

# Chapter 173-305 WAC

## HAZARDOUS WASTE FEE REGULATION

### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-305-060	Facility fees. [Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-060, filed 2/7/84.] Repealed by WSR 92-10-043 (Order 92-09), filed 5/5/92, effective 6/5/92. Statutory Authority: Chapter 70.95E RCW.
173-305-070	Schedule of facility fees. [Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-070, filed 2/7/84.] Repealed by WSR 92-10-043 (Order 92-09), filed 5/5/92, effective 6/5/92. Statutory Authority: Chapter 70.95E RCW.
173-305-080	Assessments for combined sites. [Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-080, filed 2/7/84.] Repealed by WSR 92-10-043 (Order 92-09), filed 5/5/92, effective 6/5/92. Statutory Authority: Chapter 70.95E RCW.
173-305-090	Adjustment of fees and limits. [Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-090, filed 2/7/84.] Repealed by WSR 92-10-043 (Order 92-09), filed 5/5/92, effective 6/5/92. Statutory Authority: Chapter 70.95E RCW.

#### PART A GENERAL

**WAC 173-305-010 Purpose.** This rule implements the provisions of chapter 70.95E RCW, establishing a means for funding technical assistance and compliance education assistance to hazardous substance users and waste generators in this state. Technical assistance includes, but is not limited to, assistance in the preparation of plans and review of plans and related documents. The purpose of this chapter is to describe the methods by which the department of ecology will assess certain fees, to whom fees will be assessed, the amount of those fees, provisions for exemption from and enforcement of fee assessments, responsibilities of the department of ecology, and procedures for adjusting the fees. Copies of all rules and statutes cited in this chapter are available from Records

(8/1/00)

Management, Department of Ecology, P.O. Box 47600, Olympia, WA, 98504-7600.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-010, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-010, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-010, filed 2/7/84.]

**WAC 173-305-015 Applicability.** The requirements of WAC 173-305-010 through 173-305-120 apply to all persons who are hazardous waste generators, including state and local entities as well as instrumentalities of the United States. The requirements of WAC 173-305-010 through 173-305-050 and 173-305-210 through 173-305-240 apply to all persons required to prepare plans under RCW 70.95C.200.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-015, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-015, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-015, filed 2/7/84.]

**WAC 173-305-020 Definitions.** Any terms not specifically defined in this section, for the purposes of this chapter, have the same meaning as given in WAC 173-303-040. The following terms are defined for the purposes of this chapter:

(1) "Additional fee" means the annual fee imposed under chapter 70.95E RCW against hazardous generators and hazardous substance users required to prepare plans;

(2) "Base fee" means the annual fee imposed under chapter 70.95E RCW against hazardous waste generators doing business in the state of Washington;

(3) "Business activities" means activities of any person who is "engaging in business" as the term is defined in chapter 82.04 RCW. Specifically, "engaging in business" means commencing, conducting, or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidates thereof hold themselves out to the public as conducting such business;

(4) "Dangerous waste" means any discarded, useless, unwanted, or abandoned nonradioactive substances including, but not limited to, certain pesticides, or any residues or containers of those kinds of substances that are disposed of in a quantity or concentration that would pose a substantial present or potential hazard to human health, wildlife, or the environment because those wastes or constituents or combinations of those kinds of wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

"Dangerous wastes" specifically includes those wastes designated as dangerous by chapter 173-303 WAC;

(5) "Department" means the department of ecology;

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(6) "Emissions" means the substances released to the environment that must be reported under toxic chemical release reporting, 40 C.F.R. Part 372;

(7) "EPA/state identification number" means the number assigned by the environmental protection agency (EPA) or by the department of ecology to each generator or transporter or both, and to each treatment facility, or storage facility, or disposal facility, or a treatment, storage, and disposal facility;

(8) "Extremely hazardous waste" means any dangerous waste that:

(a) Will persist in a hazardous form for several years at a disposal site and which, in its persistent form:

(i) Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife; and

(ii) Is highly toxic to man and wildlife;

(b) If disposed of at a disposal site in quantities that would present an extreme hazard to man or the environment.

"Extremely hazardous waste" specifically includes those wastes designated as extremely hazardous by chapter 173-303 WAC;

(9) "Facility" means any geographical area that has been assigned an EPA/state identification number or in the case of a hazardous substance user, means all buildings, equipment, structures, and other stationary items located on a single site or on contiguous or adjacent sites and owned or operated by the same person;

(10) "Generate" means any act or process that produces hazardous waste or first causes a hazardous waste to become subject to regulation;

(11) "Hazardous waste" includes all dangerous and extremely hazardous wastes but, for the purposes of this chapter, excludes all radioactive wastes or substances composed of both radioactive and hazardous components;

(12) "Hazardous waste generator" means all persons whose primary business activities are identified by the department to generate any quantity of hazardous waste in the calendar year for which the fee is imposed.

(13) "Interrelated facility" means multiple facilities owned or operated by the same person;

(14) "Person" means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal government;

(15) "Plan" means the plan provided for in RCW 70.95C.200;

(16) "Price deflator" means the United States Department of Commerce Bureau of Economic Analysis, "Implicit price deflator for gross national product for government purchases of goods and services for state and local government."

(17) "Primary business activity" means a business activity that accounts for more than fifty percent of a business' total gross receipts or in the case of more than two business activities, the activity which has the largest gross receipts. Where a business engages in multiple activities and one or more of those activities generate hazardous waste, the gross receipts from all waste generating activities will be combined to determine their ratio to the total gross receipts of the business.

(18) "Recycled for beneficial use" means the use of hazardous waste, either before or after reclamation, as a substitute for a commercial product or raw material, but does not include:

(a) Use constituting disposal;

(b) Incineration; or

(c) Use as a fuel.

(19) "Substantially similar processes" means processes that are essentially interchangeable, inasmuch as they use similar equipment and materials and produce similar products or services and generate similar wastes.

(20) "Waste generation site" means any geographical area that has been assigned an EPA/state identification number.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-020, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-020, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-020, filed 2/7/84.]

### **WAC 173-305-030 Penalty for failure to pay the fee.**

If a known or potential generator or a person required to prepare a plan fails to pay all or any part of a fee imposed under this chapter, the department of revenue shall charge a penalty of three times the amount of the unpaid fee. The department of revenue shall waive any penalty in accordance with RCW 82.32.105. Note: See WAC 458-20-228 for a discussion of the circumstances under which a penalty may be waived.

[Statutory Authority: Chapter 70.95E RCW. WSR 91-08-040 (Order 90-56), § 173-305-030, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-030, filed 2/7/84.]

**WAC 173-305-040 Adjustment of fees.** On an annual basis, the department shall adjust the fees provided for by this chapter, including the maximum annual fee and the maximum total fees, by conducting the calculation in subsection (1) of this section and taking the actions set forth in subsection (2) of this section:

(1) In November of each year, the base fee and the additional fee, or the fees as subsequently adjusted by this section, must be multiplied by a factor equal to the most current quarterly "price deflator" available, and divided by the "price deflator" used in the numerator the previous year. However, the "price deflator" used in the denominator for the first adjustment must be divided by the second quarter "price deflator" for 1990.

(2) Each year by March 1, the schedule, as adjusted in subsection (1) of this section, will be published. The department will round the published fees to the nearest dollar.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-040, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-040, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-040, filed 2/7/84.]

**WAC 173-305-050 General administrative provisions.** With the exception of RCW 82.32.050 and 82.32.090, the review provisions contained in chapter 82.32 RCW, apply to the collection and enforcement of fees imposed under this chapter. Requests for administrative review should be directed to the State of Washington, Department of Ecology,

P.O. Box 34050, Seattle, WA 98124-1050. The review provisions of chapter 43.21B RCW do not apply to the administration of these fees.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-050, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-050, filed 4/1/91, effective 5/2/91. Statutory Authority: Chapter 70.105A RCW. WSR 84-05-012 (Order DE 83-38), § 173-305-050, filed 2/7/84.]

## PART B

### BASE FEE

**WAC 173-305-110 Fees.** (1) The fee imposed is a thirty-five dollar (or as adjusted by WAC 173-305-040) annual fee payable by hazardous waste generators. The fee for the 1990 fee period is due on October 1, 1990, for any hazardous waste generator operating in Washington after March 22, 1990. The fee for the 1991 calendar year, and the 1990 fee period for any hazardous waste generator who began business after October 1, 1990, is due February 28, 1992. The annual fee for calendar year 1992 and each calendar year thereafter is due on July 1 of the next succeeding year.

Table 1

#### Primary Business Activities of Potential Generators

**Soil preparation services:** Includes establishments primarily engaged in application of fertilizer, seed bed preparation, and other services for improving the soil for crop planting such as weed control.

**Crop protecting services:** Includes establishments primarily engaged in performing crop protecting services such as disease, weed, and insect control.

**Metal mining:** Includes establishments primarily engaged in mining, developing mines, or exploring for metallic minerals. These ores are valued chiefly for the metals contained, to be recovered for use as such or as constituents of alloys, chemicals, pigments, or other products. It also includes mills that crush, grind, wash, dry, sinter, calcine, or leach ore, or perform gravity separation or flotation operations.

**General building contractors:** Includes general contractors and operative builders primarily engaged in the construction of nonresidential buildings.

**Heavy construction, excluding buildings:** Includes general contractors primarily engaged in heavy construction other than building, such as highways and streets, bridges, sewers, railroads, irrigation products, flood control products, and marine construction. It also includes special trade contractors primarily engaged in activities of a type that are clearly specialized to that type of heavy construction and are not normally performed on buildings or building-related projects.

**Painting:** Includes special trade contractors primarily engaged in painting.

**Floor laying and other floor work, not elsewhere classified:** Includes special trade contractors primarily engaged in the installation of asphalt tile, linoleum, and resilient floor-

ing, in laying, scraping, and finishing parquet and other hardwood flooring.

**Beverages:** Includes establishments primarily engaged in manufacturing:

- Malt beverages or malt byproducts;
- Wines, brandy, and brandy spirits including the blending of wines;
- Alcoholic liquors by distillation or by mixing liquors and other ingredients;
- Soft drinks and carbonated waters; and
- Flavoring extracts, syrups, powders, and related products.

**Textile mill products:** Includes establishments primarily engaged in performing any of the following operations:

- Preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage;
- Manufacturing broadwoven fabrics, narrow woven fabrics, knit fabrics, and carpets and rugs from yarn;
- Dyeing and finishing fiber, yarn, fabrics, and knit apparel;
- Coating, waterproofing, or otherwise treating fabrics;
- The integrated manufacture of knit apparel and other finished articles from yarn; and
- The manufacture of felt goods, lace goods, nonwoven fabrics, and miscellaneous textiles.

**Sawmills and planing mills, general:** Includes establishments primarily engaged in:

- Sawing rough lumber and timber from logs and bolts, or resawing cants and flitches into lumber, including box lumber and softwood cut stock;
- Planing mills combined with sawmills; and
- Separately operated planing mills that are engaged primarily in producing surfaced lumber and standard workings or patterns of lumber. This industry includes establishments primarily engaged in sawing lath and railroad ties and in producing tobacco hogshead stock, wood chips, and snow fence lath.

**Hardwood dimension and flooring mills:** Includes establishments primarily engaged in manufacturing:

- Hardwood dimension lumber and workings therefrom;
- Other hardwood dimension, semifabricated or ready for assembly;
- Hardwood flooring; and
- Wood frames for household furniture.

**Millwork:** Includes establishments primarily engaged in manufacturing fabricated wood millwork, including wood millwork covered with materials such as metal and plastics. Planing mills primarily engaged in producing millwork are included in this industry.

**Wood kitchen cabinets:** Includes establishments primarily engaged in manufacturing wood kitchen cabinets and wood bathroom vanities, generally for permanent installation.

**Hardwood veneer and plywood:** Includes establishments primarily engaged in producing commercial hardwood veneer and those primarily engaged in manufacturing commercial plywood or prefinished hardwood plywood. This

includes nonwood backed or faced veneer and nonwood faced plywood.

**Softwood veneer and plywood:** Includes establishments primarily engaged in producing commercial softwood veneer and plywood, from veneer produced in the same establishment or from purchased veneer.

**Wood preserving:** Includes establishments primarily engaged in treating wood, sawed or planed in other establishments, with creosote or other preservatives to prevent decay and to protect against fire and insects. This industry also includes the cutting, treating, and selling of poles, posts and piling, but establishments primarily engaged in manufacturing other wood products, which they may also treat with preservatives, are not included.

**Reconstituted wood products:** Includes establishments primarily engaged in manufacturing reconstituted wood products. Important products of this industry are hardboard, particleboard, insulation board, medium density fiberboard, waferboard, and oriented strandboard.

**Wood products, not elsewhere classified:** Includes establishments primarily engaged in manufacturing wood products, not elsewhere classified, and products from rattan, reed, splint, straw, veneer, veneer strips, wicker, and willow.

**Furniture and fixtures:** Includes establishments primarily engaged in manufacturing household, office, public building, and restaurant furniture; and office and store fixtures.

**Paper and allied products:** Includes establishments primarily engaged in the manufacture of:

- Pulps from wood and other cellulose fibers, and from rags;
- Paper and paperboard; and
- Paper and paperboard into converted products, such as paper coated off the paper machine, paper bags, paper boxes, and envelopes.

Also included are establishments primarily engaged in manufacturing bags of plastics film and sheet.

**Printing and publishing:** Includes establishments primarily engaged in printing by one or more common process, such as letterpress; lithography (including offset), gravure, or screen; and those establishments which perform services for the printing trade, such as bookbinding and platemaking. It also includes establishments engaged in publishing newspapers, books, and periodicals.

**Chemicals and allied products:** Includes establishments primarily engaged in producing basic chemicals, and establishments manufacturing products by predominantly chemical processes.

**Petroleum refining and related industries:** Includes establishments primarily engaged in petroleum refining, manufacturing paving and roofing materials, and compounding lubricating oils and greases from purchased materials.

**Rubber and miscellaneous plastic products:** Includes establishments primarily engaged in manufacturing products from plastics resins and from natural, synthetic, or reclaimed rubber, gutta percha, balata, or butta siak.

**Stone, clay, and glass products:** Includes establishments primarily engaged in manufacturing flat glass and other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand.

**Primary metal industries:** Includes establishments primarily engaged in:

- Smelting and refining ferrous and nonferrous metals from ore, pig, or scrap;
- Rolling, drawing, and alloying metals;
- Manufacturing castings and other basic metal products; and
- Manufacturing nails, spikes, and insulated wire and cable.

This group includes the production of coke.

**Fabricated metal products:** Includes establishments primarily engaged in fabricating ferrous and nonferrous metal products, such as:

- Metal cans,
- Tinware,
- Handtools,
- Cutlery,
- General hardware,
- Nonelectric heating apparatus,
- Fabricated structural metal products,
- Metal forgings,
- Metal stampings,
- Ordnance (except vehicles and guided missiles), and
- A variety of metal and wire products not elsewhere classified.

**Industrial and commercial machinery and computer equipment:** Includes establishments primarily engaged in manufacturing industrial and commercial machinery and equipment and computers.

**Electronic and other electrical equipment and components, except computer equipment:** Includes establishments primarily engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy. Included is the manufacturing of:

- Electricity distribution equipment;
- Electrical industrial apparatus;
- Household appliances;
- Electrical lighting and wiring equipment;
- Radio and television receiving equipment;
- Communications equipment;
- Electronic components and accessories; and
- Other electrical equipment and supplies.

**Transportation equipment:** Includes establishments primarily engaged in manufacturing equipment for transportation of passengers and cargo by land, air, and water. Important products produced by establishments classified in this major group include motor vehicles, aircraft, guided missiles, and space vehicles, ships, boats, railroad equipment, and miscellaneous transportation equipment, such as motorcycles, bicycles, and snowmobiles.

**Instruments; measuring, analyzing, and controlling photographic, medical, and optical goods; watches and clocks:** Includes establishments primarily engaged in manufacturing:

- Instruments (including professional and scientific) for measuring, testing, analyzing, and controlling, and their associated sensors and accessories;
- Optical instruments and lenses;
- Surveying and drafting instruments;
- Hydrological, hydrographic, meteorological, and geophysical equipment;
- Search, detection, navigation, and guidance systems and equipment;
- Surgical, medical, and dental instruments, equipment, and supplies;
- Ophthalmic goods;
- Photographic equipment and supplies; and
- Watches and clocks.

**Jewelry, silverware, and plated ware:** Includes establishments primarily engaged in manufacturing:

- Jewelry and other articles made of precious metals with or without stones;
- Flatware, hollowware, ecclesiastical ware, trophies, trays, and related products made of:
- Sterling silver;
- Metal plated with silver, gold, or other metal;
- Nickel silver;
- Pewter; or
- Stainless steel.

**Toys and sporting goods:** Includes establishments primarily engaged in manufacturing: Sporting and athletic goods such as fishing tackle, golf and tennis goods, skis and skiing equipment.

**Signs and advertising specialties:** Includes establishments primarily engaged in manufacturing electrical, mechanical, cutout, or plate signs and advertising displays, including neon signs, and advertising specialties.

**Railroad transportation:** Includes establishments furnishing transportation by line-haul railroad, and switching and terminal establishments.

**Local and interurban passenger transit:** Includes establishments primarily engaged in furnishing local and suburban passenger transportation.

**Water transportation:** Includes establishments primarily engaged in freight and passenger transportation on the open seas or inland waters, and establishments furnishing incidental services such as lighterage, towing, and canal operation. This major group also includes excursion boats, sightseeing boats, and water taxis.

**Transportation by air:** Includes establishments primarily engaged in furnishing domestic and foreign transportation by air and also those operating airports and flying fields and furnishing terminal services.

**Electric services:** Includes establishments primarily engaged in the generation, transmission, or distribution, or a combination thereof, of electric energy for sale.

**Combination electric and gas, and other utility services:** Includes establishments providing electric or gas services in combination with other services.

**Sanitary services:** Includes:

- Establishments primarily engaged in the collection and disposal of wastes conducted through a sewer system; and
- Establishments primarily engaged in the collection and disposal of refuse by processing or destruction or in the operation of incinerators, waste treatment plants, landfills, or other sites for disposal of those kinds of materials.

**Motor vehicles, parts, and supplies:** Includes establishments primarily engaged in the:

- Wholesale distribution of new and used passenger automobiles, trucks, trailers, and other motor vehicles, including motorcycles, motor homes, and snowmobiles;
- Wholesale distribution of motor vehicle supplies, accessories, tools, and equipment except tires and new motor vehicle parts;
- Distribution at wholesale or retail of used motor vehicle parts and those primarily engaged in dismantling motor vehicles for the purpose of selling parts.

**Electrical apparatus and equipment, wiring supplies, and construction materials:** Includes establishments primarily engaged in the wholesale distribution of:

- Electrical power equipment for the generation, transmission, distribution, or control of electric energy;
- Electrical construction materials for outside power transmission lines and for electrical systems; and
- Electric light fixtures and bulbs.

**Machinery, equipment, and supplies:** Includes establishments primarily engaged in the:

- Wholesale distribution of construction or mining cranes, excavating machinery and equipment, power shovels, road construction and maintenance machinery, tractor-mounting equipment and other specialized machinery and equipment used in the construction, mining, and logging industries;
- Distribution of agricultural machinery and equipment for use in the preparation and maintenance of the soil, the planting and harvesting of crops, and other operations and processes pertaining to work on the farm or the lawn or garden;
- Distribution of dairy and other livestock equipment; and
- Wholesale distribution of industrial machinery and equipment.

**Miscellaneous durable goods:** Includes establishments primarily engaged in assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials.

**Chemicals and allied products:** Includes establishments primarily engaged in the wholesale distribution of:

- Plastics materials, and of unsupported plastics film, sheets, sheeting, rods, tubes, and other basic forms and shapes;
- Chemicals and allied products, such as acids, industrial and heavy chemicals, dye stuffs, industrial salts, rosin, and turpentine.

**Petroleum and petroleum products:** Includes establishments primarily engaged in the wholesale distribution of:

- Crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities;
- Petroleum and petroleum products, except those with bulk liquid storage facilities.

Included are packaged and bottled petroleum products distributors, truck jobbers, and others marketing petroleum and its products at wholesale, but without bulk liquid storage facilities.

**Farm supplies:** Includes establishments primarily engaged in the wholesale distribution of fertilizers, agricultural chemicals, and pesticides.

**New and used car dealers:** Includes establishments primarily engaged in the retail sale of new automobiles or new and used automobiles. These establishments frequently maintain repair departments and carry stocks of replacement parts, tires, batteries, and automotive accessories.

**Gasoline service stations:** Includes gasoline service stations primarily engaged in selling gasoline and lubricating oils.

**Laundry, cleaning, and garment services:** Includes establishments primarily engaged in:

- Operating mechanical laundries with steam or other power;
- Linen supply;
- Coin-operated laundries and dry-cleaning;
- Dry-cleaning plants, except rug cleaning;
- Carpet and upholstery cleaning; and
- Industrial launderers.

Establishments that solely operate coin-operated washing machines and dryers and establishments that solely clean carpets or rugs are not included.

**Disinfecting and pest control services:** Includes establishments primarily engaged in disinfecting dwellings and other buildings, and in termite, insect, rodent, and other pest control, generally in dwellings or other buildings.

**Truck rental and leasing, without drivers:** Includes establishments primarily engaged in short-term rental or extended-term leasing of trucks, truck tractors, or semitrailers without drivers.

**Automotive repair shops:** Includes establishments primarily engaged in the:

- Repair of automotive tops, bodies, and interiors, or automotive painting and refinishing;
- Customizing automobiles, trucks, and vans except on a factory basis;
- Installation, repair, or sale and installation of automotive exhaust systems;
- Repairing and retreading of automotive tires;
- Installation, repair, or sales and installation of automotive transmissions;
- General automotive repair;
- Specialized automotive repair, such as fuel service (carburetor repair), brake relining, front end and wheel alignment, and radiator repair.

**Miscellaneous repair shops and related services:** Includes establishments primarily engaged in:

- General repair work by welding, including automotive welding;
- Rewinding armatures and rebuilding or repairing electric motors;
- Specialized repair services, such as bicycle repair, leather goods repair;
- Lock and gun repair, including the making of lock parts or gun parts to individual order;
- Musical instrument repair;
- Septic tank cleaning;
- Farm machinery repair;
- Furnace cleaning;
- Motorcycle repair;
- Tank truck cleaning;
- Taxidermists;
- Tractor repair; and
- Typewriter repair.

**Hospitals:** Includes establishments primarily engaged in providing:

- Diagnostic services, extensive medical treatment including surgical services, and other hospital services, as well as continuous nursing services;
- General medical and surgical services and other hospital services;
- Diagnostic medical services and inpatient treatment for the mentally ill;
- Diagnostic services, treatment, and other hospital services for specialized categories of patients, except mental.

**Medical laboratories:** Includes establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient on prescription of a physician.

**Colleges, universities, professional schools, and junior colleges:** Colleges, universities, and professional schools furnishing academic courses and granting academic degrees; or junior colleges and technical institutes furnishing academic, or academic and technical, courses, and granting associate academic degrees, certificates, or diplomas.

**Research and testing services:** Includes establishments primarily engaged in:

- Commercial physical and biological research and development on a contract or fee basis; or
- Performing noncommercial research into and dissemination of, information for public health, education, or general welfare; or
- Providing testing services.

**Environmental quality:** Government establishments primarily engaged in:

- Regulation, planning, protection and conservation of air and water resources;
- Solid waste management;
- Water and air pollution control and prevention;
- Flood control;
- Drainage development, and consumption of water resources;

- Coordination of these activities at intergovernmental levels;
- Research necessary for air pollution abatement and control and conservation of water resources;
- Government establishments primarily engaged in regulation, supervision and control of land use, including recreational areas;
- Conservation and preservation of natural resources;
- Control of wind and water erosion;
- The administration and protection of publicly and privately owned forest lands, including pest control;
- Planning, management, regulation, and conservation of game, fish, and wildlife populations, including wildlife management areas and field stations; and
- Other matters relating to the protection of fish, game, and wildlife.

Establishments that only provide information and education services to others are not included.

**National security:** Includes establishments of the armed forces, including the National Guard, primarily engaged in national security and related activities.

(2) A hazardous waste generator must be exempt from the fee imposed under this section if the value of products, gross proceeds of sales, or gross income of the business, from all business activities of the hazardous waste generator, is less than twelve thousand dollars in the current calendar year.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-110, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-110, filed 4/1/91, effective 5/2/91.]

**WAC 173-305-120 Responsibilities of the department of ecology.** (1) The legislature has provided that the primary responsibilities of the department of ecology are:

(a) To provide a list of hazardous waste generators and to determine the primary business activities of hazardous waste generators.

(b) To collect the fees from hazardous waste generators as identified in (a) of this subsection.

(2) The department of ecology will periodically amend the list of primary business activities of hazardous waste generators by reviewing the most current verified information that is available to the department.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-120, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-120, filed 4/1/91, effective 5/2/91.]

## PART C

### HAZARDOUS WASTE PLANNING FEE

**WAC 173-305-210 Imposition of fee.** (1) The fee is imposed on hazardous waste generators and hazardous substance users required to prepare plans under RCW 70.95E.030. The department may waive the fee for individual facilities when the amount owed is less than the estimated cost of collection. This provision does not waive the requirement to prepare a plan.

(2) The department will determine who, specifically, is required to pay the fee each year and the amount of the fee based on the most current verified information available to

(8/1/00)

the department. Note: Information collected on toxic emissions will not be verified.

(3) The total fees collected under RCW 70.95E.030 may not exceed the department's cost of implementing RCW 70.95C.200.

(4) A person who develops a plan covering more than one interrelated facility as provided for in RCW 70.95C.200 must be assessed fees only for the number of plans prepared. In instances where a person has interrelated facilities without substantially similar processes, a single document may be prepared for the convenience of management but the document must contain separate detailed plans for each facility. In these cases, each detailed plan within the document must be assessed a fee.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-210, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-210, filed 4/1/91, effective 5/2/91.]

### WAC 173-305-220 Hazardous waste planning fee. (1)

The department shall calculate the adjusted fees, annual fee, and maximum total fees using the formula in subsection (3) of this section. The formula uses a risk factor of one for dangerous waste and emissions, and a multiplication factor of ten for extremely hazardous waste. For purposes of this section, hazardous waste reported on the annual dangerous waste generator report as having been either recycled on-site or recycled for beneficial use offsite, including initial amounts of hazardous substances introduced into a process and subsequently recycled for beneficial use, may not be used in the calculation of hazardous waste generated. A facility may petition the director to exclude hazardous wastes recycled for beneficial use even if they were not reported as such on the annual dangerous waste generator report. Documentation from the hazardous waste handling facility that the hazardous waste was recycled for beneficial use must be submitted along with the petition.

(2) Fees in subsection (3) of this section are based on the following definitions:

(Note: The terms "dangerous waste" and "extremely hazardous waste" as used in this subsection use the same basic definition as in WAC 173-305-020, but are modified as follows for the fee calculation only.)

Dangerous waste is the number of pounds of dangerous waste reported that are not recycled for beneficial use, calculated so that wastewater discharged under permit by rule under WAC 173-303-802 is excluded.

Emissions is the number of pounds of emission reported under Toxic Chemical Release Reporting, 40 C.F.R. Part 372, by a company. If emissions are reported in ranges, the middle value of the reported range will be used in the calculation.

Extremely hazardous waste is the number of pounds of extremely hazardous waste reported that are not recycled for beneficial use, calculated so that wastewater discharged under permit by rule under WAC 173-303-802 is excluded.

The price deflator is the "Implicit price deflator for gross national product for government purchases of goods and services for state and local government."

The total risk pounds for a facility or set of interrelated facilities is equal to ten times the number of pounds of extremely hazardous waste generated, plus the number of

pounds of dangerous waste generated, plus the number of pounds of emission reported by that facility.

(3) The annual fee for a facility or set of interrelated facilities is equal to the rate per risk pound times the total risk pounds. The rate for the risk pounds must be calculated by the department so that the maximum total fee in (a) of this subsection can be obtained. The annual fee for each facility or set of interrelated facilities is subject to the limitations in (b) and (c) of this subsection.

(a) The maximum total fees collected must be determined based on the maximum total fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment is the second quarter price deflator for 1990. The maximum total fees for 1990 must be one million dollars.

(b) The maximum fee for any facility or interrelated facility must be determined based on the maximum total fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment is the second quarter price deflator for 1990. The maximum annual fee for 1990 must be ten thousand dollars.

(c) The maximum annual fee for a generator who generates between two thousand six hundred forty and four thousand pounds of dangerous and extremely hazardous waste must be determined based on the maximum total annual fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment is the second quarter price deflator for 1990. The maximum annual fee for 1990 must be fifty dollars.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-220, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-220, filed 4/1/91, effective 5/2/91.]

**WAC 173-305-230 Due dates.** (1) Fees imposed by RCW 70.95E.030 are first due on July 1, 1991, for facilities that are required to prepare plans in 1992, on July 1, 1992, for facilities that are required to prepare plans in 1993, and on July 1, 1993, for facilities that are required to prepare plans in 1994. Fees for facilities that are required to prepare plans following 1994 are first due on July 1 of the year following the first year that they generate more than two thousand six hundred forty pounds of hazardous waste and/or are required to report under Section 313 of Title III of the Superfund Amendments and Reauthorization Act.

(2) If a facility pays a fee in anticipation of preparing a plan the following year, and circumstances change so that the facility is no longer required to prepare a plan, the facility may request, by letter, a refund of the fee from the department. Upon verification of the information submitted, the department shall grant the refund.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-230, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-230, filed 4/1/91, effective 5/2/91.]

**WAC 173-305-240 Responsibilities of the department of ecology.** (1) The legislature has provided that the primary responsibility of the department of ecology is to develop, by April 30 of each year, a list of persons subject to the fee and the amount of their fee. The fees must be calculated based on the formulas in WAC 173-305-220(3).

(2) The department of ecology shall collect the fees and subtract any overpayment of the fee in the previous year from the fee for the current year. The department shall also subtract any interest accrued on an overpayment from the fee for the current year if the overpayment was made due to an error which was the responsibility of the department or an overestimate of rate per risk pound for the prior year.

(3) If there are resubmissions of hazardous waste annual reports or toxic release inventory reports, or both, the department shall add any underpayment of the fee in previous years to the fee for the current year.

[Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-240, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-240, filed 4/1/91, effective 5/2/91.]