

**WAC 173-303-171 Conditions for exemption for a small quantity generator.** (1) Provided that the small quantity generator meets all the conditions for exemption listed in this section, dangerous waste generated by the small quantity generator is not subject to regulation under this chapter except for WAC 173-303-050, 173-303-070, 173-303-145, 173-303-169, 173-303-170, 173-303-171 and 173-303-960. The conditions for exemption are as follows:

(a) In a calendar month the small quantity generator generates less than or equal to the amounts specified in the definition of "small quantity generator" in WAC 173-303-040;

(b) The small quantity generator complies with WAC 173-303-070;

(c) The quantity accumulated or stored at any time does not exceed 2,200 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)(a)(iv) and 173-303-082 (2)(b) and for extremely hazardous waste WT01 clean-up debris, as defined in WAC 173-303-040 "small quantity generator," is 220 pounds);

(d) If a person accumulates or stores any dangerous wastes that exceed the accumulation limits set forth in (c) of this subsection, then all dangerous waste accumulated or stored by that person is subject to the requirements for the conditions for exemption for a large quantity generator in WAC 173-303-200.

(e) A small quantity generator that accumulates dangerous waste in amounts less than or equal to the limits in (c) of this subsection must 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:

(i) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(ii) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 C.F.R. Part 271, or by EPA under 40 C.F.R. Part 270;

(iii) 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;

(iv) 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;

(v) Permitted, licensed, or registered to manage municipal solid waste and, if managed in a municipal solid waste landfill, is subject to 40 C.F.R. Part 258 or chapter 173-351 WAC;

(vi) Permitted, licensed, or registered by a state to manage non-municipal nonhazardous waste and, if managed in a nonmunicipal nonhazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 C.F.R. 257.5 through 257.30;

(vii) 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);

(viii) 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; or

(ix) A large quantity generator under the control of the same person as the small quantity generator, provided the following conditions are met:

(A) The small quantity generator and the large quantity generator are under the control of the same person as defined in WAC 173-303-040 of this chapter. Contractors, consultants, transporters, etc., who operate generator facilities on behalf of a different person as defined in WAC 173-303-040 of this chapter shall not be deemed to "control" such generators.

(B) The small quantity generator clearly labels or marks each container(s) and tank(s) of dangerous waste with the words "dangerous waste" or "hazardous waste." Except for containers one gallon (or four liters) and under, the lettering must be legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(C) The small quantity generator clearly labels or marks each container(s) and tank(s) of dangerous waste with an indication of the hazards of the contents (examples include, but not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes). The label or marking must be:

(I) Legible and recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(II) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the containers for the public, emergency response personnel and employees; for containers one gallon (or four liters) and under the label, marking or lettering can be appropriate for the size of the container.

(x) A reverse distributor, (as defined in WAC 173-303-555(1)), if the dangerous waste pharmaceutical is a potentially creditable dangerous waste pharmaceutical generated by a health care facility (as defined in WAC 173-303-555(1)).

(xi) A health care facility, (as defined in WAC 173-303-555(1)), that meets the conditions in WAC 173-303-555 (3)(o) and (4)(b), as applicable, to accept noncreditable dangerous waste pharmaceuticals and potentially creditable dangerous waste pharmaceuticals from an off-site health care facility that is a small quantity generator.

(xii) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of WAC 173-303-071 (3)(tt).

(2) The placement of bulk or noncontainerized liquid dangerous waste or dangerous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

(3) A small quantity generator experiencing an episodic event may generate and accumulate dangerous waste from the episodic event in accordance with WAC 173-303-173 in lieu of WAC 173-303-172 and 173-303-200.

[Statutory Authority: Chapter 70.105, 70.105D RCW and Subtitle C of RCRA. WSR 20-20-045 (Order 19-07), § 173-303-171, filed 9/30/20, effective 10/31/20. Statutory Authority: Chapters 70.105, 70.105D RCW and RCRA. WSR 19-04-038 (Order 16-03), § 173-303-171, filed 1/28/19, effective 4/28/19.]