

**WAC 173-303-073 Conditional exclusion of special wastes. (1)**

Purpose and applicability. Special wastes pose a relatively low hazard to human health and the environment. The department believes that special wastes can be safely managed with a level of protection that is intermediate between dangerous and nondangerous solid wastes. This section establishes a conditional exclusion for the management of special wastes. The definition for special waste is found in WAC 173-303-040.

(2) Exclusion. Special wastes are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050; 173-303-060; 173-303-140 (4) (c); 173-303-145; 173-303-960; and 173-303-510 excluding subsections (4) (a), (4) (b) (iii), (5), (6) (c), and (6) (d). In addition, special waste must be treated as dangerous waste for purposes of pollution prevention planning as required in chapters 173-307 and 173-305 WAC. Special wastes will not be considered as dangerous waste, provided they are managed in accordance with the standards in this subsection and provided they are disposed, legitimately recycled, or treated on-site consistent with the requirements of WAC 173-303-170 (2) (b) (v).

(a) Generators may not accumulate special waste on-site for more than one hundred eighty days from the date the quantity of waste exceeds two thousand two hundred pounds. The generator must keep a written record showing the dates when accumulation of the wastes began;

(b) During accumulation, special waste 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, etc.;

(c) Facilities that receive special waste for recycling must meet the requirements of (b) of this subsection and store special wastes for no more than one hundred eighty days.

(d) All workers handling special wastes must be informed of the waste's potential hazard, either through worker training, health and safety plans, or notification of workers on a case-by-case basis;

(e) Special wastes must be transported directly from their site of generation to any off-site recycling, treatment, or disposal destination. The wastes must not pass through any intermediate solid waste processing facility, such as a transfer station, unless:

(i) The transfer station operator has made specific provisions for managing special waste by physical segregation, packing, or other means to ensure that workers and the public are not exposed to the waste stream at the transfer station;

(ii) The provisions are reflected in the facilities operating plans;

(iii) The plans have been approved by the transfer station's solid waste permitting authority;

(iv) The transfer station operator has informed workers of the wastes' potential hazard according to (d) of this subsection; and

(v) The waste is stored no more than thirty days at the transfer station, unless a longer storage time is approved by the solid waste permitting authority.

(f) A document must accompany special waste during transit which identifies the type and amount of special waste, its place of origin, the identity of the generator, and the facility to which it is directed. An example form is provided in WAC 173-303-9906. The generator and the receiving facility must maintain a record of the facilities receipt of the special waste for at least five years;

(g) If a special waste being offered for transportation meets the definition of hazardous materials under 49 C.F.R. Parts 171 through 180, then the generator must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with applicable Department of Transportation regulations in 49 C.F.R. Parts 172 through 180;

(h) Disposal of special waste must be in landfill units which:

(i) Are permitted in accordance with chapter 173-351 WAC, provided that an engineered liner with leachate collection is used to meet the alternative design requirements of WAC 173-351-300, or are permitted under WAC 173-303-800 through 173-303-840 or if out-of-state under 40 C.F.R. Part 258 or Part 270; and

(ii) Are not currently undergoing corrective action under WAC 173-351-440(7), 40 C.F.R. 258.56, or a similar requirement in state regulations approved by the United States EPA pursuant to 42 U.S.C. 6945 (c)(1)(B).

(3) Reserve.

[Statutory Authority: Chapter 70.105, 70.105D RCW and Subtitle C of RCRA. WSR 20-20-045 (Order 19-07), § 173-303-073, filed 9/30/20, effective 10/31/20. Statutory Authority: Chapter 70.105 RCW. WSR 15-01-123 (Order 13-07), § 173-303-073, filed 12/18/14, effective 1/18/15. Statutory Authority: Chapters 70.105, 70.105D, 15.54 RCW and RCW 70.105.007. WSR 00-11-040 (Order 99-01), § 173-303-073, filed 5/10/00, effective 6/10/00. Statutory Authority: Chapters 70.105 and 70.105D RCW. WSR 98-03-018 (Order 97-03), § 173-303-073, filed 1/12/98, effective 2/12/98; WSR 95-22-008 (Order 94-30), § 173-303-073, filed 10/19/95, effective 11/19/95.]