB, and CC, which are incorporated by reference at WAC 173-303-690 through 173-303-692.

(13) Existing and newly regulated surface impoundments. The requirements of 3005 (j)(1) and (6) of the Resource Conservation and Recovery Act (RCRA) of 1976, as amended, are incorporated by reference. Surface impoundments regulated for the first time by a listing or characteristic adopted after November 8, 1984, must comply with new unit requirements or stop dangerous waste activity by four years after the date of adoption of the new listing or characteristic.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-655 Land treatment. (1) Applicability. The regulations in this subpart apply to owners and operators of facilities that treat or dispose of dangerous waste in land treatment units, except as WAC 173-303-600 provides otherwise.

(2) Treatment program.

(a) An owner or operator subject to this section must establish a land treatment program that is designed to ensure that dangerous constituents placed in or on the treatment zone are degraded, transformed, or immobilized within the treatment zone. The department will specify in the facility permit the elements of the treatment program, including:

(i) The wastes that are capable of being treated at the unit based on a demonstration under subsection (3) of this section;

(ii) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with subsection (4)(a) of this section; and

(iii) Unsaturated zone monitoring provisions meeting the requirements of subsection (6) of this section.

(b) The department will specify in the facility permit the dangerous constituents that must be degraded, transformed, or immobilized under this section. Dangerous constituents are constituents identified in WAC 173-303-9905, and any other constituents which, although not listed in WAC 173-303-9905, cause a waste to be regulated under this chapter, that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(c) The department will specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below, and including, the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation, or immobilization of dangerous constituents. The maximum depth of the treatment zone must be:

(i) No more than 1.5 meters (5 feet) below the initial soil surface; and

(ii) More than 3 meters (10 feet) above the seasonal high water table; except that the owner or operator may demon-

strate to the satisfaction of the department that a distance of less than 3 meters will be adequate. In no case will the distance be less than 1 meter.

(3) Treatment demonstration.

(a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, that dangerous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.

(b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data, or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under (a) of this subsection, he must obtain a land treatment demonstration permit under WAC 173-303-808. The department will specify in this permit the testing, analytical, design, and operating requirements (including the duration of the tests and analyses, and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure, and clean-up activities) necessary to meet the requirements in (c) of this subsection.

(c) Any field test or laboratory analysis conducted in order to make a demonstration under (a) of this subsection must:

(i) Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including:

(A) The characteristics of the waste and of dangerous constituents present;

(B) The climate in the area;

(C) The topography of the surrounding area;

(D) The characteristics and depth of the soil in the treatment zone; and

(E) The operating practices to be used at the unit;

(ii) Be likely to show that dangerous constituents in the waste to be tested will be completely degraded, transformed, or immobilized in the treatment zone of the proposed land treatment unit; and

(iii) Be conducted in a manner that protects human health and the environment considering:

(A) The characteristics of the waste to be tested;

(B) The operating and monitoring measures taken during the course of the test;

(C) The duration of the test;

(D) The volume of waste used in the test; and

(E) In the case of field tests, the potential for migration of dangerous constituents to ground water or surface water.

(4) Design and operating requirements. The department will specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this subsection.

(a) The owner or operator must design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of dangerous constituents in the treatment zone. The owner or operator must design, construct, operate, and maintain the unit in accordance with all design and operating conditions that were used in the treatment demonstration under subsection (3) of this section. At a minimum, the department will specify in the facility permit:

(i) The rate and method of waste application to the treatment zone;

(ii) Measures to control soil pH;

(iii) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling); and

(iv) Measures to control the moisture content of the treatment zone.

(b) The owner or operator must design, construct, operate, and maintain the treatment zone to minimize runoff of dangerous constituents during the active life of the land treatment unit.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a runoff management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and runoff control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain the design capacity of the system.

(f) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator must control wind dispersal.

(g) The owner or operator must inspect the unit weekly and after storms to detect evidence of:

(i) Deterioration, malfunctions, or improper operation of run-on and runoff control systems; and

(ii) Improper functioning of wind dispersal control measures.

(5) Food chain crops. The department may allow the growth of food chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this subsection. The department will specify in the facility permit the specific food chain crops which may be grown.

(a)(i) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that dangerous constituents other than cadmium:

(A) Will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food chain animals (e.g., by grazing); or

(B) Will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.

(ii) The owner or operator must make the demonstration required under (a)(i) of this subsection prior to the planting of crops at the facility for all dangerous constituents that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(iii) In making such a demonstration, the owner or operator may use field tests, greenhouse studies, available data, or, in the case of existing units, operating data, and must:

(A) Base the demonstration on conditions similar to those present in the treatment zone, including soil character-

istics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods, and crops to be grown; and

(B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures.

(iv) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration he must obtain a permit for conducting such activities.

(b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone;

(i)(A) The pH of the waste and soil mixture must be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;

(B) The annual application of cadmium from waste must not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food chain crops, the annual cadmium application rate must not exceed:

Time period	Annual Cd application rate (kilograms per hectare)
Present to June 30, 1984.	2.0
July 1, 1984 to Dec. 31, 1986.	1.25
Beginning Jan. 1, 1987.	0.5

(C) The cumulative application of cadmium from waste must not exceed 5kg/ha if the waste and soil mixture has a pH of less than 6.5; and

(D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 5 meq/100g; 10 kg/ha if soil CEC is 5-15 meq/100g; and 20 kg/ha if soil CEC is greater than 15 meq/100g; or

(ii)(A) Animal feed must be the only food chain crop produced;

(B) The pH of the waste and soil mixture must be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food chain crops are grown;

(C) There must be an operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and

(D) Future property owners must be notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food chain crops must not be grown except in compliance with (b)(ii) of this subsection.

(6) Unsaturated zone monitoring. An owner or operator subject to this section must establish an unsaturated zone monitoring program to discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the soil and soil-pore liquid to determine whether dangerous constituents migrate out of the treatment zone.

(i) The department will specify the dangerous constituents to be monitored in the facility permit. The dangerous constituents to be monitored are those specified under subsection (2)(b) of this section.

(ii) The department may require monitoring for principal dangerous constituents (PDCs) in lieu of the constituents specified under subsection (2)(b) of this section. PDCs are dangerous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The department will establish PDCs if it finds, based on waste analyses, treatment demonstrations, or other data, that effective degradation, transformation, or immobilization of the PDCs will assure treatment at least equivalent levels for the other dangerous constituents in the wastes.

(b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that:

(i) Represent the quality of background soil-pore liquid quality and the chemical makeup of soil that has not been affected by leakage from the treatment zone; and

(ii) Indicate the quality of soil-pore liquid and the chemical makeup of the soil below the treatment zone.

(c) The owner or operator must establish a background value for each dangerous constituent to be monitored under (a) of this subsection. The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.

(i) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

(ii) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.

(iii) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(iv) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with (b)(i) of this subsection.

(d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The department will specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application, and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical makeup of the soil below the treat-

ment zone. At a minimum, the owner or operator must implement procedures and techniques for:

- (i) Sample collection;
- (ii) Sample preservation and shipment;
- (iii) Analytical procedures; and
- (iv) Chain of custody control.

(f) The owner or operator must determine whether there is a statistically significant change over background values for any dangerous constituent to be monitored under (a) of this subsection, below the treatment zone each time he conducts soil monitoring and soil-pore liquid monitoring under (d) of this subsection.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under (d) of this subsection, to the background value for that constituent according to the statistical procedure specified in the facility permit under this subsection.

(ii) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.

(iii) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The department will specify a statistical procedure in the facility permit that it finds:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.

(g) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he must:

(i) Notify the department of his finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases;

(ii) Within forty-five days, submit to the department an application for a permit modification to amend the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone; and

(iii) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(h) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection, he is not relieved of the requirement to submit concurrently a permit modification application within the forty-five-day period,

unless the demonstration made under this subsection successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days of determining a statistically significant increase below the treatment zone that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

(iv) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(7) Recordkeeping. The owner or operator must include dangerous waste application dates and rates in the operating record required under WAC 173-303-380.

(8) Closure and post-closure care.

(a) During the closure period the owner or operator must:

(i) Continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of dangerous constituents within the treatment zone as required under subsection (4)(a) of this section, except to the extent such measures are inconsistent with (a)(viii) of this subsection;

(ii) Continue all operations in the treatment zone to minimize runoff of dangerous constituents as required under subsection (4)(b) of this section;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the runoff management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section;

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated ninety days after the last application of waste to the treatment zone; and

(viii) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of dangerous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

(b) For the purpose of complying with WAC 173-303-610(6) when closure is completed, the owner or operator may submit to the department a certification by an independent qualified soil scientist, in lieu of an independent, qualified registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

(c) During the post-closure care period the owner or operator must:

(i) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of dangerous constituents in the treatment zone to the extent that such measures are consistent with other post-closure care activities;

(ii) Maintain a vegetative cover over closed portions of the facility;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the runoff management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste, if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section; and

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated one hundred eighty days after the last application of waste to the treatment zone.

(d) The owner or operator is not subject to regulation under (a)(viii) and (c) of this subsection, if the department finds that the level of dangerous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in (d)(iii) of this subsection. The owner or operator may submit such a demonstration to the department at any time during the closure or post-closure care periods. For the purposes of this subsection:

(i) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all dangerous constituents specified in the facility permit under subsection (2)(b) of this section;

(A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone;

(B) The owner or operator must express background values and values for dangerous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under (d)(iii) of this subsection;

(ii) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical makeup of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively;

(iii) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying dangerous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

(e) The owner or operator is not subject to regulation under WAC 173-303-645 if the department finds that the owner or operator satisfies (d) of this subsection, and if unsaturated zone monitoring under subsection (6) of this section, indicates that dangerous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(9) Special requirements for ignitable or reactive waste. The owner or operator must not apply ignitable or reactive waste to the treatment zone unless the waste and the treatment zone meet all applicable requirements of WAC 173-303-140 (2)(a), and:

(a) The waste is immediately incorporated into the soil so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) and (7); and

(ii) WAC 173-303-395 is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(10) Special requirements for incompatible wastes. The owner or operator must not place incompatible wastes, or incompatible wastes and materials, in or on the same treatment zone, unless WAC 173-303-395 (1)(b) is complied with.

(11) Special requirements for extremely hazardous waste. Under no circumstances will EHW be allowed to remain in a closed land treatment unit after concluding the post-closure care period. If EHW remains at the end of the scheduled post-closure care period specified in the permit, then the department will either extend the post-closure care period, or require that all EHW be disposed of off-site or that it be treated. In deciding whether to extend post-closure care or require disposal or treatment, the department will take into account the likelihood that the waste will or will not continue to degrade in the land treatment unit to the extent that it is no longer EHW. For the purposes of this subsection, EHW will be considered to remain in a land treatment unit if representative samples of the treatment zone are designated as EHW. Procedures for representative sampling and testing will be specified in the permit.

(12) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, ~~(F027)~~ and F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for land treatment facilities managing dangerous wastes F020, F021, F022, F023, F026, or F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-660 Waste piles. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that store or treat dangerous waste in piles.

(b) The regulations in this section do not apply to owners or operators of waste piles that will be closed with wastes left in place. Such waste piles are subject to regulation under WAC 173-303-665 (Landfills).

(c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither runoff nor leachate is generated is not subject to regulation under subsection (2) of this section, or under WAC 173-303-645, provided that:

(i) Liquids or materials containing free liquids are not placed in the pile;

(ii) The pile is protected from surface water run-on by the structure or in some other manner;

(iii) The pile is designed and operated to control dispersal of the waste by wind, by means other than wetting; and

(iv) The pile will not generate leachate through decomposition or other reactions.

(d) Reserve.

(2) Design and operating requirements.

(a) A waste pile (except for an existing portion of a waste pile) must have:

(i) A liner that is designed, constructed, installed and maintained to prevent any migration of wastes out of the pile into the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the pile and to the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying wastes, waste cover materials, and by any equipment used at the pile; and

(B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

(b) A liner and leachate collection and removal system must be protected from plant growth which could adversely affect any component of the system.

(c) The owner or operator must submit an engineering report with his permit application stating the basis for selecting the liner required in subsection (2)(a)(i) of this section. The statement must be certified by an independent, qualified registered professional engineer.

(d) The owner or operator will be exempted from the requirements of (a), (b), and (c) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents identified under WAC 173-303-645(4) into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(e) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto any portion of the pile during peak discharge from at least a twenty-five-year storm.

(f) The owner or operator must design, construct, operate, and maintain a runoff management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(g) Collection and holding facilities (e.g., tanks or basins) associated with run-on and runoff control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(h) If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the pile to control wind dispersal.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(j) The owner or operator of each new waste pile unit (~~(on which construction commences after January 29, 1992)~~), each lateral expansion of a waste pile unit (~~(on which construction commences after July 29, 1992)~~), and each replacement of an existing waste pile unit (~~(that commences reuse after July 29, 1992)~~) must install two or more liners and a leachate collection and removal system above and between such liners. (~~("Construction commences" is as defined in WAC 173-303-040 under "existing facility."~~)

(i) The liner system must include:

(A) A top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into such liner during the active life and post-closure care period; and

(B) A composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of dangerous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

(C) The liners must comply with (a)(i), (A), (B), and (C) of this subsection.

(ii) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated, and maintained to collect and remove leachate from the waste pile during the active life and post-closure care period. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed twelve inches (30.5 cm). The leachate collection and removal system must comply with (j)(iii) (D) and (E) of this subsection.

(iii) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system must be capable of detecting, collecting, and removing leaks of dangerous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this paragraph are satisfied by installation of a system that is, at a minimum:

(A) Constructed with a bottom slope of one percent or more;

(B) Constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m²/sec or more;

(C) Constructed of materials that are chemically resistant to the waste managed in the waste pile and the leachate expected to be generated, and of sufficient strength and thick-

ness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the waste pile;

(D) Designed and operated to minimize clogging during the active life and post-closure care period; and

(E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s). The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

(iv) The owner or operator will collect and remove pumpable liquids in the leak detection system sumps to minimize the head on the bottom liner.

(v) The owner or operator of a leak detection system that is not located completely above the seasonal high water table must demonstrate that the operation of the leak detection system will not be adversely affected by the presence of ground water.

(k) The department may approve alternative design or operating practices to those specified in (j) of this subsection if the owner or operator demonstrates to the department that such design and operating practices, together with location characteristics:

(i) Will prevent the migration of any dangerous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in (c) of this subsection; and

(ii) Will allow detection of leaks of dangerous constituents through the top liner at least as effectively.

(l) Subitem (j) of this subsection does not apply to monofills that are granted a waiver by the department in accordance with WAC 173-303-650 (2)(l).

(m) The owner or operator of any replacement waste pile unit is exempt from (j) of this subsection if:

(i) The existing unit was constructed in compliance with the design standards of section 3004 (o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and

(ii) There is no reason to believe that the liner is not functioning as designed.

(3) Action leakage rate.

(a) The department must approve an action leakage rate for waste piles subject to subsection (2)(j) or (k) of this section. The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib lay-over and creep of synthetic components of the system, overburden pressures, etc.).

(b) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly flow rate from the monitoring data obtained under subsection

(5)(c) of this section to an average daily flow rate (gallons per acre per day) for each sump. Unless the department approves a different calculation, the average daily flow rate for each sump must be calculated weekly during the active life and closure period.

(4) Response actions.

(a) The owner or operator of waste pile units subject to subsection (2)(j) or (k) of this section must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in (b) of this subsection.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

(i) Notify the department in writing of the exceedance within seven days of the determination;

(ii) Submit a preliminary written assessment to the department within fourteen days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

(iii) Determine to the extent practicable the location, size, and cause of any leak;

(iv) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;

(v) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

(vi) Within thirty days after the notification that the action leakage rate has been exceeded, submit to the department the results of the analyses specified in (b) of this subsection and in subsections (3), (4), and (5) of this section, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the department a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in (b) (C), (D), and (E) of this subsection, the owner or operator must:

(i)(A) Assess the source of liquids and amounts of liquids by source;

(B) Conduct a fingerprint, dangerous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

(C) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

(ii) Document why such assessments are not needed.

(5) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of piles exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and runoff control systems;

(ii) Proper functioning of wind dispersal control systems; and

(iii) The presence of leachate in and proper functioning of leachate collection and removal systems, where present.

(c) An owner or operator required to have a leak detection system under subsection (2)(j) of this section must record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

(6) Containment system repairs—Contingency plans.

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by (d) of this subsection. Indications of possible failure of the containment system include liquid detected in the leachate detection system, evidence of leakage or the potential for leakage in the base, erosion of the base, or apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials.

(b) Whenever there is a positive indication of a failure of the containment system, the waste pile must be removed from service. Indications of positive failure of the containment system include waste detected in the leachate detection system, or a breach (e.g., a hole, tear, crack, or separation) in the base.

(c) If the waste pile must be removed from service as required by (b) of this subsection, the owner or operator must:

(i) Immediately stop adding wastes to the pile;

(ii) Immediately contain any leakage which has occurred or is occurring;

(iii) Immediately cause the leak to be stopped; and

(iv) If the leak cannot be stopped by any other means, remove the waste from the base.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of (c) of this subsection; and

(ii) A containment system evaluation and repair plan describing: Testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques and materials (and their availability) to be used in the event of leakage due to containment system failure or deterioration which does not require the waste pile to be removed from service. For EHW piles, the owner or operator must submit with his permit application a statement

signed by an independent, qualified registered professional engineer of the basis on which the evaluation and repair plan has been established.

(e) No waste pile that has been removed from service pursuant to (b) of this subsection, may be restored to service unless:

(i) The containment system has been repaired; and

(ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A waste pile that has been removed from service pursuant to (b) of this subsection, and will not be repaired, must be closed in accordance with subsection (9) of this section.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a waste pile, unless the waste and waste pile satisfy all applicable requirements of WAC 173-303-140 (2)(a), and:

(a) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under WAC 173-303-090, and complies with WAC 173-303-395 (1)(b); or

(b)(i) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; and

(ii) The generator complies with WAC 173-303-395 (1)(d).

(8) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless WAC 173-303-395 (1)(b) is complied with.

(b) A pile of dangerous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. Piles of incompatible wastes must not be served by the same containment system.

(c) Dangerous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with WAC 173-303-395 (1)(b).

(9) Closure and post-closure care.

(a) At closure, the owner or operator must remove or decontaminate all dangerous waste, waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them in accordance with this chapter.

(b) If, after removing or decontaminating all residues and making all reasonable efforts regarding removal or decontamination of contaminated components, subsoils, structures, and equipment as required in (a) of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated (except that no EHW may ever be left in place), he must close the facility and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills, WAC 173-303-665(6).

(c)(i) The owner or operator of a waste pile that does not comply with the liner requirements of subsection (2)(a)(i) of

this section, and is not exempt from them in accordance with subsection (1)(c) or (2)(d) of this section, must:

(A) Include in the closure plan for the pile under WAC 173-303-610(3) both a plan for complying with (a) of this subsection, and a contingent plan for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure; and

(B) Prepare a contingent post-closure plan under WAC 173-303-610(8) for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and post-closure care of a pile must include the cost of complying with the contingent closure plan and the contingent post-closure plan but are not required to include the cost of expected closure under (a) of this subsection.

(10) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in subsection (1)(c) of this section) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, to surface water, or air so as to protect human health and the environment.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-665 Landfills. (1) Applicability. The regulations in this section apply to owners and operators of facilities that dispose of dangerous waste in landfills, except as WAC 173-303-600 provides otherwise. No landfill will be permitted to dispose of EHW, except for the Hanford facility under WAC 173-303-700.

(2) Design and operating requirements.

(a) Any landfill that is not covered by (h) of this subsection must have a liner system for all portions of the landfill (except for an existing portion of a landfill). The liner system must have:

(i) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of

the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The owner or operator must submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report must be certified by a licensed professional engineer. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent failure under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and

(B) Designed and operated to function without clogging through the scheduled closure of the landfill.

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a runoff management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and runoff control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(f) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

(g) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(h) The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that commences reuse after July 29, 1992, must install two or more liners and a leachate collection and removal system above and between such liners. "Construction commences" is as defined in WAC 173-303-040 under "existing facility."

(i) The liner system must:

(A) Include a top liner designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into such liner during the active life and post-closure care period; and

(B) Include a composite bottom liner, consisting of at least two components. The upper component must be designed and constructed of materials (e.g., a geomembrane) to prevent the migration of dangerous constituents into this component during the active life and post-closure care period. The lower component must be designed and constructed of materials to minimize the migration of dangerous constituents if a breach in the upper component were to occur. The lower component must be constructed of at least 3 feet (91 cm) of compacted soil material with a hydraulic conductivity of no more than 1×10^{-7} cm/sec.

(C) The liners must comply with (a)(i)(A), (B), and (C) of this subsection.

(ii) The leachate collection and removal system immediately above the top liner must be designed, constructed, operated, and maintained to collect and remove leachate from the landfill during the active life and post-closure care period. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed twelve inches (30.5 cm). The leachate collection and removal system must comply with (h)(iii) and (iv) of this subsection.

(iii) The leachate collection and removal system between the liners, and immediately above the bottom composite liner in the case of multiple leachate collection and removal systems, is also a leak detection system. This leak detection system must be capable of detecting, collecting, and removing leaks of dangerous constituents at the earliest practicable time through all areas of the top liner likely to be exposed to waste or leachate during the active life and post-closure care period. The requirements for a leak detection system in this subsection are satisfied by installation of a system that is, at a minimum:

(A) Constructed with a bottom slope of one percent or more;

(B) Constructed of granular drainage materials with a hydraulic conductivity of 1×10^{-2} cm/sec or more and a thickness of 12 inches (30.5 cm) or more; or constructed of synthetic or geonet drainage materials with a transmissivity of 3×10^{-5} m²/sec or more;

(C) Constructed of materials that are chemically resistant to the waste managed in the landfill and the leachate expected to be generated, and of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and equipment used at the landfill;

(D) Designed and operated to minimize clogging during the active life and post-closure care period; and

(E) Constructed with sumps and liquid removal methods (e.g., pumps) of sufficient size to collect and remove liquids from the sump and prevent liquids from backing up into the drainage layer. Each unit must have its own sump(s). The design of each sump and removal system must provide a method for measuring and recording the volume of liquids present in the sump and of liquids removed.

(iv) The owner or operator will collect and remove pumpable liquids in the leak detection system sumps to minimize the head on the bottom liner.

(v) The owner or operator of a leak detection system that is not located completely above the seasonal high water table must demonstrate that the operation of the leak detection system will not be adversely affected by the presence of ground water.

(j) The department may approve alternative design or operating practices to those specified in (h) of this subsection if the owner or operator demonstrates to the department that such design and operating practices, together with location characteristics:

(i) Will prevent the migration of any dangerous constituent into the ground water or surface water at least as effectively as the liners and leachate collection and removal systems specified in (c) of this subsection; and

(ii) Will allow detection of leaks of dangerous constituents through the top liner at least as effectively.

(k) The double liner requirement set forth in (h) of this subsection may be waived by the department for any monofill, if:

(i) The monofill contains only dangerous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes dangerous for reasons other than the toxicity characteristic in WAC 173-303-090(8), with dangerous waste numbers D004 through D017 or the toxicity criteria at WAC 173-303-100(5); and

(ii)(A) The monofill has at least one liner for which there is no evidence that such liner is leaking;

(B) The monofill is located more than one-quarter mile from an underground source of drinking water (as that term is defined in ~~((40 CFR section 144.3))~~ WAC 173-303-040); and

(C) The monofill is in compliance with generally applicable ground water monitoring requirements for facilities with permits under RCRA 3005(c); or

(D) The owner or operator demonstrates that the monofill is located, designed and operated so as to assure that there will be no migration of any dangerous constituent into ground water or surface water at any future time.

(l) The owner or operator of any replacement landfill unit is exempt from (h) of this subsection if:

(i) The existing unit was constructed in compliance with the design standards of section 3004 (o)(1)(A)(i) and (o)(5) of the Resource Conservation and Recovery Act; and

(ii) There is no reason to believe that the liner is not functioning as designed.

(3) Reserve.

(4) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of landfills exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and runoff control systems;

(ii) Proper functioning of wind dispersal control systems; and

(iii) The presence of leachate in and proper functioning of leachate collection and removal systems.

(c)(i) An owner or operator required to have a leak detection system under subsection (2)(h) or (j) of this section must record the amount of liquids removed from each leak detection system sump at least once each week during the active life and closure period.

(ii) After the final cover is installed, the amount of liquids removed from each leak detection system sump must be recorded at least monthly. If the liquid level in the sump stays below the pump operating level for two consecutive months, the amount of liquids in the sumps must be recorded at least quarterly. If the liquid level in the sump stays below the pump operating level for two consecutive quarters, the amount of liquids in the sumps must be recorded at least semiannually. If at any time during the post-closure care period the pump operating level is exceeded at units on quarterly or semiannual recording schedules, the owner or operator must return to monthly recording of amounts of liquids removed from each sump until the liquid level again stays below the pump operating level for two consecutive months.

(iii) "Pump operating level" is a liquid level proposed by the owner or operator and approved by the department based on pump activation level, sump dimensions, and level that avoids backup into the drainage layer and minimizes head in the sump.

(5) Surveying and recordkeeping. The owner or operator of a landfill must maintain the following items in the operating record required under WAC 173-303-380:

(a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and

(b) The contents of each cell and the approximate location of each dangerous waste type within each cell.

(6) Closure and post-closure care.

(a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to:

(i) Provide long-term minimization of migration of liquids through the closed landfill;

(ii) Function with minimum maintenance;

(iii) Promote drainage and minimize erosion or abrasion of the cover;

(iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(v) Have a permeability less than or equal to the permeability of any bottom liner system or natural soils present.

(b) After final closure, the owner or operator must comply with all post-closure requirements contained in WAC 173-303-610 (7), (8), (9), and (10) including maintenance and monitoring throughout the post-closure care period. The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsections (2)(h) and (4)(c) of this section, where such a system is present between double liner systems;

(iii) Continue to operate the leachate collection and removal system until leachate is no longer detected;

(iv) Maintain and monitor the ground water monitoring system and comply with all other applicable requirements of WAC 173-303-645;

(v) Prevent run-on and runoff from eroding or otherwise damaging the final cover; and

(vi) Protect and maintain surveyed benchmarks used in complying with subsection (5) of this section.

(c) Reserve.

(7) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same landfill cell, unless WAC 173-303-395 (1)(b) is complied with.

(8) Action leakage rate.

(a) The department must approve an action leakage rate for ((surface impoundment)) landfill units subject to subsection (2)(h) or (j) of this section. The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases

in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

(b) To determine if the action leakage rate has been exceeded, the owner or operator must convert the weekly or monthly flow rate from the monitoring data obtained under subsection (2)(h) of this section((-)) to an average daily flow rate (gallons per acre per day) for each sump. Unless the department approves a different calculation, the average daily flow rate for each sump must be calculated weekly during the active life and closure period, and monthly during the post-closure care period when monthly monitoring is required under subsection (9) of this section.

(9) Response actions.

(a) The owner or operator of landfill units subject to subsection (2)(h) or (j) of this section must have an approved response action plan before receipt of waste. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in (b) of this subsection.

(b) If the flow rate into the leak detection system exceeds the action leakage rate for any sump, the owner or operator must:

(i) Notify the department in writing of the exceedance within seven days of the determination;

(ii) Submit a preliminary written assessment to the department within fourteen days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

(iii) Determine to the extent practicable the location, size, and cause of any leak;

(iv) Determine whether waste receipt should cease or be curtailed, whether any waste should be removed from the unit for inspection, repairs, or controls, and whether or not the unit should be closed;

(v) Determine any other short-term and long-term actions to be taken to mitigate or stop any leaks; and

(vi) Within thirty days after the notification that the action leakage rate has been exceeded, submit to the department the results of the analyses specified in (b)(iii), (iv), and (v) of this subsection, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the department a report summarizing the results of any remedial actions taken and actions planned.

(c) To make the leak and/or remediation determinations in (b)(iii), (iv), and (v) of this subsection, the owner or operator must:

(i) Assess the source of liquids and amounts of liquids by source;

(ii) Conduct a fingerprint, dangerous constituent, or other analyses of the liquids in the leak detection system to identify the source of liquids and possible location of any leaks, and the hazard and mobility of the liquid; and

(iii) Assess the seriousness of any leaks in terms of potential for escaping into the environment; or

(iv) Document why such assessments are not needed.

(10) Special requirements for ignitable or reactive waste.

(a) Except as provided in subsection (8)(b) of this section, and in WAC 173-303-161, ignitable or reactive waste must not be placed in a landfill, unless the waste and landfill meet all applicable requirements for owners and operators of dangerous waste treatment, storage and disposal facilities contained in this chapter, and:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) or (7); and

(ii) WAC 173-303-395(1) is complied with.

(b) Except for prohibited wastes which remain subject to treatment standards in WAC 173-303-140 (2)(a), ignitable wastes in containers may be landfilled without meeting the requirements of (a) of this subsection, provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes must be disposed of in nonleaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other noncombustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

(11) Special requirements for hazardous wastes F020, F021, F022, F023, F026, and F027.

(a) Hazardous wastes F020, F021, F022, F023, F026, and F027 must not be placed in a landfill(~~s~~) unless the owner or operator operates the landfill in accord with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this section. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through the soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring requirements.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for landfills managing hazardous wastes F020, F021, F022, F023, F026, and F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

(12) Special requirements for containers. Unless they are very small, such as an ampule, containers must be either:

(a) At least ninety percent full when placed in the landfill; or

(b) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

(13) Disposal of liquid waste. Special requirements for bulk and containerized liquids are at WAC 173-303-140 (4)(b).

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-670 Incinerators. (1) Applicability.

(a) Except as WAC 173-303-600 provides otherwise, the regulations in this section apply to owners and operators of facilities that incinerate dangerous waste and to owners and operators who burn dangerous waste in boilers or industrial furnaces in order to destroy them, or who burn dangerous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this section.

(b) *Integration of the MACT standards.* 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). Note that if you are subject to Part 63 you must get an air permit from ecology or the local air authority.

(i) Except as provided by (b)(ii)(~~(-iii)-~~ and) through (iv) of this subsection, the standards of this section do not apply to a new dangerous waste incineration unit that becomes subject to dangerous waste permit requirements after October 12, 2005; or no longer apply when an owner or operator of an existing dangerous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR part 63, subpart EEE, by conducting a comprehensive performance test and submitting to the department a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(b) documenting compliance with the requirements of part 63, subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, dangerous waste permit conditions that were based on the standards of this section will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

(ii) The MACT standards do not replace the closure requirements of WAC 173-303-610 or the applicable requirements of WAC 173-303-280 through 173-303-395, 173-303-645, 173-303-610, 173-303-620, 173-303-691, 173-303-692, and 173-303-902.

(iii) The particulate matter standard of subsection (4)(c)(ii) of this section remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206 (b)(14) and 63.1219(e).

(iv) The following requirements remain in effect for startup, shutdown, and malfunction events if you elect to comply with 40 CFR 270.235 (a)(1)(i), which is incorporated by reference, to minimize emissions of toxic compounds from these events:

(A) Subsection (6)(a) of this section requiring that an incinerator operate in accordance with operating requirements specified in the permit; and

(B) Subsection (6)(c) of this section requiring compliance with the emission standards and operating requirements during startup and shutdown if hazardous waste is in the combustion chamber, except for particular hazardous wastes.

(v) The particulate matter standard of subsection (4) of this section remains in effect for incinerators that elect to

comply with the alternative to the particulate matter standard of 40 CFR 63.1206 (b)(14) and 63.1219(e).

(c) The department may, in establishing permit conditions, exempt the facility from all requirements of this section except subsection (2) of this section, waste analysis, and subsection (8) of this section, closure, if the department finds, after an examination of the waste analysis included with Part B of the owner/operator's permit application, that the waste to be burned:

(i)(A) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090; or

(B) Is either listed in WAC 173-303-080 or is designated under WAC 173-303-090 solely because it is reactive for the characteristics described in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) and (viii), and will not be burned when other dangerous wastes are present in the combustion zone; and

(ii) Contains none of the dangerous constituents listed in WAC 173-303-9905 above significant concentration limits; and

(iii) Is not designated by the dangerous waste criteria of WAC 173-303-100.

(d) The owner or operator of an incinerator may conduct trial burns, subject only to the requirements of WAC 173-303-807, trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 173-303-807, or with Part B of his permit application, the owner or operator must have included an analysis of his waste feed sufficient to provide all information required by WAC 173-303-807 or 173-303-806 (3) and (4).

(b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit (under subsection (6)(b) of this section).

(3) Designation of principal organic dangerous constituents and dangerous combustion by-products. Principal organic dangerous constituents (PODCs) and dangerous combustion by-products must be treated to the extent required by the performance standards specified in subsection (4) of this section. For each waste feed to be burned, one or more PODCs and dangerous combustion by-products will be specified in the facility's permit from among those constituents listed in WAC 173-303-9905 and, to the extent practical, from among those constituents which contribute to the toxicity, persistence, or carcinogenicity of wastes designated under WAC 173-303-100. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion by-products and their concentration or mass, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents or by-products which represent the greatest degree of difficulty of incineration will be those most likely to be designated as PODCs and dangerous combustion by-products. Constituents are more likely to be designated as PODCs or dangerous combustion by-products if they are present in large quantities or concentrations. Trial PODCs will be des-

ignated for performance of trial burns in accordance with the procedure specified in WAC 173-303-807 for obtaining trial burn permits. Trial dangerous combustion by-products may be designated under the same procedures.

(4) Performance standards. An incinerator burning dangerous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under subsection (6) of this section, it will meet the following performance standards:

(a)(i) Except as provided in (a)(ii) of this subsection, an incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each PODC designated (under subsection (3) of this section) in its permit for each waste feed. DRE is determined for each PODC from the following equation:

$$DRE = \frac{(w_{in} - w_{out}) \times 100\%}{w_{in}}$$

Where:

w_{in} = Mass feed rate of one PODC in the waste stream feeding the incinerator, and

w_{out} = Mass emission rate of the same PODC present in exhaust emissions prior to release to the atmosphere.

(ii) An incinerator burning dangerous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic dangerous constituent (PODCs) designated (under subsection (3) of this section) in its permit. This performance must be demonstrated on PODCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each PODCs from the equation in subsection (4)(a)(i) of this section. In addition, the owner or operator of the incinerator must notify the department of his intent to incinerate dangerous wastes F020, F021, F022, F023, F026, or F027.

(b) Incinerators burning dangerous waste must destroy dangerous combustion by-products designated under subsection (3) of this section so that the total mass emission rate of these by-products emitted from the stack is no more than .01 percent of the total mass feed rate of PODCs fed into the incinerator.

(c)(i) An incinerator burning dangerous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or one percent of the HCl in the stack gas prior to entering any pollution control equipment.

(ii) An incinerator burning dangerous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the formula:

$$Pc = \frac{Pm \times 14}{21 - Y}$$

Where Pc is the corrected concentration of particulate matter, Pm is the measured concentration of particulate mat-

ter, and Y is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR Part 60, Appendix A (Method 3). This correction procedure is to be used by all dangerous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the department will select an appropriate correction procedure to be specified in the facility permit.

(d) The emission standards specified in (c) of this subsection must be met when no other more stringent standards exist. Where a state or local air pollution control authority has jurisdiction and has more stringent emission standards, an incinerator burning dangerous wastes must comply with the applicable air pollution control authority's emission standards (including limits based on best available control technology).

(e) For purposes of permit enforcement, compliance with the operating requirements specified in the permit (under subsection (6) of this section), will be regarded as compliance with subsection (4) of this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of subsection (4) of this section, may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-830.

(5) Trial burns and permit modifications.

(a) The owner or operator of a dangerous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under subsection (6) of this section, except:

- (i) In approved trial burns under WAC 173-303-807; or
- (ii) Under exemptions created by WAC 173-303-670(1).

(b) New dangerous wastes may be burned only after operating conditions have been specified in a trial burn permit or a permit modification has been issued, as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under WAC 173-303-806(4).

(c) The permit for a new dangerous waste incinerator must establish appropriate conditions for each of the applicable requirements of this section, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of subsection (6) of this section, sufficient to comply with the following standards:

(i) For the period beginning with initial introduction of dangerous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in (c)(ii) of this subsection, not to exceed a duration of seven hundred twenty hours operating time for treatment of dangerous waste. The operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment. The department may extend the duration of this period once for up to seven hundred twenty additional hours when good cause for the extension is demonstrated by the applicant;

(ii) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of subsection (4) of this sec-

tion, and must be in accordance with the approved trial burn plan;

(iii) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the department, the operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment;

(iv) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in WAC 173-303-806 (4)(f) (iii)(G), as sufficient to ensure compliance with the performance standards of subsection (4) of this section.

(6) Operating requirements.

(a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in subsection (5)(b) of this section and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of subsection (4) of this section.

(b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance requirement of subsection (4) of this section) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

- (i) Carbon monoxide (CO) level in the stack exhaust gas;
- (ii) Waste feed rate;
- (iii) Combustion temperature;
- (iv) An appropriate indicator of combustion gas velocity;
- (v) Allowable variations in incinerator system design or operating procedures; and

(vi) Such other operating requirements as are necessary to ensure that the performance standards of subsection (4) of this section are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except waste exempted in accordance with subsection (1)(b) of this section) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.

(d) Fugitive emissions from the combustion zone must be controlled by:

- (i) Keeping the combustion zone totally sealed against fugitive emissions;
- (ii) Maintaining a combustion zone pressure lower than atmospheric pressure; or
- (iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator

when operating conditions deviate from limits established under (a) of this subsection.

(f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(7) Monitoring and inspections.

(a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating dangerous waste:

(i) Combustion temperature, waste feed rate, and the indicator of combustion gas velocity specified in the facility permit must be monitored on a continuous basis;

(ii) Carbon monoxide (CO) must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere; and

(iii) As required by the department, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the performance standards of subsection (4) of this section.

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, fugitive emissions, and signs of tampering. All emergency waste feed cutoff controls and system alarms must be tested at least weekly to verify proper operation, unless the owner or operator demonstrates to the department that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, emergency cutoff and alarm systems must be tested at least monthly.

(c) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by WAC 173-303-380(1).

(8) Closure. At closure the owner or operator must remove all dangerous waste and dangerous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site. Remaining equipment, bases, liners, soil, and debris containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-675 Drip pads. (1) Applicability.

(a) The requirements of this section apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, and/or surface water runoff to an associated collection system. Existing drip pads are those constructed before December 6, 1990, and those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 6, 1990. All other drip pads are new drip pads. The requirement in subsection (4)(b)(iii) of this section to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992, except for those constructed after December 24, 1992, for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.

(b) The owner or operator of any drip pad that is inside or under a structure that provides protection from precipitation so that neither runoff nor run-on is generated is not subject to regulation under subsection (4)(e) or (f) of this section, as appropriate.

(c) The requirements of this section are not applicable to the management of infrequent and incidental drippage in storage yards provided that: The owner or operator maintains and complies with a written contingency plan that describes how the owner or operator will respond immediately to the discharge of such infrequent and incidental drippage. At a minimum, the contingency plan must describe how the owner or operator will do the following:

(i) Clean up the drippage;

(ii) Document the cleanup of the drippage;

(iii) Retain documents regarding cleanup for three years; and

(iv) Manage the contaminated media in a manner consistent with federal regulations.

(2) Assessment of existing drip pad integrity.

(a) For each existing drip pad as defined in subsection (1) of this section, the owner or operator must evaluate the drip pad and determine that it meets all of the requirements of this section, except the requirements for liners and leak detection systems of subsection (4)(b) of this section. No later than the effective date of this rule, the owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually until all upgrades, repairs, or modifications necessary to achieve compliance with all of the standards of subsection (4) of this section are complete. The evaluation must document the extent to which the drip pad meets each of the design and operating standards of subsection (4) of this section, except the standards for liners and leak detection systems, specified in subsection (4)(b) of this section.

(b) The owner or operator must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of subsection (4)(b) of this section, and submit the plan to the department no later than two years before the date that all repairs, upgrades, and modifications are complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of subsection (4) of this section. The plan must be reviewed and certified by an independent qualified registered professional engineer.

(c) Upon completion of all upgrades, repairs, and modifications, the owner or operator must submit to the department, the as-built drawings for the drip pad together with a certification by an independent qualified registered professional engineer attesting that the drip pad conforms to the drawings.

(d) If the drip pad is found to be leaking or unfit for use, the owner or operator must comply with the provisions of subsection (4)(m) of this section or close the drip pad in accordance with subsection (6) of this section.

(3) Design and installation of new drip pads.

Owners and operators of new drip pads must ensure that the pads are designed, installed, and operated in accordance with one of the following:

(a) All of the requirements of subsections (4) of this section (except subsection (4)(a)(iv)), (5) and (6) of this section; or

(b) All of the requirements of subsections (4) of this section (except subsection (4)(b)), (5) and (6) of this section.

(4) Design and operating requirements.

(a) Drip pads must:

(i) Be constructed of nonearthen materials, excluding wood and nonstructurally supported asphalt(±);

(ii) Be sloped to free-drain treated wood drippage, rain and other waters, or solutions of drippage and water or other wastes to the associated collection system;

(iii) Have a curb or berm around the perimeter;

(iv)(A) Have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second, ~~((e.g.))~~ for example, existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second such that the entire surface where drippage occurs or may run across is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the preservatives that contact the drip pad. The requirements of this provision apply only to existing drip pads and those drip pads for which the owner or operator elects to comply with subsection (3)~~((a))~~ (b) of this section instead of subsection (3)~~((b))~~ (a) of this section.

(B) The owner or operator must obtain and keep on file at the facility a written assessment of the drip pad, reviewed and certified by an independent, qualified registered professional engineer that attests to the results of the evaluation. The assessment must be reviewed, updated and recertified annually. The evaluation must document the extent to which the drip pad meets the design and operating standards of this subsection, except for (b) of this subsection.

(v) Be of sufficient structural strength and thickness to prevent failure due to physical contact, climatic conditions, stress of installation, the stress of daily operations, ~~((e.g.))~~ for example, variable and moving loads such as vehicle traffic, movement of wood, etc.

Note: The department will generally consider applicable standards established by professional organizations generally recognized by the industry such as the American Concrete Institute (ACI) or the American Society of Testing and Materials (ASTM) in judging the structural integrity requirement of this subsection.

(b) If an owner/operator elects to comply with subsection (3)~~((b))~~ (a) of this section instead of subsection (3)~~((a))~~ (b) of this section, the drip pad must have:

(i) A synthetic liner installed below the drip pad that is designed, constructed, and installed to prevent leakage from the drip pad into the adjacent subsurface soil or ground water or surface water at any time during the active life (including

the closure period) of the drip pad. The liner must be constructed of materials that will prevent waste from being absorbed into the liner and to prevent releases into the adjacent subsurface soil or ground water or surface water during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or drip pad leakage to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from vehicular traffic on the drip pad);

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression or uplift; and

(C) Installed to cover all surrounding earth that could come in contact with the waste or leakage; and

(ii) A leakage detection system immediately above the liner that is designed, constructed, maintained and operated to detect leakage from the drip pad. The leakage detection system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the drip pad and the leakage that might be generated; and

(II) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying materials and by any equipment used at the drip pad;

(B) Designed and operated to function without clogging through the scheduled closure of the drip pad; and

(C) Designed so that it will detect the failure of the drip pad or the presence of a release of hazardous waste or accumulated liquid at the earliest practicable time.

(iii) A leakage collection system immediately above the liner that is designed, constructed, maintained and operated to collect leakage from the drip pad such that it can be removed from below the drip pad. The date, time, and quantity of any leakage collected in this system and removed must be documented in the operating log.

(c) Drip pads must be maintained such that they remain free of cracks, gaps, corrosion, or other deterioration that could cause hazardous waste to be released from the drip pad.

Note: See subsection (4)(m) of this section for remedial action required if deterioration or leakage is detected.

(d) The drip pad and associated collection system must be designed and operated to convey, drain, and collect liquid resulting from drippage or precipitation in order to prevent runoff.

(e) Unless protected by a structure, as described in subsection (1)(b) of this section, the owner or operator must design, construct, operate and maintain a run-on control system capable of preventing flow onto the drip pad during peak discharge from at least a twenty-four-hour, twenty-five-year storm, unless the system has sufficient excess capacity to contain any runoff that might enter the system.

(f) Unless protected by a structure or cover as described in subsection (1)(b) of this section, the owner or operator must design, construct, operate and maintain a runoff management system to collect and control at least the water vol-

ume resulting from a twenty-four-hour, twenty-five-year storm.

(g) The drip pad must be evaluated to determine that it meets the requirements of (a) through (f) of this subsection and the owner or operator must obtain a statement from an independent, qualified registered professional engineer certifying that the drip pad design meets the requirements of this section.

(h) Drillage and accumulated precipitation must be removed from the associated collection system as necessary to prevent overflow onto the drip pad.

(i) The drip pad surface must be cleaned thoroughly in a manner and frequency such that accumulated residues of hazardous waste or other materials are removed, with residues being properly managed as hazardous waste, so as to allow weekly inspections of the entire drip pad surface without interference or hindrance from accumulated residues of hazardous waste or other materials on the drip pad. The owner or operator must document the date and time of each cleaning and the cleaning procedure used in the facility's operating log. The owner/operator must determine if the residues are dangerous under WAC 173-303-070 and, if so, must manage them under this chapter.

(j) Drip pads must be operated and maintained in a manner to minimize tracking of hazardous waste or hazardous waste constituents off the drip pad as a result of activities by personnel or equipment.

(k) After being removed from the treatment vessel, treated wood from pressure and nonpressure processes must be held on the drip pad until drillage has ceased. The owner or operator must maintain records sufficient to document that all treated wood is held on the drip pad following treatment in accordance with this requirement.

(l) Collection and holding units associated with run-on and runoff control systems must be emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system.

(m) Throughout the active life of the drip pad and as specified in the permit, if the owner or operator detects a condition that may have caused or has caused a release of hazardous waste, the condition must be repaired within a reasonably prompt period of time following discovery, in accordance with the following procedures:

(i) Upon detection of a condition that may have caused or has caused a release of hazardous waste (e.g., upon detection of leakage in the leak detection system), the owner or operator must:

(A) Enter a record of the discovery in the facility operating log;

(B) Immediately remove the portion of the drip pad affected by the condition from service;

(C) Determine what steps must be taken to repair the drip pad and clean up any leakage from below the drip pad, and establish a schedule for accomplishing the repairs;

(D) Within twenty-four hours after discovery of the condition, notify the department of the condition and, within ten working days, provide written notice to the department with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.

(ii) The department will review the information submitted, make a determination regarding whether the pad must be removed from service completely or partially until repairs and ~~((clean-up))~~ cleanup are complete and notify the owner or operator of the determination and the underlying rationale in writing.

(iii) Upon completing all repairs and ~~((clean-up))~~ cleanup, the owner or operator must notify the department in writing and provide a certification signed by an independent, qualified registered professional engineer, that the repairs and ~~((clean-up))~~ cleanup have been completed according to the written plan submitted in accordance with (m)(i)(D) of this subsection.

(n) Should a permit be necessary, the department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

(o) The owner or operator must maintain, as part of the facility operating log, documentation of past operating and waste handling practices. This must include identification of preservative formulations used in the past, a description of drillage management practices, and a description of treated wood storage and handling practices.

(5) Inspections.

(a) During construction or installation, liners and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation, liners must be inspected and certified as meeting the requirements of subsection (4) of this section by an independent qualified, registered professional engineer. This certification must be maintained at the facility as part of the facility operating record. After installation, liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters.

(b) While a drip pad is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions or improper operation of run-on and runoff control systems;

(ii) The presence of leakage in and proper functioning of leak detection system;

(iii) Deterioration or cracking of the drip pad surface.

Note: See subsection (4)(m) of this section for remedial action required if deterioration or leakage is detected.

(6) Closure.

(a) At closure, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (pad, liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leakage, and manage them as hazardous waste.

(b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in (a) of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with closure and post-closure care requirements that apply to landfills (WAC 173-303-665(6)). For permitted units, the requirement

to have a permit continues throughout the post-closure period. In addition, for the purpose of closure, post-closure, and financial responsibility, such a drip pad is then considered to be landfill, and the owner or operator must meet all of the requirements for landfills specified in WAC 173-303-610 and 173-303-620.

(c)(i) The owner or operator of an existing drip pad, as defined in subsection (1) of this section, that does not comply with the liner requirements of subsection (4)(b)(i) of this section must:

(A) Include in the closure plan for the drip pad under WAC 173-303-610(3), both a plan for complying with (a) of this subsection and a contingent plan for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure; and

(B) Prepare a contingent post-closure plan under WAC 173-303-610(8) for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-610 and 173-303-620 for closure and post-closure care of a drip pad subject to this subsection must include the cost of complying with the contingent closure plan and the contingent post-closure plan, but are not required to include the cost of expected closure under (a) of this subsection.

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

WAC 173-303-690 Air emission standards for process vents. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.

(b) Except for 40 CFR 264.1034 (d) and (e), this section applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:

(i) A unit that is subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(ii) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of WAC 173-303-200(1) (i.e., a hazardous waste recycling unit that is not a ninety-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(iii) A unit that is exempt from permitting under the provisions of WAC 173-303-200(1) (~~((+e-))~~ that is, a "ninety-day" tank or container) and is not a recycling unit under the provisions of WAC 173-303-120.

(c) For the owner and operator of a facility subject to this section and who received a final hazardous waste permit prior to December 6, 1996, the requirements of this section must be incorporated into the permit when the permit is reissued in accordance with the requirements of WAC 173-303-840(8) or reviewed in accordance with the requirements of WAC 173-303-806(11). Until such date when the owner and opera-

tor receive(~~(s)~~) a final permit incorporating the requirements of this section, the owner and operator (~~((s))~~) are subject to the requirements of 40 CFR 265 Subpart AA.

Note: The requirements of 40 CFR Parts 264.1032 through 264.1036 apply to process vents on hazardous waste recycling units previously exempt under WAC 173-303-120 (4)(d). Other exemptions under WAC 173-303-071 and 173-303-600(2) are not affected by these requirements.

(d) The requirements of this section do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that would otherwise be subject to this section are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable Clean Air Act regulation codified under 40 CFR Part 60, Part 61, or Part 63. The documentation of compliance under regulations at 40 CFR Part 60, Part 61, or Part 63 must be kept with, or made readily available with, the facility operating record.

(2) 40 CFR 264.1031 through 1036 (Subpart AA) is incorporated by reference.

Note: Where the incorporated language refers to 264.1030, refer to subsection (1) of this section. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

(3) Where the federal regulations that have been incorporated by reference refer to 40 CFR 260.11, data provided under this section must instead meet the requirements of WAC 173-303-110 (3)(a).

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

WAC 173-303-691 Air emission standards for equipment leaks. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.

(b) Except as provided in 40 CFR 264.1064(k), this section applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

(i) A unit that is subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(ii) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of WAC 173-303-200(1) (i.e., a hazardous waste recycling unit that is not a "ninety-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(iii) A unit that is exempt from permitting under the provisions of WAC 173-303-200(1) (i.e., a "ninety-day" tank or container) and is not a recycling unit under the provisions of WAC 173-303-120.

(c) For the owner or operator of a facility subject to the requirements of 40 CFR 264.1052 through 264.1065 and who received a final permit under section 3005 of RCRA prior to December 6, 1996, the requirements of 40 CFR 264.1052 through 264.1065 must be incorporated into the permit when the permit is reissued under WAC 173-303-840(8) or

reviewed under WAC 173-303-806(11). Until such date when the owner or operator receives a final permit incorporating the requirements of 40 CFR 264.1052 through 264.1065, the owner or operator is subject to the requirements of 40 CFR 265, Subpart BB, which is incorporated by reference at WAC 173-303-400 (3)(a).

(d) Each piece of equipment to which this section applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

(e) Equipment that is in vacuum service is excluded from the requirements of 40 CFR 264.1052 to 264.1060 if it is identified as required in 40 CFR 264.1064 (g)(5).

(f) Equipment that contains or contacts hazardous waste with an organic concentration of at least ten percent by weight for less than three hundred hours per calendar year is excluded from the requirements of 40 CFR Parts 264.1052 through 264.1060 if it is identified, as required in 40 CFR Part 264.1064 (g)(6).

(g) Purged coatings and solvents from surface coating operations subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the surface coating of automobiles and light-duty trucks at 40 CFR part 63, subpart IIII, are not subject to the requirements of this section.

Note: The requirements of 40 CFR Parts 264.1052 through 264.1065 apply to equipment associated with hazardous waste recycling units previously exempt under WAC 173-303-120 (4)(d). Other exemptions under WAC 173-303-071 and 173-303-600(2) are not affected by these requirements.

(2) 40 CFR 264.1051 through 1065 (Subpart BB) is incorporated by reference.

Note: Where the incorporated language refers to 264.1050, refer to WAC 173-303-691. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

(3) Where the federal regulations that have been incorporated by reference refer to 40 CFR 260.11, data provided under this section must instead meet the requirements of WAC 173-303-110 (3)(a).

AMENDATORY SECTION (Amending Order 02-03, filed 3/13/03, effective 4/13/03)

WAC 173-303-692 Air emission standards for tanks, surface impoundments, and containers. (1) Applicability.

(a) The requirements of 40 CFR Part 264 Subpart CC apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either WAC 173-303-630, 173-303-640, or 173-303-650 except as WAC 173-303-600 and (b) of this subsection provide otherwise.

(b) The requirements of 40 CFR Part 264 Subpart CC do not apply to the following waste management units at the facility:

(i) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996.

(ii) A container that has a design capacity less than or equal to 0.1 m³.

(iii) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun

implementing or completed closure pursuant to an approved closure plan.

(iv) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

(v) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is placed in the unit as a result of implementing remedial activities required under the corrective action authorities of WAC 173-303-646, or RCRA section 3008(h), or CERCLA authorities.

(vi) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act and the Nuclear Waste Policy Act.

(vii) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable Clean Air Act regulation codified under 40 CFR Parts 60, 61, or 63. For the purpose of complying with this paragraph, a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of 40 CFR Part 264.1084(i), except as provided in 40 CFR Part 264.1082 (c)(5).

(viii) A tank that has a process vent as defined in 40 CFR Part 264.1031.

(c) For the owner and operator of a facility subject to this section who received a final permit under the Hazardous Waste Management Act prior to December 6, 1996, the requirements of 40 CFR Part 264 Subpart CC will be incorporated into the permit when the permit is reissued in accordance with the requirements of WAC 173-303-840(8) or reviewed in accordance with the requirements of WAC 173-303-806 (11)(d). Until such date when the permit is reissued in accordance with the requirements of WAC 173-303-840(8) or reviewed in accordance with the requirements of WAC 173-303-806 (11)(d), the owner and operator ~~(is)~~ are subject to the requirements of 40 CFR Part 265 Subpart CC, which is incorporated by reference at WAC 173-303-400 (3)(a).

(d) The requirements of 40 CFR Part 264 Subpart CC, except for the recordkeeping requirements specified in 40 CFR Part 264.1089(i), are administratively stayed for a tank or a container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations when the owner or operator of the unit meets all of the following conditions:

(i) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purpose of meeting the conditions of this paragraph, "organic peroxide" means an organic compound that contains the bivalent —O—O—

structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(ii) The owner or operator prepares documentation, in accordance with the requirements of 40 CFR Part 264.1089(i) explaining why an undue safety hazard would be created if air emission controls specified in 40 CFR Parts 264.1084 through 264.1087 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of (d)(i) of this subsection.

(iii) The owner or operator notifies the department in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of (d)(i) of this subsection are managed at the facility in tanks or containers meeting the conditions of (d)(ii) of this subsection. The notification must state the name and address of the facility, and must be signed and dated by an authorized representative of the facility owner or operator.

(2) 40 CFR Parts 264.1081 through 264.1091 (Subpart CC) is incorporated by reference.

Note: Where the incorporated language refers to 264.1080, refer to WAC 173-303-692. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

(3) References within 40 CFR Part 264 Subpart CC to the following parts are incorporated by reference: 40 CFR Parts 60, 61, and 63. This includes Method 25E - Determination of Vapor Phase Organic Concentration in Waste Samples at 40 CFR Part 60 Appendix A.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-695 Containment buildings. The requirements for containment buildings at 40 CFR Part 264 Subpart DD are incorporated by reference. The words "regional administrator" will mean "department." The sentence at 40 CFR 264.1101 (c)(4) is modified by changing "qualified Professional Engineer" to "qualified registered professional engineer."

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-800 Permit requirements for dangerous waste management facilities. (1) The purpose of WAC 173-303-800 through 173-303-840 is to establish the requirements for permits which will allow a dangerous waste facility to operate without endangering the public health and the environment.

(2) The owner/operator of a dangerous waste facility that transfers, treats, stores, or disposes (TSD) or recycles dangerous waste must, when required by this chapter, obtain a permit in accordance with WAC 173-303-800 through 173-303-840 covering the active life, closure period, ground water protection compliance period, and for any regulated unit (as defined in WAC 173-303-040) or for any facility which at closure does not meet the removal or decontamination limits of WAC 173-303-610 (2)(b), post-closure care period, unless they demonstrate closure by removal or decontamination as

provided under WAC 173-303-800 (9) and (10). If a post-closure permit is required, the permit must address applicable ground water monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements of this chapter. The denial of a permit for the active life of a dangerous waste management facility or unit does not affect the requirement to obtain a post-closure permit under this section.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC 173-303-282 and 173-303-283 are met.

(4) Permits will be issued according to the requirements of all applicable TSD facility standards.

(5) The owner/operator of a TSD facility is responsible for obtaining all other applicable federal, state, and local permits authorizing the development and operation of the TSD facility.

(6) The terms used in regard to permits which are not defined in WAC 173-303-040 have the same meanings as set forth in 40 CFR 270.2.

(7) Exemptions.

(a) A permit for an on-site cleanup action may be exempted as provided in a consent decree or order signed by the department and issued pursuant to chapter 70.105D RCW.

(b) A permit is not required for an on-site cleanup action performed by the department pursuant to chapter 70.105D RCW.

(c) Further exemptions.

(i) A person is not required to obtain a dangerous waste permit for treatment or containment activities taken during immediate response to any of the following situations:

(A) A discharge of a dangerous waste;

(B) An imminent and substantial threat of a discharge of dangerous waste;

(C) A discharge of a material that, when discharged, becomes a dangerous waste;

(D) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in WAC 173-303-040.

(E) In the case of emergency responses involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

(ii) Any person who continues or initiates dangerous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

(iii) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) handling the wastes listed below are not required to obtain a dangerous waste permit. These handlers are subject to regulation under WAC 173-303-573, when handling the below listed universal wastes.

(A) Batteries as described in WAC 173-303-573(2);

(B) ~~((Thermostats as described in WAC 173-303-573(3);
(C)))~~ Mercury-containing equipment as described in WAC 173-303-573~~((4))~~ (3); and

~~((D))~~ (C) Lamps as described in WAC 173-303-573(5).

(8) Each permit issued under this chapter will contain terms and conditions as the department determines necessary to protect human health and the environment.

(9) Closure by removal. Owners/operators of surface impoundments, land treatment units, and waste piles closing by removal or decontamination under 40 CFR Part 265 standards as referenced by WAC 173-303-400 must obtain a post-closure permit unless they can demonstrate to the department that the closure met the standards for closure by removal or decontamination in WAC 173-303-650(6), 173-303-655(8), or 173-303-660(9), as appropriate, and such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed standards for closure at 40 CFR Part 264.111, as appropriate. The demonstration may be made in the following ways:

(a) If the owner/operator has submitted a Part B application for a post-closure permit, the owner/operator may request a determination, based on information contained in the application, that 40 CFR Part 264.111 standards for closure by removal were met. If the department believes that 40 CFR Part 264.111 standards were met, the department will notify the public of this proposed decision, allow for public comment, and reach a final determination according to the procedures in subsection (10) of this section.

(b) If the owner/operator has not submitted a Part B application for a post-closure permit, the owner/operator may petition the department for a determination that a post-closure permit is not required because the closure met the applicable 40 CFR Part 264.111 closure standards.

(i) The petition must include data demonstrating that standards for closure by removal or decontamination were met, or it must demonstrate that the unit closed under chapter 173-303 WAC requirements that met or exceeded the applicable 40 CFR Part 264.111 closure-by-removal standard.

(ii) The department will approve or deny the petition according to the procedures outline in subsection (10) of this section.

(10) Procedures for closure equivalency determination.

(a) If a facility owner/operator seeks an equivalency demonstration under subsection (9) of this section, the department will provide the public, through a newspaper notice, the opportunity to submit written comments on the information submitted by the owner/operator within thirty days from the date of the notice. The department will also, in response to a request or at the discretion of the department, hold a public hearing whenever such a hearing might clarify one or more issues concerning the equivalence of the 40 CFR Part 265 closure, as referenced by WAC 173-303-400, to a 40 CFR Part 264.111 closure. The department will give public notice of the hearing at least thirty days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments, and the two notices may be combined.)

(b) The department will determine whether the 40 CFR Part 265 closure met 40 CFR Part 264.111 closure by

removal or decontamination requirements within ninety days of its receipt. If the department finds that the closure did not meet the applicable 40 CFR Part 264.111 standards, the department will provide the owner/operator with a written statement of the reasons why the closure failed to meet 40 CFR Part 264.111 standards. The owner/operator may submit additional information in support of an equivalency demonstration within thirty days after receiving such written statement. The department will review any additional information submitted and make a final determination within sixty days.

(c) If the department determines that the facility did not close in accordance with 40 CFR Part 264.111 standards for closure by removal, the facility is subject to post-closure permitting requirements.

(11) The department may require a permittee or an applicant to submit information in order to establish permit conditions under subsection (8) of this section and WAC 173-303-806 (11)(d).

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-806 Final facility permits. (1) Applicability. This section applies to all dangerous waste facilities required to have a final facility permit. The final facility permit requirements are applicable to:

(a) Final status TSD facilities; and

(b) Certain recycling facilities that are not exempt from the permit requirements.

(2)(a) Application. Any person subject to the permit requirements of this section who intends to operate a new TSD facility must comply with WAC 173-303-281 and apply for a final facility permit. The department may, at any time, require the owner or operator of an existing TSD facility to apply for a final facility permit. Such owner or operator will be allowed one hundred eighty days to submit his application; the department may extend the length of the application period if it finds that there are good reasons to do so. The owner or operator of an existing TSD facility may voluntarily apply for a final facility permit at any time. Any person seeking a final facility permit must complete, sign, and submit an application to the department. An application must consist of a Part A permit form (which can be obtained from the department), and the contents of Part B as specified in subsection (4) of this section. The requirements for the contents of a part A permit application are at WAC 173-303-803~~((4))~~ (3).

(b) Persons covered by permits by rule (WAC 173-303-802) need not apply. Procedures for applications, issuance and administration of emergency permits are found exclusively in WAC 173-303-804. Procedures for application, issuance and administration of research, development, and demonstration permits are found exclusively in WAC 173-303-809.

(3) Effective regulations. A final facility permit will include all applicable requirements of this chapter which are in effect on the date that the permit is issued by the department. WAC 173-303-840(7) provides a means for reopening permit proceedings at the discretion of the department where new requirements become effective during the permitting

process and are of sufficient magnitude to make additional proceedings desirable. Any other changes to the final facility permit will be in accordance with the permit modification requirements of WAC 173-303-830.

(4) Contents of Part B. Part B of a permit application must consist of the information required in (a) through (m) of this subsection.

(a) General requirements. Part B of the permit application consists of the general information requirements of this subsection, and the specific information requirements in (b) through (h) of this subsection as applicable to the facility. The Part B information requirements presented in (a) through (h) of this subsection, reflect the standards promulgated in WAC 173-303-600. These information requirements are necessary in order for the department to determine compliance with WAC 173-303-600 through 173-303-670. If owners and operators of TSD facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the department may make allowance for submission of such information on a case-by-case basis. Information required in Part B must be submitted to the department and signed in accordance with requirements in WAC 173-303-810(12). Certain technical data, such as design drawings and specifications, and engineering studies must be certified by a registered professional engineer. The following information is required for all TSD facilities, except as WAC 173-303-600(3) provides otherwise.

(i) A general description of the facility.

(ii) Chemical, biological, and physical analyses of the dangerous waste and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with WAC 173-303-600.

(iii) A copy of the waste analysis plan required by WAC 173-303-300(5) and, if applicable WAC 173-303-300 (5)(g).

(iv) A description of the security procedures and equipment required by WAC 173-303-310, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(v) A copy of the general inspection schedule required by WAC 173-303-320(2): Include where applicable, as part of the inspection schedule, specific requirements in WAC 173-303-395 (1)(d), 173-303-630(6), 173-303-640 (4)(a)(i) and (6), 173-303-650(4), 173-303-655(4), 173-303-660 (4) and (5), 173-303-665(4), 173-303-670(7), and 173-303-680 (3), and 40 CFR 264.1033, 264.1035, 264.1052, 264.1053, 264.1058, 264.1064, 264.1067, 264.1084, 264.1085, 264.-1086, and 264.1088.

(vi) A justification of any request for a waiver(s) of the preparedness and prevention requirements of WAC 173-303-340, or a description of the procedures used to comply with these requirements.

(vii) A copy of the contingency plan required by WAC 173-303-350: Include, where applicable, as part of the contingency plan, specific requirements in WAC 173-303-640(7), 173-303-650(5) and 173-303-660(6).

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent hazards and contain spills in unloading/loading operations (for example, ramps, berms, pavement, special forklifts);

(B) Prevent runoff from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages;

(E) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing); and

(F) Prevent releases to the atmosphere.

(ix) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with WAC 173-303-395 including documentation demonstrating compliance with WAC 173-303-395 (1)(c).

(x) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate)); describe access road surfacing and load bearing capacity; show traffic control signals).

(xi) Seismic risk consideration. The owner/operator of a proposed facility or expansion of an existing facility must identify the seismic risk zone in which the facility is intended to be located. Where state or local maps are not available, United States Geological Survey Open File Report number 82-1033 may be used to identify seismic risk zones. The owner/operator must demonstrate that the facility can and will be designed to resist seismic ground motion and that the design is sufficient to withstand the maximum horizontal acceleration of a design earthquake specified in the demonstration.

(xii) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with WAC 173-303-330. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in WAC 173-303-330 (1)(d).

(xiii) A copy of the closure plan and, where applicable, the post-closure plan required by WAC 173-303-610 (3) and (8). Include, where applicable, as part of the plans, specific requirements in WAC 173-303-630(10), 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), and 173-303-680 (2) and (4).

(xiv) For dangerous waste disposal units that have been closed, documentation that notices required under WAC 173-303-610(10) have been filed.

(xv) The most recent closure cost estimate for the facility prepared in accordance with WAC 173-303-620(3) and a copy of the documentation required to demonstrate financial assurance under WAC 173-303-620(4). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvi) Where applicable, the most recent post-closure cost estimate for the facility prepared in accordance with WAC 173-303-620(5) plus a copy of the documentation required to demonstrate financial assurance under WAC 173-303-

620(6). For a new facility, a copy of the required documentation may be submitted sixty days prior to the initial receipt of dangerous wastes, if that is later than the submission of the Part B.

(xvii) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of WAC 173-303-620(8). For a new facility, documentation showing the amount of insurance meeting the specification of WAC 173-303-620 (8)(a) and, if applicable, WAC 173-303-620 (8)(b), that the owner or operator plans to have in effect before initial receipt of dangerous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in WAC 173-303-620 (8)(c).

(xviii) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of TSD facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

- (A) Map scale and date;
- (B) One hundred-year flood plain area;
- (C) Surface waters including intermittent streams;
- (D) Surrounding land uses (residential, commercial, agricultural, recreational);
- (E) A wind rose (i.e., prevailing windspeed and direction);
- (F) Orientation of the map (north arrow);
- (G) Legal boundaries of the TSD facility site;
- (H) Access control (fences, gates);
- (I) Injection and withdrawal wells both on-site and off-site;
- (J) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, runoff control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);
- (K) Barriers for drainage or flood control; and
- (L) Location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed (include equipment clean-up areas).

(Note - For large TSD facilities the department will allow the use of other scales on a case-by-case basis.)

(xix) Applicants may be required to submit such information as may be necessary to enable the department to carry out its duties under other state or federal laws as required.

(xx) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of dangerous waste facilities containing a regulated unit except as otherwise provided in WAC 173-303-645 (1)(b):

(A) A summary of the ground water monitoring data obtained during the interim status period under 40 CFR 265.90 through 265.94, where applicable;

(B) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification ~~((i.e.))~~ that is, the information obtained from hydrogeologic investigations of the facility area);

(C) On the topographic map required under (a)(xviii) of this subsection, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under WAC 173-303-645(6), the proposed location of ground water monitoring wells as required under WAC 173-303-645(8), and, to the extent possible, the information required in (a)(xx)(B) of this subsection;

(D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(I) Delineates the extent of the plume on the topographic map required under (a)(xviii) of this subsection;

(II) Identifies the concentration of each constituent throughout the plume or identifies the maximum concentrations of each constituent in the plume. (Constituents are those listed in Appendix ~~((IX of 40 CFR Part 264))~~ "Ground-Water Monitoring List" in Chemical Testing Methods for Designating Dangerous Waste which is incorporated at WAC 173-303-110 (3)(c) and (7), and any other constituents not listed there which have caused a managed waste to be regulated under this chapter.);

(E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of WAC 173-303-645(8);

(F) If the presence of dangerous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of WAC 173-303-645(9). This submission must address the following items specified under WAC 173-303-645(9):

(I) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of dangerous constituents in the ground water;

(II) A proposed ground water monitoring system;

(III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data;

(G) If the presence of dangerous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of WAC 173-303-645(11) except as provided in WAC 173-

303-645 (9)(h)(v). Alternatively, the owner or operator can obtain written authorization in advance from the department to submit a proposed permit schedule for development and submittal of such information. To demonstrate compliance with WAC 173-303-645(10), the owner or operator must address the following items:

(I) A description of the wastes previously handled at the facility;

(II) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(III) A list of constituents and parameters for which compliance monitoring will be undertaken in accordance with WAC 173-303-645 (8) and (10);

(IV) Proposed concentration limits for each dangerous constituent and parameter, based on the criteria set forth in WAC 173-303-645 (5)(a), including a justification for establishing any alternate concentration limits;

(V) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of WAC 173-303-645(8); and

(VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(H) If dangerous constituents or parameters have been measured in the ground water which exceed the concentration limits established under WAC 173-303-645(5), Table 1, or if ground water monitoring conducted at the time of permit application under 40 CFR 265.90 through 265.94 at the waste boundary indicates the presence of dangerous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of WAC 173-303-645(11). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the department that alternate concentration limits will protect human health and the environment after considering the criteria listed in WAC 173-303-645(5). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of WAC 173-303-645 (10) and (a)(xx)(F) of this subsection. To demonstrate compliance with WAC 173-303-645(11), the owner or operator must address, at a minimum, the following items:

(I) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(II) The concentration limit for each dangerous constituent and parameter found in the ground water as set forth in WAC 173-303-645(5);

(III) Detailed plans and an engineering report describing the corrective action to be taken;

(IV) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action; and

(V) The permit may contain a schedule for submittal of the information required in (a)(xx)(H)(III) and (IV) of this subsection, provided the owner or operator obtains written

authorization from the department prior to submittal of the complete permit application.

(xxi) Contingent ground water protection program. The following actions are required for owners or operators of proposed land-based facilities and may be required for owners/operators of existing land-based facilities, except as provided in WAC 173-303-645 (1)(b).

(A) Contingent ground water protection program. The owner or operator must develop a contingent ground water protection program. The purpose of this program will be to prevent the migration of dangerous waste or dangerous waste constituents from waste management units to the nearest hydraulically downgradient receptor at any time during the life of the facility. For the purposes of this subsection, the downgradient receptor will be the facility property line, perennial surface water or domestic well, whichever is nearest to the dangerous waste management unit. The contingent ground water protection program must at a minimum:

(I) Define the local and regional hydrogeologic characteristics. The contingent ground water protection program must be based on a sufficient understanding of site geology, hydrology, and other factors to allow evaluation of its adequacy by the department. Site characterization must be performed in sufficient detail to provide, at a minimum, the following information: Site geostratigraphy; site hydrostratigraphy; identification of aquifers, aquitards, and aquicludes; flow models for each stratum (i.e., porous media or fracture flow); the distribution of vertical and horizontal hydraulic conductivity; effective porosity; horizontal and vertical hydraulic gradients; ground water travel time to receptors; and heterogeneity for each stratigraphic unit. Site interpretative models must include ranges of tested values: The provisions of WAC 173-303-806 (4)(a)(xx) and 173-303-645, must be used as guidance in the development of the contingent ground water protection program.

(II) Identify the range of potential release scenarios that could occur during facility operation and the post-closure care period. The scenarios must incorporate the intended design(s) of the dangerous waste management unit(s), wastes to be placed in the dangerous waste management unit(s), waste and leachate chemistry, waste, and soil and rock geochemical interactions, and the results of site characterization pursuant to WAC 173-303-806 (4)(a)(xx) and (xxi);

(III) Include specific physical action to be taken if dangerous waste or dangerous waste constituents are detected in one or more of the monitoring wells. The physical actions must be based upon engineering feasibility studies describing remedial actions established from site specific conditions and waste features. Such actions may include installation of a pump and treat system between the monitoring well and the receptor or installation of a section of slurry wall to decrease ground water travel times. The description of the systems must also provide how the remediation system will achieve cleanup, its efficiency, and the time frames involved;

(IV) Incorporate the design, construction, and sampling methods outlined in WAC 173-303-645 (8)(c), (d), (e), (f), and (g);

(V) Demonstrate to the satisfaction of the department that the owner/operator of the dangerous waste management

facility has the financial capability to implement the proposed ground water protection plan; and

(VI) Include reporting procedures to the department.

(B) The response actions identified in WAC 173-303-806 (4)(a)(xxi)(A)(III) must be activated if the presence of dangerous waste or dangerous waste constituents have been detected at the point of compliance in accordance with WAC 173-303-645 (9)(g), and must continue until the concentration of dangerous waste or dangerous waste constituents under WAC 173-303-645(4) are reduced to levels below their respective concentration limits specified in WAC 173-303-645(5).

(C) If the owner/operator does not demonstrate that the ground water protection program will prevent the migration of dangerous waste or its constituents to the nearest receptor, the department will require corrections to be made in the protection program, increase setbacks from the nearest receptor, or deny the permit.

(xxii) Additional requirements for incineration facilities. The following actions regarding the protection of human health and the environment must be taken by owners/operators of proposed hazardous waste incineration facilities and may be required for owners or operators of existing incineration facilities.

(A) Ambient monitoring program. The owner/operator will be required to develop an ambient monitoring program. The purpose of this ambient monitoring program will be to: Gather baseline environmental information characterizing on-site and off-site environmental conditions prior to facility operation; and, to identify and measure changes in the environment which may be linked to the construction and operation of the facility. The ambient monitoring program must, at a minimum:

(I) Include a characterization of facility emission sources and pathways of contaminant transport.

(II) Characterize local and regional ecosystems, including agricultural, and their sensitivity to the potential contaminants from the facility.

(III) Incorporate the findings of the environmental impact statement's health risk assessment and/or other assessments specific to the proposal or available to the scientific community regarding emissions from dangerous waste management facilities and their potential human health and environmental effects.

(IV) Identify sensitive indicator plants and animals for biomonitoring, identify specific chemical constituents of concern, sampling locations, sampling frequency, sampling and analytical methods, chain of custody procedures, quality assurance/quality control procedures, reporting times, recordkeeping procedures, and data evaluation procedures.

(B) Environmental review procedures. The owner/operator must establish procedures to allow for public review of facility operation and all monitoring data required by the facility's permit. In developing this process, the owner/operator must, at a minimum:

(I) Coordinate this effort with the public and interested local organizations;

(II) Identify the informational needs of the community and develop a public information process which meets these needs; and

(III) Develop procedures allowing full access by the public to all monitoring data required by the permit.

(C) Impact mitigation plan. Prior to the department issuing a permit, the owner/operator must submit an impact mitigation plan which demonstrates to the satisfaction of the department that the owner/operator will mitigate all probable significant adverse impacts, including economic, due to facility location and operations. The owner/operator must use as a basis for identifying probable significant adverse economic impacts those probable economic impacts identified during a public review process, such as the environmental impact statement scoping process, if applicable.

The plan must include, but is not limited to, a description of what the owner/operator will do to reduce or prevent any probable significant impacts before they occur, to mitigate such impacts should they occur, and to ensure the owner/operator has and will have the financial capability to implement such preventative and mitigative measures. Mitigation measures may include, as an element, financial compensation to adversely affected parties.

This plan may be submitted with environmental reports the department requires for compliance with the State Environmental Policy Act, with the written citizen proponent negotiation report and agreements, or with the Part B permit application. If the plan does not demonstrate that the owner/operator is capable of adequately mitigating the identified probable significant adverse economic impacts, the department will require modification of the plan or of the proposed facility location, or will deny the permit application. The department must be satisfied with the plan prior to the issuance of the permit.

(xxiii) Information requirements for solid waste management units.

(A) The following information is required for each solid waste management unit:

(I) The location of the unit on the topographic map required under (a)(xviii) of this subsection.

(II) Designation of type of unit.

(III) General dimensions and structural description (supply any available drawings).

(IV) Time frame over which the unit was operated.

(V) Specification of all wastes that have been managed in the unit, to the extent available.

(B) The owner/operator of any facility containing one or more solid waste management units must submit all available information pertaining to any release of dangerous wastes or dangerous constituents from such unit or units.

(C) The owner/operator must conduct and provide the results of sampling and analysis of ground water, landsurface, and subsurface strata, surface water, or air, which may include the installation of wells, where the department determines it is necessary to complete a RCRA Facility Assessment that will determine if a more complete investigation is necessary.

WAC 173-303-806 (4)(a)(xxiv):

(xxiv) Information requirements for known releases.

(A) In order to provide for corrective action necessary to protect human health and the environment, the following information is required for all known significant releases of dangerous waste and dangerous constituents (as defined by

WAC 173-303-64610(4)) at, and from, the facility. A significant release is a release which has affected or has the potential to affect human health or the environment at or beyond the facility.

(I) The location of the release on the topographic map required under (a)(xviii) of this subsection.

(II) General dimensions of the release and any relevant structural description. For example, if the release is from a storage tank, provide a structural description of the tank. Supply any available drawings.

(III) Time frame over which the release occurred.

(IV) Specification of all dangerous waste or dangerous constituents (as defined by WAC 173-303-64610(4)) present in the release, to the extent available.

(xxv) A summary of the preapplication meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under WAC 173-303-281 (3)(c).

(xxvi) For land disposal facilities, if a case-by-case extension has been approved under 40 CFR 268.5 or a petition has been approved under 40 CFR 268.6, a copy of the notice of approval for the extension or petition is required.

(b) Specific Part B information requirements for containers. Except as otherwise provided in WAC 173-303-600(3), owners or operators of facilities that store containers of dangerous waste must provide the following additional information:

(i) A description of the containment system to demonstrate compliance with WAC 173-303-630(7). Show at least the following:

(A) Basic design parameters, dimensions, and materials of construction including allowance for a twenty-five-year, twenty-four-hour storm;

(B) How the design promotes positive drainage control or how containers are kept from contact with standing liquids in the containment system;

(C) Capacity of the containment system relative to the volume of the largest container to be stored;

(D) Provisions for preventing or managing run-on;

(E) How accumulated liquids can be analyzed and removed to prevent overflow; and

(F) A description of the building or other protective covering for EHW containers;

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with WAC 173-303-630 (7)(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

(iii) A description of the procedures for labeling containers;

(iv) Sketches, drawings, or data demonstrating compliance with WAC 173-303-630(8) (location of buffer zone and containers holding ignitable or reactive wastes) and WAC 173-303-630 (9)(c) (location of incompatible wastes), where applicable;

(v) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with WAC 173-303-630 (9)(a) and (b), and 173-303-395 (1)(b) and (c); and

(vi) Information on air emission control equipment as required in (m) of this subsection.

(c) Specific Part B information requirements for tanks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use tanks to store or treat dangerous waste must provide the following information:

(i) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling dangerous waste of each tank system, as required under WAC 173-303-640 (2) and (3);

(ii) Dimensions and capacity of each tank;

(iii) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(iv) A diagram of piping, instrumentation, and process flow for each tank system;

(v) A description of materials and equipment used to provide external corrosion protection, as required under WAC 173-303-640 (3)(a)(iii)(B);

(vi) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with WAC 173-303-640 (3)(b), (c), (d), and (e);

(vii) Detailed plans and a description of how the secondary containment system for each tank system is or will be designed, constructed, and operated to meet the requirements of WAC 173-303-640 (4)(a), (b), (c), (d), (e), and (f);

(viii) For tank systems for which a variance from the requirements of WAC 173-303-640(4) is sought (as provided by WAC 173-303-640 (4)(g)):

(A) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous waste or dangerous constituents into the ground water or surface water during the life of the facility; or

(B) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.

(ix) Description of controls and practices to prevent spills and overflows, as required under WAC 173-303-640 (5)(b);

(x) For tank systems in which ignitable, reactive, or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of WAC 173-303-640 (9) and (10);

(xi) A description of the marking and/or labeling of tanks;

(xii) Tank design to prevent escape of vapors and emissions of acutely or chronically toxic (upon inhalation) EHW; and

(xiii) Information on air emission control equipment as required in (m) of this subsection.

(d) Specific Part B information requirements for surface impoundments. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store,

treat, or dispose of dangerous waste in surface impoundments must provide the following additional information:

(i) A list of the dangerous wastes placed or to be placed in each surface impoundment;

(ii) Detailed plans and an engineering report describing how the surface impoundment is designed, and is or will be constructed, operated and maintained to meet the requirements of WAC 173-303-650 (2)(j), (10), (11), and 173-303-335, addressing the following items:

(A) The liner system (except for an existing portion of a surface impoundment), including the certification required by WAC 173-303-650 (2)(a)(i)(D) for EHW management. If an exemption from the requirement for a liner is sought as provided by WAC 173-303-650 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(B) Prevention of overtopping;

(C) Structural integrity of dikes;

(D) The double liner and leak (leachate) detection, collection, and removal system, if the surface impoundment must meet the requirements of WAC 173-303-650 (2)(j). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by WAC 173-303-650 (2)(k), (l), or (m), submit appropriate information;

(E) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(F) The construction quality assurance (CQA) plan if required under WAC 173-303-335; and

(G) Proposed action leakage rate, with rationale, if required under WAC 173-303-650(10), and response action plan, if required under WAC 173-303-650(11).

(iii) Reserve.

(iv) A description of how each surface impoundment, including the double liner system, leak detection system, cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of WAC 173-303-650 (4)(a), (b), and (d). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under WAC 173-303-650 (4)(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

(vi) A description of the procedure to be used for removing a surface impoundment from service, as required under WAC 173-303-650 (5)(b) and (c). This information should be included in the contingency plan submitted under (a)(vii) of this subsection;

(vii) A description of how dangerous waste residues and contaminated materials will be removed from the unit at closure, as required under WAC 173-303-650 (6)(a)(i). For any

wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-650 (6)(a)(ii) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(viii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how WAC 173-303-650(7) will be complied with;

(ix) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how WAC 173-303-650(8) will be complied with;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how the surface impoundment is or will be designed to meet the requirements of WAC 173-303-650(9); and

(xi) Information on air emission control equipment as required in (m) of this subsection.

(e) Specific Part B information requirements for waste piles. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store or treat dangerous waste in waste piles must provide the following additional information:

(i) A list of dangerous wastes placed or to be placed in each waste pile;

(ii) If an exemption is sought to WAC 173-303-660(2), and 173-303-645 as provided by WAC 173-303-660 (1)(c), an explanation of how the standards of WAC 173-303-660 (1)(c) will be complied with;

(iii) Detailed plans and an engineering report describing how the waste pile is designed, and is or will be constructed, operated, and maintained to meet the requirements of WAC 173-303-335, 173-303-660 (2)(j), (11) and (12), addressing the following items:

(A)(I) The liner system (except for an existing portion of a pile) if the waste pile must meet the requirements of WAC 173-303-660(2), including the licensed engineer's certification when required by WAC 173-303-660 (2)(c). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660 (2)(d), submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituents into the ground water or surface water at any future time;

(II) The double liner and leak (leachate) detection, collection, and removal system, if the waste pile must meet the requirements of WAC 173-303-660 (2)(j). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by WAC 173-303-660 (2)(k), (l), or (m), submit appropriate information;

(III) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(IV) The construction quality assurance (CQA) plan if required under WAC 173-303-335;

(V) Proposed action leakage rate, with rationale, if required under WAC 173-303-660(3), and response action plan, if required under WAC 173-303-660(4);

(B) Control of run-on;

(C) Control of runoff;

(D) Management of collection and holding units associated with run-on and runoff control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iv) Reserve.

(v) A description of how each waste pile, including the double liner system, leachate collection and removal system, leak detection system, cover system and appurtenances for control of run-on and runoff, will be inspected in order to meet the requirements of WAC 173-303-660(5). This information should be included in the inspection plan submitted under (a)(v) of this subsection. If an exemption is sought to WAC 173-303-645 pursuant to WAC 173-303-660(4), describe in the inspection plan how the inspection requirements of WAC 173-303-660 (4)(a)(iii) will be complied with;

(vi) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(vii) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of WAC 173-303-660(7) will be complied with;

(viii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how WAC 173-303-660(8) will be complied with;

(ix) A description of how dangerous waste, waste residues and contaminated materials will be removed from the waste pile at closure, as required under WAC 173-303-660 (9)(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665 (6)(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection;

(x) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a waste pile that is not enclosed (as defined in WAC 173-303-660 (1)(c)) is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(10).

(f) Specific Part B information requirements for incinerators. Except as WAC 173-303-670(1) and subsection (4)(f)(v) of this section provide otherwise, owners and operators of facilities that incinerate dangerous waste must fulfill the informational requirements of (f) of this subsection.

(i) When seeking an exemption under WAC 173-303-670 (1)(b) (ignitable or reactive wastes only):

(A) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is ignitable; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive for characteristics other than those listed in WAC 173-303-090

(7)(a)(iv) and (v), and will not be burned when other dangerous wastes are present in the combustion zone; or

(C) Documentation that the waste is a dangerous waste solely because it possesses the characteristic of ignitability, as determined by the tests for characteristics of dangerous waste under WAC 173-303-090; or

(D) Documentation that the waste is a dangerous waste solely because it possesses the reactivity characteristics listed in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii), and (viii), and that it will not be burned when other dangerous wastes are present in the combustion zone.

(ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with WAC 173-303-807.

(iii) In lieu of a trial burn, the applicant may submit the following information;

(A) An analysis of each waste or mixture of wastes to be burned including:

(I) Heating value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(III) An identification of any dangerous organic constituents listed in WAC 173-303-9905 or, if not listed, which cause the waste(s) to be regulated, which are present in the waste to be burned, except that the applicant need not analyze for constituents which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110 (3)(a), or their equivalent as approved by the department;

(IV) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110 (3)(a); and

(V) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC's) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in WAC 173-303-670(4);

(B) A detailed engineering description of the incinerator, including:

(I) Manufacturer's name and model number of incinerator;

(II) Type of incinerator;

(III) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

(IV) Description of auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cutoff system(s);

(VII) Stack gas monitoring and pollution control monitoring system;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating devices and control devices;

(C) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in (f)(iii)(A) of this subsection. This analysis should specify the principal organic dangerous constituents (PODC's) which the applicant has identified in the waste for which a permit is sought, and any differences from the PODC's in the waste for which burn data are provided;

(D) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

(E) A description of the results submitted from any previously conducted trial burn(s) including:

(I) Sampling and analysis techniques used to calculate performance standards in WAC 173-303-670(4); and

(II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(F) The expected incinerator operation information to demonstrate compliance with WAC 173-303-670 (4) and (6), including:

(I) Expected carbon monoxide (CO) level in the stack exhaust gas;

(II) Waste feed rate;

(III) Combustion zone temperature;

(IV) Indication of combustion gas velocity;

(V) Expected stack gas volume, flow rate, and temperature;

(VI) Computed residence time for waste in the combustion zone;

(VII) Expected hydrochloric acid removal efficiency;

(VIII) Expected fugitive emissions and their control procedures; and

(IX) Proposed waste feed cutoff limits based on the identified significant operating parameters;

(G) Such supplemental information as the department finds necessary to achieve the purposes of this subsection;

(H) Waste analysis data, including that submitted in (f)(iii)(A) of this subsection, sufficient to allow the department to specify as permit principal organic dangerous constituents (permit PODC's) those constituents for which destruction and removal efficiencies will be required; and

(I) Test protocols and sampling and analytical data to demonstrate the designation status under WAC 173-303-070 of:

(I) Incinerator ash residues, if any; and

(II) Residues from the air pollution control devices.

(iv) The department will approve a permit application without a trial burn if the department finds that:

(A) The wastes are sufficiently similar; and

(B) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under WAC 173-303-670(6)) operating conditions that will ensure that the performance standards in WAC 173-303-670(4) will be met by the incinerator.

(v) When an owner or operator of a dangerous waste incineration unit becomes subject to dangerous waste permit requirements after October 12, 2005, or when an owner or

operator of an existing dangerous waste incinerator unit demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE (~~((+e-))~~ that is, by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(~~((b))~~) (d) documenting compliance with all applicable requirements of 40 CFR part 63, subpart EEE), the requirements of this subsection do not apply, except those provisions the department determines are necessary to ensure compliance with WAC 173-303-670 (6)(a) and (c) if you elect to comply with 40 CFR 270.235 (a)(1)(i), which is incorporated by reference at WAC 173-303-841, to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the department may apply the provisions of this subsection, on a case-by-case basis, for purposes of information collection in accordance with WAC 173-303-800(11) and 173-303-815 (2)(b)(ii). Note that 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). If you are subject to 40 CFR Part 63 you must get an air permit from ecology or the local air authority.

(g) Specific Part B information requirements for land treatment facilities. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use land treatment to dispose of dangerous waste must provide the following additional information:

(i) A description of plans to conduct a treatment demonstration as required under WAC 173-303-655(3). The description must include the following information:

(A) The wastes for which the demonstration will be made and the potential dangerous constituents in the waste;

(B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(C) Any specific laboratory or field test that will be conducted, including:

(I) The type of test (e.g., column leaching, degradation);

(II) Materials and methods, including analytical procedures;

(III) Expected time for completion; and

(IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(ii) A description of a land treatment program, as required under WAC 173-303-655(2). This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(A) The wastes to be land treated;

(B) Design measures and operating practices necessary to maximize treatment in accordance with WAC 173-303-655 (4)(a) including:

(I) Waste application method and rate;

(II) Measures to control soil pH;

(III) Enhancement of microbial or chemical reactions; and

(IV) Control of moisture content;

(C) Provisions for unsaturated zone monitoring, including:

(I) Sampling equipment, procedures, and frequency;

(II) Procedures for selecting sampling locations;
 (III) Analytical procedures;
 (IV) Chain of custody control;
 (V) Procedures for establishing background values;
 (VI) Statistical methods for interpreting results; and
 (VII) The justification for any dangerous constituents recommended for selection as principal dangerous constituents, in accordance with the criteria for such selection in WAC 173-303-655 (6)(a);

(D) A list of dangerous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to WAC 173-303-300;

(E) The proposed dimensions of the treatment zone;

(iii) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of WAC 173-303-655(4). This submission must address the following items:

(A) Control of run-on;

(B) Collection and control of runoff;

(C) Minimization of runoff of dangerous constituents from the treatment zone;

(D) Management of collection and holding facilities associated with run-on and runoff control systems;

(E) Periodic inspection of the unit. This information should be included in the inspection plan submitted under (a)(v) of this subsection; and

(F) Control of wind dispersal of particulate matter, if applicable;

(iv) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under WAC 173-303-655(5) will be conducted including:

(A) Characteristics of the food-chain crop for which the demonstration will be made;

(B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown; and

(E) If cadmium is present in the land treated waste, a description of how the requirements of WAC 173-303-655 (5)(b) will be complied with;

(v) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the post-closure care period, as required under WAC 173-303-655 (8)(a)(viii) and (c)(ii). This information should be included in the closure plan and, where applicable, the post-closure care plan submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of WAC 173-303-655(9) will be complied with; and

(vii) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how WAC 173-303-655(10) will be complied with.

(viii) Where applicable, a waste management plan for Dangerous Waste Nos. F020, F021, F022, F023, F026, or F027 describing how a land treatment facility is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-655(12). This submission must address the following items as specified in WAC 173-303-655(12):

(A) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(B) The attenuative properties of underlying and surrounding soils or other materials;

(C) The mobilizing properties of other materials codisposed with these wastes; and

(D) The effectiveness of additional treatment, design, or monitoring techniques.

(h) Specific Part B information requirements for landfills. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that dispose of dangerous waste in landfills must provide the following additional information;

(i) A list of the dangerous wastes placed or to be placed in each landfill or landfill cell;

(ii) Detailed plans and an engineering report describing how the landfill is designed, and is or will be constructed, operated and maintained to comply with the requirements of WAC 173-303-335, 173-303-665 (2), (8) and (9) addressing the following items:

(A)(I) The liner system (except for an existing portion of a landfill, if the landfill must meet the requirements of WAC 173-303-665 (2)(a), including the licensed engineer's certification required by WAC 173-303-665 (2)(a)(i). If an exemption from the requirements for a liner and a leachate collection and removal system is sought, as provided by WAC 173-303-665 (2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate designs and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituent into the ground water or surface water at any future time;

(II) The double liner and leak (leachate) detection, collection, and removal system, if the landfill must meet the requirements of WAC 173-303-665 (2)(h). If an exemption from the requirements for double liners and a leak detection, collection, and removal system or alternative design is sought as provided by WAC 173-303-665 (2)(j), (k) or (l), submit appropriate information;

(III) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;

(IV) The construction quality assurance (CQA) plan if required under WAC 173-303-335;

(V) Proposed action leakage rate, with rationale, if required under WAC 173-303-665(8), and response action plan, if required under 173-303-665(9);

(B) Control of run-on;

(C) Control of runoff;

(D) Management of collection and holding facilities associated with run-on and runoff control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iii) Reserve.

(iv) A description of how each landfill, including the double liner system, leachate collection and removal system, cover systems, and appurtenances for control for run-on and runoff will be inspected in order to meet the requirements of WAC 173-303-665(4). This information must be included in the inspection plan submitted under (a)(v) of this subsection;

(v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with WAC 173-303-665 (6)(a), and a description of how each landfill will be maintained and monitored after closure in accordance with WAC 173-303-665 (6)(b) and (c). This information should be included in the closure and post-closure plans submitted under (a)(xiii) of this subsection;

(vi) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how WAC 173-303-665(7) will be complied with;

(vii) A description of how each landfill will be designed and operated in order to comply with WAC 173-303-140.

(i) Specific Part B information requirements for miscellaneous units. Except as otherwise provided in WAC 173-303-680(1), owners and operators of facilities that treat, store, or dispose of dangerous waste in miscellaneous units must provide the following additional information:

(i) A detailed description of the unit being used or proposed for use, including the following:

(A) Physical characteristics, materials of construction, and dimensions of the unit;

(B) Detailed plans and engineering reports describing how the unit will be located, designed, constructed, operated, maintained, monitored, inspected, and closed to comply with the requirements of WAC 173-303-680 (2) and (3); and

(C) For disposal units, a detailed description of the plans to comply with the post-closure requirements of WAC 173-303-680(4).

(ii) Detailed hydrologic, geologic, and meteorologic assessments and land-use maps for the region surrounding the site that address and ensure compliance of the unit with each factor in the environmental performance standards of WAC 173-303-680(2). If the applicant can demonstrate that he does not violate the environmental performance standards of WAC 173-303-680(2) and the department agrees with such demonstration, preliminary hydrologic, geologic, and meteorologic assessments will suffice.

(iii) Information on the potential pathways of exposure of humans or environmental receptors to dangerous waste or dangerous constituents and on the potential magnitude and nature of such exposures.

(iv) For any treatment unit, a report on a demonstration of the effectiveness of the treatment based on laboratory or field data.

(v) Any additional information determined by the department to be necessary for evaluation of compliance of the unit with the environmental performance standards of WAC 173-303-680(2).

(j) Specific Part B information requirements for process vents. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that have process vents to which WAC 173-303-690 applies must provide the following additional information:

(i) For facilities that cannot install a closed-vent system and control device to comply with the provisions of WAC 173-303-690 on the effective date that the facility becomes subject to the provisions of WAC 173-303-690 or 40 CFR 265 Subpart AA incorporated by reference at WAC 173-303-400 (3)(a), an implementation schedule as specified in 40 CFR section 264.1033 (a)(2).

(ii) Documentation of compliance with the process vent standards in 40 CFR section 264.1032, including:

(A) Information and data identifying all affected process vents, annual throughput and operating hours of each affected unit, estimated emission rates for each affected vent and for the overall facility (i.e., the total emissions for all affected vents at the facility), and the approximate location within the facility of each affected unit (e.g., identify the dangerous waste management units on a facility plot plan).

(B) Information and data supporting estimates of vent emissions and emission reduction achieved by add-on control devices based on engineering calculations or source tests. For the purpose of determining compliance, estimates of vent emissions and emission reductions must be made using operating parameter values (e.g., temperatures, flow rates, or concentrations) that represent the conditions that exist when the waste management unit is operating at the highest load or capacity level reasonably expected to occur.

(C) Information and data used to determine whether or not a process vent is subject to the requirements of 40 CFR section 264.1032.

(iii) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with the requirements of 40 CFR 264.1032, and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 40 CFR 264.1035 (b)(3).

(iv) Documentation of compliance with 40 CFR 264.1033, including:

(A) A list of all information references and sources used in preparing the documentation.

(B) Records, including the dates, of each compliance test required by 40 CFR 264.1033(k).

(C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions" (incorporated by reference at WAC 173-303-110 (3)(g)(viii)) or other engineering texts acceptable to the department that present basic control device design information. The design analysis (~~with~~) must address the vent stream characteristics and control device operation parameters as specified in 40 CFR 264.1035 (b)(4)(iii).

(D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist

when the dangerous waste management unit is or would be operating at the highest load or capacity level reasonably expected to occur.

(E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater unless the total organic emission limits of 40 CFR 264.1032(a) for affected process vents at the facility can be attained by a control device involving vapor recovery at an efficiency less than 95 weight percent.

(k) Specific Part B information requirements for equipment (~~(leaks)~~). Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that have equipment to which WAC 173-303-691 applies must provide the following additional information:

(i) For each piece of equipment to which WAC 173-303-691 applies:

(A) Equipment identification number and dangerous waste management unit identification.

(B) Approximate locations within the facility (e.g., identify the dangerous waste management unit on a facility plot plan).

(C) Type of equipment (e.g., a pump or pipeline valve).

(D) Percent by weight total organics in the hazardous waste stream at the equipment.

(E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).

(F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").

(ii) For facilities that cannot install a closed-vent system and control device to comply with the provisions of WAC 173-303-691 on the effective date that the facility becomes subject to the provisions of WAC 173-303-691 or 40 CFR Part 265 Subpart BB incorporated by reference at WAC 173-303-400 (3)(a), an implementation schedule as specified in 40 CFR 264.1033 (a)(2).

(iii) Where an owner or operator applies for permission to use a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system and chooses to use test data to determine the organic removal efficiency or the total organic compound concentration achieved by the control device, a performance test plan as specified in 40 CFR section 264.1035 (b)(3).

(iv) Documentation that demonstrates compliance with the equipment standards in 40 CFR sections 264.1052 to 264.1059. This documentation will contain the records required under 40 CFR 264.1064. The department may request further documentation before deciding if compliance has been demonstrated.

(v) Documentation to demonstrate compliance with 40 CFR section 264.1060 will include the following information:

(A) A list of all information references and sources used in preparing the documentation.

(B) Records, including the dates, of each compliance test required by 40 CFR 264.1033(j).

(C) A design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the

appropriate sections of "ATPI Course 415: Control of Gaseous Emissions" (incorporated by reference as specified in WAC 173-303-110 (3)(g)(viii)) or other engineering texts acceptable to the department that present basic control device design information. The design analysis (~~(will)~~) must address the vent stream characteristics and control device operation parameters as specified in 40 CFR 264.1035 (b)(4)(iii).

(D) A statement signed and dated by the owner or operator certifying that the operating parameters used in the design analysis reasonably represent the conditions that exist when the dangerous waste management unit is operating at the highest load or capacity level reasonably expected to occur.

(E) A statement signed and dated by the owner or operator certifying that the control device is designed to operate at an efficiency of 95 weight percent or greater.

(l) Special Part B information requirements for drip pads.

Except as otherwise provided by WAC 173-303-600(3), owners and operators of dangerous waste treatment, storage, or disposal facilities that collect, store, or treat hazardous waste on drip pads must provide the following additional information:

(i) A list of hazardous wastes placed or to be placed on each drip pad.

(ii) If an exemption is sought to WAC 173-303-645, as provided by WAC 173-303-645(1), detailed plans and an engineering report describing how the requirements of WAC 173-303-645 (1)(b) will be met.

(iii) Detailed plans and an engineering report describing how the drip pad is or will be designed, constructed, operated and maintained to meet the requirements of WAC 173-303-675(4), including the as-built drawings and specifications. This submission must address the following items as specified in WAC 173-303-675(2):

(A) The design characteristics of the drip pad;

(B) The liner system;

(C) The leakage detection system, including the leak detection system and how it is designed to detect the failure of the drip pad or the presence of any releases of hazardous waste or accumulated liquid at the earliest practicable time;

(D) Practices designed to maintain drip pads;

(E) The associated collection system;

(F) Control of run-on to the drip pad;

(G) Control of runoff from the drip pad;

(H) The interval at which drippage and other materials will be removed from the associated collection system and a statement demonstrating that the interval will be sufficient to prevent overflow onto the drip pad;

(I) Procedures for cleaning the drip pad at least once every seven days to ensure the removal of any accumulated residues of waste or other materials, including but not limited to rinsing, washing with detergents or other appropriate solvents, or steam cleaning and provisions for documenting the date, time, and cleaning procedure used each time the pad is cleaned.

(J) Operating practices and procedures that will be followed to ensure that tracking of hazardous waste or waste

constituents off the drip pad due to activities by personnel or equipment is minimized;

(K) Procedures for ensuring that, after removal from the treatment vessel, treated wood from pressure and nonpressure processes is held on the drip pad until drippage has ceased, including recordkeeping practices;

(L) Provisions for ensuring that collection and holding units associated with the run-on and runoff control systems are emptied or otherwise managed as soon as possible after storms to maintain design capacity of the system;

(M) If treatment is carried out on the drip pad, details of the process equipment used, and the nature and quality of the residuals.

(N) A description of how each drip pad, including appurtenances for control of run-on and runoff, will be inspected in order to meet the requirements of WAC 173-303-675(4). This information should be included in the inspection plan submitted under (a)(v) of this subsection.

(O) A certification signed by an independent qualified, registered professional engineer, stating that the drip pad design meets the requirements of WAC 173-303-675 (4)(a) through (f).

(P) A description of how hazardous waste residues and contaminated materials will be removed from the drip pad at closure, as required under WAC 173-303-675 (6)(a). For any waste not to be removed from the drip pad upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665(6) will be complied with. This information should be included in the closure plan and, where applicable, the post-closure plan submitted under (a)(xiii) of this subsection.

(m) Specific Part B information requirements for air emission controls for tanks, surface impoundments, and containers (Subpart CC) at 40 CFR ((Part)) 270.27 are incorporated by reference.

(n) When an owner or operator of a cement or light-weight aggregate kiln demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under 40 CFR 63.1207(j) and 63.1210(b) documenting compliance with all applicable requirements of part 63, subpart EEE), the requirements of this subsection do not apply, except those provisions the director determines are necessary to ensure compliance with 40 CFR 266.102 (e)(1) and 266.102 (e)(2)(iii) if you elect to comply with 40 CFR 270.235 (a)(1)(i), which is incorporated by reference at WAC 173-303-841, to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the director may apply the provisions of this subsection, on a case-by-case basis, for purposes of information collection in accordance with WAC 173-303-800(11) and 173-303-815 (2)(b)(ii).

(5) Construction. A person may begin physical construction of a new facility, or of new portions of an existing facility if the new portions would amount to reconstruction under interim status (WAC 173-303-805(7)), only after complying with WAC 173-303-281, submitting Part A and Part B of the permit application and receiving a final facility permit. All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin.

(6) Reapplications. Any dangerous waste facility with an effective final facility permit must submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date provided that such date will never be later than the expiration date of the effective permit.

Note: See public notice requirements at WAC 173-303-281(5).

(7) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final facility permit and the application is determined by the department to be complete pursuant to subsection (8) of this section, the facility is allowed to continue operating under the expiring or expired permit until the effective date of the new permit.

(b) When the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; and/or

(iv) Take other actions authorized by this chapter.

(8) Completeness. The department will not issue a final facility permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the department receives an application form and any supplemental information ((has been submitted)) which are completed to the department's satisfaction. ~~((The completeness of any application for a permit will be judged independently of the status of any other permit application or permit for the same facility or activity.))~~ An application for a permit is complete notwithstanding the failure of the owner or operator to submit the exposure information described in subsection (12) of this section. The department may deny a permit for the active life of a dangerous waste management facility or unit before receiving a complete application for a permit.

(9) Recordkeeping. Applicants must keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(10) General permit conditions. All final facility permits will contain general permit conditions described in WAC 173-303-810.

(11) Permit duration.

(a) Final facility permits will be effective for a fixed term not to exceed ten years.

(b) The department may issue any final facility permit for a duration that is less than the full allowable term.

(c) The term of a final facility permit will not be extended beyond ten years, unless otherwise authorized under subsection (7) of this section.

(d) Each permit for a land disposal facility will be reviewed by the department five years after the date of permit issuance or reissuance and will be modified as necessary, as provided in WAC 173-303-830(3).

(12) ~~((Reserve-))~~ Exposure information. Any part B permit application submitted by an owner or operator of a facility that stores, treats, or disposes dangerous waste in a surface impoundment or a landfill must be accompanied by information, reasonably ascertainable by the owner or operator, on the potential for the public to be exposed to dangerous wastes or dangerous constituents through releases related to the unit. At a minimum, such information must address:

(a) Reasonably foreseeable potential releases from both normal operations and accidents at the unit, including releases associated with transportation to or from the unit;

(b) The potential pathways of human exposure to dangerous waste or constituents resulting from the releases described under (a) of this subsection; and

(c) The potential magnitude and nature of the human exposure resulting from such releases.

(13) Grounds for denial. A permit application will be denied pursuant to the procedures in WAC 173-303-840 if it is determined that the proposed location and/or activity endangers public health and the environment as demonstrated by the permit applicant's failure to satisfy the performance standards of WAC 173-303-283.

(14) Permit changes. All final facility permits will be subject to the requirements of permit changes, WAC 173-303-830.

(15) Procedures for decision making. Issuance of final facility permits will be subject to the procedures for decision making described in WAC 173-303-840.

(16) Other requirements for final recycling facility permits. In lieu of issuing a final recycling facility permit, the department may, after providing opportunity for public comment in accordance with WAC 173-303-840, defer to a permit already issued under other statutory authority administered by the department (such as the State Water Pollution Control Act, chapter 90.48 RCW, the State Clean Air Act, chapter 70.94 RCW, etc.) which incorporates the requirements of this section, and WAC 173-303-500 through 173-303-525 for recycling facilities.

(17)(a) If the department concludes, based on one or more of the factors listed in (a)(i) through (ix) of this subsection, that compliance with the standards of 40 CFR part 63, subpart EEE alone may not be protective of human health or the environment, the department will require the additional information or assessment(s) necessary to determine whether additional controls are necessary to ensure protection of human health and the environment. This includes information necessary to evaluate the potential risk to human health and/or the environment resulting from both direct and indirect exposure pathways. The department may also require a permittee or applicant to provide information necessary to determine whether such an assessment(s) should be required.

The department will base the evaluation of whether compliance with the standards of 40 CFR part 63, subpart EEE alone is protective of human health or the environment on factors relevant to the potential risk from a hazardous waste

combustion unit, including, as appropriate, any of the following factors:

(i) Particular site-specific considerations such as proximity to receptors (such as schools, hospitals, nursing homes, day care centers, parks, community activity centers, or other potentially sensitive receptors), unique dispersion patterns, etc.;

(ii) Identities and quantities of emissions of persistent, bioaccumulative or toxic pollutants considering enforceable controls in place to limit those pollutants;

(iii) Identities and quantities of nondioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on known toxicities (confirmation of which should be made through emissions testing);

(iv) Identities and quantities of other off-site sources of pollutants in proximity of the facility that significantly influence interpretation of a facility-specific risk assessment;

(v) Presence of significant ecological considerations, such as the proximity of a particularly sensitive ecological area;

(vi) Volume and types of wastes, for example wastes containing highly toxic constituents;

(vii) Other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by the operation of the source in question;

(viii) Adequacy of any previously conducted risk assessment, given any subsequent changes in conditions likely to affect risk; and

(ix) Such other factors as may be appropriate.

(b) Reserved.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-807 Trial burns for dangerous waste incinerator final facility permits. When an owner or operator of a dangerous waste incineration unit becomes subject to dangerous waste permit requirements after October 12, 2005, or when an owner or operator of an existing dangerous waste incineration unit demonstrates compliance with the air emission standards and limitations in 40 CFR part 63, subpart EEE ~~((i.e.))~~ ~~((b))~~ that is, by conducting a comprehensive performance test and submitting a Notification of Compliance under 63.1207(j) and 63.1210 ~~((b))~~ (d) documenting compliance with all applicable requirements of part 63, subpart EEE, the requirements of this section do not apply, except those provisions the department determines are necessary to ensure compliance with WAC 173-303-670 (6)(a) and (c) if you elect to comply with 40 CFR 270.235 (a)(1)(i), which is incorporated by reference at WAC 173-303-841, to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the department may apply the provisions of this section on a case-by-case basis, for purposes of information collection in accordance with WAC 173-303-800(11) and 173-303-815 (2)(b)(ii). 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). Note that if you are subject to Part 63 you must get an air permit from ecology or the local air authority.

(1) Purpose and applicability. For purposes of determining operational readiness and establishing conditions in final

facility permits for dangerous waste incinerators, the department may approve trial burns. Trial burns may not exceed seven hundred twenty hours operating time, except that the department may extend the duration of this operational period once, up to seven hundred twenty additional hours, at the request of the owner/operator of the incinerator when good cause is shown. The permit may be modified to reflect the extension according to WAC 173-303-830(4). The procedures for requesting and approving trial burns are described in:

(a) Subsection (11) of this section for existing incinerators with interim status permits; and

(b) Subsection (13) of this section for new incinerators and for incinerators with final facility permits in which the owner/operator wishes to burn new wastes not currently included in the permit.

(2) Trial burn plan. The trial burn must be conducted in accordance with a trial burn plan prepared by the applicant and approved by the department. The trial burn plan will then become a condition of the permit and will include the following information:

(a) An analysis of each waste or mixture of waste to be burned which includes:

(i) Heating value of the waste in the form and composition in which it will be burned;

(ii) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(iii) An analysis identifying any dangerous organic constituents listed in WAC 173-303-9905, and any other dangerous constituents which, although not listed, caused the waste to be regulated as a dangerous waste, which are reasonably expected to be present in the waste to be burned. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified or referenced in WAC 173-303-110 (3)(a), or their equivalent as approved by the department;

(iv) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified or referenced in WAC 173-303-110 (3)(a); and

(v) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670 (4);

(b) A detailed engineering description of the incinerator for which the trial burn permit is sought including:

(i) Manufacturer's name and model number of incinerator (if available);

(ii) Type of incinerator;

(iii) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(iv) Description of the auxiliary fuel system (type/feed);

(v) Capacity of the prime air mover;

(vi) Description of automatic waste feed cutoff system(s);

(vii) Stack gas monitoring and pollution control equipment;

(viii) Nozzle and burner design;

(ix) Construction materials; and

(x) Location and description of temperature, pressure, and flow indicating and control devices;

(c) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(d) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the department's decision under subsection (5) of this section;

(e) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(f) A description of, and planned operating conditions for, any emission control equipment which will be used;

(g) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction;

(h) A detailed test protocol to sample and analyze the following for designation under WAC 173-303-070:

(i) Any incinerator ash residue collected in the incinerator; and

(ii) Any residues collected in the air pollution control devices; and

(i) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of this section.

(3) Additional information required. The department, in reviewing the trial burn plan, will evaluate the adequacy of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this section.

(4) Trial PODCs. Based on the waste analysis data in the trial burn plan, the department will specify as trial principal organic dangerous constituents (trial PODCs) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial PODCs will be specified by the department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed, and the dangerous waste constituent or constituents identified in WAC 173-303-9905, or identified as causing the waste to be regulated as a dangerous waste.

(5) Approval of the plan. The department will approve a trial burn plan if it finds that:

(a) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(b) The trial burn itself will not present an imminent hazard to public health or the environment;

(c) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-670(6); and

(d) The information sought in (a), (b), and (c) of this subsection cannot reasonably be developed through other means.

(6) The department must send a notice to all persons on the facility mailing list as set forth in WAC 173-303-840 (3)(e)(i)(D) and to the appropriate units of state and local government as set forth in WAC 173-303-840 (3)(e)(i)(E) announcing the scheduled beginning and completion dates for the trial burn. The applicant may not begin the trial burn until after the department has issued such notice.

(a) This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the department.

(b) This notice must contain:

(i) The name and telephone number of the applicant's contact person;

(ii) The name and telephone number of the department's contact office;

(iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and

(iv) An expected time period for beginning and completion of the trial burn.

(7) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(a) A quantitative analysis of the trial PODCs in the waste feed to the incinerator;

(b) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial PODCs, O₂, hydrogen chloride (HCl), carbon monoxide (CO) and dangerous combustion by-products, including the total mass emission rate of by-products as a percent of the total mass feed rate of PODCs fed to the incinerator;

(c) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the purpose of estimating the fate of the trial PODCs and whether they are designated according to WAC 173-303-070;

(d) A total mass balance of the trial PODCs in the waste;

(e) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670 (4)(a);

(f) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with WAC 173-303-670 (4)(c)(i);

(g) A computation of particulate emissions, in accordance with WAC 173-303-670 (4)(c)(ii);

(h) An identification of sources of fugitive emissions and their means of control;

(i) A measurement of average, maximum, and minimum temperatures, and combustion gas velocity;

(j) A continuous measurement of carbon monoxide in the exhaust gas;

(k) An identification of any existing air emission standards where a state or local air pollution control authority has established emission standards and such standards are applicable to the incinerator; and

(l) Such other information as the department may specify as necessary to ensure that the trial burn will determine compliance with the performance standard of WAC 173-303-670(4), and to establish the operating conditions required by WAC 173-303-670(6).

(8) Certification. The applicant must submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all determinations required by subsection (7) of this section. This submission must be made within thirty days of the completion of the trial burn, or later if approved by the department.

(9) Submission of data. All data collected during any trial burn must be submitted to the department following the completion of the trial burn.

(10) Signatures required. All submissions required under this section must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application under WAC 173-303-810(12).

(11) Based on the results of the trial burn, the department will set the operating requirements in the final permit according to WAC 173-303-670(6). The permit modification ~~((shall))~~ will proceed according to WAC 173-303-830(4).

(12) Existing incinerators with interim status permits.

(a) The owner/operator of an existing incinerator currently operating under an interim status permit may, when required by the department (or when he chooses) to apply for a final facility permit, request the department to approve of a trial burn. The trial burn may be requested for the purposes of determining feasibility of compliance with the performance standards of WAC 173-303-670(4) and the operating conditions of WAC 173-303-670(6). If a trial burn is requested, the owner/operator must prepare and submit a trial burn plan and, upon approval by the department, perform a trial burn in accordance with subsections (2) through (10) of this section.

(b) If the department approves the trial burn, it will issue a notice of interim status modification granting such approval and specifying the conditions applicable to the trial burn. The notice of modification will be a condition of the interim status permit. Note: The national emission standards for hazardous air pollutants may require review for a notice of construction. Owners and operators should consult chapter 173-400 WAC or local air pollution control agency regulations for applicability.

(c) If the trial burn is approved before submitting a final facility permit application, the owner/operator must complete the trial burn and submit the information described in subsection (7) of this section, with Part B of the permit application. If completion of this process conflicts with the date set for submission of Part B of the final facility permit application, the owner/operator must contact the department to extend the date for submitting the Part B or the trial burn results. If the applicant submits a trial burn plan with Part B of the final facility permit application, the department will specify in the notice of interim status modification issued under (b) of this subsection, a time period for conducting the trial burn and submitting the results. Trial burn results must be submitted prior to the issuance of the permit.

(13) New incinerators and new wastes.

(a)(i) The owner/operator of a new incinerator may submit with Part B of a final facility permit application a request for approval of a trial burn. This request must include a statement of why the trial burn is desirable, and a trial burn plan prepared in accordance with subsection (2) of this section.

(ii) The department will proceed to issue a final facility permit in accordance with WAC 173-303-806. The permit will include the trial burn plan, and will establish operating conditions for the trial burn including but not limited to those described in WAC 173-303-670(6). The time period for conducting the trial burn and submitting the results will also be specified in the permit.

(iii) After the trial burn has been completed and the results submitted to the department, the final facility permit will be modified in accordance with WAC 173-303-830(4) to establish the final operating requirements and performance standards for the incinerator.

(b) The owner/operator of an incinerator with a final facility permit who wishes to burn new wastes not currently included in his permit may request approval of a trial burn for the new wastes. The request and approval will be handled in the same way as described in (a) of this subsection, except that in lieu of issuing an entirely new final facility permit the department will modify the existing final facility permit in accordance with WAC 173-303-830.

(14) For the purpose of determining feasibility of compliance with the performance standards of WAC 173-303-670(4) and of determining adequate operating conditions under WAC 173-303-670(6), the applicant for a permit for an existing dangerous waste incinerator must prepare and submit a trial burn plan and perform a trial burn in accordance with WAC 173-303-806 (4)(f) and subsections (2) through (5) and (7) through (10) of this section or, instead, submit other information as specified in WAC 173-303-806 (4)(f)(iii). The department must announce its intention to approve the trial burn plan in accordance with the timing and distribution requirements of subsection (6) of this section. The contents of the notice must include: The name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the department; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for department approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under WAC 173-303-806 (4)(f)(i) are exempt from compliance with WAC 173-303-670 (4) and (6) and, therefore, are exempt from the requirement to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in subsection (7) of this section, with Part B of the permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant must contact the department to establish a later date for submission of the Part B application or the trial burn results. Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with Part B of the permit application, the department will specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-810 General permit conditions. (1)

Purpose and applicability. This section sets forth the general permit conditions that are applicable to all permits, except interim status permits and permits by rule, to assure compliance with this chapter. If the conditions of this section are incorporated in a permit by reference, a specific citation to this section must be given in the permit.

(2) Duty to comply. The permittee must comply with all conditions of his permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee need not comply with the conditions of his permit to the extent and for the duration such noncompliance is authorized in an emergency permit.

(3) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after its expiration date, the permittee must apply for and obtain a new permit.

(4) Duty to halt or reduce activity. A permittee who has not complied with his permit, and who subsequently is subject to enforcement actions, may not argue that it would have been necessary to halt or reduce the permitted activities in order to maintain compliance with the conditions of the permit.

(5) Duty to mitigate. The permittee must take all steps required by the department to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(6) Proper operation and maintenance. The permittee must at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(7) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay any permit condition.

(8) Effect of a permit.

(a) Compliance with a final facility permit during its term constitutes compliance for the purpose of enforcement with chapter 173-303 WAC except for permit modifications and those requirements not included in the permit that:

(i) Become effective by statute;

(ii) Are adopted under 40 CFR Part 268 restricting the placement of dangerous waste in or on the land;

(iii) Are adopted under WAC 173-303-650 through 173-303-665 regarding leak detection systems for new and replacement surface impoundment, waste pile, and landfill units, and lateral expansions of surface impoundment, waste pile, and landfill units. The leak detection system require-

ments include double liners, CQA programs, monitoring, action leakage rates, and response action plans, and will be implemented through the procedures of WAC 173-303-830 Class ((*)¹) permit modifications; or

(iv) Are adopted under 40 CFR Subparts AA, BB, or CC which are incorporated by reference at WAC 173-303-400 (3)(a) limiting air emissions.

(b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.

(c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

(9) Duty to provide information. The permittee must furnish to the department, within a reasonable time, any information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with a permit. The permittee must also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) Inspection and entry. The permittee must allow representatives of the department, upon the presentation of proper credentials, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 173-303 WAC, any substances or parameters at any location.

(11) Monitoring and monitoring records.

(a) Reserve.

(b) Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

(c) The permittee must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, the certification required by WAC 173-303-380 (1)(q), and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time. ~~((The permittee must maintain records from all ground water monitoring wells and associated ground water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well.))~~

(d) Records of monitoring information must include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(e) The permittee must maintain records from all ground water monitoring wells and associated ground water surface elevations for the active life of the facility, and for disposal facilities for the post-closure period as well.

(12) Signatory requirement. All applications, reports, or information submitted to the department must be signed in accordance with this subsection and must be certified according to subsection (13) of this section.

(a) Applications. When a dangerous waste facility is owned by one person, but is operated by another person, then the operator will be the permit applicant and responsible for developing the permit application and all accompanying materials, except that the owner must also sign and certify the permit application. Permit applications must be signed as follows:

(i) For a corporation: By a responsible corporate officer. For the purposes of this subsection, a responsible corporate officer means:

(A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(B) The manager of one or more manufacturing, production or operating facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(ii) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(iii) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes:

(A) The chief executive officer of the agency; or

(B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(b) Reports. All reports required by permits and other information requested by the department must be signed by a person described in (a) of this subsection, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(i) The authorization is made in writing by a person described in (a) of this subsection;

(ii) The authorization specifies either an individual or a position having responsibility for overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

(iii) The written authorization is submitted to the department.

(c) Changes to authorization. If an authorization under (b) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the

requirements of (b) of this subsection must be submitted to the department prior to or together with any reports, information, or applications to be signed by an authorized representative.

(13) Certification.

(a) Except as provided in (b) of this subsection, any person signing the documents required under (a) or (b) of subsection (12) of this section must make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(b) When a dangerous waste facility is owned by one person, but is operated by another person, then the permit application must be certified as follows:

(i) The operator must make the certification described under (a) of this subsection; and

(ii) The owner must make the following certification:

"I certify under penalty of law that I own the real property described in, and am aware of the contents of, this permit application, and that I have received a copy of this application. As owner of the real property, I understand that I am responsible for complying with any requirements of chapter 173-303 WAC with which only I am able to comply, and that there are significant penalties for failure to comply with such requirements."

(14) Reporting. The following reports must be provided:

(a) Planned changes. The permittee must give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. For a new TSD facility and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the new or modified portion of the facility until:

(i) The permittee has submitted to the department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and either

(Note: In certifying construction or modification, the independent qualified registered professional engineer is responsible only for certifying those portions of the facility which are identified in chapter 173-303 WAC as specifically requiring certification by an independent registered professional engineer.)

(ii) The department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(iii) Within fifteen days of the date of submission of the letter, the permittee has not received notice from the department of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of dangerous waste.

(b) Anticipated noncompliance. The permittee must give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. For a new facility, the permittee may not treat, store, or dispose of dangerous waste; and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the modified portion of the facility except as provided in WAC 173-303-830(4).

(c) Transfers. The permit is not transferable to any person except after notice to the department. The department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

(d) Monitoring reports. Monitoring results (including monitoring of the facility's impacts as required by the applicable sections of this chapter) must be reported at the intervals specified elsewhere in the permit.

(e) Compliance schedules. Reports of permit compliance or noncompliance or any progress reports on interim and final permit requirements contained in any compliance schedule must be submitted no later than fourteen days following each scheduled date.

(f) Immediate reporting. The permittee must immediately report any noncompliance which may endanger health or the environment. Information must be provided orally to the department as soon as the permittee becomes aware of the circumstances. A written submission must also be provided within five days of the time the permittee becomes aware of the circumstances provided that the department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Information which must be reported immediately must include:

(i) Release of dangerous waste that may cause an endangerment to drinking water supplies or ground or surface waters;

(ii) Any information of a release or discharge of dangerous waste, fire, or explosion from the permitted facility which could threaten the environment or human health outside the facility;

(iii) The following description of any such occurrence:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

(g) Other noncompliance. The permittee must report all instances of noncompliance not reported under (d), (e), and

(f) of this subsection, at the time monitoring reports are submitted. The reports (~~(shall)~~) must contain the information listed in (f) of this subsection.

(h) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, he must promptly submit this information.

(i) Other reports. In addition, the following reports are required when appropriate:

(i) Manifest discrepancy report as required by WAC 173-303-370(~~((4))~~) (5);

(ii) Unmanifested waste report as required by WAC 173-303-390(1); and

(iii) Annual report as required by WAC 173-303-390(2).
(15) Confidentiality.

(a) Information submitted by the owner/operator of a facility identified as confidential will be treated in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(b) Proprietary information can be held confidential if:

(i) The processes are unique to the owner/operator's business or the owner/operator's competitive position may be adversely affected if the information is released to the public or to a competitor; and

(ii) The director determines that granting the owner/operator's request is not detrimental to the public interest and is in accord with the policies and purposes of chapter 43.21A RCW.

(c) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions. Claims of confidentiality for the name and address of any permit applicant will be denied.

(d) If a submitter does not provide substantiation, the department will notify the owner/operator by certified mail of the requirement to do so. If the department does not receive the substantiation within ten days after the submitter receives the notice, the department will place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidential information criteria.

(16) General permit conditions. Information repository. The director may require the permittee to establish and maintain an information repository at any time, based on the factors set forth in WAC 173-303-281 (~~((5))~~) (6)(b). The information repository will be governed by the provisions in WAC 173-303-281 (~~((5))~~) (6)(c) through (f).

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-815 Facility-specific permit conditions. (1) Requirements for recording and reporting of monitoring results.

All permits must specify:

(a) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate);

(b) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring;

(c) Applicable reporting requirements based upon the impact of the regulated activity and as specified in this chapter. Reporting must be no less frequent than specified in this chapter.

(2) Establishing permit conditions.

(a) In addition to conditions required in all permits (WAC 173-303-810 (1) through (14)), the director will establish conditions, as required on a case-by-case basis, in permits under WAC 173-303-806(11) (duration of permits), WAC 173-303-815(3) (Schedules of compliance), and WAC 173-303-815(1) (monitoring).

(b)(i) Each permit must include permit conditions necessary to achieve compliance with the Hazardous Waste Management Act chapter 70.105 RCW, this chapter and RCRA Subtitle C. In satisfying this provision, the director may incorporate applicable requirements of this chapter directly into the permit or establish other permit conditions that are based on this chapter.

(ii) Each permit issued under this chapter must contain terms and conditions as the director determines necessary to protect human health and the environment.

(iii) If, as the result of an assessment(s) or other information, the department or director determines that conditions are necessary in addition to those required under 40 CFR parts 63, subpart EEE, WAC 173-303-280 through 173-303-395, WAC 173-303-505, 173-303-510, 173-303-520, 173-303-525, 173-303-578, and 173-303-600 through 173-303-695 to ensure protection of human health and the environment, he or she must include those terms and conditions in a dangerous waste permit for a dangerous waste combustion unit.

(c) For a state-issued permit, an applicable requirement is a state statutory or regulatory requirement that takes effect prior to final administrative disposition of a permit. (Note: For a permit issued by EPA, an applicable requirement is a statutory or regulatory requirement (including any interim final regulation) which takes effect prior to the issuance of the permit (except as provided in 40 CFR Section 124.86(c) for RCRA permits being processed under Subpart E or F of part 124). 40 CFR Section 124.14 (reopening of comment period) provides a means for reopening EPA permit proceedings at the discretion of the director where new requirements become effective during the permitting process and are of sufficient magnitude to make additional proceedings desirable). For state and EPA administered programs, an applicable requirement is also any requirement that takes effect prior to the modification or revocation and reissuance of a permit, to the extent allowed in WAC 173-303-830(3).

~~((iv))~~ (d) New or reissued permits, and to the extent allowed under WAC 173-303-830(3), modified or revoked and reissued permits, must incorporate each of the applicable requirements referenced in this subsection and in ~~((WAC 173-303-810(11)))~~ subsection (1) of this section.

~~((v))~~ (e) Incorporation. All permit conditions must be incorporated either expressly or by reference. If incorporated by reference, a specific citation to the applicable regulations or requirements must be given in the permit.

(3) Schedules of compliance.

(a) The permit may, when appropriate, specify a schedule of compliance leading to compliance with this chapter.

(i) Time for compliance. Any schedules of compliance under this section require compliance as soon as possible.

(ii) Interim dates. Except as provided in (b)(i)(B) of this subsection, if a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule must set forth interim requirements and the dates for their achievement.

(A) The time between interim dates must not exceed one year.

(B) If the time necessary for completion of any interim requirement is more than one year and is not readily divisible into stages for completion, the permit must specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(iii) Reporting. The permit must be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee must notify the director in writing, of its compliance or noncompliance with the interim or final requirements.

(b) Alternative schedules of compliance. A dangerous waste permit applicant or permittee may cease conducting regulated activities (by receiving a terminal volume of hazardous waste and, for treatment and storage dangerous waste management facilities, closing pursuant to applicable requirements; and, for disposal dangerous waste management facilities, closing and conducting post-closure care pursuant to applicable requirements) rather than continue to operate and meet permit requirements as follows:

(i) If the permittee decides to cease conducting regulated activities at a given time within the term of a permit which has already been issued:

(A) The permit may be modified to contain a new or additional schedule leading to timely cessation of activities; or

(B) The permittee ~~((shall))~~ must cease conducting permitted activities before noncompliance with any interim or final compliance schedule requirement already specified in the permit.

(ii) If the decision to cease conducting regulated activities is made before issuance of a permit whose term will include the termination date, the permit ~~((shall))~~ will contain a schedule leading to termination which will ensure timely compliance with applicable requirements.

(iii) If the permittee is undecided whether to cease conducting regulated activities, the director may issue or modify a permit to contain two schedules as follows:

(A) Both schedules ~~((shall))~~ will contain an identical interim deadline requiring a final decision on whether to cease conducting regulated activities no later than a date which ensures sufficient time to comply with applicable requirements in a timely manner if the decision is to continue conducting regulated activities;

(B) One schedule ~~((shall))~~ will lead to timely compliance with applicable requirements;

(C) The second schedule ~~((shall))~~ will lead to cessation of regulated activities by a date which will ensure timely compliance with applicable requirements;

(D) Each permit containing two schedules ~~((shall))~~ will include a requirement that after the permittee has made a final decision under (b)(iii)(A) of this subsection it ~~((shall))~~ must follow the schedule leading to compliance if the decision is to continue conducting regulated activities, and follow the schedule leading to termination if the decision is to cease conducting regulated activities.

(iv) The applicant's or permittee's decision to cease conducting regulated activities ~~((shall))~~ must be evidenced by a firm public commitment satisfactory to the director, such as resolution of the board of directors of a corporation.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-830 Permit changes. (1) Purpose and applicability. This section describes the types of permit changes that may be made to all permits issued by the director. This section does not apply to permits by rule or interim status permits.

(2) Transfer of permits.

(a) A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under (b) of this subsection or subsection (3) of this section) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate act.

(b) Changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of the director in accordance with subsection (4) of this section. The new owner or operator must submit a revised permit application no later than ninety days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the director. When a transfer of ownership or operational control occurs, the old owner or operator must comply with the requirements of WAC 173-303-620 (Financial requirements) until the new owner or operator has demonstrated that he or she is complying with the financial requirements. The new owner or operator must demonstrate compliance with the financial requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the director by the new owner or operator of compliance with the financial requirements, the director will notify the old owner or operator that he or she no longer needs to comply with the financial requirements as of the date of demonstration.

(3) Modification or revocation and reissuance of permits. When the director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for revocation and reissuance, or conducts a review of the permit file), the director may determine whether or not one or more of the causes listed in (a) and (b) of this subsection for modification or revocation and reissuance or both exist. If cause exists, the director may modify or revoke and reissue the per-

mit accordingly, subject to the limitations of (c) of this subsection, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. All other aspects of the existing permit remain in effect for the duration of the unmodified permit. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. During any revocation and reissuance proceeding, the permittee must comply with all conditions of the existing permit until a new final permit is reissued. If cause does not exist under this subsection, the director will not modify or revoke and reissue the permit, except on request of the permittee. If a permit modification is requested by the permittee, the director will approve or deny the request according to the procedures of subsection (4) of this section. Otherwise, a draft permit must be prepared and public review provided in accordance with WAC 173-303-840.

(a) Causes for modification. The following are causes for modification, but not revocation and reissuance, of permits; the following may be causes for revocation and reissuance, as well as modification, when the permittee requests or agrees:

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(ii) Information. Permits may be modified during their terms if the director receives information that was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance;

(iii) New statutory requirements or regulations. The standards or regulations on which the permit was based have been changed by statute, through adoption of new or amended standards or regulations or by judicial decision after the permit was issued.

(iv) Compliance schedules. The director determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy;

(v) Notwithstanding any other provision in this section, when a permit for a land disposal facility is reviewed by the director under 173-303-806 (11)(d), the director will modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in this chapter.

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or alternatively, revoke and reissue a permit:

(i) Cause exists for termination under WAC 173-303-830(5) for final facility permits, and the director determines that modification or revocation and reissuance is appropriate; or

(ii) The director has received notification of a proposed transfer of the permit.

(c) Reserve.

(4) Permit modification at the request of the permittee.

(a) Class 1 modifications.

(i) Except as provided in (a)(ii) of this subsection, the permittee may put into effect Class 1 modifications listed in Appendix I of this section under the following conditions:

(A) The permittee must notify the director concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by WAC 173-303-805, 173-303-806, 173-303-807, and 173-303-808.

(B) The permittee must send a notice of the modification to all persons on the facility mailing list, maintained by the director in accordance with WAC 173-303-840 (3)(e)(i)(D), and the appropriate units of state and local government, as specified in WAC 173-303-840 (3)(e)(i)(E). This notification must be made within ninety calendar days after the change is put into effect. For the Class 1 modifications that require prior director approval, the notification must be made within ninety calendar days after the director approves the request.

(C) Any person may request the director to review, and the director may for cause reject, any Class 1 modification. The director must inform the permittee by certified mail that a Class 1 modification has been rejected, explaining the reasons for the rejection. If a Class 1 modification has been rejected, the permittee must comply with the original permit conditions.

(ii) Class 1 permit modifications identified in Appendix I by ~~((an asterisk))~~ ¹¹ may be made only with the prior written approval of the director.

(iii) For a Class 1 permit modification, the permittee may elect to follow the procedures in (b) of this subsection for Class 2 modifications instead of the Class 1 procedures. The permittee must inform the director of this decision in the notice required in (b)(i) of this subsection.

(b) Class 2 modifications.

(i) For Class 2 modifications, listed in Appendix I of this section, the permittee must submit a modification request to the director that:

(A) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) Identifies that the modification is a Class 2 modification;

(C) Explains why the modification is needed; and

(D) Provides the applicable information required by WAC 173-303-805, 173-303-806, 173-303-807, and 173-303-808.

(ii) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the director and to the appropriate units of state and local government as specified in WAC 173-303-840 (3)(e)(i)(E) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the director evidence of the mailing and publication. The notice must include:

(A) Announcement of a sixty-day comment period, in accordance with (b)(v) of this subsection, and the name and address of a departmental contact to whom comments must be sent;

(B) Announcement of the date, time, and place for a public meeting held in accordance with (b)(iv) of this subsection;

(C) Name and telephone number of the permittee's contact person;

(D) Name and telephone number of a departmental contact person;

(E) Location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the department of ecology contact person."

(iii) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(iv) The permittee must hold a public meeting no earlier than fifteen days after the publication of the notice required in (b)(ii) of this subsection and no later than fifteen days before the close of the sixty-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(v) The public will be provided sixty days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the department of ecology contact identified in the public notice.

(vi)(A) No later than ninety days after receipt of the notification request, the director must:

(I) Approve the modification request, with or without changes, and modify the permit accordingly;

(II) Deny the request;

(III) Determine that the modification request must follow the procedures in (c) of this subsection for Class 3 modifications for the following reasons:

(AA) There is significant public concern about the proposed modification; or

(BB) The complex nature of the change requires the more extensive procedures of Class 3;

(IV) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty days; or

(V) Notify the permittee that he or she will decide on the request within the next thirty days.

(B) If the director notifies the permittee of a thirty-day extension for a decision, the director must, no later than one hundred twenty days after receipt of the modification request:

(I) Approve the modification request, with or without changes, and modify the permit accordingly;

(II) Deny the request; or

(III) Determine that the modification request must follow the procedures in (c) of this subsection for Class 3 modifications for the following reasons:

(AA) There is significant public concern about the proposed modification; or

(BB) The complex nature of the change requires the more extensive procedures of Class 3.

(IV) Approve the request, with or without changes, as a temporary authorization having a term of up to one hundred eighty days.

(C) If the director fails to make one of the decisions specified in (b)(vi)(B) of this subsection by the one hundred twentieth day after receipt of the modification request, the permittee is automatically authorized to conduct the activities described in the modification request for up to one hundred eighty days, without formal departmental action. The authorized activities must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 40 CFR Part 265 (as referenced by WAC 173-303-400). If the director approves, with or without changes, or denies the modification request during the term of the temporary or automatic authorization provided for in (b)(vi)(A), (B), or (C) of this subsection, such action cancels the temporary or automatic authorization.

(D)(I) In the case of an automatic authorization under (b)(vi)(C) of this subsection, or a temporary authorization under (b)(vi)(A)(IV) or (B)(IV) of this subsection, if the director has not made a final approval or denial of the modification request by the date fifty days prior to the end of the temporary or automatic authorization, the permittee must within seven days of that time send a notification to persons on the facility mailing list, and make a reasonable effort to notify other persons who submitted written comments on the modification request, that:

(AA) The permittee has been authorized temporarily to conduct the activities described in the permit modification request; and

(BB) Unless the director acts to give final approval or denial of the request by the end of the authorization period, the permittee will receive authorization to conduct such activities for the life of the permit.

(II) If the owner/operator fails to notify the public by the date specified in (b)(vi)(D)(I) of this subsection, the effective date of the permanent authorization will be deferred until fifty days after the owner/operator notifies the public.

(E) Except as provided in (b)(vi)(G) of this subsection, if the director does not finally approve or deny a modification request before the end of the automatic or temporary authorization period or reclassify the modification as a Class 3, the permittee is authorized to conduct the activities described in the permit modification request for the life of the permit unless modified later under subsection (3) or (4) of this section. The activities authorized under this subsection (b)(vi)(E) must be conducted as described in the permit modification request and must be in compliance with all appropriate standards of 40 CFR Part 265 (as referenced by WAC 173-303-400).

(F) In making a decision to approve or deny a modification request, including a decision to issue a temporary authorization or to reclassify a modification as a Class 3, the director must consider all written comments submitted during the public comment period and must respond in writing to all significant comments in his or her decision.

(G) With the written consent of the permittee, the director may extend indefinitely or for a specified period the time

periods for final approval or denial of a modification request or for reclassifying a modification as a Class 3.

(vii) The director may deny or change the terms of a Class 2 permit modification request under (b)(~~(6)~~)(i) through (iii) of this subsection for the following reasons:

(A) The modification request is incomplete;

(B) The requested modification does not comply with the appropriate requirements of WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680 or other applicable requirements; or

(C) The conditions of the modification fail to protect human health and the environment.

(viii) The permittee may perform any construction associated with a Class 2 permit modification request beginning sixty days after the submission of the request unless the director establishes a later date for commencing construction and informs the permittee in writing before day sixty.

(c) Class 3 modifications.

(i) For Class 3 modifications listed in Appendix I of this section, the permittee must submit a modification request to the director that:

(A) Describes the exact change to be made to the permit conditions and supporting documents referenced by the permit;

(B) Identifies that the modification is a Class 3 modification;

(C) Explains why the modification is needed; and

(D) Provides the applicable information required by WAC 173-303-805, 173-303-806, 173-303-807, and 173-303-808.

(ii) The permittee must send a notice of the modification request to all persons on the facility mailing list maintained by the director and to the appropriate units of state and local government as specified in WAC 173-303-840 (3)(e)(i)(D) and must publish this notice in a major local newspaper of general circulation. This notice must be mailed and published within seven days before or after the date of submission of the modification request, and the permittee must provide to the director evidence of the mailing and publication. The notice must include:

(A) Announcement of a sixty-day comment period, and a name and address of an agency contact to whom comments must be sent;

(B) Announcement of the date, time, and place for a public meeting on the modification request, in accordance with (c)(4) of this subsection;

(C) Name and telephone number of the permittee's contact person;

(D) Name and telephone number of a departmental contact person;

(E) Location where copies of the modification request and any supporting documents can be viewed and copied; and

(F) The following statement: "The permittee's compliance history during the life of the permit being modified is available from the department of ecology contact person."

(iii) The permittee must place a copy of the permit modification request and supporting documents in a location accessible to the public in the vicinity of the permitted facility.

(iv) The permittee must hold a public meeting no earlier than fifteen days after the publication of the notice required in (c)(ii) of this subsection and no later than fifteen days before the close of the sixty-day comment period. The meeting must be held to the extent practicable in the vicinity of the permitted facility.

(v) The public will be provided at least sixty days to comment on the modification request. The comment period will begin on the date the permittee publishes the notice in the local newspaper. Comments should be submitted to the department of ecology contact identified in the notice.

(vi) After the conclusion of the sixty-day comment period, the director must grant or deny the permit modification request according to the permit modification procedures of WAC 173-303-840. In addition, the director must consider and respond to all significant written comments received during the sixty-day comment period.

(d) Other modifications.

(i) In the case of modifications not explicitly listed in Appendix I of this section, the permittee may submit a Class 3 modification request to the department, or he or she may request a determination by the director that the modification should be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, he or she must provide the department with the necessary information to support the requested classification.

(ii) The director will make the determination described in (d)(i) of this subsection as promptly as practicable. In determining the appropriate class for a specific modification, the director will consider the similarity of the modification to other modifications codified in Appendix I and the following criteria:

(A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the director may require prior approval.

(B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to:

(I) Common variations in the types and quantities of the wastes managed under the facility permit;

(II) Technological advancements; and

(III) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

(C) Class 3 modifications substantially alter the facility or its operation.

(e) Temporary authorizations.

(i) Upon request of the permittee, the director may, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations must have a term of not more than one hundred eighty days.

(ii)(A) The permittee may request a temporary authorization for:

(I) Any Class 2 modification meeting the criteria in (e)(iii)(B) of this subsection; and

(II) Any Class 3 modification that meets the criteria in (e)(iii)(B)(I) or (II) of this subsection; or that meets the criteria in (e)(iii)(B)(III) through (V) of this subsection and provides improved management or treatment of a dangerous waste already listed in the facility permit.

(B) The temporary authorization request must include:

(I) A description of the activities to be conducted under the temporary authorization;

(II) An explanation of why the temporary authorization is necessary; and

(III) Sufficient information to ensure compliance with the standards in WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680.

(C) The permittee must send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the director and to appropriate units of state and local governments as specified in WAC 173-303-840 (3)(e)(i)(D). This notification must be made within seven days of submission of the authorization request.

(iii) The director will approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the director must find:

(A) The authorized activities are in compliance with the standards of WAC 173-303-280 through 173-303-395 and 173-303-600 through 173-303-680.

(B) The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:

(I) To facilitate timely implementation of closure or corrective action activities;

(II) To allow treatment or storage in tanks, containers, or in containment buildings in accordance with 40 CFR Part 268;

(III) To prevent disruption of ongoing waste management activities;

(IV) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or

(V) To facilitate other changes to protect human health and the environment.

(iv) A temporary authorization may be reissued for one additional term of up to one hundred eighty days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

(A) The reissued temporary authorization constitutes the director's decision on a Class 2 permit modification in accordance with (b)(vi)(A)(IV) or (B)(IV) of this subsection; or

(B) The director determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of (c) of this subsection are conducted.

(f) Public notice and appeals of permit modification decisions.

(i) The director will notify persons on the facility mailing list and appropriate units of state and local government within ten days of any decision under this section to grant or

deny a Class 2 or 3 permit modification request. The director will also notify such persons within ten days after an automatic authorization for a Class 2 modification goes into effect under (b)(vi)(C) or (E) of this subsection.

(ii) The director's decision to grant or deny a Class 2 or 3 permit modification request under this section may be appealed under the permit appeal procedures of WAC 173-303-845.

(iii) An automatic authorization that goes into effect under (b)(vi)(C) or (E) of this subsection may be appealed under the permit appeal procedures of WAC 173-303-845; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the appeal has been granted pursuant to WAC 173-303-845, notwithstanding the provisions of WAC 173-303-840 (8)(b).

(g) Newly regulated wastes and units.

(i) The permittee is authorized to continue to manage wastes listed or identified as dangerous under WAC 173-303-070, or to continue to manage dangerous waste in units newly regulated as dangerous waste management units, if:

(A) The unit was in existence as a dangerous waste facility with respect to the newly listed or identified waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;

(B) The permittee submits a Class 1 modification request on or before the date on which the waste or unit becomes subject to the new requirements;

(C) The permittee is in compliance with the applicable standards of 40 CFR Part 265 (as referenced in WAC 173-303-400) and Part 266 (as referenced in WAC 173-303-510);

(D) The permittee also submits a complete Class 2 or 3 permit modification request within one hundred eighty days of the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under this chapter; and

(E) In the case of land disposal units, the permittee certifies that each such unit is in compliance with all applicable requirements of 40 CFR Part 265 for ground water monitoring and financial responsibility (as referenced in WAC 173-303-400) on the date twelve months after the effective date of the rule identifying or listing the waste as dangerous, or regulating the unit as a dangerous waste management unit. If the owner or operator fails to certify compliance with all these requirements, he or she will lose authority to operate under this section.

(ii) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the twenty-five percent capacity expansion limit for Class 2 modifications.

(h) Military dangerous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if:

(i) The facility was in existence as a dangerous waste facility, and the facility was already permitted to handle the waste military munitions, on the date when the waste military munitions became subject to dangerous waste regulatory requirements;

(ii) On or before the date when the waste military munitions become subject to dangerous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

(iii) The permittee submits a complete Class 2 modification request within one hundred eighty days of the date when the waste military munitions became subject to dangerous waste regulatory requirements.

(i) Permit modification list. The director must maintain a list of all approved permit modifications and must publish a notice once a year in a statewide newspaper that an updated list is available for review.

(j) Combustion facility changes to meet 40 CFR part 63 MACT standards. (Note that 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). If you are subject to Part 63, you must get an air permit from ecology or the local air authority.) The following procedures apply to hazardous waste combustion facility permit modifications requested under Appendix I of this section, section L.9.

(i) Facility owners or operators must have complied with the Notification of Intent to Comply requirements of 40 CFR 63.1210 that were in effect prior to October 11, 2000 (see 40 CFR Part 63 sections 63.1200 - 63.1499 revised as of July 1, 2000) in order to request a permit modification under this section for the purpose of technology changes needed to meet the standards under 40 CFR 63.1203, 63.1204, and 63.1205.

(ii) Facility owners or operators must comply with the Notification of Intent to Comply (NIC) requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under this subsection for the purpose of technology changes needed to meet the 40 CFR 63.1215, 63.1216, 63.1217, 63.1218, 63.1219, 63.1220, and 63.1221 standards promulgated on October 12, 2005.

(iii) If the department does not approve or deny the request within ninety days of receiving it, the request will be deemed approved. The director may extend this ninety-day deadline one time for up to thirty days by notifying the facility owner or operator.

(k) Waiver of dangerous waste permit conditions in support of transition to the 40 CFR part 63 MACT standards. (Note that 40 CFR part 63 subpart EEE is incorporated by reference at WAC 173-400-075 (5)(a). If you are subject to Part 63, you must get an air permit from ecology or the local air authority.)

(i) You may request to have specific Hazardous Waste Management Act and dangerous waste regulation operating and emissions limits waived by submitting a Class 1 permit modification request under Appendix I of this section, section L(10). You must:

(A) Identify the specific dangerous waste permit operating and emissions limits which you are requesting to waive;

(B) Provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the dangerous waste permit and MACT compliance; and

(C) Discuss how the revised provisions will be sufficiently protective.

(D) The department will approve or deny the request within thirty days of receipt of the request. The department

may, at its discretion, extend this thirty-day deadline one time for up to thirty days by notifying the facility owner or operator.

(ii) To request this modification in conjunction with MACT performance testing where permit limits may only be waived during actual test events and pretesting, as defined under 40 CFR 63.1207 (h)(2)(i) and (ii), for an aggregate time not to exceed seven hundred twenty hours of operation (renewable at the discretion of the department) you must:

(A) Submit your modification request to the director at the same time you submit your test plans to the department; and

(B) The department may elect to approve or deny the request contingent upon approval of the test plans.

APPENDIX I

Modifications	Class
A. General Permit Provisions	
1. Administrative and informational changes	1
2. Correction of typographical errors	1
3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls)	1
4. Changes in the frequency of or procedures for monitoring, reporting, sampling, or maintenance activities by the permittee:	
a. To provide for more frequent monitoring, reporting, sampling, or maintenance	1
b. Other changes	2
5. Schedule of compliance:	
a. Changes in interim compliance dates, with prior approval of the director	1
b. Extension of final compliance date	3
6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the director	1
7. Changes in ownership or operational control of a facility, provided the procedures of subsection (2)(b) of this section are followed	1
8. Changes to remove permit conditions that are no longer applicable (i.e., because the standards upon which they are based are no longer applicable to the facility)	1
B. General Facility Standards	
1. Changes to waste sampling or analysis methods:	
a. To conform with agency guidance or regulations	1
b. To incorporate changes associated with F039 (multisource leachate) sampling or analysis methods	1
c. To incorporate changes associated with underlying dangerous constituents in ignitable or corrosive wastes	1

Modifications	Class	3. Changes in statistical procedure for determining whether a statistically significant change in ground water quality between upgradient and downgradient wells has occurred, with prior approval of the director	11
d. Other changes	2	4. Changes in point of compliance	((+)2
2. Changes to analytical quality assurance/control plan:		5. Changes in indicator parameters, hazardous constituents, or concentration limits (including ACLs):	
a. To conform with agency guidance or regulations	1	a. As specified in the ground water protection standard	3
b. Other changes	2	b. As specified in the detection monitoring program	2
3. Changes in procedures for maintaining the operating record	1	6. Changes to a detection monitoring program as required by WAC 173-303-645 (9)(h), unless otherwise specified in this appendix	2
4. Changes in frequency or content of inspection schedules	2	7. Compliance monitoring program:	
5. Changes in the training plan:		a. Addition of compliance monitoring program as required by WAC 173-303-645 (9)(g)(iv) and (10)	3
a. That affect the type or decrease the amount of training given to employees	2	b. Changes to a compliance monitoring program as required by WAC 173-303-645 (10)(j), unless otherwise specified in this appendix	2
b. Other changes	1	8. Corrective action program:	
6. Contingency plan:		a. Addition of a corrective action program as required by WAC 173-303-645 (10)((+)) (h)(ii) and (11)	3
a. Changes in emergency procedures (i.e., spill or release response procedures)	2	b. Changes to a corrective action program as required by WAC 173-303-645 (11)(h), unless otherwise specified in this appendix	2
b. Replacement with functionally equivalent equipment, upgrade, or relocate emergency equipment listed	1	D. Closure	
c. Removal of equipment from emergency equipment list	2	1. Changes to the closure plan:	
d. Changes in name, address, or phone number of coordinators or other persons or agencies identified in the plan	1	a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the director	11
7. Construction quality assurance plan:		b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility, or extension of the closure period, with prior approval of the director	11
a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specification	1	c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the director	11
b. Other changes	2	d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the director	11
Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change will be reviewed under the same procedures as the permit modification.		e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this appendix	2
C. Ground Water Protection			
1. Changes to wells:			
a. Changes in the number, location, depth, or design of upgradient or downgradient wells of permitted ground water monitoring system	2		
b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well	1		
2. Changes in ground water sampling or analysis procedures or monitoring schedule, with prior approval of the director	11		

f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive nondangerous wastes after final receipt of dangerous wastes under WAC 173-303-610 (4)(d) and (e) 2

2. Creation of a new landfill unit as part of closure 3

3. Addition of the following new units to be used temporarily for closure activities:

 a. Surface impoundments 3

 b. Incinerators 3

 c. Waste piles that do not comply with WAC 173-303-660 (1)(c) 3

 d. Waste piles that comply with WAC 173-303-660 (1)(c) 2

 e. Tanks or containers (other than specified below) 2

 f. Tanks used for neutralization, dewatering, phase separation, or component separation, with prior approval of the director 1

 g. Staging piles 2

E. Post-Closure

 1. Changes in name, address, or phone number of contact in post-closure plan 1

 2. Extension of post-closure care period 2

 3. Reduction in the post-closure care period 3

 4. Changes to the expected year of final closure, where other permit conditions are not changed 1

 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure 2

F. Containers

 1. Modification or addition of container units:

 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F (1)(c) and F (4)(a) below 3

 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F (1)(c) and F (4)(a) below 2

 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of the director. This modification may also involve addition of new waste codes or narrative descriptions of wastes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

2((=)) .

 a. Modification of a container unit without increasing the capacity of the unit 2

 b. Addition of a roof to a container unit without alteration of the containment system 1

 3. Storage of different wastes in containers:

 a. That require additional or different management practices from those authorized in the permit, except as provided in F(4) below 3

 b. That do not require additional or different management practices from those authorized in the permit 2

 Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

 4. Storage or treatment of different wastes in containers:

 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

 b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

G. Tanks

 1((=)) .

 a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in G (1)(c), G (1)(d), and G (1)(e) below 3

 b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in G (1)(d) and G (1)(e) below 2

 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: Neutralization, dewatering, phase separation, or component separation 2

d. After prior approval of the director, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: Neutralization, dewatering, phase separation, or component separation 11

e. Modification or addition of tank units or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), with prior approval of the director. This modification may also involve addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11

2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit 2

3. Replacement of a tank with a tank that meets the same design standards and has a capacity within +/- 10% of the replaced tank provided 1

-The capacity difference is no more than 1500 gallons,

-The facility's permitted tank capacity is not increased, and

-The replacement tank meets the same conditions in the permit.

4. Modification of a tank management practice 2

5. Management of different wastes in tanks:
a. That require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process from that authorized in the permit, except as provided in G (5)(c) below 3

b. That do not require additional or different management practices, tank design, different fire protection specifications, or significantly different tank treatment process than authorized in the permit, except as provided in G (5)(d) 2

c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii). The modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 11

(d) That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received waste of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity 3

2. Replacement of a surface impoundment unit 3

3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system 2

4. Modification of a surface impoundment management practice 2

5. Treatment, storage, or disposal of different wastes in surface impoundments:

a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit 3

b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit 2

c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2), and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

- 6. Modifications of unconstructed units to comply with WAC 173-303-650 (2)(j), (10), (11), and (4)(d) 11 ((#))
- 7. Changes in response action plan:
 - a. Increase in action leakage rate 3
 - b. Change in a specific response reducing its frequency or effectiveness 3
 - c. Other changes 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

I. Enclosed Waste Piles. For all waste piles except those complying with WAC 173-303-660 (1)(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with WAC 173-303-660 (1)(c).

- 1. Modification or addition of waste pile units:
 - a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity 3
 - b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity 2
- 2. Modification of waste pile unit without increasing the capacity of the unit 2
- 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit 1
- 4. Modification of a waste pile management practice 2
- 5. Storage or treatment of different wastes in waste piles:
 - a. That require additional or different management practices or different design of the unit 3
 - b. That do not require additional or different management practices or different design of the unit 2
- 6. Conversion of an enclosed waste pile to a containment building unit 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

- 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity ... 3
- 2. Replacement of a landfill 3
- 3. Addition or modification of a liner, leachate collection system, leachate detection system, runoff control, or final cover system 3
- 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system 2
- 5. Modification of a landfill management practice 2

- 6. Landfill different wastes:
 - a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system 3
 - b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system 2
 - c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8 (a)(2)(ii), and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

- d. That are residues from wastewater treatment or incineration, provided that disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5 (h)(2), and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, 021, 022, 023, 026, 027, and 028) 1

- 7. Modifications of unconstructed units to comply with WAC 173-303-660 (2)(j), (11), (12), (5)(c), 173-303-665 (2)(h), (8), (4)(c), and (9) 11 ((#))

- 8. Changes in response action plan:
 - a. Increase in action leakage rate 3
 - b. Change in a specific response reducing its frequency or effectiveness. 3
 - c. Other changes 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

- 1. Lateral expansion of or other modification of a land treatment unit to increase areal extent 3
- 2. Modification of run-on control system 2
- 3. Modify runoff control system 3
- 4. Other modifications of land treatment unit component specifications or standards required in permit 2
- 5. Management of different wastes in land treatment units:
 - a. That require a change in permit operating conditions or unit design specifications 3
 - b. That do not require a change in permit operating conditions or unit design specifications 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

- 6. Modification of a land treatment unit management practice to:
 - a. Increase rate or change method of waste application 3
 - b. Decrease rate of waste application 2
- 7. Modification of a land treatment unit management practice to change measures of pH or moisture content, or to enhance microbial or chemical reactions 2
- 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops, or to modify operating plans for distribution of animal feeds resulting from such crops 3
- 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to WAC 173-303-655 (6)(g)(ii) 3
- 10. Changes in the unsaturated zone monitoring system, resulting in a change to the location, depth, number of sampling points, or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements 3
- 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, or that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements 2
- 12. Changes in background values for hazardous constituents in soil and soil-pore liquid 2
- 13. Changes in sampling, analysis, or statistical procedure 2
- 14. Changes in land treatment demonstration program prior to or during the demonstration 2
- 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the director's prior approval has been received 2
- 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the director 2
- 17. Changes to allow a second land treatment demonstration to be conducted when the results of the

- first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration 3
- 18. Changes in vegetative cover requirements for closure 2
- L. Incinerators, Boilers, and Industrial Furnaces
 - 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
 - 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 2
 - 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/C1₂, metals, or particulate from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3
 - 4. Modification of an incinerator, boiler, or industrial furnace unit in a manner that would not likely affect the capability of the unit to meet the regulatory performance standards but which would change the operating conditions or monitoring requirements specified in the permit. The director may require a new trial burn to demonstrate compliance with the regulatory performance standards 2
 - 5. Operating requirements:
 - a. Modification of the limits specified in the permit for minimum or maximum combustion gas temperature, minimum combustion gas residence time, oxygen concentration in the secondary combustion chamber flue gas carbon monoxide and hydrocarbon concentration, maximum temperature at the inlet to the particulate matter emission control system, or

operating parameters for the air pollution control system. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3

b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls 3

c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit 2

6. Burning different wastes:

a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit. The director will require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means 3

b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit 2

Note: See (g) of this subsection for modification procedures to be used for the management of newly listed or identified wastes.

7. Shakedown and trial burn:

a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period, or the period immediately following the trial burn 2

b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the director 1

c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the director 1

d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the director 1

8. Substitution of an alternate type of nondangerous fuel that is not specified in the permit 1

9. Technology changes needed to meet standards under 40 CFR part 63 (subpart EEE-National Emission Standards for Hazardous Air Pollutants from

Hazardous Waste Combustors), that are incorporated by reference at WAC 173-400-075 (5)(a) provided the procedures of WAC 173-303-830 (4)(j) are followed 1

10. Changes to dangerous waste permit provisions needed to support transition to 40 CFR part 63 (Subpart EEE-National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors) provided the procedures of (4)(k) of this section are followed 1

M. Containment Buildings

1. Modification or addition of containment building units:

a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity. 3

b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity. 2

2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit. 2

3. Replacement of a containment building with a containment building that meets the same design standards provided:

a. The unit capacity is not increased. 1

b. The replacement containment building meets the same conditions in the permit. 1

4. Modification of a containment building management practice. 2

5. Storage or treatment of different wastes in containment buildings:

a. That require additional or different management practices. 3

b. That do not require additional or different management practices. 2

N. Corrective Action

1. Approval of a corrective action management unit pursuant to WAC 173-303-64640, 173-303-64650, 173-303-64660, and 173-303-64670 3

2. Approval of a temporary unit or time extension for a temporary unit pursuant to WAC 173-303-64680 2

3. Approval of a staging pile or staging pile operating term extension 2

4. Modification to incorporate a corrective action order issued pursuant to MTCA 3

5. Modification or amendment of a corrective action order issued pursuant to MTCA when the MTCA public participation requirements are met and order has already been incorporated by reference into the permit 1

¹Class 1 modifications requiring prior Agency approval

(5) Permit termination. The director will follow the applicable procedures in WAC 173-303-840, procedures for decision making, in terminating any permit. The following are causes for terminating a permit during its term or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers public health or the environment and can only be regulated to acceptable levels by permit modification or termination.

AMENDATORY SECTION (Amending Order 94-30, filed 10/19/95, effective 11/19/95)

WAC 173-303-902 Citizen/proponent negotiations.

(1) Intent and purpose. Successful siting of dangerous waste management facilities depends on public confidence, which requires affected communities to have opportunities to meet with owners/operators of proposed dangerous waste management facilities to resolve concerns about such facilities. RCW 70.105.260 authorizes the department to specify a procedure for conflict resolution activities for dangerous waste management facility proponents, host communities, citizens and citizen groups, and to expend funds to support such activities. The purpose of this section is to set forth a procedure for negotiations between affected communities and the proponent of a facility, and the eligibility criteria for financial assistance.

(2) Applicability.

(a) This section applies to local governments and citizens potentially affected by the siting and permitting of a dangerous waste management facility, owners and operators of proposed facilities, and owners and operators of facilities for which interim or final status permit applications have been submitted to the department prior to the effective date of this section. This section also applies to existing facilities with interim or final status for which the department receives an application for expansion. This section only applies to the expanded portion of the existing facility.

(b) A modified citizen/proponent negotiations (CPN) process will apply to lead local governments who are also proponents of the facility.

(c) This section does not apply to:

(i) ~~Owners/operators of facilities or portions of facilities applying for research, development and demonstration permits, pursuant to WAC 173-303-809 or section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65((--In addition, this section does not apply to mobile facilities for on-site cleanup at treatment, storage, or disposal facilities undergoing closure, facilities operating under an emergency permit pursuant to WAC 173-303-804, or facilities for on-site cleanup of sites under the Comprehensive Environmental Response, Compensation, and Liability Act, or chapters 70.105, 90.48 RCW, and The Model Toxics Control Act.))~~

~~(ii) Owners/operators of facilities operating under an emergency permit pursuant to WAC 173-303-804;~~

~~(iii) Persons at facilities conducting on-site cleanup of sites under the Comprehensive Environmental Response Compensation and Liability Act, Sections 3004(u), 3004(v), and 3008(h) of the Resource Conservation and Recovery Act, chapter 70.105 RCW, or chapter 70.105D RCW, provided the cleanup activities are being conducted under a consent decree, agreed order, or enforcement order, or is being conducted by the department or United States Environmental Protection Agency;~~

~~(iv) Persons managing solid wastes who become subject to dangerous waste regulations through amendments to this chapter. This provision applies only to those activities operated in accordance with local, state, and federal requirements and which were being conducted prior to becoming subject to dangerous waste regulations, chapter 173-303 WAC or expansions, if it can be demonstrated to the satisfaction of the department that the proposed expansion of such activities will provide a net increase in protection to human health and the environment beyond that which is currently provided at the facility;~~

~~(v) Owners/operators of facilities who seek to obtain a dangerous waste permit for waste storage and satisfy all of the following:~~

~~(A) The facility recycles dangerous waste in a process that is exempt from dangerous waste permitting.~~

~~(B) Waste storage is used strictly to support the exempt recycling.~~

~~(C) Waste storage is in tanks, containers, or a containment building.~~

~~(D) Waste storage is indoors; or~~

~~(vi) Owners/operators of existing designated zone facilities as defined in this section seeking a significant expansion.~~

(3) Relationship to other legislation and administrative rules.

(a) The lead local government receiving a grant under this section, must comply fully with all applicable federal, state, and local laws, orders, regulations, and permits.

(b) Nothing in this section will influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to dangerous waste management and disposal.

(c) All grants under this section will be subject to all existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

(4) Definitions. As used in this section:

(a) "Citizen/proponent negotiations (CPN)" means a communication process, as specified in these regulations and associated guidelines, between the proponent of a dangerous waste management facility and potentially affected citizens, to reach an agreement when there are shared and opposing interests.

(b) "Designated zone facility" means any facility that requires an interim or final status permit, located in a land use zone designated for handling hazardous substances and hazardous waste, and is not a preempted facility as defined in this section.

(c) "Environmental impact statement (EIS)" means an environmental document prepared according to the State

Environmental Policy Act (SEPA), that provides decision makers and the public with an impartial discussion of probable significant environmental impacts, reasonable alternatives, and mitigation measures that would avoid impacts, minimize adverse impacts, or enhance environmental quality.

(d) "Existing facility," as defined by WAC 173-303-281, means a facility for which an interim or final status permit has been issued by the department pursuant to WAC 173-303-805 or 173-303-806.

(e) "Expansion," as defined by WAC 173-303-281, means the enlargement of the land surface area of an existing facility from that described in an interim status permit, the addition of a new dangerous waste management process, or an increase in the overall design capacity of existing dangerous waste management processes at a facility. However, a process or equipment change within the existing handling code (not to include "other") as defined under WAC 173-303-380 (2)(d) will not be considered a new dangerous waste management process.

(f) "Facilitator" means one who assists at a meeting or group discussion.

(g) "Grant applicant" means the lead local government requesting a citizen/proponent negotiations grant.

(h) "Lead local government" means the city or county in which all or a majority of the proposed dangerous waste management facility would be located, unless the lead local government is a proponent of the project.

(i) "Local negotiating committee" means a committee, appointed by the lead local government, whose membership consists of broad representation from city and county government, citizen groups, academia, business, industry, Indian tribes, and environmental groups potentially affected by the siting of a dangerous waste management facility.

(j) "Mediator" means a neutral person who is accepted voluntarily by opposing parties in a dispute to assist in reaching a settlement.

(k) "Notice of intent," as specified in WAC 173-303-281, means the notice provided by the owner/operator of a facility to the department, local communities, and the public stating that the siting of a dangerous waste management facility, or the expansion of an existing facility, is being considered.

(l) "Neutral convener" means a nonpartisan person hired by the lead local government to convene and preside over the official public meeting.

(m) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (i) Landfill, (ii) incineration, (iii) land treatment, (iv) surface impoundment to be closed as a landfill, or (v) waste pile to be closed as a landfill.

Local jurisdictions who fail to establish designated land use zones for handling hazardous substances and hazardous waste within eighteen months after the enactment of siting criteria in accordance with RCW 70.105.210 will be subject to preemptive provisions until such time as zone designations are completed and approved by the department.

(n) "Potentially affected area" means the area within a twenty-mile radius of a proposed dangerous waste management facility or a proposed expansion to an existing facility

or, any area of impact larger or smaller than the twenty-mile radius as determined by the department.

(o) "Proponent" means any person applying to the department for a dangerous waste management facility permit or for the expansion of an existing permit under WAC 173-303-805 or 173-303-806.

(p) "Proposed facility" means a facility that does not have interim or final status on the effective date of this section, and for which the owner/operator applies for an interim or final status permit under WAC 173-303-805 or 173-303-806 after the effective date of this section.

(q) "SEPA" means the State Environmental Policy Act, chapter 43.21C RCW, and SEPA rules, chapter 197-11 WAC.

(5) Citizen/proponent negotiations procedures.

(a) Notice of intent. A proponent for a dangerous waste management facility must apply to the department for a dangerous waste management facility permit or for the expansion of an existing permit. In compliance with WAC 173-303-281, the proponent must submit a notice of intent to the department no less than one hundred fifty days prior to filing an application for a permit or permit revision.

(b) Notice letter.

(i) Within fourteen days of receipt of the notice of intent, the department will send, by registered mail, a copy of the notice of intent, a copy of the CPN regulation, associated guidelines, and a CPN grant application to the elected officials of the lead local government and all local governments within the potentially affected area.

(ii) The notice letter will alert all communities within the potentially affected area that a notice of intent to file was submitted to the department, the availability of a CPN grant, the procedures for applying for a CPN grant, and the procedures for conducting the CPN process.

(iii) Within thirty days of the effective date of this section, the department will send, by registered mail, a notice letter to all local governments potentially affected by facilities for which the department has already received a permit application. The notice letter will contain a copy of the CPN regulation, associated guidelines, and a CPN grant application.

(iv) If the lead local government is also a proponent of the facility, responsibility for CPN will be deferred to a committee comprised of representatives from all incorporated cities and towns, and all the counties in the potentially affected area. This committee must decide, among the government entities represented, who will be the lead local government for the purposes of applying for and administering the CPN grant and selecting members to the negotiating committee as set forth in subsection (6) of this section.

(c) Selection of the neutral convener. Within sixty days of the notice letter, the lead local government and the facility proponent must jointly select a neutral convener, facilitator, or mediator to organize and preside over an official public meeting, assist in selecting the local negotiating committee, and mediate citizen/proponent negotiations.

(d) The public meeting. The purpose of the public meeting will be:

(i) To advise local citizens within the potentially affected area of the CPN procedures, the State Environmental Policy

Act (SEPA) requirements, and the dangerous waste management permit process;

(ii) To allow the proponent to present elements of the proposal;

(iii) To take public testimony on whether to agree to participate in the CPN process.

(e) Expenditures by the lead local government for the initial costs of the neutral convener and the official public meeting will be reimbursed by the department through an interagency agreement with the lead local government.

(f) Decision notice. Within forty-five days of the public meeting the lead local government must decide whether to proceed with the negotiations process. The lead local government must forward notice of that decision to the department and the proponent of the facility. Notice to the department of an affirmative decision may include a completed grant application for financial assistance. If the lead local government decides to participate in the negotiations process for pre-empted facilities, then the proponent will be required to participate. Citizen/proponent negotiations at designated zone facilities will be voluntary for both parties.

(g) Appointment of local negotiating committee. Within thirty days of the decision notice to proceed with CPN, the lead local government and local governments within the potentially affected area must appoint members to a local negotiating committee, as set forth in subsection (6) of this section, and mail notice of those appointments to the department and to the facility proponent.

(h) Organizational meeting. Within twenty-one days of the committee appointments, the committee must hold an organizational meeting to establish the committee goals, set schedules, identify tasks, discuss funding, and identify issues to research.

(i) Negotiations process. The negotiations process may occur in two stages.

(i) Stage 1. Within thirty days of the organizational meeting, the local negotiating committee, with the assistance of the neutral convener, must initiate negotiations and public information and education activities. The local negotiating committee will have one hundred twenty days, or until completion of the SEPA process, to conduct public information and education activities on dangerous waste management and dangerous waste management facilities and to negotiate emerging issues and concerns.

(ii) Stage 2. Upon completion of the SEPA process, with the assistance of the neutral convener, the local negotiating committee may continue formal negotiations. If no environmental impact statement is required as part of the SEPA process, the local negotiating committee may negotiate for up to one hundred twenty days. If an environmental impact statement is required as part of the SEPA process, negotiations may take place until one hundred twenty days after the issuance of the final environmental impact statement. Upon completion of formal negotiations, all agreements should be submitted to the department for review for applicability to the operating permit.

(iii) Negotiations should focus on the mitigation of impacts identified by persons in the affected area and those impacts identified during the SEPA process, which may include but are not limited to:

(A) Technical aspects of the facility proposal;

(B) Emergency response;

(C) Economic impacts;

(D) Management of the facility;

(E) Site characteristics;

(F) Transportation;

(G) Compliance assurance.

(iv) During each stage of the negotiations process, the committee must, at a minimum:

(A) Arrange public forums at key points in the negotiations to solicit input from the local community and provide public education regarding the issues and elements of the proposed facility or facility expansion.

(B) Arrange smaller community gatherings with the whole committee or subgroups of the committee to supplement the larger meetings and to provide more opportunities for discussion with community members.

(C) Meet with key community leaders to solicit information and opinion.

(D) Prepare a draft of the completed local negotiating committee report and agreements. The draft must be submitted for review and comment to the proponent and local county, city, and town officials who made the committee appointments.

(E) Prepare the final local negotiating committee report and agreements. Final copies must be submitted to the department and distributed to the proponent and local county, city, and town officials who made the committee appointments.

(v) Negotiations may be reopened upon agreement by both parties as long as a draft permit has not been issued.

(j) Agreements. Any specific agreement reached between the local negotiating committee and the proponent, deemed valid and applicable by the department, may be incorporated in the operating permit issued by the department. Any agreements not applicable to the operating permit may be implemented by the proponent and local communities through a contract or other legal means.

(6) Local negotiating committee.

(a) Appointments to the local negotiating committee must be made as follows:

(i) Four members must be appointed by the lead local government.

If the lead local government is the county, committee appointments will be made by the county executive in charter counties or the board of county commissioners. If the lead local government is an incorporated town or city, committee appointments will be made by the mayor.

(ii) The mayor of each incorporated city or town in the potentially affected area, that is not a lead local government, must appoint one member to the committee.

(iii) The county executive or the board of county commissioners of each county in the potentially affected area, that is not a lead local government, must appoint one member to the committee.

(iv) Each federally-recognized Indian tribe located in the potentially affected area must appoint one member to the committee.

(v) If all or the majority of a facility is located wholly within city limits, the board of county commissioners or county executive of the potentially affected county must

appoint two members to the citizen negotiating committee. If the facility is located wholly within the county, these appointments will not be made.

(b) Local negotiating committees must have broad representation including but not limited to representation from academia, business and industry, citizen organizations, environmental groups, agricultural groups, health professionals, emergency response organizations, and fire districts.

(c) After the initial committee appointments are made, the neutral convener must assess the group representation and determine which interest groups are not represented. The committee, with the aid of the neutral convener, will then select up to four additional members to serve on the local negotiating committee. These selections must be made from interest groups not already represented on the negotiating committee.

(d) Elected officials will not be members of the local negotiating committee.

(7) Modified CPN procedures. Modified CPN procedures apply to lead local governments who are also proponents of a dangerous waste management facility.

(a) Notice letter. Within fourteen days of the notice of intent or thirty days of the effective date of this section, the department will notify all local governments in the potentially affected area of applications for proposed facilities or expansions of existing facilities and of the opportunity for formal negotiations under CPN and the availability of a CPN grant.

(b) Decision notice. The local governments will have forty-five days to form a committee to:

- (i) Determine whether they wish to participate in CPN;
- (ii) Determine who will be the lead local government;
- (iii) Select a neutral convener, facilitator, or mediator;
- (iv) Notify the department and the proponent of those decisions; and

(v) Complete a grant application for financial assistance if a decision is made to proceed with CPN.

(c) Once the lead local government is determined, modified CPN procedures must follow CPN procedures set forth in subsections (5)(d) through (6)(d) of this section.

(8) Grant eligibility and eligible activities.

(a) Grant applicant eligibility and eligible activities are the same for CPN and modified CPN.

(b) Grant applicant eligibility. Grants up to fifty thousand dollars will be awarded to the lead local government and may be renewed once during the permitting process.

(c) Eligible costs. Eligible costs include direct costs of the activities of the negotiating process. These costs include:

- (i) The local committee's expenses such as travel, office space or lodging, supplies, postage, report production costs, and meeting room costs;
- (ii) Neutral convener's, facilitator's, or mediator's fees and expenses;
- (iii) Technical assistance for the committee; and
- (iv) Other costs determined necessary by the department.

(d) Ineligible costs. Grant funds may not be used by the grant applicant to support legal actions against the department, or facility owners/operators.

(9) Grant administration and funding.

(a) A grant application package will be sent to the lead local government with the notice letter. Grant application packages include grant application deadlines, grant guidelines, and application forms.

(b) Completed grant applications will be reviewed by the department. To receive a grant offer, successful applications must include all required elements as outlined in the guidelines.

(c) The obligation of the department to make grant awards and payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the appropriation of funds during the next biennium.

(d) The department will fund up to fifty percent of the total grant amount or up to fifty thousand dollars for citizen/proponent negotiations and the proponent of a dangerous waste management facility must fund up to fifty percent of the total grant amount or up to fifty thousand dollars.

(e) Disbursement of funds. The department will be responsible for reimbursement of all eligible CPN costs incurred. The proponent must enter into a contract with the department for the proponent's share of the CPN grant. The department will be responsible for all eligible CPN costs incurred before the decision notice and its share of any eligible CPN costs incurred after the decision notice, up to fifty thousand dollars. The proponent will be responsible for its share of all remaining eligible CPN costs incurred after the decision notice and after an executed grant award is made to the lead local government, up to fifty thousand dollars.

(f) The department, on at least a biennial basis, will determine the amount of funding available for citizen/proponent negotiation grants.

(g) All grantees will be held responsible for payment of salaries, consultant's fees, and other overhead costs contracted under a grant awarded to the lead local government.

(h) To the extent that the Constitution and laws of the state of Washington permit, the grantee will indemnify and hold the department harmless from and against, any liability for any or all injuries to persons or property arising from the negligent act or omission of the grantee arising out of a grant contract, except for such damage, claim, or liability resulting from the negligent act or omission of the department.

(i) All grants under this chapter will be consistent with the provisions of "Financial Guidelines for Grant Management" WDOE 80-6, May 1980, Reprinted March 1982, or subsequent guidelines adopted thereafter.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-910 Petitions. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. This subsection sets forth general requirements which apply to all such petitions. The remaining subsections of this section describe additional requirements for specific types of petitions.

(b) Each petition must be submitted to the department by certified mail and must include:

- (i) The petitioner's name and address;
- (ii) A statement of the petitioner's interest in the proposed action;
- (iii) A description of the proposed action, including (where appropriate) suggested regulatory language; and
- (iv) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice will be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period will be a minimum of twenty-one days.

(d) Upon the written request of any interested person, the director may, at his discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold a conference.

(e) After evaluating all public comments the department will make a final decision in accordance with RCW 34.05.330 or 34.05.240. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and, when appropriate, initiate rule-making proceedings in accordance with RCW 34.05.330.

(2) Petitions for equivalent testing or analytical methods.

(a) Any person seeking to add a testing or analytical method to WAC 173-303-110 may petition for a regulatory amendment under this section. To be successful, the person must demonstrate to the satisfaction of the department that the proposed method is equal to or superior to the corresponding method prescribed in WAC 173-303-110, in terms of its sensitivity, accuracy, and precision (i.e., reproducibility).

(b) Each petition must include, in addition to the information required by subsection (1) of this section:

- (i) A full description of the proposed method, including all procedural steps and equipment used in the method;
- (ii) A description of the types of wastes or waste matrices for which the proposed method may be used;
- (iii) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in WAC 173-303-110;
- (iv) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and
- (v) A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

(c) After receiving a petition for an equivalent testing or analytical method, the department may request any additional information on the proposed method which it may reasonably require to evaluate the proposal.

(d) If the department amends the regulations to permit use of a new testing method, the method will be incorporated

at WAC 173-303-110(3) and in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator. Note that a generator must also petition the U.S. EPA to exempt their waste if it is a federally listed waste.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through 173-303-100.

(b) To be successful, the generator must make the demonstrations required in WAC 173-303-072(3) and, where applicable, (4).

(c) Each petition must include, in addition to the information required by subsection (1) of this section:

- (i) The name and address of the laboratory facility performing the sampling or tests of the waste;
- (ii) The names and qualifications of the persons sampling and testing the waste;
- (iii) The dates of sampling and testing;
- (iv) The location of the generating facility;
- (v) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;
- (vi) A description of the waste and an estimate of the average and maximum monthly and annual quantities of waste covered by the demonstration;
- (vii) Pertinent data on and discussion of the factors delineated in WAC 173-303-072(3) and, where applicable, (4);
- (viii) A description of the methodologies and equipment used to obtain the representative samples;
- (ix) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;
- (x) A description of the tests performed (including results);

(xi) The names and model numbers of the instruments used in performing the tests and the date of the last calibration for instruments which must be calibrated according to manufacturer's instructions; and

(xii) The following statement signed by the generator of the waste or his authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) After receiving a petition for a dangerous waste exemption, the department may request any additional information which it may reasonably require to evaluate the petition.

(e) An exemption will only apply to the waste generated by the particular generator covered by the demonstration and will not apply to waste from any other generator.

(f) The department may exempt only part of the waste for which the demonstration is submitted where there is reason to believe that variability of the waste justifies a partial exemption.

(g) The department may (but will not be required to) grant a temporary exemption before making a final decision under subsection (1) of this section, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(h) Any waste for which an exemption is sought will remain designated and be subject to the applicable requirements of this chapter until the generator of the waste is notified by the department that his waste is exempt.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of a class of similar or identical wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator(s) must make the demonstrations required in WAC 173-303-072(6) for all those wastes generated in the state which might be excluded pursuant to granting a petition submitted under this subsection. No class of wastes will be excluded if any of the wastes are regulated as hazardous waste under 40 CFR Part 261.

(b) Each petition for exclusion must include the information required by subsections (1) and (3)(c) of this section and any other information required by the department.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

(5) Petition for designation change. The provisions of (a)(i) of this subsection do not apply to any dangerous waste which is also designated as a hazardous waste under 40 CFR Part 261 Subpart D.

(a) A generator may petition the department to change the designation of his waste as follows:

(i) A waste which is designated only for toxicity pursuant to WAC 173-303-100 but which is toxic solely because it is highly acidic or basic (i.e., due to high or low pH) may be subject only to the requirements for corrosive dangerous wastes, provided that the generator can demonstrate this fact to the department's satisfaction through information provided under (b) of this subsection; and

(ii) A waste which is designated EHW may be redesignated DW, provided that the generator can demonstrate that such redesignation is appropriate through information provided under (b) of this subsection.

(b) A petition under this subsection must include:

(i) The information required by subsections (1) and (3)(c) of this section; and

(ii) Such other information as required by the department.

(c) A designation change under this subsection will become effective only after the department has approved the change and notified the generator of such approval.

(6) Petitions to allow land disposal of a waste restricted under WAC 173-303-140.

(a) Any person seeking a land disposal restriction exemption allowed under WAC 173-303-140(6) must submit a petition to the department. The petition must include the following general information:

(i) The petitioner's name and address;

(ii) A statement of the petitioner's interest in the proposed action;

(iii) A description of the proposed action;

(iv) A statement of the need and justification for the proposed action;

(v) An identification of the specific waste and the specific land disposal unit for which the exemption is desired;

(vi) A waste analysis to describe fully the chemical and physical characteristics of the subject waste. All waste and environmental sampling, test, and analysis data must be accurate and reproducible to the extent that state-of-the-art techniques allow; and

(vii) A quality assurance and quality control plan that addresses all sampling and testing aspects of the information provided in the petition.

(b) In addition to the general information requirements in subsection (a) of this section, the following specific information must be provided in the petition for individual case-by-case exemptions.

(i) Petition for land disposal exemption for treatment residuals. Petitions for exemption of treatment residuals, as allowed under WAC 173-303-140 (6)(a), must:

(A) Provide the type of waste management or treatment method applied to the waste and the rationale for selecting this method as the best achievable management method; and

(B) Document that the land disposal of the treatment residual would not pose a greater risk to public health and the environment than land disposal of the original wastes, including an analysis of the treatment residuals to fully describe their chemical and physical characteristics; and

(C) Provide the management alternatives for the treatment residuals and the factors which, if an exemption is not granted, would prevent the utilization of the best achievable management method for the original dangerous waste.

(ii) Petition for economic hardship exemption. Petitions for exemption on the basis of economic hardship, as allowed under WAC 173-303-140 (6)(b), must:

(A) Supply the current management costs and the projected management costs to comply with the requirements of WAC 173-303-140; and

(B) Provide the source of information utilized in determining the economic estimates; and

(C) Provide a discussion of how the projected compliance costs would impose an unreasonable economic burden.

(iii) Petition for leachable inorganic waste exemption. Petitions for exemption of leachable inorganic wastes, as allowed under WAC 173-303-140 (6)(c), must:

(A) Provide information demonstrating that the stabilization of the dangerous waste is less protective of public health and the environment than landfilling; or

(B) Provide a list of stabilization facilities that could accept the dangerous waste and information demonstrating that they do not have available capacity to stabilize the waste; or

(C) Provide information describing the types of stabilization utilized which did not reduce the solubility and mobility of the dangerous waste constituents and describe any other stabilization methods that have been considered but not utilized.

(iv) Petition for organic/carbonaceous waste exemption. Petitions for exemption of organic/carbonaceous wastes, as allowed under WAC 173-303-140 (6)(c), must:

(A) Provide information demonstrating that recycling, treatment and incineration facilities are unavailable for the waste, including a map marked both with the point of waste generation and the point(s) of the nearest treatment, recycling and incineration facility(s) that could manage the dangerous waste; or

(B) Provide information demonstrating that the alternative management methods for organic/carbonaceous waste are less protective of public health and the environment than stabilization and landfilling; or

(C) Provide information demonstrating that:

(I) Recycling and treatment facilities are unavailable for the waste, including a map marked both with the point of waste generation and the point(s) of the nearest treatment, recycling and incineration facility(s) that could manage the dangerous waste; and

(II) The organic/carbonaceous waste has a heat content less than 3,000 BTU/LB or a moisture content greater than sixty-five percent.

(c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(d) Each petition must be submitted to:

Department of Ecology
HWTR Program
Attn Land Disposal Exemption
PO Box 47600
Olympia, WA 98504-7600

(e) After receiving a petition, the department may request any additional information that reasonably may be required to evaluate the petition and accompanying demonstration, such as a comprehensive characterization of the disposal unit site including an analysis of background air, soil, and water quality. Simulation models must be calibrated for the specific waste and site conditions, and verified for accuracy by comparison with actual measurements.

(f)(i) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice will be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to

this chapter. The public comment period will be a minimum of twenty-one days.

(ii) Upon the written request of any interested person, the department may, at its discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The department may in any case decide on its own motion to hold a conference.

(iii) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.-060 or 34.04.080. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition.

(g) Prior to the department's decision, the applicant is required to comply with all restrictions on land disposal under WAC 173-303-140. The department should respond to a petition within ninety days.

(h) If an exemption is granted, the department may include specific conditions as deemed necessary by the department to protect public health and the environment.

(i) If granted, the exemption will apply to land disposal of the specific restricted waste at the individual disposal unit described in the petition and accompanying demonstration. The exemption will not apply to any other restricted waste at that disposal unit, nor will it apply to that specific restricted waste at any other disposal unit.

(j) If an exemption is granted, the department may withdraw the exemption on the following bases:

(i) If there is a threat to public health and the environment; or

(ii) If there is migration of dangerous waste constituents from the land disposal unit or site for as long as the waste remains dangerous; or

(iii) If the department finds reason to believe that the information submitted in a petition is inaccurate or has been falsified such that the petition should have been denied.

(k) The term of an exemption granted under this subsection will be established by the department at the time of issuance.

(l) Any exemption granted by the department does not relieve the petitioner of his responsibilities in the management of dangerous waste under chapter 173-303 WAC.

(m) The department may (but will not be required to) grant a temporary exemption before making a final decision, whenever it finds that there is a substantial likelihood that an exemption will be finally granted. Temporary exemptions will not be subject to the procedures of (f) of this subsection. Temporary exemptions will not be a cause of delaying final decision making on the petition request.

(7) Petitions to amend WAC 173-303-573 to include additional dangerous wastes.

(a) Any person seeking to add a dangerous waste or a category of dangerous waste to the universal waste regulations of WAC 173-303-573 may petition for a regulatory amendment under this section and WAC 173-303-573 (39) and (40).

(b) To be successful, the petitioner must demonstrate to the satisfaction of the department that regulation under the universal waste regulations of WAC 173-303-573: Is appro-

appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the dangerous waste program. The petition must include the information required by subsection (1) of this section. The petition should also address as many of the factors listed in WAC 173-303-573(40) as are appropriate for the waste or category of waste addressed in the petition.

(c) The department will grant or deny a petition using the factors listed in WAC 173-303-573(40). The decision will be based on the weight of evidence showing that regulation under WAC 173-303-573 is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the dangerous waste program.

(d) The department may request additional information needed to evaluate the merits of the petition.

AMENDATORY SECTION (Amending Order DE-87-4, filed 6/26/87)

WAC 173-303-9901 (~~(Flow chart for designating dangerous wastes.)~~) (Reserved.)

AMENDATORY SECTION (Amending Order DE-85-10, filed 6/3/86)

WAC 173-303-9902 (~~(Narrative for designating dangerous wastes.)~~) (Reserved.)

AMENDATORY SECTION (Amending Order 97-03, filed 1/12/98, effective 2/12/98)

WAC 173-303-9903 Discarded chemical products list.

Discarded Chemical Products List

"P" Chemical Products

Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound is only listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Dangerous Waste Number.

The "P" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol

The "P" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H ₃ AsO ₄
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl-
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzeneethanamine, alpha,alpha-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	181-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P021	592-01-8	Calcium cyanide
P189	55285-14-8	Carbamic acid, [(dibutylamino)-thio]-methyl-, 2,3-dihydro-2,2-dimethyl- 7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]- 5-methyl- 1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P022	75-15-0	Carbon disulfide
P189	55285-14-8	Carbosulfan

The "P" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P095	75-44-5	Carbonic dichloride
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P202	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4abeta,5alpha,8alpha,8abeta)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta,8abeta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha,2beta,2alpha,3beta,6beta,6alpha,7beta, 7alpha)-
P051	172-20-8	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1alpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta, 7alpha)-, & metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P047	1534-52-1	4,6-Dinitro-o-cresol, & salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramidate, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O- [(methylamino)-carbonyl]oxime
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P042	51-43-4	Epinephrine

The "P" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	((Ethanimidothioe)) Ethanimidothioic acid, 2-(dimethylamino)-N-[[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester
P066	16752-77-5	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetate hydrochloride
P197	17702-57-7	Formparanate
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P192	119-38-0	Isolan
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato-O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl]oxy]phenyl]-
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis[chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P199	2032-65-7	Methiocarb
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methylactonitrile
P071	298-00-0	Methyl parathion

The "P" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P190	1129-41-5	Metolcarb
P128	315-18-4	Mexacarbate
P072	86-88-4	alpha-Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) ₂
P075	¹ 54-11-5	Nicotine, & salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO ₂
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramidate
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P048	51-28-5	Phenol, 2,4-dinitro-
P047	¹ 534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester

The "P" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O-,dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-1,2,3-Propanetriol, trinitrate (R)
P081	55-63-0	2-Propanone, 1-bromo-
P017	598-31-2	Propargyl alcohol
P102	107-19-7	2-Propenal
P003	107-02-8	2-Propen-1-ol
P005	107-18-6	1,2-Propylenimine
P067	75-55-8	2-Propyn-1-ol
P102	107-19-7	4-Pyridinamine
P008	504-24-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts
P075	¹ 54-11-5	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P204	57-47-6	Selenious acid, dithallium(1+) salt
P114	12039-52-0	Selenourea
P103	630-10-4	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	¹ 57-24-9	Strychnidin-10-one, & salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	¹ 57-24-9	Strychnine, & salts
P115	7446-18-6	Sulfuric acid, dithallium(1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl ₂ O ₃
P114	12039-52-0	Thallium(I) selenite
P115	7446-18-6	Thallium(I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester

The "P" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide [(H ₂ N)C(S)] ₂ NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P185	26419-73-8	Tirpate
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V ₂ O ₅
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	181-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P205	137-30-4	Zinc, bis(dimethylcarbomdithioato-S,S')
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN) ₂
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10% (R,T)
P205	137-30-4	Ziram

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P001	181-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P001	181-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P002	591-08-2	Acetamide, -(aminothioxomethyl)-
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P003	107-02-8	2-Propenal
P004	309-00-2	Aldrin
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4abeta,5alpha,8alpha,8abeta)-
P005	107-18-6	Allyl alcohol
P005	107-18-6	2-Propen-1-ol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P008	504-24-5	4-Aminopyridine
P008	504-24-5	4-Pyridinamine
P009	131-74-8	Ammonium picrate (R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P010	7778-39-4	Arsenic acid H ₃ AsO ₄
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic oxide As ₂ O ₃

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P012	1327-53-3	Arsenic trioxide
P013	542-62-1	Barium cyanide
P014	108-98-5	Benzenethiol
P014	108-98-5	Thiophenol
P015	7440-41-7	Beryllium powder
P016	542-88-1	Dichloromethyl ether
P016	542-88-1	Methane, oxybis(chloro-
P017	598-31-2	Bromoacetone
P017	598-31-2	2-Propanone, 1-bromo-
P018	357-57-3	Brucine
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P020	88-85-7	Dinoseb
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P022	75-15-0	Carbon disulfide
P023	107-20-0	Acetaldehyde, chloro-
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	Benzenamine, 4-chloro-
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7aalpha)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl]ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-

Numerical List

<u>Dangerous</u> <u>Waste No.</u>	<u>Chemical</u> <u>Abstracts No.</u>	<u>Substance</u>
P042	<u>51-43-4</u>	Epinephrine
P043	<u>55-91-4</u>	Diisopropylfluorophosphate (DFP)
P043	<u>55-91-4</u>	Phosphorofluoridic acid, bis(1-methylethyl) ester
P044	<u>60-51-5</u>	Dimethoate
P044	<u>60-51-5</u>	Phosphorodithioic acid, O,O-dimethyl S-[2-(methyl amino)-2-oxoethyl] ester
P045	<u>39196-18-4</u>	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl]oxime
P045	<u>39196-18-4</u>	Thiofanox
P046	<u>122-09-8</u>	Benzeneethanamine, alpha, alpha-dimethyl-
P046	<u>122-09-8</u>	alpha, alpha-Dimethylphenethylamine
P047	<u>534-52-1</u>	4,6-Dinitro-o-cresol, & salts
P047	<u>534-52-1</u>	Phenol, 2-methyl-4,6-dinitro-, & salts
P048	<u>51-28-5</u>	2,4-Dinitrophenol
P048	<u>51-28-5</u>	Phenol, 2,4-dinitro-
P049	<u>541-53-7</u>	Dithiobiuret
P049	<u>541-53-7</u>	Thioimidodicarbonic diamide[(H2 N)C(S)]2 NH
P050	<u>115-29-7</u>	Endosulfan
P050	<u>115-29-7</u>	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P051	<u>11 72-20-8</u>	2,7,3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-(1aalpha,2beta,2beta,3alpha,6alpha,6beta,7beta,7aalpha)-, & metabolites
P051	<u>72-20-8</u>	Endrin
P051	<u>72-20-8</u>	Endrin, & metabolites
P054	<u>151-56-4</u>	Aziridine
P054	<u>151-56-4</u>	Ethyleneimine
P056	<u>7782-41-4</u>	Fluorine
P057	<u>640-19-7</u>	Acetamide, 2-fluoro-
P057	<u>640-19-7</u>	Fluoroacetamide
P058	<u>62-74-8</u>	Acetic acid, fluoro-, sodium salt
P058	<u>62-74-8</u>	Fluoroacetic acid, sodium salt
P059	<u>76-44-8</u>	Heptachlor
P059	<u>76-44-8</u>	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P060	<u>465-73-6</u>	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4beta,5beta,8beta,8beta)-
P060	<u>465-73-6</u>	Isodrin
P062	<u>757-58-4</u>	Hexaethyl tetraphosphate
P062	<u>757-58-4</u>	Tetraphosphoric acid, hexaethyl ester
P063	<u>74-90-8</u>	Hydrocyanic acid
P063	<u>74-90-8</u>	Hydrogen cyanide
P064	<u>624-83-9</u>	Methane, isocyanato-
P064	<u>624-83-9</u>	Methyl isocyanate
P065	<u>628-86-4</u>	Fulminic acid, mercury(2+) salt (R,T)
P065	<u>628-86-4</u>	Mercury fulminate (R,T)
P066	<u>16752-77-5</u>	Ethanimidothioic acid, N-[(methylamino)carbonyl]oxy]-, methyl ester
P066	<u>16752-77-5</u>	Methomyl
P067	<u>75-55-8</u>	Aziridine, 2-methyl-

Numerical List

<u>Dangerous</u> <u>Waste No.</u>	<u>Chemical</u> <u>Abstracts No.</u>	<u>Substance</u>
P067	<u>75-55-8</u>	1,2-Propylenimine
P068	<u>60-34-4</u>	Hydrazine, methyl-
P068	<u>60-34-4</u>	Methyl hydrazine
P069	<u>75-86-5</u>	2-Methylacetonitrile
P069	<u>75-86-5</u>	Propanenitrile, 2-hydroxy-2-methyl-
P070	<u>116-06-3</u>	Aldicarb
P070	<u>116-06-3</u>	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P071	<u>298-00-0</u>	Methyl parathion
P071	<u>298-00-0</u>	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl)ester
P072	<u>86-88-4</u>	alpha-Naphthylthiourea
P072	<u>86-88-4</u>	Thiourea, 1-naphthalenyl-
P073	<u>13463-39-3</u>	Nickel carbonyl
P073	<u>13463-39-3</u>	Nickel carbonyl Ni(CO)4, (T-4)-
P074	<u>557-19-7</u>	Nickel cyanide
P074	<u>557-19-7</u>	Nickel cyanide Ni(CN)2
P075	<u>54-11-5</u>	Nicotine, & salts
P075	<u>11 54-11-5</u>	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts
P076	<u>10102-43-9</u>	Nitric oxide
P076	<u>10102-43-9</u>	Nitrogen oxide NO
P077	<u>100-01-6</u>	Benzenamine, 4-nitro-
P077	<u>100-01-6</u>	p-Nitroaniline
P078	<u>10102-44-0</u>	Nitrogen dioxide
P078	<u>10102-44-0</u>	Nitrogen oxide NO2
P081	<u>55-63-0</u>	Nitroglycerine (R)
P081	<u>55-63-0</u>	1,2,3-Propanetriol, trinitrate (R)
P082	<u>62-75-9</u>	Methanamine, -methyl-N-nitroso-
P082	<u>62-75-9</u>	N-Nitrosodimethylamine
P084	<u>4549-40-0</u>	N-Nitrosomethylvinylamine
P084	<u>4549-40-0</u>	Vinylamine, -methyl-N-nitroso-
P085	<u>152-16-9</u>	Diphosphoramidate, octamethyl-
P085	<u>152-16-9</u>	Octamethylpyrophosphoramidate
P087	<u>20816-12-0</u>	Osmium oxide OsO4, (T-4)-
P087	<u>20816-12-0</u>	Osmium tetroxide
P088	<u>145-73-3</u>	Endothall
P088	<u>145-73-3</u>	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P089	<u>56-38-2</u>	Parathion
P089	<u>56-38-2</u>	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl)ester
P092	<u>62-38-4</u>	Mercury, (acetato-O)phenyl-
P092	<u>62-38-4</u>	Phenylmercury acetate
P093	<u>103-85-5</u>	Phenylthiourea
P093	<u>103-85-5</u>	Thiourea, phenyl-
P094	<u>298-02-2</u>	Phorate
P094	<u>298-02-2</u>	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl]ester
P095	<u>75-44-5</u>	Carbonic dichloride
P095	<u>75-44-5</u>	Phosgene
P096	<u>7803-51-2</u>	Hydrogen phosphide
P096	<u>7803-51-2</u>	Phosphine
P097	<u>52-85-7</u>	Famphur

Numerical List

<u>Dangerous</u>	<u>Chemical</u>	<u>Substance</u>
<u>Waste No.</u>	<u>Abstracts No.</u>	
P097	<u>52-85-7</u>	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl]O,O-dimethyl ester
P098	<u>151-50-8</u>	Potassium cyanide
P098	<u>151-50-8</u>	Potassium cyanide K(CN)
P099	<u>506-61-6</u>	Argentate(1-), bis(cyano-C)-, potassium
P099	<u>506-61-6</u>	Potassium silver cyanide
P101	<u>107-12-0</u>	Ethyl cyanide
P101	<u>107-12-0</u>	Propanenitrile
P102	<u>107-19-7</u>	Propargyl alcohol
P102	<u>107-19-7</u>	2-Propyn-1-ol
P103	<u>630-10-4</u>	Selenourea
P104	<u>506-64-9</u>	Silver cyanide
P104	<u>506-64-9</u>	Silver cyanide Ag(CN)
P105	<u>26628-22-8</u>	Sodium azide
P106	<u>143-33-9</u>	Sodium cyanide
P106	<u>143-33-9</u>	Sodium cyanide Na(CN)
P108	<u>\1\ 157-24-9</u>	Strychnidin-10-one, & salts
P108	<u>\1\ 157-24-9</u>	Strychnine, & salts
P109	<u>3689-24-5</u>	Tetraethylthiopyrophosphate
P109	<u>3689-24-5</u>	Thiodiphosphoric acid,tetraethyl ester
P110	<u>78-00-2</u>	Plumbane, tetraethyl-
P110	<u>78-00-2</u>	Tetraethyl lead
P111	<u>107-49-3</u>	Diphosphoric acid, tetraethylester
P111	<u>107-49-3</u>	Tetraethyl pyrophosphate
P112	<u>509-14-8</u>	Methane, tetranitro-(R)
P112	<u>509-14-8</u>	Tetranitromethane (R)
P113	<u>1314-32-5</u>	Thallic oxide
P113	<u>1314-32-5</u>	Thallium oxide Tl2 O3
P114	<u>12039-52-0</u>	Selenious acid,dithallium(1+) salt
P114	<u>12039-52-0</u>	Tetraethylthiopyrophosphate
P115	<u>7446-18-6</u>	Thiodiphosphoric acid,tetraethyl ester
P115	<u>7446-18-6</u>	Plumbane, tetraethyl-
P116	<u>79-19-6</u>	Tetraethyl lead
P116	<u>79-19-6</u>	Thiosemicarbazide
P118	<u>75-70-7</u>	Methanethiol, trichloro-
P118	<u>75-70-7</u>	Trichloromethanethiol
P119	<u>7803-55-6</u>	Ammonium vanadate
P119	<u>7803-55-6</u>	Vanadic acid, ammonium salt
P120	<u>1314-62-1</u>	Vanadium oxide V2O5
P120	<u>1314-62-1</u>	Vanadium pentoxide
P121	<u>557-21-1</u>	Zinc cyanide
P121	<u>557-21-1</u>	Zinc cyanide Zn(CN)2
P122	<u>1314-84-7</u>	Zinc phosphide Zn3 P2, when present at concentrations greater than 10% (R,T)
P123	<u>8001-35-2</u>	Toxaphene
P127	<u>1563-66-2</u>	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P127	<u>1563-66-2</u>	Carbofuran
P128	<u>315-8-4</u>	Mexacarbonate
P128	<u>315-18-4</u>	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate(ester)
P185	<u>26419-73-8</u>	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]oxime
P185	<u>26419-73-8</u>	Tirpate

Numerical List

<u>Dangerous</u>	<u>Chemical</u>	<u>Substance</u>
<u>Waste No.</u>	<u>Abstracts No.</u>	
P188	<u>57-64-7</u>	Benzoic acid, 2-hydroxy-,compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P188	<u>57-64-7</u>	Physostigmine salicylate
P189	<u>55285-14-8</u>	Carbamic acid,[(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	<u>55285-14-8</u>	Carbosulfan
P190	<u>1129-41-5</u>	Carbamic acid, methyl-, 3-methylphenyl ester
P190	<u>1129-41-5</u>	Metolcarb
P191	<u>644-64-4</u>	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P191	<u>644-64-4</u>	Dimetilan
P192	<u>119-38-0</u>	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	<u>119-38-0</u>	Isolan
P194	<u>23135-22-0</u>	Ethanimidthioic acid, 2-(dimethylamino)-N-[[[(methylamino)carbonyl]oxy]-2-oxo-, methylester
P194	<u>23135-22-0</u>	Oxamyl
P196	<u>15339-36-3</u>	Manganese,bis(dimethylcarbamodithioato-S,S')-,
P196	<u>15339-36-3</u>	Manganesedimethyldithiocarbamate
P197	<u>17702-57-7</u>	Formparanate
P197	<u>17702-57-7</u>	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl]oxy]phenyl]-
P198	<u>23422-53-9</u>	Formetanate hydrochloride
P198	<u>23422-53-9</u>	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)-carbonyl]oxy]phenyl]-monohydrochloride
P199	<u>2032-65-7</u>	Methiocarb
P199	<u>2032-65-7</u>	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	<u>2631-37-0</u>	Phenol, 3-methyl-5-(1-methylethyl)-, methylcarbamate
P201	<u>2631-37-0</u>	Promecarb
P202	<u>64-00-6</u>	m-Cumenyl methylcarbamate
P202	<u>64-00-6</u>	3-Isopropylphenyl N-methylcarbamate
P202	<u>64-00-6</u>	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	<u>1646-88-4</u>	Aldicarb sulfone
P203	<u>1646-88-4</u>	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl]oxime
P204	<u>57-47-6</u>	Physostigmine
P204	<u>57-47-6</u>	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester),(3aS-cis)-
P205	<u>137-30-4</u>	Zinc, bis (dimethylcarbamodithioato-S,S')-,
P205	<u>137-30-4</u>	Ziram

FOOTNOTE: ¹ CAS Number given for parent compound only.

"U" Chemical Products

Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Dangerous Waste number.

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

((Hazardous))

<u>Dangerous</u>	Chemical
Waste No.	Abstracts No. Substance
U394	30558-43-1 A2213
U001	75-07-0 Acetaldehyde (I)
U034	75-87-6 Acetaldehyde, trichloro-
U187	62-44-2 Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3 Acetamide, N-9H-fluoren-2-yl-
U240	¹ 94-75-7 Acetic acid, (2,4-dichlorophenoxy)-, salts & esters
U112	141-78-6 Acetic acid ethyl ester (I)
U144	301-04-2 Acetic acid, lead(2+) salt
U214	563-68-8 Acetic acid, thallium(1+) salt
See F027	93-76-5 Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1 Acetone (I)
U003	75-05-8 Acetonitrile (I,T)
U004	98-86-2 Acetophenone
U005	53-96-3 2-Acetylaminofluorene
U006	75-36-5 Acetyl chloride (C,R,T)
U007	79-06-1 Acrylamide
U008	79-10-7 Acrylic acid (I)
U009	107-13-1 Acrylonitrile
U011	61-82-5 Amitrole
U012	62-53-3 Aniline (I,T)
U136	75-60-5 Arsinic acid, dimethyl-
U014	492-80-8 Auramine
U015	115-02-6 Azaserine
U010	50-07-7 Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyloxy)methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1alpha, 8beta, 8alpha,8beta)]]-
U280	101-27-9 Barban
U278	22781-23-3 Bendiocarb
U364	22961-82-6 Bendiocarb phenol
U271	17804-35-2 Benomyl
U157	56-49-5 Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4 Benz[c]acridine
U017	98-87-3 Benzal chloride
U192	23950-58-5 Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3 Benz[a]anthracene
U094	57-97-6 Benz[a]anthracene, 7,12-dimethyl-
U012	62-53-3 Benzenamine (I,T)
U014	492-80-8 Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
U049	3165-93-3 Benzenamine, 4-chloro-2-methyl-, hydrochloride

Alphabetical List

((Hazardous))

<u>Dangerous</u>	Chemical
Waste No.	Abstracts No. Substance
U093	60-11-7 Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4 Benzenamine, 2-methyl-
U353	106-49-0 Benzenamine, 4-methyl-
U158	101-14-4 Benzenamine, 4,4'-methylenebis[2-chloro-
U222	636-21-5 Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8 Benzenamine, 2-methyl-5-nitro-
U019	71-43-2 Benzene (I,T)
U038	510-15-6 Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3 Benzene, 1-bromo-4-phenoxy-
U035	305-03-3 Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7 Benzene, chloro-
U221	25376-45-8 Benzenediamine, ar-methyl-
U028	117-81-7 1,2-Benzenedicarboxylic acid,bis(2-ethylhexyl) ester
U069	84-74-2 1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2 1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3 1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0 1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1 Benzene, 1,2-dichloro-
U071	541-73-1 Benzene, 1,3-dichloro-
U072	106-46-7 Benzene, 1,4-dichloro-
U060	72-54-8 Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-
U017	98-87-3 Benzene, (dichloromethyl)-
U223	26471-62-5 Benzene, 1,3-diisocyanatomethyl-(R,T)
U239	1330-20-7 Benzene, dimethyl- (I,T)
U201	108-46-3 1,3-Benzenediol
U127	118-74-1 Benzene, hexachloro-
U056	110-82-7 Benzene, hexahydro- (I)
U220	108-88-3 Benzene, methyl-
U105	121-14-2 Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2 Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8 Benzene, (1-methylethyl)- (I)
U169	98-95-3 Benzene, nitro-
U183	608-93-5 Benzene, pentachloro-
U185	82-68-8 Benzene, pentachloronitro-
U020	98-09-9 Benzenesulfonic acid chloride (C,R)
U020	98-09-9 Benzenesulfonyl chloride (C,R)
U207	95-94-3 Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3 Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
U247	72-43-5 Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
U023	98-07-7 Benzene, (trichloromethyl)-
U234	99-35-4 Benzene, 1,3,5-trinitro-
U021	92-87-5 Benzidine
U202	¹ 81-07-2 1,2-Benzisothiazol-3(2H)-one,1,1-dioxide, & salts
U278	22781-23-3 1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U364	22961-82-6 1,3-Benzodioxol-4-ol, 2,2-dimethyl-

Alphabetical List

((Hazardous))

<u>Dangerous</u>	Chemical	Waste No.	Abstracts No.	Substance
U203		94-59-7		1,3-Benzodioxole, 5-(2-propenyl)-
U141		120-58-1		1,3-Benzodioxole, 5-(1-propenyl)-
U090		94-58-6		1,3-Benzodioxole, 5-propyl-
U367		1563-38-8		7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U064		189-55-9		Benzo[<i>rst</i>]pentaphene
U248		¹ 81-81-2		2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less
U022		50-32-8		Benzo[<i>a</i>]pyrene
U197		106-51-4		p-Benzoquinone
U023		98-07-7		Benzotrichloride (C,R,T)
U085		1464-53-5		2,2'-Bioxirane
U021		92-87-5		[1,1'-Biphenyl]-4,4'-diamine
U073		91-94-1		[1,1'-Biphenyl]-4,4'-diamine,3,3'-dichloro-
U091		119-90-4		[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U095		119-93-7		[1,1'-Biphenyl]-4,4'-diamine,3,3'-dimethyl-
U225		75-25-2		Bromoform
U030		101-55-3		4-Bromophenyl phenyl ether
U128		87-68-3		1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172		924-16-3		1-Butanamine, N-butyl-N-nitroso-
U031		71-36-3		1-Butanol (I)
U159		78-93-3		2-Butanone (I,T)
U160		1338-23-4		2-Butanone, peroxide (R,T)
U053		4170-30-3		2-Butenal
U074		764-41-0		2-Butene, 1,4-dichloro- (I,T)
U143		303-34-4		2-Butenoic acid, 2-methyl-, 7-[[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-ylester, [1S-[1alpha(Z),7(2S*,3R*), 7aalpha]]-
U031		71-36-3		n-Butyl alcohol (I)
U136		75-60-5		Cacodylic acid
U032		13765-19-0		Calcium chromate
U238		51-79-6		Carbamic acid, ethyl ester
U178		615-53-2		Carbamic acid, methylnitroso-,ethyl ester
U372		10605-21-7		Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U271		17804-35-2		Carbamic acid, [1-(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester
U280		101-27-9		Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U373		122-42-9		Carbamic acid, phenyl-, 1-methylethyl ester
U409		23564-05-8		Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester
U097		79-44-7		Carbamic chloride, dimethyl-
U114		¹ 111-54-6		Carbamodithioic acid, 1,2-ethanedylbis-, salts & esters
U062		2303-16-4		Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U389		2303-17-5		Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U387		52888-80-9		Carbamothioic acid, dipropyl-, S-(phenyl-methyl) ester

Alphabetical List

((Hazardous))

<u>Dangerous</u>	Chemical	Waste No.	Abstracts No.	Substance
U279		63-25-2		Carbaryl
U372		10605-21-7		Carbendazim
U367		1563-38-8		Carbofuran phenol
U215		6533-73-9		Carbonic acid, dithallium(I+) salt
U033		353-50-4		Carbonic difluoride
U156		79-22-1		Carbonochloridic acid, methyl ester (I,T)
U033		353-50-4		Carbon oxyfluoride (R,T)
U211		56-23-5		Carbon tetrachloride
U034		75-87-6		Chloral
U035		305-03-3		Chlorambucil
U036		57-74-9		Chlordane, alpha & gammaisomers
U026		494-03-1		Chlornaphazin
U037		108-90-7		Chlorobenzene
U038		510-15-6		Chlorobenzilate
U039		59-50-7		p-Chloro-m-cresol
U042		110-75-8		2-Chloroethyl vinyl ether
U044		67-66-3		Chloroform
U046		107-30-2		Chloromethyl methyl ether
U047		91-58-7		beta-Chloronaphthalene
U048		95-57-8		o-Chlorophenol
U049		3165-93-3		4-Chloro-o-toluidine,hydrochloride
U032		13765-19-0		Chromic acid H ₂ CrO ₄ , calcium salt
U050		218-01-9		Chrysene
U051				Creosote
U052		1319-77-3		Cresol (Cresylic acid)
U053		4170-30-3		Crotonaldehyde
U055		98-82-8		Cumene (I)
U246		506-68-3		Cyanogen bromide (CN)Br
U197		106-51-4		2,5-Cyclohexadiene-1,4-dione
U056		110-82-7		Cyclohexane (I)
U129		58-89-9		Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U057		108-94-1		Cyclohexanone (I)
U130		77-47-4		1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058		50-18-0		Cyclophosphamide
U240		¹ 94-75-7		2,4-D, salts & esters
U059		20830-81-3		Daunomycin
U060		72-54-8		DDD
U061		50-29-3		DDT
U062		2303-16-4		Diallate
U063		53-70-3		Dibenz[<i>a,h</i>]anthracene
U064		189-55-9		Dibenzo[<i>a,i</i>]pyrene
U066		96-12-8		1,2-Dibromo-3-chloropropane
U069		84-74-2		Dibutyl phthalate
U070		95-50-1		o-Dichlorobenzene
U071		541-73-1		m-Dichlorobenzene
U072		106-46-7		p-Dichlorobenzene
U073		91-94-1		3,3'-Dichlorobenzidine
U074		764-41-0		1,4-Dichloro-2-butene (I,T)
U075		75-71-8		Dichlorodifluoromethane
U078		75-35-4		1,1-Dichloroethylene
U079		156-60-5		1,2-Dichloroethylene

Alphabetical List

((Hazardous))

<u>Dangerous</u>	Chemical	Substance
Waste No.	Abstracts No.	
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U395	5952-26-1	Diethylene glycol, dicarbamate
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbesterol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U404	121-44-8	Ethanamine, N,N-diethyl-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[methylenabis(oxy)]bis[2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis-(I)
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide

Alphabetical List

((Hazardous))

<u>Dangerous</u>	Chemical	Substance
Waste No.	Abstracts No.	
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U410	59669-26-0	Ethanimidothioic acid, N,N'-[thio-bis[(methylimino) carbonyloxy]]bis-, dime-thyl ester
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino) - N-hydroxy-2-oxo-, methyl ester
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U004	98-86-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether (I)
U114	111-54-6	Ethylenebisdithiocarbamic acid,salts & esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether
U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro-(I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino)-carbonyl]amino]-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-

Alphabetical List**((Hazardous))**

Dangerous	Chemical	
Waste No.	Abstracts No.	Substance
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H ₂ S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpine
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I, T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I, T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I, T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene,1,2,4,5,6,7,8,8- octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen- 2-one,1,1a,3,3a,4,5,5a,5b,6-decachlo- rooctahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)

Alphabetical List**((Hazardous))**

Dangerous	Chemical	
Waste No.	Abstracts No.	Substance
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methyl chloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-[(3- amino-2,3,6-trideoxy)-alpha-L-lyxo-hex- opyranosyl]oxy]-7,8,9,10-tetrahydro- 6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid,3,3'-[(3,3'- dimethyl[1,1'-biphenyl]-4,4'- diyl)bis(azo)bis[5-amino-4-hydroxy]-, tet- rasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium(1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N- bis(2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxyaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane

Alphabetical List

((Hazardous))

<u>Dangerous</u>	Chemical	Substance
Waste No.	Abstracts No.	
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U145	7446-27-7	Phosphoric acid, lead(2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorus sulfide (R)
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U193	1120-71-4	1,3-Propane sultone
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U235	126-72-7	1-Propanol, 2,3-dibromo-,phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-1	2-Propenamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester

Alphabetical List

((Hazardous))

<u>Dangerous</u>	Chemical	Substance
Waste No.	Abstracts No.	
U162	80-62-6	2-Propenoic acid, 2-methyl-,methyl ester (I,T)
U373	122-42-9	Propham
U411	114-26-1	Propoxur
U387	52888-80-9	Prosulfocarb
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	181-07-2	Saccharin, & salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS ₂ (R,T)
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride

Alphabetical List

(Hazardous)

<u>Dangerous</u> Waste No.	<u>Chemical</u> Abstracts No.	<u>Substance</u>
U389	2303-17-5	Triallate
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U227	71-55-6	1,1,1-Trichloroethane
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl)phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
eU248	181-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid,11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10% or less

Numerical List

<u>Dangerous</u> Waste No.	<u>Chemical</u> Abstracts No.	<u>Substance</u>
U001	75-07-0	Acetaldehyde (I)
U001	75-07-0	Ethanal (I)
U002	67-64-1	Acetone (I)
U002	67-64-1	2-Propanone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U004	98-86-2	Ethanone, 1-phenyl-
U005	53-96-3	Acetamide, -9H-fluoren-2-yl-
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U007	79-06-1	2-Propenamide
U008	79-10-7	Acrylic acid (I)
U008	79-10-7	2-Propenoic acid (I)
U009	107-13-1	Acrylonitrile
U009	107-13-1	2-Propenenitrile
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[aminocarbo-nyl)oxy)methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalpha,8balph)]-
U010	50-07-7	Mitomycin C
U011	61-82-5	Amitrole
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U012	62-53-3	Aniline (I,T)

Numerical List

<u>Dangerous</u> Waste No.	<u>Chemical</u> Abstracts No.	<u>Substance</u>
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Auramine
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
U015	115-02-6	Azaserine
U015	115-02-6	L-Serine, diazoacetate(ester)
U016	225-51-4	Benz[c]acridine
U017	98-87-3	Benzal chloride
U017	98-87-3	Benzene, (dichloromethyl)-
U018	56-55-3	Benz[a]anthracene
U019	71-43-2	Benzenesulfonic acid chloride(C,R)
U020	98-09-9	Benzenesulfonyl chloride(C,R)
U021	92-87-5	Benzidine
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U022	50-32-8	Benzo[a]pyrene
U023	98-07-7	Benzene, (trichloromethyl)-
U023	98-07-7	Benzotrithloride (C,R,T)
U024	111-91-1	Dichloromethoxy ethane
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U025	111-44-4	Dichloroethyl ether
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U026	494-03-1	Chlornaphazin
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U027	108-60-1	Dichloroisopropyl ether
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U028	117-81-7	1,2-Benzenedicarboxylic acid,bis(2-ethylhexyl) ester
U028	117-81-7	Diethylhexyl phthalate
U029	74-83-9	Methane, bromo-
U029	74-83-9	Methyl bromide
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U030	101-55-3	4-Bromophenyl phenyl ether
U031	71-36-3	1-Butanol (I)
U031	71-36-3	n-Butyl alcohol (I)
U032	13765-19-0	Calcium chromate
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U033	353-50-4	Carbonic difluoride
U033	353-50-4	Carbon oxyfluoride (R,T)
U034	75-87-6	Acetaldehyde, trichloro-
U034	75-87-6	Chloral
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha & gamma isomers
U036	57-74-9	4,7-Methano-1H-indene,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U037	108-90-7	Benzene, chloro-
U037	108-90-7	Chlorobenzene
U038	510-15-6	Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U041	106-89-8	Epichlorohydrin

Numerical List

<u>Dangerous Waste No.</u>	<u>Chemical Abstracts No.</u>	<u>Substance</u>
U041	106-89-8	Oxirane, (chloromethyl)-
U042	110-75-8	2-Chloroethyl vinyl ether
U042	110-75-8	Ethene, (2-chloroethoxy)-
U043	75-01-4	Ethene, chloro-
U043	75-01-4	Vinyl chloride
U044	67-66-3	Chloroform
U044	67-66-3	Methane, trichloro-
U045	74-87-3	Methane, chloro- (I,T)
U045	74-87-3	Methyl chloride (I,T)
U046	107-30-2	Chloromethyl methyl ether
U046	107-30-2	Methane, chloromethoxy-
U047	91-58-7	beta-Chloronaphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U048	95-57-8	o-Chlorophenol
U048	95-57-8	Phenol, 2-chloro-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U050	218-01-9	Chrysene
U051	Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U052	1319-77-3	Phenol, methyl-
U053	4170-30-3	2-Butenal
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Benzene, (1-methylethyl)-(I)
U055	98-82-8	Cumene (I)
U056	110-82-7	Benzene, hexahydro-(I)
U056	110-82-7	Cyclohexane (I)
U057	108-94-1	Cyclohexanone (I)
U058	50-18-0	Cyclophosphamide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U059	20830-81-3	Daunomycin
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-
U060	72-54-8	DDD
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
U061	50-29-3	DDT
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Benzo[rs]pentaphene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U067	106-93-4	Ethane, 1,2-dibromo-
U067	106-93-4	Ethylene dibromide
U068	74-95-3	Methane, dibromo-
U068	74-95-3	Methylene bromide

Numerical List

<u>Dangerous Waste No.</u>	<u>Chemical Abstracts No.</u>	<u>Substance</u>
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	Benzene, 1,2-dichloro-
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	Benzene, 1,3-dichloro-
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	Benzene, 1,4-dichloro-
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	2-Butene, 1,4-dichloro-(I,T)
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U075	75-71-8	Methane, dichlorodifluoro-
U076	75-34-3	Ethane, 1,1-dichloro-
U076	75-34-3	Ethylidene dichloride
U077	107-06-2	Ethane, 1,2-dichloro-
U077	107-06-2	Ethylene dichloride
U078	75-35-4	1,1-Dichloroethylene
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	1,2-Dichloroethylene
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U080	75-09-2	Methane, dichloro-
U080	75-09-2	Methylene chloride
U081	120-83-2	2,4-Dichlorophenol
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	2,6-Dichlorophenol
U082	87-65-0	Phenol, 2,6-dichloro-
U083	78-87-5	Propane, 1,2-dichloro-
U083	78-87-5	Propylene dichloride
U084	542-75-6	1,3-Dichloropropene
U084	542-75-6	1-Propene, 1,3-dichloro-
U085	1464-53-5	2,2'-Bioxirane
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U086	1615-80-1	N,N'-Diethylhydrazine
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U087	3288-58-2	O,O-Diethyl S-methyldithiophosphate
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbesterol
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U090	94-58-6	Dihydrosafrole
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U092	124-40-3	Methanamine, -methyl-(I)
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	Benzo[a]anthracene, 7,12-dimethyl-

Numerical List

<u>Dangerous</u>	<u>Chemical</u>	<u>Substance</u>
<u>Waste No.</u>	<u>Abstracts No.</u>	
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dime- thyl-
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha.alpha-Dimethylbenzylhydroperoxide (R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U097	79-44-7	Carbamic chloride, dimethyl-
U097	79-44-7	Dimethylcarbonyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	1,2-Dimethylhydrazine
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U101	105-67-9	2,4-Dimethylphenol
U101	105-67-9	Phenol, 2,4-dimethyl-
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U103	77-78-1	Sulfuric acid, dimethyl ester
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Diethyleneoxide
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U110	142-84-7	Dipropylamine (I)
U110	142-84-7	1-Propanamine, N-propyl-(I)
U111	621-64-7	Di-n-propylnitrosamine
U111	621-64-7	1-Propanamine, N-nitroso-N- propyl-
U112	141-78-6	Acetic acid ethyl ester (I)
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U114	111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters
U114	111-54-6	Ethylenebisdithiocarbamic acid, salts & esters
U115	75-21-8	Ethylene oxide (I,T)
U115	75-21-8	Oxirane (I,T)
U116	96-45-7	Ethylenethiourea
U116	96-45-7	2-Imidazolidinethione
U117	60-29-7	Ethane, 1,1'-oxybis-(I)
U117	60-29-7	Ethyl ether (I)
U118	97-63-2	Ethyl methacrylate
U118	97-63-2	2-Propenoic acid, 2-methyl-,ethyl ester
U119	62-50-0	Ethyl methanesulfonate
U119	62-50-0	Methanesulfonic acid, ethyl ester
U120	206-44-0	Fluoranthene
U121	75-69-4	Methane, trichlorofluoro-

Numerical List

<u>Dangerous</u>	<u>Chemical</u>	<u>Substance</u>
<u>Waste No.</u>	<u>Abstracts No.</u>	
U121	75-69-4	Trichloromonofluoromethane
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U124	110-00-9	Furfuran (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U125	98-01-1	Furfural (I)
U126	765-34-4	Glycidylaldehyde
U126	765-34-4	Oxiranecarboxyaldehyde
U127	118-74-1	Benzene, hexachloro-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U128	87-68-3	Hexachlorobutadiene
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha, 5alpha,6beta)-
U129	58-89-9	Lindane
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5- hexachloro-
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Ethane, hexachloro-
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro- Hydrazine (R, T)
U133	302-01-2	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U134	7664-39-3	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H2S
U135	7783-06-4	Arsinic acid, dimethyl-
U136	75-60-5	Cacodylic acid
U136	75-60-5	Indenof[1,2,3-cd]pyrene
U137	193-39-5	Methane, iodo-
U138	74-88-4	Methyl iodide
U138	74-88-4	Isobutyl alcohol (I,T)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U140	78-83-1	1,3-Benzodioxole, 5-(1-propenyl)-
U141	120-58-1	Isosafrole
U141	120-58-1	Kepone
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen- 2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlo- rooctahydro-
U142	143-50-0	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihy- droxy-2-(1-methoxyethyl)-3-methyl-1- oxobutoxy]methyl]-2,3,5,7a-tetrahydro- 1H-pyrrolizin-1-yl ester, [1S- [1alpha(Z),7(2S*,3R*),7aalpha]]-
U143	303-34-4	Lasiocarpine
U144	301-04-2	Acetic acid, lead(2+) salt
U144	301-04-2	Lead acetate
U145	7446-27-7	Lead phosphate
U145	7446-27-7	Phosphoric acid, lead(2+)salt (2:3)
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U146	1335-32-6	Lead subacetate
U147	108-31-6	2,5-Furandione
U147	108-31-6	Maleic anhydride

Numerical List

<u>Dangerous</u>	<u>Chemical</u>	<u>Substance</u>
<u>Waste No.</u>	<u>Abstracts No.</u>	
U148	123-33-1	Maleic hydrazide
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U149	109-77-3	Malononitrile
U149	109-77-3	Propanedinitrile
U150	148-82-3	Melphalan
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U153	74-93-1	Methanethiol (I,T)
U153	74-93-1	Thiomethanol (I,T)
U154	67-56-1	Methanol (I)
U154	67-56-1	Methyl alcohol (I)
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U155	91-80-5	Methapyrilene
U156	79-22-1	Carbonochloridic acid, methylester (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U157	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U159	78-93-3	2-Butanone (I,T)
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U161	108-10-1	Methyl isobutyl ketone (I)
U161	108-10-1	4-Methyl-2-pentanone (I)
U161	108-10-1	Pentanol, 4-methyl-
U162	80-62-6	Methyl methacrylate (I,T)
U162	80-62-6	2-Propenoic acid, 2-methyl-,methyl ester (I,T)
U163	70-25-7	Guanidine, -methyl-N'-nitro-N-nitroso-
U163	70-25-7	MNNG
U164	56-04-2	Methylthiouracil
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U165	91-20-3	Naphthalene
U166	130-15-4	1,4-Naphthalenedione
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	1-Naphthalenamine
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	2-Naphthalenamine
U168	91-59-8	beta-Naphthylamine
U169	98-95-3	Benzene, nitro-
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U170	100-02-7	Phenol, 4-nitro-
U171	79-46-9	2-Nitropropane (I,T)
U171	79-46-9	Propane, 2-nitro- (I,T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	Ethanol, 2,2'- (nitrosoimino)bis-

Numerical List

<u>Dangerous</u>	<u>Chemical</u>	<u>Substance</u>
<u>Waste No.</u>	<u>Abstracts No.</u>	
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	Ethanamine, -ethyl-N-nitroso-
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	N-Nitroso-N-methylurea
U177	684-93-5	Urea, N-methyl-N-nitroso-
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U179	100-75-4	Piperidine, 1-nitroso-
U180	930-55-2	N-Nitrosopyrrolidine
U180	930-55-2	Pyrrolidine, 1-nitroso-
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U181	99-55-8	5-Nitro-o-toluidine
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U182	123-63-7	Paraldehyde
U183	608-93-5	Benzene, pentachloro-
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Ethane, pentachloro-
U184	76-01-7	Pentachloroethane
U185	82-68-8	Benzene, pentachloronitro-
U185	82-68-8	Pentachloronitrobenzene (PCNB)
U186	504-60-9	1-Methylbutadiene (I)
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Acetamide, -(4-ethoxyphenyl)-
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U189	1314-80-3	Phosphorus sulfide (R)
U189	1314-80-3	Sulfur phosphide (R)
U190	85-44-9	1,3-Isobenzofurandione
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U191	109-06-8	Pyridine, 2-methyl-
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U192	23950-58-5	Pronamide
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U193	1120-71-4	1,3-Propane sultone
U194	107-10-8	1-Propanamine (I,T)
U194	107-10-8	n-Propylamine (I,T)
U196	110-86-1	Pyridine
U197	106-51-4	p-Benzoquinone
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U200	50-55-5	Reserpine
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methylester, (3beta,16beta,17alpha,18beta,20alpha)-
U201	108-46-3	1,3-Benzenediol
U201	108-46-3	Resorcinol
U202	181-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, & salts
U202	181-07-2	Saccharin, & salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-

Numerical List

<u>Dangerous</u> <u>Waste No.</u>	<u>Chemical</u> <u>Abstracts No.</u>	<u>Substance</u>
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS ₂ (R,T)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino)-carbonyl]amino]-
U206	18883-66-4	Streptozotocin
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Ethene, tetrachloro-
U210	127-18-4	Tetrachloroethylene
U211	56-23-5	Carbon tetrachloride
U211	56-23-5	Methane, tetrachloro-
U213	109-99-9	Furan, tetrahydro-(I)
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Acetic acid, thallium(I+)salt
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Carbonic acid, dithallium(I+) salt
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Nitric acid, thallium(I+) salt
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Ethanethioamide
U218	62-55-5	Thioacetamide
U219	62-56-6	Thiourea
U220	108-88-3	Benzene, methyl-
U220	108-88-3	Toluene
U221	25376-45-8	Benzenediamine, ar-methyl-
U221	25376-45-8	Toluenediamine
U222	636-21-5	Benzenamine, 2-methyl-,hydrochloride
U222	636-21-5	o-Toluidine hydrochloride
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-(R,T)
U223	26471-62-5	Toluene diisocyanate (R,T)
U225	75-25-2	Bromoform
U225	75-25-2	Methane, tribromo-
U226	71-55-6	Ethane, 1,1,1-trichloro-
U226	71-55-6	Methyl chloroform
U226	71-55-6	1,1,1-Trichloroethane
U227	79-00-5	Ethane, 1,1,2-trichloro-
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Ethene, trichloro-
U228	79-01-6	Trichloroethylene
U234	99-35-4	Benzene, 1,3,5-trinitro-
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U235	126-72-7	1-Propanol, 2,3-dibromo-,phosphate (3:1)
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate

Numerical List

<u>Dangerous</u> <u>Waste No.</u>	<u>Chemical</u> <u>Abstracts No.</u>	<u>Substance</u>
U236	72-57-1	2,7-Naphthalenedisulfonicacid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U236	72-57-1	Trypan blue
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U237	66-75-1	Uracil mustard
U238	51-79-6	Carbamic acid, ethyl ester
U238	51-79-6	Ethyl carbamate (urethane)
U239	1330-20-7	Benzene, dimethyl- (I,T)
U239	1330-20-7	Xylene (I)
U240	1\ 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts & esters
U240	1\ 94-75-7	2,4-D, salts & esters
U243	1888-71-7	Hexachloropropene
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-
U244	137-26-8	Thiram
U246	506-68-3	Cyanogen bromide (CN)Br
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
U247	72-43-5	Methoxychlor
U248	1\ 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less
U248	1\ 81-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10% or less
U271	17804-35-2	Benomyl
U271	17804-35-2	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methylester
U278	22781-23-3	Bendiocarb
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethylether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-,
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl-, methylester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham

Numerical List

<u>Dangerous Waste No.</u>	<u>Chemical Abstracts No.</u>	<u>Substance</u>
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenyl-methyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester
U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'-[thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U411	114-26-1	Propoxur
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
See F027	87-86-5	Pentachlorophenol
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
See F027	93-72-1	Silvex (2,4,5-TP)
See F027	93-76-5	2,4,5-T
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol

FOOTNOTE: ¹CAS Number given for parent compound only.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-9904 Dangerous waste sources list.

The following Hazard Codes are used to indicate the basis EPA used for listing the classes or types of wastes listed in this section:

- Ignitable Waste (I)
- Corrosive Waste (C)
- Reactive Waste (R)
- Toxicity Characteristic Waste (E)
- Acute Hazardous Waste (H)
- Toxic Waste (T)

DANGEROUS WASTE SOURCES LIST

(I)
Dangerous Waste No. Sources

Nonspecific Sources

Generic:

- F001 The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
- F002 The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2 trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)
- F003 The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent nonhalogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the above nonhalogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I)
- F004 The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)

F005	The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I,T)		listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (See footnote 1, below.) (H)
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. (T)	F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (See footnote 1, below.) (H)
F007	Spent cyanide plating bath solutions from electroplating operations. (R,T)	F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (See footnote 1, below.) (H)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R,T)	F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (See footnote 1, below.) (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (H)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. (R,T)	F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in this section.) (T)
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process. (R,T)	F025	Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations. (R,T)		
F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process. (T)		
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. (T)		
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This		

- F026 Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (See footnote 1, below.) (H)
- F027 Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (See footnote 1, below.) (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.) (H)
- F028 Residues resulting from the incineration or thermal treatment of soil contaminated with nonspecific sources wastes F020, F021, F022, F023, F026 and F027. (T)
- F032 Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with WAC 173-303-083 or potentially cross-contaminated wastes that are otherwise currently regulated as dangerous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
- F034 Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
- F035 Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood pre-serving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
- F037 Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in:
Oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in footnote 2, below (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under WAC 173-303-071 (3)(cc)(i), if those residuals are to be disposed of. (See footnote 2, below.) (T)
- F038 Petroleum refinery secondary (emulsified) oil/water/solids separation sludge-Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: Induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in footnote 2, below (including

	sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing. (See footnote 2, below.) (T)	K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile. (T)
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as dangerous under WAC 173-303-9903, 173-303-9904, and 173-303-9905. (Leachate resulting from the disposal of one or more of the following dangerous wastes, and no other dangerous wastes, retains its Dangerous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.) (T)	K015	Still bottoms from the distillation of benzyl chloride. (T)
		K016	Heavy ends or distillation residues from the production of carbon tetrachloride. (T)
		K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (T)
		K018	Heavy ends from the fractionation column in ethyl chloride production. (T)
		K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (T)
		K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (T)
		K021	Aqueous spent antimony catalyst waste from fluoromethanes production. (T)
		K022	Distillation bottom tars from the production of phenol/acetone from cumene. (T)
		K023	Distillation light ends from the production of phthalic anhydride from naphthalene. (T)
		K024	Distillation bottoms from the production of phthalic anhydride from naphthalene. (T)
		K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene. (T)
		K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene. (T)
		K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene. (T)
		K026	Stripping still tails from the production of methyl ethyl pyridines. (T)
		K027	Centrifuge and distillation residues from toluene diisocyanate production. (R,T)
		K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (T)
		K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (T)
		K095	Distillation bottoms from the production of 1,1,1-trichloroethane. (T)
		K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (T)
		K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (T)
		K083	Distillation bottoms from aniline production. (T)

*(I,T) should be used to specify mixtures that are ignitable and contain toxic constituents.

Specific Sources

Wood Preservation:

K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (T)

Inorganic Pigments:

K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments. (T)

K003 Wastewater treatment sludge from the production of molybdate orange pigments. (T)

K004 Wastewater treatment sludge from the production of zinc yellow pigments. (T)

K005 Wastewater treatment sludge from the production of chrome green pigments. (T)

K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). (T)

K007 Wastewater treatment sludge from the production of iron blue pigments. (T)

K008 Oven residue from the production of chrome oxide green pigments. (T)

Organic Chemicals:

K009 Distillation bottoms from the production of acetaldehyde from ethylene. (T)

K010 Distillation side cuts from the production of acetaldehyde from ethylene. (T)

K011 Bottom stream from the wastewater stripper in the production of acrylonitrile. (R,T)

K013 Bottom stream from the acetonitrile column in the production of acrylonitrile. (R,T)

K103	Process residues from aniline extraction from the production of aniline. (T)	K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production. (T)	K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.) (T)
K085	Distillation of fractionation column bottoms from the production of chlorobenzenes. (T)	K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha-(or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (T)	K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha-(or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
K107	Column bottoms from product separation from the production of 1,1-dimethyl((-))hydrazine(UDMH) from carboxylic acid hydrazines. (C,T)	K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from the carboxylic acid hydrazides. (I,T)	K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)	K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)	K159	Organics from the treatment of thiocarbamate wastes. (T)
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene. (C,T)	K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (R,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)		
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)		
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)		
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)		
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (T)		
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. (T)		
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)		

K174 Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions:

(i) They are disposed of in a hazardous waste or nonhazardous landfill licensed or permitted by the state or federal government;

(ii) They are not otherwise placed on the land prior to final disposal; and

(iii) The generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off site landfill. Respondents in any action brought to enforce the requirements of the Hazardous Waste Management Act or dangerous waste regulations must, upon a showing by the government that the respondent managed wastewater treatment sludges from the production of vinyl

chloride monomer or ethylene dichloride, demonstrate that they meet the terms of the exclusion set forth above. In doing so, they must provide appropriate documentation (e.g., contracts between the generator and the landfill owner/operator, invoices documenting delivery of waste to landfill, etc.) that the terms of the exclusion were met. (T)

K175 Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)

K181 Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in subsection (3) of this section that are equal to or greater than the corresponding subsection (3) of this section levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are:

(i) Disposed in a municipal solid waste landfill unit subject to the design criteria in 40 CFR 258.40;

(ii) Disposed in a dangerous waste landfill unit subject to either WAC 173-303-665(2) or 40 CFR 265.301 (incorporated by reference at WAC 173-303-400 (3)(a));

(iii) Disposed in other municipal solid waste landfill units that meet the design criteria in 40 CFR 258.40, WAC 173-303-665(2) or 40 CFR 265.301 (incorporated by reference at WAC 173-303-400 (3)(a)); or

(iv) Treated in a combustion unit that is permitted under the Hazardous Waste Management Act and the dangerous waste regulations, or an on-site combustion unit that is permitted under the Clean Air Act. For the purposes of this listing, dyes and/or pigments production is defined in subsection (2)(a) of this section.

Subsection (4) of this section describes the process for demonstrating that a facility's nonwastewaters are not K181. This listing does not apply to wastes that are otherwise identified as dangerous under WAC 173-303-090 (5) through (8), 173-303-100 (5) through (6), 173-303-9903, and 173-303-9904 at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met. (T)

Explosives:

- K044 Wastewater treatment sludges from the manufacturing and processing of explosives. (R)
- K045 Spent carbon from the treatment of wastewater containing explosives. (R)
- K046 Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. (T)
- K047 Pink/red water from TNT operations. (R)

Inorganic Chemicals:

- K071 Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)
- K073 Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)
- K106 Wastewater treatment sludge from the mercury cell process in chlorine production. (T)
- K176 Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide). (E)
- K177 Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide). (T)

K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process. (T)	K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (T)
		K035	Wastewater treatment sludges generated in the production of creosote. (T)
Petroleum Refining:		K036	Still bottoms from toluene reclamation distillation in the production of disulfoton. (T)
K048	Dissolved air flotation (DAF) float from the petroleum refining industry. (T)	K037	Wastewater treatment sludges from the production of disulfoton. (T)
K049	Slop oil emulsion solids from the petroleum refining industry. (T)	K038	Wastewater from the washing and stripping of phorate production. (T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry. (T)	K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (T)
K051	API separator sludge from the petroleum refining industry. (T)	K040	Wastewater treatment sludge from the production of phorate. (T)
K052	Tank bottoms (leaded) from the petroleum refining industry. (T)	K041	Wastewater treatment sludge from the production of toxaphene. (T)
K169	Crude oil storage tank sediment from petroleum refining operations. (T)	K098	Untreated process wastewater from the production of toxaphene. (T)
K170	Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations. (T)	K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)	K043	2,6-Dichlorophenol waste from the production of 2,4-D. (T)
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)	K099	Untreated wastewater from the production of 2,4-D. (T)
		K123	Process wastewater (including supernates, filtrates, and wastewaters) from the production of ethylenebisdithiocarbamic acid and its salts. (T)
Iron and Steel:		K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C,T)
K061	Emission control dust/sludge from the primary production of steel in electric furnaces. (T)	K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts. (T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (NAICS codes 331111 and 332111). (C,T)	K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts. (T)
Pesticides:		K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide. (C,T)
K031	Byproduct salts generated in the production of MSMA and cacodylic acid. (T)	K132	Spent absorbent and wastewater separator solids from the production of methyl bromide. (T)
K032	Wastewater treatment sludge from the production of chlordane. (T)		
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (T)	Primary Aluminum:	
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (T)	K088	Spent potliners from primary aluminum reduction. (T)

Secondary Lead:

K069	Emission control dust/sludge from secondary lead smelting. (T)	K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)	K147	Tar storage tank residues from coal tar refining.
		K148	Residues from coal tar distillation, including but not limited to, still bottoms.

Veterinary Pharmaceuticals:

K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)	1
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)	2
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)	a
		b(i)

Footnotes

- 1 For wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027 the quantity exclusion limit is 2.2 lbs. (1 kg) per month or per batch.
- 2 Listing Specific Definitions:
 - a For the purposes of the F037 and F038 listings, oil/water/solids is defined as oil and/or water and/or solids.
 - b(i) For the purposes of the F037 and F038 listings, aggressive biological treatment units are defined as units which employ one of the following four treatment methods: Activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and (A) the units employs a minimum of 6 hp per million gallons of treatment volume; and either (B) the hydraulic retention time of the unit is no longer than 5 days; or (C) the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a dangerous waste by the Toxicity Characteristic.
 - (ii) Generators and treatment, storage and disposal facilities have the burden of proving that their sludges are exempt from listing as F037 and F038 wastes under this definition. Generators and treatment, storage and disposal facilities must maintain, in their operating or other on-site records, documents and data sufficient to prove that: (A) The unit is an aggressive biological treatment unit as defined in this subsection; and (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually treated in the aggressive biological treatment unit.
 - c(i) For the purposes of the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.

Ink Formulation:

K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. (T)
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Coking:

K060	Ammonia still-lime sludge from coking operations. (T)
K087	Decanter tank tar sludge from coking operations. (T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recover of coke by-products produced from coal.

- (ii) For the purposes of the F038 listing,
- (A) Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement and
- (B) Floats are considered to be generated at the moment they are formed in the top of the unit.

Constituent	Chemical Abstracts No.	Mass Levels (kg/yr)
2,4-Dimethylaniline	95-68-1	100
1,2-Phenylenediamine	95-54-5	710
1,3-Phenylenediamine	108-45-2	1,200

State Sources

WPCB Discarded transformers, capacitors or bushings containing polychlorinated biphenyls (PCB) at concentrations of 2 parts per million or greater (except when drained of all free flowing liquid) and the following wastes generated from the salvaging, rebuilding, or discarding of transformers, capacitors or bushings containing polychlorinated biphenyls (PCB) at concentrations of 2 parts per million or greater: Cooling and insulating fluids and cores, including core papers. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-071 (3)(k). The generator should check that section to determine if their PCB waste is excluded from the requirements of chapter 173-303 WAC.)

- (2) Listing Specific Definitions: For the purposes of the K181 listing, dyes and/or pigments production is defined to include manufacture of the following product classes: Dyes, pigments, or FDA certified colors that are classified as azo, triarylmethane, perylene or anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, benzidine, and pyrazolone products. Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes and/or pigments manufacturing site, such as wastes from the off site use, formulation, and packaging of dyes and/or pigments, are not included in the K181 listing.
- (3) K181 Listing Levels. Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the K181 listing, unless the conditions in the K181 listing are met.

Constituent	Chemical Abstracts No.	Mass Levels (kg/yr)
Aniline	62-53-3	9,300
o-Anisidine	90-04-0	110
4-Chloroaniline	106-47-8	4,800
p-Cresidine	120-71-8	660

(4) Procedures for demonstrating that dyes and/or pigment nonwastewaters are not K181. The procedures described in (a) through (c) and (e) of this subsection establish when nonwastewaters from the production of dyes/pigments would not be hazardous (these procedures apply to wastes that are not disposed in landfill units or treated in combustion units as specified in subsection (1) - the K181 listing - of this section). If the nonwastewaters are disposed in landfill units or treated in combustion units as described in subsection (1) of this section, then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 listing description, the generator must maintain documentation as described in (d) of this subsection.

(a) Determination based on no K181 constituents. Generators that have knowledge (for example, knowledge of constituents in wastes based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed) that their wastes contain none of the K181 constituents (see subsection (3) of this section) can use their knowledge to determine that their waste is not K181. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.

(b) Determination for generated quantities of 1,000 MT/yr or less for wastes that contain K181 constituents. If the total annual quantity of dyes and/or pigment nonwastewaters generated is 1,000 metric tons or less, the generator can use knowledge of the wastes (for example, knowledge of constituents in wastes based on prior analytical data and/or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of this subsection. To make this determination, the generator must:

- (i) Each year document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 metric tons.
- (ii) Track the actual quantity of nonwastewaters generated from January 1 through December 31 of each year. If, at any time within the year, the actual waste quantity exceeds 1,000 metric tons, the generator must comply with the requirements of (c) of this subsection for the remainder of the year.
- (iii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.
- (iv) Keep the following records on-site for the three most recent calendar years in which the hazardous waste determinations are made:
- (A) The quantity of dyes and/or pigment nonwastewaters generated.
- (B) The relevant process information used.
- (C) The calculations performed to determine annual total mass loadings for each K181 constituent in the nonwastewaters during the year.
- (c) *Determination for generated quantities greater than 1,000 MT/yr for wastes that contain K181 constituents.* If the total annual quantity of dyes and/or pigment nonwastewaters generated is greater than 1,000 metric tons, the generator must perform all of the steps described in paragraphs (d)(3)(i) - (d)(3)(xi) of this subsection in order to make a determination that its waste is not K181.
- (i) Determine which K181 constituents (see (c) of this subsection) are reasonably expected to be present in the wastes based on knowledge of the wastes (for example, based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed).
- (ii) If 1,2-phenylenediamine is present in the wastes, the generator can use either knowledge or sampling and analysis procedures to determine the level of this constituent in the wastes. For determinations based on use of knowledge, the generator must comply with the procedures for using knowledge described in paragraph (d)(2) of this subsection and keep the records described in paragraph (d)(2)(iv) of this subsection. For determinations based on sampling and analysis, the generator must comply with the sampling
- and analysis and recordkeeping requirements described below in this subsection.
- (iii) Develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes. At a minimum, the plan must include:
- (A) A discussion of the number of samples needed to characterize the wastes fully;
- (B) The planned sample collection method to obtain representative waste samples;
- (C) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes;
- (D) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods.
- (iv) Collect and analyze samples in accordance with the waste sampling and analysis plan.
- (A) The sampling and analysis must be unbiased, precise, and representative of the wastes;
- (B) The analytical measurements must be sufficiently sensitive, accurate and precise to support any claim that the constituent mass loadings are below the listing levels of subsection (3) of this section.
- (v) Record the analytical results.
- (vi) Record the waste quantity represented by the sampling and analysis results.
- (vii) Calculate constituent-specific mass loadings (product of concentrations and waste quantity).
- (viii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.
- (ix) Determine whether the mass of any of the K181 constituents listed in subsection (3) of this section generated between January 1 and December 31 of any year is below the K181 listing levels.
- (x) Keep the following records on-site for the three most recent calendar years in which the hazardous waste determinations are made:
- (A) The sampling and analysis plan.
- (B) The sampling and analysis results (including QA/QC data).
- (C) The quantity of dyes and/or pigment nonwastewaters generated.
- (D) The calculations performed to determine annual mass loadings.

- (xi) Nonhazardous waste determinations must be conducted annually to verify that the wastes remain nonhazardous.
- (A) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are nonhazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.
- (B) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.
- (C) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a nonhazardous determination. If testing is reinstated, a description of the process change must be retained.
- (d) Recordkeeping for the landfill disposal and combustion exemptions. For the purposes of meeting the landfill disposal and combustion condition set out in the K181 listing description, the generator must maintain on-site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or meets the landfill design standards set out in the listing description, or was treated in combustion units as specified in the listing description.
- (e) Waste holding and handling. During the interim period, from the point of generation to completion of the hazardous waste determination, the generator is responsible for storing the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the Hazardous Waste Management Act and the dangerous waste regulation requirements during the interim period, the generator could be subject to an enforcement action for improper management.

Acetophenone (Ethanone, 1-phenyl)
 -(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts (Warfarin)
 2-Acetylaminofluorene (Acetamide,N-9H- fluoren-2-yl)-
 Acetyl chloride (Ethanoyl chloride)
 1-Acetyl-2-thiourea (Acetamide,N-(aminothioxomethyl)-)
 Acrolein (2-Propenal)
 Acrylamide (2-Propenamide)
 Acrylonitrile (2-Propenenitrile)
 Aflatoxins
 Aldicarb sulfone (Propanal, 2-methyl-2-(methylsulfonyl) -, O-[(methylamino) carbonyl] oxime)
 Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a,-hexahydro-endo,exo- 1,4:5,8-Dimethanonaphthalene)
 Allyl alcohol (2-Propen-1-ol)
 Allyl chloride (1-Propane, 3-chloro)
 Aluminum phosphide
 4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)
 6-Amino-1,1a,2,8,8a,8b-hexahydro-8- (hydroxymethyl)-8a-methoxy-5-methyl- carbamate azirino[2',3':3,4] pyrrolo[1,2-a]indole-4,7-dione, (ester) (Mitomycin C) (Azirino[2'3':3,4]pyrrolo(1,2-a)indole-4,7-dione, 6-amino-8
 4-Aminopyridine(4-Pyridinamine)
 Amitrole (1H-1,2,4-Triazol-3-amine)
 Aniline (Benzenamine)
o-Anisidine (2-methoxyaniline)(Benzenamine, 2-Methoxy-)
 Antimony and compounds, N.O.S.*
 Aramite (Sulfurous acid 2-chloroethyl 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester)Arsenic and compounds, N.O.S.*
 Barban (Carbamic acid, (3-chlorophenyl) -, 4-chloro-2-butynyl ester)
 Barium and compounds, N.O.S.*
 Barium cyanide
 Bendiocarb (1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate)
 Bendiocarb phenol (1,3-Benzodioxol-4-ol, 2,2-dimethyl-,)
 Benomyl (Carbamic acid, [1- [(butylamino) carbonyl]-1H-benzimidazol-2-yl] -, methyl ester)
 Benz[c]acridine (3,4-Benzacridine)
 Benz[a]anthracene (1,2-Benzanthracene)
 Benzene (Cyclohexatriene)
 Benzenearsonic acid (Arsonic acid, phenyl-)
 Benzene, 2-amino-1-methyl (o-Toluidine)
 Benzene, 4-amino-1-methyl (p-Toluidine)
 Benzene, dichloromethyl- (Benzal chloride)
 Benzenethiol (Thiophenol)
 Benzidine ([1,1'-Biphenyl]-4,4'diamine)
 Benzo[b]fluoranthene (2,3-Benzofluoranthene)
 Benzo(k)fluoranthene
 Benzo[j]fluoranthene (7,8-Benzofluoranthene)
 Benzo[a]pyrene (3,4-Benzopyrene)
 p Benzoquinone (1,4-Cyclohexadienedione)
 Benzotrichloride (Benzene, trichloromethyl-)
 Benzyl chloride (Benzene, (chloromethyl)-)

AMENDATORY SECTION (Amending Order 03-10, filed 11/30/04, effective 1/1/05)

WAC 173-303-9905 Dangerous waste constituents list.

A2213 (Ethanimidothioic acid, 2- (dimethylamino) -N-hydroxy-2-oxo-, methyl ester)
 Acetic Acid,2,4,5-trichlorophenoxy-, salts and esters (2,4,5-T, salts and esters)
 Acetonitrile [Ethanenitrile]

- Beryllium powder
 Beryllium compounds, N.O.S.*
 Bis(2-chloroethoxy)methane (Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-])
 Bis(2-chloroethyl) ether (Ethane, 1,1'-oxybis[2-chloro-])
 N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornaphazine)
 Bis(2-chloroisopropyl) ether (Propane, 2,2'-oxybis[2-chloro-])
 Bis(chloromethyl) ether (Methane, oxybis[chloro-])
 Bis(2-ethylhexyl) phthalate (1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester)
 Bis(pentamethylene)-thiuram tetrasulfide (Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-)
 Bromoacetone (2-Propanone, 1-bromo-)
 Bromomethane (Methyl bromide)
 4-Bromophenyl phenyl ether (Benzene, 1-bromo-4-phenoxy-)
 Brucine (Strychnidin-10-one, 2,3-dimethoxy-)
 2-Butanone peroxide (Methyl ethyl ketone, peroxide)
 Butyl benzyl phthalate (1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester)
 2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol, 2,4-dinitro-6-(1-methylpropyl)-)
 Butylate (Carbamothioic acid, bis(2 methylpropyl)-, S-ethyl ester)
 Cadmium and compounds, N.O.S.*
 Calcium chromate (Chromic acid, calcium salt)
 Calcium cyanide
 Carbamic Acid, ethyl ester
 Carbaryl (1-Naphthalenol methylcarbamate)
 Carbendazim (Carbamic acid, 1H-benzimidazol-2-yl, methyl ester)
 Carbofuran (7-Benzofuranol, 2,3-dihydro-2,2-dimethyl, methylcarbamate)
 Carbofuran phenol (7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-)
 Carbon disulfide (Carbon bisulfide)
 Carbon oxyfluoride (Carbonyl fluoride)
 Carbosulfan (Carbamic acid, [(dibutylamino) thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester)
 Chloral (Acetaldehyde, trichloro-)
 Chlorambucil (Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene-)
 Chlordane (alpha and gamma isomers) (4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3,4,7,7a-tetrahydro) (alpha and gamma isomers)
 Chlorinated benzenes, N.O.S.*
 Chlorinated ethane, N.O.S.*
 Chlorinated fluorocarbons, N.O.S.*
 Chlorinated naphthalene, N.O.S.*
 Chlorinated phenol, N.O.S.*
 Chloroacetaldehyde (Acetaldehyde, chloro-)
 Chloroalkyl ethers, N.O.S.*
 P-Chloroaniline (Benzenamine, 4-chloro-)
 Chlorobenzene (Benzene, chloro-)
 Chlorobenzilate (Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-,ethyl ester)
 2-Chloro-1,3-butadiene
 p-Chloro-m-cresol (Phenol, 4-Chloro-3-methyl)
 1-Chloro-2,3-epoxypropane (Oxirane, 2-(chloromethyl)-)
 2-Chloroethyl vinyl ether (Ethene, (2-chloroethoxy)-)
 Chloroform (Methane, trichloro-)
 Chloromethane (Methyl chloride)
 Chloromethyl methyl ether (Methane, chloromethoxy-)
 2-Chloronaphthalene (Naphthalene, beta-chloro-)
 2-Chlorophenol (Phenol, o-chloro-)
 1-(o-Chlorophenyl)thiourea (Thiourea, (2-chlorophenyl)-)
 3-Chloropropene
 3-Chloropropionitrile (Propanenitrile, 3-chloro-)Chromium and compounds, N.O.S.*
 Chrysene (1,2-Benzphenanthrene)
 Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
 Coal tar creosote
 Copper cyanide
 Copper dimethyldithiocarbamate (Copper, bis(dimethylcarbamodithioato-S,S')-)
 Creosote
p-Cresidine (2-Methoxy-5-methylbenzenamine)
 Cresols (Cresylic acid) (Phenol, methyl-)
 Crotonaldehyde (2-Butenal)
 m-Cumenyl methylcarbamate (Phenol, 3-(methylethyl)-, methyl carbamate)
 Cyanides (soluble salts and complexes), N.O.S.*
 Cyanogen (Ethanedinitrile)
 Cyanogen bromide (Bromine cyanide)
 Cyanogen chloride (Chlorine cyanide)
 Cycasin (beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)
 Cycloate (Carbamothioic acid, cyclohexylethyl-, S-ethyl ester)
 2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)
 Cyclophosphamide (2H-1,3,2,-Oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)
 Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxohexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
 Dazomet (2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl-)
 DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p chlorophenyl)-)
 DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
 DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
 Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)
 Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)
 Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)
 Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)
 7H-Dibenzo[c,g]carbazole (3,4,5,6-Dibenzcarbazole)
 Dibenzo[a,e]pyrene (1,2,4,5-Dibenzpyrene)
 Dibenzo[a,h]pyrene (1,2,5,6-Dibenzpyrene)
 Dibenzo[a,i]pyrene (1,2,7,8-Dibenzpyrene)

- 1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)
- 1,2-Dibromoethane (Ethylene dibromide)
- Dibromomethane (Methylene bromide)
- Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
- o-Dichlorobenzene (Benzene, 1,2-dichloro-)
- m-Dichlorobenzene (Benzene, 1,3-dichloro-)
- p-Dichlorobenzene (Benzene, 1,4-dichloro-)
- Dichlorobenzene, N.O.S.* (Benzene, dichloro-, N.O.S.*)
- 3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)
- 1,4-Dichloro-2-butene (2-Butene, 1,4-Butene, 1,4-dichloro-)
- Dichlorodifluoromethane (Methane, dichlorodifluoro-)
- 1,1-Dichloroethane (Ethylidene dichloride)
- 1,2-Dichloroethane (Ethylene dichloride)
- trans-1,2-Dichloroethene (1,2-Dichloroethylene)
- Dichloroethylene, N.O.S.* (Ethene, dichloro-, N.O.S.*)
- 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
- Dichloromethane (Methylene chloride)
- 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
- 2,6-Dichlorophenol (Phenol, 2,6-dichloro-)
- 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)
- Dichlorophenylarsine (Phenyl dichloroarsine)
- Dichloropropane, N.O.S.* (Propane, dichloro-, N.O.S.*)
- 1,2-Dichloropropane (Propylene dichloride)
- Dichloropropanol, N.O.S.* (Propanol, dichloro-, N.O.S.*)
- Dichloropropene, N.O.S.* (Propene, dichloro-, N.O.S.*)
- 1,3-Dichloropropene, (1-Propene, 1,3-dichloro-)
- Diieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4:5,8-Dimethanonaphthalene)
- 1,2:3,4-Diepoxybutane (2,2'-Bioxirane)
- Diethylarsine (Arsine, diethyl-)
- N,N'-Diethylhydrazine (Hydrazine, 1,2-diethyl)
- O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester)
- O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)
- Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)
- O,O-Diethyl O-2-pyraxinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)
- Diethylene glycol, dicarbamate (Ethanol, 2,2'-oxybis-, dicarbamate)
- Diethylstilbesterol (4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)
- Dihydrosafrole (Benzene, 1,2-methylenedioxy-4-propyl-)
- 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
- Diisopropylfluorophosphate (DFP) (Phosphorofluoric acid, bis(1-methylethyl) ester)
- Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)
- 3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'diamine, 3-3'dimethoxy-)
- p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)
- 2,4-Dimethylaniline (2,4-xylidine) (Benzenamine,2,4-dimethyl-)
- 7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)
- 3,3'Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
- Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)
- 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)
- 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)
- 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl]oxime (Thiofanox)
- alpha,alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl)
- 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)
- Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)
- Dimethyl sulfate (Sulfuric acid, dimethyl ester)
- Dimetilan (Carbamic acid, dimethyl-, 1-[(dimethylamino) carbonyl]-5-methyl-1H-pyrazol-3-yl ester)
- Dinitrobenzene, N.O.S.* (Benzene, dinitro-, N.O.S.*)
- 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)
- 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)
- 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)
- 2,6-Dinitrotoluene (Benzene,1-methyl-2,6-dinitro-)
- Dinoseb (Phenol, 2-(1-methylpropyl)-4,6-dinitro-)
- Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)
- 1,4-Dioxane (1,4-Diethylene oxide)
- Diphenylamine (Benzenamine, N-Phenyl-)
- 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)
- Di-n-propylmitrosamine (N-Nitroso-di-n-propylamine)
- Disulfiram (Thioperoxydicarbonic diamide, tetraethyl)
- Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)
- Dithiobiuret (Thioimidodicarbonic diamide [(H₂N)C(S)]₂NH)
- EPTC (Carbamothioic acid, dipropyl-, S-ethyl ester)
- Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)
- Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)
- Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)
- Ethyl cyanide (propanenitrile)
- Ethyl ziram (Zinc, bis(diethylcarbamodithioato- S,S')-)
- Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediylobiscarbamodithioic acid, salts and esters.)
- Ethylene glycol monoethyl ether (2-Ethoxyethanol)
- Ethyleneimine (Aziridine)
- Ethylene oxide (Oxirane)
- Ethylenethiourea (2-Imidazolidinethione)
- Ethylmethacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)

- Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)
- Ferbam (Iron, tris(dimethylcarbamodithioato- S,S')-)
- Fluoranthene (Benzo[j,k]fluorene)
- Fluorine
- 2-Fluoroacetamide (Acetamide, 2-fluoro-)
- Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)
- Formaldehyde (Methylene, oxide)
- Formetanate hydrochloride (Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino) carbonyl]oxy]phenyl]-, monohydrochloride)
- Formic acid (Methanoic acid)
- Formparanate (Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino) carbonyl]oxy]phenyl]-])
- Glycidylaldehyde (1-Propanol-2,3-epoxy)
- Halomethane, N.O.S.*
- Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
- Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)
- Heptachlorodibenzofurans
- Heptachlorodibenzo-p-dioxins
- Hexachlorobenzene (Benzene, hexachloro-)
- Hexachlorobutadiene (1,3-Butadiene, hexachloro-)
- Hexachlorocyclohexane (all isomers) (Lindane and isomers)
- Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-)
- Hexachlorodibenzo-p-dioxins
- Hexachlorodibenzofurans
- Hexachloroethane (Ethane, hexachloro-)
- 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonphthalene (Hexachlorohexahydro-endo,endo-dimethanonaphthalene)
- Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))
- Hexachloropropene (Propene, hexachloro-)
- Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)
- Hydrazine (Diamine)
- Hydrocyanic acid (Hydrogen cyanide)
- Hydrofluoric acid (Hydrogen fluoride)
- Hydrogen sulfide (Sulfur hydride)
- Hydroxydimethylarsine oxide (Cacodylic acid)
- Indeno(1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)
- 3-Iodo-2-propynyl n-butylcarbamate (Carbamic acid, butyl-, 3-iodo-2-propynyl ester)
- Iodomethane (Methyl iodide)
- Isocyanic acid, methyl ester (Methyl isocyanate)Isobutyl alcohol (1-Propanol, 2-methyl-)
- Isolan (Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester)
- Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)
- Kepone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta[cd]pentalene-2-one)
- Lasiocarpine (2-Butanoic acid, 2-methyl-,7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
- Lead and compounds, N.O.S.*
- Lead acetate (Acetic acid, lead salt)
- Lead phosphate (Phosphoric acid, lead salt)
- Lead subacetate (Lead, bis(acetato-O)tetrahydroxytri-)
- Maleic anhydride (2,5-Furandione)
- Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)
- Malononitrile (Propanedinitrile)
- Manganese dimethyldithiocarbamate (Manganese, bis(dimethylcarbamodithioato-S,S')-,)
- Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-,L-)
- Mercury Fulminate (Fulminic acid, mercury salt)
- Mercury and compounds, N.O.S.*
- Metam sodium (Carbamodithioic acid, methyl-, monosodium salt)
- Methacrylonitrile (2-Propenenitrile, 2-methyl-)
- Methanethiol (Thiomethanol)
- Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
- Methiocarb (Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate)
- Metholonyl (Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-,methyl ester)
- Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
- 2-Methylaziridine (1,2-Propylenimine)
- 3-Methylcholanthrene (Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
- Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)
- 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis-(2-chloro-)
- Methyl ethyl ketone (MEK) (2-Butanone)
- Methyl hydrazine (Hydrazine, methyl-)
- 2-Methylactonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
- Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
- Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
- 2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime
- N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitros-N-methyl-N'nitro-)
- Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
- Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
- Metolcarb (Carbamic acid, methyl-, 3-methylphenyl ester)
- Mexacarbate (Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester))
- Molinate (1H-Azepine-1-carbothioic acid,hexahydro-, S-ethyl ester)
- Mustard gas (Sulfide, bis(2-chloroethyl)-)
- Naphthalene

- 1,4-Naphthoquinone (1,4-Naphthalenedione)
 1-Naphthylamine (alpha-Naphthylamine)
 2-Naphthylamine (beta-Naphthylamine)
 1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)
 Nickel and compounds, N.O.S.*
 Nickel carbonyl (Nickel tetracarbonyl)
 Nickel cyanide (nickel (II) cyanide)
 Nicotine and salts, Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
 Nitric oxide (Nitrogen (II) oxide)
 p-Nitroaniline (Benzenamine, 4-nitro-)
 Nitrobenzine (Benzene, nitro-) Nitrobenzene
 Nitrogen dioxide (Nitrogen (IV) oxide)
 Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
 Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, N-oxide, and hydro-chloride salt)
 Nitroglycerine (1,2,3-Propanetriol, trinitrate)
 4-Nitrophenol (Phenol, 4-nitro-)
 2-Nitropropane (Propane 2-nitro)
 4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)
 Nitrosamine, N.O.S.*
 N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)
 N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)
 N-Nitrosodiethylamine (Ethanamine, N-Ethyl-N-nitroso-)
 N-Nitrosodimethylamine (Dimethylnitrosamine)
 N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)
 N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)
 N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)
 N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)
 N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)
 N-Nitrosomorpholine (Morpholine, N-nitroso-)
 N-Nitrosornicotine (Nornicotine, N-nitroso-)
 N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)
 N-Nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)
 N-Nitrososarcosine (Sarcosine, N-nitroso-)
 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)
 Octachlorodibenzo-p-dioxin (OCDD) 1,2,3,4,6,7,8,9-
 Octachlorodibenzo-p-dioxin
 Octachlorodibenzofuran (OCDF) 1,2,3,4,6,7,8,9-
 Octachlorodibenzofuran
 Octamethylpyrophosphoramidate (Diphosphoramidate, octamethyl-)
 Osmium tetroxide (Osmium (VIII) oxide)
 7-Obicyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)
 Oxamyl (Ethanimidothioc acid, 2-(dimethylamino)-N-[[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester)
 Paraldehyde (1,3,5-Trioxane, 2,4,6-trinethyl-)
 Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester
 Pebulate (Carbamothioic acid, butylethyl-, S- propyl ester)
 Pentachlorobenzene (Benzene, pentachloro-)
 Pentachlorodibenzo-p-dioxin
 Pentachlorodibenzofurans
 Pentachloroethane (Ethane, pentachloro-)
 Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)
 Pentachlorophenol (Phenol, pentachloro-)
 Perchloromethyl mercaptan (Methanesulfenyl chloride, trichloro-)
 Phenacetin (Acetamide, N-(4-ethoxyphenyl)-)
 Phenol (Benzene, hydroxy-)
1,2-Phenylenediamine (1,2-Benzenediamine)
1,3-Phenylenediamine (1,3-Benzenediamine)
 Phenylenediamine (Benzenediamine)
 Phenylmercury acetate (Mercury, acetatophenyl-)
 N-Phenylthiourea (Thiourea, phenyl-)
 Phosgene (Carbonyl chloride)
 Phosphine (Hydrogen phosphide)
 Phosphorodithioic acid, O,O-diethyl S-[(ethylthio) methyl] ester (Phorate)
 Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)sulfonyl)phenyl] ester (Famphur)
 Phthalic acid esters, N.O.S.* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.*
 Phthalic anhydride (1,2-Benzenedicarboxylic acid anhydride)
 Physostigmine (Pyrrolo[2,3-b]indol-5-01, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-)
 Physostigmine salicylate (Benzoic acid, 2-hydroxy-, compd. with (3aS-cis) —1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo [2,3-b]indol-5-yl methylcarbamate ester (1:1).)
 2-Picoline (Pyridine, 2-methyl-)
 Polychlorinated biphenyl, N.O.S.*
 Potassium cyanide
 Potassium dimethyldithiocarbamate (Carbamodithioic acid, dimethyl, potassium salt)
 Potassium n-hydroxymethyl-n-methyl- dithiocarbamate (Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt)
 Potassium n-methyldithiocarbamate (Carbamodithioic acid, methyl- monopotassium salt)
 Potassium pentachlorophenate (Pentachlorophenol, potassium salt)
 Potassium silver cyanide (Argentate(1-), dicyano-, potassium)
 Promecarb (Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate)
 Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benza-mide)
 1,3-Propanesultone (1,2-Oxathiolane, 2,2-dioxide)
 Propam (Carbamic acid, phenyl-, 1-methylethyl ester)
 Propionic acid, 2-(2,4,5-trichlorophenoxy), salts and esters (2,4,5-TP,Silvex, salts and esters)

- Propoxur (Phenol, 2-(1-methylethoxy)-, methylcarbamate)
- n-Propylamine (1-Propane)
- Propylthiouracil (2,3 dihydro-6-propyl-2 thioxo-4(1H)-pyrimidinone)
- 2-Propyn-1-ol (Propargyl alcohol)
- Prosulfocarb (Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester)
- Pyridine
- Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)
- Resorcinol (1,3-Benzenediol)
- Saccharin and salts (1,2-Benzoisothiazolin-3-one, 1,1-dioxide, and salts)
- Safrol (Benzene, 1,2-methylenedioxy-4-allyl-)
- Selenious acid (Selenium dioxide)
- Selenium and compounds, N.O.S.*
- Selenium sulfide (Sulfur selenide)
- Selenium, tetrakis (dimethyl-dithiocarbamate) (Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid)
- Selenourea (Carbamimidoseleonic acid)
- Silver and compounds, N.O.S.*
- Silver cyanide
- Sodium cyanide
- Sodium dibutylthiocarbamate (Carbamodithioic acid, dibutyl, sodium salt)
- Sodium diethylthiocarbamate (Carbamodithioic acid, diethyl-, sodium salt)
- Sodium dimethylthiocarbamate (Carbamodithioic acid, dimethyl-, sodium salt)
- Sodium pentachlorophenate (Pentachlorophenol, sodium salt)
- Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
- Strychnine and salts (Strychnidin-10-one, and salts)
- Sulfallate (Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester)
- Tetrabutylthiuram disulfide (Thioperoxydicarbonic diamide, tetrabutyl)
- 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)
- Tetrachlorodibenzo-p-dioxins
- Tetrachlorodibenzofurans
- 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) (Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)
- Tetrachloroethane, N.O.S.* (Ethane, tetrachloro-, N.O.S.*)
- 1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)
- 1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)
- Tetrachlorethylene (Ethene, 1,1,2,2-tetrachloro-)¹
- Tetrachloromethane (Carbon tetrachloride)
- 2,3,4,6-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)
- 2,3,4,6-Tetrachlorophenol, potassium salt
- 2,3,4,6-Tetrachlorophenol, sodium salt
- Tetraethyldithiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)
- Tetraethyl lead (Plumbane, tetraethyl-)
- Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)
- Tetramethylthiuram monosulfide (Bis(dimethylthiocarbamoyl) sulfide)
- Tetranitromethane (Methane, tetranitro-)
- Thallium and compounds, N.O.S.*
- Thallic oxide (Thallium (III) oxide)
- Thallium (1) acetate (Acetic acid, thallium (I) salt)
- Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)
- Thallium (I) chloride
- Thallium (I) nitrate (Nitric acid, thallium (I) salt)
- Thallium selenite
- Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)
- Thioacetamide (Ethanethioamide)
- Thiodicarb (Ethanimidothioic acid, N,N'-[thiobis [(methylimino) carbonyloxy]] bis-, dimethyl ester.)
- Thiophanate-methyl (Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)] bis-, dimethyl ester)
- Thiosemicarbazide (Hydrazinecarbothioamide)
- Thiourea (Carbamide thio-)
- Thiuram (Bis(dimethylthiocarbamoyl) disulfide)
- Tirpate (1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino) carbonyl] oxime.)
- Toluene (Benzene, methyl-)
- Toluenediamine, N.O.S. (Toluene, 2,5-diamine-)
- 2,4-Toluenediamine
- 2,6-Toluenediamine
- 3,4-Toluenediamine
- o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)
- Tolylene diisocyanate (Benzene, 2,4- and 2,6-diisocyanato-methyl-)
- Toxaphene (Camphene, octachloro-)
- Triallate (Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester)
- Tribromomethane (Bromoform)
- 1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)
- 1,1,1-Trichloroethane (Methyl chloroform)
- 1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)
- Trichloroethene (Trichloroethylene)
- Trichloromonofluoromethane (Methane, trichlorofluoro-)
- 2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
- 2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)
- 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T, salts and esters) (Acetic acid, 2,4,5-trichlorophenoxy-, salts and esters)
- 2,4,5-Trichlorophenoxypropionic acid (Porpionioic acid, 2-(2,4,5-trichlorophenoxy), salts and esters (2,4,5-TP, Silvex, salts and esters))
- Trichloropropane, N.O.S.* (Propane, trichloro-, N.O.S.*
- 1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)
- O,O,O-Triethyl phosphorothioate (Phosphorothioic acid, O,O,O-triethyl ester)
- Triethylamine (Ethanamine, N,N-diethyl-)
- sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)
- Tris(1-aziridinyl) phosphine sulfide (Phosphine sulfide, tris(1-aziridinyl-)

Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-dibromo-, phosphate)

Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl]bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)

Undecamethylenediamine, N,N'-bis-(2-chloro-benzyl), dihydrochloride N,N'-Undecamethyl-enebis(2-chlorobenzylamine, dihydrochloride)

Uracil mustard (Uracil 5-[bis(2-chlorethyl)amino]-)

Vanadic acid, ammonium salt (ammonium vanadate)

Vanadium pentoxide (Vanadium (V) oxide)

Vernolate (Carbamothioic acid, dipropyl-,S-propyl ester)

Vinyl chloride (Ethane, chloro-)

Warfarin (2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%)

Warfarin (2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3%)

Warfarin salts, when present at concentrations less than 0.3%

Warfarin salts, when present at concentrations greater than 0.3%

Zinc cyanide

Zinc phosphide

Ziram (Zinc, bis(dimethylcarbamodithioato-S,S')-, (T-4)-)

* The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 09-03-076
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed January 15, 2009, 1:33 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-21-102 [07-21-101].

Title of Rule and Other Identifying Information: Chapter 314-60 WAC, Public records, amending WAC 314-60-010, 314-60-040, 314-60-070, 314-60-080, 314-60-090, 314-60-100 and 314-60-110; adding new WAC 314-60-015, 314-60-085 and 314-60-087; and repealing WAC 314-60-020, 314-60-030, 314-60-050, 314-60-060, 314-60-105, 314-60-120, 314-60-130, and 314-60-140.

Chapter 314-62 WAC, Liquor law pamphlets and annual reports, amending WAC 314-62-010 and 314-62-020.

Hearing Location(s): Washington State Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA 98504, on February 25, 2009, at 10:00 a.m.

Date of Intended Adoption: March 11, 2009.

Submit Written Comments to: Karen McCall, P.O. Box 43080, Olympia, WA 98504-3080, e-mail rules@liq.wa.gov, fax (360) 704-4921, by March 4, 2009.

Assistance for Persons with Disabilities: Contact Karen McCall by March 4, 2009, (360) 664-1631.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: As part of the liquor control board's on-going rules review process, chapters 314-60 and 314-62 WAC are being reviewed for relevance, clarity, and accuracy. The proposed rules reflect current agency practices and more clearly provide direction to individuals who request public records, or are interested in liquor law pamphlets and annual reports.

Reasons Supporting Proposal: The existing rule included language that is no longer relevant and needs to be eliminated. Rules are needed regarding public record requests for electronic documents or want information on liquor laws and annual reports.

Clarification of existing rules will benefit those individuals requiring current practices.

Statutory Authority for Adoption: RCW 66.08.030, 34.05.220, 42.56.40 [42.56.040].

Statute Being Implemented: Chapter 34.05 RCW, RCW 66.08.030.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state liquor control board, governmental.

Name of Agency Personnel Responsible for Drafting: James Kauffman, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1714; Implementation: Brian Smith, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1774; and Enforcement: Pat Parmer, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1726.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposal imposes only minor impact on businesses or individuals that may request public records or require liquor pamphlets or annual reports.

A cost-benefit analysis is not required under RCW 34.05.328.

January 14, 2009

Lorraine Lee

AMENDATORY SECTION (Amending WSR 94-03-060, filed 1/14/94, effective 2/14/94)

WAC 314-60-010 Purpose—Washington state liquor control board. ~~((+))~~ The purposes of this chapter ~~((is))~~ are to ~~((comply with the provisions of chapter 42.17 RCW dealing with public records.~~

~~((2))~~ The "Washington state liquor control board," pursuant to RCW 66.08.012 and 66.08.014, consists of three members appointed by the governor with the consent of the senate, for terms of six years that are staggered so that an appointment or reappointment is made every two years. The "Washington state liquor control board" shall sometimes hereinafter be referred to as the "board." Where appropriate, the term "board" also refers to the staff and employees of the Washington state liquor control board.);

(1) Describe the organization of the liquor control board (LCB):

(2) Ensure that LCB complies with laws governing the disclosure (release) of public records; and

(3) Explain how an individual or organization can obtain public records.

NEW SECTION

WAC 314-60-015 Agency description—Contact information—Public records officer. (1)(a) The board is an agency created to exercise the police power of the state in administering and enforcing all of the laws and regulations relating to alcoholic beverage control (Title 66 RCW). The board issues licenses to persons who handle liquor; collects taxes imposed on liquor; and distributes and sells spirituous liquor.

(b) The board is responsible for enforcing laws preventing access to tobacco products by persons under the age of eighteen years (chapter 70.155 RCW). The board enforces the tobacco tax laws and the department of revenue administers tobacco tax laws (chapters 82.24 and 82.26 RCW).

(2) The "Washington state liquor control board" or "board" pursuant to RCW 66.08.012 and 66.08.014, consists of three members appointed by the governor with the consent of the senate, for terms of six years that are staggered so that an appointment or reappointment is made every two years. Where appropriate, the term "board" also refers to the staff and employees of the Washington state liquor control board.

(3) The board delegates certain administrative functions to an administrative director appointed by the board.

(4) The Washington state liquor control board is organized into six divisions:

- (a) The director's office;
- (b) Licensing and regulation;
- (c) Enforcement and education;
- (d) Administrative services;
- (e) Business enterprise; and
- (f) Human resources.

(5)(a) The administrative offices of the Washington state liquor control board are located at 3000 Pacific Avenue Southeast, Olympia, Washington 98504-3080.

(b) LCB staff is also located at:

- (i) The distribution center, 4401 East Marginal Way South, Seattle, Washington;
- (ii) State liquor stores in areas throughout the state; and
- (iii) Enforcement offices maintained in major cities throughout the state.

(c) LCB contracts with individuals to sell liquor on commission. These contract liquor stores are located in areas throughout the state.

(d) Exact locations of state liquor stores, contract liquor stores, enforcement offices, and contact number are located on the LCB home page at www.liq.wa.gov.

(6) Any person wishing to access LCB public records should contact the LCB's public records officer:

Public Records Officer
Liquor Control Board
3000 Pacific Avenue Southeast
Olympia, Washington 98504
360-664-1714
Fax 360-664-9689

e-mail publicrecords@liq.wa.gov

Information is also available on the LCB web site at www.liq.wa.gov.

(7) The public records officer will oversee compliance with the act and the implementation of the LCB's rules and regulations regarding release of public records, coordinating the staff of the public records unit and the LCB employees in this regard, and generally coordinating compliance by the LCB with the public records disclosure requirements of chapter 42.56 RCW. The public records officer will provide the "fullest assistance" to requestors; create and maintain for use by the public and LCB officials an index to public records of the LCB; ensure that public records are protected from damage or disorganization; and to prevent public records requests from causing excessive interference with essential functions of the LCB.

AMENDATORY SECTION (Amending WSR 02-10-006, filed 4/19/02, effective 5/20/02)

WAC 314-60-040 Operations and procedure. The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure (~~and composition~~) of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in chapter ~~((314-04)) 314-42~~ WAC (~~and in chapter 314-08 WAC Practice and procedure~~).

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of board action proposing to suspend a liquor license are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except matters which are exempt from the act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, will be made and conducted in meetings open to the public. The board holds regular meetings as published with the office of the code reviser per RCW ~~((43-30-075 [42-30-075])~~ 42.30.075 and as published on the board's internet site at www.liq.wa.gov. Generally, the ~~((board's regular meetings are held on Wednesdays. It is the board's intent to hold its regular board meetings on the first and third Wednesdays of the month. Unless notice is otherwise given, meetings of the board will be held at its offices in the board room at 3000 Pacific Avenue Southeast, Olympia, Washington))~~ board will conduct business at regular meetings on Monday, Tuesday, and Wednesday of each week at a place and time selected by the board and published with the Washington State Register and posted on the liquor control board web site. Occasionally the board may deem it necessary to conduct business on a Thursday and/or Friday, during these occasions, stakeholder notification will occur. For scheduling purposes, it is the board's intent to schedule petitions, take public testimony, take rule

making actions, and adopt resolutions at its regular Wednesday board meetings.

AMENDATORY SECTION (Amending Order 22, filed 4/17/73, effective 5/18/73)

WAC 314-60-070 (~~(Office hours.)~~) **Availability of public records.** (1) **Hours for inspection of records.** Public records (~~shall be~~) are available for inspection and copying at the main office of the board during (~~its customary office~~) normal business hours (~~(-For the purpose of this chapter, the customary office hours shall be)~~) of the LCB, Monday through Friday, from 8 a.m. to (noon and from 1 p.m. to) 4 p.m., (Monday through Friday,) excluding legal holidays.

(2) **Records index.** An index of public records is available for use by members of the public, including:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency.

(c) Administrative staff manuals and instructions to staff that affect a member of the public.

(d) Planning policies and goals, and interim and final planning decisions.

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others.

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) **Organization of records.** The LCB will maintain its records in a reasonably organized manner. The LCB will take reasonable actions to protect records from damage and disorganization. A requestor shall not take LCB records from LCB offices without the permission of the public records officer. A variety of records is available on the LCB web site at www.liq.wa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

AMENDATORY SECTION (Amending WSR 94-03-060, filed 1/14/94, effective 2/14/94)

WAC 314-60-080 **Making requests for public records.** (~~In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be obtained by members of the public at the main office of the board upon compliance with the following procedures:)~~ An individual may request a public record orally or in writing. The board encourages that all public record requests be in writing and may be sent via e-mail.

(1) (~~A request may be made in writing.~~) A form prescribed by the board (~~shall be~~) is available at its main office. The written request or prescribed form shall be submitted or presented to the public records officer (~~, or to any member of the board's staff, if the public records officer is not available, at the main office of the board during customary office hours~~). The request (~~shall~~) should include the following information:

(a) The name (~~and~~), organization, mailing address, telephone number, fax number, and e-mail address of the person requesting the record.

(b) The time of day and calendar date on which the request was received at the main office of the board.

(c) (~~The nature of the request.~~) A detailed description of the public record being requested.

(d) If the matter requested is referenced within the current index maintained by the board, a reference to the requested record as described.

(e) (~~If the requested matter is not identifiable by reference to the board's current index, an appropriate description of the record requested.~~) The address where copies of the record are to be mailed, or that the requestor wants to examine the record at the LCB.

(2) (~~In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.~~) If the public records officer accepts a request other than in writing, he or she will confirm receipt of the information and the substance of the request in writing.

(3) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Standard photocopies will be provided at fifteen cents per page. See WAC 314-60-090.

(4) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the board is also a party (or when a request is made by or on behalf of an attorney for a party) the request shall be referred to the assistant attorney general assigned to the board for an appropriate response.

NEW SECTION

WAC 314-60-085 **Processing public records requests.** (1) The public records officer will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection and copying;

(b) If copies are requested and payment of a deposit for copies, if any, is made or terms of payment agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the

requestor. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available; or

(e) Deny the request.

(3) **Protecting the rights of others.** If the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(4) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the LCB believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(5) **Inspection of records.**

(a) Consistent with other demands, the LCB shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the LCB's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the LCB may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(6) **Providing copies of records.** After inspection is complete, the public records officer shall make the requested copies or arrange for copying.

(7) **Providing records in installments.** When the request is for a large number of records, the public records officer will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(8) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer will indicate that the LCB has completed a diligent search for the requested records and

made any located nonexempt records available for inspection.

(9) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the LCB has closed the request.

(10) **Later discovered documents.** If, after the LCB has informed the requestor that it has provided all available records, the LCB becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

NEW SECTION

WAC 314-60-087 Processing public records requests—Electronic records. (1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by WAC 314-60-090.

(3) **Customized access to data bases.** With the consent of the requestor, the agency may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The LCB may charge a fee consistent with RCW 43.105.280 for such customized access.

AMENDATORY SECTION (Amending Order 22, filed 4/17/73, effective 5/18/73)

WAC 314-60-090 ((Copying-)) Costs of providing copies of public records. (1) No fee shall be charged for the inspection of public records. ~~((The board will impose a reasonable charge for providing copies of public records and for the use of the board's equipment to copy its public records, such charges will not exceed the amount necessary to reimburse the board for its actual costs incident to such copying-))~~

(2) After the first one hundred free copies, the board charges one or more of the following fees for copies of public records:

(a) Up to fifteen cents per page for black and white photocopies of a record;

(b) The actual cost of manuals, blueprints, and other non-printed materials such as CDs, audio tapes, or video tapes;

(c) Up to fifteen cents per page for scanning existing WSLCB paper or other nonelectronic records. There will be no charge for e-mailing electronic records to a requestor, unless a scanning fee applies; and

(d) The cost of postage, when items are mailed (see RCW 42.56.070).

AMENDATORY SECTION (Amending Order 56, filed 5/31/77, effective 7/1/77)

WAC 314-60-100 Exemptions. (1) ~~((The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 314-60-080 is exempt under the provisions of chapter 42.17 RCW.~~

~~(2) In addition, pursuant to chapter 42.17 RCW, the board reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.~~

~~(3) All denials of requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.))~~ The Public Records Act (chapter 42.56 RCW) provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by WSLCB for inspection and copying:

(a) Autopsy, post mortem or medical examiner reports. Requests for these records should be referred to the agency which originated the record(s): Coroner's office, medical examiner's office, etc. (RCW 68.50.105)

(b) Claim file information. On any industrial insurance claim. (RCW 51.28.070)

(c) Criminal history reports. Concerning nonconviction data. Law enforcement agency reports should be referred to the agency that originated the report. (RCW 10.97.080)

(d) Crime victims. Files and information. (RCW 7.68.-140)

(e) Individual purchases. All records whatsoever of the board showing purchases of liquor by any individual or establishment. (RCW 66.16.090)

(f) Medical records and data. Medical records, drug records, accident victims and other persons to which LCB has access. (RCW 42.56.360(2) and chapter 70.02 RCW)

(g) Social Security numbers. (RCW 42.56.250(3) and 42 U.S.C. Section 405 (c)(2)(C)(vii)(1))

(h) Trade secrets. As defined in RCW 19.108.010, including blueprints, diagrams, drawings, formulas, photos, etc., requested to be held confidential by the affected person. Should be labeled "RESTRICTED TRADE INFORMATION." (RCW 39.10.470(2) and 49.17.200)

(i) Special order requests and records of purchases by any person or persons, including spirits, beer, and wine restaurant licensees. (See RCW 66.16.090.)

(j) Financial or proprietary information supplied to the board by a domestic winery, brewery, or microbrewery, acting as its own distributor, or certificate of approval holder with a direct shipping to Washington retailer endorsement, containing the identity and amount of beer or wine sold

directly to licensed Washington retailers. (See RCW 66.24.-206 (1)(a), 66.24.270 (2)(a), and 42.56.270.)

(k) Financial or proprietary information supplied to the board by a licensed Washington liquor retailer containing the identity and amount of beer or wine purchased directly from a domestic winery, brewery, microbrewery, or a certificate of approval holder with a direct shipping to Washington retailer endorsement. (See RCW 66.24.210, 66.24.290, and 42.56.-270.)

(2) The WSLCB is prohibited by statute from disclosing lists of individuals for commercial purposes.

(3) Before beginning to make the copies, the public records officer may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The LCB will not charge sales tax when it makes copies of public records.

AMENDATORY SECTION (Amending WSR 94-03-060, filed 1/14/94, effective 2/14/94)

WAC 314-60-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records ~~((officer or other))~~ staff member which constituted or accompanied the denial. Send your written petition for review to:

Public Records Officer, Public Records Unit
P.O. Box 43080
Olympia, Washington 98504-3080
360-664-1714
jdk@liq.wa.gov

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer ~~((or other staff member denying the request))~~ shall refer it to the ~~((board chairman, or in his absence, a member of the board))~~ administrative director. The ~~((board chairman or member, as the case may be,))~~ administrative director shall immediately consider the matter and either affirm or reverse such denial ~~((or call a special meeting of the board as soon as legally possible to review the denial)).~~ ~~((In any case,))~~ The request shall be returned with a final decision, within two business days following the LCB's receipt of the request for review of the original denial, or within such other time as the LCB and the requestor mutually agree to.

(3) ~~((Administrative remedies shall not be considered exhausted until the board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs.))~~ If the LCB denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may obtain court review of denials of public records request.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 314-60-020 Definitions—Public records—Writing.
- WAC 314-60-030 Description of central and field organization of Washington state liquor control board.
- WAC 314-60-050 Public records available.
- WAC 314-60-060 Public records officer.
- WAC 314-60-105 General guidelines—Exempt records.
- WAC 314-60-120 Protection of public records.
- WAC 314-60-130 Records index.
- WAC 314-60-140 Communications and submissions relating to public records.

AMENDATORY SECTION (Amending Order 81, Resolution No. 90, filed 9/23/81)

WAC 314-62-010 Liquor law pamphlets. Pursuant to RCW 66.08.030 (~~as amended by section 1, chapter 115, Laws of 1977 ex. sess.~~), pamphlets containing ~~((the))~~ state liquor laws (Title 66 RCW and other liquor related statutes) and the revised rules and regulations of the board ~~((shall))~~ will be made publicly available ~~((through the board's Central Office Services Division, 1025 East Union Avenue, Olympia, Washington 98504, for distribution, upon request, to any member of the public. An updating service covering amendments to the Liquor Act and the revised rules and regulations of the board shall also be available for such distribution. Charges shall be made for these items as directed by the board from time to time to cover the costs of printing and handling.~~

~~Provided, however, That copies of the liquor laws and regulations and the update service shall be provided without charge as follows: (1) To the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensees of the board, one copy each; (6) to recognized news reporting services maintaining permanent offices at the capitol, one copy each. One copy shall also be provided without charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers)) on the agency web site.~~

AMENDATORY SECTION (Amending Order 81, Resolution No. 90, filed 9/23/81)

WAC 314-62-020 Annual reports. ~~((Pursuant to RCW 66.08.028,))~~ The board makes annual reports ~~((to the governor))~~ covering the administration and enforcement of the Liquor Act during the preceding fiscal year. Copies of this report ~~((shall))~~ will be publicly available ~~((through the board's Central Office Services Division, 1025 East Union Avenue, Olympia, Washington 98504, for distribution, upon request, to any member of the public. A charge as directed by the board from time to time to cover the costs of printing and handling shall be made for each copy of this report: Provided, however, That copies of the annual report shall be provided without charge as follows: (1) To the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensed agents of suppliers of liquor with whom the board does business, one copy each; (6) to recognized news reporting services maintaining permanent offices at the capitol, one copy each. One copy of the annual report shall also be provided without charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers)) on the agency web site.~~

WSR 09-03-090

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed January 20, 2009, 1:47 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule and Other Identifying Information: WAC 246-918-990 Physician assistants fees and renewal cycle, amending the impaired physician program surcharge.

Hearing Location(s): 310 Israel Road S.E., Rooms 152/153, Tumwater, WA 98501, on February 24, 2009, at 2:00 p.m.

Date of Intended Adoption: February 25, 2009.

Submit Written Comments to: Dianna Staley, P.O. Box 47860, Olympia, WA 98504-7860, web site <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4626, by February 24, 2009.

Assistance for Persons with Disabilities: Contact Dianna Staley by February 25, 2009, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule returns the fee assessed to physician assistants for the impaired physician program to the amount listed in statute, RCW 18.71A.020(3), and corrects the statute cited in rule.

Reasons Supporting Proposal: RCW 18.71A.020(3) requires that physician assistants pay a fee of \$25.00 per year on each renewal or issuance of a new license for the impaired physician program. The proposed language returns the fee to

the \$25.00 per year established by law and corrects the RCW citation for this fee.

Statutory Authority for Adoption: RCW 43.70.250, 43.70.280, 18.71A.020.

Statute Being Implemented: RCW 18.71A.020.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Dianna Staley, 310 Israel Road S.E., Tumwater, WA, (360) 236-4997; Implementation and Enforcement: Maryella Jansen, 243 Israel Road S.E., Tumwater, WA, (360) 236-2755.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 and 34.05.310 (4)(f), a small business economic impact statement is not required for proposed rules that set or adjust fees or rates pursuant to legislative standards.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328. RCW 34.05.328 (5)(b)(vi) exempts rules that set or adjust fees or rates pursuant to legislative standards.

January 16, 2009
Mary C. Selecky
Secretary

AMENDATORY SECTION (Amending WSR 08-15-014, filed 7/7/08, effective 7/7/08)

WAC 246-918-990 Physician assistants fees and renewal cycle. (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2. The secretary may require payment of renewal fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve. Notice of any adjustment in the required payment will be provided to practitioners. The adjustment in the required payment shall remain in place for the duration of a renewal cycle to assure practitioners an equal benefit from the adjustment.

(2) The applicant or licensee must pay the following nonrefundable fees:

Title of Fee	Fee
Physician assistants, certified physician assistants, physician assistant-surgical assistants, acupuncture physician assistants:	
Application*	\$50.00
Two-year renewal*	70.00
Expired license reissuance	50.00
Duplicate license	15.00

Title of Fee	Fee
Impaired physician program surcharge	((35.00))
* (assessed at \$(35.00) <u>25.00</u> on each application and for each year of the renewal period as required in RCW ((18.71.310(2)) <u>18.71A.020(3)</u>)	<u>25.00</u>
UW library fee	25.00

WSR 09-03-091
PROPOSED RULES
GAMBLING COMMISSION
[Filed January 20, 2009, 1:58 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-24-075.

Title of Rule and Other Identifying Information: WAC 230-14-047.

Hearing Location(s): Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000, on March 13, 2009, at 9:30 a.m.

Date of Intended Adoption: March 13, 2009.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail SusanA@wsgc.wa.gov, fax (360) 486-3625, by March 1, 2009.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by March 1, 2009, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The petitioner requests the rule be amended to add requirements regarding the amount of time allowed for staff to conduct reviews of electronic video pull-tab dispensers. The rule change would require staff to:

(a) Complete electronic video pull-tab dispenser reviews within fifteen days of submission and approve within twenty-one days when the equipment is approved without changes; and

(b) Conduct limited reviews on equipment that has been previously approved and is only being submitted as an upgrade. The review would be limited to a review of the software signature and documentation of the upgraded changes. The proposed changes allow staff to submit the equipment to the gaming lab if staff notes a regulatory concern or if the upgrade substantively alters the approved equipment.

Staff contacted the petitioner to clarify the intent of his request. The petitioner clarified the intent of the change is to be notified by staff within fifteen days of a submission of any concerns with the equipment. If there are no regulatory concerns, staff should provide approval within twenty-one days. If there are regulatory concerns, the twenty-one day limit would not apply. The petitioner further stated that the WSGC electronic gambling lab (EGL) has taken four months or longer to review all ZDI's submissions. He stated that by the time reviews are completed, the submission is obsolete. He believes this is because staff is prioritizing review submissions from manufacturers of tribal lottery systems (TLS)

before other manufacturer reviews because of timelines required in tribal-state gaming compacts.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Recreational Gaming Association, private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

January 12, 2009

Susan Arland

Rules Coordinator

AMENDATORY SECTION (Amending Order 621, filed 1/11/08, effective 2/11/08)

WAC 230-14-047 Standards for electronic video pull-tab dispensers. Electronic video pull-tab dispensers must be approved by us prior to use, meet the requirements below, and may incorporate only the features below and not perform additional functions.

(1) Electronic video pull-tab dispensers must dispense a paper pull-tab as defined in WAC 230-14-010 and follow the rules for:

- (a) Pull-tabs; and
- (b) Flares; and
- (c) Authorized pull-tab dispensers.

(2) Electronic video pull-tab dispensers that use a reading and displaying function must:

(a) Use a video monitor for entertainment purposes only; and

(b) Open all, or a portion of, the pull-tab in order to read encoded data that indicates the win or loss of the pull-tab if the dispenser is equipped to automatically open pull-tabs; and

(c) Dispense the pull-tab to the player and not retain any portion of the pull-tab; and

(d) Read the correct cash award from the pull-tab either when it is dispensed or when the pull-tab is reinserted into the dispenser; and

(e) Display the cash award from the pull-tab, one pull-tab at a time; and

(f) Provide:

(i) An electronic accounting of the number of pull-tabs dispensed; and

(ii) A way to identify the software version and name; and

(iii) A way to access and verify approved components; and

(iv) Security on the dispenser to prevent unauthorized access to graphic and prize amount displays.

(3) Gift certificates or gift cards used in electronic video pull-tab dispensers must:

(a) Be purchased with cash, check or electronic point-of-sale bank transfer before use in the dispenser; and

(b) Be convertible to cash at any time during business hours; and

(c) Subtract the cash value for the purchase of the pull-tab one pull-tab at a time.

(4) The review required under this rule shall be completed within fifteen days of submission and finally approved in twenty-one days from the date of submission when the equipment is approved without changes.

(5) A review of upgraded approved equipment shall be limited to a software signature and documentation of the upgraded changes. If a review of the software signature and documentation evidences a regulatory concern or that the upgrade substantively alters the approved equipment, the approved equipment with upgrades may be required to be submitted to the lab.

WSR 09-03-093

PROPOSED RULES

GAMBLING COMMISSION

[Filed January 20, 2009, 4:30 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-08-011.

Title of Rule and Other Identifying Information: WAC 230-15-135.

Hearing Location(s): Red Lion Hotel, 2300 Evergreen Park Drive, Olympia, WA 98502, (360) 943-4000, on March 13, 2009, at 9:30 a.m.

Date of Intended Adoption: March 13, 2009.

Submit Written Comments to: Susan Arland, P.O. Box 42400, Olympia, WA 98504-2400, e-mail Susan2@wsgc.wa.gov, fax (360) 486-3625, by March 1, 2009.

Assistance for Persons with Disabilities: Contact Gail Grate, executive assistant, by March 1, 2009, TTY (360) 486-3637 or (360) 486-3453.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In May 2008, the Commission filed a petition for rule change submitted by the Recreational Gaming Association (RGA) requesting to increase the maximum amount of a single wager in non-house-banked card games from \$40 to \$500. This change would only apply to house-banked card game licensees who offer nonhouse-banked card games (i.e. poker) and meet the surveillance requirements specified in WAC 230-15-280. Class E and Class F nonhouse-banked card game licensees would continue to be limited to a maximum single wager of forty dollars.

At their January 2009 meeting, the commission filed two alternatives to the RGA's original petition:

Alternative #1: At the November 2008 commission meeting, the commission asked staff to draft alternative language to WAC 230-15-135 to only allow a specific type of "all-in" wager for Texas Hold'em to be up to \$500 while the

rest remained at \$40. The house-banked card room must meet the surveillance requirements in WAC 230-15-280.

Alternative #2: This alternative was proposed by the RGA after staff asked for comments on Alternative #1. The RGA's alternative would allow single wagers up to \$300 for Texas Hold'em games, as long as the house-banked card room meets the surveillance requirements in WAC 230-15-280. This alternative is broader than Alternative #1 and would result in a player being able to wager more money than in Alternative #1, but less than in the RGA's original proposal.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Not applicable.

Name of Proponent: Recreational Gaming Association, private.

Name of Agency Personnel Responsible for Drafting: Susan Arland, Rules Coordinator, Lacey, (360) 486-3466; Implementation: Rick Day, Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement has not been prepared pursuant to RCW 19.85.025 because the change would not impose additional costs on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state gambling commission is not an agency that is statutorily required to prepare a cost-benefit analysis under RCW 34.05.328.

January 20, 2009

Susan Arland
Rules Coordinator

AMENDATORY SECTION (Amending Order 617, filed 10/22/07, effective 1/1/08)

WAC 230-15-135 Wagering limits for nonhouse-banked card games. Card room licensees must not exceed these wagering limits:

(1) **Poker** -

(a) There must be no more than five betting rounds in any one game; and

(b) There must be no more than four wagers in any betting round, for example, the initial wager plus three raises; and

(c) The maximum amount of a single wager must not exceed forty dollars, except in the game of Texas Hold'em the maximum amount of a single wager may not exceed three hundred dollars for house-banked card game licensees meeting the surveillance requirements specified in WAC 230-15-280;

(2) **Games based on achieving a specific number of points** - Each point must not exceed five cents in value;

(3) **Ante** - No more than the maximum wager allowed for the first betting round for any game, except for Panguingue (Pan). The ante may, by house rule:

(a) Be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round; and

(b) Be used as part of a player's wager;

(4) **Panguingue (Pan)** - The maximum value of a chip must not exceed ten dollars. An ante must not exceed one chip. We prohibit doubling of conditions. Players going out may collect no more than two additional chips for going out from each participating player.

AMENDATORY SECTION (Amending Order 617, filed 10/22/07, effective 1/1/08)

WAC 230-15-135 Wagering limits for nonhouse-banked card games. Card room licensees must not exceed these wagering limits:

(1) **Poker** -

(a) There must be no more than five betting rounds in any one game; and

(b) There must be no more than four wagers in any betting round, for example, the initial wager plus three raises; and

(c) The maximum amount of a single wager must not exceed forty dollars, except that an all-in wager in the game of Texas Hold'em may not exceed five hundred dollars for house-banked card game licensees meeting the surveillance requirements specified in WAC 230-15-280; and

(d) An all-in wager is when a player wagers with all of their remaining chips on the current hand;

(2) **Games based on achieving a specific number of points** - Each point must not exceed five cents in value;

(3) **Ante** - No more than the maximum wager allowed for the first betting round for any game, except for Panguingue (Pan). The ante may, by house rule:

(a) Be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round; and

(b) Be used as part of a player's wager;

(4) **Panguingue (Pan)** - The maximum value of a chip must not exceed ten dollars. An ante must not exceed one chip. We prohibit doubling of conditions. Players going out may collect no more than two additional chips for going out from each participating player.

WSR 09-03-096

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 21, 2009, 7:12 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-13-089.

Title of Rule and Other Identifying Information: The department is amending WAC 388-513-1315 Eligibility for long-term care (institutional, waiver, and hospice) services and 388-513-1320 Determining institutional status for long-term care (LTC) services.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs>).

wa.gov/msa/rpau/docket.html or by calling (360) 664-6094, on February 24, 2009, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 25, 2009.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on February 24, 2009.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by February 10, 2009, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- DSHS is clarifying institutional status for person(s) under the age of eighteen receiving inpatient mental health treatment.
- DSHS is clarifying institutional status for person(s) age eighteen through twenty in a psychiatric facility.
- DSHS is clarifying WAC to match federal rules regarding institutional status.
- DSHS is adding information in WAC 388-513-1315 regarding excess home equity in primary residence, disclosure of annuity requirement, and request for LTC services for SSI recipients, per Deficit Reduction Act (DRA) requirements.
- DSHS is clarifying those not meeting citizenship requirements of medicaid are not eligible for waiver programs.
- DSHS is updating WAC references and clarifying language.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, and 74.09.575.

Statute Being Implemented: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530, and 74.09.575.

Rule is necessary because of federal law, Section 6012 of the Deficit Reduction Act (DRA) of 2005.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lori Rolley, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2271.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and determined that no new costs will be imposed on small businesses or nonprofit organizations.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(vii), relating only to client medical or financial eligibility.

January 14, 2009

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-19-129, filed 9/19/07, effective 10/20/07)

WAC 388-513-1315 Eligibility for long-term care (institutional, waiver, and hospice) services. This section

describes how the department determines a client's eligibility for ~~((institutional))~~ medical for clients residing in a medical institution, on a waiver, or receiving hospice services under the categorically needy (CN) ~~((program and institutional or hospice services in a medical institution under the))~~ or medically needy (MN) programs. Also described are the eligibility requirements for these services under the general assistance (GA) program in subsection (12) and the alien emergency medical programs described in subsection (11).

(1) To be eligible for long-term care (LTC) services described in this section, a client must:

(a) Meet the general eligibility requirements for medical programs described in WAC 388-503-0505 (2) and (3)(a) through (f);

(b) Attain institutional status as described in WAC 388-513-1320;

(c) Meet functional eligibility described in chapter 388-106 WAC for waiver and nursing facility coverage; ~~((and))~~

(d) Not be subject to a penalty period of ineligibility as described in WAC 388-513-1363, 388-513-1364, 388-513-1365 and 388-513-1366;

(e) Not have equity interest greater than five hundred thousand dollars in their primary residence as described in WAC 388-513-1350; and

(f) Must disclose to the state any interest the applicant or spouse has in an annuity and meet annuity requirements described in chapter 388-561 WAC;

(i) This requirement is required for all institutional or waiver services and includes those individuals receiving supplemental security income (SSI).

(ii) A signed and completed eligibility review for long term care benefits or application for benefits form can be accepted for SSI individuals applying for long-term care services.

(2) To be eligible for institutional, waiver, or hospice services under the CN program, a client must either:

(a) Be related to the Supplemental Security Income (SSI) program as described in WAC 388-475-0050 (1), (2) and (3) and meet the following financial requirements, by having:

(i) Gross nonexcluded income described in subsection (8)(a) that does not exceed the special income level (SIL) (three hundred percent of the federal benefit rate (FBR)); and

(ii) Countable resources described in subsection (7) that do not exceed the resource standard described in WAC 388-513-1350~~((+), unless subsection (4) applies));~~ or

(b) Be approved and receiving the general assistance expedited medicaid disability (GA-X) or general assistance aged (GA-A) or general assistance disabled (GA-D) described in WAC 388-505-0110(6); or

(c) Be eligible for ~~((the))~~ CN ~~((children's medical program as described in WAC 388-505-0230))~~ apple health for kids described in WAC 388-505-0210; or CN family medical described in WAC 388-505-0220; or family and children's institutional medical described in WAC 388-505-0230 through 388-505-0260. Clients not meeting the citizenship requirements for federally funded medicaid described in WAC 388-424-0010 are not eligible to receive waiver services; or

(d) Be eligible for the temporary assistance for needy families (TANF) program as described in WAC ~~((388-505-~~

~~0220~~) 388-400-0005 and meet disability criteria described in WAC 388-475-0050.

(3) The department allows a client to ~~((have))~~ reduce countable resources in excess of the standard. This is described in WAC 388-513-1350 ~~((when meeting the conditions of reducing excess resources described in WAC 388-513-1350))~~.

(4) To be eligible for waiver services, a client must ~~((also))~~ meet the program requirements described in:

(a) WAC 388-515-1505 through 388-515-1509 for COPES, New Freedom, PACE, ~~((MMHP))~~ and WMIP services; or

(b) WAC 388-515-1510 through 388-515-1514 for DDD waivers; or

(c) WAC 388-515-1540 for the medically needy residential waiver (MNRW); or

(d) WAC 388-515-1550 for the medically needy in-home waiver (MNIW).

(5) To be eligible for hospice services under the CN program, a client must:

(a) Meet the program requirements described in chapter 388-551 WAC; and

(b) Be eligible for a noninstitutional categorically needy program (CN-P) if not residing in a medical institution thirty days or more; or

(c) Reside at home and benefit by using home and community based waiver rules described in WAC 388-515-1505 through 388-515-1509 (SSI related clients with income over the MNIL and at or below the 300 percent of the FBR or clients with a community spouse); or

(d) Receive home and community waiver (HCS) or DDD waiver services in addition to hospice services. The client's responsibility to pay toward the cost of care (participation) is applied to the waiver service provider first; or

~~((Reside in a state contracted and licensed alternate living facility and not on waiver services and receives medical assistance described in WAC 388-513-1305 as they are paying the facility privately.~~

~~((f))~~ Be eligible for institutional CN if residing in a medical institution thirty days or more ~~((use institutional rules for eligibility when in a medical institution thirty days or more))~~.

(6) To be eligible for institutional or hospice services under the MN program, a client must be:

(a) Eligible for MN children's medical program described in WAC ~~((388-505-0230))~~ 388-505-0210, 388-505-0255, or 388-505-0260; or

(b) Related to the SSI program as described in WAC ~~((388-478-0050(1)))~~ 388-475-0050 and meet all requirements described in WAC 388-513-1395; or

(c) Eligible for the MN SSI related program described in WAC 388-475-0150 for hospice clients residing in a home setting; or

(d) Eligible for the MN SSI related program described in WAC 388-513-1305 for hospice clients not on a medically needy waiver and residing in an alternate living facility.

(e) Be eligible for institutional MN if residing in a medical institution thirty days or more ~~((use institutional rules for eligibility when in a medical institution thirty days or more))~~ described in WAC 388-513-1395.

(7) To determine resource eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers resource eligibility and standards described in WAC 388-513-1350; and

(b) Evaluates the transfer of assets as described in WAC 388-513-1363, 388-513-1364, 388-513-1365 and 388-513-1366.

(8) To determine income eligibility for an SSI-related client under the CN or MN program, the department:

(a) Considers income available as described in WAC 388-513-1325 and 388-513-1330;

(b) Excludes income for CN and MN programs as described in WAC 388-513-1340;

(c) Disregards income for the MN program as described in WAC 388-513-1345; and

(d) Follows program rules for the MN program as described in WAC 388-513-1395.

(9) A client who meets the requirements of the CN program is approved for a period of up to twelve months ~~((for:~~

~~(a) Institutional services in a medical facility;~~

~~(b) Waiver services at home or in an alternate living facility; or~~

~~(c) Hospice services at home or in a medical facility)).~~

(10) A client who meets the requirements of the MN program is approved for a period of months described in WAC 388-513-1395(6) for:

(a) Institutional services in a medical ~~((facility))~~ institution; or

(b) Hospice services in a medical ~~((facility))~~ institution.

(11) The department determines eligibility for nursing facility and hospice services under the alien emergency medical (AEM) program described in WAC 388-438-0110 for a client age nineteen or over who meets all other requirements for such services but does not meet citizenship requirements. Nursing facility and hospice services under the AEM program must be preapproved by the department's medical consultant.

(12) The department determines eligibility for institutional services under the GA program described in WAC 388-448-0001 for a client who meets all other requirements for such services but is not eligible for programs described in subsections (9) through (11).

(13) A client is eligible for medicaid as a resident in a psychiatric facility, if the client:

(a) Has attained institutional status as described in WAC 388-513-1320; and

(b) Is ~~((less than))~~ under the age of twenty-one ~~((years old))~~ at the time of application ~~((and approval))~~; or

(c) Is receiving active psychiatric treatment just prior to their twenty-first birthday and the services extend beyond this date and the client has not yet reached age twenty-two; or

(d) Is at least sixty-five years old.

(14) The department determines a client's eligibility as it does for a single person when the client's spouse has already been determined eligible for LTC services.

(15) ~~((The department considers the parents' income and resources available for a minor who is less than eighteen years old and is receiving or is expected to receive inpatient chemical dependency and/or inpatient mental health treatment))~~ If an individual under age twenty one is not eligible

for medicaid under SSI related in WAC 388-475-0050 or general assistance (GA) described in WAC 388-448-0001 and 388-505-0110(6) consider eligibility under WAC 388-505-0255 or 388-505-0260.

(16) ~~((The department considers the parents' income and resources available only as contributed for a client who is less than twenty-one years old and has attained institutional status as described in WAC 388-513-1320))~~ Noncitizen individuals under age nineteen can be considered for the apple health for kids program described in WAC 388-505-0210 if they are admitted to a medical institution for less than thirty days. Once an individual resides or is likely to reside in a medical institution for thirty days or more, the department determines eligibility under WAC 388-505-0260.

(17) The department determines a client's ~~((participation in))~~ total responsibility to pay toward the cost of care for LTC services as ~~((described in WAC 388-513-1380 and 388-515-1505 for long-term care services under COPEs, New Freedom, PACE, MMIP and WMIP or WAC 388-515-1510 for DDD-waivers))~~ follows:

(a) For SSI-related clients residing in a medical institution see WAC 388-513-1380;

(b) For clients receiving HCS CN waiver services see WAC 388-515-1509;

(c) For clients receiving DDD CN waiver services see WAC 388-515-1514;

(d) For clients receiving HCS MN waiver services see WAC 388-515-1540 or 388-515-1550; or

(e) For TANF related clients residing in a medical institution see WAC 388-505-0265.

(18) Clients not living in a medical institution who are considered to be receiving SSI benefits for the purposes of medicaid do not pay service participation toward their cost of care. Clients living in a residential setting do pay room and board as described in WAC 388-515-1505 through 388-515-1509 or WAC 388-515-1514. Groups deemed to be receiving SSI and for medicaid purposes are eligible to receive CN-P medicaid. These groups are described in WAC 388-475-0880.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 06-07-077, filed 3/13/06, effective 4/13/06)

WAC 388-513-1320 Determining institutional status for long-term care (LTC) services. (1) Institutional status is an eligibility requirement for long-term care services (LTC) (services:

(1) To attain institutional status, a client)) and institutional medical programs. To attain institutional status, you must:

(a) Be approved for and receiving home and community based waiver services or hospice services; or

(b) Reside or be likely to reside in a medical institution, institution for medical diseases (IMD) or inpatient psychiatric facility for a continuous period of:

(i) ~~((Ninety days for a child seventeen years of age or younger receiving inpatient chemical dependency and/or inpatient mental health treatment))~~ Thirty days if you are an adult eighteen and older; ((or))

(ii) Thirty days ((for:

~~(A) An SSI-related client;~~

~~(B) A child not described in subsection (1)(b)(i); or~~

~~(C) A client related to medical eligibility as described in WAC 388-513-1315 (10) or (11))~~ if you are a child seventeen years of age or younger admitted to a medical institution; or

(iii) Ninety days if you are a child seventeen years of age or younger receiving inpatient chemical dependency or inpatient psychiatric treatment.

(2) ~~((A client's))~~ Once the department has determined that you meet institutional status, your status is not affected by ((a):

(a) Transfers between medical facilities; or

(b) Changes from one kind of long-term care services (waiver, hospice or medical institutional services) to another.

(3) ~~((A client loses institutional status when the client:~~

~~(a) Is absent from the medical facility for at least thirty consecutive days; or~~

~~(b) Does not receive waiver or hospice services for at least thirty consecutive days))~~ If you are absent from the medical institution or you do not receive waiver or hospice services for at least thirty consecutive days, you lose institutional status.

WSR 09-03-097

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Disability Services Administration)

[Filed January 21, 2009, 7:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-24-077.

Title of Rule and Other Identifying Information: The department is amending WAC 388-513-1380 Determining a client's participation in the cost of care for long-term care (LTC) services.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094, on February 24, 2009, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 25, 2009.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS

RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on February 24, 2009.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by February 10, 2009, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: DSHS is amending WAC 388-513-1380:

- Regarding the personal needs allowance for individuals receiving a \$90 improved pension and those residing in a state veterans' home;
- Updating the language describing the standard shelter allocation. This standard increases every July based on the federal poverty level.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530.

Statute Being Implemented: RCW 74.04.050, 74.04.057, 74.08.090, 74.09.500, 74.09.530.

Rule is necessary because of federal law, Section 6012 of the Deficit Reduction Act (DRA) of 2005.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lori Rolley, P.O. Box 45600, Olympia, WA 98504-5600, (360) 725-2271.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and determined that no new costs will be imposed on small businesses or nonprofit organizations.

A cost-benefit analysis is not required under RCW 34.05.328. Rules are exempt per RCW 34.05.328 (5)(b)(vii), relating only to client medical or financial eligibility.

January 14, 2009
Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-13-072, filed 6/16/08, effective 7/17/08)

WAC 388-513-1380 Determining a client's financial participation in the cost of care for long-term care (LTC) services. This rule describes how the department allocates income and excess resources when determining participation in the cost of care (the post-eligibility process). The department applies rules described in WAC 388-513-1315 to define which income and resources must be used in this process.

(1) For a client receiving institutional or hospice services in a medical institution, the department applies all subsections of this rule.

(2) For a client receiving waiver services at home or in an alternate living facility, the department applies only those subsections of this rule that are cited in the rules for those programs.

(3) For a client receiving hospice services at home, or in an alternate living facility, the department applies rules used for the community options program entry system (COPES) for hospice applicants with income under the medicaid spe-

cial income level (SIL) (300% of the federal benefit rate (FBR)), if the client is not otherwise eligible for another non-institutional categorically needy medicaid program. (Note: For hospice applicants with income over the medicaid SIL, medically needy medicaid rules apply.)

(4) The department allocates nonexcluded income in the following order and the combined total of (4)(a), (b), (c), and (d) cannot exceed the medically needy income level (MNIL):

(a) A personal needs allowance (PNA) of:

(i) Seventy dollars for the following clients who live in a state veteran's home and receive a needs based veteran's pension in excess of ninety dollars:

(A) A veteran without a spouse or dependent child.

(B) A veteran's surviving spouse with no dependent children.

(ii) The difference between one hundred sixty dollars and the needs based veteran's pension amount for persons specified in subsection (4)(a)(i) of this section who receive a veteran's pension less than ninety dollars.

(iii) One hundred sixty dollars for a client living in a state veterans' home who does not receive a needs based veteran's pension;

~~((ii)) Ninety dollars for a veteran or a veteran's surviving spouse, who receives the ninety dollar VA improved pension and does not live in a state veterans' home; or))~~

~~((iii)) (iv) Forty-one dollars and sixty-two cents for all clients in a medical institution receiving general assistance.~~

~~((iv)) (v) Effective July 1, 2007 through June 30, 2008 fifty-five dollars and forty-five cents for all other clients in a medical institution. Effective July 1, 2008 this PNA increases to fifty-seven dollars and twenty-eight cents.~~

~~((v)) (vi) Current PNA and long-term care standards can be found at <http://www1.dshs.wa.gov/manuals/eaz/sections/LongTermCare/LTCstandardspna.shtml>.~~

(b) Mandatory federal, state, or local income taxes owed by the client.

(c) Wages for a client who:

(i) Is related to the Supplemental Security Income (SSI) program as described in WAC 388-475-0050(1); and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less restrictive placement. When determining this deduction employment expenses are not deducted.

(d) Guardianship fees and administrative costs including any attorney fees paid by the guardian, after June 15, 1998, only as allowed by chapter 388-79 WAC.

(5) The department allocates nonexcluded income after deducting amounts described in subsection (4) in the following order:

(a) Income garnished for child support or withheld according to a child support order in the month of garnishment (for current and back support):

(i) For the time period covered by the PNA; and

(ii) Is not counted as the dependent member's income when determining the family allocation amount.

(b) A monthly maintenance needs allowance for the community spouse not to exceed, effective January 1, 2008, two thousand six hundred ten dollars, unless a greater amount is allocated as described in subsection (7) of this section. The community spouse maintenance allowance is increased each

January based on the consumer price index increase (from September to September, <http://www.bls.gov/cpi/>). Starting January 1, 2008 and each year thereafter the community spouse maintenance allocation can be found in the long-term care standards chart at <http://www1.dshs.wa.gov/manuals/eaz/sections/LongTermCare/LTCstandardspna.shtml>. The monthly maintenance needs allowance:

(i) Consists of a combined total of both:

(A) One hundred fifty percent of the two person federal poverty level. This standard increases annually on July 1st (<http://aspe.os.dhhs.gov/poverty/>); and

(B) Excess shelter expenses as described under subsection (6) of this section.

(ii) Is reduced by the community spouse's gross countable income; and

(iii) Is allowed only to the extent the client's income is made available to the community spouse.

(c) A monthly maintenance needs amount for each minor or dependent child, dependent parent or dependent sibling of the community spouse or institutionalized person who:

(i) Resides with the community spouse:

(A) In an amount equal to one-third of one hundred fifty percent of the two person federal poverty level less the dependent family member's income. This standard increases annually on July 1st (<http://aspe.os.dhhs.gov/poverty/>).

(ii) Does not reside with the community spouse or institutionalized person, in an amount equal to the MNIL for the number of dependent family members in the home less the dependent family member's income.

(iii) Child support received from a noncustodial parent is the child's income.

(d) Medical expenses incurred by the institutional client and not used to reduce excess resources. Allowable medical expenses and reducing excess resources are described in WAC 388-513-1350.

(e) Maintenance of the home of a single institutionalized client or institutionalized couple:

(i) Up to one hundred percent of the one-person federal poverty level per month;

(ii) Limited to a six-month period;

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) When social services staff documents the need for the income exemption.

(6) For the purposes of this section, "excess shelter expenses" means the actual expenses under subsection (6)(b) less the standard shelter allocation under subsection (6)(a). For the purposes of this rule:

(a) The standard shelter allocation is based on thirty percent of one hundred fifty percent of the two person federal poverty level. This standard increases annually on July 1st (<http://aspe.os.dhhs.gov/poverty/>); and

(b) Shelter expenses are the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) The food stamp standard utility allowance for four persons, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(7) The amount allocated to the community spouse may be greater than the amount in subsection (6)(b) only when:

(a) A court enters an order against the client for the support of the community spouse; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(8) A client who is admitted to a medical facility for ninety days or less and continues to receive full SSI benefits is not required to use the SSI income in the cost of care for medical services. Income allocations are allowed as described in this section from non-SSI income.

(9) Standards described in this section for long-term care can be found at: <http://www1.dshs.wa.gov/manuals/eaz/sections/LongTermCare/LTCstandardspna.shtml>.

WSR 09-03-100

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 21, 2009, 7:34 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-21-082.

Title of Rule and Other Identifying Information: The department is amending WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program?, 388-400-0045 If I am not eligible for federally funded benefits through Washington Basic Food program because of my alien status, can I receive state-funded Basic Food?, 388-450-0162 How does the department count my income to determine if my assistance unit is eligible and calculate the amount of my cash and Basic Food benefits?, and 388-450-0185 Does the department count all of my income to determine my eligibility and benefits for Basic Food?

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6097), on February 24, 2009, at 10:00 a.m.

Date of Intended Adoption: No earlier than February 25, 2009.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail schilse@dshs.wa.gov, fax (360) 664-6185, by 5:00 p.m. on February 24, 2009.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by February 10, 2009, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The rules describe eligibility requirements for the Basic Food program, allowable income deductions for Basic Food, and the process of determining eligibility and calculating monthly benefits for both state and federal benefits under the Washington Basic Food program.

The proposed changes amend the above listed rules to be consistent with the requirements of the Food and Nutrition Act of 2008, regulations under Title 7 of the Code of Federal Regulations, and administrative notices published by the United States Department of Agriculture, Food and Nutrition Service related to the supplemental nutrition assistance program (SNAP) or food stamp program.

Reasons Supporting Proposal: The state legislature authorizes the department to administer the food stamp program and food assistance program for legal immigrants under RCW 74.04.500, 74.04.510, and 74.04.510 [74.04.515] consistent with federal requirements for the food stamp program.

The amendments made under this filing clarify the rules regarding determining eligibility and benefit level for the Washington Basic Food program consistent with the requirements of the Food and Nutrition Act of 2008 and Title 7 of the Code of Federal Regulations.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Rule is necessary because of federal law, 7 C.F.R. 273.9, Food and Nutrition Act of 2008.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Camp, 712 Pear Street S.E., Olympia, WA 98503, (360) 725-4616.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not have an economic impact on small businesses; it only affects DSHS clients by setting requirements used to determine eligibility and benefit levels for the Washington Basic Food program.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents."

January 14, 2009

Stephanie E. Schiller
Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-13-043, filed 6/15/06, effective 7/17/06)

WAC 388-400-0040 Am I eligible for benefits through the Washington Basic Food program? The Washington Basic Food program (Basic Food) is a nutrition program to help low-income individuals and families buy food. This rule is a summary of the rules for Basic Food.

(1) When you apply for Basic Food, we decide who is in your assistance unit (AU) based on the requirements under WAC 388-408-0034 and 388-408-0035.

(2) To be eligible for Basic Food benefits, your AU must meet the eligibility requirements of:

(a) ~~The most current version of the Food ((Stamp Act of 1977)) and Nutrition Act of 2008:~~

(b) Federal regulations adopted by the U.S. Department of Agriculture, Food and Nutrition Services (FNS) related to the supplemental nutrition assistance program (SNAP); and

(c) Standards FNS publishes each year for income limits, resource limits, income deductions, and benefit amounts for SNAP.

(3) To be eligible for **federal** Basic Food benefits, each AU member must meet the citizenship or alien status requirements for federal benefits as described under WAC 388-424-0020.

(4) An AU member who is not eligible for federal benefits may be eligible for **state-funded** Basic Food benefits if they meet the requirements described under WAC 388-400-0045.

(5) To be eligible for **federal** or **state** Basic Food benefits, each AU member must:

(a) Be a resident of the state of Washington as required under WAC 388-468-0005;

(b) Meet the citizenship or alien status requirements of either WAC 388-424-0020 or 388-424-0025;

(c) Give us their Social Security number as required under WAC 388-476-0005;

(d) Give us proof of identity as required under WAC 388-490-0005;

(e) Participate in the ~~((food stamp))~~ Basic Food employment and training program ~~((FSE&T as))~~ (BFE&T) if required under chapter 388-444 WAC; and

(f) Meet the eligibility criteria for strikers as described under WAC 388-480-0001.

(6) To be eligible for Basic Food, your AU must:

(a) ~~((Have countable income at or below gross and net income standards as described under WAC 388-478-0060))~~

Have total monthly income before taxes and deductions at or under the gross monthly income standard under WAC 388-478-0060. We don't use income that isn't counted under WAC 388-450-0015 as part of your AU's gross monthly income;

(b) Have net income at or under the net monthly income standard under WAC 388-478-0060. We subtract deductions allowed under WAC 388-450-0185 to determine your AU's net monthly income.

(c) ~~((eountable))~~ resources we must count under WAC 388-470-0055 that are at or below your AU's resource limit under WAC 388-470-0005 ((unless your AU is categorically eligible under WAC 388-414-0001));

~~((e))~~ (d) Report changes of circumstances as required under WAC 388-418-0005; and

~~((e))~~ (e) Complete a mid-certification review and provide proof of any changes if required under WAC 388-418-0011.

(7) If your AU is categorically eligible for Basic Food under WAC 388-414-0001, your AU can have income over

the gross or net income standard, and have resources over the resource limit and still be eligible for benefits.

~~((8))~~ (8) If your AU has income at or under the gross income standard or is categorically eligible for Basic Food, we ~~((deduct certain expenses from your income under WAC 388-450-0185 before we calculate your Basic Food benefits))~~ determine if you are eligible for Basic Food and calculate your monthly benefits as described under WAC 388-450-0162.

~~((9))~~ (9) If an eligible person in your AU is elderly or disabled, some rules may help your AU to be eligible for Basic Food or to receive more Basic Food benefits. These include:

(a) Resources limits and excluding certain resources under chapter 388-470 WAC;

(b) An excess shelter deduction over the limit set for AUs without an elderly or disabled individual under WAC 388-450-0190;

(c) A deduction for out-of-pocket medical expenses for the elderly or disabled individual if they are over thirty-five dollars a month under WAC 388-450-0200; and

(d) Being exempt from the **gross monthly income** standard under WAC 388-478-0060.

~~((10))~~ (10) For Basic Food, **elderly** means a person who is age sixty or older;

~~((11))~~ (11) For Basic Food, **disabled** means a person who:

(a) Receives SSI;

(b) Receives disability payments or blindness payments under Title I, II, XIV, or XVI of the Social Security Act;

(c) Receives disability retirement benefits from a state, local or federal government agency because of a disability considered permanent under section 221(i) of the Social Security Act;

(d) Receives disability benefits from the Railroad Retirement Act under sections 2 (a)(1)(iv) and (v) and:

(i) Meets Title XIX disability requirements; or

(ii) Is eligible for medicare.

(e) Receives disability-related medical assistance under Title XIX of the Social Security Act;

(f) Is a veteran and receives disability payments based on one hundred percent disability;

(g) Is a spouse of a veteran and:

(i) Either needs an attendant or is permanently housebound; or

(ii) Has a disability under section 221(i) of the Social Security Act and is eligible for death or pension payments under Title 38 of the USC.

~~((12))~~ (12) If a person in your ~~((AU))~~ household attends an institution of higher education and does not meet the requirements to be an eligible student under WAC 388-482-0005, we do not count this person as a member of your AU under WAC 388-408-0035.

~~((13))~~ (13) If your AU currently receives food benefits under WASHCAP or lives on or near an Indian reservation and receives benefits from a tribal food distribution program approved by Food and Nutrition Service (FNS), your AU is not eligible for food assistance benefits through the Washington Basic Food program.

~~((13))~~ (14) If ~~((an))~~ a person in your AU ~~((member))~~ is ineligible for any of the following reasons, we count the ineligible person's income as described under WAC 388-450-0140:

(a) Able-bodied adults without dependents who are no longer eligible under WAC 388-444-0030;

(b) Persons fleeing a felony prosecution, conviction, or confinement under WAC 388-442-0010;

(c) Persons who do not attest to citizenship or alien status as defined in WAC 388-424-0001;

(d) Persons who are ineligible aliens under WAC 388-424-0020;

(e) Persons disqualified for an intentional program violation under WAC 388-446-0015;

(f) Persons who do not provide a Social Security number when required under WAC 388-476-0005; or

(g) Persons who failed to meet work requirements under chapter 388-444 WAC.

AMENDATORY SECTION (Amending WSR 03-05-028, filed 2/10/03, effective 4/1/03)

WAC 388-400-0045 If I am not eligible for ~~((federally-funded))~~ federal benefits through Washington Basic Food program because of my alien status, can I receive state-funded Basic Food? (1) If you are not eligible for federally-funded Basic Food benefits because you do not meet the alien status requirements under WAC 388-424-0020, you may be eligible for state-funded Basic Food if you meet both of the following requirements:

(a) You are a Washington state resident; and

(b) You meet the immigrant eligibility requirements under WAC 388-424-0025.

(2) State-funded Basic Food follows the same eligibility rules as federally-funded Basic Food except for rules related to alien status. A summary of the rules for Basic Food is found in WAC 388-400-0040.

(3) Some assistance units (AUs) ~~((may receive a combined benefit of both state and federal Basic Food benefits. Your AU's maximum allotment of Basic Food benefits is found under WAC 388-478-0060))~~ include both people who are eligible for federal Basic Food benefits and those who are eligible for state-funded benefits. In these cases, we determine the federal and state portion of your Basic Food benefits by applying the following process to the monthly benefit calculation under WAC 388-450-0162:

(a) We calculate your AU's monthly benefits as if all the eligible persons in your AU could receive benefits under the federal program; and

(b) We then calculate the monthly benefits for the persons in your AU who are eligible for federal benefits.

<u>If step A is more than step B</u>	<u>If step B is more than step A</u>
<p><u>Your AU receives:</u></p> <ul style="list-style-type: none"> • <u>Federal benefits in the amount calculated using step (b); and</u> • <u>State-funded benefits for the difference between the amount calculated using step (a) and step (b).</u> 	<p><u>Your AU receives federal benefits in the amount calculated using step (b).</u></p>

AMENDATORY SECTION (Amending WSR 08-15-009, filed 7/3/08, effective 8/3/08)

WAC 388-450-0162 **How does the department count my income to determine if my assistance unit is eligible and calculate the amount of my cash and Basic Food benefits?** (1) Countable income is all income your assistance unit (AU) has after we subtract the following:

- (a) Excluded or disregarded income under WAC 388-450-0015;
- (b) For **cash assistance**, earned income incentives and deductions allowed for specific programs under WAC 388-450-0170 and 388-450-0175;
- (c) For **Basic Food**, deductions allowed under WAC 388-450-0185; and
- (d) ~~((Allocations))~~ Income we allocate to someone outside of the assistance unit under WAC 388-450-0095 through 388-450-0160.

(2) Countable income includes all income that we must deem or allocate from financially responsible persons who are not members of your ~~((assistance unit))~~ AU under WAC 388-450-0095 through 388-450-0160.

(3) For **cash assistance**:
 (a) We compare your countable income to the payment standard in WAC 388-478-0020 and 388-478-0030.

(b) You are not eligible for benefits when your ~~((assistance unit's))~~ AU's countable income is equal to or greater than the payment standard plus any authorized additional requirements.

(c) Your benefit level is the payment standard and authorized additional requirements minus your ~~((assistance unit's))~~ AU's countable income.

(4) For **Basic Food**, if you meet all other eligibility requirements for the program under WAC 388-400-0040, we determine if you meet the income requirements for benefits and calculate your AU's monthly benefits as specified under Title 7 Part 273 of code of federal regulations for the supplemental nutrition assistance program (SNAP). The process is described in brief below:

(a) ~~((We compare your countable income to the monthly gross and net income standards under WAC 388-478-0060))~~ How we determine if your AU is income eligible for Basic Food:

(i) ~~((If your assistance unit is categorically eligible for Basic Food under WAC 388-414-0001, your assistance unit can have income over the gross or net income standard and still be eligible for benefits))~~ We compare your AU's total

monthly income to the gross monthly income standard under WAC 388-478-0060. We don't use income that isn't counted under WAC 388-450-0015 as a part of your gross monthly income.

(ii) ~~((All other assistance units must have income at or below the gross and net income standards as required))~~ We then compare your AU's countable monthly income to the net income standard under WAC 388-478-0060 ((to be eligible for benefits)).

(A) If your AU is categorically eligible for Basic Food under WAC 388-414-0001, your AU can have income over the gross or net income standard and still be eligible for benefits.

(B) If your AU includes a person who is sixty years of age or older or has a disability, your AU can have income over the gross income standard, but must have income under the net income standard to be eligible for benefits.

(C) All other AUs must have income at or below the gross and net income standards as required under WAC 388-478-0060 to be eligible for Basic Food.

(b) ~~((Your benefit level is the maximum allotment in WAC 388-478-0060 minus thirty percent of your countable income))~~ How we calculate your AU's monthly Basic Food benefits:

(i) We start with the maximum allotment for your AU under WAC 388-478-0060.

(ii) We then subtract thirty percent of your AU's countable income from the maximum allotment and round the benefit down to the next whole dollar to determine your monthly benefit.

(iii) If your AU is eligible for benefits and has one or two persons, your AU will receive at least the minimum allotment as described under WAC 388-412-0015, even if the monthly benefit we calculate is lower than the minimum allotment.

AMENDATORY SECTION (Amending WSR 08-24-051, filed 11/25/08, effective 12/26/08)

WAC 388-450-0185 **What income deductions does the department ~~((count all of my income to determine my eligibility and benefits for Basic Food))~~ allow when determining if I am eligible for food benefits and the amount of my monthly benefits?** ~~((We subtract the following amounts from your assistance unit's (AU's) countable income before we determine your Basic Food benefit amount))~~ We determine if your assistance unit (AU) is eligible for Basic Food and calculate your monthly benefits according to requirements of the Food and Nutrition Act of 2008 and federal regulations related to the supplemental nutrition assistance program (SNAP).

These federal laws allow us to subtract **only** the following amounts from your AU's total monthly income to determine your countable monthly income under WAC 388-450-0162:

(1) A standard deduction based on the number of people in your AU under WAC 388-408-0035:

Eligible and ineligible AU members	Standard deduction
1	\$144
2	\$144
3	\$144
4	\$147
5	\$172
6 or more	\$197

(2) Twenty percent of your AU's gross earned income (earned income deduction);

(3) Your AU's expected monthly dependent care expense needed for an AU member to:

(a) Keep work, look for work, or accept work;

(b) Attend training or education to prepare for employment; or

(c) Meet employment and training requirements under chapter 388-444 WAC.

(4) Medical expenses over thirty-five dollars a month owed or anticipated by an elderly or disabled person in your AU as allowed under WAC 388-450-0200.

(5) Legally obligated current or back child support paid to someone outside of your AU:

(a) For a person who is not in your AU; or

(b) For a person who is in your AU to cover a period of time when they were not living with you.

(6) A portion of your shelter costs as described in WAC 388-450-0190.

WSR 09-03-101

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed January 21, 2009, 7:36 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-23-098.

Title of Rule and Other Identifying Information: The community services division is amending WAC 388-310-0800 WorkFirst—Support services.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on February 24, 2009, at 10:00 a.m.

Date of Intended Adoption: Not earlier than February 25, 2009.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail schilse@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on February 24, 2009.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by February 10, 2009,

TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsjl4@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule change is needed to remove support services for recipients of diversion cash assistance who are receiving career services through the employment security department.

Reasons Supporting Proposal: The proposal is aimed at reducing costs of the program in response to budget constraints.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ian Horlor, P.O. Box 45470, Olympia, WA 98504-5470, (360) 725-4634.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These proposed rules do not have an economic impact on small businesses. The proposed amendments only affect DSHS clients by defining who is eligible for these services.

A cost-benefit analysis is not required under RCW 34.05.328. These amendments are exempt as allowed under RCW 34.05.328 (5)(b)(vii) which states in-part, "[t]his section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents." These rules affect eligibility support services for recipients of the WorkFirst career services program.

January 14, 2009

Stephanie E. Schiller

Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-18-045, filed 8/29/08, effective 10/1/08)

WAC 388-310-0800 WorkFirst—Support services.

(1) Who can get support services?

People who can get support services include:

(a) WorkFirst participants who receive a TANF cash grant;

(b) Sanctioned WorkFirst participants during the required participation before the sanction is lifted or applicants who were terminated by a sanction review panel who are doing activities required to reopen cash assistance (WAC 388-310-1600);

(c) Unmarried or pregnant minors who are income eligible to receive TANF and are:

(i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or

(ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangement and/or meeting the school requirements.

(d) Former WorkFirst recipients who are working at least twenty hours or more per week for up to six months after leaving TANF if they need support services to meet a temporary emergency. This can include up to four weeks of support services if they lose a job and are looking for another one (see also WAC 388-310-1800);

~~(e) ((Diversion cash assistance (DCA) recipients who are working at least thirty hours or more per week and enrolled in WorkFirst career services if they need support services to meet a temporary emergency;~~

~~(f))~~ American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

(a) To help you participate in work and WorkFirst activities that lead to independence.

(b) To help you to participate in job search, accept a job, keep working, advance in your job, and/or increase your wages.

(c) You can also get help in paying your child care expenses through the working connections child care assis-

tance program. (Chapter 170-290 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of three thousand dollars per person per program year (July 1st to June 30th) for WorkFirst support services you may receive. Most types of support services have dollar limits.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the limits that apply.

Definitions:

- Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.

- Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence. When approved, safety-related support services can exceed the dollar or category limits listed below.

- Some support services are available if you need them for other required activities in your IRP.

Type of support service	Limit	• Work	•• Safety	••• Other
Reasonable accommodation for employment	\$1,000 for each request	x		
Clothing/uniforms	\$75 per adult per program year	x		
Diapers	\$50 per child per month	x		
Haircut	\$40 per each request	x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene	\$50 per adult per program year	x		
Professional, trade, association, union and bonds	\$300 for each fee	x		
Relocation related to employment (can include rent, housing, and deposits)	\$1,000 per program year	x		
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment	\$500 per program year	x		
Car repair needed to restore car to operable condition	\$250 per program year	x	x	
License/fees	\$130 per program year	x	x	
Mileage, transportation, and/or public transportation	Same rate as established by OFM for state employees	x	x	
Transportation allotment	Up to: \$25 for immediate need, or \$40 twice a month if you live within 40 miles of your local WorkFirst office, or \$60 twice a month if you live more than 40 miles from your local WorkFirst office.	x	x	
Counseling	No limit	x	x	x

Type of support service	Limit	• Work	•• Safety	••• Other
Educational expenses	\$300 for each request if it is an approved activity in your IRP and you do not qualify for sufficient student financial aid to meet the cost	x		x
Medical exams (not covered by Medicaid)	\$150 per exam	x	x	x
Public transportation	\$150 per month	x	x	x
Testing-diagnostic	\$200 each	x	x	x

(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will decide what support services you receive, as follows:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

(5) What happens to my support services if I do not participate as required?

The department will give you ten days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jerry McDonald, 2000 4th Avenue West, Olympia, WA, (360) 664-6524.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Rules are for individual licensees and not small business enterprises.

A cost-benefit analysis is not required under RCW 34.05.328. The department of licensing is not one of the name agencies under this RCW.

January 20, 2009
Jerry McDonald
Assistant Administrator

**WSR 09-03-103
PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed January 21, 2009, 8:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-15-149.

Title of Rule and Other Identifying Information: Standards of practice for home inspectors.

Hearing Location(s): 2000 4th Avenue West, 2nd Floor Conference Room, Olympia, WA, on February 24, 2009, at 10:30 a.m.

Date of Intended Adoption: February 24, 2009.

Submit Written Comments to: Jerry McDonald, 2000 4th Avenue West, Olympia, WA 98507, e-mail jmcdonald@dol.wa.gov, fax (360) 570-7051, by February 16, 2009.

Assistance for Persons with Disabilities: Contact Gale Mitchell by February 16, 2009, TTY (360) 664-8885 or (360) 664-6426.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposal will create standards of practice for licensed home inspectors to follow.

Reasons Supporting Proposal: This creates a uniform practice of home inspection that Washington home purchasers can reference when requesting a home inspection.

Statutory Authority for Adoption: RCW 18.280.050.

Statute Being Implemented: RCW 18.280.060(6).

Rule is not necessitated by federal law, federal or state court decision.

Chapter 308-408C WAC

STANDARDS OF PRACTICE

NEW SECTION

WAC 308-408C-010 Standards of practice (SOP)—Purpose and scope. Violations of the following SOP and ethics are subject to disciplinary action under RCW 18.235.-130.

The purpose of a home inspection is to assess the condition of the residence at the time of the inspection using visual observations, simple tools and normal homeowner operational controls; and to report deficiencies of specific systems and components. Inspectors must perform all inspections in compliance with the SOP set forth by the Washington state department of licensing.

A home inspection is not technically exhaustive and does not identify concealed conditions or latent defects. This SOP is applicable to buildings with four or fewer dwelling units and their attached garages or carports.

NEW SECTION

WAC 308-408C-020 Ethics—Statement of purpose. In order to ensure the integrity and high standard of skill and practice in the home inspection profession, the following rules of conduct and ethics shall be binding upon the inspector.

The home inspector must:

(1) Provide home inspection services that conform to the Washington state home inspectors' SOP.

(2) Provide full written disclosure of any business or familial relationships or other conflicts of interest between

themselves and any other party to the transaction. The parties may include, but are not limited to, buyers, sellers, appraisers, real estate licensees, mortgage representatives, title companies, vendors and service contractors.

(3) Act as an unbiased party and discharge his or her duties with integrity and fidelity to the client.

(4) Perform services and express opinions based on genuine conviction and only within the inspector's area of education, training, or expertise.

(5) Not conduct a home inspection or prepare a home inspection report that knowingly minimizes, compromises or attempts to balance information about defects for the purpose of garnering future referrals.

(6) Not provide services that constitute the unauthorized practice of any profession that requires a special license when the inspector does not hold that license.

(7) Not accept compensation for a home inspection from more than one party without written disclosure to the inspector's client(s).

(8) Not for one year after completion of the inspection repair, replace, or upgrade for compensation components or systems on any building inspected - this section applies to the inspector's firm and other employees or principals of that firm or affiliated firms.

(9) Not provide compensation, inducement, or reward directly or indirectly, to any person or entity other than the client, for the referral of business, inclusion on a list of recommended inspectors or preferred providers or participate in similar arrangements. The purchase and/or use of low-value advertising or marketing services or products that does not exceed ten dollars per item, is not considered inducement or reward.

(10) Not disclose information contained in the inspection report without client approval or as required by law. However, at their discretion inspectors may disclose when practical observed safety or health hazards to occupants or others that are exposed to such hazards.

(11) Not advertise previous experience in an associated trade as experience in the home inspection profession. An inspector's advertised inspection experience will reflect only the inspector's experience as a home inspector and inspectors shall not advertise, market or promote their home inspection services or qualifications in a fraudulent, false, deceptive or misleading manner.

(12) Not accept a home inspection referral or perform a home inspection when assignment of the inspection is contingent upon the inspector reporting predetermined conditions.

NEW SECTION

WAC 308-408C-030 Exclusions and limitations.

Inspectors are not required to:

(1) Determine the condition of any system or component that is not readily accessible; the remaining service life of any system or component; the strength, adequacy, effectiveness or efficiency of any system or component; causes of any condition or deficiency; methods, materials, or cost of corrections; future conditions including, but not limited to, failure of systems and components.

(2) Comment on the suitability of the structure or property for any specialized use, compliance with codes, regulations, laws or ordinances.

(3) Report the presence of potentially hazardous plants or animals including, but not limited to, wood destroying insects or diseases harmful to humans; the presence of any environmental hazards including, but not limited to mold, toxins, carcinogens, noise, and contaminants in soil, water or air; the effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.

(4) Determine the operating costs of any systems or components.

(5) Determine the acoustical properties of any systems or components.

(6) Operate any system or component that is shut down, not connected or is otherwise inoperable.

(7) Operate any system or component that does not respond to normal user controls.

(8) Operate any circuit breakers, water, gas or oil shutoff valves.

(9) Offer or perform any act or service contrary to law.

(10) Offer or perform engineering services or work in any trade or professional service other than home inspection.

(11) Offer or provide warranties or guarantees of any kind unless clearly explained and agreed to by both parties in a preinspection agreement.

(12) Determine the existence of or inspect any underground items including, but not limited to, underground storage tanks or sprinkler systems.

(13) Inspect decorative items, or systems or components that are in areas not entered in accordance with the SOP.

(14) Inspect detached structures, common elements and areas of multiunit housing such as condominium properties or cooperative housing.

(15) Perform any procedure or operation that will, in the opinion of the inspector, likely be dangerous to the inspector or others or damage the property, its systems or components.

(16) Move suspended ceiling tiles, personal property, furniture, equipment, plants, soil, snow, ice or debris.

(17) Dismantle any system or component, except as explicitly required by the SOP.

(18) Enter flooded crawlspaces, attics that are not readily accessible, or any area that will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property, its systems or components.

(19) Inspect or comment on the condition or serviceability of elevators or related equipment.

Inspectors are not limited from examining other systems and components or including other inspection services. Likewise, if the inspector is qualified and willing to do so, an inspector may specify the type of repairs to be made.

An inspector may exclude those systems or components that a client specifically requests not to be included in the scope of the inspection or those areas that, in the opinion of the inspector, are inaccessible due to obstructions or conditions dangerous to the inspector. When systems or components designated for inspection under this SOP are excluded, the reason the item was excluded will be reported.

NEW SECTION

WAC 308-408C-040 Recordkeeping. The inspector is required to maintain the following records for a period of three years: (1) Preinspection agreements signed by the client and the home inspector for all home inspections.

(2) Home inspection reports.

(3) Timesheets or similar documentation used to establish proof of field training, when supervising a home inspector applicant/candidate.

NEW SECTION

WAC 308-408C-050 Contracts. A preinspection agreement is mandatory and as a minimum must contain or state:

(1) Address of property.

(2) Home inspector compensation.

(3) General description of what the home inspector will and will not inspect. That description will include all items that the Washington state SOP requires to be inspected.

(4) A statement that the inspection does not include investigation of mold, asbestos, lead paint, water, soil, air quality or other environmental issues unless agreed to in writing in the preinspection agreement.

NEW SECTION

WAC 308-408C-060 Procedures. A home inspector must:

(1) Provide a copy of the preinspection agreement to the client prior to the inspection unless prevented by circumstances from doing so.

(2) Provide the client a copy of the home inspection report according to the terms of the preinspection agreement.

(3) Return client's money related to a home inspection report when ordered to do so by a court.

NEW SECTION

WAC 308-408C-070 Structure. An inspection of the structure will include the visible foundation; floor framing; roof framing and decking; other support and substructure/superstructure components; stairs; ventilation (when applicable); and exposed concrete slabs in garages and habitable areas.

(1) **The inspector will:**

• **Describe** the type of building materials comprising the major structural components.

• **Enter and traverse** attics and subfloor crawlspaces.

• **Inspect**

(a) The condition and serviceability of visible, exposed foundations and grade slabs, walls, posts, piers, beams, joists, trusses, subfloors, chimney foundations, stairs and the visible roof structure and attic components where readily and safely accessible.

(b) Subfloor crawlspaces and basements for indications of flooding and moisture penetration.

• **Probe** a representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is not required

when probing will damage any finished surface or where no deterioration is suspected.

• **Describe** any deficiencies of these systems or components.

• **Report** all wood rot and pest-conducive conditions discovered.

• **Refer** all issues that are suspected to be insect related to a licensed structural pest inspector (SPI) or pest control operator (PCO) for follow up.

(2) **The inspector is not required to:**

• **Enter**

(a) Subfloor crawlspaces that require excavation or have an access opening less than eighteen inches by twenty-four inches or headroom less than eighteen inches beneath floor joists and twelve inches beneath girders (beams).

(b) Any areas that are not readily accessible due to obstructions, inadequate clearances or have conditions which, in the inspector's opinion, are hazardous to the health and safety of the inspector or will cause damage to components of the home.

• **Move** stored items or debris or perform excavation to gain access.

NEW SECTION

WAC 308-408C-080 Exterior. An inspection of the exterior includes the visible wall coverings, trim, protective coatings and sealants, windows and doors, attached porches, decks, steps, balconies, handrails, guardrails, carports, eaves, soffits, fascias and visible exterior portions of chimneys.

(1) **The inspector will:**

• **Describe** the exterior components visible from ground level.

• **Inspect** visible wall coverings, trim, protective coatings and sealants, windows and doors, attached porches, decks, steps, balconies, handrails, guardrails, carports, eaves, soffits, fascias and visible exterior portions of chimneys.

• **Probe** exterior components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is not required when probing will damage any finished surface or where no deterioration is suspected.

• **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

• **Inspect**

(a) Buildings, decks, patios, fences, retaining walls, and other structures detached from the dwelling.

(b) Safety type glass or the integrity of thermal window seals.

(c) Flues or verify the presence of flue liners beyond what can be safely and readily seen from the roof or the fire-box of a stove or fireplace.

• **Test or evaluate** the operation of security locks, devices or systems.

• **Enter** areas beneath decks with less than five feet of clearance from the underside of joists to grade.

• **Evaluate** the function or condition of shutters, awnings, storm doors, storm windows, screens, and similar accessories.

NEW SECTION

WAC 308-408C-090 Roofs. An inspection of the roof includes the roof covering materials; gutters and downspout systems; visible flashings; roof vents; skylights, and any other roof penetrations; and the portions of the chimneys and flues visible from the exterior.

(1) The inspector will:

- **Traverse** the roof to inspect it.
- **Inspect** the gutters and downspout systems, visible flashings, soffits and fascias, skylights, and other roof penetrations.
- **Report** the manner in which the roof is ventilated.
- **Describe** the type and general condition of roof coverings.
- **Report** multiple layers of roofing when visible or readily apparent.
- **Describe** any deficiencies of these systems or components.

(2) The inspector is not required to:

- **Traverse** a roof where, in the opinion of the inspector, doing so can damage roofing materials or be unsafe. If the roof is not traversed, the method used to inspect the roof must be reported.
- **Remove** snow, ice, debris or other material that obscures the roof surface or prevents access to the roof.
- **Inspect** gutter and downspout systems concealed within the structure; related underground drainage piping; and/or antennas, lightning arresters, or similar attachments.
- **Operate** powered roof ventilators.
- **Predict** remaining life expectancy of roof coverings.

NEW SECTION

WAC 308-408C-100 Plumbing system. An inspection of the plumbing system includes visible water supply lines; visible waste/soil and vent lines; fixtures and faucets; domestic hot water system and fuel source.

(1) The inspector will:

- (a) **Describe** the visible water supply and distribution piping materials; drain, waste and vent materials; water-heating equipment.
- (b) **Report**
 - (i) The presence and functionality of sump pumps and waste ejector pumps when visible.
 - (ii) The presence and location of a main water shutoff valve and/or fuel shutoff valve(s), or report that they were not found.
 - (iii) The presence of the temperature and pressure relief (TPR) valve and associated piping.
 - (iv) Whether or not the water temperature was tested and state that the generally accepted safe water temperature is one hundred twenty degrees Fahrenheit.
- (c) **Inspect** the condition of accessible and visible water supply pipes, drain/waste plumbing and the domestic hot water system when possible.
- (d) **Operate** fixtures in order to observe functional flow.
- (e) **Check** for functional drainage from fixtures.
- (f) **Describe** any deficiencies of these systems or components in the inspection report.

(2) The inspector is not required to:

- (a) **Operate** any valves, including faucets of freestanding or built-in appliances or fixtures, if the outlet end of the valve or faucet is connected or intended to be connected to an appliance.
- (b) **Inspect**
 - (i) Any system that is shut down or winterized.
 - (ii) Any plumbing components not readily accessible.
 - (iii) Floor drains and exterior drain systems, including but not limited to, exterior stairwell drains and driveway drains.
 - (iv) Fire sprinkler systems.
 - (v) Water-conditioning equipment, including softeners and filter systems.
 - (vi) Private water supply systems.
 - (vii) Gas supply systems.
 - (viii) Interior components of exterior pumps or sealed sanitary waste lift systems.
 - (ix) Ancillary systems or components such as, but not limited to, those related to solar water heating and hot water circulation.
- (c) **Test**
 - (i) Pressure or temperature/pressure relief valve.
 - (ii) Shower pans for leaks or use special equipment to test/scan shower or tub surrounds for moisture in surrounding substrate materials.
- (d) **Determine**
 - (i) The potability of any water supply whether public or private.
 - (ii) The condition and operation of water wells and related pressure tanks and pumps.
 - (iii) The quantity of water from on-site water supplies.
 - (iv) The quality or the condition and operation of on-site sewage disposal systems such as waste ejector pumps, cess-pools, septic tanks, drain fields, related underground piping, conduit, cisterns, and related equipment.
- (e) **Ignite** pilot lights.

NEW SECTION

WAC 308-408C-110 Electrical system. The inspection of the electrical system includes the service drop through the main panel; subpanels including feeders; branch circuits, connected devices, and lighting fixtures.

(1) The inspector will:

- (a) **Describe** in the report the type of primary service, whether overhead or underground, voltage, amperage, over-current protection devices (fuses or breakers) and the type of branch wiring used.
- (b) **Report**
 - (i) The existence of a connected service-grounding conductor and service-grounding electrode when same can be determined.
 - (ii) When no connection to a service grounding electrode can be confirmed.
- (c) **Inspect** the main and branch circuit conductors for proper over-current protection and condition by visual observation after removal of the readily accessible main and sub-electric panel cover(s).

(d) **Report**, if present, solid conductor aluminum branch circuits. Include a statement in the report that solid conductor aluminum wiring may be hazardous and a licensed electrician should inspect the system to ensure it's safe.

(e) **Verify**

(i) The operation of a representative number of accessible switches, receptacles and light fixtures.

(ii) The grounding and polarity of a representative number of receptacles; particularly in close proximity to plumbing fixtures or at the exterior.

(iii) Ground fault circuit interrupter (GFCI) protection and arc-fault circuit interrupter (AFCI) protection where required.

(f) **Report** the location of any inoperative or missing GFCI and/or AFCI devices when they are recommended by industry standards.

(g) **Advise** clients that homes without ground fault protection should have GFCI devices installed where recommended by industry standards.

(h) **Report** on any circuit breaker panel or subpanel known within the home inspection profession to have safety concerns.

(i) **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

(a) **Insert** any tool, probe or testing device into the main or subpanels.

(b) **Activate** electrical systems or branch circuits that are not energized.

(c) **Operate** circuit breakers, service disconnects or remove fuses.

(d) **Inspect** ancillary systems, including but not limited to:

(i) Timers.

(ii) Security systems.

(iii) Low voltage relays.

(iv) Smoke/heat detectors.

(v) Antennas.

(vi) Intercoms.

(vii) Electrical deicing tapes.

(viii) Lawn sprinkler wiring.

(ix) Swimming pool or spa wiring.

(x) Central vacuum systems.

(xi) Electrical equipment that's not readily accessible.

(e) **Dismantle** any electrical device or control, except for the removal of the deadfront covers from the main service panel and subpanels.

(f) **Move** any objects, furniture, or appliances to gain access to any electrical component.

(g) **Test** every switch, receptacle, and fixture.

(h) **Remove** switch and receptacle cover plates.

(i) **Verify** the continuity of connected service ground(s).

NEW SECTION

WAC 308-408C-120 Heating system. The inspection of the heating system includes the fuel source; heating equipment; heating distribution; operating controls; flue pipes, chimneys and venting; auxiliary heating units.

(1) **The inspector will:**

(a) **Describe** the type of fuel, heating equipment, and heating distribution systems.

(b) **Operate** the system using normal readily accessible control devices.

(c) **Open** readily accessible access panels or covers provided by the manufacturer or installer, if readily detachable.

(d) **Inspect**

(i) The condition of normally operated controls and components of systems.

(ii) The condition and operation of furnaces, boilers, heat pumps, electrical central heating units and distribution systems.

(iii) Visible flue pipes and related components to ensure functional operation and proper clearance from combustibles.

(iv) Each habitable space in the home to determine whether or not there is a functioning heat source present.

(v) Spaces where fossil fuel burning heating devices are located to ensure there is air for combustion.

(vi) Electric baseboard and in-wall heaters to ensure they are functional.

(e) **Report** any evidence that indicates the possible presence of an underground storage tank.

(f) **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

(a) **Ignite** pilot lights.

(b) **Operate:**

(i) Heating devices or systems that do not respond to normal controls or have been shut down.

(ii) Any heating system when circumstances are not conducive to safe operation or when doing so will damage the equipment.

(c) **Inspect or evaluate**

(i) Heat exchangers concealed inside furnaces and boilers.

(ii) Any heating equipment that is not readily accessible.

(iii) The interior of chimneys and flues.

(iv) Installed heating system accessories, such as humidifiers, air purifiers, motorized dampers, heat reclaimers; solar heating systems; or concealed distribution systems.

(d) **Remove** covers or panels that are not readily accessible or removable.

(e) **Dismantle** any equipment, controls, or gauges except readily identifiable access covers designed to be removed by users.

(f) **Evaluate** whether the type of material used to insulate pipes, ducts, jackets and boilers is a health hazard.

(g) **Determine:**

(i) The capacity, adequacy, or efficiency of a heating system.

(ii) Determine adequacy of combustion air.

(h) **Evaluate** thermostats or controls other than to confirm that they actually turn a system on or off.

NEW SECTION

WAC 308-408C-130 Air conditioning systems. The inspection of the air conditioning system includes the cooling

equipment; cooling distribution equipment and the operating controls.

(1) **The inspector will:**

(a) **Describe** the central air conditioning system and energy sources.

(b) **Operate** the system using normal control devices and **determine** temperature differential.

(c) **Open** readily accessible access panels or covers provided by the manufacturer or installer.

(d) **Inspect** the condition of controls and operative components of the complete system; conditions permitting.

(e) **Describe** any deficiencies of these systems or components in the inspection report.

(2) **The inspector is not required to:**

(a) **Activate** cooling systems that have been shut down.

(b) **Inspect**

(i) Gas-fired refrigeration systems.

(ii) Evaporative coolers.

(iii) Wall or window-mounted air-conditioning units.

(iv) The system for refrigerant leaks.

(c) **Check** the coolant pressure/charge.

(d) **Determine** the efficiency, or adequacy of the system.

(e) **Operate** cooling system components if the exterior temperature is below sixty degrees Fahrenheit or when other circumstances are not conducive to safe operation or when doing so might damage the equipment.

(f) **Remove** covers or panels that are not readily accessible.

(g) **Dismantle** any equipment, controls, or gauges except readily identifiable access covers designed to be removed by users.

(h) **Determine** how much current the unit is drawing.

(i) **Evaluate** digital-type thermostats or controls.

NEW SECTION

WAC 308-408C-140 Interiors. The inspection of the interior includes the walls, ceilings, floors, windows, and doors; steps, stairways, balconies and railings.

(1) **The inspector will:**

(a) **Verify**

That steps, handrails, guardrails, stairways and landings are installed wherever necessary and **report** when they are missing or in need of repair and **report** when baluster spacing exceeds four inches.

(b) **Inspect**

(i) The overall general condition of cabinets and countertops.

(ii) Caulking and grout at kitchen and bathroom counters.

(iii) The interior walls, ceilings, and floors for indicators of concealed structural deficiencies, water infiltration or major damage.

(iv) The condition and operation of a representative number of windows and doors.

(c) **Comment** on the presence or absence of smoke detectors.

(d) **Describe** any noncosmetic deficiencies of these systems or components.

(2) **The inspector is not required to:**

(a) **Report** on cosmetic conditions related to the condition of interior components.

(b) **Verify** whether all walls, floors, ceilings, doorways, cabinets and window openings are square, straight, level or plumb.

NEW SECTION

WAC 308-408C-150 Insulation and ventilation. The inspection of the insulation and ventilation includes the type and condition of the insulation and ventilation in viewable unfinished attics and subgrade areas as well as the installed mechanical ventilation systems.

(1) **The inspector will:**

• **Inspect** the insulation, ventilation and installed mechanical systems in viewable and accessible attics and unfinished subfloor areas.

• **Describe** the type of insulation in viewable and accessible unconditioned spaces.

• **Report** missing or inadequate vapor barriers in sub-floor crawlspaces with earth floors.

• **Report** the absence of insulation at the interface between conditioned and unconditioned spaces where visible.

• **Report** the absence of insulation on heating system ductwork and supply plumbing in unconditioned spaces.

• **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

• **Determine** the presence, extent, and type of insulation and vapor barriers concealed in the exterior walls.

• **Determine** the thickness or R-value of insulation above the ceiling, in the walls or below the floors.

NEW SECTION

WAC 308-408C-160 Fireplaces and stoves. Includes solid fuel and gas fireplaces, stoves, dampers, fireboxes and hearths.

(1) **The inspector will:**

• **Describe** fireplaces and stoves.

• **Inspect** dampers, fireboxes and hearths.

• **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

• **Inspect** flues and verify the presence of flue liners beyond what can be safely and readily seen from the roof or the firebox of a stove or fireplace.

• **Ignite** fires in a fireplace or stove.

• **Determine** the adequacy of draft.

• **Perform** a chimney smoke test.

• **Inspect** any solid fuel device being operated at the time of the inspection.

• **Evaluate** the installation or adequacy of fireplace inserts.

• **Evaluate** modifications to a fireplace, stove, or chimney.

• **Dismantle** fireplaces or stoves to inspect fireboxes or remove rain caps to inspect chimney flues.

NEW SECTION

WAC 308-408C-170 Site. The inspection of the site includes the building perimeter, land grade, and water drainage directly adjacent to the foundation; trees and vegetation that adversely affect the structure; walks, grade steps, driveways, patios, and retaining walls contiguous with the structure.

(1) **The inspector will:**

(a) **Describe** the material used for driveways, walkways, patios and other flatwork around the home.

(b) **Inspect**

(i) For serviceability of the driveways, steps, walkways, patios, flatwork and retaining walls contiguous with the structure.

(ii) For proper grading and drainage slope.

(iii) Vegetation in close proximity to the home.

(c) **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

- **Inspect** fences, privacy walls or retaining walls that are not contiguous with the structure.

- **Report** the condition of soil, trees, shrubs or vegetation unless they adversely affect the structure.

- **Evaluate** hydrological or geological conditions.

- **Determine** the adequacy of bulkheads, seawalls, breakwalls, and docks.

NEW SECTION

WAC 308-408C-180 Attached garages or carports. The inspection of attached garages and carports includes their framing, siding, roof, doors, windows, and installed electrical/mechanical systems pertaining to the operation of the home.

(1) **The inspector will:**

- **Inspect** the condition and function of the overhead garage doors and associated hardware.

- **Test** the function of the garage door openers, their auto-reverse systems and secondary entrapment devices (photo-electric and edge sensors) when present.

- **Inspect** the condition and installation of any pedestrian doors.

- **Inspect** fire separation between the house and garage when applicable.

- **Report** as a fire hazard the presence of any ignition source (gas and electric water heaters, electrical receptacles, electronic air cleaners, motors of installed appliances, etc.) that is within eighteen inches of the garage floor.

- **Describe** any deficiencies of these systems or components.

(2) **The inspector is not required to:**

- **Determine** whether or not a solid core pedestrian door that is not labeled is fire rated.

- **Verify** the functionality of garage door opener remote controls.

- **Move** vehicles or personal property.

- **Operate** any equipment unless otherwise addressed in the SOP.

WSR 09-03-106**PROPOSED RULES****OFFICE OF****INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2007-08—Filed January 21, 2009, 8:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 07-19-105.

Title of Rule and Other Identifying Information: Claims settlement practices and automobile claims, repairs, and total loss settlements.

Hearing Location(s): Insurance Commissioner's Office, Room TR 120, 5000 Capitol Boulevard, Tumwater, WA 98504-0255, on March 2, 2009, at 1:00 p.m.

Date of Intended Adoption: March 16, 2009.

Submit Written Comments to: Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, e-mail KacyS@oic.wa.gov, fax (360) 586-3109, by February 27, 2009.

Assistance for Persons with Disabilities: Contact Lorie Villaflores by February 27, 2009, TTY (360) 586-0241 or (360) 725-7087.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These proposed amendments clarify and recodify several sections of chapter 284-30 WAC related to unfair practices in the settlement of insurance claims. The amendments to existing sections do not make substantive changes to these rules; the amendments refine or clarify current rules.

NOTE: These rules are not intended to and do not create any new unfair settlement or trade practice rules subject to the Insurance Fair Conduct Act (IFCA) (RCW 48.30.015).

Reasons Supporting Proposal: These proposed rules clarify and recodify several sections of chapter 284-30 WAC that the commissioner finds are confusing or difficult to understand or administer. These amendments are part of the commissioner's examination and consideration of all rules in Title 284 WAC for clarity and consistency. **These rules are not intended to and do not create any new unfair settlement or trade practice rules subject to the IFCA.**

Statutory Authority for Adoption: RCW 48.02.060 and 48.30.010.

Statute Being Implemented: RCW 48.02.060 and 48.30.010.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Mike Kreidler, insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Chris Carlson, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7042; Implementation and Enforcement: John Hamje, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7042.

No small business economic impact statement has been prepared under chapter 19.85 RCW. None of the domestic insurers actively offering coverage in Washington state meet the definition of small business under the law.

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be

obtained by contacting Kacy Scott, P.O. Box 40258, Olympia, WA 98504-0258, phone (360) 725-7041, fax (360) 586-3109, e-mail KacyS@oic.wa.gov.

January 21, 2009
Mike Kreidler
Insurance Commissioner

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 284-30-3901 Definitions for settlement of vehicle claims.
- WAC 284-30-3902 When my vehicle is repairable, what can I expect from the insurer?
- WAC 284-30-3903 Can I get my vehicle repaired at a shop of my choice?
- WAC 284-30-3904 Will my insurer pursue collection of my deductible?
- WAC 284-30-3905 If my insurer collects my deductible back, will I recover the full amount of my deductible?
- WAC 284-30-3906 If another party is responsible for my vehicle damage, can that party's insurer refuse to settle my vehicle damage and force me to use my own collision coverage?
- WAC 284-30-3907 How can my insurer settle my vehicle total loss claim?
- WAC 284-30-3908 Are there factors that may adjust my settlement?
- WAC 284-30-3909 If my vehicle is determined to be a total loss, can I keep it?
- WAC 284-30-3910 Can the insurer move my vehicle prior to settlement of the claim?
- WAC 284-30-3911 What information must be included in the insurer's valuation report?
- WAC 284-30-3912 What if I, as an insured, accept the settlement based on my insurer's valuation and cannot find a comparable vehicle within a reasonable distance of my vehicle's principally garaged area?
- WAC 284-30-3913 What must the insurer do prior to the denial of storage and towing costs?

- WAC 284-30-3914 When I am dealing with someone else's insurer, what are my rights regarding a rental vehicle?
- WAC 284-30-3915 What if the other person's insurer offers a flat rental amount per day, week, or month?
- WAC 284-30-3916 In a total loss situation, what happens if I have a loan or lease on my vehicle and the outstanding balance exceeds the actual cash value of my vehicle?
- WAC 284-30-410 Effective date.

THE UNFAIR CLAIMS SETTLEMENT PRACTICES REGULATION

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-300 Authority and purpose. RCW 48.30.010 authorizes the commissioner to define methods of competition and acts and practices in the conduct of the business of insurance which are unfair or deceptive. The purpose of this regulation, WAC 284-30-300 through ~~((284-30-410))~~ 284-30-400, is to define certain minimum standards which, if violated with such frequency as to indicate a general business practice, will be deemed to constitute unfair claims settlement practices. This regulation may be cited and referred to as the unfair claims settlement practices regulation.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-310 Scope of this regulation. This regulation applies to all insurers and to all insurance policies and insurance contracts. This regulation is not exclusive, and acts performed, whether or not specified herein, may also be deemed to be violations of specific provisions of the insurance code or other regulations.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-320 Definitions. When used in this regulation, WAC 284-30-300 through 284-30-400:

(1) ~~("Agent" means any individual, corporation, association, partnership or other legal entity authorized to represent an insurer with respect to a claim;)~~ "Actual cash value" means the fair market value of the loss vehicle immediately prior to the loss.

(2) "Claimant" means, depending upon the circumstance, either a first party claimant, a third party claimant, or both and includes ~~((such))~~ a claimant's designated legal representative and ~~((includes))~~ a member of the claimant's immediate family designated by the claimant(=).

(3) "Comparable motor vehicle" means a vehicle that is the same make and model, of the same or newer model year, similar body style, with similar options and mileage as the loss vehicle and in similar overall condition, as established by current data.

(4) "Current data" means data within ninety days prior to or after the date of loss.

(5) "File" means a record in any retrievable format, and unless otherwise specified, includes paper and electronic formats.

(6) "First party claimant" means an individual, corporation, association, partnership or other legal entity asserting a right as a covered person to payment under an insurance policy or insurance contract arising out of the occurrence of the contingency or loss covered by ~~((such))~~ a policy or contract~~((:)).~~

~~((4))~~ (7) "Insurance policy" or "insurance contract" mean any contract of insurance, indemnity, suretyship, or annuity issued, proposed for issuance, or intended for issuance by any insurer~~((:)).~~

~~((5))~~ (8) "Insurer" means any individual, corporation, association, partnership, reciprocal exchange, interinsurer, Lloyds insurer, fraternal mutual insurer, fraternal mutual life insurer, and any other legal entity engaged in the business of insurance, authorized or licensed to issue or who issues any insurance policy or insurance contract in this state. "Insurer" does not include health care service contractors, as defined in RCW 48.44.010, and health maintenance organizations, as defined in RCW 48.46.020~~((:)).~~

~~((6))~~ (9) "Investigation" means all activities of ~~((an))~~ the insurer directly or indirectly related to the determination of liabilities under coverages afforded by an insurance policy or insurance contract~~((:)).~~

~~((7))~~ (10) "Loss vehicle" means the damaged motor vehicle or a motor vehicle that the insurer determines is a "total loss."

(11) "Motor vehicle" means any vehicle subject to registration under chapter 46.16 RCW.

(12) "Notification of claim" means any notification, whether in writing or other means acceptable under the terms of an insurance policy or insurance contract, to ~~((an))~~ the insurer or its agent, by a claimant, which reasonably apprises the insurer of the facts pertinent to a claim~~((; and)).~~

~~((8))~~ (13) "Principally garaged area" means the place where the loss vehicle is normally kept, consistent with the applicable policy of insurance.

(14) "Third party claimant" means any individual, corporation, association, partnership or other legal entity asserting a claim against any individual, corporation, association, partnership or other legal entity insured under an insurance policy or insurance contract of ~~((an))~~ the insurer.

(15) "Total loss" means that the insurer has determined that the cost of parts and labor, plus the salvage value, meets or exceeds, or is likely to meet or exceed, the "actual cash value" of the loss vehicle. Other factors may be considered in reaching the total loss determination such as for example, the existence of a biohazard or a death in the vehicle resulting from the loss.

(16) "Written" or "in writing" means any retrievable method of recording an agreement or document, and, unless otherwise specified, includes paper and electronic formats.

AMENDATORY SECTION (Amending Order R 87-5, filed 4/21/87)

WAC 284-30-330 Specific unfair claims settlement practices defined. The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance, specifically applicable to the settlement of claims:

(1) Misrepresenting pertinent facts or insurance policy provisions.

(2) Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies.

(3) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies.

(4) Refusing to pay claims without conducting a reasonable investigation.

(5) Failing to affirm or deny coverage of claims within a reasonable time after fully completed proof of loss ~~((state-ments))~~ documents have been ~~((completed))~~ submitted.

(6) Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear. In particular, this includes an obligation to ~~((effectuate prompt payment of))~~ promptly pay property damage claims to innocent third parties in these clear liability situations. If two or more insurers ~~((are involved))~~ share liability, they should arrange to make ~~((such))~~ appropriate payment, leaving to themselves the burden of apportioning it.

(7) Compelling ~~((insureds))~~ a first party claimant to ~~((institute))~~ initiate or submit to litigation, arbitration, or appraisal to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in such actions or proceedings.

(8) Attempting to settle a claim for less than the amount to which a reasonable ~~((man))~~ person would have believed he or she was entitled by reference to written or printed advertising material accompanying or made part of an application.

(9) Making a claim~~((s))~~ payment~~((s))~~ to ~~((insureds))~~ a first party claimant or ~~((beneficiaries))~~ beneficiary not accompanied by a statement setting forth the coverage under which the payment~~((s are being))~~ is made.

(10) Asserting to ~~((insureds or))~~ a first party claimant~~((s))~~ a policy of appealing ~~((from))~~ arbitration awards in favor of insureds or first party claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration.

(11) Delaying the investigation or payment of claims by requiring ~~((an insured,))~~ a first party claimant, or ~~((the))~~ his or her physician ~~((of either))~~ to submit a preliminary claim report and then requiring subsequent submissions which contain substantially the same information.

(12) Failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance

policy coverage in order to influence settlements under other portions of the insurance policy coverage.

(13) Failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(14) Unfairly discriminating against claimants because they are represented by a public adjuster.

(15) Failure to expeditiously honor drafts given in settlement of claims. A failure to honor a draft within three working days ~~((of))~~ after notice of receipt by the payor bank will constitute a violation of this provision. Dishonor of ~~((any such))~~ a draft for valid reasons related to the settlement of the claim will not constitute a violation of this provision.

(16) Failure to adopt and implement reasonable standards for the processing and payment of claims ~~((once))~~ after the obligation to pay has been established. Except as to those instances where the time for payment is governed by statute or rule or is set forth in an applicable contract, procedures which are not designed to deliver a check or draft to the payee in payment of a settled claim within fifteen business days after receipt by the insurer or its attorney of properly executed releases or other settlement documents are not acceptable. Where the insurer is obligated to furnish an appropriate release or settlement document to ~~((an insured or))~~ a claimant, it ~~((shall))~~ must do so within twenty working days after a settlement has been reached.

(17) Delaying appraisals or adding to their cost under insurance policy appraisal provisions through the use of appraisers from outside of the loss area. The use of appraisers from outside the loss area is appropriate only where the unique nature of the loss or a lack of competent local appraisers make the use of out-of-area appraisers necessary.

(18) Failing to make a good faith effort to settle a claim before exercising a contract right to an appraisal.

(19) Negotiating or settling a claim directly with any claimant known to be represented by an attorney without the attorney's knowledge and consent. This does not prohibit routine inquiries to ~~((an insured))~~ a first party claimant to identify the claimant or to obtain details concerning the claim.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-340 File and record documentation.

The insurer's claim files ~~((shall be))~~ are subject to examination by the commissioner or by ~~((his))~~ duly appointed designees. ~~((Such))~~ These files ~~((shall))~~ must contain all notes and work papers pertaining to the claim in ~~((such))~~ enough detail that pertinent events and ~~((the))~~ dates of ~~((such))~~ these events can be reconstructed.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-360 ~~((Failure))~~ Standards for the insurer to acknowledge pertinent communications. (1) ~~((Every insurer, upon))~~ Within ten working days after receiving notification of a claim ~~((shall, within ten working days))~~ under an individual insurance policy, or within fifteen working days with respect to claims arising under group insurance

contracts, the insurer must acknowledge ~~((the))~~ its receipt of ~~((such))~~ the notice ~~((unless))~~ of claim.

(a) ~~If~~ payment is made within ~~((such))~~ that period of time, acknowledgement by payment constitutes a satisfactory response.

(b) If an acknowledgement is made by means other than writing, an appropriate notation of ~~((such))~~ the acknowledgement ~~((shall))~~ must be made in the claim file of the insurer ~~((and dated))~~ describing how, when, and to whom the notice was made.

(c) Notification given to an agent of ~~((an))~~ the insurer ~~((shall be))~~ is notification to the insurer.

(2) ~~((Every insurer,))~~ Upon receipt of any inquiry from the ~~((office of the insurance))~~ commissioner ~~((respecting a claim shall, within fifteen working days of receipt of such inquiry,))~~ concerning a complaint, every insurer must furnish the ~~((department))~~ commissioner with an adequate response to the inquiry within fifteen working days after receipt of the commissioner's inquiry.

(3) For all other pertinent communications from a claimant which reasonably suggest that a response is expected, an appropriate reply ~~((shall))~~ must be ~~((made))~~ provided within ten working days for individual insurance policies, or fifteen working days with respect to communications arising under group insurance contracts ~~((on all other pertinent communications from a claimant which reasonably suggest that a response is expected)).~~

(4) ~~((Every insurer,))~~ Upon receiving notification of a claim, ~~((shall))~~ every insurer must promptly provide necessary claim forms, instructions, and reasonable assistance so that first party claimants can comply with the policy conditions and the insurer's reasonable requirements. Compliance with this paragraph within the time limits specified in subsection (1) of this section ~~((shall))~~ constitutes compliance with that subsection.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-370 Standards for prompt investigation of a claim ~~((s)).~~ Every insurer ~~((shall))~~ must complete its investigation of a claim within thirty days after notification of claim, unless ~~((such))~~ the investigation cannot reasonably be completed within ~~((such))~~ that time. All persons involved in the investigation of a claim ~~((shall))~~ must provide reasonable assistance to the insurer in order to facilitate compliance with this provision.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-380 ~~((for prompt, fair and equitable settlements))~~ Settlement standards ~~((for prompt, fair and equitable settlements))~~ applicable to all insurers.

(1) Within fifteen working days after receipt by the insurer of ~~((properly))~~ fully completed and executed proofs of loss, the insurer must advise the first party claimant ~~((shall be advised of the acceptance or denial of the claim by the insurer))~~ whether the claim has been accepted or denied. ~~((No))~~ The insurer ~~((shall))~~ must not deny a claim on the grounds of a specific policy provision, condition, or exclusion unless reference to ~~((such))~~ the specific provision, condition, or exclu-

sion is included in the denial. The denial must be given to the claimant in writing and the claim file of the insurer ~~((shall))~~ must contain a copy of the denial.

(2) If a claim is denied for reasons other than those described in subsection (1) and is made by any other means than in writing, an appropriate notation ~~((shall))~~ must be made in the claim file of the insurer describing how, when, and to whom the notice was made.

(3) If the insurer needs more time to determine whether a first party claim should be accepted or denied, it ~~((shall so))~~ must notify the first party claimant within fifteen working days after receipt of the proofs of loss giving the reasons more time is needed. If after that time the investigation remains incomplete, the insurer ~~((shall))~~ must notify the first party claimant in writing stating the reason or reasons additional time is needed for investigation. This notification must be sent within forty-five days ~~((from))~~ after the date of the initial notification and ~~((no later than))~~, if needed, additional notice must be provided every thirty days ~~((thereafter, send to such claimant a letter setting forth the reasons additional time is needed for investigation))~~ after that date explaining why the claim remains unresolved.

(4) Insurers ~~((shall))~~ must not fail to settle first party claims on the basis that responsibility for payment should be assumed by others except as may otherwise be provided by policy provisions.

(5) Insurers ~~((shall))~~ must not continue negotiations for settlement of a claim directly with a claimant who is neither an attorney nor represented by an attorney until the claimant's rights may be affected by a statute of limitations or a policy or contract time limit, without giving the claimant written notice that the time limit may be expiring and may affect the claimant's rights. ~~((Such))~~ This notice ((shall)) must be given to first party claimants thirty days and to third party claimants sixty days before the date on which ~~((such))~~ any time limit may expire.

(6) ~~((No))~~ The insurer ((shall)) must not make statements which indicate that the rights of a third party claimant may be impaired if a form or release is not completed within a ~~((given))~~ specified period of time unless the statement is given for the purpose of notifying the third party claimant of the provision of a statute of limitations.

(7) Insurers are responsible for the accuracy of evaluations to determine actual cash value.

AMENDATORY SECTION (Amending Matter No. R 2002-06, filed 6/30/03, effective 10/1/03)

WAC 284-30-390 ~~((Regulation of settlements of insurance claims relating to vehicles.))~~ Acts or practices considered unfair in the settlement of motor vehicle claims. ~~((WAC 284-30-390 through 284-30-3916 are the standards for prompt, fair, and equitable settlements for insurance claims relating to vehicles.))~~ In addition to the unfair claims settlement practices specified in this regulation, the following acts or practices are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance, specifically applicable to the settlement of motor vehicle claims:

(1) Failure of the insurer to make a good faith effort to communicate with the repair facility chosen by the claimant and must not arbitrarily deny a claimant's estimate for repairs.

(a) A denial of the claimant's estimate for repairs to be completed at the chosen repair facility based solely on the repair facility's hourly rate is considered arbitrary if the rate does not result in a higher overall cost of repairs.

(b) If the insurer pays less than the amount of the estimate from the claimant's chosen repair facility, the insurer must fully disclose the reason or reasons it paid less than the claimant's estimate, and must thoroughly document the circumstances in its claim file.

(2) Requiring the claimant to travel unreasonably to:

(a) Obtain a repair estimate;

(b) Have the loss vehicle repaired at a specific repair facility; or

(c) Obtain a temporary rental or loaner vehicle.

(3) Failure of the insurer to prepare or accept an estimate provided by the claimant that will restore the loss vehicle to its condition prior to the loss.

(a) If the insurer prepares the estimate, it must provide a copy of the estimate to the claimant.

(b) If a claimant provides the estimate and the insurer, after evaluation of the claimant's estimate, determines it owes an amount that differs from the estimate the claimant provided, the insurer must fully disclose the reason or reasons for the difference to the claimant, and must thoroughly document the circumstances in the claim file.

(c) If the claimant chooses to take the loss vehicle to a repair facility where the overall cost to restore the loss vehicle to its condition prior to the loss exceeds the insurer's estimate, the claimant must be advised that he or she may be responsible for any additional amount above the insurer's estimate.

(4) If the insurer prepares the estimate, failure of the insurer to provide a list of repair facilities within the claimant's principally garaged area that will complete the vehicle repairs for the estimated cost of the insurer prepared estimate, upon request of the claimant.

(5) Failure of the insurer to consider any additional loss related damage the repair facility discovers during the repairs to the loss vehicle.

(6) Failure of the insurer to limit deductions for betterment and depreciation to parts normally subject to repair and replacement during the useful life of the loss vehicle. Deductions for betterment and depreciation are limited to the lesser of:

(a) An increase in the actual cash value of the loss vehicle caused by the replacement of the part; or

(b) An amount equal to the value of the expired life of the part to be repaired or replaced when compared to the normal useful life of that part.

(7) If provided for by the terms of the applicable insurance policy, and if the insurer elects to exercise its right to repair the loss vehicle at a specific repair facility, failure of the insurer to prepare or accept an estimate that will restore the loss vehicle to its condition prior to the loss at no additional cost to the first party claimant other than as stated in the applicable policy of insurance.

(8) If liability and damages are reasonably clear, recommending that claimants make a claim under their own collision coverage solely to avoid paying claims under the liability insurance policy.

NEW SECTION

WAC 284-30-391 Methods and standards of practice for settlement of total loss vehicle claims. Unless an agreed value is reached, the insurer must adjust and settle vehicle total losses using the methods set forth in subsections (1) through (3) of this section. Subsections (4) through (6) of this section establish standards of practice for the settlement of total loss vehicle claims. If an agreed value or methodology is reached between the claimant and the insurer using an evaluation that varies from the methods described in subsections (1) through (3) of this section, the agreement must be documented in the claim file. The insurer must take reasonable steps to ensure that the agreed value is accurate and representative of the actual cash value of a comparable motor vehicle in the principally garaged area.

(1) Replacing the loss vehicle: The insurer may settle a total loss claim by offering to replace the loss vehicle with a comparable motor vehicle that is available for inspection within a reasonable distance from where the loss vehicle is principally garaged.

(2) Cash settlement: The insurer may settle a total loss claim by offering a cash settlement based on the actual cash value of a comparable motor vehicle, less any applicable deductible provided for in the policy.

(a) Only a vehicle identified as a comparable motor vehicle may be used to determine the actual cash value.

(b) The insurer must determine the actual cash value of the loss vehicle by using any one or more of the following methods:

(i) Comparable motor vehicle: The actual cash value of a comparable motor vehicle based on current data obtained in the area where the loss vehicle is principally garaged.

(ii) Licensed dealer quotes: Quotations for the cost of a comparable motor vehicle obtained from two or more licensed dealers within a reasonable distance of the principally garaged area not to exceed one hundred fifty miles (except where there are no licensed dealers having comparable motor vehicles within one hundred fifty miles).

(iii) Advertised data comparison: The actual cash value of two or more comparable motor vehicles advertised for sale in the local media if the advertisements meet the definition of current data as defined in WAC 284-30-320(4). The vehicles must be located within a reasonable distance of the principally garaged area not to exceed one hundred fifty miles.

(iv) Computerized source: The insurer may use a computerized source to establish a statistically valid actual cash value of the loss vehicle. The source used must meet all of the following criteria:

(A) The source's data base must produce values for at least eighty-five percent of all makes and models for a minimum of fifteen years taking into account the values of all major options for such motor vehicles.

(B) The source must produce actual cash values based on current data within a reasonable distance of the principally garaged area, not to exceed one hundred fifty miles.

(C) The source must rely upon the actual cash value of comparable motor vehicles that are currently available or were available in the market place within ninety days prior to or after the date of loss.

(D) The source must provide a list of comparable motor vehicles used to determine the actual cash value. If more than thirty comparable motor vehicles are located, the insurer need list only thirty but may list more.

(v) Cash settlement search area: If none of the methods in subsection (2)(b)(i) through (iv) of this section produce a comparable motor vehicle to establish an actual cash value within the principally garaged area, the search area may be expanded in increasing circles of twenty-five mile increments, up to one hundred and fifty miles, until two or more comparable motor vehicles are located. If no comparable motor vehicles can be located within one hundred fifty miles, the search area may be expanded with the agreement of the first party claimant.

(3) Appraisal: If the first party claimant and the insurer fail to agree on the actual cash value of the loss vehicle and the insurance policy has an appraisal provision, either the insurer or the first party claimant may invoke the appraisal provision of the policy to resolve disputes concerning the actual cash value.

(4) Settlement requirements: When settling a total loss vehicle claim using methods in subsections (1) through (3) of this section, the insurer must:

(a) Communicate its settlement offer to the claimant by phone or in writing and information about this communication must be documented in the claim file, including the date, time, and name of the person to whom the offer was made.

(b) Base all offers on itemized and verifiable dollar amounts for vehicles that are currently available, or were available within ninety days of the date of loss, using appropriate deductions or additions for options, mileage or condition when determining comparability.

(c) Consider relevant information supplied by the claimant when determining appropriate deductions or additions.

(d) Provide a true and accurate copy of any "valuation report," as described in WAC 284-30-392, if requested.

(e) As part of the settlement amount, include all applicable government taxes and fees that would have been incurred by the claimant if the claimant had purchased the loss vehicle immediately prior to the loss. These taxes and fees must be included in the settlement amount whether or not the claimant retains or subsequently transfers ownership of the loss vehicle.

(5) Settlement adjustments: Insurers may adjust a total loss settlement through the following methods only:

(a) The insurer may deduct from a first party claim the amount of another claim payment (including the applicable deductible) previously made to an insured for prior unrepaired damage to the same vehicle.

(b) Deductions other than those made pursuant to (a) of this subsection may be made for other unrepaired damage as long as the amount of deduction is no greater than the decrease in actual cash value due to prior damage.

(c) If the claimant retains the total loss vehicle, the insurer may deduct the salvage value from the settlement amount, as used in subsection (4)(e) of this section. Upon a request by the claimant, the insurer must provide the name and address of a salvage entity or dismantler who will purchase the salvage for the amount deducted with no additional charge. This purchase option must remain available for at least thirty days after the settlement agreement is reached but the claimant must be advised that the salvage entity may not honor its offer if the condition of the salvage has changed.

(d) Any additions or deductions from the actual cash value must be explained to the claimant and must be itemized showing specific dollar amounts.

(6) Reopening a claim file:

(a) The insurer must reopen the claim file if within the first thirty-five days after the date final payment is sent to the first party claimant, lienholder, or both, the claimant is not able to purchase a comparable motor vehicle for the agreed amount but was able to locate, but did not purchase a comparable motor vehicle that costs more than the agreed settlement amount.

(b) If the claimant has satisfied (a) of this subsection, and if the appraisal section of the policy has not been utilized, the insurer must do one of the following:

(i) Locate a comparable motor vehicle that is currently available for the agreed settlement amount;

(ii) Pay the claimant the difference between the agreed settlement amount and the cost of the comparable motor vehicle;

(iii) Purchase the comparable motor vehicle for the claimant; or

(iv) Conclude the loss settlement in the manner provided in the appraisal section of the insurance policy in force at the time of the loss.

(c) The insurer is not required to reopen the claim file if:

(i) The claimant received written notification of the location of a specific comparable motor vehicle available for purchase for the agreed settlement amount and the claimant did not purchase this vehicle within five business days after the date final payment is sent to the claimant, lienholder, or both; or

(ii) The appraisal provision was previously exercised.

NEW SECTION

WAC 284-30-392 Information that must be included in the insurer's total loss vehicle valuation report. The insurer's total loss vehicle valuation report must include:

(1) All information collected during the initial inspection assessing the condition, equipment, and mileage of the loss vehicle;

(2) All information the insurer used to determine the actual cash value of the loss vehicle;

(3) A list of the comparable motor vehicles used by the insurer to arrive at the actual cash value. This list must include:

(a) The source of the information used;

(b) The date of the information;

(c) Contact information for the seller, the comparable motor vehicle's vehicle identification number, or both;

(d) The seller's asking price;

(e) The sold price, if available; and

(f) The location or contact information for each comparable motor vehicle at the time of the valuation.

(4) When the insurer uses a computerized source for determining statistically valid actual cash values meeting the requirements of WAC 284-30-391 (2)(b)(iv):

(a) The source must provide a list of comparable motor vehicles used to determine the actual cash value. If more than thirty comparable motor vehicles are used, only thirty must be listed.

(b) Any supplemental information must be clearly identified with a separate heading.

(c) Any weighting of identified vehicles to arrive at an average must be documented and explained.

NEW SECTION

WAC 284-30-393 Insurer must include an insured's deductible in its subrogation demands. The insurer must include the insured's deductible, if any, in its subrogation demands. Subrogation recoveries must be shared on a proportionate basis with the insured, unless the deductible amount has been otherwise recovered. Deductions for expenses must not be made from the deductible recovery unless an outside attorney is retained to collect the recovery. The deduction may then be made only as a pro rata share of the allocated loss adjustment expense. The insurer must keep its insured regularly informed of its efforts related to the progress of subrogation claims. "Regularly informed" means that the insurer must contact its insured within sixty days after the start of the subrogation process, and no less frequently than every one hundred eighty days until the insured's interest is resolved.

NEW SECTION

WAC 284-30-394 Denial of storage and towing costs. Prior to denying storage and towing costs, the insurer must do all of the following:

(1) Advise the first party claimant by phone or in writing before it stops payment for storage of the loss vehicle. This communication must be documented in the claim file. If it is a phone call, the documentation must include the date, time, name of the person contacted and a summary of the conversation;

(2) Before stopping payment for storage, provide reasonable time for the claimant to move the loss vehicle. Five calendar days is considered reasonable time unless the claimant agrees to a shorter time period;

(3) Pay any and all reasonable towing charges unless otherwise provided in the applicable insurance policy.

AMENDATORY SECTION (Amending Order R 78-3, filed 7/27/78, effective 9/1/78)

WAC 284-30-400 Enforcement. Violations of the standards (~~imposed by WAC 284-30-330 through 284-30-390 shall be~~) for unfair claims settlement practices in this regulation are subject to the enforcement provisions set forth in

RCW 48.30.010 and ((shall)) also constitute a failure to comply with a regulation pursuant to RCW 48.05.140(1).

WSR 09-03-109
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Health and Recovery Services Administration)
 [Filed January 21, 2009, 11:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-21-146.

Title of Rule and Other Identifying Information: The department is amending WAC 388-527-2730 Definitions, 388-527-2737 Deferring recovery, 388-527-2750 Delay of recovery for undue hardship, and 388-527-2820 Liens prior to death.

Hearing Location(s): Blake Office Park East, Rose Room, 4500 10th Avenue S.E., Lacey, WA 98503 (one block north of the intersection of Pacific Avenue S.E. and Alhadeff Lane. A map or directions are available at <http://www.dshs.wa.gov/msa/rpau/docket.html> or by calling (360) 664-6094), on February 24, 2009, at 10:00 a.m.

Date of Intended Adoption: Not sooner than February 25, 2009.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504-5850, delivery 4500 10th Avenue S.E., Lacey, WA 98503, e-mail DSHS RPAURulesCoordinator@dshs.wa.gov, fax (360) 664-6185, by 5 p.m. on February 24, 2009.

Assistance for Persons with Disabilities: Contact Jenisha Johnson, DSHS rules consultant, by February 10, 2009, TTY (360) 664-6178 or (360) 664-6094 or by e-mail at johnsj14@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department is adding language to these estate recovery rules which adds both rights and responsibilities for state registered domestic partners, recognizing the partnerships for DSHS medical programs, whether federally-matched or state-funded. There are no other changes to estate recovery in these revisions.

Reasons Supporting Proposal: To comply with legislation passed in 2008 (chapter 6, Laws of 2008, SSHB [2SHB] 3104) for state registered domestic partners who receive medical services through DSHS.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.057, and 74.08.090.

Statute Being Implemented: RCW 74.04.050, 74.04.-057, and 74.08.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of social and health services, governmental.

Name of Agency Personnel Responsible for Drafting: Wendy Boedigheimer, P.O. Box 45504, Olympia, WA 98504-5504, (360) 725-1306; Implementation and Enforce-

ment: Shawn Hoage, P.O. Box 45862, Olympia, WA 98504-5862, (360) 664-5483.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The department has analyzed the rules and determined that no new costs will be imposed on small businesses or nonprofit organization[s].

A cost-benefit analysis is required under RCW 34.05.328. A preliminary cost-benefit analysis may be obtained by contacting Mary Beth Ingram, Health and Recovery Services Administration, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1327, fax (360) 586-9727, e-mail ingramb@dshs.wa.gov.

January 14, 2009

Stephanie E. Schiller
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 06-17-075, filed 8/14/06, effective 9/14/06)

WAC 388-527-2730 Definitions. The following definitions apply to this chapter:

"Contract health service delivery area (CHSDA)" means the geographic area within which contract health services will be made available by the Indian Health Service to members of an identified Indian community who reside in the area as identified in 42 C.F.R. Sec. 136.21(d) and 136.22.

"Domestic partner" means two adults who meet the requirements for a valid registered domestic partnership as established by RCW 26.60.030 and who have been issued a certificate of state registered domestic partnership by the Washington Secretary of State. When the terms "domestic partner" or "domestic partnership" are used in this chapter, they mean "state registered domestic partner" or "state registered domestic partnership."

"Estate" means all property and any other assets that pass upon the client's death under the client's will or by intestate succession pursuant to chapter 11.04 RCW or under chapter 11.62 RCW. The value of the estate will be reduced by any valid liability against the decedent's property at the time of death. An estate also includes:

(1) For a client who died after June 30, 1995 and before July 27, 1997, nonprobate assets as defined by RCW 11.02.-005, except property passing through a community property agreement; or

(2) For a client who died after July 26, 1997 and before September 14, 2006, nonprobate assets as defined by RCW 11.02.005.

(3) For a client who died on or after September 14, 2006, nonprobate assets as defined by RCW 11.02.005 and any life estate interest held by the recipient immediately before death.

"Heir" means the decedent's surviving spouse and children (natural and adopted); or those persons who are entitled to inherit the decedent's property under a will properly executed under RCW 11.12.020 and accepted by the probate court as a valid will.

"Joint tenancy" means ownership of property held under circumstances that entitle one or more owners to the whole of the property on the death of the other owner(s), including, but not limited to, joint tenancy with right of survivorship.

"Life estate" means an ownership interest in a property only during the lifetime of the person(s) owning the life estate. In some cases, the ownership interest lasts only until the occurrence of some specific event, such as remarriage of the life estate owner. A life estate owner may not have the legal title or deed to the property, but may have rights to possession, use, income and/or selling their life estate interest in the property.

"Lis pendens" means a notice filed in public records warning that title to certain real property is in litigation and the outcome of the litigation may affect the title.

"Long-term care services" means, for the purposes of this chapter only, the services administered directly or through contract by the department of social and health services for clients of the home and community services division and division of developmental disabilities including, but not limited to, nursing facility care and home and community services.

"Medicaid" means the state and federally funded program that provides medical services under Title XIX of the Federal Social Security Act.

"Medical assistance" means both medicaid and medical care services.

"Medicare Savings programs" means the programs described in WAC 388-517-0300 that help a client pay some of the costs that medicare does not cover.

"Property": Examples include, but are not limited to, personal property, real property, title property, and trust property as described below:

(1) **"Personal property"** means any property that is not classified as real, title, or trust property in the definitions provided here;

(2) ~~("Qualified individual" means an heir or an unmarried individual who, immediately prior to the client's death, was eighteen years of age or older, shared the same regular and permanent residence with the client and with whom the client had an exclusive relationship of mutual support, caring, and commitment.~~

~~(3))~~ **"Real property"** means land and anything growing on, attached to, or erected thereon;

~~((4))~~ **(3) "Title property"** means, for the purposes of this chapter only, property with a title such as motor homes, mobile homes, boats, motorcycles, and vehicles.

~~((5))~~ **(4) "Trust property"** means any type of property interest titled in, or held by, a trustee for the benefit of another person or entity.

"State-only funded long-term care" means the long-term care services that are financed with state funds only.

AMENDATORY SECTION (Amending WSR 06-17-075, filed 8/14/06, effective 9/14/06)

WAC 388-527-2737 Deferring recovery. (1) For a client who died after June 30, 1994, the department defers recovery from the estate until:

(a) The death of the surviving spouse, if any; and

(b) There is no surviving child who is:

(i) ~~((Under twenty-one))~~ Twenty years of age~~(;))~~ or younger; or

(ii) Blind or disabled as defined under ~~((chapter 388-514))~~ WAC 388-475-0050.

(2) The department may place a lien against property to evidence the department's right to recover after the deferral period specified in subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 06-17-075, filed 8/14/06, effective 9/14/06)

WAC 388-527-2750 Delay of recovery for undue hardship. The department delays recovery under this section when the department determines that recovery would cause an undue hardship for ~~((a qualified individual(s)))~~ an heir. This delay is limited to the period during which the undue hardship exists. The undue hardship must exist at the time of the client's death in order to be considered for a delay of recovery.

(1) Undue hardship exists when:

(a) The estate subject to adjustment or recovery is the sole income-producing asset of one or more ~~((qualified individuals))~~ heirs and income is limited; ~~((or))~~

(b) Recovery would deprive ~~((a qualified individual))~~ an heir of shelter and the ~~((qualified individual))~~ heir lacks the financial means to obtain and maintain alternative shelter; or

(c) The client is survived by a domestic partner.

(2) Undue hardship does not exist when:

(a) The adjustment or recovery of the decedent's cost of assistance would merely cause the ~~((qualified individual))~~ heir inconvenience or restrict his or her lifestyle; or

(b) The undue hardship was created as a result of estate planning methods by which the ~~((qualified individual))~~ heir or deceased client divested, transferred or otherwise encumbered assets, in whole or in part, to avoid recovery from the estate.

(3) When a delay in recovery is not granted, the department provides notice to the person who requested the delay of recovery. The department's notice includes information on how to request an administrative hearing to contest the department's denial.

(4) When a delay of recovery is granted under subsection (1)(a) or (1)(b) of this section, the department may revoke the delay of recovery if the ~~((qualified individual(s)))~~ heir(s):

(a) Fails to supply timely information and resource declaration when requested by the department;

(b) Sells, transfers, or encumbers title to the property;

(c) Fails to reside full-time on the premises;

(d) Fails to pay property taxes and utilities when due;

(e) Fails to identify the state of Washington as the primary payee on the property insurance policies. The person granted the delay of recovery must provide the department with documentation of the coverage status on an annual basis.

(f) Have a change in circumstances under subsection (1) of this section for which the delay of recovery due to undue hardship was granted; or

(g) Dies.

(5) When a delay of recovery is granted due to undue hardship, the department has the option to:

(a) Apply a lien; and/or

(b) Accept a payment plan.

(6) A person may request an administrative hearing to contest the department's denial of delay of recovery due to undue hardship when that person suffered a loss because the delay was not granted.

(7) A request for an administrative hearing under this section must:

- (a) Be in writing;
- (b) State the basis for contesting the department's denial of the request for a delay of recovery due to an undue hardship;
- (c) Include a copy of the department's denial;
- (d) Be signed by the requester and include the requester's address and telephone number; and
- (e) Be served, as described in WAC 388-527-2870, on the office of financial recovery (OFR) within twenty-eight calendar days of the date that the department sent the decision denying the request for a delay of recovery.

(8) Upon receiving a request for an administrative hearing, the department notifies persons known to have title to the property and other assets of the time and place of the administrative hearing.

(9) An adjudicative proceeding held under this section is governed by chapters 34.05 RCW and 388-02 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-02 WAC, the provision in this section governs.

AMENDATORY SECTION (Amending WSR 06-17-075, filed 8/14/06, effective 9/14/06)

WAC 388-527-2820 Liens prior to death. (1) Subject to the requirements of 42 USC Section 1396p and the conditions of this section, the department is authorized to file a lien against the property of a medical assistance client prior to his or her death, and to seek adjustment and recovery from the client's estate or sale of the property subject to the lien if:

(a) The client is permanently an inpatient in a nursing facility, intermediate care facility for individuals with mental retardation, or other medical institution as described in WAC 388-500-0005;

(b) The department determines, after notice and opportunity for a hearing, that the client cannot reasonably be expected to be discharged from the medical institution and return home; and

(c) None of the following are lawfully residing, in the client's home:

- (i) The client's spouse or domestic partner;
- (ii) The client's child who is ~~((under age twenty-one))~~ twenty years of age or younger, or is blind or permanently and totally disabled as defined in Title 42 USC Section 1382c; or

(iii) A sibling of the client (who has an equity interest in such home and who was residing in the client's home for a period of at least one year immediately before the date of the client's admission to the medical institution).

(2) If the client is discharged from the medical facility and returns home, the department dissolves the lien.

(3) Prior to the department filing a lien under this section, the department sends a notice via first class mail to:

(a) The address of the property and other assets subject to the lien;

(b) The client's known address;

(c) Any other person known to have title to the affected property and the client's authorized representative, if any.

(4) The notice in subsection (3) of this section includes:

(a) The client's name, and the date the client began to receive services;

(b) The department's intent to file a lien against the client's property to recover the amount of medical assistance or state-only funded long-term care services, or both correctly paid on behalf of the client;

(c) The county in which the property and other assets are located; and

(d) The procedures to contest the department's decision to file a lien by applying for an administrative hearing.

(5) An administrative hearing only determines:

(a) Whether the medical assistance or state-only funded long-term care services, or both, on behalf of the decedent alleged by the department's notice is correct; and

(b) Whether the decedent had legal title to the identified property.

(6) A request for an administrative hearing must:

(a) Be in writing;

(b) State the basis for contesting the lien;

(c) Be signed by the requester and must include the requester's address and telephone number; and

(d) Be served to the office of financial recovery (OFR) as described in WAC 388-527-2870, within twenty-eight calendar days of the date the department mailed the notice.

(7) Upon receiving a request for an administrative hearing, the department notifies persons known to have title to the property of the time and place of the administrative hearing.

(8) An administrative hearing under this subsection is governed by chapters 34.05 RCW and 388-02 WAC and this section. If a provision in this section conflicts with a provision in chapter 388-02 WAC, the provision in this section governs.

(9) If an administrative hearing is conducted in accordance with this regulation, and the final agency decision is issued, the department only files a lien against the client's property and other assets if upheld by the final agency decision.

(10) If no known title holder requests an administrative hearing, the department files a lien twenty-eight calendar days after the date the department mailed the notice described in subsection (3) of this section.

WSR 09-03-111

PROPOSED RULES

DEPARTMENT OF FISH AND WILDLIFE

[Filed January 21, 2009, 11:44 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 08-10-108 and 08-24-103.

Title of Rule and Other Identifying Information: WAC 232-12-047 Unlawful methods for hunting, 232-12-051 Muzzleloading firearms, 232-12-054 Archery requirements—Archery special use permits, 232-12-055 Hunting—Hunter orange clothing requirements, 232-12-062 Party hunting, 232-12-068 Nontoxic shot requirements, 232-12-227 Hunter education training program requirements, 232-12-828 Hunting of game birds and animals by persons with a disability, 232-12-840 Hunting and fishing opportunities for terminally ill persons, 232-28-248 Special closures and firearm restriction areas, 232-28-266 Damage prevention permit hunts, 232-28-272 2009-2010, 2010-2011, and 2011-2012 Black bear and cougar hunting seasons and regulations, 232-28-273 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas, 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits, 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations, 232-28-287 2009-2010, 2010-2011, 2011-2012 Cougar permit seasons and regulations, 232-28-291 Special hunting season permits, 232-28-294 Multiple season big game permits, 232-28-295 Landowner hunting permits, 232-28-333 Game management units (GMUs) boundary descriptions—Region three, 232-28-335 Game management units (GMUs) boundary descriptions—Region five, 232-28-336 Game management units (GMUs) boundary descriptions—Region six, 232-28-337 Deer and elk area descriptions, 232-28-342 2009-10, 2010-11, 2011-12 Small game seasons, 232-28-351 2009-2011 Deer general seasons and definitions, 232-28-352 2009-2011 Elk general seasons and definitions, 232-28-353 2009 Deer special permits, 232-28-354 2009 Elk special permits, and 232-28-516 Trapping seasons and regulations.

Hearing Location(s): Ellensburg Quality Inn and Conference Center, 1700 Canyon Road, Ellensburg, WA 98926, (509) 925-9800, on March 6-7, 2009, at 8:00 a.m.

Date of Intended Adoption: April 2-3-4, 2009.

Submit Written Comments to: Wildlife Program Commission Meeting Public Comments, 600 Capitol Way North, Olympia, WA 98501-1091, e-mail Wildthing@dfw.wa.gov, fax (360) 902-2162, by Friday, February 20, 2009.

Assistance for Persons with Disabilities: Contact Susan Yeager by March 1, 2009, TTY (800) 833-6388 or (360) 902-2267.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 232-12-047, amendments to this rule help clarify the title of the WAC which deals with more than firearms. The proposal clarifies language related to using handguns for hunting and also removes a conflict with the muzzleloading equipment WAC that proposes to allow muzzleloading handguns for hunting. The proposal would also allow crossbows to be used in firearm restriction areas as designated by the fish and wildlife commission. Currently only hunters with disabilities that meet certain criteria are allowed to use crossbows.

WAC 232-12-051, the purpose of the proposal is to clarify language related to lawful ignition systems for muzzleloading firearms. The proposal also no longer restricts projectiles to lead only. The proposal would allow muzzleloading handguns to be used for hunting big game and clarifies muzzleloading handgun use for small game. Also the pro-

posal would allow modern handguns to be carried for personal protection during a muzzleloader season.

WAC 232-12-054, the purpose of the proposal is to allow modern handguns to be carried for personal protection during an archery season and allow the use of crossbows in firearm restriction areas as designated by the fish and wildlife commission.

WAC 232-12-055, the proposed amendments help clarify which hunters are required to wear hunter orange clothing. The clarification is for hunting during modern firearm seasons and for modern firearm deer and elk permit holders.

WAC 232-12-062, to develop a definition of party hunting and clarify that it is illegal to hunt for another person's big game animal or turkey.

WAC 232-12-068, the rule will provide additional nontoxic shot selections for waterfowl, coot, and snipe hunters.

WAC 232-12-227 Hunter education training program requirements, the purpose behind the proposal is to minimize confusion and avoid possible mistakes by license vendors.

Currently subsection (4) authorizes an individual who has a Washington hunting license from a preceding year to show that license and purchase a subsequent hunting license even if the initial license was not issued in compliance with the hunter education training requirement. The proposal will allow individuals to purchase a Washington hunting license only if they have a hunter education certificate *or* are identified as previous Washington hunters in the current license data system.

WAC 232-12-828, the proposed amendment to this rule would authorize the director to administer and issue special use permits to hunters with disabilities.

WAC 232-12-840, this proposal is to implement recently passed legislation authorizing the commission to establish rules for providing special hunting and fishing opportunities for terminally ill persons. In the proposal, the director is authorized to provide opportunities in a variety of ways at no cost.

WAC 232-28-248, the proposed rule amendments add more weapon options in firearm restriction areas. The effect will maintain some limited hunting opportunity in these areas and also provide an effective level of harvest to help control deer and elk populations causing damage and nuisance problems especially in more developed areas.

WAC 232-28-266, the amendment to the rule adds two hundred turkey permits in northeastern Washington. These permits will provide landowners and Washington department of fish and wildlife (WDFW) enforcement with additional tools to address property damage issues.

WAC 232-28-272, the rule establishes hunting seasons for black bear and cougar from 2009 to 2012. The purpose of the recommended changes is to maximize recreational hunting opportunities for bear and cougar while maintaining sustainable populations.

The department is recommending status quo bear seasons, with two exceptions: (1) For management units that open Aug. 1, the Aug. 1-31 period is limited to hunting on private lands only; (2) for management units that open in early September, change the opener from the day after Labor Day to September 1.

The department's cougar season recommendations are: Statewide Sept. 1-25 archery only and Sept. 26-Oct. 16 muzzleloader only seasons; Oct. 17-Mar. 31 general season (any weapon) for zones where trends in female harvest are within our guideline; Oct. 17-Dec. 31 general season for zones where female harvest slightly exceeds our guideline; Oct. 31-Nov. 30 season for zones where female harvested is limited by a quota system and the management need is to adequately evaluate the pilot hunt with the aid of dogs; Change the statewide bag limit from 2 cougars to 1 cougar.

WAC 232-28-273, the proposed rule amendments include a status quo moose permit level of 130; creating a master hunter damage hunt in the Mount Spokane unit; adding ewe-only hunts in three herds; increasing bighorn sheep permit levels from 36 to 46; and reducing mountain goat permit levels consistent with the findings of our recent research.

WAC 232-28-282, the proposed rule amendments include removing dated language; clarifying areas open for specific deer auction and raffle seasons; and changing the areas open to the Rocky Mountain bighorn raffle permit hunt to reflect the status of mature rams in various populations.

WAC 232-28-286, the proposed rule amendments add a spring bear hunt in a portion of GMU 501 with 50 permits and close the spring bear damage hunt in Capitol Forest.

WAC 232-28-287, establish fall permit hunts for 9 cougar zones around the state. Cougar permit hunts are designed to provide late season hunting opportunity for hunters without the use of dogs (i.e., spot and stalking in snow and/or calling). The anticipated effect is additional varieties of hunting opportunity with sustainable cougar populations.

WAC 232-28-291, the amendments proposed are largely housekeeping in nature. Changes are recommended for multi-season permit application and group sizes. Changes are also recommended for deer and elk permit application group sizes and the late fall turkey permit application rules are eliminated. Fall turkey permit applications are consolidated into one set of rules.

WAC 232-28-294, this proposal would shorten the amount of time successful applicants for a multi-season permit would have to purchase their permit to allow for the sale of all permits prior to the first general seasons starting in September. It would also provide 50 multi-season deer and 25 multi-season elk permits to qualifying hunter education instructors.

WAC 232-28-295, the proposal identifies permit levels and season dates for landowner hunting permit (LHP) program participants for the 2009 hunting seasons. Amendments to this rule include removal of the 4-O Cattle Company who requested not to participate and addition of the Pine Mountain LHP in Yakima County. The permits will result in general public hunter access on private property and will help mitigate deer and elk foraging on private agricultural lands.

WAC 232-28-333, 232-28-335, and 232-28-336, GMU boundary rules define legal hunting areas. The GMUs need readily discernable boundaries to direct hunters to appropriate hunting areas. Season dates, bag limits, antler restrictions, and other hunting season regulations are typically specified at the GMU scale.

WAC 232-28-337, boundary adjustments are being proposed to better address current deer and elk damage issues.

WAC 232-28-342, the purpose of the new rule is to establish hunting season timing, hunting requirements, and applicable permit levels for the following species: Bobcat, raccoon, fox, coyote, forest grouse, pheasant, chukar, gray partridge, mountain quail, California quail, bobwhite, wild turkey, Canada goose, band-tailed pigeon, mourning dove, cottontail rabbits, snowshoe hare, and crow. It also describes falconry and dog training seasons.

Amendments to this rule include: (1) Liberalize fall turkey hunting by establishing more general season opportunity, (2) eliminate the use of dogs to hunt coyotes, (3) eliminate the two-day September Canada Goose Season, shifting those dates to the regular goose season, and (4) increase the daily bag limit for forest grouse to four per day.

WAC 232-28-351, the purpose of the proposal is to retain general season deer hunting opportunity, balance the hunting opportunity between the three primary user groups, increase opportunity when deer populations allow, and reduce opportunity when declining deer numbers warrant such a change.

WAC 232-28-352, the purpose of the proposal is to retain general season elk hunting opportunity, balance the hunting opportunity between the three primary user groups, increase opportunity when elk populations allow, and reduce opportunity when declining elk numbers warrant such a change.

WAC 232-28-353, the purpose of the proposal is to retain special permit season deer hunting opportunity, balance the hunting opportunity between the three primary user groups, increase opportunity when deer populations allow, and reduce opportunity when declining deer numbers warrant such a change.

WAC 232-28-354, the purpose of the proposal is to retain special permit season elk hunting opportunity, balance the hunting opportunity between the three primary user groups, increase opportunity when elk populations allow, and reduce opportunity when declining elk numbers warrant such a change.

WAC 232-28-516, the new WAC removes all superfluous regulations (e.g., area restrictions) that are no longer warranted given current trapping practices and low harvest levels. It recommends a standard trapping season for all furbearers from November 1 to March 31 and an increased annual bag limit for river otter from 6 to 12. WAC 232-28-516 replaces WAC 232-28-515.

Reasons Supporting Proposal: WAC 232-12-047, to provide more flexibility in designing hunting seasons that address urban and suburban big game issues by allowing crossbows in some situations. The proposal also removes a conflict with a proposed change in the muzzleloading equipment WAC.

WAC 232-12-051, to help clarify what types of muzzleloader equipment is lawful for hunting; allow hunters more flexibility in the types of projectiles they are allowed to use; removes an unnecessary restriction related to using muzzleloading handguns for big game and clarifies other allowed uses for muzzleloading handguns; and allows muzzleloader hunters to carry handguns for personal safety as long as they are not in conflict with existing big game hunting season restrictions.

WAC 232-12-054, the proposal would provide more flexibility in designing hunting seasons that address urban and suburban big game issues by allowing crossbows in some situations. The proposal would also allow archery hunters to carry handguns for personal safety as long as they are not in conflict with existing big game hunting season restrictions.

WAC 232-12-055, in the past, it has not been very clear whether archery and muzzleloader deer and elk hunters were required to wear hunter orange clothing outside of general seasons for modern firearm hunters.

WAC 232-12-062, to clarify that party hunting for big game and turkeys is illegal.

WAC 232-12-068, to improve recreational opportunity and protect waterfowl resources.

WAC 232-12-227, the proposal ensures that only hunter education graduates or individuals currently identified as hunting-license buyers within the WDFW license data system are eligible to purchase.

WAC 232-12-828, accommodations that allow persons with disabilities to participate in department programs are required by the Americans with Disabilities Act. Special use permits allow the director to evaluate applications and provide accommodations where appropriate.

WAC 232-12-840, to implement the legislation, which provides special hunting and fishing opportunities for terminally ill persons.

WAC 232-28-248, the proposed language retains some limited level of hunting that is compatible with urban expansion. Also helps deal with deer and elk damage and nuisance problems.

WAC 232-28-266, an increasing number of landowners are requesting the use of these permits to address damage. They have proven to be very effective in dealing with damage problems and reducing landowner complaints with deer. WDFW enforcement officers have requested they be available for turkeys as well.

WAC 232-28-272, maximize recreational opportunities for bear and cougar hunting, while maintaining sustainable populations.

The justification for the August black bear season on private lands only is to reduce conflict with other recreational users on public lands during the summer while still allowing bears to be harvest[ed] for damage reasons (e.g., orchard damage). The justification for the September 1 start date is consistency with the opening day of deer archery seasons.

The justification for the cougar season changes is consistency with concurrent deer/elk seasons and to limit female harvest in those areas where harvest levels exceed our guidelines.

WAC 232-28-273, recommended adjustments in permit quotas are based on meeting population objectives for each species as indicated in the game management plan.

WAC 232-28-282, provide a variety of different hunting opportunities and maximize revenue for auction/raffle program, all within biological sustainable limits.

WAC 232-28-286, spring black bear seasons are used to minimize damage to trees by reducing bear populations to a lower but sustainable level, reduce nuisance activity in northeastern Washington, and better distribute the harvest geographically in southeastern Washington.

WAC 232-28-287, provide late season hunting opportunity for hunters without the use of dogs (i.e., spot and stalking in snow and/or calling).

WAC 232-28-291, the proposal would allow multi-season applicants to submit group applications; clean up turkey permit application language; and limit the number of deer and elk group applicants to better distribute permits.

WAC 232-28-294, shortening the purchase time for successful applicants would make sure that more hunters would be able to purchase permits. Providing hunter education instructors with multiple season permits would be an incentive to recruit and retain instructors.

WAC 232-28-295, increase public hunting access to private lands and help landowners address game damage issues.

WAC 232-28-333, 232-28-335, and 232-28-336, clarifies boundaries and facilitates hunting seasons for big game.

WAC 232-28-337, the proposed rule amendment provides the means to reduce wildlife damage issues and direct deer and elk damage hunts by adjusting elk area boundaries.

WAC 232-28-342, proposals are consistent with conservation of wildlife populations and public sentiment.

WAC 232-28-351, provides recreational deer hunting opportunity and protects deer from overharvest. The proposal maintains sustainable general deer hunting season opportunities for 2009-2011. Helps reduce agricultural damage and provides for population control of deer where needed.

WAC 232-28-352, provides recreational elk hunting opportunity and protects elk from overharvest. The proposal maintains sustainable general elk hunting season opportunities for 2009-2011. Helps reduce agricultural damage and provides for elk population control where needed.

WAC 232-28-353, provides recreational deer hunting opportunity and protects deer from overharvest. The proposal maintains sustainable special permit deer hunting season opportunities for 2009. Helps reduce agricultural damage and provides for population control of deer where needed.

WAC 232-28-354, provides recreational elk hunting opportunity and protects elk from overharvest. The proposal maintains sustainable special permit elk hunting season opportunities for 2009. Helps reduce agricultural damage and provides for elk population control where needed.

WAC 232-28-516, to maximize trapping opportunity consistent with population objectives.

Statutory Authority for Adoption: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.015, 77.12.240, 77.12.040, 77.32.155.

Statute Being Implemented: RCW 77.12.047, 77.12.-020, 77.12.570, 77.12.210, 77.12.015, 77.12.240, 77.12.040, 77.32.155.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington fish and wildlife commission, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Dave Brittell, Natural Resources Building, Olympia, (360) 902-2504; and Enforcement: Bruce Bjork, Natural Resources Building, Olympia, (360) 902-2373.

No small business economic impact statement has been prepared under chapter 19.85 RCW. These rules regulate recreational hunters and do not directly regulate small businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Not hydraulics rules.

January 21, 2009
Loreva M. Preuss
Rules Coordinator

AMENDATORY SECTION (Amending Order 04-98, filed 5/12/04, effective 6/12/04)

WAC 232-12-047 Unlawful (~~firearms~~) methods for hunting. (1) It is unlawful to hunt any big game with:

- (a) A fully automatic firearm.
- (b) A centerfire cartridge less than 22 caliber for cougar.
- (c) A centerfire cartridge less than 24 caliber for any other big game.
- (d) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.
- (e) A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.

(f) A handgun during a modern firearm season that does not meet the following criteria: Have a minimum barrel length of four inches, per manufacturer's specification, and fire a centerfire cartridge.

(g) Any rimfire cartridge.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry, except (~~persons~~) in those designated areas where crossbows are allowed.

(4) Hunters with disabilities may use a crossbow with a special use permit as conditioned in WAC 232-12-054.

~~((4))~~ (5) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

~~((5))~~ (6) It is unlawful to hunt game birds with a rifle or (~~pistol~~) handgun, with the exception of blue grouse, spruce grouse and ruffed grouse.

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-12-051 Muzzleloading firearms. (1) Definitions.

(a) Muzzleloader: A firearm which is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in muzzleloading firearms.

(b) A muzzleloading firearm shall be considered loaded if a powder charge and a projectile, either shot or single projectile are in the barrel and the barrel or breech is capped or primed.

(2) It is unlawful to (~~carry or possess any firearm during~~) hunt wildlife using a muzzleloading (seasons) firearm which does not meet the following (specification for a muzzleloader. A muzzleloading firearm is loaded from the muz-

zle and uses black powder or a black powder substitute as recommended by the manufacturer for use in muzzleloading firearms)) specifications.

(a) A muzzleloading (firearm has) shotgun or rifle must have a single or double barrel (of at least 20 inches), rifled or smooth-bored.

(b) A muzzleloading shotgun or rifle used for deer must be .40 caliber or larger. Buckshot size #1 or larger may be used in a smoothbore of .60 caliber or larger for deer.

(c) A muzzleloading shotgun, rifle, or handgun used for all other big game must be .45 caliber or larger.

(d) Persons lawfully hunting game birds, cottontail rabbits, and snowshoe hares, with a double barrel, muzzleloading shotgun may keep both barrels loaded.

(e) A muzzleloading handgun must have a single or double barrel of at least eight inches, must be rifled and be capable of being loaded with forty-five grains or more of black powder or black powder substitute per the manufacturer's recommendations.

(f) A muzzleloading handgun used for big game must be .45 caliber or larger.

(g) A handgun designed to be used with black powder, including black powder revolvers, can be used to hunt forest grouse, cottontail rabbits, and snowshoe hares.

(3) In addition to the above requirements, it is unlawful to participate (hunt) in a muzzleloading hunting season using a firearm which does not meet the following specifications for a muzzleloader. A modern handgun may be carried for personal protection. Modern handguns cannot be used to hunt big game or dispatch wounded big game during a big game hunting season for muzzleloading firearms.

(a) Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the (elements) weather. (Shot shell and 209) "Exposed to the weather" means the percussion cap or the frizzen must be visible and not capable of being covered or closed by an integral part of the weapon proper. Primers designed to be used in modern cartridges are not legal.

~~((2))~~ (b) Sights must be open, peep or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited.

(c) It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

~~((except))~~ (d) Those persons lawfully hunting big game with a double barrel muzzleloader may only keep one barrel loaded.

(4) Hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during muzzleloader seasons.

~~((3))~~ A muzzleloading firearm used for deer must fire a single, nonjacketed lead projectile of nominal 40 caliber or larger, except that buckshot size #1 or larger may be used in a smoothbore of 60 caliber or larger.

(4) A muzzleloading firearm used for all other big game must fire a single, nonjacketed lead projectile of nominal 50

caliber or larger, or fire a single, nonjacketed lead projectile of at least 170 grains.

~~(5) This section shall not apply to the carrying of a handgun designed to be charged with black powder only.~~

~~(6) This section shall not apply to persons lawfully hunting game birds with a shotgun.~~

~~(7) Only one barrel of a double barrel muzzleloader may be loaded with powder or bullet or capped at any one time while hunting in a muzzleloading season except in specified firearm restricted areas.)~~ (5) Muzzleloading firearms used during a modern firearm season are not required to meet ignition, sight, or double barrel restrictions.

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-12-054 Archery requirements—Archery special use permits. (1) Rules pertaining to all archery:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area, except for modern handguns carried for personal protection. Modern handguns cannot be used to hunt big game or dispatch wounded big game during an archery, big game hunting season.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting.

(c) It is unlawful to shoot a bow and arrow from a vehicle or from, across or along the maintained portion of a public highway, except persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except persons with an archery special use permit may hunt game birds or game animals using a device that stabilizes and holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow, except in designated areas. Disabled hunter permittees in possession of a crossbow special use permit may hunt with a crossbow.

(f) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.

(h) It is unlawful to hunt wildlife with any bow or crossbow equipped with a scope. Except hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during archery seasons.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

(3) Rules pertaining to crossbows:

(a) It is unlawful (~~for a disabled hunter permit holder in possession of a crossbow special use permit~~) to hunt big game animals with a crossbow with a draw weight less than 125 pounds, a limb width less than 24 inches, a draw length less than 14 inches, and a working trigger safety.

(b) It is unlawful (~~for a disabled hunter permit holder in possession of a crossbow special use permit~~) to hunt big game animals with any arrow or bolt measuring less than 16 inches in length and weighing less than 350 grains.

(c) It is unlawful (~~for a disabled hunter permit holder in possession of a crossbow special use permit~~) to hunt game animals or game birds with a crossbow that weighs more than 15 pounds.

(4) Archery special use permits:

(a) An archery special use permit is available to a person who possesses a valid disabled hunter permit. An archery special use permit application must be signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt game birds or game animals.

(b) A crossbow special use permit is available to a person who meets the requirements for an archery special use permit and is unable to use adaptive archery equipment. Adaptive equipment includes, but is not limited to: Cocking devices that hold the bow at full draw; trigger mechanisms that may be released by mouth, or chin, or hand supporting the bow; and devices that assist in supporting the bow. Information describing types of adaptive equipment will be provided to physicians for their assessment of the applicant's ability to utilize adaptive archery equipment. Muscle weakness, impaired range of motion, or unilateral hand weakness disability, of both hands or both arms or both sides of the upper extremity, may result in an inability to use adaptive archery equipment. Standard tests approved by the American Medical Association may be conducted to assess a person's abilities.

AMENDATORY SECTION (Amending Order 06-67, filed 4/11/06, effective 5/12/06)

WAC 232-12-055 Hunting—Hunter orange clothing requirements. (1) Except as authorized in subsection ~~((4))~~ (5) of this section, it is unlawful to hunt upland birds or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

(2) It is unlawful to hunt deer or elk during the modern firearm early and late general seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

(3) All modern firearm permit holders must wear fluorescent hunter orange clothing.

(4) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

~~((4))~~ (5) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

~~((5))~~ (6) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

~~((6))~~ (7) Violation of this section is an infraction, punishable under RCW 77.15.160.

NEW SECTION

WAC 232-12-062 Party hunting. Party hunting is defined as killing big game or turkeys which another person tags, killing big game or turkeys with the intention of having another person tag the animal, or tagging a big game animal or turkey which another person has killed.

Party hunting is illegal for big game and turkey, except for hunters with disabilities and their designated hunting companion as defined in WAC 232-12-828.

AMENDATORY SECTION (Amending Order 07-292, filed 12/13/07, effective 1/13/08)

WAC 232-12-068 Nontoxic shot requirements. (1) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes the following approved types:

Approved Nontoxic Shot Type*	Percent Composition by Weight
bismuth-tin	97 bismuth, 3 tin
iron (steel)	iron and carbon
iron-tungsten	any proportion of tungsten, ≥ 1 iron
iron-tungsten-nickel	≥ 1 iron, any proportion of tungsten, up to 40 nickel
tungsten-bronze	51.1 tungsten, 44.4 copper, 3.9 tin, 0.6 iron; and 60 tungsten, 35.1 copper, 3.9 tin, 1 iron

Approved Nontoxic Shot Type*	Percent Composition by Weight
tungsten-iron-copper-nickel	40-76 tungsten, 37 iron, 9-16 copper, 5-7 nickel
tungsten-matrix	95.9 tungsten, 4.1 polymer
tungsten-polymer	95.5 tungsten, 4.5 nylon 6 or 11
tungsten-tin-iron	any proportions of tungsten and tin, ≥ 1 iron
tungsten-tin-bismuth	any proportions of tungsten, tin, and bismuth
tungsten-tin-iron-nickel	65 tungsten, 21.8 tin, 10.4 iron, 2.8 nickel
*Coatings of copper, nickel, tin, zinc, zinc chloride, and zinc chrome on approved nontoxic shot types also are approved.	

The director may adopt additional nontoxic shot types consistent with federal regulations.

(2) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

~~((Bridgeport Bar segment of the))~~ Well's Wildlife Area (Bridgeport Bar Unit)

Cowlitz Wildlife Area (all units)

~~((Lake Terrell))~~ Whatcom Wildlife Area ~~((including Tennant Lake and other segments))~~ all units)

Shillapoo Wildlife Area (all units)

Skagit Wildlife Area (all ~~((segments))~~ units)

Snoqualmie Wildlife Area (all ~~((segments))~~ units)

~~(((Sunnyside-Snake River Wildlife Area (Headquarters, Byron and Windmill Ranch units))~~

~~((The Driscoll Island, Hegdahl, and Kline Parcel segments of the))~~ Sinlahekin Wildlife Area (Driscoll Island, Hegdahl, and Kline Parcel units)

~~((Vancouver Lake Wildlife Area))~~ John's River Wildlife Area (Chinook Unit)

(3) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasants, quail, chukar, or gray partridge), mourning doves, band-tailed pigeons, or game animals in the following areas:

Chehalis River pheasant release site

Dungeness Recreation Area

Hunter Farms pheasant release site

Raymond Airport pheasant release site

Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge

All Whidbey Island pheasant release sites

~~((Chinook pheasant release site))~~

(4) Beginning in 2010, it is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasant, quail, chukar, and gray partridge), mourning doves, band-tailed pigeons, or game animals on areas where pheasants are released, to include:

Asotin Wildlife Area (Hartsock Unit)	Chelan Wildlife Area (Chelan Butte and Swakane units)	Columbia Basin Wildlife Area (Banks Lake, Gloyd Seeps, Lower Crab Creek, Quincy Lakes, Warden units)
Sinlahekin Wildlife Area (Chiliwist Unit)	Colockum Wildlife Area (Headquarters Unit)	Wenas Wildlife Area (Wenas Unit)
Klickitat Wildlife Area (Hill Road Unit)	Scatter Creek Wildlife Area	Sherman Creek Wildlife Area
Skookumchuck Wildlife Area	Steamboat Rock, Fish-trap, John Henley, Willow Bar, Rice Bar, Hartsock, Mill Creek, Wal-lula, Peninsula, Hollebeke/Lost Island, Buckshot, Big Flat, and Ringold Pheasant Release sites	

(5) Beginning in 2011, it is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for upland game birds (pheasant, quail, chukar, and gray partridge), mourning doves, band-tailed pigeons, or game animals on department lands statewide.

AMENDATORY SECTION (Amending WSR 97-22-003, filed 10/23/97, effective 11/23/97)

WAC 232-12-227 Hunter education training program requirements. (1) The director may designate a state coordinator for the purpose of administering the hunter education program. The state coordinator shall be responsible for the certification of volunteer instructors and the development of instructional materials, training aids, operating policies and procedures necessary to comply with the provisions of this section and RCW 77.32.155.

(2) It is unlawful for any person born after January 1, 1972, to obtain an initial hunting license in the state of Washington without having completed a department-approved course involving at least ten hours of instruction in conservation, safety and sportsmanship.

(3) Upon satisfactory completion of these requirements, each student shall be issued a certificate of accreditation signed by an authorized instructor or the state coordinator.

(4) It is unlawful for a license dealer to issue a hunting license for a person born after January 1, 1972, unless a hunter education certificate ~~((or a Washington hunting license for a preceding year issued to said person))~~ is presented at the time of purchase. This subsection does not apply to individuals listed in the department's licensing data base system with a valid hunter education certificate number.

AMENDATORY SECTION (Amending WSR 07-04-087, filed 2/6/07, effective 3/9/07)

WAC 232-12-828 Hunting of game birds and animals by persons with a disability. (1) Definitions:

(a) "Hunter with a disability" means a person with a permanent disability who possesses a disabled hunter permit

issued by the department. A hunter with a disability must have all required licenses, tags, permits, and stamps before hunting.

(b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person with a qualifying disability. Upon approval of the application, the department will issue a vehicle identification placard. A designated hunter companion card will be issued with a hunting license.

(c) "Designated hunter companion" means a person who assists a hunter with a disability in the stalking, shooting, tracking, retrieving, or tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to the hunter with a disability.

(e) "Blind or visually impaired" means a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty degrees.

(f) "Accompany" means the hunter with a disability and the designated hunter companion are in the physical presence of each other, not to exceed a 1/4-mile separation. While stalking or shooting an animal, the hunter with a disability and the designated hunter companion must have a form of reliable and direct communication.

(g) "Special use permit" means a permit issued by the department to a person with a specific permanent disability as a reasonable accommodation. The special use permit allows for a specific act or acts to include, but not be limited to, use of adaptive mechanical, electrical, or specialty equipment or devices that aid the person in hunting.

(h) "Person with a disability" means:

(i) A person who has a permanent disability and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device for mobility, including, but not limited to, a wheelchair, crutch, cane, walker, or oxygen bottle; or

(ii) A person who has a permanent disability and is physically incapable of holding and safely operating a firearm or other legal hunting device.

This definition includes, but is not limited to, persons with a permanent upper or lower extremity impairment who have lost the use of one or both upper or lower extremities, or who have a severe limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities for holding and safely operating a firearm or other legal hunting device; or

(iii) A person who is blind or visually impaired.

(i) "Public highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel as defined in RCW 46.04.197.

(2) The designated hunter companion must accompany the hunter with a disability when stalking or shooting game on behalf of the hunter with a disability. The hunter with a

disability or the designated hunter companion must immediately cut, notch, or date any required tag. The tag must be affixed to the carcass of the game bird or animal as soon as is reasonably possible after killing the game.

(3) The designated hunter companion does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for a designated hunter companion to assist a hunter with a disability unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a hunter with a disability to shoot from a motor vehicle, unless the vehicle is stopped, the motor is turned off and the vehicle is removed from the maintained portion of a public highway. If the roadway is not paved, and it is impossible for the hunter with a disability to completely remove the vehicle from the roadway, then the hunter may shoot from the vehicle if the vehicle is as far off the roadway as possible. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded firearm in or on a motor vehicle, except if the person is a hunter with a disability and the vehicle is in compliance with subsection (5) of this section.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a hunter with a disability do not count against the designated hunter companion's bag or possession limit.

(8) A designated hunter companion shooting game for or who may be shooting game for a hunter with a disability must have a valid hunting license issued by Washington or another state.

(9) Special use permits.

(a) The director may develop conditions and criteria for administering and issuing special use permits.

(b) The hunters and fishers with disabilities advisory committee established in RCW 77.04.150 may assist the department in evaluating requests and criteria for issuing special use permits.

(c) Special use permits must be carried on the person acting under or using devices authorized by the permit.

(d) The terms for use granted by a special use permit, when provided as a reasonable accommodation, shall supersede other hunting or fishing rules and restrictions.

NEW SECTION

WAC 232-12-840 Hunting and fishing opportunities for terminally ill persons. Pursuant to RCW 77.32.565 the director is authorized to provide special hunting opportunities for terminally ill persons. The director may establish criteria for application and award of these special opportunities.

(1) The director is authorized to receive special permits from donors and redistribute them to terminally ill persons.

(2) The director may issue special permits allowing the harvest or catch of fish and game as exceptions or additions to other rules established by the commission.

(3) The director may make agreements with landowners to provide access for special hunting and fishing opportunities.

(4) The director may also make agreements with others to assist the terminally ill in facilitating the harvest or catch of fish and game.

The director shall report annually to the fish and wildlife commission the number and types of opportunities provided to terminally ill persons.

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-28-248 Special closures and firearm restriction areas.

RESTRICTED AND PROHIBITED HUNTING AREAS.

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Parker Lake (GMU 117, Pend Oreille County): All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. The Parker Lake closure was established to provide a protected area for the Air Force Military Survival Training Program.
2. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.
3. Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.
4. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.
5. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit), except for the hunting of elk by special permit holders during established seasons and designated areas.
6. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting

except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.
2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian White-tail Deer.
3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.
4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for the hunting of elk by the holders of GMU-157 special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.
5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

FIREARM RESTRICTION AREAS

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in any of these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, crossbows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

Additional or more specific firearm restrictions may be listed under the area description.

COUNTY	AREA
Chelan	That portion of GMU 251 (Mission) beginning at the intersection of the Duncan Road and Highway 2; south on Duncan Road to Mountain Home Road; south along Mountain Home Road to the Icicle Irrigation Ditch; south and west along the Icicle Irrigation Ditch to the Snow Lake Trail; west and north along the Snow Lake Trail and across the Icicle River to Icicle River Road; east and north along Icicle River Road to the Wenatchee River; northwest along the Wenatchee River to Highway 2; north and east on Highway 2 to Duncan Road and the point of beginning.
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground) That portion of GMU 554 in Clark County.
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning.
<u>Grays Harbor</u>	The <u>following</u> Chehalis Valley restriction applies only during elk seasons: That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to South Bank Road; northwest along South Bank Road to

COUNTY	AREA	COUNTY	AREA
	Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.		See GMU 652 restriction area outlined for King County.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.	San Juan	All San Juan County.
Jefferson	Indian and Marrowstone islands.	Snohomish	All areas west of Highway 9, until the intersection of Highway 9 and Highway 2, then east along Highway 2 to Highway 203, then all areas west of Highway 203 to the Snohomish/King County line.
King	The area west of Highway 203 (Monroe-Fall City, then Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands. This area is restricted to archery only: The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning.	Skagit	All mainland areas and islands in Skagit County west of I-5 and north of the Skagit/Snohomish County line, <u>except Cypress Island. This restriction applies to big game hunting only.</u>
		Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.
		Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
		Whatcom	All mainland areas and islands of Whatcom County that are west of I-5. <u>This restriction applies to big game hunting only.</u>
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.		
Kittitas	GMU 334 (Ellensburg) Closed to center-fire rifles during deer and elk seasons.		
Klickitat	Elk Area 5062 (Trout Lake) closed to centerfire rifles, handguns, and muzzleloaders October 1 to December 15.		
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.		
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.		
Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzle-loader. McNeil Island closed to hunting.		

AMENDATORY SECTION (Amending Order 07-38, filed 4/13/07, effective 5/14/07)

WAC 232-28-266 Damage prevention permit hunts.

DAMAGE PREVENTION PERMIT HUNTS

Pursuant to RCW 77.12.150 and ~~((77.12.240))~~ 77.12.260, a landowner with deer~~(/)~~, elk, or turkey-caused property damage may enter into a Cooperative Agreement (contract) with WDFW and the commission may establish a ~~((boundary;))~~ special season ~~((dates, and number of animals to be removed;))~~ as described ~~((below, for deer/elk hunts))~~ by this rule.

The landowner agrees not to claim damage payments, except Elk Areas 3721 and 3722, and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A damage prevention access permit provided ~~((by))~~ to a landowner by WDFW and given to the ~~((landowner))~~ hunter will authorize the hunter to use an unused general deer~~(/)~~, elk, or turkey tag to hunt and kill a legal animal during the appropriate prescribed ~~((damage hunt))~~ season.

Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon

Season Framework: August 1 - March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 300 Per license year

Location: Region One

Legal Deer: Antlerless Only

Kill Quota: 300 Per license year

Location: GMUs 105-124

Legal Deer: Whitetail Antlerless Only

Kill Quota: 300 Per license year

Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework: August 1 - March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 200 Per license year

Location: Hanford Area - GMUs 372 and 379

Kill Quota: 60 antlerless only, per license year

Elk Area 3721

Kill Quota: 50 spike or antlerless during Aug. 1 - March 31; 30 bulls only during May 15 - July 31, except spike only July 1-31, per license year.

Special Note: Access in Elk Area 3721 may not be sold as a condition of use of these permits. The director may consider damage claims from landowners in Elk Areas 3721 and 3722 who accept these permits and do not charge for access.

Turkey:

Tag Required: Turkey hunter must have a current valid, unaltered, unnotched turkey tag on his/her person.

Hunting Method: Any legal turkey hunting method

Season Framework: December 16 - March 1

Location: GMUs 105 - 130

Legal Turkey: Either sex

Kill Quota: 200 Per license year.

AMENDATORY SECTION (Amending Order 08-197, filed 8/13/08, effective 9/13/08)

WAC 232-28-272 ((2006-2007, 2007-2008, and 2008-2009)) 2009-2010, 2010-2011, and 2011-2012 Black bear and cougar hunting seasons and regulations.

((2006-2008)) 2009-2011 Fall Black Bear Seasons:

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15 ^a	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15 ^a	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15 ^a	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15 ^a	GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15 ^a	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15 ^a	GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578
Northeastern A	((Sept. 5 - Nov. 15, 2006 Sept. 4 - Nov. 15, 2007 Sept. 2 - Nov. 15, 2008)) <u>Sept. 1 - Nov. 15</u>	GMUs 101- ((47)) <u>121</u>
Northeastern B	Aug. 1 - Nov. 15 ^a	GMUs ((42+)) <u>124-130, 204</u>
Blue Mountains	((Sept. 5 - Nov. 15, 2006 Sept. 4 - Nov. 15, 2007 Sept. 2 - Nov. 15, 2008)) <u>Sept. 1 - Nov. 15</u>	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15 ^a	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
Long Island	((Sept. 5 - Nov. 15, 2006 Sept. 4 - Nov. 15, 2007 Sept. 2 - Nov. 15, 2008)) <u>Sept. 1 - Nov. 15</u>	GMU 699

^aAug. 1-31 restricted to private lands only.

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

Area Restriction: Special deer permit required to hunt black bear in GMU 485.

((Requirements for Fall Black Bear Seasons*))

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

~~((2006-2007, 2007-2008, and 2008-2009 Cougar Seasons:~~

Unit	Season	Hunt Area	Special Restrictions
Coastal	Aug. 1 - Mar. 15	GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699	Any legal weapon
Puget Sound	Aug. 1 - Mar. 15	GMUs 407, 410, 454, 624-633, 652, 666	Any legal weapon
North Cascades	Aug. 1 - Mar. 15	GMUs 418, 426, 437, 448, 450, 460, 466, 485	Any legal weapon
South Cascades	Aug. 1 - Mar. 15	GMUs 503, 505, 510-520, 524, 550-574, 653, 654, 667	Any legal weapon
East Cascades North A	Aug. 1 - Mar. 15	GMUs 328, 329, 334-340	Any legal weapon
East Cascades North B	Oct. 14 - Nov. 19, 2006 Oct. 13 - Nov. 19, 2007 Oct. 11 - Nov. 19, 2008	GMUs 203, 209-247, 249-251 within Chelan or Okanogan counties	Any legal weapon
East Cascades North C	Sept. 1 - Nov. 30	GMUs 203, 209-247, 249-251 within Chelan or Okanogan counties	Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.
East Cascades South A	Aug. 1 - Mar. 15	GMUs 342-368	Any legal weapon
East Cascades South B	Oct. 11 - Nov. 19, 2008	GMUs 382, 388, 578 within Klickitat County	Any legal weapon
East Cascades South C	Sept. 1 - Nov. 30	GMUs 382, 388, 578 within Klickitat County	Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.
Northeastern A	Aug. 1 - Mar. 15	GMUs 124-133	Any legal weapon

Unit	Season	Hunt Area	Special Restrictions
Northeastern B	Oct. 14 - Nov. 19, 2006 Oct. 13 - Nov. 19, 2007 Oct. 11 - Nov. 19, 2008	GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204	Any legal weapon
Northeastern C	Sept. 1 - Nov. 30	GMUs 101-121 within Ferry, Stevens, or Pend Oreille counties, 204	Archery deer or elk hunters and muzzleloader deer or elk hunters who possess a valid big game license that includes cougar as a species option may hunt for cougar without the aid of dogs during their respective deer or elk seasons and must use equipment consistent with their deer or elk tag.
Blue Mountains	Aug. 1 - Mar. 15	GMUs 145-154, 162-186	Any legal weapon
Columbia Basin	Aug. 1 - Mar. 15	GMUs 136-142, 248, 254-290, 330, 371-381	Any legal weapon))

2009-2010 Cougar Seasons:

Hunt Name	Hunt Area	Season	Special Restrictions
<u>Coastal</u> <u>Puget Sound</u> <u>North Cascades</u> <u>Columbia Basin</u>	<u>GMUs 418, 426, 437, 448, 450, 460, 466, 485, 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699, 407, 410, 454, 624-633, 652, 666</u>	<u>Sept. 1-25</u>	<u>Archery only</u>
		<u>Sept. 26 - Oct. 16</u>	<u>Muzzleloader only</u>
		<u>Oct. 17 - Mar. 31</u>	<u>Any weapon</u>
<u>South Cascades</u> <u>Blue Mountains</u> <u>Kittitas-Yakima</u> <u>Spokane</u>	<u>GMUs 124-133, 145-154, 162-186, 328, 329, 342-368, 503, 505, 510-520, 524, 550-574, 653, 654, 667</u>	<u>Sept. 1-25</u>	<u>Archery only</u>
		<u>Sept. 26 - Oct. 16</u>	<u>Muzzleloader only</u>
		<u>Oct. 17 - Dec. 31</u>	<u>Any weapon</u>
<u>Chelan</u> <u>Okanogan</u> <u>Okanogan-Ferry</u> <u>Stevens-Pend Oreille</u> <u>Klickitat</u>	<u>GMUs 101, 105, 108-121, 203, 204, 209-242, 242-247, 249-251, 382, 388, 578 within Chelan, Ferry, Klickitat, Okanogan, Stevens, or Pend Oreille counties</u>	<u>Sept. 1-25</u>	<u>Archery only</u>
		<u>Sept. 26 - Oct. 16</u>	<u>Muzzleloader only</u>
		<u>Oct. 31 - Nov. 30</u>	<u>Any weapon</u>

2010-2011 Cougar Seasons:

Hunt Name	Hunt Area	Season	Special Restrictions
<u>Coastal</u> <u>Puget Sound</u> <u>North Cascades</u> <u>Columbia Basin</u>	<u>GMUs 418, 426, 437, 448, 450, 460, 466, 485, 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699, 407, 410, 454, 624-633, 652, 666</u>	<u>Sept. 1-24</u>	<u>Archery only</u>
		<u>Sept. 25 - Oct. 15</u>	<u>Muzzleloader only</u>
		<u>Oct. 16 - Mar. 31</u>	<u>Any weapon</u>
<u>South Cascades</u> <u>Blue Mountains</u> <u>Kittitas-Yakima</u> <u>Spokane</u>	<u>GMUs 124-133, 145-154, 162-186, 328, 329, 342-368, 503, 505, 510-520, 524, 550-574, 653, 654, 667</u>	<u>Sept. 1-24</u>	<u>Archery only</u>
		<u>Sept. 25 - Oct. 15</u>	<u>Muzzleloader only</u>
		<u>Oct. 16 - Dec. 31</u>	<u>Any weapon</u>
<u>Chelan</u> <u>Okanogan</u> <u>Okanogan-Ferry</u> <u>Stevens-Pend Oreille</u> <u>Klickitat</u>	<u>GMUs 101, 105, 108-121, 203, 204, 209-242, 242-247, 249-251, 382, 388, 578 within Chelan, Ferry, Klickitat, Okanogan, Stevens, or Pend Oreille counties</u>	<u>Sept. 1-24</u>	<u>Archery only</u>
		<u>Sept. 25 - Oct. 15</u>	<u>Muzzleloader only</u>
		<u>Oct. 31 - Nov. 30</u>	<u>Any weapon</u>

2011-2012 Cougar Seasons:

Hunt Name	Hunt Area	Season	Special Restrictions
Coastal Puget Sound North Cascades Columbia Basin	GMUs 418, 426, 437, 448, 450,	Sept. 1-23	Archery only
	460, 466, 485, 501, 504, 506,	Sept. 24 - Oct. 14	Muzzleloader only
	530, 601-621, 636-651, 658-663, 672-684, 699, 407, 410, 454, 624-633, 652, 666	Oct. 15 - Mar. 31	Any weapon
South Cascades Blue Mountains Kittitas-Yakima Spokane	GMUs 124-133, 145-154, 162-	Sept. 1-23	Archery only
	186, 328, 329, 342-368, 503, 505,	Sept. 24 - Oct. 14	Muzzleloader only
	510-520, 524, 550-574, 653, 654, 667	Oct. 15 - Dec. 31	Any weapon
Chelan Okanogan Okanogan-Ferry Stevens-Pend Oreille Klickitat	GMUs 101, 105, 108-121, 203,	Sept. 1-23	Archery only
	204, 209-242, 242-247, 249-251,	Sept. 24 - Oct. 14	Muzzleloader only
	382, 388, 578 within Chelan, Ferry, Klickitat, Okanogan, Stevens, or Pend Oreille counties	Oct. 29 - Nov. 30	Any weapon

Requirements for Cougar Seasons:

License Required: A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

Bag Limit: ((Two (2))) One (1) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Area Restriction: Special deer permit required to hunt cougar in GMU 485.

Tag Information: One cougar transport tag is included with a big game license that has cougar as a species option. ((A second cougar transport tag must be purchased to take a second cougar.))

Hunting Method: ((Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar.)) The use of ((hounds)) dogs to hunt cougar is prohibited except by a public safety cougar removal permit (WAC 232-12-243) or commission authorized hound permit (WAC 232-28-285).

Cougar Pelt Sealing: Any person who takes a cougar must comply with the sealing requirements in WAC 232-12-024.

AMENDATORY SECTION (Amending Order 08-78, filed 4/18/08, effective 5/19/08)

WAC 232-28-273 ((2006-2008)) 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts, master hunter hunts, and raffle and auction hunts).

Bag Limit: One moose.

Weapon Restrictions: Permit holders may use any legal weapon.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Kettle Range/East Okanogan	Oct. 1 - Nov. 30	GMUs 101, 105, 204	Any Moose	((2)) 3
Selkirk Mtns. A	Oct. 1 - Nov. 30	GMU 113	Any Moose	((25)) 22
Selkirk Mtns. B ^d	Oct. 1 - Nov. 30	GMU 113	Antlerless Only	2
Mt. Spokane A	Oct. 1 - Nov. 30	GMU 124 east of Hwy 395	Any Moose	12
Mt. Spokane B	Oct. 1 - Nov. 30	GMU 124 east of Hwy 395	Antlerless Only	14
Mt. Spokane ^{MH}	Dec. 1 - Mar. 31	GMUs 124, 127, and 130 within Spokane County	Any Moose	10 ^{MH}
Mt. Spokane Youth Only ^a	Oct. 1 - Nov. 30	GMU 124 east of Hwy 395	Antlerless Only	10
49 Degrees North A	Oct. 1 - Nov. 30	GMU 117	Any Moose	((26)) 22
49 Degrees North B ^b	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	((5)) 3
49 Degrees North C ^c	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	2
49 Degrees North Youth Only ^a	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	2
Three Forks	Oct. 1 - Nov. 30	GMUs 108, 111	Any Moose	((8)) 6

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Hangman A	Oct. 1 - Nov. 30	GMUs 127, 130	Any Moose	7
Hangman B	Oct. 1 - Nov. 30	GMUs 127, 130	Antlerless Only	7
Huckleberry Range <u>A</u>	Oct. 1 - Nov. 30	GMUs 121, 124 west of Hwy 395	Any Moose	((8)) <u>6</u>
<u>Huckleberry Range B</u> ^c	<u>Oct. 1 - Nov. 30</u>	<u>GMUs 121, 124 west of Hwy 395</u>	<u>Antlerless Only</u>	<u>2</u>

^aApplicants must be eligible to purchase a youth moose license by November 30 during the license year they are applying for. Youth hunters must be accompanied by an adult during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

^cApplicants must be 65 years of age or older by November 30 during the license year they are applying for.

^dApplicants must be a certified hunter education instructor who meet program-defined eligibility criteria.

^{MH}This is a damage hunt administered by a WDFW designated hunt master. Only master hunters may apply, except master hunters who have harvested a moose previously in Washington state may not apply; these hunts will not affect accumulated points; and any weapon may be used. Successful applicants will be contacted on an as-needed basis to help

with specific sites of moose damage on designated land-owner's property. Not all successful applicants will be contacted in any given year depending on moose damage activity for that year.

Bighorn Sheep Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts, and ewe only hunts.)

Bag Limit: One bighorn ram (except (~~Vulcan Mountain B is one~~)) in designated adult ewe hunts, one bighorn adult ewe).

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Vulcan Mountain A	Sept. 15 - Oct. 10	Sheep Unit 2	Any Legal Weapon	1
Vulcan Mountain B ^a	Oct. 1-10	Sheep Unit 2	Adult ewe only Any Legal Weapon	2
<u>Vulcan Mountain C</u> ^b	<u>Oct. 1-10</u>	<u>Sheep Unit 2</u>	<u>Adult ewe only</u> <u>Any Legal Weapon</u>	<u>1</u>
Selah Butte <u>A</u>	Nov. 3-30	Sheep Unit 4	Any Legal Weapon	5
<u>Selah Butte B</u>	<u>Sept. 1-30</u>	<u>Sheep Unit 4</u>	<u>Adult ewe only</u> <u>Any Legal Weapon</u>	<u>5</u>
Umtanum	Sept. 15 - Oct. 10	Sheep Unit 5	Any Legal Weapon	5
Cleman Mountain A	Sept. 15 - Oct. 10	Sheep Unit 7	Any Legal Weapon	4
Cleman Mountain B	Nov. 3-30	Sheep Unit 7	Any Legal Weapon	4
Mt. Hull <u>A</u>	Sept. 15 - Oct. 10	Sheep Unit 10	Any Legal Weapon	((2)) <u>1</u>
<u>Mt. Hull B</u>	<u>Oct. 1-10</u>	<u>Sheep Unit 10</u>	<u>Adult ewe only</u> <u>Any Legal Weapon</u>	<u>2</u>
Wenaha	Sept. 15 - Oct. 10	Sheep Unit 11	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15 - Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene A	Sept. 15 - Oct. 10	Sheep Unit 13	Any Legal Weapon	4
((Swakane	Sept. 15 - Oct. 10	Sheep Unit 14	Any Legal Weapon	4))
Tieton <u>A</u>	Sept. 15 - Oct. 10	Sheep Unit 15	Any Legal Weapon	3
<u>Tieton B</u>	<u>Sept. 15 - Oct. 10</u>	<u>Sheep Unit 15</u>	<u>Adult ewe only</u> <u>Any Legal Weapon</u>	<u>3</u>
Manson	Nov. 3-30	Sheep Unit 16	Any Legal Weapon	2
Asotin	Sept. 15 - Oct. 10	Sheep Unit 17	Any Legal Weapon	1

^aApplicants must be 65 years of age or older by November 30 during the license year they are applying for.

^bApplicants must be eligible to purchase a youth bighorn sheep license by November 30 during the license year they are applying for. Youth hunters must be accompanied by an adult during the hunt.

Bighorn Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River near Curlew.

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and

Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness: Permit Area: That part of GMU 169 within Crooked Creek drainage.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMUs 329, 330, and 251 south of Colockum Creek.

~~(Sheep Unit 14 Swakane: Permit Area: GMU 250-)~~

Sheep Unit 15 Tieton: Permit Area: GMU 360.

Sheep Unit 16 Manson: Permit Area: ~~((GMU 243-))~~ Beginning at the mouth of Granite Falls Creek on the south shore of Lake Chelan, E across Lake Chelan to Willow Point; NW along the shoreline of Lake Chelan to the mouth of Stink Creek; E along Stink Creek to the intersection with Green's Landing Road; along Green's Landing Road to Manson Boulevard; E on Manson Boulevard to Lower Joe Creek Road; NE on Lower Joe Creek Road to Grade Creek Road; NE on Grade Creek Road to US Forest Service Road 8210; NE on US Forest Service Road 8210 to intersection with US Forest Service Road 8020; W on US Forest Service Road 8020 to Fox Peak; NW along Sawtooth Ridge (Chelan-Okanogan County Line) to the Lake Chelan National Recreation Area boundary; S along the Lake Chelan National Recreation Area boundary to shore line of Lake Chelan; W across Lake Chelan to the mouth of Riddle Creek on the South Shore; SE along South Shore of Lake Chelan to the point of beginning.

Sheep Unit 17 Asotin: Permit Area: GMU 175.

Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

((Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	2
Naches Pass/Corral Pass	Sept. 15-Oct. 31	Goat Units 3-6, 4-38	Any Legal Weapon	2
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	2
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	1
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	1
Goat Rocks/Tieton River	Sept. 15-Oct. 31	Goat Units 3-9, 5-4	Any Legal Weapon	5
Chowder Ridge	Sept. 15-Oct. 31	Goat Units 4-3	Any Legal Weapon	1
Avalanche Gorge	Sept. 15-Oct. 31	Goat Units 4-7	Any Legal Weapon	1

Mountain Goat Units:

~~**Goat Unit 2-1 Chelan N. (Chelan County):** Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.~~

~~**Goat Unit 2-2 Methow Area:** Permit Area: Okanogan County within the following described boundary: Beginning~~

at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

~~**Goat Unit 3-6 Naches Pass:** Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and~~

continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

~~Goat Unit 3-7 Bumping River:~~ Permit Area: GMU 356.

~~Goat Unit 3-9 Tieton River:~~ Permit Area: GMU 364.

~~Goat Unit 3-10 Blazed Ridge:~~ Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

~~Goat Unit 4-3 Chowder Ridge:~~ Permit Area: Whatcom County within the following described boundary: Beginning where Wells Creek intersects the North Fork Nooksack River; then up Wells Creek to Bar Creek; then southwest up Bar Creek to the Mazama Glacier; then continue southwest up Mazama Glacier to the summit of Mt. Baker; then northwest between Roosevelt Glacier and Coleman Glacier to Kulshan Cabin and the headwaters of Kulshan Creek and Grouse Creek to Smith Creek; then north down Smith Creek to Glacier Creek; continue north down Glacier Creek to the North Fork Nooksack River; then east along the North Fork Nooksack River to Wells Creek and the point of beginning.

~~Goat Unit 4-7 Avalanche Gorge:~~ Permit Area: Whatcom County within the following described boundary: Beginning at the intersection of the Baker Lake Road (USFS Road 394) and Park Creek; then northwest up Park Creek to Park Glacier; then continue westerly up Park Glacier to the summit of Mount Baker; then northerly down Mazama Glacier to Bar Creek; then northeast down Bar Creek to the confluence of Wells Creek; then southeast up Wells Creek to waypoint 593106 E 5410010 N (NAD27); then southeast about 1/2 mile to Ptarmigan Ridge Trail 682.1 at waypoint 593674 E 5409462 N; then south and southwest along said trail about

1/2 mile to upper tributary of Swift Creek at waypoint 593425 E 5408803 N; then east and southeast down said tributary to confluence with Swift Creek; then south and southeast down Swift Creek to the Baker Lake Road (USFS Road 394); then west along the Baker Lake Road (USFS Road 394) to Park Creek and the point of beginning.

~~Goat Unit 4-38 Corral Pass:~~ Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

~~Goat Unit 5-2 Tatoosh:~~ Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

~~Goat Unit 5-3 Smith Creek:~~ Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

~~Goat Unit 5-4 Goat Rocks:~~ Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302:))

<u>Hunt Name</u>	<u>Permit Season</u>	<u>Subpopulations Open to Hunting^a</u>	<u>Special Restrictions</u>	<u>Permits</u>
<u>Mt. Baker</u>	<u>Sept. 15 - Oct. 31</u>	<u>Chowder Ridge, Coleman Pinnacle, Lava Divide, Black Buttes, Lake Ann, SE Baker</u>	<u>Any Legal Weapon</u>	<u>7</u>
<u>North Lake Chelan</u>	<u>Sept. 15 - Oct. 31</u>	<u>Skookum Pass Mtn., Big Goat Creek</u>	<u>Any Legal Weapon</u>	<u>2</u>
<u>Goat Rocks-Tieton River</u>	<u>Sept. 15 - Oct. 31</u>	<u>Chimney Rocks, Goat Lake, McCall Glacier, Gilbert Peak</u>	<u>Any Legal Weapon</u>	<u>5</u>

^aMountain goat populations are managed as a collection of subpopulations and the ideal harvest is distributed through all the subpopulations. The director is authorized to open or close subpopulations to protect from overharvesting specific areas.

The director is authorized by the commission to identify the hunt area as a condition of the hunt permit. Selected hunters will receive a text description or map of their hunt area.

AMENDATORY SECTION (Amending Order 07-292, filed 12/13/07, effective 1/13/08)

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE ((WESTSIDE)) BLACK-TAILED DEER PERMIT

Hunting season dates: September 1 - December 31
Hunt Area: ((~~Western Washington~~)) Those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to black-tailed deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck black-tailed deer

((~~SPECIES - ONE EASTSIDE DEER PERMIT~~

~~Hunting season dates: September 1 - December 31, 2008
Hunt Area: Eastern Washington EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission.
Weapon: Any legal weapon.
Bag limit: One additional any buck deer~~)

SPECIES - ONE MULE DEER PERMIT

Hunting season dates: Starting in 2009 September 1 - December 31

Hunt Area: ((~~Eastern Washington~~)) Those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck mule deer

SPECIES - ONE WHITE-TAILED DEER PERMIT

Hunting season dates: Starting in 2009 September 1 - December 31

Hunt Area: ((~~Eastern Washington~~)) Those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any buck white-tailed deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31
Hunt Area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Eastern Washington EXCEPT GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Weapon: Any legal weapon.

Bag limit: One additional any bull elk

SPECIES - ONE CALIFORNIA BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Any open sheep unit with two (2) or more ram permits during the respective license year, except sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.

Weapon: Any legal weapon.

Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Any open moose unit.

Weapon: Any legal weapon.

Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: Any open goat unit with two (2) or more permits during the respective license year.

Weapon: Any legal weapon.

Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

RAFFLE PERMIT HUNT(S)

((~~WESTSIDE~~)) BLACK-TAILED DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck black-tailed deer

Open area: ((~~Western Washington~~)) Those GMUs open to black-tailed deer hunting EXCEPT GMU 485 and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

((~~EASTSIDE DEER RAFFLE PERMIT HUNT~~

~~Bag limit: One additional any buck deer~~

~~Open area: Eastern Washington EXCEPT those GMUs closed to deer hunting by the fish and wildlife commission.~~

~~Open season: September 1 - December 31, 2008~~

~~Weapon: Any legal weapon.~~

~~Number of permits: 1~~)

MULE DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck mule deer

Open area: (~~Eastern Washington~~) Those GMUs open to mule deer hunting EXCEPT those GMUs closed to mule deer hunting by the fish and wildlife commission.

Open season: Starting in 2009 September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

WHITE-TAILED DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck white-tailed deer

Open area: (~~Eastern Washington~~) Those GMUs open to white-tailed deer hunting EXCEPT those GMUs closed to white-tailed deer hunting by the fish and wildlife commission.

Open season: Starting in 2009 September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Western Washington EXCEPT GMU 485, those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31

Weapon: Any legal weapon.

Number of permits: 1

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk

Open area: Eastern Washington EXCEPT GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon.

Number of permits: 1

CALIFORNIA BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram

Open area: Any open bighorn sheep unit with two (2) or more ram permits during the respective license year, except sheep units in Walla Walla, Columbia, Garfield, Asotin, or Pend Oreille counties are not open.

Open season: September 1 - December 31.

Weapon: Any legal weapon.

Number of permits: 1

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex

Open area: Any open moose unit.

Open season: September 1 - December 31.

Weapon: Any legal weapon.

Number of permits: 2

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex

Open area: Any open goat unit with two (2) or more permits during the respective license year.

Open season: September 1 - December 31.

Weapon: Any legal weapon.

Number of permits: 2

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.

Open area: Statewide.

Open season: April 1 - May 31 AND September 1 - December 31.

Weapon: Archery or shotgun only.

Number of permits: 1

DIRECTOR AUTHORIZED BIG GAME AUCTION OR RAFFLE PERMITS

The director shall determine which method of permit opportunity, auction or raffle, taking into consideration impacts to the wildlife resource, opportunity to the hunting community, other resource management issues, and expected revenue. The director may select a conservation organization(s) to conduct annual auction(s) or raffle(s). Selection of the conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game auctions and raffles shall be conducted consistent with WAC 232-28-292.

ROCKY MOUNTAIN BIGHORN SHEEP AUCTION OR RAFFLE PERMIT

Hunting season dates: September 1 - December 31

Hunt Area: GMUs 113, 169, 172, 181, 186 in 2009. GMUs 113, 181, 186 starting in 2010.

Weapon: Any legal weapon.

Bag limit: One bighorn ram

SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.

Open area: Western Washington EXCEPT GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.

Open area: Eastern Washington EXCEPT GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.

Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.

Open season: September 1 - December 31.

Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.

Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

AMENDATORY SECTION (Amending Order 07-292, filed 12/13/07, effective 1/13/08)

WAC 232-28-286 ((2007, 2008, and 2009)) 2010, 2011, and 2012 Spring black bear seasons and regulations.

Who may apply: Anyone with a valid Washington big game license, which includes black bear as a species option.

Hunt areas, permit levels, and season dates for each license year:

Hunt name	Hunt area	Permits	Season dates ^b
Sherman	GMU 101	15	April 15 – May 31
Kelly Hill	GMU 105	10	April 15 – May 31
Douglas	GMU 108	5	April 15 – May 31
Aladdin	GMU 111	10	April 15 – May 31
49 Degrees North	GMU 117	15	April 15 – May 31
Huckleberry	GMU 121	15	April 15 – May 31
Blue Creek	GMU 154	((30)) 15	April 15 – May 31
Dayton	GMU 162	((22)) 15	April 15 – May 31
Tucannon	GMU 166	((7)) 5	April 15 – May 31
Wenaha	GMU 169	45	April 15 – ((May 31)) June 15
Mt. View	GMU 172	((22)) 15	April 15 – May 31
Lick Creek	GMU 175	((22)) 15	April 15 – May 31
Grande Ronde	GMU 186	((7)) 5	April 15 – May 31
North Skagit	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, and Grandy Lake Timber company.	20	April 15 – May 31
Monroe	That portion of GMU 448 that is designated as the hunt area by DNR, <u>Green Crow</u> , and Longview Timber Lands.	25	April 15 – May 31
Copalis ^a	That portion of GMU 642 that is designated as the hunt area by ((Rainier)) <u>Rayonier</u> Timber Company.	100	April 15 – June 15
Kapowsin ^a	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management,	((400)) 150	April 15 – June 15
((Capitol Forest^a	That portion of Capitol Forest within GMU 663	50	April 15 – June 15))
<u>Lincoln^a</u>	<u>That portion of GMU 501 that is designated as the hunt area by participating commercial timber landowners.</u>	50	<u>April 15 – May 31</u>

^aSpring black bear hunting seasons under this area constitute a pilot program to reduce black bear damage to trees.

^bPermits are valid for the license year they are issued.

Bag limit: One black bear per black bear special permit season.

License required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

Hunting method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

Submitting bear teeth: Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

NEW SECTION

WAC 232-28-287 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations.

Who may apply: Anyone with a valid Washington big game license, which includes cougar as a species option.

Hunt areas, permit levels, and season dates for each license year:

Hunt Name	Hunt Area	Permits	Season Dates ^a
South Cascades	GMUs 503, 505, 510-520, 524, 550-574, 653, 654, 667	40	Jan. 1 - Mar. 31
Blue Mountains	GMUs 145-154, 162-186	40	Jan. 1 - Mar. 31
Kittitas-Yakima	GMUs 328, 329, 342-368	30	Jan. 1 - Mar. 31
Spokane	GMUs 124-133	30	Jan. 1 - Mar. 31
Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County.	40	Dec. 1-31
Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County.	40	Dec. 1-31
Okanogan-Ferry	GMUs 101,105, 204	20	Dec. 1-31
Stevens-Pend Oreille	Those portions of GMUs 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties.	30	Dec. 1-31
Klickitat	Those portions of GMUs 382, 388, 578 within Klickitat County.	20	Dec. 1-31

^aPermits are valid for the license year they are issued.

Requirements for Cougar Seasons:

Bag limit: One (1) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

License required: A valid big game hunting license, which includes cougar as a species option, is required to hunt cougar.

Tag information: One cougar transport tag is included with a big game license that has cougar as a species option.

Hunting method: The use of dogs to hunt cougar is prohibited except by a public safety cougar removal permit (WAC 232-12-243) or commission authorized hound permit (WAC 232-28-285).

Cougar pelt sealing: Any person who takes a cougar must comply with the sealing requirements in WAC 232-12-024.

AMENDATORY SECTION (Amending Order 08-78, filed 4/18/08, effective 5/19/08)

WAC 232-28-291 Special hunting season permits. The commission may establish special hunting seasons limited to species and/or weapon type.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

A. To apply for special hunting season permits for deer, elk, cougar, or black bear applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. Multiple season deer and elk permit applications may be purchased without additional licenses or tags. ~~((The purchase of the application will result in entry into the drawing.))~~ Persons who are successfully drawn must purchase a multiple season permit for deer or elk and may also apply for archery, muzzleloader, or modern firearm special hunting season permits for the species drawn.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously harvested a mountain goat, bighorn sheep, or moose in Washington are ineligible to apply for a special hunting season permit for that species. This lifetime harvest restriction does not apply to individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, or antlerless-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of the published notification deadline by the department. Failure to purchase forfeits the permit to an alternate applicant.

3. Wild turkey special hunting season permit applications

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. ~~(Early)~~ Fall wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in ~~((the early))~~ fall special hunting seasons.

~~((C. Late fall wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the late fall special hunting season.))~~

4. Special hunting season permit applications:

A. Maximum group sizes are determined for each category. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal. If the number of permits available in a hunt category is less than the maximum group size, then the maximum group size is equal to the number of permits.

- i. Maximum group size for deer is ~~((42))~~ 8.
- ii. Maximum group size for elk is ~~((42))~~ 8.
- iii. Maximum group size for bear is 2.
- iv. Maximum group size for cougar is 2.
- v. Maximum group size for mountain goat is 2.
- vi. Maximum group size for bighorn sheep is 2.
- vii. Maximum group size for ~~(early)~~ fall turkey is 4.
- viii. ~~((Maximum group size for late fall turkey is 4.))~~
- ~~(x))~~ ix. Maximum group size for multiple season deer is ~~((+))~~ 2.
- ~~((x+))~~ x. Maximum group size for multiple season elk is ~~((+))~~ 2.

B. An applicant may purchase only one application for a special hunting season permit for each category.

C. Permits will be drawn by computer selection using a weighted point selection system.

D. Incomplete applications will not be accepted.

E. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the department of fish and wildlife

Olympia headquarters before the opening day of the special hunting season or the opening day of the general hunting season, whichever comes first. The applicant's points will be restored to the level prior to the permit drawing.

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for persons of disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

B. Special hunting seasons for youth: Only persons who are eligible to lawfully purchase a youth hunting license are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older.

D. Special hunting seasons for master hunter program graduates: Only persons who hold a valid certificate from the Washington department of fish and wildlife's master hunter program are eligible to apply for special hunting season permits for master hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally hunting or killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

AMENDATORY SECTION (Amending Order 07-292, filed 12/13/07, effective 1/13/08)

WAC 232-28-294 Multiple season big game permits.

The commission may, by rule, offer permits for hunters to hunt deer or elk during more than one general season.

An annual drawing will be conducted by the department for multiple season permits.

(1) Multiple season big game hunting permit applications:

(a) To apply for multiple season big game hunting season permits for deer or elk, applicants must purchase a permit application.

(b) No refunds or exchanges for applications will be made for persons applying for multiple season big game hunting season permits after the drawing has been held.

(c) An applicant may purchase only one application for a multiple season big game hunting season permit for each species.

(d) Permits will be randomly drawn by computer selection.

- (e) Incomplete applications will not be accepted.
- (f) The department will establish application and drawing dates.
- (2) The bag limit for this permit is one deer or elk.
- (3) Multiple season permits:
 - (a) Hunters who are drawn will be required to purchase their original deer or elk license, corresponding to their permit, and the multiple season big game permit.
 - (b) Successful applicants (~~must purchase their multiple season permit within fifteen days of the drawing notification~~

- ~~date. If they have not purchased the multiple season permit by the deadline, the next person drawn will be offered the permit~~) will be allowed to purchase their permit on a first come, first served basis until the quota has been reached. Once the quota is reached, permit sales will be curtailed.
- (c) The permits are not transferable.
- (4) Permit holders are required to follow all rules and restrictions for general season hunters within the game management unit or area hunted.

Number of Permits	Dates	Game Management Units (GMUs)	Legal Animal	Eligible Hunters
Multiple Season Deer Permits				
(4500) <u>2000</u>	Sept. 1 - December 31 within established general seasons and regulations for deer by the commission	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal buck consistent with the game management unit or area restrictions	Any licensed deer hunter
50	Sept. 1 - December 31 within established general seasons and regulations for deer by the commission	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal buck consistent with the game management unit or area restrictions	Hunter education instructors, meeting qualifications and selection criteria established by the department
Multiple Season Elk Permits				
(500) <u>600</u>	Sept. 1 - December 31 within established general seasons and regulations for elk by the commission	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal bull consistent with the game management unit or area restrictions	Any licensed elk hunter
25	Sept. 1 - December 31 within established general seasons and regulations for elk by the commission	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal bull consistent with the game management unit or area restrictions	Hunter education instructors, meeting qualifications and selection criteria established by the department

AMENDATORY SECTION (Amending Order 08-78, filed 4/18/08, effective 5/19/08)

WAC 232-28-295 Landowner hunting permits. A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

Hunters must possess both an access permit from the landowner and a hunting permit from the department when hunting on lands and for species covered under contract.

(1) Buckrun

Buckrun is located in Grant County, near the town of Wilson Creek. ~~((A legal description of the property has been filed with the county and is in the contract between Buckrun and the department.))~~

Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in

the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out on hunt day. ~~((Schedule))~~ Hunts ~~((in advance))~~ will be scheduled on a first come basis by calling 509-345-2577 in advance.

Deer

~~((2008))~~ 2009 Buckrun Landowner Hunting Permits

The manager of Buckrun will distribute these hunting permits. An access fee may be charged in order to utilize these permits. No access fee will be charged for the raffle permit winners. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun properties. Contact the manager at 509-345-2577 for additional information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any Whitetail Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	((Sept. 1)) Oct. 26 - Dec. 31	Any deer	Buckrun

Deer

((2008)) 2009 Buckrun Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits. Only hunters possessing a modern firearm deer tag are eligible for Buckrun special permits. All hunters must check in and out (~~on hunt day~~). Schedule hunts in advance by calling 509-345-2577.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tail Deer	Buckrun

(2) ((4-O Cattle Company

The 4-O Cattle Company is located in southwest Asotin County near the Washington/Oregon border. A legal description of the property is in the contract between the 4-O Cattle Company and the department.

2008 4-O Cattle Company Landowner Hunting Permits

The manager of the 4-O Cattle Company will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	2	Sept. 22-25	Any Bull	4-O Cattle Company
4-O Cattle Company	6	Oct. 25-28	Spike Bull Only	4-O Cattle Company
4-O Cattle Company - A	12	Oct. 1-4	Antlerless Only	4-O Cattle Company
4-O Cattle Company - B	6	Nov. 22-28	Antlerless Only	4-O Cattle Company
4-O Cattle Company - C	6	Dec. 27 - Jan. 2	Antlerless Only	4-O Cattle Company

Whitetail Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	1	Nov. 13-17	White-tailed Deer, 3 pt. min.	4-O Cattle Company

Mule Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	6	Oct. 11-14	Mule Deer 3 pt. min.	4-O Cattle Company

2008 4-O Cattle Company Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
4-O Any Bull Elk	1	Sept. 26-30	Any Bull	4-O Cattle Company
4-O Spike Bull Elk	2	Oct. 29 - Nov. 2	Spike Bull Only	4-O Cattle Company
4-O Antlerless Elk A	6	Oct. 5-9	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk B	5	Nov. 29 - Dec. 5	Antlerless Only	4-O Cattle Company

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
4-O Antlerless Elk C	3	Dec. 6-12	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk D	3	Dec. 13-19	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk E	3	Dec. 20-26	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk F	3	Jan. 3-9	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk G	5	Jan. 10-16	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk H	3	Jan. 17-23	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk I	5	Jan. 24-31	Antlerless Only	4-O Cattle Company

Whitetail Deer

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
4-O White-tailed Buck	1	Nov. 18-23	White-tailed Deer 3 pt. min.	4-O Cattle Company

Mule Deer

Hunt Name	Permit Number	Access Season	Special Restrictions	Boundary Description
4-O Mule Deer Buck	2	Oct. 15-19	Mule Deer 3 pt. min.	4-O Cattle Company

(3)) Silver Dollar Association

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. A legal description of the property is in the contract between the Silver Dollar Association and the department.

((2008)) 2009-10 Silver Dollar Association Landowner Hunting Permits

The manager of the Silver Dollar Association will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	24	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

((2008)) 2009-10 Silver Dollar Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	8	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	6	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

~~((4))~~ (3) **Blackrock Ranches**

Blackrock Ranches is located in Yakima County, west of the Hanford Reservation. A legal description of the property is in the contract between Blackrock Ranches and the department.

~~((2008))~~ **2009-10 Blackrock Ranches Landowner Hunting Permits**

The manager of Blackrock Ranches will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	6	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	6	Aug. 1 - March 31	Antlerless	Blackrock Ranches

~~((2008))~~ **2009-10 Blackrock Ranches Special Hunting Permits**

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	3	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	3	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

~~((5))~~ (4) **Teaway Ranch**

The Teaway Ranch is located in Kittitas County, 7 miles west of Cle Elum. A legal description of the property is in the contract between the Teaway Ranch and the department.

~~((2008))~~ **2009-10 Teaway Landowner Hunting Permits**

The manager of the Teaway Ranch will distribute this hunting permit. An access fee may be charged in order to utilize this permit.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Teaway Ranch	1	((Nov. 29)) Oct. 1 - Jan. 31	Any Bull	Teaway Ranch

~~((2008))~~ **2009-10 Teaway Special Hunting Permits**

Hunters apply to the Washington department of fish and wildlife for this permit.

ELK

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Teaway Ranch	1	((Nov. 29)) Oct. 1 - Jan. 31	Any Bull	Teaway Ranch

(5) **Pine Mountain Ranch**

The Pine Mountain Ranch is located in Yakima County, 14 miles west of Yakima. A legal description of the property is in the contract between the Pine Mountain Ranch and the department.

2009 Pine Mountain Ranch Landowner Hunting Permits

The manager of the Pine Mountain Ranch will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Deer

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>Pine Mountain Ranch</u>	<u>2</u>	<u>Nov. 2 - Dec. 31</u>	<u>Any Buck</u>	<u>Pine Mountain Ranch</u>

Elk

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>Pine Mountain Ranch</u>	<u>1</u>	<u>Nov. 2 - Dec. 31</u>	<u>Any Bull</u>	<u>Pine Mountain Ranch</u>

2009 Pine Mountain Ranch Special Hunting Permits

Hunters apply to Washington department of fish and wildlife for these permits.

Deer

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>Pine Mountain Ranch</u>	<u>2</u>	<u>Nov. 2 - Dec. 31</u>	<u>Youth Only, Any Buck</u>	<u>Pine Mountain Ranch</u>

Elk

<u>Hunt Name</u>	<u>Quota</u>	<u>Access Season</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>
<u>Pine Mountain Ranch</u>	<u>1</u>	<u>Nov. 2 - Dec. 31</u>	<u>Any Bull</u>	<u>Pine Mountain Ranch</u>

AMENDATORY SECTION (Amending Order 06-92, filed 5/8/06, effective 6/8/06)

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

GMU 328-NANEUM (Kittitas and Chelan counties):

Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewett Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to Blewett Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties):

Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town

of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colockum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colockum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County):

Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County):

Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umptanum Rd; S up Umptanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE

on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

GMU 335-TEANAWAY (Kittitas County):

Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewett Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

GMU 336-TANEUM (Kittitas County):

Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County):

Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service Trail 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties):

Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellens-

burg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties):

Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County):

Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

GMU 356-BUMPING (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County):

Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile

Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

GMU 364-RIMROCK (Yakima County):

Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

GMU 368-COWICHE (Yakima County):

Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; SW up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; N along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties):

Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vanderbuilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

GMU 372 RATTLESNAKE HILLS (Benton and Yakima counties):

Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Grant-Benton

county line then the Benton-Franklin county line, along the Columbia River, to the mouth of the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning.

GMU 373-HORSE HEAVEN (Benton and Yakima counties):

Beginning at the mouth of the Yakima River and Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; E along the Yakima River the point of beginning.

GMU 379-Ringold (Franklin, Grant, and Adams counties):

Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River (Grant-Benton county line); N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; S on SR 17 to US 395; S on US 395 through Pasco (via westbound I-182) to the US 395 Blue Bridge and the Franklin-Benton county line in the Columbia River; W and N along the Columbia River (Benton-Franklin county line) to the Vernita Bridge and the point of beginning.

GMU 381-Kahlotus (Franklin and Adams counties):

Beginning at the junction of SR 17 and SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to the US 395 Blue Bridge; N on US 395 through Pasco (via eastbound I-182) to SR 17; N on SR 17 to the SR 26 junction and the point of beginning.

GMU 382-EAST KLICKITAT (Klickitat County):

Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road

to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

GMU 388-GRAYBACK (Klickitat County):

Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); ~~NW and N up the Klickitat River to the ((Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; N on Lakeside Rd to Glenwood-Goldendale Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; NE on Summit Creek Rd to the))~~ Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and the point of beginning.

AMENDATORY SECTION (Amending Order 07-62, filed 5/3/07, effective 6/3/07)

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):

Beginning at the intersection of I-5 and SR 6; west on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser 7000 line; W and N on Weyerhaeuser 7000 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 7050 line; NE on Weyerhaeuser 7050 line to Weyerhaeuser 7000 line; NW and N on Weyerhaeuser 7000 line to the Weyerhaeuser 7800 line; N on Weyerhaeuser 7800 line to Weyerhaeuser 7800 F line; NE on Weyerhaeuser 7800 F line to Weyerhaeuser 720 line; E on Weyerhaeuser 720 line to Weyerhaeuser 723 line; NW on Weyerhaeuser 723 line to the Weyerhaeuser C line; NE on Weyerhaeuser C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy 12 at the town of Oakville; E on US Hwy 12 to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):

Beginning at the intersection of US Hwy 12 and the Rainier Timber 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US Hwy 12 to SR 131; S on SR 131 to US Forest Service Rd 25; S on the US Forest Service Rd 25 to the Cispus River; W on the Cispus River to Rainier Timber 271 line; S on the Rainier Timber 271 line to the Rainier Timber 300 line; W on the Rainier Timber 300 line to the Rainier Timber

100 line; N on the Rainier Timber 100 line (Kosmos Rd) to US Hwy 12 and the point of beginning.

GMU 504-STELLA (Cowlitz County):

Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to SR 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper 1000 line; N on International Paper 1000 line to International Paper 1050 line; E on International Paper 1050 line to International Paper 2200 line; E and S on International Paper 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser 9312 line; E on Weyerhaeuser 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Highway 10 Rd; E along the Public Highway 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):

Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Mainline; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to ((SR 7 at the town of Morton; N on SR 7)) Davis Lake Rd; N and W on Davis Lake Rd to Main St at town of Morton; W on Main St to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):

Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyer-

haeuser 5800 line; NE on Weyerhaeuser 5800 line to power transmission line; (Section 21, T11N, R8W); E, NE, and then N on the power transmission line to the Trap Creek A Line; E and N on the Trap Creek A Line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to (~~US Hwy 12 at the town of Morton~~) Main St at town of Morton; E on Main St to Davis Lake Rd; E on Davis Lake Rd to US Hwy 12; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):

Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; W and N on US Forest Service Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the Pacific Crest Trail (US Forest Service Trail 2000); S along the Pacific Crest Trail (US Forest Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):

Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):

Beginning at the bridge at intersection of I-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the

Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser 4400 line; N along Weyerhaeuser 4400 line to Weyerhaeuser 2421 line; N along Weyerhaeuser 2421 line to Weyerhaeuser 2400 line; NW along Weyerhaeuser 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service Rd 2612; E on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; W on Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to Rainier Timber 400 Mainline; N and E on Rainier Timber 400 Mainline to Rainier Timber 100 Mainline; N on Rainier Timber 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy 12; SW on US Hwy 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):

Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Trail 214; NW on US Forest Service Trail 214 to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the SR 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet

stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service Trail 211; NE on US Forest Service Trail 211 to US Forest Service Trail 214; SE on US Forest Service Trail 214 to US Forest Service Trail 1; E on US Forest Service Trail 1 to US Forest Service Rd 26; N on the US Forest Service Rd 26 (Ryan Lake Rd) to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on International Paper Rd 1000 to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 243 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420

line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on the electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser

2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 243 line; E on Weyerhaeuser 243 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Cowlitz, Skamania, Klickitat, Yakima and Lewis counties):

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; S and W on US Forest Service Rd 99 to US Forest Service Trail 225 (Smith Creek Trail); S on US Forest Service Trail 225 to Ape Canyon Creek; S and W up Ape Canyon Creek to Mount St.

Helens crater's eastern edge; W along Mount St. Helens crater's southern edge to headwaters of S Fork Toutle River; W along S Fork Toutle River to Weyerhaeuser 5660 line; S along Weyerhaeuser 5660 line to Weyerhaeuser 5670 line; S and W on Weyerhaeuser 5670 line to Weyerhaeuser 5500 line; S and W on Weyerhaeuser 5500 line to Weyerhaeuser 7400 line; S and E on Weyerhaeuser 7400 line to Weyerhaeuser 7200 line; S and E on Weyerhaeuser 7200 line to US Forest Service Rd 81; S on US Forest Service Rd 81 to State Route 503; N and E on State Route 503 to Dog Creek; S down Dog Creek to the N shore of Yale Reservoir; E along N shore of Yale Reservoir to N Fork Lewis River; E up the Lewis River to Swift Dam and Swift Reservoir; E along the N shore of Swift Reservoir to N Fork Lewis River; E up N Fork Lewis River to US Forest Service Rd 90 Bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Section 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd; W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd

Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E. Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd ~~((to SR 140; SE on SR 140 to Cape Horn Rd))~~; S on Washougal River Rd to Canyon Creek Rd; SE on Canyon Creek Rd to Salmon Falls Rd; S on Salmon Falls Rd to SR 14; E on SR 14 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset Falls; E on US Forest Service Rd 41 to ~~((US Forest Service Rd 406 at Little Lookout Mountain; SE on US Forest Service Rd 406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek))~~ Hemlock Rd; E on Hemlock Rd to the Hemlock Rd bridge over the Wind River; SE down the Wind River to the Columbia River ((at the town of Stevenson)); W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and ~~((Rock Creek))~~ and the Wind River); N on Cape Horn Rd to SR ~~((140; W on SR 140))~~ 14; W on SR 14 to Salmon Falls Rd; N on Salmon Falls Rd to Canyon Creek Rd; NW on Canyon Creek Rd to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E. 312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E. Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave

to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E. Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service Rd 90 at the Eagle Cliff bridge; E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 to US Forest Service Rd 30 (Wind River Rd); N on US Forest Service Rd 30 to US Forest Service Rd 24 (Twin Butte Rd); S on US Forest Service Rd 24 to US Forest Service Rd 60 (Carson Guler Rd); SW on US Forest Service Rd 60 to US Forest Service Rd 65; SW on US Forest Service Rd 65 to the US Forest Service Rd 6517 (Warren Gap Rd); W on US Forest Service Rd 6517 to the Wind River Rd; ~~((NW))~~ S on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to US Forest Service Rd 41 (Sunset-Hemlock Rd); W on the US Forest Service Rd 41 to US Forest Service Road 42 (Green Fork Rd) at Sunset Falls; NE on US Forest Service Rd 42 to US Forest Service Rd 4205 (Gumboat Rd); N on US Forest Service Rd 4205 to US Forest Service Rd 53; NW on US Forest Service Rd 53 to US Forest Service Rd 54 (N.E. Healy Rd); W on US Forest Service Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):

Beginning at ~~((SR 141 and US Forest Rd 86, SW of))~~ the town of Trout Lake; S on ~~((US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little))~~ SR 141 to the SR 141 bridge over the White Salmon River at Husum; S on the White Salmon River to the Columbia River; W down the Columbia River to the mouth of ~~((Rock Creek))~~ the Wind River (including all islands in the

Columbia River that are both north of the Washington state line and between the ((Little)) White Salmon River and ((Rock Creek)) the Wind River); NW ((along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to)) up the Wind River to the Hemlock Rd bridge over the Wind River; E on Hemlock Rd to the Wind River Rd; N on the Wind River Rd to the US Forest Service Rd 6517 (Warren Gap Rd); E on the US Forest Service Rd 6517 to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE((, E and SE)) on SR 141 to ((US Forest Service Rd 86, SW of)) the town of Trout Lake, and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat(☺) and Yakima(☺and Skamania) counties):

Beginning at the mouth of the ((Little)) White Salmon River on the Columbia River; N up the ((Little)) White Salmon River to ((Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on)) the SR 141 bridge over the White Salmon River at Husum; N on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to ((Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing)) the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the ((Little)) White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the ((Little)) White Salmon River).

AMENDATORY SECTION (Amending Order 05-271, filed 1/3/06, effective 2/3/06)

WAC 232-28-336 Game management units (GMUs) boundary descriptions—Region six.

GMU 601-HOKO (Clallam County):

Beginning on the Makah Indian reservation boundary and the Strait of Juan de Fuca; SE along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River; S along the Hoko River to SR 112; SE on SR 112 to the Hoko-Ozette Rd; SW on the Hoko-Ozette Rd to the Olympic National Park boundary near Ozette; N along the Olympic National Park boundary to the Makah Indian reservation boundary; E and N along the Makah Indian reservation boundary to the Strait of Juan de Fuca and the point of beginning.

GMU 602-DICKEY (Clallam County):

Beginning at the mouth of the Hoko River and the Strait of Juan de Fuca; SE along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River; S along the Clallam River to SR 112; S on SR 112 to the Burnt Mountain Rd (SR 113); S on the Burnt Mountain Rd (SR 113) to US Hwy 101 at the town of Sappho; SW on US Hwy 101 to the LaPush Rd; SW on the LaPush Rd to the Olympic National Park boundary; N along the Olympic National Park boundary to the Hoko-Ozette Rd; NE on the Hoko-Ozette Rd to SR 112; NW on SR 112 to the Hoko River; NW on the Hoko River to its mouth on the Strait of Juan De Fuca and the point of beginning.

GMU 603-PYSHT (Clallam County):

Beginning at the mouth of the Clallam River on Strait of Juan de Fuca; E along the shore of the Strait of Juan de Fuca to the mouth of the Elwha River; S along the Elwha River to the Olympic National Park boundary; W along the Olympic National Park boundary to one mile west of Lake Crescent; S on the Olympic National Park boundary to US Hwy 101; W on US Hwy 101 to the Burnt Mountain Rd (SR 113); N on the Burnt Mountain Rd (SR 113) to SR 112; N on SR 112 to the Clallam River; N along the Clallam River to its mouth and the point of beginning.

GMU 607-SOL DUC (Clallam County):

Beginning at US Hwy 101 at the town of Sappho; E on US Hwy 101 to the Olympic National Park boundary; S and W along the Olympic National Park boundary to the Bogachiel River; W along the Bogachiel River to US Hwy 101; N on US Hwy 101, through the town of Forks, to the town of Sappho and the point of beginning.

GMU 612-GOODMAN (Jefferson and Clallam counties):

Beginning approximately two miles east of the town of LaPush on the Olympic National Park boundary and LaPush Rd intersection; NE on LaPush Rd to US Hwy 101 at the town of Forks; S on US Hwy 101, across the Hoh River, and west to Olympic National Park Boundary; N on the Olympic National Park boundary to LaPush Rd and the point of beginning.

GMU 615-CLEARWATER (Jefferson County):

Beginning on US Hwy 101 and the Bogachiel River; E along the Bogachiel River to the Olympic National Park boundary; SE and W on the Olympic National Park boundary to the

Quinault Indian reservation boundary; W on the Quinault Indian reservation boundary to the Olympic National Park boundary; N along the Olympic National Park boundary to US Hwy 101; E, N, and W on US Hwy 101 to the Bogachiel River and the point of beginning.

GMU 618-MATHENY (Jefferson and Grays Harbor counties):

Beginning at the boundary junction of Olympic National Park and the Quinault Indian reservation, east of the Queets River Rd; N, E, S, and W along the Olympic National Park boundary to the park and Quinault Indian reservation boundary junction north of Lake Quinault; NW along the Quinault Indian reservation boundary to its junction with the boundary of Olympic National Park, east of the Queets River Rd, and the point of beginning, including the Olympic National Forest land and private land one mile west of Lake Quinault and bounded by the Olympic National Park and the Quinault Indian reservation.

GMU 621-OLYMPIC (Jefferson, Clallam and Mason counties):

Beginning at the Olympic National Park boundary and the Elwha River; N along the Elwha River to US Hwy 101; E on US Hwy 101, through Port Angeles and Sequim, to the Chimacum Center Rd at the town of Quilcene; N on the Chimacum Center Rd to the East Quilcene Rd; E on the East Quilcene Rd to Quilcene Bay; S along the shore of Quilcene Bay to Dabob Bay; S along the shore of Dabob Bay to Hood Canal; SW along the shore of Hood Canal to Finch Creek; upstream on Finch Creek to US Hwy 101; S on US Hwy 101 to SR 119; W on SR 119 to Standstill Dr (Power Dam Rd); W on Standstill Dr (Power Dam Rd) to Upper Cushman Dam and the shore of Lake Cushman; NW on the west shore of Lake Cushman to the North Fork Skokomish River; N along the North Fork Skokomish River to the Olympic National Park boundary; N and W on the Olympic National Park boundary to the Elwha River and the point of beginning.

GMU 624-COYLE (Clallam and Jefferson counties):

Beginning at the mouth of the Elwha River and the Strait of Juan de Fuca; north from the mouth of the Elwha River to the Clallam county line in the Strait of Juan De Fuca; NE on the Clallam county line to Clallam-San Juan county line; NE on the Clallam-San Juan county line to the Jefferson-San Juan county line; NE on the Jefferson-San Juan county line to the Jefferson-Island county line; S then SE on the Jefferson-Island county line to the Kitsap-Island county line; SE on the Kitsap-Island county line to a point due east of Point No Point; W from the Kitsap-Island county line to Point No Point; NW, S, N, and SW along the coast of the Kitsap peninsula to Cougar Spit; W from Cougar Spit to Finch Creek at the town of Hoodsport; NE along the east shore of Hood Canal to Dabob Bay; N along the shore of Dabob Bay and Quilcene Bay to East Quilcene Rd; W on East Quilcene Rd to the Chimacum Center Rd; S on Chimacum Center Rd to US Hwy 101; N and W on US Hwy 101 through Sequim and Port Angeles to the Elwha River; N down the Elwha River to its mouth and the Strait of Juan de Fuca and the point of beginning.

GMU 627-KITSAP (Kitsap, Mason, and Pierce counties):

Beginning at the Hood Canal Bridge; E, S, N, and SE along the shore of the Kitsap peninsula to Point No Point; due E from Point No Point to Kitsap-Island county line in the Puget Sound; S along the Kitsap-Island county line to the Kitsap-Snohomish county line; S along the Kitsap-Snohomish county line to Kitsap-King county line; S along the Kitsap-King county line to the King-Pierce county line; S on the King-Pierce county line to the outlet of the Tacoma Narrows; S through the Tacoma Narrows, past Fox Island (which is included in this GMU), to Carr Inlet; NW up Carr Inlet around McNeil and Gertrude Islands (which are excluded from this GMU), to Pitt Passage; SW through Pitt Passage and Drayton Passage to the Pierce-Thurston county line in the Nisqually Reach; NW along the Pierce-Thurston county line to the Pierce-Mason county line; NW on the Pierce-Mason county line in the Nisqually Reach to North Bay; along the east shore of North Bay to SR 3 at the town of Allyn; N on SR 3 to the Old Belfair Hwy at the town of Belfair; N on the Old Belfair Hwy to the Bear Creek-Dewatto Rd; W on the Bear Creek-Dewatto Rd to the Dewatto Rd West; N along the Dewatto Rd to its intersection with the Albert Pfundt Rd; N on the Albert Pfundt Rd to Anderson Creek; E down Anderson Creek to the east shore of the Hood Canal; N from Anderson Creek along the east shore of Hood Canal to the Hood Canal bridge and the point of beginning.

GMU 633-MASON (Mason and Kitsap counties):

Beginning at the mouth of Anderson Creek on the eastern shore of Hood Canal; W along Anderson Creek to Albert Pfundt Rd; S on the Albert Pfundt Rd to West Dewatto Rd; S on West Dewatto Rd to Bear Creek-Dewatto Rd; E along Bear Creek-Dewatto Rd to Old Belfair Hwy; S on Old Belfair Hwy to SR 3 at the town of Belfair; S on SR 3 to North Bay at the town of Allyn; N along the west shore of North Bay; S along the east shore of North Bay to Pierce-Mason county line at Case Inlet; SE along the Pierce-Mason county line through Case Inlet to the Mason-Thurston county line; W along the Mason-Thurston county line through Dana Passage, Squaxin Passage, and Totten Inlet to US Hwy 101 at Oyster Bay; N on US Hwy 101 Finch Creek at the town of Hoodsport; E from Finch Creek across Hood Canal to Cougar Spit on the east shore of the Hood Canal; N from Cougar Spit along the east shore of Hood Canal to the mouth of Anderson Creek and the point of beginning.

GMU 636-SKOKOMISH (Grays Harbor and Mason counties):

Beginning on the Olympic Park boundary and the North Fork Skokomish River; S along the North Fork Skokomish River to Lake Cushman; SE along the west shore of Lake Cushman to Standstill Dr (Power Dam Rd) at the Upper Cushman Dam; E on the Standstill Dr to SR 119; SE on Lake Cushman Rd to US Hwy 101 at the town of Hoodsport; S on US Hwy 101 to the Shelton-Matlock Rd at the town of Shelton; W on the Shelton-Matlock Rd to the Matlock-Brady Rd; S on the Matlock-Brady Rd to Deckerville Rd south of the town of Matlock; W on Deckerville Rd to Boundary Rd (Middle Satsop Rd); W and S on Boundary Rd (Middle Satsop Rd) to Kelly Rd; N on Kelly Rd to US Forest Service Rd 2368 (Simpson Timber 500 line); N on US Forest Service Rd 2368

(Simpson Timber 500 line) to US Forest Service Rd 2260 (Simpson Timber 600 line); W on US Forest Service Rd 2260 (Simpson Timber 600 line) to Wynoochee Rd (US Forest Service Rd 22); NW and W on US Forest Service Rd 22 (Wynoochee Rd) to US Forest Service Rd 2294, 1/4 mile east of Big Creek; NW on US Forest Service Rd 2294 which parallels Big Creek, to junction with US Forest Service Rd 2281; W on US Forest Service Rd 2281, to the watershed divide between the Humptulips River watershed and the Wynoochee River watershed; N on the ridge between the Humptulips River watershed and Wynoochee River watershed to Olympic National Park boundary; E along the Olympic National Park boundary to the north fork of the Skokomish River and the point of beginning.

GMU 638-QUINAULT RIDGE (Grays Harbor and Jefferson counties):

Beginning on the Olympic National Park boundary and the Quinault Indian reservation boundary at the northwest corner of Lake Quinault; NE along the west shore of Lake Quinault to the Quinault River; NE on the Olympic National Park boundary, along the Quinault River, to the Olympic National Park boundary west of Bunch Creek; S and NE on the Olympic National Park boundary to the ridge between the Wynoochee River watershed and Humptulips River watershed; S along the ridge between the Humptulips River watershed and the Wynoochee River watershed to its intersection with US Forest Service Rd 2281; E along US Forest Service Rd 2281 to US Forest Service Rd 2294; SE on US Forest Service Rd 2294, paralleling Big Creek, to US Forest Service Rd 22 (Donkey Creek Rd); W on the US Forest Service Rd 22 (Donkey Creek Rd) to US Hwy 101; N on US Hwy 101 to the Quinault Indian reservation boundary; NE on the reservation boundary to Lake Quinault; NW along the south shore of Lake Quinault to the Olympic National Park boundary and the point of beginning.

GMU 642-COPALIS (Grays Harbor County):

Beginning at the Quinault Indian reservation and US Hwy 101 south of Lake Quinault; S on US Hwy 101 to the Hoquiam River in the city of Hoquiam; S along the Hoquiam River to the north shore of Grays Harbor; W along the north shore of Grays Harbor to the Pacific Ocean; N along the shore of the Pacific Ocean to the Quinault Indian reservation boundary; E and NE along the Quinault Indian reservation to US Hwy 101 south of Lake Quinault and the point of beginning.

GMU 648-WYNOOCHEE (Grays Harbor County):

Beginning at the junction of US Hwy 101 and the Donkey Creek Rd; NE along the Donkey Creek Rd (US Forest Service Rd 22) to its junction with the Donkey Creek-Grisdale Rd; continuing E on this road (US Forest Service Rd 22) to Camp Grisdale (south of Wynoochee Lake); S along the Wynoochee Rd (US Forest Service Rd 22) to US Forest Service Rd 2260 (Simpson Timber 600 line); E on US Forest Service Rd 2260 (Simpson Timber 600 line) to US Forest Service Rd 2368 (Simpson Timber 500 line); S on US Forest Service Rd 2368 (Simpson Timber 500 line) to Kelly Rd; S on Kelly Rd to Boundary Rd (Middle Satsop Rd); S on Boundary Rd (Middle Satsop Rd) to Cougar Smith Rd; W on Cougar Smith Rd to the west fork of the Satsop River; S

down the west fork Satsop River to the Satsop River; S down the Satsop River to US Hwy 12; W along US Hwy 12 to its junction with US Hwy 101 in the town of Aberdeen; SE along US Hwy 101 to the north shore of the Chehalis River; W along the north shore of the Chehalis River to the north shore of Grays Harbor; W along the north shore of Grays Harbor to the mouth of the Hoquiam River; N up the Hoquiam River to US Hwy 101; W and N along US Hwy 101 to its junction with the Donkey Creek Rd (US Forest Service Rd 22) and the point of beginning. INCLUDES Rennie Island.

GMU 651-SATSOP (Grays Harbor, Mason and Thurston counties):

Beginning at the US Hwy 12 bridge on the Satsop River; N up the Satsop River to its junction with the west fork of the Satsop River; N up the west fork of the Satsop River to Cougar Smith Rd; E on Cougar Smith Rd to Boundary Rd (Middle Satsop Rd); N and E on Boundary Rd (Middle Satsop Rd) to Deckerville Rd; E on Deckerville Rd to Matlock-Brady Rd; N on Matlock-Brady Rd to the town of Matlock; E on Shelton-Matlock Rd to its junction with US Hwy 101 west of the town of Shelton; S on US Hwy 101 to its junction with SR 8; W on SR 8 to its junction with US Hwy 12; W along US Hwy 12 to bridge over the Satsop River and the point of beginning.

GMU 652-PUYALLUP (Pierce and King counties):

Beginning at Redondo Junction on the shore of Puget Sound and Redondo Way South; SE on Redondo Way South to SR 509; E on SR 509 to Pacific Hwy South (Old Hwy 99) (SR 99); S on Pacific Hwy South to SR 18 at the city of Auburn; E on SR 18 to SR 164; SE on SR 164 to SR 410 (Chinook Pass Hwy) at the town of Enumclaw; E on SR 410 to the second set of power transmission lines near the Mud Mountain Dam Rd; SW on the power transmission lines to the White River; NW along the White River to the Kapowsin Tree Farm ownership line (along west line of Section 6, T19N, R7E); W and S along the Kapowsin Tree Farm ownership line to South Prairie Creek (Section 14, T19N, R6E); S up South Prairie Creek to the first intersection with a power transmission line; SW on this power transmission line to Orville Rd East at the Puyallup River; S on Orville Rd East to SR 161; S on SR 161 to the Mashel River; down the Mashel River to the Nisqually River (Pierce-Thurston county line); NW along the Nisqually River, which is the Pierce-Thurston county line, to the Nisqually Reach in the Puget Sound; NW along the Thurston-Pierce county line in the Nisqually Reach to a point on the Thurston-Pierce county line southeast of Drayton Passage Channel; NE through Drayton Passage and Pitt Passage to Carr Inlet; E and S around McNeil Island to a point southwest of the Tacoma Narrows (including McNeil, Gertrude, Anderson and Ketron Islands); NE through the Tacoma Narrows to a point on the Pierce-King county line northeast of the main channel of the Tacoma Narrows; E on the Pierce-King county line to the point where the county line turns southeast, northwest of Dash Point; E to Redondo Junction on the eastern shore of the Puget Sound and the point of beginning.

GMU 653-WHITE RIVER (King and Pierce counties):

Beginning at the lookout station at Grass Mountain mainline (US Forest Service Rd 7110) and the city of Tacoma Green River Watershed boundary; E on the Green River Watershed

boundary to US Forest Service Rd 7032; E along US Forest Service Rd 7032 to US Forest Service Rd 7030; SE along US Forest Service Rd 7030 to Forest Service Rd 7036; SE along US Forest Service Rd 7036 to US Forest Service Rd 7038; SE on US Forest Service Rd 7038 to US Forest Service Trail 2000 (Pacific Crest Trail) at its closest point to US Forest Service Rd 7038 near Windy Gap north of Pyramid Peak; S on the (US Forest Service Trail 2000) Pacific Crest Trail to the Mount Rainier National Park boundary at Chinook Pass; N and W on the Mount Rainier National Park boundary to the Carbon River; NW down the Carbon River to the power transmission line; NE along the power transmission line to South Prairie Creek; N along South Prairie Creek to intersection with Kapowsin Tree Farm ownership line (Section 14, T19N, R6E); E and N along Kapowsin Tree Farm ownership line to the White River (along west line of Section 6, T19N, R7E); SE along the White River to the power transmission lines on the north side of the White River near Mud Mountain Dam Rd; NE on the power transmission lines to SR 410; E on SR 410 to US Forest Service Rd 7110; N on US Forest Service Rd 7110 to the city of Tacoma Green River Watershed and the point of beginning.

GMU 654-MASHEL (Pierce County):

Beginning at the power transmission line at the Puyallup River Bridge on Orville Rd East; NE on the power transmission line to the Carbon River; SE along the Carbon River to the west boundary of Mt. Rainier National Park; S on the Mt. Rainier National Park boundary to the Nisqually River; W down the Nisqually River to the mouth of the Mashel River; N up the Mashel River to the SR 161 bridge (Eatonville-LaGrande Rd); N on SR 161 through Eatonville to Orville Rd East (Kapowsin-Eatonville Rd); N on Orville Rd East to the Puyallup River bridge and the point of beginning.

GMU 658-NORTH RIVER (Grays Harbor and Pacific counties):

Beginning at the Pacific Ocean and the south shore of Grays Harbor at the Westport Jetty; E along the south shore of Grays Harbor to the mouth of the Chehalis River at the town of Aberdeen; E up the Chehalis River to the US Hwy 101 bridge and US Hwy 101; S on US Hwy 101 to the Willapa River at the town of Raymond; W down the Willapa River to Willapa Bay; W along the north shore of Willapa Bay to the Pacific Ocean; N along the Pacific Ocean to the south shore of Grays Harbor at the Westport Jetty and the point of beginning.

GMU 660-MINOT PEAK (Grays Harbor and Pacific counties):

Beginning at the intersection of US Hwy 12 and US Hwy 101 at the town of Aberdeen; E and S on US Hwy 12 to North State St at the town of Oakville; S on North State St to South Bank Rd; W on South Bank Rd to Garrard Creek Rd; SW on Garrard Creek Rd to Oakville-Brooklyn Rd; W on Oakville-Brooklyn Rd to North River Valley Rd; W on North River Valley Rd to Smith Creek Rd; W on Smith Creek Rd to US Hwy 101; N on US Hwy 101 to US Hwy 12 at the town of Aberdeen and the point of beginning.

GMU 663-CAPITOL PEAK (Grays Harbor and Thurston counties):

Beginning at US Hwy 12 and SR 8 at the town of Elma; E on SR 8 to US Hwy 101; E on US Hwy 101 to Delphi Rd SW; S on Delphi Rd SW to 110th Ave SW; E on 110th Ave SW to Littlerock Rd; S on Littlerock Rd to US Hwy 12; NW on US Hwy 12 to SR 8 at the town of Elma and the point of beginning.

GMU 666-DESCHUTES (Thurston County):

Beginning on US Hwy 101 at the Mason-Thurston county line southeast of Oyster Bay; NE on the Mason-Thurston county line, through Totten Inlet, Squaxin Passage and Dana Passage, to the Pierce-Thurston county line in the Nisqually Reach; SE through the Nisqually Reach along the Pierce-Thurston county line to the mouth of the Nisqually River; SE on the Nisqually River to SR 507; SW on SR 507 to Old Hwy 99 SE (SR 99) at the town of Tenino; SW on Old Hwy 99 SE (SR 99) to I-5; W on SR 12 to Littlerock Rd; N on the Littlerock Rd to 110th Ave SW; W on 110th Ave SW to Delphi Rd SW; N on Delphi Rd SW to US Hwy 101; NW on US Hwy 101 to the Mason-Thurston county line southeast of Oyster Bay and the point of beginning.

GMU 667-SKOOKUMCHUCK (Thurston and Lewis counties):

Beginning at the SR 507 bridge on the Nisqually River; SE up the Nisqually River (Pierce-Thurston county line) SR 7 bridge at the town of Elbe on Alder Lake; S on SR 7 to SR 508 at the town of Morton; W on SR 508 to the Centralia-Alpha Rd; W and N on the Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; N on I-5 to Old Hwy 99 SE (SR 99); NE on Old Hwy 99 SE (SR 99) to SR 507; NE on SR 507 to the Nisqually River bridge and the point of beginning.

GMU 672-FALL RIVER (Pacific, Lewis and Grays Harbor counties):

Beginning at the intersection of US Hwy 101 and SR 6 at the town of Raymond; N on US Hwy 101 to Smith Creek Rd; NE on Smith Creek Rd to North River Valley Rd; E on North River Valley Rd to Oakville-Brooklyn Rd; E on the Oakville-Brooklyn Rd to Garrard Creek Rd; S on Garrard Creek Rd to Weyerhaeuser C line at mile post 5; W on the Weyerhaeuser C line to Weyerhaeuser 723 line; S on the Weyerhaeuser 723 line to the Weyerhaeuser 720 line; W on the Weyerhaeuser 720 line to Weyerhaeuser 7800 F line; S on Weyerhaeuser 7800 F line to Weyerhaeuser 7800 line; S and SE on Weyerhaeuser 7800 line to Weyerhaeuser 7000 line; SW on Weyerhaeuser 7000 line to Weyerhaeuser 7050 line; S on Weyerhaeuser 7050 line to Weyerhaeuser 7400 line; S and E on Weyerhaeuser 7400 line to Weyerhaeuser 7000 line; E on the Weyerhaeuser 7000 line to Elk Creek Rd; E on Elk Creek Rd to Stevens Rd at the town of Doty; E on Stevens Rd to SR 6; S, W and NW on SR 6 to US Hwy 101 at the town of Raymond and the point of beginning.

GMU 673-WILLIAMS CREEK (Pacific County):

Beginning at US Hwy 101 bridge crossing the Willapa River at the town of Raymond; S on US Hwy 101 to SR 6; SE on

SR 6 to the Trap Creek A line; S and W on the Trap Creek A line to power transmission lines; S ~~((and))~~, SW and then W on the power transmission lines to Weyerhaeuser 5800 line (Section ~~((22))~~ 21, T11N, R8W); SW along the Weyerhaeuser 5800 line to Weyerhaeuser 5000 line (Deep River main line); SW on the Weyerhaeuser 5000 line (Deep River main line) to the Salmon Creek Rd; SW along the Salmon Creek Rd to SR 4; W on SR 4 to US Hwy 101 at Johnson's Landing; W on US Hwy 101 to the Naselle River bridge; W down the Naselle River to Willapa Bay; N along the east shore of Willapa Bay to the Willapa River; SE and NE up the Willapa River to the US Hwy 101 bridge and the point of beginning.

GMU 681-BEAR RIVER (Pacific and Wahkiakum counties):

Beginning at the US Hwy 101 bridge at the Naselle River; E on US Hwy 101 to SR 4; SE on SR 4 to Deep River bridge; S down the Deep River to the Columbia River; W along the shore of the Columbia River to the mouth of the Wallacut River (including all islands in the Columbia both north of the Washington-Oregon state line and between the Deep River and the Wallacut River); N up the Wallacut River to US Hwy 101; NW on US Hwy 101 to alternate US Hwy 101, north of the Ilwaco Airport; N on alternate US Hwy 101 to US Hwy 101; E and NE on US Hwy 101 to Bear River; N down Bear River to Willapa Bay; N along the eastern shore of Willapa Bay to the mouth of the Naselle River; SE up the Naselle River to the US Hwy 101 bridge and the point of beginning.

GMU 684-LONG BEACH (Pacific County):

Beginning at the mouth of Bear River on Willapa Bay; S up Bear River to US Hwy 101; W and SW on US Hwy 101 to alternate US Hwy 101 north of the Ilwaco Airport; S on alternate US Hwy 101 to US Hwy 101; W on US Hwy 101 to the Wallacut River; S along the Wallacut River to the Columbia River; W down the Columbia River to its mouth on the Pacific Ocean (including all islands in the Columbia River both north of the Washington-Oregon state line and between the Wallacut River and the mouth of the Columbia River); N, E, S, and E along the shoreline of the Long Beach peninsula to Bear River and the point of beginning.

GMU 699-LONG ISLAND (Pacific County):

Includes all of Long Island.

AMENDATORY SECTION (Amending Order 08-78, filed 4/18/08, effective 5/19/08)

WAC 232-28-337 Deer and elk area descriptions.

ELK AREAS

Elk Area No. 1008 West Wenaha (Columbia County): That part of GMU 169 west of USFS trail 3112 ~~((East Butte Creek Trail) and Butte Creek))~~ from Tepee Camp (east fork of Butte Creek) to Butte Creek, and west of Butte Creek to the Washington-Oregon state line.

Elk Area No. 1009 East Wenaha (Columbia, Garfield, Asotin counties): That ~~((part))~~ portion of GMU 169 east of USFS trail 3112 ~~((East Butte Creek Trail) and Butte Creek))~~ from Tepee Camp (east fork Butte Creek) to Butte Creek, and east of Butte Creek to the Washington-Oregon state line.

Elk Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1011 (Columbia County): That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

Elk Area No. 1012 (Columbia County): That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1013 (Asotin County): GMU 172, excluding National Forest lands.

Elk Area No. 1014 (Columbia-Garfield counties): That part of GMU 166 Tucannon west of the Tucannon River and USFS Trail No. 3110 (Jelly Spr.-Diamond Pk. Trail).

Elk Area No. 1015 Turnbull (Spokane County): Located in GMU 130, designated areas within the boundaries of Turnbull National Wildlife Refuge.

Elk Area No. 1016 (Columbia County): GMU-162 Dayton, excluding the Rainwater Wildlife Area.

Elk Area No. 2032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 2033 Peshastin (Chelan County): ~~((Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104 Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road~~

to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.)) Starting from the Division St Bridge in Cashmere; South on Aplets Way and Division St; west on Pioneer St; South on Mission Creek Rd; west on Binder Rd and continue south on Mission Creek Rd; west on Tripp Canyon Rd; where Tripp Canyon Rd leaves Tripp Creek, then west on Tripp Creek; at the end of Tripp Creek, then west approximately 1 mile to Camas Creek Rd; west on Camas Creek Rd (USFS 7200 RD) (excluding Camas Land firearm closure*) to U.S. Hwy 97; north on U.S. Hwy 97 to Mountain Home Rd (USFS 7300 RD); north on Mountain Home Rd to the Wenatchee River in Leavenworth; South on the Wenatchee River to the point of beginning.

Elk Area No. 2051 Tronsen (Chelan County): All of GMU 251 except that portion described as follows: Beginning at the junction of Naneum Ridge Road (WDFW Rd 9) and Ingersol Road (WDFW Rd 1); north and east on Ingersol Road to Colockum Road (WDFW Rd 10); east on Colockum Road and Colockum Creek to the intersection of Colockum Creek and the Columbia River; south on the Columbia River to mouth of Tarpiscan Creek; west up Tarpiscan Creek and Tarpiscan Road (WDFW Rd 14) and North Fork Road (WDFW Rd 10.10) to the intersection of North Fork Road and Colockum Road; southwest on Colockum Road to Naneum Ridge Road; west on Naneum Ridge Road to Ingersol Road and the point of beginning.

Elk Area No. 3068 Klickitat Meadows (Yakima County): Beginning at Darland Mountain, southeast along the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to the point due west of the headwaters of Reservation Creek (Section 18, T12N, R14E); then along a line due west to Spencer Point (as represented in the DNR 100k map); northeast from Spencer Point to US Forest Service (USFS) Trail 1136; north along USFS Trail 1136 to USFS Trail 615; east on USFS Trail 615 to Darland Mountain and the point of beginning.

Elk Area No. 3681 Ahtanum (Yakima County): That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) ~~((to the power line in T14N, R15E, Section 33;))~~ Highway 12; northeast on Highway 12 to the Naches River; southeast down the Naches River to Cowiche Creek; west up

Cowiche Creek and South Fork Cowiche Creek to Summitview Avenue; northwest on Summitview Avenue to Cowiche Mill Road; west on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13; southeast along the power line to Ahtanum Creek and the point of beginning.

Elk Area No. 3721 Corral Canyon (Benton and Yakima counties): That part of GMU 372 beginning at the Yakima River Bridge on SR 241 just north of Mabton; north along SR 241 to the Rattlesnake Ridge Road (mile post #19); east on Rattlesnake Ridge Road to the Hanford Reach National Monument's (HRNM) southwest corner boundary; east and south along the HRNM boundary to SR 225; south on SR 225 to the Yakima River Bridge in Benton City; west (upstream) along Yakima River to point of beginning (SR 241 Bridge).

Elk Area No. 3722 Blackrock (Benton and Yakima counties): That part of GMU 372 beginning at southern corner of the Yakima Training Center border on Columbia River, northwest of Priest Rapids Dam; southeast on southern shore of Columbia River (Priest Rapids Lake) to Priest Rapids Dam; east along Columbia River to the Hanford Reach National Monument's (HRNM) western boundary; south along the HRNM boundary to the Rattlesnake Ridge Road; west on Rattlesnake Ridge Road to SR 241; south on SR 241 to the Yakima River Bridge just north of Mabton; west along Yakima River to SR 823 (Harrison Road) south of town of Pomona; east along SR 823 (Harrison Road) to SR 821; southeast on SR 821 to Firing Center Road at I-82; east on Firing Center Road to main gate of Yakima Training Center; south and east along Yakima Training Center boundary to southern corner of Yakima Training Center boundary on Columbia River and point of beginning.

Elk Area No. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and Interstate 90; east along the power lines to Highway 903 (Salmon La Sac Road); northwest along Highway 903 to Pennsylvania Avenue; northeast along Pennsylvania Avenue to No. 6 Canyon Road; northeast along No. 6 Canyon Road to Cle Elum Ridge Road; north along Cle Elum Ridge Road to Carlson Canyon Road; northeast along Carlson Canyon Road to West Fork Teanaway River; east along West Fork Teanaway River to North Fork Teanaway River; north along North Fork Teanaway River to Teanaway Road; southeast on Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; northeast on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east along BPA power lines to Colockum Pass Road in T19N, R20E, Section 16; south on Colockum Pass Road to BPA power lines in T18N, R20E, Section 6; east and south along power lines to Parke Creek; north on Parke Creek to Whiskey Jim Creek; east on Whiskey Jim Creek ~~((to Beacon Ridge Road; south on Beacon Ridge Road))~~ to the Wild Horse Wind Farm Boundary; south and East on Wild Horse Wind Farm boundary to the Vantage Highway; east along the Vantage Highway to the first power line crossing; southwest along the power lines to where they intersect with the second set of BPA power lines in T17N, R21E, Section 18; southeast along

the BPA power lines to I-90; west along I-90 to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umtanum Road; north on Umtanum Road to South Branch Canal; west on South Branch Canal to Bradshaw/Hanson Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to ~~((the Cabin Creek Road; east and north on Cabin Creek Road to Easton and))~~ Big Creek; north on Big Creek to Nelson Siding Road; west and north on Nelson Siding Road to I-90; east on I-90 to point of beginning.

Elk Area No. 3912 Old Naches (Yakima County): Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the big-horn sheep feeding site in T15N, R16E, Section 36; south on the feeding site access road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the intersection of the metal footbridge and the elk fence at the south end of the bridge in T14N, R16E, Section 3; south along the elk fence to the top of the cliff/rimrock line; southwest along the top of the cliff/rimrock line to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; south along the elk fence to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; downstream along the South Fork Ahtanum Creek and Ahtanum Creek to the Yakima River; upstream along the Yakima River to Roza Canal and point of beginning.

~~((Elk Area No. 3944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the east edge of Waterworks Canyon; south along the east edge of Waterworks Canyon to the elk fence; west along the elk fence to Highway 410 to the point of beginning.))~~

Elk Area No. 4041 Grandy Creek (Skagit County): Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road; west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

Elk Area No. 4601 North Bend (King County): Beginning at SR 18 and I-90, W on I-90 to SR 203 at Preston, then N on SR 203 to SR 202 in Fall City, then east on SR 202 to Tokul Creek, then E up Tokul Creek to its confluence with Ten Creek then up Ten Creek to the Hancock J-line/mainline cutoff road, E on the Hancock J-line/mainline cutoff to the Hancock mainline road, N on this road to its intersection with spur 10 logging road then E on spur 10 to the crossing of the North Fork of the Snoqualmie River then downstream on the North Fork of the Snoqualmie River to its intersection with the Mount Si Natural Resources Conservation Area, then N and E along the boundary of the Mount Si Natural Resources Conservation Area to its intersection the Green Mountain Logging Road, S on the Green Mountain Logging road to its end and the watershed of Brawling creek, S down Brawling creek to the Middle Fork of the Snoqualmie River, then E upstream to the Big Bridge (cement) on the Middle Fork Road, then SW along the Middle Fork Road to the Mailbox Peak Trail head, then up the trail to Mailbox peak, then on a line straight between Mailbox peak and Dirty Harry's Peak, then down Dirty Harry's peak trail to Dirty Harry's Logging Road trail to the exit 38 interchange, then west on the exit 38 interchange road to Mount Washington trailhead, then up the Mount Washington trail to its intersection with the Cedar River Watershed boundary then W along said boundary to its intersection with the Rattlesnake Ridge Trail, W along the Rattlesnake Ridge Trail to Snoqualmie Point Park, N on Snoqualmie Point Park access road to I-90 interchange then W on I-90 to point of beginning.

Elk Area No. 4941 Skagit River (Skagit County): That portion of GMU 437 beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Cape Horn Road NE; south down Cape Horn Road NE to the power line crossing which passes over the Skagit River; east on the power line to the Skagit River; south and west down the Skagit River to Pressentine Creek; south up Pressentine Creek to the South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

Elk Area No. 5029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along the Cowlitz River to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the North Fork Toutle River; west along the North Fork Toutle River to the Toutle River; west on the Toutle River to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 5049 Ethel (Lewis County): That part of GMU 505 beginning at the intersection of Jackson Highway and Highway 12; south along Jackson Highway to Buckley Road; south on Buckley Road to Spencer Road; east on Spencer Road to Fuller Road; north on Fuller Road to Highway 12; east on Highway 12 to Stowell Road; north on Stowell Road to Gore Road; west on Gore Road to Larmon Road;

west on Larmon Road to Highway 12; west on Highway 12 to Jackson Highway and point of beginning.

Elk Area No. 5050 Newaukum (Lewis County): That part of GMU 505 beginning at the intersection of Interstate 5 and Highway 12; east on Highway 12 to Larmon Road; east on Larmon Road to Leonard Road; north on Leonard Road through the town of Onalaska to Degler Road; north on Degler Road to Middle Fork Road; east on Middle Fork Road to Beck Road; north on Beck Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Logan Hill Road; south then west on Logan Hill Road to Jackson Highway; south on Jackson Highway to the Newaukum River; west along the Newaukum River to Interstate 5; south on Interstate 5 to Highway 12 and point of beginning.

Elk Area No. 5051 Green Mountain (Cowlitz County): Beginning at the junction of the Cowlitz River and the Toutle River; east along the Toutle River to the North Fork Toutle River; east along the North Fork Toutle River to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1910 Road; south along the Weyerhaeuser 1910 Road to the Weyerhaeuser 2410 Road; south along the Weyerhaeuser 2410 Road to the Weyerhaeuser 4553 Road; south along the Weyerhaeuser 4553 Road to the Weyerhaeuser 4500 Road; south along the Weyerhaeuser 4500 Road to the Weyerhaeuser 4400 Road; south along the Weyerhaeuser 4400 Road to the Weyerhaeuser 4100 Road; east along the Weyerhaeuser 4100 Road to the Weyerhaeuser 4700 Road; south along the Weyerhaeuser 4700 Road to the Weyerhaeuser 4720 Road; west along the Weyerhaeuser 4720 Road to the Weyerhaeuser 4730 Road; west along the Weyerhaeuser 4730 Road to the Weyerhaeuser 4732 Road; west along the Weyerhaeuser 4732 Road to the Weyerhaeuser 4790 Road; west along the Weyerhaeuser 4790 Road to the Weyerhaeuser 1390 Road; south along the Weyerhaeuser 1390 Road to the Weyerhaeuser 1600 Road; west along the Weyerhaeuser 1600 Road to the Weyerhaeuser Logging Railroad Tracks at Headquarters; west along the Weyerhaeuser Logging Railroad Track to Ostrander Creek; west along Ostrander Creek to the Cowlitz River; north along the Cowlitz River to the Toutle River and point of beginning.

Elk Area No. 5052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on

the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5054 Boistfort (Lewis County): Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to Interstate 5; south along Interstate 5 to State Hwy 506; west along State Hwy 506 to the town of Vader and the point of beginning.

Elk Area No. 5056 Grays River Valley (Wahkiakum County): On or within 3/4 mile of agricultural land in the Grays River Valley within the following sections: T10N, R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

Elk Area No. 5057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 5058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 5060 Merwin (Cowlitz County): Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

Elk Area No. 5061 Wildwood (Lewis County): Beginning at the junction of the Pacific West Timber (PWT) 600 Road and the Wildwood Road (SE1/4 S29 T11N R3W); southwest on the 600 Road to the 800 Road (NW1/4 S36 T11N R4W); southwest on the 800 Road to the 850 Road (SW1/4 S3 T10N R4W); northwest on the 850 Road to the Weyerhaeuser 4720 Road (S20 T11N R4W); north on the Weyerhaeuser 4720 Road to the Weyerhaeuser 4700 Road (S17 T11N R4W); east on the Weyerhaeuser 4700 Road to the Weyerhaeuser 5822 Road (NW1/4 S16 T11N R4W); east on the Weyerhaeuser 5822 Road to the Weyerhaeuser 5820 Road (NW1/4 S10 T11N R4W); southeast on the Weyerhaeuser 5820 Road to the PWT 574 Road (SE1/4 S10 T11N R4W); south on the PWT 574 Road to the 570 Road (NW1/4 S14 T11N R4W); south on the 570 Road to the 500 Road (NW1/4 S14 T11N R4W); northeast on the 500 Road to the 560 Road (SW1/4

S12 T11N R4W); east on the 560 Road to the 540 Road (SE1/4 S12 T11N R4W); east and south on the 540 Road to the 500 Road (SE1/4 S18 T11N R3W); east on the PWT 500 Road to the Wildwood Road (N1/2 S20 T11N R3W); south on the Wildwood Road to the point of beginning, the PWT 600 Road junction (SE1/4 S29 T11N R3W).

Elk Area No. 5062 Trout Lake (Klickitat County): Those portions of GMUs 560 (Lewis River) and 578 (West Klickitat) beginning at the intersection of SR 141 and Sunnyside Road; north on Sunnyside Road to Mount Adams Recreational Area Road; north on Mount Adams Recreational Area Road to USFS Road 23; north on USFS Road 23 to DNR T-4300 Road; west on DNR T-4300 Road to Trout Lake Creek Road; south on Trout Lake Creek Road to SR 141; east and south on SR 141 to the intersection of SR 141 and Sunnyside Road to the point of beginning.

Elk Area No. 5063 Pumice Plain (Cowlitz and Skamania counties): That part of GMU 522 beginning at the confluence of the N. Fork Toutle River and Castle Creek; East along the N. Fork Toutle River to USFS trail 207; south along USFS trail 207 to USFS trail 216E; southwest along USFS trail 216E to USFS trail 216; west along USGS trail 216 to USGS 216G; northwest along USFS trail 216G to USGS trail 221; north along USFS 221 to Castle Creek; northwest along Castle Creek to N. Fork Toutle River and point of beginning.

Elk Area No. 5064 Upper Smith Creek (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 (Smith Creek Trail) junction; south on Trail 225 to Ape Canyon Creek; south and west up Ape Canyon Creek to U.S. Forest Service Trail 216 (Loowit Trail); north on Trail 216 to U.S. Forest Service Trail 216D (Abraham Trail); north on Trail 216D to U.S. Forest Service Trail 207 (Truman Trail); north and east on Trail 207 to U.S. Forest Service Rd. 99; north and east on U.S. Forest Service Rd. 99 to the junction of U.S. Forest Service Rd. 99 and U.S. Forest Service Trail 225 and the point of beginning.

Elk Area No. 5065 Mount Whittier (Skamania County): That part of GMU 522 beginning at the U.S. Forest Service Trail 1 (Boundary Trail) and U.S. Forest Service Trail 214 (Whittier Ridge Trail) junction; west on the U.S. Forest Service Trail 1 to U.S. Forest Service Trail 230 (Coldwater Trail); north on U.S. Forest Service Trail 230 to U.S. Forest Service Trail 211 (Lakes Trail); east on Trail 211 to U.S. Forest Service Trail 214; south on U.S. Forest Service Trail 214 to the junction of U.S. Forest Service Trail 214 and U.S. Forest Service Trail 1 and the point of beginning.

Elk Area No. 5090 JBH (Wahkiakum County): The mainland portion of the Julia Butler Hansen National Wildlife Refuge, as administered by the U.S. Fish and Wildlife Service as described: Beginning at the junction of State Route 4 and Steamboat Island Slough Road, northwest on Steamboat Island Slough Road to Brooks Slough Road, east on Brooks Slough Road to State Route 4, south on State Route 4 to Steamboat Slough Road and point of beginning.

Elk Area No. 5099 Mudflow (Cowlitz County): That part of GMU 522 (~~(Loowit)~~ that is within the boundary of the St.

~~Helens wildlife Area-))~~ beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser (Weyco) 3020 line; NW along Weyco 3020 line to Weyco 3000 line; E along Weyco 3000 line to Weyco 3000P line; E on the 3000P line to Weyco 5600 Line to the Mount Saint Helens National Volcanic Monument Boundary; N on the Mount Saint Helens National Volcanic Monument Boundary to SR 504; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

Elk Area No. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within one mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

Elk Area No. 6011 Centralia Mine (Lewis County): That portion of GMU 667 within Centralia Mine property boundary.

Elk Area No. 6012 Tri Valley (Grays Harbor and Mason counties): Those portions of GMUs 648 (Wynoochee) and 651 (Satsop) within one mile of Brady-Matlock Road from State Highway 12 north to the junction with Schaefer State Park Road (east Satsop Road) and all lands within one mile of Wynoochee Valley Road from State Highway 12 north to the junction with Cougar Smith Road, and all lands within one mile of Wishkah Valley Road from north Aberdeen city limit to mile post 16 and all lands within 2 miles north of SR 12 between the Satsop River and Schouweiler and Hurd roads and then a line north from the end of Hurd Road to a point 2 miles north of SR 12.

Elk Area No. 6054 Puyallup River (Pierce County): Beginning at the intersection of the Mount Rainier National Park western boundary and the Nisqually River, west down Nisqually River to mouth of Mashel River; north up Mashel River to SR 161 bridge (Eatonville-LaGrande Rd); north on SR 161 through Eatonville to Orville Rd E (Kapowsin-Eatonville Rd); north on Orville Rd E to Hancock's Kapowsin Tree Farm ownership boundary at the north end of Ohop Lake (Kapowsin and Buckley Tree Farms map); east along Kapowsin Tree Farm boundary to Mount Rainier National Park boundary; south long Mount Rainier National Park boundary to Nisqually River and point of beginning.

Elk Area No. 6061 Twin Satsop Farms (Mason County): That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a radius of two miles centered on the junction of State Route 108 and the Eich Road.

Elk Area No. 6062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a

point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 6063 (Grays Harbor and Jefferson counties): Private lands within Elk Area 6064 east of Highway 101.

Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) within the Quinault River watershed east of Gatton Creek and Lake Quinault.

Elk Area No. 6066 Chehalis Valley (Grays Harbor County): That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

Elk Area No. 6067 North Minot (Grays Harbor County): The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

Elk Area No. 6068 Willapa (Grays Harbor County): That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

Elk Area No. 6069 Hanaford (Lewis and Thurston counties): That part of GMU 667 (Skookumchuck) beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to Little Hanaford Road; west on Little Hanaford Road to Teitzel Road; north on Teitzel Road to Big Hanaford Road; west on Big Hanaford Road to State Route 507; north on State Route 507 to Skookumchuck Road; east on Skookumchuck Road to the first bridge over the Skookumchuck River; east along the Skookumchuck River to the Skookumchuck Road bridge; east on Skookumchuck Road to the steel tower power line; southwest along the power line to Big Hanaford Road; east and south along Big Hanaford Road to Weyerhaeuser Road E150; east on Weyerhaeuser Road E150 to Weyerhaeuser Road E247; south and west on Weyerhaeuser Road E247 to

Weyerhaeuser Road E240; south on Weyerhaeuser Road E240 to North Fork Road; south on North Fork Road to Centralia-Alpha Road; west on Centralia-Alpha Road to Salzer Valley Road and the point of beginning.

Elk Area No. 6071 Dungeness (Clallam County): Portions of GMUs 621 (Olympic) and 624 (Coyle) beginning at the mouth of the Dungeness River; east and south along the coast of the Strait of Juan De Fuca to the mouth of Jimmycome-lately Creek on Sequim Bay; south and west up Jimmycome-lately Creek to ~~((Don Schmith Road; north on Don Schmith Road to Palo Alto Road; west and southwest on Palo Alto Road to US Forest Service Road 2880; southwest on US Forest Service Road 2880 to the Dungeness River))~~ US Hwy 101; east on US Hwy 101 to Chicken Coop Road; east and north on Chicken Coop Road to the Clallam-Jefferson county line; south and west along the Clallam-Jefferson county line to the Olympic National Park boundary; north and west along the Olympic Park boundary to McDonald Creek; north along McDonald Creek to US Hwy 101; east along US Hwy 101 to the Dungeness River; north down the Dungeness River to its mouth and the point of beginning.

Elk Area No. 6072 Sol Duc Valley (Clallam County): That portion of GMU 607 (Sol Duc) between the Sol Duc River and Hwy 101 from a point at the Sol Duc River bridge over Hwy 101 approximately 2 miles north of Forks to the westernmost Sol Duc River bridge over Hwy 101 at a point approximately 1 mile east of Lake Pleasant.

Elk Area No. 6073 Clearwater Valley (Jefferson County): That portion of GMU 615 (Clearwater) within one mile of the Clearwater Road from the Quinault Indian Reservation boundary to a point 4 miles to the north.

DEER AREAS

Deer Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Deer Area No. 1020 Prescott (Columbia and Garfield counties): That portion of GMU 149 between Hwy 261 and Hwy 127.

Deer Area No. 1021 Clarkston (Asotin County): That portion of GMU 178 beginning at the junction of the Highway 12 bridge and Alpowa Creek; east on Highway 12 to Silcott Road; south and east on Silcott Road to Highway 128; southwest on Highway 128 to McGuire Gulch Road; southeast along the bottom of McGuire Gulch to Asotin Creek; east on Asotin Creek to the Snake River; north and west on the Snake River to Alpowa Creek; southwest of Alpowa Creek to the Highway 12 bridge and the point of beginning.

~~((Deer Area No. 1030 Flat Creek (Stevens County): That portion of GMU 105, beginning at the junction of Northport-Flat Creek Rd (Co. 4005) and Bull Hill Rd; north on Bull Hill Rd to USFS Rd 240; north on USFS Rd 240 to USFS Rd 230 (Belshazzar Mtn Rd); east and north on USFS Rd 230 to East Boundary of Colville National Forest at Section 24; north on Forest Boundary to Sheep Creek Rd (USFS 15, Co. 4220); west on Sheep Creek Rd to USFS Rd 170 at Kiel Springs; south on USFS Rd 170 to Lael Flat Creek Rd (USFS 1520);~~

south on Lael Flat Creek Rd (USFS 1520, Co. 4181) to Northport Flat Creek Rd; north on Northport Flat Creek Rd to Bull Hill Rd junction and point of beginning.

Deer Area No. 1040 Summit Lake (Stevens County): That portion of GMU 105, beginning at the intersection of Sand Creek Rd (Co. 4017) and the Kettle River at the Rock Cut Bridge; north and east on Sand Cr Rd to Lael Flat Cr Rd (Co. 4181, USFS Churchill Mine Rd, 1520); east on Lael Flat Cr Rd (Churchill Mine Rd) to intersection with USFS Rd 15 near Fisher Cr; north and east on USFS Rd 15 to USFS Rd 180; north and west on USFS Rd 180 and continue west on Box Canyon Deep Creek Rd (USFS Rd 030, Co. 4212) to the intersection of Box Canyon Deep Creek Rd and the Kettle River; south on the Kettle River to the intersection of Sand Creek Rd and the Kettle River at the Rock Cut Bridge and the point of beginning.))

Deer Area No. 1035 Highway 395 Corridor (Stevens County): That portion of GMU 121 beginning at the point where State Route (Highway) 395 enters the bridge over the Columbia River at Lake Roosevelt on the east shore and south along the lake shore to the confluence of the Colville River into the Columbia River on Lake Roosevelt; easterly and southerly on the Colville River to the State Route 395 Bridge crossing the Colville River approximately 1 mile south of the Town of Chewelah on the section line between Sections 23 and 24 of Township 32 North, Range 40 East; north on Highway 395 back to the point of beginning.

Deer Area No. 1050 Spokane North (Spokane County): From the intersection of the Spokane River and the Idaho-Washington state line, N to Hauser Lake Rd, W to Starr Rd, S to Newman Lake Dr, W and N to Foothills Rd, W to Forker Rd, N and W to Hwy 206 (Mt Spokane Park Rd), N to Feehan Rd, N to Randall Rd, W to Day Mt Spokane Rd, N to Big Meadows Rd, W to Madison Rd, N to Tallman Rd, W to Elk-Chattaroy Rd, N to Laurel Rd, E to Conklin Rd, N to Nelson Rd, E to Jackson Rd, N to Oregon Rd, E to Jefferson Rd, N to Frideger Rd, W to Elk-Camden Rd, S to Boundary Rd, N and W to Dunn Rd, S to Oregon Rd, W to Hwy 2, S to Eloika Lake Rd, W onto Bridges Rd, W to Sherman Rd, N to Oregon Rd, W to Whittier Rd, S to Railroad Rd, SE to Williams Valley Rd, W and S to Hattery Rd (Owens Rd), S and E to Swenson Rd, S to Hwy 291, west to Stone Lodge Rd, west to the Spokane River, E on the Spokane River to the Idaho state border and the point of beginning.

Deer Area No. 1060 Spokane South (Spokane County): That part of GMU 127 beginning at the intersection of Spokane River and Baker Rd Bridge, Baker Rd South to 32 Ave, 32 Ave West to Linke Rd, Linke Rd South and East to Chapman Rd, Chapman Rd South to Link Road, South and East to Belmont Rd, Belmont Rd West to Hwy 27, Hwy 27 South to Palouse Hwy, Palouse Hwy West to Valley Chapel Rd, Valley Chapel Rd South to Spangle Creek Rd, Spangle Creek Rd Southwest to Hwy 195, Hwy 195 North to I-90, I-90 East to Latah Creek at I-90-Latah Creek Bridge, Latah Creek Northeast to Spokane River, Spokane River East to the Baker Rd Bridge and the point of beginning.

Deer Area No. 1070 Spokane West (Spokane County): That part of GMU 127 beginning at the intersection of I-90 and Latah Creek at I-90-Latah Creek Bridge, NE to Hwy 195 S on Hwy 195 South to Paradise Rd, Paradise Rd West to Smythe Road, Smythe Road West to Anderson Rd, Anderson Rd West to Cheney Spokane Rd, Cheney Spokane Rd Southwest to Hwy 904, Hwy 904 Southwest to 1st St in the town of Cheney, 1st southwest to Salnave Rd/Hwy 902, Salnave Rd Northwest to Malloy Prairie Rd, Malloy Prairie Rd West to Medical Lake Tyler Rd, Medical Lake Tyler Rd North to Gray Rd, Gray Rd West then North to Fancher Rd, Fancher Northwest to Ladd Rd, Ladd Rd North to Hallett Rd, Hallett Rd East to Espanola Rd, Espanola Rd North turns into Wood Rd, Wood Rd North to Coulee Hite Rd, Coulee Hite Rd East to Seven Mile Rd, Seven Mile Rd East to Spokane River, Spokane River South to Latah Creek, Latah Creek South to I-90 at the Latah Creek Bridge and the point of beginning.

Deer Area No. 1080 Colfax (Whitman County): That part of GMU 139 beginning at intersection of Hwy 195 and Crumbaker Rd, NE on Crumbaker Rd to Brose Rd, E on Brose Rd to Glenwood Rd, S on Glenwood Rd to Hwy 272, SE on Hwy 272 to Clear Creek Rd, SE on Clear Creek Rd to Stueckle Rd, S on Stueckle Rd to Paulouse River Rd, E to Kenoyier Rd SE to Abbott Rd, S on Abbott Rd to Parvin Rd, S on Parvin Rd to McIntosh Rd, S on McIntosh Rd to 4 mile Rd/Shawnee Rd, W on Shawnee Rd to Hwy 195, N on Hwy 195 to Prune Orchard Rd, W on Prune Orchard Rd to Almota Rd, S on Almota Rd to Duncan Springs Rd, W and NW on Duncan Springs Rd to Airport Rd, NW on Airport Rd to Fairgrounds Rd, N on Fairgrounds Rd to Endicott Rd, NNW on Endicott Rd to Morley Rd, E and S and E on Morley Rd to Hwy 295 (26), NE on Hwy 295 to West River Dr then follow Railroad Tracks NW to Manning Rd, E on Manning Rd to Green Hollow Rd, E and S on Green Hollow Rd to Bill Wilson Rd, E on Bill Wilson Rd to Hwy 195, S on Hwy 195 to Crumbaker Rd and the point of beginning.

Deer Area No. 2010 Benge (Adams County): That part of GMU 284 beginning at the town of Washtucna; north on SR 261 to Weber Road; east on Weber Road to Bengel Road; north on Bengel Road to Wellsandt Road; east on Wellsandt Road to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Washtucna and the point of beginning.

Deer Area No. 2011 Lakeview (Grant County): That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

Deer Area No. 2012 Methow Valley (Okanogan County): All private land in the Methow Watershed located outside the

external boundary of the Okanogan National Forest and north of the following boundary: starting where the Libby Creek Road (County road 1049) intersects the Okanogan National Forest boundary; east on road 1049 to State Hwy 153; north on Hwy 153 to the Old Carlton Road; east on the Old Carlton Road to the Texas Creek Road (County road 1543); east on the Texas Creek Road to the Vintin Road (County road 1552); northeast on the Vintin Road to the Okanogan National Forest boundary.

Deer Area No. 2013 North Okanogan (Okanogan County): Restricted to private land only located within the following boundary: Beginning in Tonasket at the junction of Havillah Road and Hwy 97; northeast on Havillah Road to Dry Gulch Extension road; north to Dry Gulch Road, north on Dry Gulch Road to Oroville-Chesaw Road; west on Oroville-Chesaw Road to Molson Road; north on Molson Road to Nine Mile road, north and west on Nine Mile Road to the Canadian border at the old Sidley Town Site; west along the border to the east shore of Lake Osoyoos; south around Lake Osoyoos to the Okanogan River; south along the east bank of the Okanogan River to the Bridge at Riverside over the Okanogan River; east on Tunk Creek Rd to Chewiliken Valley Rd; northeast along Chewiliken Valley Road to Talkire Lake Road; north on Talkire Lake Rd to Hwy 20; west on Hwy 20 to the junction of Hwy 20 and Hwy 97; north on Hwy 97 to point of beginning.

Deer Area No. 2014 Central Okanogan (Okanogan County): Restricted to private land only located within the following boundary: Beginning in Tonasket on the Okanogan River at the Fourth St Bridge; south along Hwy 7 to Pine Creek Road; west along Pine Creek Rd to Horse Spring Coulee Rd; north on Horse Spring Coulee Rd to Beeman Rd; west on Beeman Rd to North Lemanasky Rd; south along North Lemanasky Road to Pine Creek Rd; south on Pine Creek Rd to Hagood Cut-off Road; south on Hagood Cut-off Rd to South Pine Creek Rd; east on South Pine Creek Rd to Hwy 97; south on Hwy 97 to Town of Riverside North Main Street junction; southeast on North Main Street to Tunk Valley road and the Okanogan River Bridge; north along the west shore of the Okanogan River to the Tonasket Fourth Street bridge and the point of beginning.

Deer Area No. 2015 Omak (Okanogan County): Restricted to private land only located within the following boundary: Beginning at Hwy 97 and Riverside Cut-off road; west on Riverside Cut-off Rd to Conconully Road; south on Conconully Rd to Danker Cut-off road; west on Danker Cut-off road to Salmon Creek Rd; north on Salmon Creek Rd to Spring Coulee Rd; south on Spring Coulee Rd to B&O Road North Rd; southwest on B&O North Rd to Hwy 20; east on Hwy 20 to B&O Rd; south on B&O Rd to the Town of Malott and the bridge over the Okanogan River; north along the west bank of the Okanogan River to the Town of Riverside and the Tunk Valley road bridge; west on Tunk Valley road to State Street in Riverside; south on State Street to 2nd Street; west on 2nd Street to Hwy 97 and the point of beginning.

Deer Area No. 2016 Conconully (Okanogan County): Restricted to private land only located within the following boundary: Beginning at the Conconully town limit at the

south edge of Town and the east shore of Conconully Reservoir; south along the east shore of the reservoir to Salmon Creek; south along the east bank of Salmon Creek to Salmon Creek road at the old Ruby Town site; south on Salmon Creek road to Green Lake road; northeast on Green Lake road to Conconully road; north on Conconully road to the south limit of the Town of Conconully and the point of beginning.

Deer Area No. 3071 Whitcomb (Benton County): That part of GMU 373 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3072 Paterson (Benton County): That part of GMU 373 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3682 Ahtanum (Yakima County): That part of GMU 368 beginning at the power line crossing on Ahtanum Creek in T12N, R16E, Section 15; west up Ahtanum Creek to South Fork Ahtanum Creek; southwest up South Fork Ahtanum Creek to its junction with Reservation Creek; southwest up Reservation Creek and the Yakama Indian Reservation boundary to the main divide between the Diamond Fork drainage and Ahtanum Creek drainage; north along the crest of the main divide between the Diamond Fork drainage and the Ahtanum Creek drainage to Darland Mountain; northeast on US Forest Service Trail 615 to US Forest Service Road 1020; northeast on US Forest Service Road 1020 to US Forest Service Road 613; northeast on US Forest Service Road 613 to US Forest Service Trail 1127; northeast on US Forest Service Trail 1127 to US Forest Service Road 1302 (Jump Off Road), southeast of the Jump Off Lookout Station; northeast on US Forest Service Road 1302 (Jump Off Road) to ((the power line in T14N, R15E, Section 33;)) Hwy 12. Northeast on Hwy 12 to the Naches River. Southeast down the Naches River to Cowiche Creek. West up Cowiche Creek and the South Fork Cowiche Creek to Summitview Ave. Northwest on Summitview Ave to Cowiche Mill Road. West on Cowiche Mill Road to the power line in the northeast corner of T13N, R15E, SEC 13. Southeast along the power line to Ahtanum Creek and the point of beginning.

Deer Area No. 4004 (San Juan County): That part of GMU 410 made up of Shaw Island.

Deer Area No. 4005 (San Juan County): That part of GMU 410 made up of Lopez Island.

Deer Area No. 4006 (San Juan County): That part of GMU 410 made up of Orcas Island.

Deer Area No. 4007 (San Juan County): That part of GMU 410 made up of Decatur Island.

Deer Area No. 4008 (San Juan County): That part of GMU 410 made up of Blakely Island.

Deer Area No. 4009 (Skagit County): That part of GMU 410 made up of Cypress Island.

Deer Area No. 4010 (San Juan County): That part of GMU 410 made up of San Juan Island.

Deer Area No. 4011 (Island County): That part of GMU 410 made up of Camano Island.

Deer Area No. 4012 (Island County): That part of GMU 410 made up of Whidbey Island.

Deer Area No. 4013 (King County): That part of GMU 454 made up of Vashon and Maury islands.

Deer Area No. 5064: That part of GMU 564 in the Columbia River near the mouth of the Cowlitz River made up of Cottonwood Island.

Deer Area No. 6014 (Pierce County): That part of GMU 652 made up of Anderson Island.

Deer Area No. 6020: Dungeness-Miller Peninsula (Clallam and Jefferson counties): That part of GMU 624 west of Discovery Bay and Salmon Creek.

Deer Area No. 4926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

Deer Area No. 3088 High Prairie (Klickitat County): That portion of GMU 388 (Grayback) that is south of SR 142.

AMENDATORY SECTION (Amending Order 08-78, filed 4/18/08, effective 5/19/08)

WAC 232-28-342 ((2006-07, 2007-08, 2008-09)) 2009-10, 2010-11, 2011-12 Small game seasons.

STATEWIDE SEASONS:

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: ((~~Three (3)~~)) Four (4) grouse per day, straight or mixed bag, with a total of ((~~nine (9)~~)) twelve (12) grouse in possession at any time.

SEASON DATES: Sept. 1 - Dec. 31, ((~~2006, 2007, 2008~~)) 2009, 2010, 2011.

BOBCAT

Bag and Possession Limits: No limit.

SEASON DATES: ((~~Sept. 5, 2006 - Mar. 15, 2007; Sept. 4, 2007 - Mar. 15, 2008; Sept. 2, 2008 - Mar. 15, 2009.~~)) Sept. 1 - Mar. 15, 2009, 2010, 2011.

RESTRICTION: Bobcat may not be hunted with dogs.

RACCOON

Bag and Possession Limits: No limit.

OPEN AREA: Statewide, EXCEPT closed on Long Island within Willapa National Wildlife Refuge.

SEASON DATES: ((~~Sept. 5, 2006 - Mar. 15, 2007; Sept. 4, 2007 - Mar. 15, 2008; Sept. 2, 2008 - Mar. 15, 2009.~~)) Sept. 1 - Mar. 15, 2009, 2010, 2011.

FOX

Bag and Possession Limits: No limit.

OPEN AREA: Statewide EXCEPT closed within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan,

Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

SEASON DATES: ((~~Sept. 5, 2006 - Mar. 15, 2007; Sept. 4, 2007 - Mar. 15, 2008; Sept. 2, 2008 - Mar. 15, 2009.~~)) Sept. 1 - Mar. 15, 2009, 2010, 2011.

COYOTE

Bag and Possession Limits: No limit.

OPEN AREA ((~~AND SEASON DATES~~)): Statewide((~~-year round. Coyote may only be killed and/or pursued with hounds during the following period: Sept. 5, 2006 - Mar. 15, 2007; Sept. 4, 2007 - Mar. 15, 2008; Sept. 2, 2008 - Mar. 15, 2009; EXCEPT coyote may be hunted year round with hounds in Grant, Adams, Benton, and Franklin counties~~)).

SEASON DATES: Year round.

RESTRICTION: Coyote may not be hunted with dogs.

COTTONTAIL RABBIT AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

SEASON DATES: Sept. 1, ((~~2006~~)) 2009 - Mar. 15, ((~~2007~~)) 2010; Sept. 1, ((~~2007~~)) 2010 - Mar. 15, ((~~2008~~)) 2011; Sept. 1, ((~~2008~~)) 2011 - Mar. 15, ((~~2009~~)) 2012.

CROWS

Bag and Possession Limits: No limit.

SEASON DATES: Oct. 1, ((~~2006~~)) 2009 - Jan. 31, ((~~2007~~)) 2010; Oct. 1, ((~~2007~~)) 2010 - Jan. 31, ((~~2008~~)) 2011; Oct. 1, ((~~2008~~)) 2011 - Jan. 31, ((~~2009~~)) 2012.

JACKRABBIT

Season closed statewide.

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

WILD TURKEY:

YOUTH SEASON

LEGAL BIRD: ((~~Gobblers and~~)) Turkeys with visible beards only.

SEASON DATES: April ((~~7-8~~)) 3-4, ((~~2007~~)) 2010; April ((~~5-6~~)) 2-3, ((~~2008~~)) 2011; April ((~~4-5~~)) 7-8, ((~~2009~~)) 2012.

SPRING SEASON

LEGAL BIRD: ((~~Gobblers and~~)) Turkeys with visible beards only.

SEASON DATES: April 15 - May 31, ((~~2007, 2008~~)) 2009, 2010, 2011, 2012.

BAG LIMIT: The combined spring/youth season limit is three (3) birds. Only two (2) turkeys may be killed in Eastern Washington, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties. One (1) turkey may be killed

per year in Western Washington outside of Klickitat County. Two (2) turkeys may be killed in Klickitat County.

~~((EARLY))~~ **FALL NORTHEAST BEARDLESS TURKEY SEASON**

LEGAL BIRD: Beardless only.

LEGAL HUNTER: Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs 105-124.

SEASON DATES: Sept. ~~((27))~~ 26 - Oct. ~~((3))~~ 9, ~~((2008))~~ 2009; Sept. 25 - Oct. 8, 2010; Sept. 24 - Oct. 7, 2011.

BAG LIMIT: Two (2) beardless turkeys.

EARLY FALL GENERAL SEASON

LEGAL BIRD: Either sex.

LEGAL HUNTER: Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs 101 and 127-133.

SEASON DATES: Sept. ~~((23))~~ 26 - Oct. ~~((6))~~ 9, ~~((2006))~~ 2009; Sept. ~~((22))~~ 25 - Oct. ~~((5))~~ 8, ~~((2007))~~ 2010; Sept. ~~((27))~~ 24 - Oct. ~~((3))~~ 7, ~~((2008))~~ 2011.

BAG LIMIT: One (1) turkey during the early fall general and permit hunting seasons combined.

~~((EARLY))~~ **FALL PERMIT SEASONS**

LEGAL BIRD: Either sex.

LEGAL HUNTER: All hunters who are selected in the ~~((early))~~ fall turkey special permit drawing and who possess a valid turkey tag.

~~((OPEN AREA: GMUs 145-186, 382, 388, 568-578.~~

~~SEASON DATES: Sept. 23 - Oct. 6, 2006; Sept. 22 - Oct. 5, 2007; Sept. 27 - Oct. 3, 2008.~~

Permit Area	Number of Permits
GMUs 149-163	300
GMUs 145, 172-186	200
GMUs 382, 388, 568-578	75))

<u>Hunt Name</u>	<u>Permit Season Dates</u>	<u>Special Restrictions</u>	<u>Boundary Description</u>	<u>Permits</u>	<u>Bag Limit*</u>
<u>Blue Mt. West</u>	<u>Sept. 26 - Oct. 9, 2009, Sept. 25 - Oct. 8, 2010, Sept. 24 - Oct. 7, 2011</u>	<u>Either sex</u>	<u>GMUs 149-163</u>	<u>400</u>	<u>1</u>
<u>Blue Mt. East</u>	<u>Sept. 26 - Oct. 9, 2009, Sept. 25 - Oct. 8, 2010, Sept. 24 - Oct. 7, 2011</u>	<u>Either sex</u>	<u>GMUs 145, 172-186</u>	<u>300</u>	<u>1</u>
<u>Klickitat</u>	<u>Sept. 26 - Oct. 9, 2009, Sept. 25 - Oct. 8, 2010, Sept. 24 - Oct. 7, 2011</u>	<u>Either sex</u>	<u>GMUs 382, 388, 568-578</u>	<u>150</u>	<u>1</u>
<u>Methow</u>	<u>Nov. 15 - Dec. 15, 2009, 2010, 2011</u>	<u>Either sex</u>	<u>GMUs 218-231 and 242</u>	<u>50</u>	<u>1</u>

*BAG LIMIT: ~~((One (1) turkey))~~ During the early fall general and permit hunting seasons combined.

LATE FALL ~~((PERMIT))~~ SEASON

LEGAL BIRD: Either sex.

LEGAL HUNTER: ~~((All hunters who are selected in the special late fall turkey permit drawing and who possess))~~ Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs ~~((101))~~ 105-124.

SEASON DATES: Nov. 20 - Dec. 15, ~~((2006, 2007, 2008))~~ 2009, 2010, 2011.

~~((PERMITS: 800-))~~

BAG LIMIT: One (1) turkey.

HUNTER EDUCATION INSTRUCTOR INCENTIVE PERMITS

LEGAL BIRD: ~~((Gobblers and))~~ Turkeys with visible beards only.

LEGAL HUNTER: Qualified hunter education instructors who are selected through a random drawing. Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.

OPEN AREA: Statewide.

SEASON DATES: April 1 - May 31, ~~((2007, 2008,))~~ 2009, 2010, 2011, 2012.

PERMITS: 2.

OFFICIAL HUNTING HOURS FOR WILD TURKEY:

HUNTING HOURS: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS FOR WILD TURKEY:

1. Turkey season is open for shotgun shooting #4 shot or smaller, archery, and muzzleloader shotgun shooting #4 shot or smaller.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

EASTERN WASHINGTON SEASONS:**RING-NECKED PHEASANT**

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

YOUTH SEASON DATES: Sept. ~~((23))~~ 26 and ~~((24))~~ 27, ~~((2006))~~ 2009; Sept. ~~((22))~~ 25 and ~~((23))~~ 26, ~~((2007))~~ 2010; Sept. ~~((20))~~ 24 and ~~((21))~~ 25, ~~((2008))~~ 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. ~~((21))~~ 24, ~~((2006))~~ 2009 - Jan. ~~((15))~~ 18, ~~((2007))~~ 2010; Oct. ~~((20))~~ 23, ~~((2007))~~ 2010 - Jan. ~~((21))~~ 17, ~~((2008))~~ 2011; Oct. ~~((18))~~ 22, ~~((2008))~~ 2011 - Jan. ~~((19))~~ 16, ~~((2009))~~ 2012.

The director is authorized to close the pheasant season on an emergency basis as conditions warrant, consistent with RCW 34.05.350 and 77.12.150.

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

YOUTH SEASON DATES: Sept. ~~((23))~~ 26 and ~~((24))~~ 27, ~~((2006))~~ 2009; Sept. ~~((22))~~ 25 and ~~((23))~~ 26, ~~((2007))~~ 2010; Sept. ~~((20))~~ 24 and ~~((21))~~ 25, ~~((2008))~~ 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. ~~((7))~~ 3, ~~((2006))~~ 2009 - Jan. ~~((15))~~ 18, ~~((2007))~~ 2010; Oct. ~~((6))~~ 2, ~~((2007))~~ 2010 - Jan. ~~((21))~~ 17, ~~((2008))~~ 2011; Oct. ~~((4))~~ 1, ~~((2008))~~ 2011 - Jan. ~~((19))~~ 16, ~~((2009))~~ 2012.

GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

YOUTH SEASON DATES: Sept. ~~((23))~~ 26 and ~~((24))~~ 27, ~~((2006))~~ 2009; Sept. ~~((22))~~ 25 and ~~((23))~~ 26, ~~((2007))~~ 2010; Sept. ~~((20))~~ 24 and ~~((21))~~ 25, ~~((2008))~~ 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. ~~((7))~~ 3, ~~((2006))~~ 2009 - Jan. ~~((15))~~ 18, ~~((2007))~~ 2010; Oct. ~~((6))~~ 2, ~~((2007))~~ 2010 - Jan. ~~((21))~~ 17, ~~((2008))~~ 2011; Oct. ~~((4))~~ 2, ~~((2008))~~ 2011 - Jan. ~~((19))~~ 16, ~~((2009))~~ 2012.

MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

YOUTH SEASON DATES: Sept. ~~((23))~~ 26 and ~~((24))~~ 27, ~~((2006))~~ 2009; Sept. ~~((22))~~ 25 and ~~((23))~~ 26, ~~((2007))~~ 2010; Sept. ~~((20))~~ 24 and ~~((21))~~ 25, ~~((2008))~~ 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. ~~((7))~~ 3, ~~((2006))~~ 2009 - Jan. ~~((15))~~ 18, ~~((2007))~~ 2010; Oct. ~~((6))~~ 2, ~~((2007))~~ 2010 - Jan. ~~((21))~~ 17, ~~((2008))~~ 2011; Oct. ~~((4))~~ 2, ~~((2008))~~ 2011 - Jan. ~~((19))~~ 16, ~~((2009))~~ 2012.

WESTERN WASHINGTON SEASONS:**RING-NECKED PHEASANT**

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

YOUTH SEASON DATES: Sept. ~~((23))~~ 26 and ~~((24))~~ 27, ~~((2006))~~ 2009; Sept. ~~((22))~~ 25 and ~~((23))~~ 26, ~~((2007))~~ 2010; Sept. ~~((20))~~ 24 and ~~((21))~~ 25, ~~((2008))~~ 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER SEASON DATES: Sept. ~~((25-29))~~ 28 - Oct. 2, ~~((2006))~~ 2009; Sept. ~~((24-28-2007))~~ 27 - Oct. 1, 2010; Sept. ~~((22-))~~ 26-30, ~~((2008))~~ 2011.

REGULAR SEASON DATES: ~~((Sept-30))~~ Oct. 3 - Nov. 30, ~~((2006))~~ 2009; ~~((Sept-29))~~ Oct. 2 - Nov. 30, ~~((2007))~~ 2010; ~~((Sept-27))~~ Oct. 1 - Nov. 30, ~~((2008))~~ 2011. 8 a.m. to 4 p.m.; EXCEPT Dungeness Recreation Area Site (Clallam County) starting Oct. ~~((7))~~ 3, ~~((2006))~~ 2009; Oct. ~~((6))~~ 2, ~~((2007))~~ 2010; Oct. ~~((4))~~ 1, ~~((2008))~~ 2011.

EXTENDED SEASON DATES: Dec. 1-15, ~~((2006, 2007, 2008))~~ 2009, 2010, 2011. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, Skookumchuck, and all Whidbey Island release sites EXCEPT Bayview. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three license options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must, by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the pheasants allowed on the current permit are taken.

SPECIAL RESTRICTION: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

SEASON DATES: Oct. ((7)) 3 - Nov. 30, ((2006)) 2009; Oct. ((6)) 2 - Nov. 30, ((2007)) 2010; Oct. ((4)) 1 - Nov. 30, ((2008)) 2011.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

SEASON DATES: Oct. ((7)) 3 - Nov. 30, ((2006)) 2009; Oct. ((6)) 2 - Nov. 30, ((2007)) 2010; Oct. ((4)) 1 - Nov. 30, ((2008)) 2011.

FALCONRY SEASONS:

UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY

Bag and Possession Limits: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day. Possession limit is twice the daily bag limit.

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, ((2006)) 2009 - Mar. 15, ((2007)) 2010; Aug. 1, ((2007)) 2010 - Mar. 15, ((2008)) 2011; Aug. 1, ((2008)) 2011 - Mar. 15, ((2009)) 2012.

TURKEY - FALCONRY

A turkey tag is required to hunt turkey during the turkey falconry season.

Bag and Possession Limits: One (1) turkey (either sex) per turkey tag with a maximum of two (2) turkeys. Possession limit: Two (2).

OPEN AREA: Eastern Washington.

SEASON DATES: Sept. 1, ((2006)) 2009 - Feb. 15, ((2007)) 2010; Sept. 1, ((2007)) 2010 - Feb. 15, ((2008)) 2011; Sept. 1, ((2008)) 2011 - Feb. 15, ((2009)) 2012.

MOURNING DOVE - FALCONRY

Bag and Possession Limits: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons. Possession limit is twice the daily limit.

OPEN AREA: Statewide.

SEASON DATES: Sept. 1 - Dec. 16, ((2006, 2007, 2008)) 2009, 2010, 2011.

COTTONTAIL RABBIT AND SNOWSHOE HARE - FALCONRY

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, straight or mixed bag. Possession limit: Fifteen (15).

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, ((2006)) 2009 - Mar. 15, ((2007)) 2010; Aug. 1, ((2007)) 2010 - Mar. 15, ((2008)) 2011; Aug. 1, ((2008)) 2011 - Mar. 15, ((2009)) 2012.

OTHER SEASONS:

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time.

Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Three (3) Canada geese per day with a total of six (6) in possession at any time.

~~((Eastern Washington: Three (3) Canada geese per day with a total of six (6) in possession at any time.))~~

WESTERN WASHINGTON SEASON DATES: Sept. ((9-14)) 10-15, ((2006; Sept. 8-13, 2007; Sept. 6-11, 2008)) 2009, 2010, 2011. EXCEPT Pacific County: Sept. 1-15, ((2006, 2007, and 2008)) 2009, 2010, and 2011.

~~((EASTERN WASHINGTON SEASON DATES: Sept. 9-10, 2006; Sept. 8-9, 2007; Sept. 6-7, 2008.))~~

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

OPEN AREA: Statewide.

SEASON DATES: Sept. 1-30, ((2006, 2007, 2008)) 2009, 2010, 2011.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

BAND-TAILED PIGEON

Bag and Possession Limits: Two (2) band-tailed pigeons per day with a total of four (4) band-tailed pigeons in possession at one time.

OPEN AREA: Statewide.

SEASON DATES: Sept. 15-23, (~~2006, 2007, 2008~~) 2009, 2010, 2011.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department of fish and wildlife office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By October 15, hunters must return the harvest report to a department of fish and wildlife office, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271 and 232-12-044).

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, (~~2006~~) 2009 - Mar. 31, (~~2007~~) 2010; Aug. 1, (~~2007~~) 2010 - Mar. 31, (~~2008~~) 2011; Aug. 1, (~~2008~~) 2011 - Mar. 31, (~~2009~~) 2012.

Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year round on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of section 16); Region Three - South L. T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a modern firearm deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety cougar removal permit (WAC 232-12-243) or a commission authorized hound permit (WAC 232-28-285)), coyote, and bobcat is prohibited year round.

YAKAMA INDIAN RESERVATION:

The (~~2006-07, 2007-08, 2008-09~~) 2009-10, 2010-11, 2011-12 upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

COLVILLE INDIAN RESERVATION:

The (~~2006-07, 2007-08, 2008-09~~) 2009-10, 2010-11, 2011-12 upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

AMENDATORY SECTION (Amending Order 08-78, filed 4/18/08, effective 5/19/08)

WAC 232-28-351 (~~2006-2008~~) 2009-2011 Deer general seasons and definitions.

Bag Limit: One (1) deer per hunter during the license year except where otherwise permitted by Fish and Wildlife Commission rule.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

Antler Point: To qualify as an antler point, the point must be at least one inch long measured on the longest side.

Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON AND DESIGNATED SPECIAL PERMIT SEASONS(~~(+)~~). Buck deer taken in antler restricted GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Eye guards are antler points when they are at least one inch long.

2 Point minimum GMUs: 437, (~~574, 578,~~) 636, 654, and 681.

3 Point minimum GMUs: All mule deer in 100, 200, and 300 series GMUs; white-tailed deer in GMUs 127, 130, 133,

136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, ~~((and))~~ 186, and black-tailed deer in GMU 578.

Permit Only Units: The following GMUs require a special permit to hunt deer: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed)~~((, 490 (Cedar River),))~~ and 522 (Loo-wit).

Black-tailed Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to ~~((Klickitat County; in Klickitat County along the Yakama Indian Reservation boundary to Summit Creek Rd; southwest on Summit Creek Rd to the Glenwood-Goldendale Highway; northwest on the Glenwood-Goldendale Highway to Lakeside Rd; south on Lakeside Rd to Fisher Hill Rd (P-2000); south on Fisher Hill Rd to Fisher Hill bridge crossing))~~ the Klickitat River; ~~((southwest))~~ south down Klickitat River to the Columbia River.

Mule Deer: Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the

Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to ~~((Klickitat County; in Klickitat County along the Yakama Indian Reservation boundary to Summit Creek Rd; southwest on Summit Creek Rd to the Glenwood-Goldendale Highway; northwest on the Glenwood-Goldendale Highway to Lakeside Rd; south on Lakeside Rd to Fisher Hill Rd (P-2000); south on Fisher Hill Rd to Fisher Hill bridge crossing))~~ the Klickitat River; ~~((southwest))~~ south down Klickitat River to the Columbia River.

White-tailed Deer: Means any white-tailed deer (member of the species *Odocoileus virginianus*) except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

MODERN FIREARM DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.

Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

Hunt Season	((2006)) 2009 Dates	((2007)) 2010 Dates	((2008)) 2011 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten, Olympic Peninsula, and Henry Jackson Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
GENERAL SEASON ((HUNTS))					
Western Washington ((Blacktail)) Black-tailed Deer	Oct. ((14)) 17-31	Oct. ((13)) 16-31	Oct. ((11)) 15-31	407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 574, 601 through 633, 638 through 653, 658 through 673, 684	Any buck
				GMUs 410, 564, Deer Areas 4013, 4926, and 6014	Any deer
				578	3 pt. min.
Eastern Washington ((Whitetail)) White-tailed Deer	Oct. ((14-27)) 17-30	Oct. ((13-26)) 16-29	Oct. ((11-24)) 15-28	((405)) 101 through 124	Any ((whitetail)) white-tailed buck
	Oct. ((14-22)) 17-25	Oct. ((13-21)) 16-24	Oct. ((11-19)) 15-23	((All 200 and 300 series GMUs except permit only in 290, 329, and 371)) 203 through 284, 328, 330 through 368, 372, 379, 381	Any ((whitetail)) white-tailed buck
	((Oct. 14-29))	Oct. 13-28	Oct. 11-26	101, 204	Any whitetail buck))
	Oct. ((14-22)) 17-25	Oct. ((13-21)) 16-24	Oct. ((11-19)) 15-23	127 through 154, 162 through 186	((Whitetail)) White-tailed, 3 pt. min.
Eastern Washington Mule Deer	Oct. ((14-22)) 17-25	Oct. ((13-21)) 16-24	Oct. ((11-19)) 15-23	((All 100, 200, and 300 series GMUs, except permit only in GMUs 290, 329, and 371, and closed in GMU 157)) 101 through 154, 162 through 186, 203 through 284, 328, 330 through 368, 372 through 388	Mule deer, 3 pt. min.
				((379))	Any mule deer))
	Oct. ((14-27)) 17-30	Oct. ((13-26)) 16-29	Oct. ((11-24)) 15-28	373, 382, 388	Mule deer, 3 pt. min.
LATE ((BUCK HUNTS)) GENERAL SEASON					
Western Washington ((Blacktail)) Black-tailed Deer	Nov. ((16-19)) 19-22	Nov. ((15-18)) 18-21	Nov. ((13-16)) 17-20	407, 410, 454, 466, ((and 500, and 600 series GMUs except closed in GMUs 522, 574, and 578)) 501 through 520, 524 through 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699	Any buck ((except 2-pt. min. in GMUs 636, 654, and 681))

Hunt Season	(2006) 2009 Dates	(2007) 2010 Dates	(2008) 2011 Dates	Game Management Units (GMUs)	Legal Deer
				636, 654, 681	2 pt. min.
	Nov. ((16-19)) 19-22	Nov. ((15-18)) 18-21	Nov. ((13-16)) 17-20	GMUs 410 and 564, Deer Areas 4013, 4926, 6014	Any deer
Eastern Washington ((Whitetail)) White-tailed Deer	Nov. ((6)) 7-19	Nov. ((5)) 6-19	Nov. ((3)) 5-19	((405)) 101 through 124	Any ((whitetail)) white-tailed buck
((YOUTH & DISABLED HUNTERS))					
Eastern Washington Whitetail Deer	Oct. 28 – Nov. 5	Oct. 27 – Nov. 4	Oct. 25 – Nov. 2	105 through 124	Whitetail, antlerless-only))
HUNTERS 65 AND OVER, DISABLED, OR YOUTH GENERAL SEASONS					
Eastern Washington ((Whitetail)) White-tailed Deer	Oct. ((14-27 & Nov. 6-19)) 17-30	Oct. ((13-26 & Nov. 5-19)) 16-29	Oct. ((11-24 & Nov. 3-19)) 15-28	((405)) 101 through 124	Any ((whitetail)) white-tailed deer
	((Oct. 14-29))	Oct. 13-28	Oct. 11-26	101	Any whitetail deer))
	Oct. ((14-22)) 17-25	Oct. ((13-21)) 16-24	Oct. ((11-19)) 15-23	127 through 142, 145 ((through)) , 154, Deer Area 1010, and 172 through ((181)) 178	((Whitetail)) White-tailed, 3 pt. min. or antlerless
MASTER HUNTER SEASON					
Eastern Washington ((Whitetail)) White-tailed Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	((Whitetail)) White-tailed, antlerless only

ARCHERY DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid archery deer tag on his/her person for the area hunted.

Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment (WAC 232-12-054).

Hunt Area	(2006) 2009 Dates	(2007) 2010 Dates	(2008) 2011 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery General Deer Seasons					
Western Washington ((Blacktail)) Black-tailed Deer	Sept. 1- ((30)) 25	Sept. 1- ((30)) 24	Sept. 1- ((30)) 23	407 through 426, 448 ((through)) , 450, 454, 466, 501 ((through 520, 524 through 556)) , 504, 505, 510, 513, 520, 554, 560, 564, 568, 572, 601 ((through)) , 603, 615, 621 through 633, ((638)) 642 through ((653)) 652, 658 through ((673)) 672, 684 and 699	Any deer ((except buck only in GMUs 460, 503, 506, 530, 550, 673))
				460, 503, 574, 673	Any buck
				437, ((574, 578,)) 636, 654, 681	2 pt. min. or antlerless
	Sept. 1-20	Sept. 1-19	Sept. 1-18	578	3 pt. min.
Eastern Washington Mule Deer	Sept. 1- ((30)) 25	Sept. 1- ((30)) 24	Sept. 1- ((30)) 23	516, 524, 556, 560, 602, 607, 612, 618, 638, 653	Any deer
				506, 530, 550	Any buck
				105 through 127, ((162,)) 145, 163, ((166, 169,)) 243, ((328,)) 334 ((through 340, 346 through 368))	3 pt. min.
	Sept. 1-20	Sept. 1-19	Sept. 1-18	142 ((through)) , 154, and 172 through 175, 181, 186, Deer Area 1010, 244 through 247, 249 through 251, 260, 372, 373, 379, 381, 388	3 pt. min. or antlerless
	Sept. 1-15	Sept. 1-15	Sept. 1-15	((379, 381))	Any mule deer))
	Sept. 16- ((30)) 25	Sept. 16- ((30)) 24	Sept. 16- ((30)) 23	149, 154, 162, 166, 169, 172, 251, 328, 329, 335, 336, 340, 342, 346, 352, 356, 360, 364, 368	3 pt. min.
Eastern Washington ((Whitetail)) White-tailed Deer	Sept. 1- ((30)) 25	Sept. 1- ((30)) 24	Sept. 1- ((30)) 23	101, 130 through 139, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284, 382	3 pt. min.
				101, 130 through 139, 204 through 242, 248, 254, 262, 266, 269, 272, 278, 284, 382	3 pt. min. or antlerless
Eastern Washington ((Whitetail)) White-tailed Deer	Sept. 1-20	Sept. 1-19	Sept. 1-18	101 through 124, 204 through 250, 254 through 284, 373, 379, 381	Any ((whitetail)) white-tailed deer
				251	Any white-tailed deer

Hunt Area	(2006) 2009 Dates	(2007) 2010 Dates	(2008) 2011 Dates	Game Management Units (GMUs)	Legal Deer
	Sept. 1-25	Sept. 1-24	Sept. 1-23	127 through (154,162) 145, 163 through 169, 175, 181, 186	((Whitetail)) White-tailed, 3 pt. min. or antlerless
	Sept. 1-20	Sept. 1-19	Sept. 1-18	154, 162, 172	White-tailed, 3 pt. min. or antlerless
	Sept. 1-20	Sept. 1-19	Sept. 1-18	149	White-tailed, 3 pt. min.
Late Archery General Deer Seasons					
Western Washington ((Blacktail)) Black-tailed Deer	((Nov. 22 - Dec. 8)) Dec. 1-15	((Nov. 21 - Dec. 8)) Dec. 1-15	((Nov. 19 - Dec. 8)) Dec. 1-15	437, 636, 654, 681	2 pt. min. or antlerless
	((Nov. 22 - Dec. 15))	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	636, 681	2 pt. min. or antlerless
	Nov. ((22)) 25 - Dec. 15	Nov. ((21)) 24 - Dec. 15	Nov. ((19)) 23 - Dec. 15	466, 510 through 520, 524, 556, 601, 607 through 618, 638, 648, and 699	Any deer
	((Nov. 22 - Dec. 15))	Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	460, 506, 530, 560, 572	Buck only
	Nov. ((22)) 25 - Dec. 31	Nov. ((21)) 24 - Dec. 31	Nov. ((19)) 23 - Dec. 31	407, 410, 454, 505, 564, 603, 624, 627, 642, 652, 660 through 672	Any deer
Eastern Washington Mule Deer	Nov. ((20)) 25 - Dec. 8	Nov. ((20)) 24 - Dec. 8	Nov. ((20)) 23 - Dec. 8	((209, 215, 233, 243,)) 346, 352, 364, 388, Deer Area 3682	3 pt. min.
				145, 163 ((, 178, 250))	3 pt. min. or antlerless
				272, 278, 373 ((, 381, 388))	3 pt. min. or antlerless
	((Nov. 20-30)) Dec. 2-8	((Nov. 20-30)) Dec. 2-8	((Nov. 20-30)) Dec. 2-8	133, 136	Antlerless
	Dec. 9-31	Dec. 9-31	Dec. 9-31	Deer Area 1021	((3 pt. min. or)) Antlerless only
Eastern Washington ((Whitetail)) White-tailed Deer	Nov. ((10)) 20 - Dec. 15	Nov. ((10)) 20 - Dec. 15	Nov. ((10)) 20 - Dec. 15	101	Any ((whitetail)) white-tailed deer
	Nov. ((20)) 25 - Dec. 15	Nov. ((20)) 24 - Dec. 15	Nov. ((20)) 23 - Dec. 15	105, 108, 117, 121, 124, 127	Any ((whitetail)) white-tailed deer
				((127))	3 pt. min. or antlerless whitetail
	Nov. ((20)) 25 - Dec. 8	Nov. ((20)) 24 - Dec. 8	Nov. ((20)) 23 - Dec. 8	145, 163 ((, 178))	3 pt. min. or antlerless ((whitetail)) white-tailed deer
	Nov. 25 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	204, 209, 215, 233, ((243, 250,)) 272, 278, 373	Any ((whitetail)) white-tailed deer
	((Nov. 20-30)) Dec. 2-8	((Nov. 20-30)) Dec. 2-8	((Nov. 20-30)) Dec. 2-8	133, 136	Antlerless

MUZZLELOADER DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.

Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.

Hunting Method: Muzzleloader only.

Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

Hunt Area	(2006) 2009 Dates	(2007) 2010 Dates	(2008) 2011 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten, Olympic Peninsula, and Henry Jackson Wilderness areas, and Lake Chelan Recreation Area	3 pt. min.
Early Muzzleloader General Deer Seasons					
Western Washington ((Blacktail)) Black-tailed Deer	((Oct. 7-13)) Sept. 26 - Oct. 4	((Oct. 6-12)) Sept. 25 - Oct. 3	((Oct. 4-10)) Sept. 24 - Oct. 2	407, 418, 426, 448, 450, 501, 504, 505, 506, 510, 513, 516, 520, 530, 554, 556, 568, 572, 574, 603, 607, 612, 615, 624, 636, 638, 642, 648, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 627, 652, 666, Deer Area 4926	Any deer
				437 ((, 578))	2 pt. min.
				578	3 pt. min.

Hunt Area	(2006) 2009 Dates	(2007) 2010 Dates	(2008) 2011 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington (Whitetail) White-tailed Deer	((Oct. 7-13)) Sept. 26 - Oct. 4	((Oct. 6-12)) Sept. 25 - Oct. 3	((Oct. 4-10)) Sept. 24 - Oct. 2	203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 248, 250, 251, 260, 278, 284	((Whitetail)) White-tailed, any buck
				((133,)) 142((-145, 149, 181, 381))	((Whitetail)) White-tailed, 3 pt. min. or antlerless
				133, 136, 145, 149, 175, 178, 181, 186	White-tailed, 3 pt. min.
				101 through 124, 373, 379	((Whitetail)) White-tailed, any deer
Eastern Washington Mule Deer	((Oct. 7-13)) Sept. 26 - Oct. 4	((Oct. 6-12)) Sept. 25 - Oct. 3	((Oct. 4-10)) Sept. 24 - Oct. 2	101 through 124, 133, 136, 142, 145, 149, 175, 178, 181, 186, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 248, 250, 251, 254, 260, 262, 266, 269, 272, 284, 328, 330 through 342, 352 through 360, 368, 373, 382	Mule deer, 3 pt. min.
				278, ((384)) 379	Mule deer, 3 pt. min. or antlerless
				((379))	Any mule deer))
				Late Muzzleloader General Deer Seasons	
Western Washington (Blacktail) Black-tailed Deer	Nov. ((22)) 26 - Dec. 15	Nov. ((21)) 25 - Dec. 15	Nov. ((19)) 24 - Dec. 15	407, 410, 501, 504, 564, 633, 666, 684, and Deer Area 4926	Any deer
				654	2 pt. min.
				460, 550, 602, 658	Any buck
	Nov. 26 - Dec. 6	Nov. ((24)) 26 - Dec. 6	Nov. ((19)) 24 - Dec. 6	651, 667, 673	Any buck
	Dec. 7-15	Dec. 7 - 15	Dec. 7 - 15	651, 673	Any deer
((Dec. 1-15))	Dec. 1-15	Dec. 1-15	578	2 pt. min.))	
Eastern Washington (Whitetail) White-tailed Deer	Nov. ((20)) 26 - Dec. 8	Nov. ((20)) 25 - Dec. 8	Nov. ((20)) 24 - Dec. 8	113, 379	((Whitetail,)) Any white-tailed deer
				172, 181	((Whitetail)) White-tailed, 3 pt. min. ((or antlerless))
	((Nov. 20-30)) Nov. 25 - Dec. 1	((Nov. 20-30)) Nov. 24 - Dec. 1	((Nov. 20-30)) Nov. 23 - Dec. 1	130, 133, 136, 139	((Whitetail)) White-tailed, 3 pt. min. or antlerless
	Nov. 20-30	Nov. 20-30	Nov. 20-30	381	White-tailed, 3 pt. min. or antlerless
Eastern Washington Mule Deer	((Nov. 20-30)) Dec. 1-15	((Nov. 20-30)) Dec. 1-15	((Nov. 20-30)) Dec. 1-15	382	3 pt. min.
				130	Antlerless
	Nov. 20-30	Nov. 20-30	Nov. 20-30	381	3 pt. min. or antlerless
	((Nov. 20 - Dec. 8)) Dec. 1-15	((Nov. 20 - Dec. 8)) Dec. 1-15	((Nov. 20 - Dec. 8)) Dec. 1-15	379	((Any mule deer)) 3 pt. min.

AMENDATORY SECTION (Amending Order 08-78, filed 4/18/08, effective 5/19/08)

WAC 232-28-352 ((2006-2008)) 2009-2011 Elk general seasons and definitions.

Bag Limit: One (1) elk per hunter during the license year except where otherwise permitted by fish and wildlife commission rule. Any combination of seasons, tags, and permits set by the fish and wildlife commission will not exceed a maximum of two (2) elk per hunter during the license year.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers (bull calves are illegal).

Antler Point: To qualify as an antler point, the point must be at least one inch long measured on the longest side.

Branch: A branch is defined as any projection off the main antler beam that is at least one inch long, measured on the longest side, and longer than it is wide.

Spike Bull Antler Restrictions: Bull elk taken in spike only GMUs must have at least one antler with ~~((only one antler point above the ear. An animal with more than one antler point above the ears on both antlers is illegal))~~ no branches originating more than four inches above where the antler attaches to the skull.

Spike Only GMUs: 145-154, 162-186, 249, ~~((251, 328, 329,))~~ and ~~((335))~~ 336-368.

True Spike—Bull Antler Restrictions: Bull elk taken in these units must have both antlers with no branching originating more than four inches above where the antlers attach to the skull. Under the true spike restriction, the taking of an elk that has two points on one side or has antler points within one inch of the definitions regarding length of point, or point of origination is an infraction under RCW 7.84.030. All other types of violations of the true spike restriction are subject to current penalties and assessments.

True Spike GMUs: 251, 328-335.

3 Point Antler Restrictions: Legal bull elk must have at least 3 antler points on one side with at least 2 antler points above the ear. Eye guards are antler points when they are at least one inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, 652 for archers, 666, 684, and Elk Area 4941.

Permit Only Units: The following GMUs are closed during general seasons: 157, 371, 418, 485, 522, 524, 556, 621, 636, 653, and Elk Area 3068.

GMUs Closed to Elk Hunting: 437 (except for Elk Area 4941)(~~and 490~~).

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only for all hunters in GMUs 157 and 371. Modern firearms are restricted in GMU 334.

EA - Eastern Washington Archery Tag

EF - Eastern Washington Modern Firearm General Elk Tag

EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMU(~~s 418;~~) 437 (except for Elk Area 4941), (~~490;~~) and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6064 in GMU 638 (Quinault) is open to master hunters only. Elk hunting by permit only in GMUs 418, 485, 522, 524, 556, 621, and 636.

WA - Western Washington Archery Tag

WF - Western Washington Modern Firearm General Elk Tag

WM - Western Washington Muzzleloader Tag

Modern Firearm General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2006)) 2009 Dates	((2007)) 2010 Dates	((2008)) 2011 Dates	Legal Elk
Eastern Washington	EF	111, 113, 117	((Oct. 28 - Nov. 5)) Oct. 31 - Nov. 8	((Oct. 27 - Nov. 4)) Oct. 30 - Nov. 7	((Oct. 25 - Nov. 2)) Oct. 29 - Nov. 6	Any bull
		145 through 154, 162 through 186, 249, ((251, 328, 329, 335)) 336 through 368	((Oct. 28 - Nov. 5)) Oct. 31 - Nov. 8	((Oct. 27 - Nov. 4)) Oct. 30 - Nov. 7	((Oct. 25 - Nov. 2)) Oct. 29 - Nov. 6	Spike bull
		<u>251, 328, 329, 330, 334, 335</u>	Oct. 31 - Nov. 8	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	True spike bull
		Elk Area 3722*	Sept. 9-22	Sept. 8-21	Sept. 6-19	Antlerless
		101, 105, 108, 121, <u>124</u> through 142, 372, 382, 388	((Oct. 28 - Nov. 5)) Oct. 31 - Nov. 8	((Oct. 27 - Nov. 4)) Oct. 30 - Nov. 7	((Oct. 25 - Nov. 2)) Oct. 29 - Nov. 6	Any elk
		127-142 master hunters only	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203 through 248, 250, 254 through 290, 373, 379, 381 (except closed within 1/2 mile of the Columbia River in Douglas and Grant counties)	Oct. ((28)) <u>31</u> - Nov. 15	Oct. ((27)) <u>30</u> - Nov. 15	Oct. ((25)) <u>29</u> - Nov. 15	Any elk
		Elk Area 2033	Sept. 8 - Oct. <u>2</u>	Sept. 7 - Oct. <u>1</u>	Sept. 6-30	Antlerless only
		371, Elk Areas 3911 and 3912 master hunters only	Aug. 1 - Jan. ((30)) <u>20</u> , <u>2010</u>	Aug. 1 - Jan. ((30)) <u>20</u> , <u>2011</u>	Aug. 1 - Jan. ((2009)) <u>2012</u>	Antlerless only
		Elk Area 3911** master hunters only, 2nd tag	<u>Aug. 1 - Oct. 25</u>	<u>Aug. 1 - Oct. 24</u>	Aug. 1 - Oct. ((24)) <u>23</u>	Antlerless only
*GMU 372 and Elk Area 3722 are mainly private property, hunters are not advised to try hunting these areas without making prior arrangements for access.						

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2006)) 2009 Dates	((2007)) 2010 Dates	((2008)) 2011 Dates	Legal Elk
		**Master Hunters who hunt in Elk Area 3911 may purchase a master hunter, Elk Area 3911, second elk transport tag. Any legal weapon may be used. Master hunter, Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October ((24)) 25, 2009, August 1 - October 24, 2010, and August 1 - October 23, 2011. All hunters participating in the Elk Area 3911 hunt must wear hunter orange.				
Western Washington	WF	407, 448, 460, 466, 503, <u>505</u> through 520, 530, 550, 560, 572, 601 through 618, 624 (except for Elk Area 6071), 627 through 633, 638 through 652, 654 through 684. Except master hunters only in Elk Area 6064.	Nov. ((4-13)) <u>7-17</u>	Nov. ((3-12)) <u>6-16</u>	Nov. ((1-10)) <u>5-15</u>	3 pt. min.
		501, <u>504</u>	Nov. ((4-13)) <u>7-17</u>	Nov. ((3-12)) <u>6-16</u>	Nov. ((1-10)) <u>5-15</u>	3 pt. min. or antlerless
		564, 568, 574 through 578, 666	Nov. ((4-13)) <u>7-17</u>	Nov. ((3-12)) <u>6-16</u>	Nov. ((1-10)) <u>5-15</u>	Any elk
		454	Nov. ((4-13)) <u>7-17</u>	Nov. ((3-12)) <u>6-16</u>	Nov. ((1-10)) <u>5-15</u>	Any bull

Archery General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.

Hunting Method: Bow and arrow only as defined by WAC 232-12-054.

Special Notes: Archery tag holders can hunt only during archery seasons and must hunt with archery equipment (WAC 232-12-054). Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2006)) 2009 Dates	((2007)) 2010 Dates	((2008)) 2011 Dates	Legal Elk
Early Archery General Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, <u>373, 379, 381, 388</u>	Sept. 8-((24)) <u>20</u>	Sept. ((8-24)) <u>7-19</u>	Sept. ((8-24)) <u>6-18</u>	Any elk
		145, 162, 166 through 172, 181, 186((328, 329, 335))	Sept. 8-((24)) <u>20</u>	Sept. ((8-24)) <u>7-19</u>	Sept. ((8-24)) <u>6-18</u>	Spike bull
		<u>328, 329, 335</u>				<u>True spike bull</u>
		149, 154, Elk Area 1010, Elk Area 1013, 163, 175, 178, 330, 334, 336, 340, 352, 356, 364	Sept. 8-((24)) <u>20</u>	Sept. ((8-24)) <u>7-19</u>	Sept. ((8-24)) <u>6-18</u>	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 652, 666	Sept. 8-((24)) <u>20</u>	Sept. ((8-24)) <u>7-19</u>	Sept. ((8-24)) <u>6-18</u>	Any elk
		407, 448, 501 through 505, 520, 550, 554, 560, 572, 624, except for Elk Area 6071, Elk Area 6061, 654, 660, ((663)) 667 through 673, <u>681</u> , 684, and 699	Sept. 8-((24)) <u>20</u>	Sept. ((8-24)) <u>7-19</u>	Sept. ((8-24)) <u>6-18</u>	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 530, 601, 602, 603, 607, 612 through 618, 627, 633, 638 through 648, 651, 658, and ((681)) <u>663</u> . Master hunters only in Elk Area 6064	Sept. 8-((24)) <u>20</u>	Sept. ((8-24)) <u>7-19</u>	Sept. ((8-24)) <u>6-18</u>	3 pt. min.
		Elk Area 4941	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk
Late Archery General Elk Seasons						
Eastern Washington	EA	101, 105, 108, 117 through 127, <u>373, 388</u>	Nov. ((20)) <u>25</u> - Dec. 8	Nov. ((20)) <u>24</u> - Dec. 8	Nov. ((20)) <u>23</u> - Dec. 8	Any elk
		178	Nov. ((20)) <u>25</u> - Dec. 8	Nov. ((20)) <u>24</u> - Dec. 8	Nov. ((20)) <u>23</u> - Dec. 8	Antlerless only
		127-142 master hunters only. Must wear hunter orange.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		Elk Area 1010, 163	Dec. 9 - Jan. 30	Dec. 9 - Jan. 30	Dec. 9 - Jan. 20, 2009	Antlerless only

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2006)) 2009 Dates	((2007)) 2010 Dates	((2008)) 2011 Dates	Legal Elk
		203 through 248, 250, 254 through 290, 373, 379, 381 ((except closed within 1/2-mile of the Columbia River in Douglas and Grant counties)). Must wear hunter orange.	Oct. ((28)) <u>31</u> - Nov. 15	Oct. ((27)) <u>30</u> - Nov. 15	Oct. ((25)) <u>29</u> - Nov. 15	Any elk
		371, Elk Areas 3911 and 3912 master hunters only. Must wear hunter orange.	Aug. 1 - Jan ((30)) <u>20, 2010</u>	Aug. 1 - Jan. ((30)) <u>20, 2011</u>	Aug. 1 - Jan. 20, ((2009)) <u>2012</u>	Antlerless only
		Elk Area 3911* master hunters only, 2nd tag. Must wear hunter orange.	<u>Aug. 1 - Oct. 25</u>	<u>Aug. 1 - Oct. 24</u>	Aug. 1 - Oct. ((24)) <u>23</u>	Antlerless only
		328	Nov. ((20)) <u>25</u> - Dec. 8	Nov. ((20)) <u>24</u> - Dec. 8	Nov. ((20)) <u>23</u> - Dec. 8	True spike bull
		335	<u>Nov. 25 - Dec. 8</u>	<u>Nov. 24 - Dec. 8</u>	<u>Nov. 23 - Dec. 8</u>	True spike bull or antlerless
		((335;)) 336, 346, 352, 364, Elk Area 3681	Nov. ((20)) <u>25</u> - Dec. 8	Nov. ((20)) <u>24</u> - Dec. 8	Nov. ((20)) <u>23</u> - Dec. 8	Spike bull or antlerless
Western Washington	WA	407, 503, 505, 648, 667, 672, 681, ((Elk Area 6066 in GMU 660;)) and 699. ((Elk Area 6064, except)) Master hunters only in Elk Area 6064 ((in)) portion of GMU 638	Nov. ((22)) <u>25</u> - Dec. 15	Nov. ((21)) <u>24</u> - Dec. 15	Nov. ((19)) <u>23</u> - Dec. 15	3 pt. min. or antlerless
		454, 564, 666	Nov. ((22)) <u>25</u> - Dec. 15	Nov. ((21)) <u>24</u> - Dec. 15	Nov. ((19)) <u>23</u> - Dec. 15	Any elk
		603, 612, 615, 638	Nov. ((22)) <u>25</u> - Dec. 15	Nov. ((21)) <u>24</u> - Dec. 15	Nov. ((19)) <u>23</u> - Dec. 15	3 pt. min.
		506, <u>520</u> , 530	Nov. ((22)) <u>25</u> - Dec. 7	Nov. ((21)) <u>24</u> - Dec. 7	Nov. ((19)) <u>23</u> - Dec. 7	((3 pt. min. or)) Antlerless
		((520))		Nov. 21 - Dec. 15	Nov. 19 - Dec. 15	3 pt. min. or antlerless
		<u>506, 530</u>	<u>Dec. 8-15</u>	<u>Dec. 8-15</u>	<u>Dec. 8-15</u>	3 pt. min.))
*Master Hunters who hunt in Elk Area 3911 may purchase a master hunter, Elk Area 3911, second elk transport tag. Any legal weapon may be used. Master hunter, Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October ((24)) <u>25, 2009, August 1 - October 24, 2010, and August 1 - October 23, 2011.</u> All hunters participating in the Elk Area 3911 hunt must wear hunter orange.						

Muzzleloader General Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.

Hunting Method: Muzzleloader only as defined by WAC 232-12-051.

Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2006)) 2009 Dates	((2007)) 2010 Dates	((2008)) 2011 Dates	Legal Elk
Early Muzzleloader General Elk Seasons						
Eastern Washington	EM	111, 113, 117, 247	Oct. ((7-13)) <u>3-9</u>	Oct. ((6-12)) <u>2-8</u>	Oct. ((4-10)) <u>1-7</u>	Any bull
		101 through 108, 121 through 142, 250	Oct. ((7-13)) <u>3-9</u>	Oct. ((6-12)) <u>2-8</u>	Oct. ((4-10)) <u>1-7</u>	Any elk
		172, 245, Elk Area 2051, ((335)) <u>336</u> through 342, 352 through 360, 368	Oct. ((7-13)) <u>3-9</u>	Oct. ((6-12)) <u>2-8</u>	Oct. ((4-10)) <u>1-7</u>	Spike bull
		335	Oct. <u>3-9</u>	Oct. <u>2-8</u>	Oct. <u>1-7</u>	True spike bull
Western Washington	WM	454, 564, 568, 574, 578, 666, 684	Oct. ((7-13)) <u>3-9</u>	Oct. ((6-12)) <u>2-8</u>	Oct. ((4-10)) <u>1-7</u>	Any elk
		460, ((504;)) 513, 530, 554, 602, 603, 607, ((658;)) <u>627, 633, 638</u> except Elk Area 6064, <u>642, 660, 663, 672</u>	Oct. ((7-13)) <u>3-9</u>	Oct. ((6-12)) <u>2-8</u>	Oct. ((4-10)) <u>1-7</u>	3 pt. min.

Hunt Area	Elk Tag Area	Game Management Units (GMUs)	((2006)) 2009 Dates	((2007)) 2010 Dates	((2008)) 2011 Dates	Legal Elk
		501, 503, <u>504</u> , 652, 654, 663, 667	Oct. ((7-13)) <u>3-9</u>	Oct. ((6-12)) <u>2-8</u>	Oct. ((4-10)) <u>1-7</u>	3 pt. min. or antlerless
Late Muzzleloader <u>General</u> Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. ((20)) <u>25</u> - Dec. 8	Nov. ((20)) <u>24</u> - Dec. 8	Nov. ((20)) <u>23</u> - Dec. 8	Any elk
		127-142 master hunters only. Must wear hunter orange.	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203 through 248, 250, 254 through 290, 373, 379, 381. ((except closed within 1/2 mile of the Columbia River in Douglas and Grant counties)) Must wear hunter orange.	Oct. ((28)) <u>31</u> - Nov. 15	Oct. ((27)) <u>30</u> - Nov. 15	Oct. ((25)) <u>29</u> - Nov. 15	Any elk
		371, Elk Areas 3911 and 3912 master hunters only. Must wear hunter orange.	Aug. 1 - Jan. ((30-2007)) <u>20</u>	Aug. 1 - Jan. ((30-2008)) <u>20</u>	Aug. 1 - Jan. 20((7-2009))	Antlerless only
		Elk Area 3911* master hunters only, 2nd tag. Must wear hunter orange.	<u>Aug. 1 - Oct. 25</u>	<u>Aug. 1 - Oct. 24</u>	Aug. 1 - Oct. ((24)) <u>23</u>	Antlerless only
Western Washington	WM	Elk Area 4941	Nov. 1((--Jan. 30-2007))-30	Nov. 1((--Jan. 30-2008))-30	Nov. 1((--Jan. 20-2009))-30	Any elk
		501, 503, <u>504</u> , 505, 652	Nov. ((22)) <u>25</u> - Dec. 8	Nov. ((21)) <u>24</u> - Dec. 8	Nov. ((19)) <u>23</u> - Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 666, 684	Nov. ((22)) <u>25</u> - Dec. 15	Nov. ((21)) <u>24</u> - Dec. 15	Nov. ((19)) <u>23</u> - Dec. 15	Any elk
		574, 578	Nov. ((22-30)) <u>25</u> - Dec. 8	Nov. ((21-30)) <u>24</u> - Dec. 8	Nov. ((19-30)) <u>23</u> - Dec. 8	Any elk
		((504,)) 550, 601, <u>618</u> , <u>658</u> , 667	((Nov. 22--)) Dec. <u>1-15</u>	((Nov. 21--)) Dec. <u>1-15</u>	((Nov. 19--)) Dec. <u>1-15</u>	3 pt. min.
		*Master Hunters who hunt in Elk Area 3911 may purchase a master hunter, Elk Area 3911, second elk transport tag. Any legal weapon may be used. Master hunter, Elk Area 3911 second elk transport tags will be valid only for Elk Area 3911 from August 1 - October ((24)) <u>25</u> , 2009, August 1 - October 24, 2010, and August 1 - October 23, 2011. All hunters participating in the Elk Area 3911 hunt must wear hunter orange.				

AMENDATORY SECTION (Amending Order 08-227, filed 9/8/08, effective 10/9/08)

WAC 232-28-353 ((2008)) 2009 Deer special permits.

SPECIAL DEER PERMIT HUNTING SEASONS

(Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchase of a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for archery, muzzleloader, or modern firearm permit hunts. Hunters drawn for a special permit hunt must comply with weapon restrictions and dates listed for the hunt.

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.)				
((Sherman	Oct. 11-26	Whitetail, antlerless	GMU 101	50))
Kelly Hill A	((Oct. 11-24 & Nov. 3-19)) Nov. 20-25	((Whitetail, antlerless)) White-tailed 3 pt. min.	GMU 105	((50)) 5
Douglas A	((Oct. 11-24 & Nov. 3-19)) Nov. 20-25	((Whitetail, antlerless)) White-tailed 3 pt. min.	GMU 108	((100)) 5
Aladdin B	Nov. ((26-30)) 20-25	((Whitetail, any buck)) White-tailed 3 pt. min.	GMU 111	((50)) 25
49 Degrees North A	((Oct. 11-24 & Nov. 3-19)) Nov. 20-25	((Whitetail, antlerless)) White-tailed 3pt. min.	GMU 117	((175)) 5
Huckleberry A	((Oct. 11-24 & Nov. 3-19)) Nov. 20-25	((Whitetail, antlerless)) White-tailed 3 pt. min.	GMU 121	((300)) 5

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Mt. Spokane A	((Oct. 11-24 & Nov. 3-19)) Nov. 20-25	((Whitetail, antlerless)) White-tailed 3 pt. min.	GMU 124	((350)) 5
((Mica Peak A	Oct. 11-19	Whitetail, antlerless	GMU 127	150
Cheney A	Oct. 11-19	Antlerless	GMU 130	200
Roosevelt	Oct. 11-19	Antlerless	GMU 133	200
Harrington	Oct. 11-19	Antlerless	GMU 136	125
Steptoe	Oct. 11-19 & Nov. 3-19	Antlerless	GMU 139	300
Almota A	Oct. 11-19 & Nov. 3-19	Antlerless	GMU 142	100))
Palouse	Nov. ((3-19)) 3-25	((Whitetail)) White-tailed, 3 pt. min.	GMUs 127-142	((625)) 750
Mayview A	Nov. 1-12	Antlerless	GMU 145	50
((Prescott A	Nov. 1-12	Antlerless	GMU 149	50))
Blue Creek	Nov. ((3-16)) 9-19	((Whitetail)) White-tailed, antlerless	GMU 154	((80)) 50
Dayton A	Nov. ((3-16)) 9-19	((Whitetail)) White-tailed, antlerless	GMU 162	80
Dayton B	Nov. ((3-16)) 9-19	Antlerless	Deer Area 1010	((75)) 60
Marengo	Nov. 1-12	Whitetail, antlerless	GMU 163	50
Peola	Nov. 1-12	Whitetail, antlerless	GMU 178	50
Blue Mtns. Foothills A	Nov. ((3)) 9-19	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. ((3)) 9-19	Whitetail, 3 pt. min. or antlerless	GMUs 145, 172-181	50
East Okanogan A	Nov. 1-((18)) 25	Any whitetail	GMU 204	50
East Okanogan B	Oct. ((11-26)) 17-25	Whitetail, antlerless	GMU 204	100
Wannacut A	Nov. 1-25	Any deer	GMU 209	9
West Okanogan A	Nov. 1-((18)) 25	Any whitetail	GMUs 218-242	100
West Okanogan B	Oct. 11-19	Whitetail, antlerless	GMUs 218-242	((100)) 50
Sinlahekin A	Nov. 1-((18)) 25	Any whitetail	GMU 215	50
Sinlahekin B	Oct. ((11-19)) 17-25	Whitetail, antlerless	GMU 215	50
Sinlahekin C	Nov. 1-24	Any buck	GMU 215	30
Chewuch A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 218	15
Pearrygin A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 224	15
Gardner A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 231	10
Pogue A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 233	((10)) 30
Chiliwist A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 239	((10)) 13
Alta A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 242	((10)) 39
Manson A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 243	((5)) 10
Chiwawa A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 245	((30)) 28
Slide Ridge A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 246	((16)) 12
Entiat A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 247	52
Big Bend A	Nov. 1-((18)) 24	Antlerless	GMU 248	((150)) 40
Swakane A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 250	((32)) 38
Mission A	Nov. 1-((18)) 24	Any ((deer)) buck	GMU 251	((28)) 22
Mission B	Oct. ((13-28)) 17-25	Antlerless	GMU 251	((168)) 40
St. Andrews	Oct. ((11-19)) 17-25	Antlerless	GMU 254	((115)) 35

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Foster Creek A	Oct. ((11-19)) <u>17-25</u>	Antlerless	GMU 260	((75)) <u>25</u>
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	((75)) <u>25</u>
Withrow ((A))	Oct. ((11-19)) <u>17-25</u>	Antlerless	GMU 262	((50)) <u>20</u>
Badger	Nov. 1-18	Antlerless	GMU 266	15
Ritzville A	Nov. 1- ((18)) <u>24</u>	((3 pt. min. or antlerless)) <u>Any deer</u>	GMU 284	((5)) <u>10</u>
Desert A	Nov. ((1-12)) <u>15-24</u>	Any deer	GMU 290	((15)) <u>19</u>
Desert B	((Nov. 26-30)) <u>Oct. 17-31</u>	Antlerless	GMU 290	((75)) <u>50</u>
Naneum A	Nov. ((10-16)) <u>9-15</u>	Any buck	GMU 328	16
Quilomene A	Nov. ((3-16)) <u>2-15</u>	((3 pt. min.)) <u>Any buck</u>	GMU 329	14
Teaway A	Nov. ((10-16)) <u>9-15</u>	Any buck	GMU 335	16
L.T. Murray A	Nov. ((10-16)) <u>9-15</u>	Any buck	GMUs 336, 340	((17)) <u>16</u>
Bethel ((A))	Nov. ((3-16)) <u>2-15</u>	Any buck	GMU 360	5
Cowiche ((A))	Nov. ((3-16)) <u>2-15</u>	Any buck	GMU 368	10
<u>Alkali A</u>	<u>Nov. 7-22</u>	<u>Any buck</u>	<u>GMU 371</u>	<u>52</u>
<u>Alkali B</u>	<u>Nov. 7-22</u>	<u>Antlerless</u>	<u>GMU 371</u>	<u>35</u>
Kahlotus A	Dec. ((9-15)) <u>5-11</u>	Antlerless	GMU 381	50
East Klickitat A	Oct. ((11-24)) <u>17-25</u>	3 pt. min. or antlerless	GMU 382	30
Grayback A	Oct. ((11-24)) <u>17-25</u>	3 pt. min. or antlerless	GMU 388	25
Grayback B	Nov. 11-18	3 pt. min.	GMU 388	50
Sauk	Nov. ((13-16)) <u>19-24</u>	2 pt. min.	GMU 437	25
Stillaguamish	Nov. ((13-16)) <u>19-24</u>	Any buck	GMU 448	10
Snoqualmie	Nov. ((13-16)) <u>19-24</u>	Any buck	GMU 460	25
Green River A	((Nov. 1-7)) <u>Oct. 17-23</u>	Any buck	GMU 485	10
Lincoln A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 501	40
Stella A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 504	35
Mossyrock A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 505	85
Stormking A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 510	30
South Rainier A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 513	((30)) <u>20</u>
Packwood A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 516	50
Winston A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 520	50
Yale A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 554	15
Coweman A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 550	20
Toutle A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 556	((25)) <u>15</u>
Lewis River A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 560	20
Washougal A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 568	10
Siouxon A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 572	20
Wind River A	Oct. ((11-31)) <u>17-31</u>	((2 pt. min. or antlerless)) <u>Any deer</u>	GMU 574	10
Wind River B	Nov. 11- ((18)) <u>24</u>	((2 pt. min.)) <u>Any buck</u>	GMU 574	40
West Klickitat A	Oct. ((11-31)) <u>17-31</u>	((2)) <u>3 pt. min. or antlerless</u>	GMU 578	15
West Klickitat B	Nov. 11- ((18)) <u>24</u>	((2)) <u>3 pt. min</u>	GMU 578	40
Pysht	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 603	15
Olympic A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 621	35
Kitsap	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 627	20
Skokomish ((A))	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 636	20
Wynoochee A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 648	110
Wynoochee B	Nov. 1- ((14)) <u>24</u>	Any buck	GMU 648	10
Satsop A	Nov. 1- ((14)) <u>24</u>	Any buck	GMU 651	10
Mashel ((A))	Oct. ((11-31)) <u>17-31</u>	2 pt. min or antlerless	GMU 654	40

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
North River A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 658	70
Minot Peak	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 660	20
Capitol Peak A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 663	15
Capitol Peak B	Nov. 1-((11)) <u>24</u>	Any buck	GMU 663	10
Deschutes	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 666	80
Skookumchuck A	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 667	20
Skookumchuck B	Nov. 1-((11)) <u>24</u>	Any buck	GMU 667	10
Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)				
Roosevelt A	Sept. 26 - Oct. 16	ONLY 2 pt. x 2 pt. Bucks	GMU 133	20
Harrington A	Sept. 26 - Oct. 16	ONLY 2 pt. x 2 pt. Bucks	GMU 136	20
Steptoe A	Sept. 26 - Oct. 16	ONLY 2 pt. x 2 pt. Bucks	GMU 139	20
((Green Bluff	Dec. 9-31	Whitetail, antlerless	That portion of GMU 124 east of Hwy 2	90))
Mayview B	((Oct. 4-10)) Sept. 26 - Oct. 4	Antlerless	GMU 145	25
((Preseott B	Oct. 4-10	Antlerless	GMU 149	25))
Dayton C	Sept. 26 - Oct. 4	3 pt. min.	GMU 162	25
Tucannon	Sept. 26 - Oct. 4	3 pt. min.	GMU 166	10
Wenaha	Sept. 26 - Oct. 4	3 pt. min.	GMU 169	25
Mountain view	Sept. 26 - Oct. 4	3 pt. min.	GMU 172	15
Blue Mtns. Foothills C	Nov. 20 - Dec. 8	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
((Wannacut A	Oct. 4-10	Antlerless	GMU 209	25))
Wannacut B	Nov. 25-30	Any deer	GMU 209	1
Sinlahekin D	Nov. 25-30	Any deer	GMU 215	4
Pouge B	Nov. 25-30	Any deer	GMU 233	4
Chiliwirs B	Nov. 25-30	Any deer	GMU 239	2
Alta B	Nov. 25-30	Any deer	GMU 242	5
Manson B	Nov. 25-30	Any deer	GMU 243	1
Chiwawa B	Nov. ((19)) 25-30	Any deer	GMU 245	3
Chiwawa C	((Oct. 4-10)) Sept. 26 - Oct. 4	Antlerless	GMU 245	((56)) 10
Slide Ridge B	Nov. 25-30	Any deer	GMU 246	1
Entiat B	Nov. 25-30	Any deer	GMU 247	5
Swakane B	((Oct. 4-10)) Sept. 26 - Oct. 4	Antlerless	GMU 250	((28)) 8
Swakane C	Nov. 25-30	Any deer	GMU 250	4
Mission C	((Oct. 4-10)) Sept. 26 - Oct. 4	Antlerless	GMU 251	((36)) 8
Mission D	Nov. 25-30	Any deer	GMU 251	2
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	((100)) 20
Moses Coulee A	Nov. 1-((18)) <u>25</u>	Any deer	GMU 269	((20)) 5
Moses Coulee B	Dec. 1-31	Antlerless	GMU 269	((100)) 20
Ritzville B	Nov. ((19-30)) <u>25-30</u>	((Mule deer, 3 pt. min. or antlerless; any white-tailed)) Any deer	GMU 284	((5)) 1
((Benge A	Dec. 1-15	Antlerless	Deer Area 2010	20))
Lakeview A	Nov. 1-18	Antlerless	Deer Area 2011	10
Desert C	((Oct. 25-31)) Nov. 1-8	Any deer	GMU 290	2
Naneum B	Nov. ((3-9)) <u>2-8</u>	Any buck	GMU 328	2
Quilomene B	((Oct. 4-10)) Sept. 26 - Oct. 4	3 pt. min.	GMU 329	2
Teanaway ((C)) B	Nov. ((3-9)) <u>2-8</u>	Any buck	GMU 335	2
L.T. Murray B	Nov. ((3-9)) <u>2-8</u>	Any buck	GMUs 336, 340	4
Bald Mountain	Nov. 2-26	Any buck	GMUs 342, 346	10
Alkali C	Sept. 27 - Oct. 16	Any buck	GMU 371	8

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
<u>Alkali D</u>	<u>Sept. 27 - Oct. 16</u>	<u>Antlerless</u>	<u>GMU 371</u>	<u>10</u>
Whitcomb A	Sept. ((8-13)) <u>1-12</u>	((Antlerless)) <u>Any deer</u>	Deer Area 3071	7
Whitcomb B	Sept. ((14)) <u>13-19</u>	Antlerless	Deer Area 3071	7
Whitcomb C	Sept. ((22 - Oct. 3)) <u>21-25</u>	((Any deer)) <u>Antlerless</u>	Deer Area 3071	7
<u>Whitcomb D</u>	<u>Sept. 28 - Oct. 2</u>	<u>Antlerless</u>	<u>Deer Area 3071</u>	<u>7</u>
Paterson A	Sept. ((8-13)) <u>1-12</u>	((Antlerless)) <u>Any deer</u>	Deer Area 3072	10
Paterson B	Sept. ((14-19)) <u>13-19</u>	Antlerless	Deer Area 3072	10
Paterson C	((Sept. 22 - Oct. 3)) <u>Sept. 21-25</u>	((Any deer)) <u>Antlerless</u>	Deer Area 3072	10
<u>Paterson D</u>	<u>Sept. 28 - Oct. 2</u>	<u>Antlerless</u>	<u>Deer Area 3072</u>	<u>10</u>
Kahlotus B	((Nov. 20 - Dec. 8)) <u>Oct. 3-9</u>	((Any deer)) <u>3 pt. min. or antlerless</u>	GMU 381	50
East Klickitat B	Nov. ((24)) <u>25-30</u>	<u>3 pt. min. or antlerless</u>	GMU 382	15
((Grayback C	<u>Oct. 4-10</u>	<u>3 pt. min. or antlerless</u>	<u>GMU 388</u>	<u>5</u>
West Klickitat C	<u>Dec. 1-15</u>	<u>2 pt. min. or antlerless</u>	<u>GMU 578</u>	<u>15</u>
Mossyrock B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 505	10
Stormking B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 510	5
South Rainier B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 513	5
Packwood B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 516	5
Winston B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 520	5
Coweeman B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 550	30
Yale B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 554	2
Toutle B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 556	3
((Lewis River B	<u>Oct. 4-10</u>	<u>Any deer</u>	<u>GMU 560</u>	<u>5</u>
Washougal B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 568	10
((Siouxon B	<u>Oct. 4-10</u>	<u>Any deer</u>	<u>GMU 572</u>	<u>5</u>
Wind River C	<u>Oct. 4-10</u>	<u>2 pt. min. or antlerless</u>	<u>GMU 574</u>	<u>1</u>
West Klickitat C	<u>Sept. 26 - Oct. 4</u>	<u>3 pt. min. or antlerless</u>	<u>GMU 578</u>	<u>15</u>
West Klickitat D	<u>Dec. 1-8</u>	<u>3 pt. min.</u>	<u>GMU 578</u>	<u>100</u>
Olympic B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 621	20
North River B	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	<u>Any deer</u>	GMU 658	5
Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)				
<u>Wannacut C</u>	<u>Dec. 1-8</u>	<u>Any buck</u>	<u>GMU 209</u>	<u>7</u>
<u>Sinlahekin E</u>	<u>Dec. 1-8</u>	<u>Any buck</u>	<u>GMU 215</u>	<u>24</u>
<u>Pogue B</u>	<u>Dec. 1-8</u>	<u>Any buck</u>	<u>GMU 233</u>	<u>24</u>
<u>Chiliwist B</u>	<u>Dec. 1-8</u>	<u>Any buck</u>	<u>GMU 239</u>	<u>10</u>
<u>Alta C</u>	<u>Dec. 1-8</u>	<u>Any buck</u>	<u>GMU 242</u>	<u>31</u>
<u>Manson C</u>	<u>Dec. 1-15</u>	<u>Any buck</u>	<u>GMU 243</u>	<u>7</u>
Chiwawa D	Dec. 1-((12)) <u>15</u>	<u>Any ((deer)) buck</u>	GMU 245	((16)) <u>17</u>
<u>Slide Ridge C</u>	<u>Dec. 1-15</u>	<u>Any buck</u>	<u>GMU 246</u>	<u>5</u>
((Entiat B	Nov. <u>20-29</u>	<u>Any deer</u>	<u>GMU 247</u>	<u>128</u>
Entiat C	((Nov. 30 - Dec. 8)) <u>Dec. 1-15</u>	<u>Any ((deer)) buck</u>	GMU 247	((120)) <u>17</u>
Big Bend B	((Nov. 30 - Dec. 8)) <u>Dec. 1-15</u>	<u>Any deer</u>	GMU 248	10
<u>Swakane D</u>	<u>Dec. 1-15</u>	<u>Any buck</u>	<u>GMU 250</u>	<u>15</u>
<u>Mission E</u>	<u>Dec. 1-15</u>	<u>Any buck</u>	<u>GMU 251</u>	<u>6</u>

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Ritzville C	Dec. 1-15	Any buck	GMU 284	<u>4</u>
Desert D	((Nov. 13-25)) Nov. 25 - Dec. 8	Any deer	GMU 290	((16)) <u>24</u>
Naneum C	Nov. ((20)) 25 - Dec. 8	Any buck	GMU 328	((8)) <u>9</u>
Quilomene C	Nov. ((20)) 25 - Dec. 8	((3 pt. min.)) Any buck	GMU 329	((11)) <u>13</u>
Teanaway ((D)) C	Nov. ((20)) 25 - Dec. 8	Any buck	GMU 335	((13)) <u>14</u>
L.T. Murray C	Nov. ((20)) 25 - Dec. 8	Any buck	GMUs 336, 340	((7)) <u>8</u>
Alkali E	Sept. 1-26	Any deer	GMU 371	<u>52</u>
Grayback C	Nov. 25 - Dec. 8	3 pt. min. or antlerless	GMU 388	<u>100</u>
Special Modern Firearm Deer Permit Hunts for Hunters 65 or older				
Ferry A	Oct. ((11-19)) 17-25	Antlerless	GMU 101	20
Blue Mtns. Foothills D	Oct. ((11-19)) 17-25	Antlerless	GMUs 145, ((149)) 154, Deer Area 1010	30
East Okanogan C	Oct. ((11-19)) 17-25	Antlerless	GMU 204	((10)) <u>5</u>
Wannacut ((B)) D	Oct. ((11-19)) 17-25	Antlerless	GMU 209	((10)) <u>5</u>
Sinlahekin ((C)) E	Oct. ((11-19)) 17-25	Antlerless	GMU 215	((10)) <u>5</u>
Chewuch B	Oct. ((11-19)) 17-25	Antlerless	GMU 218	((15)) <u>5</u>
Pearrygin B	Oct. ((11-19)) 17-25	Antlerless	GMU 224	((20)) <u>10</u>
Gardner B	Oct. ((11-19)) 17-25	Antlerless	GMU 231	((15)) <u>10</u>
Pogue ((B)) C	Oct. ((11-19)) 17-25	Antlerless	GMU 233	((10)) <u>5</u>
Chiliwist ((B)) C	Oct. ((11-19)) 17-25	Antlerless	GMU 239	((10)) <u>5</u>
Alta ((B)) D	Oct. ((11-19)) 17-25	Antlerless	GMU 242	((15)) <u>5</u>
Chiwawa E	Oct. ((13-28)) 17-25	Antlerless	GMU 245	((12)) <u>8</u>
Entiat ((E)) D	Oct. ((13-28)) 17-25	Antlerless	GMU 247	((12)) <u>8</u>
Swakane ((C)) E	Oct. ((13-28)) 17-25	Antlerless	GMU 250	((12)) <u>8</u>
Mission ((D)) E	Oct. ((13-28)) 17-25	Any deer	GMU 251	((12)) <u>8</u>
Bridgeport A	Oct. ((13-21)) 17-25	Antlerless	GMUs 248, 260	((20)) <u>15</u>
Palisades A	Oct. ((13-21)) 17-25	Antlerless	GMUs 266, 269	10
Sunnyside A	Oct. ((13-21)) 17-25	Antlerless	GMU 372	((15)) <u>10</u>
Horse Heaven Hills A	Oct. ((13-21)) 17-25	Antlerless	GMU 373	10
Kahlotus C	Oct. ((13-21)) 17-25	Antlerless	GMU 381	10
East Klickitat C	Oct. ((11-24)) 17-25	3 pt. min. or antlerless	GMU 382	15
Grayback D	Oct. ((11-24)) 17-25	3 pt. min. or antlerless	GMU 388	5
Lincoln B	Oct. ((11-31)) 17-31	Any deer	GMU 501	5
Stella B	Oct. ((11-31)) 17-31	Any deer	GMU 504	5
Mossyrock C	Oct. ((11-31)) 17-31	Any deer	GMU 505	15
Stormking C	Oct. ((11-31)) 17-31	Any deer	GMU 510	5
South Rainier C	Oct. ((11-31)) 17-31	Any deer	GMU 513	5
Packwood C	Oct. ((11-31)) 17-31	Any deer	GMU 516	5
Winston C	Oct. ((11-31)) 17-31	Any deer	GMU 520	5
Yale C	Oct. ((11-31)) 17-31	Any deer	GMU 554	5

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Toutle C	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 556	10
Lewis River ((€)) B	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 560	5
Washougal C	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 568	10
Siouxon ((€)) B	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 572	5
Wind River ((Ð)) C	Oct. ((11-31)) <u>17-31</u>	((2-pt. min. or antlerless)) <u>Any deer</u>	GMU 574	2
West Klickitat ((Ð)) E	Oct. ((11-31)) <u>17-31</u>	((2)) <u>3 pt. min. or antlerless</u>	GMU 578	5
Copalis	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 642	20
North River C	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 658	10
Williams Creek	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 673	20
Disabled Hunter Deer Permits (Hunters must use method/weapon listed on their tag. All weapon types may apply unless otherwise noted.)				
Ferry B	Oct. ((11-19)) <u>17-25</u>	<u>Antlerless, modern firearm only</u>	GMU 101	20
East Okanogan D	((Restricted to general early-season by tag choice)) <u>Archery tag holders can hunt Sept. 1-25</u> <u>Muzzleloader tag holders can hunt Sept. 26 - Oct. 4</u> <u>Modern firearm tag holders can hunt Oct. 17-25</u>	Antlerless	GMU 204	10
Wannacut ((€)) E		Antlerless	GMU 209	((10)) <u>5</u>
Sinlahekin ((Ð)) G		Antlerless	GMU 215	((15)) <u>10</u>
Chewuch C		Antlerless	GMU 218	((20)) <u>10</u>
Pearrygin C		Antlerless	GMU 224	((15)) <u>5</u>
Gardner C		Antlerless	GMU 231	((10)) <u>5</u>
Pogue ((€)) D		Antlerless	GMU 233	((10)) <u>5</u>
Chiliwist ((€)) D		Antlerless	GMU 239	((15)) <u>10</u>
Alta ((€)) E		Antlerless	GMU 242	((10)) <u>5</u>
Saint Andrews		Antlerless	<u>GMU 254</u>	10
Chiwawa F	Oct. ((13-28)) <u>17-25</u>	Antlerless, modern firearm only	GMU 245	((12)) <u>10</u>
Entiat ((F)) E	Oct. ((13-28)) <u>17-25</u>	Antlerless, modern firearm only	GMU 247	((20)) <u>15</u>
Mission ((E)) G	Oct. ((13-28)) <u>17-25</u>	Any deer, modern firearm only	GMU 251	((20)) <u>15</u>
Bridge Port B	((Restricted to general early-season by tag choice)) <u>Archery tag holders can hunt Sept. 1-25</u> <u>Muzzleloader tag holders can hunt Sept. 26 - Oct. 4</u> <u>Modern firearm tag holders can hunt Oct. 17-25</u>	Any deer	GMUs 248, 260	15
Palisades B		Any deer	GMUs 266, 269	5
((Sunnyside B	Restricted to general early-season by tag choice	Antlerless	GMU 372	10))
Horse Heaven Hills B	Oct. <u>17-25</u>	<u>Antlerless</u>	<u>GMU 373</u>	10
Kahlotus D	Nov. <u>1-15</u>	Antlerless	GMU 381	10
East Klickitat D	<u>Archery tag holders can hunt Sept. 1-25</u>	3 pt. min. or antlerless	GMU 382	15
Grayback E	<u>Muzzleloader tag holders can hunt Sept. 26 - Oct. 4</u> <u>Modern firearm tag holders can hunt Oct. 17-25</u>	3 pt. min. or antlerless	GMU 388	5
Green River B	((Nov. 1-7)) Oct. <u>17-23</u>	Antlerless, modern firearm only	GMU 485	5

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits	
Lincoln C	((Restricted to general early-season by tag choice))	Any deer	GMU 501	3	
Stella C		Any deer	GMU 504	3	
Mossyrock D		Any deer	GMU 505	5	
Stormking D		Any deer	GMU 510	3	
South Rainier D		Any deer	GMU 513	3	
Packwood D		Any deer	GMU 516	3	
Winston D		Any deer	GMU 520	3	
Yale D		Any deer	GMU 554	3	
Toutle D		Any deer	GMU 556	5	
Lewis River ((D)) C		Any deer	GMU 560	2	
Washougal D		Any deer	GMU 568	10	
Siouxon ((D)) C		Archery tag holders can hunt Sept. 1-25	Any deer	GMU 572	3
Wind River ((E)) D			((2 pt. min. or antlerless)) Any deer	GMU 574	1
West Klickitat ((E)) F		Muzzleloader tag holders can hunt Sept. 26 - Oct. 4	((2) 3 pt. min. or antlerless	GMU 578	3
Capitol Peak C		Any deer	GMU 663	30	
Skookumchuck C		Any deer	GMU 667	30	
North River D	Modern firearm tag holders can hunt Oct. 17-31	Any deer	GMU 658	5	
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)					
Modern Firearm Only					
Ferry C	Oct. ((11-19)) 17-25	Antlerless	GMU 101	30	
Blue Mtns. Foothills E	Oct. ((11-19)) 17-25	Antlerless	GMUs ((149-)) 154, 163, Deer Area 1010	((40)) 30	
Blue Mtns. Foothills F	Oct. ((11-19)) 17-25	Antlerless	GMUs 145, 172-181	((40)) 30	
East Okanogan E	Oct. ((11-19)) 17-25	Antlerless	GMU 204	35	
Wannacut ((D)) E	Oct. ((11-19)) 17-25	Antlerless	GMU 209	((20)) 10	
Sinlahekin ((E)) H	Oct. ((11-19)) 17-25	Antlerless	GMU 215	((40)) 20	
Chewuch D	Oct. ((11-19)) 17-25	Antlerless	GMU 218	((65)) 30	
Pearygin D	Oct. ((11-19)) 17-25	Antlerless	GMU 224	((70)) 35	
Gardner D	Oct. ((11-19)) 17-25	Antlerless	GMU 231	((25)) 15	
Pogue ((D)) E	Oct. ((11-19)) 17-25	Antlerless	GMU 233	((20)) 10	
Chiliwist ((D)) E	Oct. ((11-19)) 17-25	Antlerless	GMU 239	((40)) 20	
Alta ((D)) E	Oct. ((11-19)) 17-25	Antlerless	GMU 242	((45)) 25	
Chiwawa G	Oct. ((11-26)) 17-25	Antlerless	GMU 245	((68)) 20	
Entiat ((G)) F	Oct. ((11-26)) 17-25	Antlerless	GMU 247	((44)) 20	
Swakane ((D)) F	Oct. ((11-26)) 17-25	Antlerless	GMU 250	((24)) 10	
Mission ((F)) H	Oct. ((11-26)) 17-25	Antlerless	GMU 251	((168)) 40	
Bridge Port C	Oct. ((11-19)) 17-25	Antlerless	GMUs 248, 260	((175)) 40	
Palisades C	Oct. ((11-19)) 17-25	Antlerless	GMUs 266, 269	((50)) 35	
((Lakeview C	Oct. 11-19	Any deer	Deer Area 2011	10))	
Benge ((B)) A	Oct. 23-31	Antlerless	Deer Area 2010	20	

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
Desert E	Sept. ((22-23)) <u>26-27</u>	Any deer	GMU 290	2
Horse Heaven Hills ((B)) <u>C</u>	Oct. ((11-19)) <u>10-18</u>	Antlerless	GMU 373	10
Kahlotus E	Oct. ((11-19)) <u>10-18</u>	Antlerless	GMU 381	15
Grayback F	Oct. ((11-24)) <u>17-25</u>	Any deer	GMU 388	15
East Klickitat E	Oct. ((11-24)) <u>17-25</u>	Any deer	GMU 382	25
Green River C	((Nov. 1-7)) <u>Oct. 17-23</u>	Any deer	GMU 485	5
Lincoln D	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 501	10
Stella D	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 504	10
Mossyrock E	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 505	10
Stormking E	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 510	10
South Rainier E	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 513	10
Packwood E	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 516	10
Winston E	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 520	10
Yale E	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 554	10
Toutle E	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 556	((60)) 50
Lewis River ((E)) <u>D</u>	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 560	10
Washougal E	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 568	10
Siouxon ((E)) <u>D</u>	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 572	10
Wind River ((F)) <u>E</u>	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 574	10
West Klickitat ((F)) <u>G</u>	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 578	10
Satsop B	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 651	10
Skookumchuck D	Oct. ((4-31)) <u>10-31</u>	Any deer	GMU 667	60
North River E	Oct. ((11-31)) <u>17-31</u>	Any deer	GMU 658	10
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Muzzleloader Only				
Ferry D	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	Antlerless	GMU 101	10
East Okanogan F	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	Antlerless	GMU 204	5
Wannacut ((E)) <u>G</u>	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	Antlerless	GMU 209	5
Pogue ((E)) <u>F</u>	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	Antlerless	GMU 233	5
Chiliwist ((E)) <u>F</u>	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	Antlerless	GMU 239	5
Alta ((E)) <u>G</u>	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	Antlerless	GMU 242	5
Mission ((G)) <u>I</u>	((Oct. 4-10)) <u>Sept. 26 - Oct. 4</u>	Any deer	GMU 251	((16)) 10
((Ritzville C	Oct. 4-10	Antlerless	GMU 284	50))
Desert F	Sept. ((8-9)) <u>12-13</u>	Any deer	GMU 290	2
((Whitecomb D	Aug. 30 - Sept. 5	Antlerless	Deer Area 3071	7
Paterson D	Aug. 30 - Sept. 5	Antlerless	Deer Area 3072	10))
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and be accompanied by an adult during the hunt.)				
Archery Only				
Desert G	Sept. ((15-16)) <u>19-20</u>	Any deer	GMU 290	2
Special Deer Permits - Second Deer Tag				
These permits are only valid when a second license and tag is purchased. Hunters must use the method/weapon listed on their tag. The second deer license and tag type must be the same tag type as the first one. These 2nd deer special permit hunts will affect hunters' accumulated points. Hunters' points will be used if drawn for this special permit.				
Hunt Name	Second Tag Season	Special Restrictions	Boundary Description	Permits
Sherman	<u>Archery Sept. 1-25 and Nov. 20 - Dec. 15</u> Or <u>Muzzleloader Sept. 26 - Oct. 4</u> Or	White-tailed, antlerless	GMU 101	10

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
	<u>Modern Firearm Oct. 17-30 depending on tag choice</u>			
<u>Kelly Hill B</u>	<u>Archery Sept. 1-25 and Nov. 25 - Dec. 15</u> Or <u>Muzzleloader Sept. 26 - Oct. 4</u> Or <u>Modern Firearm Oct. 17-30 and Nov. 7-19 depending on tag choice</u>	<u>White-tailed, antlerless</u>	<u>GMU 105</u>	<u>10</u>
<u>Douglas B</u>	<u>Archery Sept. 1-25 and Nov. 25 - Dec. 15</u> Or <u>Muzzleloader Sept. 26 - Oct. 4</u> Or <u>Modern Firearm Oct. 17-30 and Nov. 7-19 depending on tag choice</u>	<u>White-tailed, antlerless</u>	<u>GMU 108</u>	<u>10</u>
<u>Aladdin A</u>	<u>Archery Sept. 1-25</u> Or <u>Muzzleloader Sept. 26 - Oct. 4</u> Or <u>Modern Firearm Oct. 17-30 and Nov. 7-19 depending on tag choice</u>	<u>White-tailed, antlerless</u>	<u>GMU 111</u>	<u>10</u>
<u>49 Degrees North B</u>	<u>Archery Sept. 1-25 and Nov. 25 - Dec. 15</u> Or <u>Muzzleloader Sept. 26 - Oct. 4</u> Or <u>Modern Firearm Oct. 17-30 and Nov. 7-19 depending on tag choice</u>	<u>White-tailed, antlerless</u>	<u>GMU 117</u>	<u>10</u>
<u>Colville River</u>	<u>Sept. 1 - Dec. 31</u> <u>Hunter orange required for all hunters.</u>	<u>White-tailed, antlerless</u>	<u>Deer Area 1030</u>	<u>25</u>
<u>Huckleberry B</u>	<u>((Restricted to general seasons by tag choice)) Archery Sept. 1-25 and Nov. 25 - Dec. 15</u> Or <u>Muzzleloader Sept. 26 - Oct. 4</u> Or <u>Modern Firearm Oct. 17-30 and Nov. 7-19 depending on tag choice</u>	<u>((Whitetail)) White-tailed, antlerless</u>	<u>GMU 121</u>	<u>((450))</u> <u>20</u>
<u>Green Bluff</u>	<u>Dec. 9-31. Muzzleloader tag required. Must use muzzleloader equipment.</u>	<u>White-tailed, antlerless</u>	<u>That portion of GMU 124 east of Hwy 2</u>	<u>75</u>
<u>Mt. Spokane B</u>	<u>((Restricted to general seasons by tag choice)) Archery Sept. 1-25 and Nov. 25 - Dec. 15</u> Or <u>Muzzleloader Sept. 26 - Oct. 4</u>	<u>((Whitetail)) White-tailed, antlerless</u>	<u>GMU 124</u>	<u>((450))</u> <u>200</u>

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
	<u>Or</u> <u>Modern Firearm Oct. 17-30 and Nov. 7-19 depending on tag choice</u>			
<u>((Almota B</u>	<u>Restricted to general seasons by tag choice</u>	<u>Antlerless</u>	<u>GMU 142</u>	<u>100</u>)
<u>Mica Peak ((B)) A</u>	<u>((Modern firearm and archery general season only)) Archery Sept. 1-25 and Nov. 25 - Dec. 15</u> <u>Or</u> <u>Modern firearm Oct. 17-25 depending on tag choice</u>	<u>Whitetail, antlerless</u>	<u>GMU 127</u>	<u>((150))</u> <u>50</u>
<u>Cheney^c</u>	<u>Archery Sept. 1-25</u> <u>Or</u> <u>Muzzleloader Nov. 26 - Dec. 8</u> <u>Or</u> <u>Modern firearm Oct. 17-25 depending on tag choice</u>	<u>Antlerless</u>	<u>GMU 130</u>	<u>50</u>
<u>Spokane North^{eu}</u>	<u>Archery Sept. 1-25 and Nov. 25 - Dec. 15</u> <u>Or</u> <u>Muzzleloader Sept. 26-Oct. 4</u> <u>Or</u> <u>Modern firearm Oct. 17-25 and Nov. 7-19 depending on tag choice</u>	<u>White-tailed, antlerless</u>	<u>Deer Area 1050</u>	<u>550</u>
<u>Spokane South^{eu}</u>	<u>Archery Sept. 1-25 and Nov. 25 - Dec. 15</u> <u>Or</u> <u>Modern firearm Oct. 17-30 depending on tag choice</u>	<u>White-tailed, antlerless</u>	<u>Deer Area 1060</u>	<u>150</u>
<u>Spokane West^{eu}</u>	<u>Archery Sept. 1-25</u> <u>Or</u> <u>Muzzleloader Nov. 26 - Dec. 8</u> <u>Or</u> <u>Modern firearm Oct. 17-25 depending on tag choice</u>	<u>Antlerless</u>	<u>Deer Area 1070</u>	<u>100</u>
<u>Roosevelt B</u>	<u>Muzzleloader Sept. 26-Oct. 4 and Nov. 26 - Dec. 8</u> <u>Or</u> <u>Modern firearm Oct. 17-25 depending on tag choice</u>	<u>Antlerless</u>	<u>GMU 133</u>	<u>325</u>
<u>Harrington B</u>	<u>Muzzleloader Sept. 26 - Oct. 4 and Nov. 26 - Dec. 8</u> <u>Or</u> <u>Modern firearm Oct. 17-25 depending on tag choice</u>	<u>Antlerless</u>	<u>GMU 136</u>	<u>200</u>
<u>Colfax</u>	<u>Archery Sept. 1-25</u> <u>Or</u> <u>Muzzleloader Sept. 26-Oct. 4 and Nov. 26 - Dec. 8</u> <u>Or</u> <u>Modern firearm Oct. 17-25 depending on tag choice</u>	<u>Antlerless</u>	<u>Deer Area 1080</u>	<u>100</u>
<u>Steptoe B</u>	<u>Oct. 17-25 & Nov. 7-19</u>	<u>Antlerless</u>	<u>GMU 139</u>	<u>200</u>
<u>Almota A</u>	<u>Oct. 17-25 & Nov. 7-19</u>	<u>Antlerless</u>	<u>GMU 142</u>	<u>150</u>

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
((Northeast	Archery tag required. Any open archery hunt. Must use archery equipment.	Whitetail, antlerless	GMUs 105, 108, 121, 124	400))
Clarkston	((Dec. 9-31-) Nov. 20 - Dec. 31. Archery tag required. Must use archery equipment.	Antlerless	Deer Area 1021	30
Benge ((€) B	Dec. ((16-31) 9-31	Antlerless	Deer Area 2010	20
Lakeview ((€) B	Jan. 1-30	Antlerless	Deer Area 2011	20
Methow	Sept. ((4) 8 - Oct. ((12) 9	Antlerless	Deer Area 2012	100
North Okanogan	Sept. 8 - Oct. 9	Antlerless	Deer Area 2013	50
Central Okanogan	Sept. 8 - Oct. 9	Antlerless	Deer Area 2014	25
Omak	Sept. 8 - Oct. 9	Antlerless	Deer Area 2015	25
Conconully	Sept. 8 - Oct. 9	Antlerless	Deer Area 2016	25
High Prairie	((Restricted to general early-season by tag choice)) Archery Sept. 1-25 Or Muzzleloader Sept. 26 - Oct. 4 Or Modern firearm Oct. 17-25 depending on tag choice	Antlerless	Deer Area 3088	20
Shaw	((Restricted to general seasons by tag choice)) Archery Sept. 1-25 and Nov. 25 - Dec. 31 Or Muzzleloader Sept. 26 - Oct. 4 and Nov. 26 - Dec. 15 Or Modern firearm Oct. 17-31 and Nov. 19-22 depending on tag choice	Any deer	Deer Area 4004	20
Lopez		Any deer	Deer Area 4005	50
Orcas		Any deer	Deer Area 4006	50
Decatur		Any deer	Deer Area 4007	50
Blakely		Any deer	Deer Area 4008	50
Cypress		Any deer	Deer Area 4009	50
San Juan		Any deer	Deer Area 4010	50
Camano		Antlerless	Deer Area 4011	50
Whidbey		Antlerless	Deer Area 4012	125
Vashon-Maury		Antlerless	Deer Area 4013	125
Guemes		Antlerless	Deer Area 4926	50
Cottonwood A	Archery only Sept. 1-25	Any black-tailed deer	Deer Area 5064	7
Cottonwood B	Muzzleloader only Sept. 26 - Oct. 4	Any black-tailed deer	Deer Area 5064	7
Cottonwood C	Modern firearm only Oct. 17-31	Any black-tailed deer	Deer Area 5064	7
Cottonwood D	Modern firearm only Nov. 19-22	Any black-tailed deer	Deer Area 5064	7
Cottonwood E	Archery only Nov. 25 - Dec. 31	Any black-tailed deer	Deer Area 5064	7
Cottonwood F	Modern firearm only Jan. 1-30, 2010	Any black-tailed deer	Deer Area 5064	7
Anderson	Archery Sept. 1-25 and Nov. 25 - Dec. 31 Or Muzzleloader Sept. 26 - Oct. 4 and Nov. 26 - Dec. 15	Antlerless	Deer Area 6014	50

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits
	Or Modern firearm Oct. 17-31 and Nov. 19-22 depending on tag choice			
Master Hunter Special Deer Permit Hunts: Only master hunters may apply; antlerless only hunts will not affect accumulated points; any weapon may be used.				
Lakeview D	Dec. 9-31	Antlerless	Deer Area 2011	20

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> - Special deer permits will be allocated through a random drawing to those hunter education instructors that qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons. - Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. - Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. - Permittees may purchase a second license for use with the permit hunt only. 				
Area	Dates	Restrictions	GMUs	Permits
Region 1	All general season and permit seasons established for GMUs included with the permit	Any white-tailed deer	Any 100 series GMU except GMU 157	2
Region 2		Any white-tailed deer	GMUs 204-215	2
Region 2		Any deer	GMUs 215-251	1
Region 2		Any deer	GMU 290	1
Region 3		Any deer	GMUs 335-368, 382, 388	1
Region 4		Any deer	Any 400 series GMU except GMUs 485 and 490	2
Region 5		Legal buck for 500 series GMU of choice or antlerless	Any 500 series GMU open for a general deer hunting season or a special deer permit hunting season	6
Region 6	Legal buck for GMU of choice	GMUs 654, 660, 672, 673, 681	1	

AMENDATORY SECTION (Amending Order 08-227, filed 9/8/08, effective 10/9/08)

WAC 232-28-354 ((2008)) 2009 Elk special permits.

Special Elk Permit Hunting Seasons (Open to Permit Holders Only)

Hunters must purchase an elk hunting license prior to purchase of a permit application. Hunters may only apply for permits consistent with the tag required for the hunt choice; however, Multiple Season Permit holders may apply for Eastern or Western Washington archery, muzzleloader, or modern firearm permit hunts. Applicants must have purchased the proper tag for these hunts. The elk tag prefixes required to apply for each hunt are shown in the following table. Hunters drawn for a special permit hunt must comply with weapon restrictions and dates listed for the hunt.

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)					
Turnbull A	Oct. 27 - Nov. 15	Any bull	EA, EF, EM	Elk Area 1015	1
Prescott A	((Oct. 20 - Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 149	3
Prescott B	Sept. 21-25	Any bull	EF	GMU 149	1
Blue Creek A	((Oct. 20 - Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 154	4
Blue Creek B	Sept. 21-25	Any bull	EF	GMU 154	1
Watershed	((Oct. 25 - Nov. 2)) Oct. 31 - Nov. 8	3 pt. min. or Antlerless	EA, EF, EM	GMU 157	45
Dayton A	((Oct. 20 - Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 162	21
Dayton B	Sept. 21-25	Any bull	EF	GMU 162	1
Tucannon A	((Oct. 20 - Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	Elk Area 1014	((6)) 7
Tucannon B	Sept. 21-25	Any bull	EF	Elk Area 1014	1

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Wenaha West A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	Elk Area 1008	((15)) 14
Wenaha West B	Sept. 21-25	Any bull	EF	Elk Area 1008	1
Wenaha East A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	Elk Area 1009	((15)) 9
Wenaha East B	Sept. 21-25	Any bull	EF	Elk Area 1009	1
Mountain View A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 172	((16)) 12
Mountain View B	Sept. 21-25	Any bull	EF	GMU 172	1
Peola A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 178	1
Couse A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 181	1
Mission A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 251	2
Mission B	Sept. 21-25	Any bull	EF	GMU 251	1
Colockum A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMUs 328, 329	((3)) 5
Colockum B	Sept. 21-25	Any bull	EF	GMUs 328, 329	1
Teanaway A	Dec. 19-30	Any bull	EF	GMU 335	14
Teanaway B	((Oct. 20–Nov. 2)) Sept. 21-25	Any bull	EF	GMU 335	1
Peaches Ridge A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMUs 336, 346	((140)) 142
Peaches Ridge B	Sept. 21-25	Any bull	EF	GMUs 336, 346	1
Little Naches A	Oct. 1-10	Any bull	EF	GMU 346	15
Observatory A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMUs 340, 342	((73)) 70
Observatory B	Sept. 21-25	Any bull	EF	GMUs 340, 342	1
Goose Prairie A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMUs 352, 356	((89)) 95
Goose Prairie B	Sept. 21-25	Any bull	EF	GMUs 352, 356	1
Bethel A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 360	((48)) 54
Bethel B	Sept. 21-25	Any bull	EF	GMU 360	1
Rimrock A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 364	((120)) 127
Rimrock B	Sept. 21-25	Any bull	EF	GMU 364	1
Cowiche A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	GMU 368	((18)) 22
Cowiche B	Sept. 21-25	Any bull	EF	GMU 368	1
Klickitat Meadows A	((Oct. 20–Nov. 2)) Oct. 26 - Nov. 8	Any bull	EF	Elk Area 3068	1
Nooksack A	Oct. ((11)) 12 - Nov. ((10)) 17	Any bull	WF	GMU 418	((7)) 4
Nooksack B	Oct. 10 - Nov. 17	Spike only	WF	GMU 418	6
Green River	((Nov. 1-7)) Oct. 17-23	Any bull	WF	GMU 485	3
Margaret A	((Nov. 1-10)) Nov. 7-17	Any bull	WF	GMU 524	((36)) 18
Margaret B	Sept. 21-25 and Nov. 7-17	Any bull	WF	GMU 524	2
Toutle A	Nov. ((1-10)) 7-17	Any bull	WF	GMU 556	((131)) 60
Toutle B	Sept. 21-25 and Nov. 7-17	Any bull	WF	GMU 556	2
Clearwater	Oct. 1- ((40)) 11	Any bull	WA, WF, WM	GMU 615	2
Matheny	Oct. 1- ((40)) 11	Any bull	WA, WF, WM	GMU 618	3
Olympic A	Nov. ((1-10)) 7-17	3 pt. min.	WF	GMU 621, EXCEPT for Elk Area 6071	((16)) 14
Olympic B	Sept. 21-25	3 pt. min.	WF	GMU 618	1

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Skokomish A	Nov. ((1-10)) 7-17	3 pt. min.	WF	GMU 636	((10)) 8
Skokomish B	Sept. 21-25	3 pt. min.	WF	GMU 636	1
Wynoochee	Oct. 1- ((10)) 11	Any bull	WA, WF, WM	GMU 648	1
White River A	Nov. ((1-10)) 7-17	Any bull	WF	GMU 653	((40)) 48
White River B	Sept. 21-25	Any bull	WF	GMU 653	1
Peninsula	Sept. 21-25	Any bull	WF	GMUs 602, 607, 612	1
Quinault	Sept. 21-25	Any bull	WF	GMU 638	1
Cathlamet	Sept. 21-25	Any bull	WF	GMUs 506, 530, 550	1
Packwood	Sept. 21-25	Any bull	WF	GMUs 516, 560	1
Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)					
Aladdin A	((Oct. 25 - Nov. 2)) Oct. 31 - Nov. 8	Any elk	EF	GMU 111	15
Selkirk A	((Oct. 25 - Nov. 2)) Oct. 31 - Nov. 8	Any elk	EF	GMU 113	20
49 Degrees North A	((Oct. 25 - Nov. 2)) Oct. 31 - Nov. 8 & Dec. 16-31	Antlerless	EF	GMU 117	45
Turnbull B	Oct. 27 - Nov. 1	Antlerless	EF	Elk Area 1015	6
Turnbull C	Nov. 3-8	Antlerless	EF	Elk Area 1015	6
Turnbull D	Nov. 10-15	Antlerless	EF	Elk Area 1015	6
Blue Creek ((B)) C	((Oct. 25 - Nov. 2)) Oct. 31 - Nov. 8	Antlerless	EF	GMUs 149, 154	((75)) 25
Prescott ((B)) C	((Oct. 25 - Nov. 2)) Oct. 31 - Nov. 8	Antlerless	EF	GMU 149	((75)) 30
Dayton ((B)) C	((Oct. 25 - Nov. 2)) Oct. 31 - Nov. 8	Antlerless	EF	GMU 163 and Elk Area 1011	((100)) 50
Dayton ((C)) D	((Oct. 25 - Nov. 2)) Oct. 31 - Nov. 8	Antlerless	EF	GMU 149 and Elk Area 1012	((100)) 50
Dayton E	Oct. 31 - Nov. 8	Antlerless	EF	Elk Area 1016	30
Lick Creek A	Oct. 31 - Nov. 8	Antlerless	EF	GMU 175	25
Peola B	((Oct. 25 - Nov. 2)) Oct. 31 - Nov. 8	Antlerless	EF	GMU 178	((50)) 30
Couse B	Oct. 1-12	Antlerless	EF	GMU 181	30
Mountain View ((B)) C	Oct. 25 - Nov. 2	Antlerless	EF	Elk Area 1013	10
((Malaga A	Sept. 8-30	Any elk	EF	Elk Area 2032	3))
Malaga ((B)) A	Sept. 15-25	Antlerless	EF	Elk Area 2032	35
Malaga ((C)) B	Nov. 6 - Dec. 31	Antlerless	EF	Elk Area 2032	50
((Malaga D	Nov. 6 - Dec. 18	Any elk	EF	Elk Area 2032	5
Peshastin A	Sept. 15 - Oct. 5	Antlerless	EF	Elk Area 2033	20
Peshastin B	Oct. 13-31	Any elk	EF	Elk Area 2033	5))
West Bar A	((Oct. 25-29)) Oct. 31 - Nov. 4	Antlerless	EF	GMU 330	5
West Bar B	((Oct. 30 - Nov. 2)) Nov. 5-8	Antlerless	EF	GMU 330	5
Teanaway C	Dec. 19 - Jan. ((13, 2009)) 10, 2010	Antlerless	EF	GMU 335	100
Taneum A	((Oct. 29 - Nov. 2)) Nov. 4-8	Antlerless	EF	GMU 336	150
Manastash A	((Oct. 29 - Nov. 2)) Nov. 4-8	Antlerless	EF	GMU 340	250
Umtanum A	((Oct. 29 - Nov. 2)) Nov. 4-8	Antlerless	EF	GMU 342	200
Little Naches B	((Oct. 29 - Nov. 2)) Nov. 4-8	Antlerless	EF	GMU 346	150
Nile A	((Oct. 29 - Nov. 2)) Nov. 4-8	Antlerless	EF	GMU 352	50
Bumping A	((Oct. 29 - Nov. 2)) Nov. 4-8	Antlerless	EF	GMU 356	100
Bethel ((B)) C	((Oct. 29 - Nov. 2)) Nov. 4-8	Antlerless	EF	GMU 360	100
Rimrock ((B)) C	((Oct. 29 - Nov. 2)) Nov. 4-8	Antlerless	EF	GMU 364	200
Cowiche ((B)) C	((Oct. 29 - Nov. 2)) Nov. 4-8	Antlerless	EF	GMU 368	200
Klickitat Meadows B	((Oct. 29 - Nov. 2)) Nov. 4-8	Spike bull or antlerless	EF	Elk Area 3068	9
Alkali A	Oct. 17 - Nov. 6	Any elk	EF	GMU 371	20

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Mossyrock A	Nov. ((1-10)) 7-17	Antlerless	WF	GMU 505	50
Willapa Hills A	Nov. ((1-10)) 7-17	Antlerless	WF	GMU 506	35
Winston A	Nov. ((1-10)) 7-17	Antlerless	WF	GMU 520	((100)) 40
Margaret ((B)) C	Nov. 19-30	Antlerless	WF	GMU 524	((60)) 25
Ryderwood A	Nov. ((1-10)) 7-17	Antlerless	WF	GMU 530	35
Coweeman A	Nov. ((1-10)) 7-17	Antlerless	WF	GMU 550	((160)) 65
Coweeman B	Jan. 1-15, ((2009)) 2010	Antlerless	WF	GMU 550	35
Toutle ((B)) C	Nov. ((19-30)) 23-30	Antlerless	WF	GMU 556	((150)) 60
Toledo A	Nov. ((1-10)) 7-17	Antlerless	WF	Elk Area 5029	20
Green Mtn ((E))	Nov. ((1-10)) 7-17	Antlerless	WF	Elk Area 5051	10
Carlton	Sept. 22-30	Any bull	WF	Elk Area 5057	5
West Goat Rocks	Sept. 22-30	Any bull	WF	Elk Area 5058	5
Mt. Adams	Sept. 22-30	Any bull	WF	Elk Area 5059	5
Wildwood A	Jan. 16-30, ((2009)) 2010	Antlerless	WF	Elk Area 5061	20
Newaukum A	Nov. ((1-10)) 7-17	Antlerless	WF	Elk Area 5050	5
Upper Smith Creek A	((Oct. 27 - Nov. 2)) Oct. 26-Nov. 1	Antlerless	WF	Elk Area 5064	((6)) 4
Upper Smith Creek B	((Oct. 27 - Nov. 2)) Oct. 26-Nov. 1	Any elk	WF	Elk Area 5064	2
Mount Whittier A	((Oct. 27 - Nov. 2)) Oct. 26-Nov. 1	Antlerless	WF	Elk Area 5065	2
Mount Whittier B	((Oct. 27 - Nov. 2)) Oct. 26-Nov. 1	Any elk	WF	Elk Area 5065	1
Lewis River A	Nov. ((1-10)) 7-17	Antlerless	WF	GMU 560	((250)) 150
Siouxon A	Nov. ((1-10)) 7-17	Antlerless	WF	GMU 572	((100)) 60
Mudflow A	Nov. 9-15	Any elk	WF	Elk Area 5099	5
Mudflow B	Nov. 9-15	Antlerless	WF	Elk Area 5099	10
Raymond A	Nov. 5-10	3 pt. min. or antlerless	WF	Elk Area 6010	((20)) 10
Raymond B	Dec. 16-31	Antlerless	WF	Elk Area 6010	((30)) 20
Raymond C	Jan. 1- ((30, 2009)) 20, 2010	Antlerless	WF	Elk Area 6010	((15)) 10
Raymond D	Feb. 1-28, ((2009)) 2010	Antlerless	WF	Elk Area 6010	((15)) 5
((Chehalis Valley A	Oct. 1-31	Antlerless	WF	Elk Area 6066	5
Chehalis Valley B	Nov. 5-10	Antlerless	WF	Elk Area 6066	5)
North Minot A	Oct. 20-31	Antlerless	WF	Elk Area 6067	((20)) 10
Deschutes	Jan. ((15-23, 2009)) 10-20, 2010	Antlerless	WF	GMU 666	10
North River A	Nov. 8-13	Antlerless	WF	GMU 658	10
Williams Creek	((Nov. 8-13)) Oct. 26-31	Antlerless	WF	GMU 673	50
Tri Valley A	Dec. 1 - Jan. 20, ((2009)) 2010	Antlerless	WF	Elk Area 6012	10
((North Shore A	Nov. 4-8	Antlerless	WF	Elk Area 6068	5)
Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Note: Fire closures may limit access during early October seasons.					
Prescott ((E)) D	Oct. 1- ((40)) 14	Any bull	EM	GMU 149	1
Blue Creek ((E)) D	Oct. 1- ((40)) 14	Any bull	EM	GMU 154	2
Dayton ((B)) E	Oct. 1- ((40)) 14	Any bull	EM	GMU 162	4
Tucannon ((B)) C	Oct. 1- ((40)) 14	Any bull	EM	Elk Area 1014	1
Wenaha West ((B)) C	Oct. 1- ((40)) 14	Any bull	EM	Elk Area 1008	3
Wenaha East ((B)) C	Oct. 1- ((40)) 14	Any bull	EM	Elk Area 1009	((3)) 1

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Mountain View ((€)) D	Oct. 1-((40)) 14	Any bull	EM	GMU 172	((4)) 3
Peola C	Oct. 1-((40)) 14	Any bull	EM	GMU 178	1
Couse ((฿)) C	Oct. 1-((40)) 14	Any bull	EM	GMU 181	1
Mission ((฿)) C	Oct. 1-((40)) 11	Any bull	EM	GMU 251	1
Colockum ((฿)) C	Oct. 1-((40)) 11	Any bull	EM	GMUs 328, 329	1
Teanaway D	Dec. 9-18	Any elk	EM	GMU 335	6
Peaches Ridge ((฿)) C	Oct. 1-((40)) 11	Any bull	EM	GMUs 336, 346	((23)) 24
Observatory ((฿)) C	Oct. 1-((40)) 11	Any bull	EM	GMUs 340, 342	((24)) 23
Goose Prairie ((฿)) C	Oct. 1-((40)) 11	Any bull	EM	GMUs 352, 356	((15)) 16
Bethel ((€)) D	Oct. 1-((40)) 11	Any bull	EM	GMU 360	((15)) 17
Rimrock ((€)) D	Oct. 1-((40)) 11	Any bull	EM	GMU 364	((16)) 18
Cowiche ((€)) D	Oct. 1-((40)) 11	Any bull	EM	GMU 368	((8)) 10
Klickitat Meadows C	Oct. 1-((40)) 11	Any bull	EM	Elk Area 3068	1
Alkali B	Sept. 27 - Oct. 16	Any elk	EM	GMU 371	10
Nooksack ((฿)) C	Sept. ((29)) 26 - Oct. ((40)) 11 and Nov. ((11)) 18-30	Any bull	WM	GMU 418	((3)) 2
Nooksack D	Sept. 26 - Oct. 11 and Nov. 18-30	Spike only	WM	GMU 418	2
Margaret D	Oct. ((4-10)) 3-11	Any bull	WM	GMU 524	((8)) 4
Toutle D	Oct. ((4-10)) 3-11	Any bull	WM	GMU 556	((29)) 13
Olympic ((฿)) C	Oct. ((4-10)) 3-11	3 pt. min.	WM	GMU 621, EXCEPT for Elk Area 6071	3
Skokomish ((฿)) C	Oct. ((4-10)) 3-11	3 pt. min.	WM	GMU 636	2
White River ((฿)) C	Oct. ((4-10)) 3-11	Any bull	WM	GMU 653	((3)) 4
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Aladdin B	Oct. ((4-10)) 3-11	Any elk	EM	GMU 111	10
Selkirk B	Oct. ((4-10)) 3-11	Any elk	EM	GMU 113	10
49 Degrees North B	Oct. ((4-10)) 3-11 & Dec. 16-31	Antlerless	EM	GMU 117	20
Turnbull E	Oct. 3-8	Antlerless	EM	Elk Area 1015	11
Turnbull F	Nov. 20 - Dec. 8	Antlerless	EM	Elk Area 1015	11
Blue Creek ((฿)) E	Dec. 9 - Jan. ((30, 2009)) 20, 2010	Antlerless	EM	GMUs 149, 154	40
Mountain View ((฿)) E	Oct. ((4-10)) 3-11	Antlerless	EM	Elk Area 1013	10
Lick Creek B	Oct. 3-11	Antlerless	EM	GMU 175	15
Peola D	Oct. 3-11	Antlerless	EM	GMU 178	15
Couse ((฿)) D	Dec. 1-31	Antlerless	EM	GMU 181	30
Couse ((฿)) E	Jan. 1- 20, ((2009)) 2010	Antlerless	EM	GMU 181	30
Malaga ((฿)) C	Oct. 1-21	Antlerless	EM	Elk Area 2032	50
((Malaga F	Oct. 1-21	Any elk	EM	Elk Area 2032	5))
West Bar C	Oct. ((4-10)) 3-11	Antlerless	EM	GMU 330	5
Taneum B	Oct. ((4-10)) 3-11	Antlerless	EM	GMU 336	25
Manastash B	Oct. ((4-10)) 3-11	Antlerless	EM	GMU 340	25
Umtanum B	Oct. ((4-10)) 3-11	Antlerless	EM	GMU 342	200
Nile B	Oct. ((4-10)) 3-11	Antlerless	EM	GMU 352	40
Bumping B	Oct. ((4-10)) 3-11	Antlerless	EM	GMU 356	90
Bethel ((฿)) E	Oct. ((4-10)) 3-11	Antlerless	EM	GMU 360	40
Cowiche ((฿)) E	Oct. ((4-10)) 3-11	Antlerless	EM	GMU 368	250
Klickitat Meadows D	Oct. ((4-10)) 3-11	Spike bull or antlerless	EM	Elk Area 3068	4

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Stella A	Nov. ((49)) 25 - Dec. 15	Antlerless	WM	GMU 504	((100)) 75
Stella B	Jan. 1-16, ((2009)) 2010	Antlerless	WM	GMU 504	((100)) 75
Toledo B	Dec. 7-20	Antlerless	WM	Elk Area 5029	((30)) 40
Mossyrock B	Jan. 1-16, ((2009)) 2010	Antlerless	WM	Elk Area 5052	((30)) 15
Randle A	Jan. 1-16, ((2009)) 2010	Antlerless	WM	Elk Area 5053	15
Boistfort A	Jan. 1-16, ((2009)) 2010	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	Nov. 19 - Dec. 15	Antlerless	WM	GMU 506	15
Green Mt. A	Jan. 1-16, ((2009)) 2010	Antlerless	WM	Elk Area 5051	30
Wildwood B	Jan. 1- ((15, 2009)) 6, 2010	Antlerless	WM	Elk Area 5061	((20)) 30
Mudflow C	Oct. 3-9	Any elk	WM	Elk Area 5099	5
Mudflow D	Oct. 3-9	Antlerless	WM	Elk Area 5099	10
Winston B	Oct. ((4-10)) 3-11	Antlerless	WM	GMU 520	((45)) 20
Margaret E	Oct. ((4-10)) 3-11	Antlerless	WM	GMU 524	((35)) 15
Ryderwood B	Oct. ((4-10)) 3-11	Antlerless	WM	GMU 530	((15)) 30
Coweeman C	Nov. ((19)) 25 - Dec. 15	Antlerless	WM	GMU 550	((45)) 20
Toutle E	Oct. ((4-10)) 3-11	Antlerless	WM	GMU 556	((50)) 20
Lewis River B	Oct. ((4-10)) 3-11	Antlerless	WM	GMU 560	((160)) 80
Siouxon B	Oct. ((4-10)) 3-11	Antlerless	WM	GMU 572	((50)) 30
Yale A	Oct. ((4-10)) 3-11	Antlerless	WM	GMU 554	((50)) 40
Yale B	Nov. ((19)) 25 - Dec. 15	3 pt. min. or antlerless	WM	GMU 554	((75)) 50
Ethel A	Aug. 1-15	Antlerless	WM	Elk Area 5049	10
Ethel B	Aug. 16-31	Antlerless	WM	Elk Area 5049	10
Newaukum B	Jan. 1- ((31, 2009)) 20, 2010	Antlerless	WM	Elk Area 5050	10
Upper Smith Creek C	Oct. ((18-26)) 17-25	Antlerless	WM	Elk Area 5064	((6)) 4
Upper Smith Creek D	Oct. ((18-26)) 17-25	Any elk	WM	Elk Area 5064	2
Mount Whittier C	Oct. ((18-26)) 17-25	Antlerless	WM	Elk Area 5065	2
Mount Whittier D	Oct. ((18-26)) 17-25	Any elk	WM	Elk Area 5065	1
((Twin Satsop A	Jan. 5-15, 2009	Antlerless	WM	Elk Area 6061	10))
Mashel A	Jan. 1-15, ((2009)) 2010	Antlerless	WM	Elk Area 6054	25
North River B	Nov. 26 - Dec. 15	Antlerless	WM	GMU 658	20
North Minot B	Oct. 1-7	Antlerless	WM	Elk Area 6067	((20)) 10
Raymond E	Oct. 1-31	Antlerless	WM	Elk Area 6010	((30)) 10
((Chehalis Valley C	Jan. 1-20, 2009	Antlerless	WM	Elk Area 6066	5))
Tri Valley B	Dec. 16 - Jan. 20, ((2009)) 2010	Antlerless	WM	Elk Area 6012	30
Archery Permit Hunts (Only archery elk tag holders may apply.)					
Note: Fire closures may limit access during September seasons.					
Turnbull G	Sept. 8-20	Antlerless	EA	Elk Area 1015	14
Prescott ((D)) E	Sept. 8- ((21)) 20	Any bull	EA	GMU 149	2
Blue Creek ((E)) F	Sept. 8- ((21)) 20	Any bull	EA	GMU 154	4
Dayton ((E)) G	Sept. 8- ((21)) 20	Any bull	EA	GMU 162	((8)) 9

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Tucannon ((€)) D	Sept. 8-((21)) 20	Any bull	EA	Elk Area 1014	((3)) 4
Wenaha West ((€)) D	Sept. 8-((21)) 20	Any bull	EA	Elk Area 1008	((3)) 2
((Wenaha [Wenaha])) Wenaha East ((€)) D	Sept. 8-((21)) 20	Any bull	EA	Elk Area 1009	((3)) 2
Mountain View ((€)) E	Sept. 8-((21)) 20	Any bull	EA	GMU 172	((7)) 6
Peola D	Sept. 8-((21)) 20	Any bull	EA	GMU 178	1
Couse ((G)) F	Sept. 8-((21)) 20	Any bull	EA	GMU 181	1
Dayton H	Sept. 8-20	Antlerless	EA	Elk Area 1016	25
Colockum ((€)) D	Sept. 8-((21)) 20	Any bull	EA	GMUs 328, 329	((2)) 4
Teanaway E	((Nov. 20 - Dec. 8)) Nov. 25 - Dec. 8	Any bull	EA	GMU 335	18
Peaches Ridge ((€)) D	Sept. 8-((21)) 20	Any bull	EA	GMUs 336, 346	((104)) 118
Observatory ((€)) D	Sept. 8-((21)) 20	Any elk	EA	GMUs 340, 342	((94)) 100
Goose Prairie ((€)) D	Sept. 8-((21)) 20	Any bull	EA	GMUs 352, 356	((127)) 150
Bethel ((€)) F	Sept. 8-((21)) 20	Any bull	EA	GMU 360	((32)) 40
Rimrock ((D)) E	Sept. 8-((21)) 20	Any bull	EA	GMU 364	((103)) 120
Cowiche ((€)) E	Sept. 8-((21)) 20	Any bull	EA	GMU 368	((13)) 18
Klickitat Meadows E	Oct. 11-22	Any bull	EA	Elk Area 3068	1
Klickitat Meadows F	Oct. 11-22	Spike bull or antlerless	EA	Elk Area 3068	9
Alkali C	Sept. 8-20	Any elk	EA	GMU 371	5
Malaga ((G)) D	Sept. 1-7	Antlerless	EA	Elk Area 2032	25
((Peshastin C))	Sept. 1-14	Any elk	EA	Elk Area 2033	15)
Nooksack ((€)) E	Sept. 1-((28)) 25 and Dec. 1-31	Any bull	WA	GMU 418	((3)) 2
Nooksack F	Sept. 1-25 and Dec. 1-31	Spike only	WA	GMU 418	2
Margaret F	Sept. ((15-30)) 8-20 and Dec. 1-15	Any bull	WA	GMU 524	((13)) 7
Margaret G	Sept. ((15-30)) 8-20 and Dec. 1-15	Antlerless	WA	GMU 524	((35)) 15
Toutle F	Sept. ((15-30)) 8-20 and Dec. 1-15	Any bull	WA	GMU 556	((71)) 36
Toutle G	Sept. ((15-30)) 8-20 and Dec. 1-15	Antlerless	WA	GMU 556	((60)) 36
Ethel C	Jan. 1-20, ((2009)) 2010	Antlerless	WA	Elk Area 5049	10
Newaukum C	Aug. 1-15	Antlerless	WA	Elk Area 5050	10
Newaukum D	Aug. 16-31	Antlerless	WA	Elk Area 5050	10
Upper Smith Creek E	Oct. ((11-17)) 10-16	Antlerless	WA	Elk Area 5064	((6)) 4
Upper Smith Creek F	Oct. ((11-17)) 10-16	Any elk	WA	Elk Area 5064	2
((Mount Whittier E))	Oct. 11-17	Antlerless	WA	Elk Area 5065	2
Mount Whittier F	Oct. 11-17	Any elk	WA	Elk Area 5065	1)
Lewis River C	Nov. ((19-30)) 26 - Dec. 8	3 pt. min. or antlerless	WA	GMU 560	((50)) 30
Siouxon C	Nov. ((19-30)) 26 - Dec. 8	3 pt. min. or antlerless	WA	GMU 572	((25)) 15
Mudflow E	Sept. 8-20	Any elk	WA	Elk Area 5099	5
Mudflow F	Sept. 8-20	Antlerless	WA	Elk Area 5099	10

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Olympic ((€)) D	Sept. 8-((21)) 20	3 pt. min.	WA	GMU 621, EXCEPT for Elk Area 6071	6
Skokomish ((€)) D	Sept. 8-((21)) 20	3 pt. min.	WA	GMU 636	5
White River ((€)) D	Sept. 8-((21)) 20	Any bull	WA	GMU 653	((15)) 20
Master Hunter Special Elk Permit Hunts: Only master hunters may apply; antlerless only hunts will not affect accumulated points; and any weapon may be used.					
Turnbull H	Dec. 10-31	Antlerless	Any elk tag	Elk Area 1015	6
Mossyrock C	Jan. 17-30, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 5052	((20)) 10
Randle B	Jan. 17-30, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 5053	15
Pumice Plains A	Oct. 25 - Nov. 2	Antlerless	Any elk tag	Elk Area 5063	((10)) 5
Pumice Plains B	Oct. 18-24	Any elk	Any elk tag	Elk Area 5063	((4)) 2
Quinault Ridge	Oct. 1-10	3 pt. min. or antlerless	Any elk tag	((GMU 638)) Elk Area 6064	5
Green Mt. B	Jan. 17-30, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 5051	20
Merwin A	Nov. ((21)) 25 - Dec. 15	Antlerless	Any elk tag	Elk Area 5060	((10)) 7
Merwin B	Jan. 17-30, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 5060	((10)) 7
Master Hunter, Second Elk Tag Hunts: Only master hunters may apply; these hunts will not affect accumulated points; a second tag may be purchased by successful applicants as needed; and any weapon may be used. The second elk license and tag type must be the same tag type as the first one.					
((Peola E	Oct. 1-10	Antlerless	EM	GMU 178	15))
Malaga ((H)) E	Aug. 1 - Mar. 31, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 2032	100 ^{HM}
Malaga ((H)) F	Aug. 1 - Feb. 28, ((2009)) 2010	Any elk	Any elk tag	Elk Area 2032	6 ^{HM}
Peshastin ((E)) A	Aug. 1 - Mar. 31, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 2033	100 ^{HM}
Peshastin ((F)) B	Aug. 1 - Feb. 28, ((2009)) 2010	Any elk	Any elk tag	Elk Area 2033	6 ^{HM}
Fairview	Jan. 21 - Feb. 28, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 3911	20 ^{HM}
Rattlesnake Hills	Aug. 1 - Feb. 28, ((2009)) 2010	Antlerless or spike bull	Any elk tag	Designated areas in GMU 372	20 ^{HM}
Cowlitz Valley	Aug. 1 - Sept. 7	Any elk	Any elk tag	Designated areas in GMUs 503, 505, 510, 513, and 516	15 ^{HM}
Toledo C	Dec. 21-31	Any elk	Any elk tag	Elk Area 5029	((20)) 35
Toledo D	Aug. 1-7	Any elk	Any ((arehery)) elk tag	Elk Area 5029	((5)) 10
Toledo E	Aug. 8-14	Any elk	Any ((arehery)) elk tag	Elk Area 5029	((5)) 10
Toledo F	Aug. 15-21	Any elk	Any ((muzzleloader)) elk tag	Elk Area 5029	((5)) 10
Toledo G	Aug. 22-28	Any elk	Any ((muzzleloader)) elk tag	Elk Area 5029	((5)) 10
Boistfort B	Aug. 1-7	Any elk	Any ((arehery)) elk tag	Elk Area 5054	((5)) 10
Boistfort C	Aug. 8-14	Any elk	Any ((arehery)) elk tag	Elk Area 5054	((5)) 10
Boistfort D	Aug. 15-21	Any elk	Any ((muzzleloader)) elk tag	Elk Area 5054	((5)) 10
Boistfort E	Aug. 22-28	Any elk	Any ((muzzleloader)) elk tag	Elk Area 5054	((5)) 10
Gray's River	Aug. 1 - Sept. 7 and Dec. 15 - Feb. 28, 2010	Antlerless	Any elk tag	Elk Area 5056	15 ^{HM}
JBH *	Nov. ((12)) 18 - Feb. 28, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 5090	20 ^{HM}
Trout Lake A**	Dec. 15-31	Antlerless	Any elk tag	Elk Area 5062	3

Hunt Name	Permit Season Dates	Special Restrictions	Elk Tag Prefix	Boundary Description	Permits
Trout Lake B**	Jan. 1-14, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 5062	3
Trout Lake C**	Jan. 15-30, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 5062	3
North River ((B)) C	Dec. 16 - Feb. 28, ((2009)) 2010	Antlerless	Any elk tag	Designated areas in GMU 658	10 ^(HM)
Chehalis Valley D	Aug. 1 - Feb. 28, ((2009)) 2010	Antlerless	Any elk tag	Designated areas in Elk Area 6066	((40 ^{HM})) 5
Raymond F	Dec. 1 - Mar. 31, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 6010	((10)) 5 ^{HM}
((Hanaford C	Aug. 1 - Mar. 31, 2009	Antlerless	Any elk tag	Designated areas in Elk Area 6069	5 ^{HM})
Dungeness A	Sept. 1 - Feb. 28, ((2009)) 2010	3 pt. min.	Any elk tag	Elk Area 6071 north of Hwy 101 only	8 ^{HM}
Dungeness B	Oct. 1 - Dec. 31	Antlerless	Any elk tag	Elk Area 6071 north of Hwy 101 only	6 ^{HM}
Youth - Special Elk Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)					
Mudflow ((A)) G	((Oct. 20-26)) Oct. 26 - Nov. 1	((Antlerless)) Any elk	Any elk tag	Elk Area 5099	((4)) 10
Dungeness C	Sept. 1 - Feb. 28, ((2009)) 2010	Any elk	Any elk tag	Elk Area 6071 north of Hwy 101 only	4 ^{HM}
Sol Duc Valley A	Aug. 1 - Jan. ((22, 2009)) 20, 2010	Antlerless	Any elk tag	Elk Area 6072	2
Clearwater Valley	Aug. 1 - Mar. 31, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 6073	1
Persons of Disability Only - Special Elk Permit Hunts					
Turnbull I	Oct. 10-18	Antlerless	Any elk tag	Elk Area 1015	6
Sol Duc Valley B	Aug. 1 - Jan. 22, ((2009)) 2010	Antlerless	Any elk tag	Elk Area 6072	2
Observatory ((D)) E	((Oct. 20 - Nov. 2)) Oct. 19 - Nov. 1	Any elk	EF or EM	GMUs 340, 342	7
Little Naches C	Oct. 1-10	Any elk	EF, EM, EA	GMU 346	5
Little Naches D	((Oct. 29 - Nov. 2)) Oct. 28 - Nov. 1	Antlerless	EF, EM, EA	GMU 346	8
Alkali D	Oct. 17 - Nov. 6	Any elk	EF	GMU 371	5
Corral Canyon	((Sept. 28 - Oct. 5)) Sept. 27 - Oct. 4	Any elk	Any elk tag	Elk Area 3721	2
Mudflow ((B)) H	Sept. ((15-24)) 21-27	Any elk	Any elk tag	Elk Area 5099	4
Mudflow ((C)) I	((Sept. 29 - Oct. 5)) Nov. 23-29	((Any elk)) Antlerless	Any elk tag	Elk Area 5099	4
((Mudflow D	Nov. 10-16	Antlerless	Any elk tag	Elk Area 5099	4))
Ethel D	Nov. ((1-10)) 7-17	Antlerless	Any elk tag	Elk Area 5049	5
Centralia Mine A	Oct. ((25-26)) 24-25	Antlerless	Any elk tag	Elk Area 6011	((2)) 3
Centralia Mine B	((Nov. 1-2)) Oct. 31 - Nov. 1	Antlerless	Any elk tag	Elk Area 6011	((2)) 3
((North Shore B	Oct. 1-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6068	5
Chehalis Valley E	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6066	40))
Hunters 65 or Older Only - Special Elk Permit Hunts					
Hanaford	Jan. ((16-30, 2009)) 1-30, 2010	Antlerless	Any elk tag	Elk Area 6069	5
((Mudflow E	Nov. 24-30	Antlerless	Any elk tag	Elk Area 5099	4))
Margaret H	Nov. ((11-16)) 21-30	Antlerless	WF	GMU 524	10

*Muzzleloaders only; scopes allowed in JBH hunt.

**May only hunt on privately owned lands. Must use only archery or legal shotgun (10 or 12 gauge; slugs only).

^{HM}This is a damage hunt administered by a WDFW designated hunt master. Successful applicants will be contacted on an as-needed basis to help with specific sites of elk damage on designated landowner's property. Not all successful applicants will be contacted in any given year depending on elk damage activity for that year.

Hunter Education Instructor Incentive Permits
<ul style="list-style-type: none"> - Special elk permits will be allocated through a random drawing to those hunter education instructors that qualify. - Permit hunters must use archery equipment during archery seasons, muzzleloader equipment during muzzleloader seasons, and any legal weapon during modern firearm seasons.

Hunter Education Instructor Incentive Permits				
<ul style="list-style-type: none"> - Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. - Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter. - Permittees may purchase a second license for use with the permit hunt only. 				
Area	Dates	Restrictions	GMUs	Permits
Region 3	All general season and permit seasons established for GMUs included with the permit	Any elk	GMUs ((335)) 336-368	2
Region 5		Any elk	All 500 series GMUs except GMU 522	4
Region 6		Any elk	GMUs 654, 660, 672, 673, 681	1

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-515 Trapping seasons and regulations.

NEW SECTION

WAC 232-28-516 Trapping seasons and regulations.

(1) Statewide trapping seasons:

SPECIES	SEASON DATES
Badger, Beaver, Bobcat, Marten, Mink, Muskrat, Raccoon, Red Fox, River Otter ^a , and Weasel	Nov. 1 - Mar. 31 during the current license year

^aRiver otter trapping season is closed in all Eastern Washington counties, except in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages. The season bag limit is 12 river otter in the portions of Eastern Washington that are open to trapping.

(2) Participation requirements:

(a) To be issued your first Washington state trapping license an individual must pass the Washington state trapper education exam.

(b) Licensed trappers must comply with reporting requirements in WAC 232-12-134.