labor and overhead. [Statutory Authority: RCW 28B-.35.120. 82-07-064 (Resolution No. 82-02), § 172-168-130, filed 3/22/82; Order 73-10, § 172-138-130 (codified as WAC 172-168-130), filed 4/18/73.]

Chapter 172-180 WAC
DELEGATED AUTHORIZATION TO HIRE, DISMISS AND DISCIPLINE CLASSIFIED PERSONNEL

WAC
172-180-020 Delegation of appointing authority power.

WAC 172-180-020 Delegation of appointing authority power. In accordance with the statutory powers referred to in WAC 172-180-010 and in accordance with the rules promulgated by the higher education personnel board, the board of trustees of Eastern Washington University, in accordance with the resolution adopting this WAC chapter, hereby designates the following positions, and persons occupying such positions, as appointing authorities at Eastern Washington University:

(1) The president;

(2) The vice president and provost for academic affairs;

(3) The vice provost for academic affairs;

(4) The vice president for business and finance;

(5) The vice president for extended programs;

(6) The provost for student services;

(7) The vice president for administration;

(8) The dean, college of letters and sciences;

(9) The dean, school of fine arts;

(10) The dean, school of human learning and development;

(11) The dean, division of health sciences;

(12) The dean, school of business;

(13) The dean, school of social work and human services;

(14) The dean, school of public affairs;

(15) The university librarian; and

(16) The executive assistant to the president (also the secretary of the board of trustees). [Statutory Authority: RCW 28B.35.120. 82-22-078 (Order 82-04), § 172-180-020, filed 11/3/82. Statutory Authority: RCW 28B.40.120(11). 78-06-006 (Resolution 78-2), § 172-180-020, filed 5/5/78; Order 73-7, § 172-180-020, filed 3/20/73.]

Title 173 WAC
ECOLOGY, DEPARTMENT OF

Chapters

Chapter 173-06 WAC
DELEGATION OF POWERS

WAC
173-06-065 NPDES delegation.

WAC 173-06-065 NPDES delegation. The sole and complete responsibility for administration of the National Pollutant Discharge Elimination System permit program is delegated by the director to Bruce A. Cameron, an assistant director, [who qualifies] under 33 U.S.C. 1314(i) and implementing regulations to administer the program. [Statutory Authority: RCW 43.21A-.090. 81-24-033 (Order DE 81-41), § 173-06-065, filed 11/25/81; 81-09-056 (Order DE 81-7), 173-06-065, filed 4/17/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 173-14 WAC
PERMITS FOR DEVELOPMENTS ON SHORELINES OF THE STATE

WAC

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-14-190 Hearings on regulatory orders. [Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-190, filed 6/14/78; Order DE 75-22, § 173-14-190, filed 10/16/75.] Repealed by 81-04-027 (Order DE 80-42), filed 2/2/81. Statutory Authority: Chapters 90.22 and 90.54 RCW.

WAC 173-14-140 Review criteria for conditional use permits. The purpose of a conditional use permit is to allow greater flexibility in varying the application of the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020: *Provided*, That conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by local government or the department to prevent undesirable effects of the proposed use.

(1) Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the master program.

(b) That the proposed use will not interfere with the normal public use of public shorelines.

(c) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

(d) That the proposed use will cause no unreasonably adverse effects to the shoreline environment designation in which it is to be located.

(e) That the public interest suffers no substantial detrimental effect.

(2) Other uses which are not classified or set forth in the applicable master program may be authorized as conditional uses provided the applicant can demonstrate, in addition to the criteria set forth in WAC 173-14-140(1) above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the master program.

(3) Uses which are specifically prohibited by the master program may not be authorized.

(4) In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-140, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-140, filed 6/14/78; Order DE 75-22, § 173-14-140, filed 10/16/75.]

WAC 173-14-150 Review criteria for variance permits. The purpose of a variance permit is strictly limited to granting relief to specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the master program would impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances should be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), except within those areas designated by the department as marshes, bogs, or swamps pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by the master program.

(b) That the hardship described in WAC 173-14-150(2)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development that will be located either waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030(2)(b), or within marshes, bogs, or swamps as designated by the department pursuant to chapter 173-22 WAC, may be authorized provided the applicant can demonstrate all of the following:

(a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes a reasonable use of the property not otherwise prohibited by the master program.

(b) That the hardship described in WAC 173-14-150(3)(a) above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions.

(c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment designation.

(d) That the requested variance will not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief.

(e) That the public rights of navigation and use of the shorelines will not be adversely affected by the granting of the variance.

(f) That the public interest will suffer no substantial detrimental effect.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments in the area where similar circumstances exist the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce substantial adverse effects to the shoreline environment.

(5) Requests for varying the use to which a shoreline area is to be put are not requests for variances, but rather requests for conditional uses. Such requests shall be evaluated using the criteria set forth in WAC 173-14-140. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-150, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-150, filed 6/14/78; Order DE 76-17, § 173-14-150, filed 7/27/76; Order DE 75-22, § 173-14-150, filed 10/16/75.]

WAC 173-14-155 Minimum standards for conditional use and variance permits. Pursuant to RCW 90.58.100(5) and 90.58.140(3), the criteria contained in WAC 173-14-140 and 173-14-150 for shoreline conditional use and variance permits shall constitute the minimum criteria for review of these permits by local government and the department. Local government and the department may, in addition, apply the more restrictive criteria where it exists in approved and adopted master programs. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-155, filed 2/2/81.]

WAC 173-14-180 Regulatory orders by local government or the department. (1) Local government and the department shall have the authority to serve upon a person undertaking, or about to undertake development as defined in RCW 90.58.030(3)(d), a regulatory order if:

(a) The development constitutes an integral part of a project being undertaken, or about to be undertaken, on the shorelines of the state in the absence of a substantial development, conditional use, or variance permit; or

(b) The development being undertaken, although an integral part of a project approved by an existing, valid substantial development, conditional use, or variance permit is outside the scope and intent of said permit; or

(c) The development being undertaken on the shorelines of the state is in violation of chapter 90.58 RCW, and/or one of the following:

(i) Prior to the formal adoption or approval by the department of a master program for the area, the guidelines and regulations of the department, and so far as can be ascertained, the master program being developed for the area.

(ii) Thereafter this regulation of the department and the adopted or approved master program for the area.

(2) The regulatory order shall set forth or contain:

(a) The specific nature, extent and time of violation, and the damage or potential damage;

(b) An order that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a specific and reasonable time.

(3) A regulatory order issued pursuant hereto shall become effective immediately upon receipt by the person to whom the order is directed. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-027 (Order DE 80-42), § 173-14-180, filed 2/2/81. Statutory Authority: RCW 90.58.200. 78-07-011 (Order DE 78-7), § 173-14-180, filed 6/14/78; Order DE 76-17, § 173-14-180, filed 7/27/76; Order DE 75-22, § 173-14-180, filed 10/16/75.]

WAC 173-14-190 Repealed. See Dispostion Table at beginning of this chapter.

Chapter 173-19 WAC
SHORELINE MANAGEMENT ACT OF 1971—STATE MASTER PROGRAM

WAC

173-19-2521	Seattle, city of.
173-19-2524	Tukwila, city of.
173-19-260	Kitsap County.
173-19-2601	Bremerton, city of.
173-19-2604	Winslow, city of.
173-19-2901	Centralia, city of.
173-19-2902	Chehalis, city of.
173-19-310	Mason County.
173-19-3208	Tonasket, town of.
173-19-3210	Winthrop, town of.
173-19-330	Pacific County.
173-19-3514	Tacoma, city of.
173-19-360	San Juan County.
173-19-370	Skagit County.
173-19-3701	Anacortes, city of.
173-19-3704	La Conner, town of.
173-19-3707	Burlington, city of.
173-19-390	Snohomish County.
173-19-3910	Monroe, city of.
173-19-400	Spokane County.
173-19-420	Thurston County.
173-19-4202	Lacey, city of.
173-19-4206	Yelm, town of.
173-19-430	Wahkiakum County.
173-19-4402	Walla Walla, city of.
173-19-450	Whatcom County.
173-19-4502	Blaine, city of.
173-19-4504	Ferndale, city of.
173-19-4505	Lynden, city of.
173-19-470	Yakima County.

WAC 173-19-120 Chelan County. Chelan County master program approved April 22, 1975. Revision approved June 26, 1980. Revision approved July 15, 1981. Revision approved October 1, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-20-042 (Order DE 81-27), § 173-19-120, filed 10/1/81; 81-15-062 (Order DE 81-23), § 173-19-120, filed 7/20/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-120, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-120, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-120, filed 8/2/79; Order DE 75-21, § 173-19-120, filed 8/12/75; Order DE 74-23, § 173-19-120, filed 12/30/74.]

WAC 173-19-160 Cowlitz County. Cowlitz County master program approved February 17, 1978. Revision approved February 9, 1982. Revision approved May 18, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-11-105 (Order DE 82-10), § 173-19-160, filed 5/19/82; 82-05-017 (Order DE 81-53), § 173-19-160, filed 2/9/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-160, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-160, filed 8/2/79; Order DE 77-16, § 173-19-160, filed 9/9/77; Order DE 74-23, § 173-19-160, filed 12/30/74.]

WAC 173-19-210 Grant County. Grant County master program approved September 16, 1975. Revision approved June 11, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-055 (Order DE 81-14), § 173-19-210, filed 6/17/81; Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-210, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-210, filed 8/2/79; Order DE 76-15, § 173-19-210, filed 5/3/76; Order DE 74-23, § 173-19-210, filed 12/30/74.]

WAC 173-19-2102 Moses Lake, city of. City of Moses Lake master program approved December 18, 1974. Revision approved July 15, 1981. Revision approved August 12, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-046 (Order DE 82-29), § 173-19-2102, filed 8/16/82; 81-16-079 (Order DE 81-20), § 173-19-2102, filed 8/5/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2102, filed 1/30/80.]

WAC 173-19-2203 Elma, city of. City of Elma master program approved September 18, 1974. Revision approved December 15, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 83-02-003 (Order DE 82-40), § 173-19-2203, filed 12/23/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2203, filed 1/30/80.]

WAC 173-19-240 Jefferson County. Jefferson County master program approved December 20, 1974. Revision approved August 12, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-047 (Order DE 82-30), § 173-19-240, filed 8/16/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-240, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-240, filed 8/2/79; Order DE 75-21, § 173-19-240, filed 8/12/75; Order DE 74-23, § 173-19-240, filed 12/30/74.]

WAC 173-19-250 King County. King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979. Revision approved September 23, 1981. Revision approved February 9, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-05-018 (Order DE 81-54), § 173-19-250, filed 2/9/82; 81-20-006 (Order DE 81-24), § 173-19-250, filed 9/24/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-250, filed 1/30/80; 79-09-131 (Order DE 79-16), § 173-19-250, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-250, filed 8/2/79; Order DE 77-28, § 173-19-250, filed 10/24/77; Order DE 77-16, § 173-19-250, filed 9/9/77; Order DE 76-15, § 173-19-250, filed 5/3/76; Order DE 75-21, § 173-19-250, filed 8/12/75; Order DE 74-23, § 173-19-250, filed 12/30/74.]

WAC 173-19-2503 Bellevue, city of. City of Bellevue master program approved February 26, 1975. Revision approved January 8, 1979. Revision approved May 14, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-11-027 (Order DE 81-10), § 173-19-2503, filed 5/15/81. Statutory Authority: RCW

90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2503, filed 1/30/80.]

WAC 173-19-2515 Mercer Island, city of. City of Mercer Island master program approved September 24, 1974. Revision approved May 14, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-11-028 (Order DE 81-11), § 173-19-2515, filed 5/15/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2515, filed 1/30/80.]

WAC 173-19-2519 Redmond, city of. City of Redmond master program approved September 20, 1974. Revision approved December 15, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-01-048 (Order DE 81-42), § 173-19-2519, filed 12/16/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2519, filed 1/30/80.]

WAC 173-19-2521 Seattle, city of. City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977. Revision approved September 10, 1980. Revision approved February 24, 1981. Revision approved May 14, 1981. Revision approved October 1, 1981. Revision approved January 5, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-02-079 (Order DE 81-44), § 173-19-2521, filed 1/6/82; 81-20-043 (Order DE 81-28), § 173-19-2521, filed 10/1/81; 81-11-029 (Order DE 81-12), § 173-19-2521, filed 5/15/81; 81-06-051 (Order DE 81-2), § 173-19-2521, filed 2/27/81; 80-13-031 (Order DE 80-34), § 173-19-2521, filed 9/10/80. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2521, filed 1/30/80.]

WAC 173-19-2524 Tukwila, city of. City of Tukwila master program approved September 26, 1974. Revision approved May 18, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-11-106 (Order DE 82-11), § 173-19-2524, filed 5/19/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2524, filed 1/30/80.]

WAC 173-19-260 Kitsap County. Kitsap County master program approved April 30, 1976. Revision approved October 24, 1977. Revision approved December 22, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-01-087 (Order DE 81-35), § 173-19-260, filed 12/22/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-260, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-260, filed 8/2/79; Order DE 77-16, § 173-19-260, filed 9/9/77; Order DE 76-15, § 173-19-260, filed 5/3/76; Order DE 74-23, § 173-19-260, filed 12/30/74.]

WAC 173-19-2601 Bremerton, city of. City of Bremerton master program approved January 9, 1978. Revision approved March 3, 1978. Revision approved June 28, 1978. Revision approved August 22, 1978. Revision approved October 24, 1978. Revision approved January 19, 1982. Revision approved March 4, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-07-003 (Order DE 82-2), § 173-19-2601, filed 3/4/82; 82-03-042 (Order DE 81-45), § 173-19-2601, filed 1/19/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2601, filed 1/30/80.]

WAC 173-19-2604 Winslow, city of. City of Winslow master program approved October 3, 1979. Revision approved June 9, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-015 (Order DE 81-16), § 173-19-2604, filed 6/11/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2604, filed 1/30/80.]

WAC 173-19-2901 Centralia, city of. City of Centralia master program approved March 29, 1978. [Revision approved January 30, 1980.] Revision approved August 12, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-048 (Order DE 82-31), § 173-19-2901, filed 8/16/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2901, filed 1/30/80.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 173-19-2902 Chehalis, city of. City of Chehalis master program approved February 10, 1977. Revision approved January 5, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-02-078 (Order DE 81-46), § 173-19-2902, filed 1/6/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-2902, filed 1/30/80.]

WAC 173-19-310 Mason County. Mason County master program approved August 6, 1975. Revision approved December 18, 1975. Revision approved February 22, 1980. Revision approved June 23, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-14-017 (Order DE 82-18), § 173-19-310, filed 6/28/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-05-053 (Order DE 80-12), § 173-19-310, filed 4/16/80; 80-02-123 (Order DE 79-34), § 173-19-310, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-310, filed 8/2/79; Order DE 76-15, § 173-19-310, filed 5/3/76; Order DE 75-21, § 173-19-310, filed 8/12/75; Order DE 74-23, § 173-19-310, filed 12/30/74.]

WAC 173-19-3208 Tonasket, town of. Town of Tonasket master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved

August 12, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-17-049 (Order DE 82-32), § 173-19-3208, filed 8/16/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3208, filed 1/30/80.]

WAC 173-19-3210 Winthrop, town of. Town of Winthrop master program approved December 16, 1975. Revision approved March 9, 1976. [Revision approved February 2, 1979.] Revision approved November 23, 1981. [Statutory Authority: RCW 90.58.030(3)(c), 90-.58.120, and 90.58.200. 81-24-074 (Order DE 81-36), § 173-19-3210, filed 12/2/81; 80-02-123 (Order DE 79-34), § 173-19-3210, filed 1/30/80.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 173-19-330 Pacific County. Pacific County master program approved April 8, 1975. Revision approved June 26, 1980. Revision approved March 16, 1982. [Statutory Authority: RCW 90.58.120 and 90.58-.200. 82-07-045 (Order DE 81-55), § 173-19-330, filed 3/18/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-330, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-330, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-330, filed 8/2/79; Order DE 75-21, § 173-19-330, filed 8/12/75; Order DE 74-23, § 173-19-330, filed 12/30/74.]

WAC 173-19-3514 Tacoma, city of. City of Tacoma master program approved April 5, 1977. Revision approved December 5, 1979. Revision approved March 17, 1981. Revision approved November 23, 1981. Revision approved April 6, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-10-002 (Order DE 82-06), § 173-19-3514, filed 4/23/82; 81-24-072 (Order DE 81-37), § 173-19-3514, filed 12/2/81; 81-08-005 (Order DE 81-4), § 173-19-3514, filed 3/19/81; 80-04-026 (Order DE 80-10), § 173-19-3514, filed 3/18/80. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3514, filed 1/30/80.]

WAC 173-19-360 San Juan County. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981. [Statutory Authority: RCW 90.58.120 and 90.50.200[90.58.200]. 81-09-057 (Order DE 81-8), § 173-19-360, filed 4/17/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-360, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-360, filed 8/2/79; Order DE 77-16, § 173-19-360, filed 9/9/77; Order DE 74-23, § 173-19-360, filed 12/30/74.]

WAC 173-19-370 Skagit County. Skagit County master program approved October 5, 1976. Revision approved January 5, 1979. Revision approved May 11, 1979. Revision approved March 3, 1980. Revision approved September 10, 1980. Revision approved December 10, 1980. Revision approved September 23, 1981. Revision approved November 23, 1981. Revision approved August 19, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-18-027 (Order DE 82-33), § 173-19-370, filed 8/25/82; 81-24-075 (Order DE 81-38), § 173-19-370, filed 12/2/81; 81-20-004 (Order DE 81-25), § 173-19-370, filed 9/24/81; 81-01-040 (Order DE 80-51), § 173-19-370, filed 12/11/80; 80-13-030 (Order DE 80-35), § 173-19-370, filed 9/10/80. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-05-053 (Order DE 80-12), § 173-19-370, filed 4/16/80; 80-02-123 (Order DE 79-34), § 173-19-370, filed 1/30/80; 79-09-131 (Order DE 79-16), § 173-19-370, filed 9/5/79; 79-09-001 (Order DE 79-6), § 173-19-370, filed 8/2/79; Order DE 77-16, § 173-19-370, filed 9/9/77; Order DE 74-23, § 173-19-370, filed 12/30/74.]

WAC 173-19-3701 Anacortes, city of. City of Anacortes master program approved April 9, 1976. Revision approved November 25, 1980. Revision approved July 1, 1981. Revision approved December 15, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 83-02-004 (Order DE 82-43), § 173-19-3701, filed 12/23/82; 81-15-006 (Order DE 81-15), § 173-19-3701, filed 7/2/81; 80-18-024 (Order DE 80-41), § 173-19-3701, filed 11/26/80. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3701, filed 1/30/80.]

WAC 173-19-3704 La Conner, town of. Town of La Conner master program approved May 3, 1977. Revision approved July 1, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-14-089 (Order DE 82-24), § 173-19-3704, filed 7/7/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58-.200. 80-02-123 (Order DE 79-34), § 173-19-3704, filed 1/30/80.]

WAC 173-19-3707 Burlington, city of. City of Burlington master program approved July 15, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-16-077 (Order DE 81-22), § 173-19-3707, filed 8/5/81.]

WAC 173-19-390 Snohomish County. Snohomish County master program approved December 27, 1974. Revision approved June 16, 1978. Revision approved June 23, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-14-018 (Order DE 82-19), § 173-19-390, filed 6/28/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-390, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-390, filed 8/2/79.

Statutory Authority: RCW 90.58.020. 78-08-076 (Order DE 78-9), § 173-19-390, filed 7/26/78; Order DE 77-16, § 173-19-390, filed 9/9/77; Order DE 76-15, § 173-19-390, filed 5/3/76; Order DE 75-21, § 173-19-390, filed 8/12/75; Order DE 74-23, § 173-19-390, filed 12/30/74.]

WAC 173-19-3910 Monroe, city of. City of Monroe master program approved December 27, 1974. Revision approved February 18, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-06-013 (Order DE 81-56), § 173-19-3910, filed 2/22/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-3910, filed 1/30/80.]

WAC 173-19-400 Spokane County. Spokane County master program approved January 15, 1975. Revision approved September 6, 1977. Revision approved August 15, 1979. Revision approved February 24, 1981. Revision approved December 15, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 83-02-005 (Order DE 82-44), § 173-19-400, filed 12/23/82; 81-06-052 (Order DE 81-3), § 173-19-400, filed 2/27/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-400, filed 1/30/80; 79-11-053 (Order DE 79-28), § 173-19-400, filed 10/16/79; 79-09-001 (Order DE 79-6), § 173-19-400, filed 8/2/79; Order DE 77-16, § 173-19-400, filed 9/9/77; Order DE 75-21, § 173-19-400, filed 8/12/75; Order DE 74-23, § 173-19-400, filed 12/30/74.]

WAC 173-19-420 Thurston County. Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981. Revision approved March 4, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-07-004 (Order DE 82-3), § 173-19-420, filed 3/4/82; 81-20-005 (Order DE 81-26), § 173-19-420, filed 9/24/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-420, filed 1/30/80; 79-11-019 (Order DE 79-19), § 173-19-420, filed 10/9/79; 79-09-001 (Order DE 79-6), § 173-19-420, filed 8/2/79; Order DE 77-16, § 173-19-420, filed 9/9/77; Order DE 74-23, § 173-19-420, filed 12/30/74.]

WAC 173-19-4202 Lacey, city of. City of Lacey master program approved May 21, 1976. Revision approved January 5, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-02-080 (Order DE 81-47), § 173-19-4202, filed 1/6/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4202, filed 1/30/80.]

WAC 173-19-4206 Yelm, town of. Town of Yelm master program approved May 21, 1976. Revision approved January 5, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-02-081 (Order DE 81-48), § 173-19-4206, filed 1/6/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4206, filed 1/30/80.]

WAC 173-19-430 Wahkiakum County. Wahkiakum County master program approved June 17, 1975. Revision approved January 2, 1980. Revision approved May 20, 1981. [Statutory Authority: RCW 90-.58.120 and 90.58.200. 81-12-003 (Order DE 81-13), § 173-19-430, filed 5/21/81; 80-04-026 (Order DE 80-10), § 173-19-430, filed 3/18/80. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-430, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-430, filed 8/2/79; Order DE 75-21, § 173-19-430, filed 8/12/75; Order DE 74-23, § 173-19-430, filed 12/30/74.]

WAC 173-19-4402 Walla Walla, city of. City of Walla Walla master program approved February 23, 1977. Revision approved July 15, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-16-078 (Order DE 81-21), § 173-19-4402, filed 8/5/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4402, filed 1/30/80.]

WAC 173-19-450 Whatcom County. Whatcom County master program approved August 27, 1976. Revision approved April 11, 1977. Revision approved August 11, 1978. Revision approved December 22, 1981. Revision approved January 5, 1982. Revision approved March 4, 1982. Revision approved December 15, 1982. [Statutory Authority: RCW 90.58.120 and 90.58.200. 83-02-006 (Order DE 82-45), § 173-19-450, filed 12/23/82; 82-07-005 (Order DE 82-4), § 173-19-450, filed 3/4/82; 82-02-077 (Order DE 81-49), § 173-19-450, filed 1/6/82; 82-01-088 (Order DE 81-31), § 173-19-450, filed 12/22/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-450, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-450, filed 8/2/79; Order DE 77-16, § 173-19-450, filed 9/9/77; Order DE 76-15, § 173-19-450, filed 5/3/76; Order DE 74-23, § 173-19-450, filed 12/30/74.]

WAC 173-19-4502 Blaine, city of. City of Blaine master program approved September 29, 1975. Revision approved August 30, 1977. Revision approved December 28, 1978. Revision approved June 26, 1980. Revision approved April 6, 1982. [Statutory Authority: RCW 90-.58.120 and 90.58.200. 82-10-001 (Order DE 82-05), § 173-19-4502, filed 4/23/82. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-08-054 (Order DE 80-25), § 173-19-4502, filed 6/30/80; 80-02-123 (Order DE 79-34), § 173-19-4502, filed 1/30/80.]

WAC 173-19-4504 Ferndale, city of. City of Ferndale master program approved December 15, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 82-01-049 (Order DE 81-43), § 173-19-4504, filed 12/16/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-4504, filed 1/30/80.]

WAC 173-19-4505 Lynden, city of. City of Lynden master program approved September 29, 1975. Revision approved November 23, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-24-076 (Order DE 81-39), § 173-19-4505, filed 12/2/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58-.200. 80-02-123 (Order DE 79-34), § 173-19-4505, filed 1/30/80.]

WAC 173-19-470 Yakima County. Yakima County master program approved September 5, 1974. Revision approved September 8, 1977. Revision approved February 24, 1981. Revision approved October 1, 1981. [Statutory Authority: RCW 90.58.120 and 90.58.200. 81-20-044 (Order DE 81-29), § 173-19-470, filed 10/1/81; 81-06-050 (Order DE 81-1), § 173-19-470, filed 2/27/81. Statutory Authority: RCW 90.58.030(3)(c), 90.58.120, and 90.58.200. 80-02-123 (Order DE 79-34), § 173-19-470, filed 1/30/80; 79-09-001 (Order DE 79-6), § 173-19-470, filed 8/2/79; Order DE 75-21, § 173-19-470 filed 8/12/75; Order DE 74-23, § 173-19-470, filed 12/30/74.]

Chapter 173-20 WAC
SHORELINE MANAGEMENT ACT--LAKES CONSTITUTING SHORELINES OF THE STATE

WAC

WAC 173-20-380 Lakes coming under purview of chapter 90.58 RCW--Kitsap County lakes.

Location	Section	Name	Area (Acres)	Use
(1) T22N-R1W	2-E1/2	Wye Lk.	37.9	R
(2) T22N-R1W	2-E1/2	Carney Lake	18.7 Kitsap Co. 20.5 Pierce Co.	
			39.2 Total	R
(3) T24N-R1E	8-N	Kitsap Lk.	238.4	R
(4) T24N-R1W	2-H	Wildcat Lk.	111.6	R
(5) T24N-R1W	26-M	Union River Res.	93.0	PS
(6) T24N-R1W	31-L	Panther Lk.	74.1 Kitsap Co. 30.0 Mason Co.	
			104.1 Total	R
(7) T24N-R1W	32-C	Mission Lk.	87.7	R
(8) T24N-R1W	35-Q/R	Twin Lks. (Res.)	21.7	PS
(9) T24N-R1W	35-Q/R	Tiger Lk.		
(10) T22N-R1E	10-K/L	Horseshoe Lk.	40.3	R
(11) T23N-R2E	8-E	Long Lk.	314.0	R
(12) T25N-R1E	3-S1/2	Island Lk.	42.7	R
(13) T27N-R2E	21-M	Miller Lk.	25.7	R
(14) T24N-R1W	5	William Symington		
(15) T24N-R1W	17	Tahuya Lk.		R
(16) T24N-R2W	23&26	Three Fingers Pond & Holland Ponds	30.8	R
(17) T28N-R2E	21	Buck Lk.	22.0	R
(18) T24N-R2W		Morgan Marsh	95.0	R

[Statutory Authority: RCW 90.58.120 and 90.58.200. 81-13-013 (Order DE 81-17), § 173-20-380, filed 6/11/81; Order DE 76-16, § 173-20-380, filed 5/3/76; Order DE 73-13, § 173-20-380, filed 8/27/73; Order DE 72-14, § 173-20-380, filed 6/30/72.]

Chapter 173-22 WAC
ADOPTION OF DESIGNATIONS OF WETLANDS ASSOCIATED WITH SHORELINES OF THE STATE

WAC

WAC 173-22-060 Designation maps. [Due to the bulk of the maps designating the wetland areas, they are not included in the text of this chapter, but rather are incorporated herein as an appendix hereto, having full legal force and effect as if published herein. Copies of the appendix are available to the public at all reasonable times for inspection in the headquarters of the department of ecology in Olympia, the Washington state code reviser's office, the appropriate county auditor and city clerk. Copies of portions thereof, or of the complete set, will be available from the department at the expense of the party requesting the same.] [Statutory Authority: RCW 90.58.120, 90.58.200 and 90.58.030(2)(f). 81-13-034 (Order DE 81-18), § 173-22-060, filed 6/15/81; Order DE 72-15, § 173-22-060, filed 6/30/72.]

Reviser's note: The designation maps filed with this rule are not capable of being reproduced in the Washington Administrative Code and are therefore omitted pursuant to RCW 34.04.050(3). Copies of the maps may be obtained from the Department of Ecology, Mail Stop PV-11, Olympia, WA 98504, or may be inspected at the Office of the Code Reviser.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Reviser's note: Volumes I, II, III entitled "Shorelines under the Shorelines Management Act of 1971" [chapter 90.58 RCW, chapter 286, Laws of 1971 1st ex. sess.] were adopted by reference on June 30, 1972, Order DE 72-15, § 173-22-060 and filed July 27, 1972 in the code revisers office. The volumes of maps are available to the public for inspection in the code revisers office, Legislative Bldg., Olympia, Wa., and can be purchased by writing the department of ecology, Olympia, Wa. 98504.

Chapter 173-80 WAC
LIMITATIONS ON USE OF REFERENDUM 39 GRANT FUNDS FOR WATER POLLUTION ABATEMENT

WAC

WAC 173-80-010 Purpose and scope. The purpose of this chapter is to set forth limitations on the allocation and uses of monies administered by the department of ecology for purposes of providing grants and loans for wastewater treatment facilities, agricultural pollution abatement facilities, and lake restoration projects pursuant to chapter 43.99F RCW (Referendum 39). To derive the most benefit for the state in protecting the health and safety of the people it is necessary to establish criteria for the use of funds made available by Referendum 39. This chapter will outline (1) limitations on the allocation and uses of the funds, (2) the criteria to be considered for determining who will receive funds, and (3) the process to be followed for distributing the funds. [Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-010, filed 2/5/82.]

WAC 173-80-020 Definitions. (1) "Department" means the Washington state department of ecology.

(2) "Wastewater treatment works construction program" (hereinafter referred to as the wastewater treatment program) means the state/local program of grants and loans under chapter 43.99F RCW (Referendum 39) to public entities for the purpose of planning, designing, constructing, or upgrading treatment works.

(3) "Agricultural wastes grants program" means the program of grants and loans administered by the department for the planning, design and construction of publicly owned or operated agricultural pollution control facilities.

(4) "Lake restoration grants program" means the program of state grants and loans administered by the department for the planning, design and implementation of lake restoration projects.

(5) "Director" means the director of the Washington state department of ecology or his or her authorized designee.

(6) "Management of wastes" means the control, collection, transport, treatment, and disposal of nonradioactive solid and nonradioactive liquid waste materials.

(7) "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, fuel through incineration of wastes, refuse – derived fuel processes, pyrolysis, hydrolysis or bioconversion, and energy savings through material recovery from waste source separation and/or recycling.

(8) "Energy savings as a result of the management of the wastes" means but is not limited to the capital cost associated with an energy efficient treatment or transport process chosen over a process more commonly used in standard engineering practice which is more energy intensive.

(9) "Project priority list" means the annual list of rated and ranked projects for which state grant assistance is expected during the year for which the list is issued.

(10) "Priority rating system" means the process and criteria used by the department of ecology to rate and rank projects in the state that are considered eligible for assistance under chapter 43.99F RCW. [Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-020, filed 2/5/82.]

WAC 173-80-030 Limitations on the use of funds. (1) The following water program projects shall be eligible for state grants, loans, or combination of grants and loans in an amount not to exceed seventy-five percent of the total eligible cost of the project as determined by the department and subject to the special provisions contained in this chapter.

(a) Wastewater treatment projects.

(b) Lake restoration projects.

(c) Agricultural pollution control projects.

(2) Loans may be authorized by the director, provided:

(a) The loan repayment period does not exceed five years.

(b) The cumulative total of all loans authorized during any biennium does not exceed ten percent of the cumulative total of funds appropriated by the legislature for that biennium, excluding any special appropriation authorized by WAC 173-80-050(6).

(c) The director considers and documents why it is in the best interest of the state's citizens to provide a loan.

(d) The director considers and documents how the loan will be repaid.

(3) The wastewater treatment program will establish an accounting procedure to identify the money which is spent on projects that are capable of producing renewable energy or energy savings as a result of the management of the wastes. [Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-030, filed 2/5/82.]

WAC 173-80-040 Provision of guidelines. The department will publish guidelines which establish procedures for awarding grants and eligibility criteria for each Referendum 39 grant program identified in WAC 173-80-030(1). These guidelines will describe the grant application, review, and award process and will be available prior to the first grant award. [Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-040, filed 2/5/82.]

WAC 173-80-050 Wastewater treatment works grants--Priority rating and other provisions. (1) In instances where applications for wastewater treatment works grant funds exceed the amount currently available to the department, the director will establish a project priority list using published priority rating criteria which consider, but are not limited to, the following:

(a) Water quality impacts caused by existing circumstances.

(b) Public health impacts caused by existing circumstances.

(c) The prior local effort expended toward correcting the existing or similar wastewater problems.

(d) The cost-benefit relationship of the proposed project.

(e) Problem prevention aspects of the proposed project.

(2) In instances where a priority list is required, the director will ensure that:

(a) A project priority list is developed on an annual basis.

(b) The priority list be readily available to the public for review and comment thirty days prior to its approval by the director.

(c) Comments received during any review period are considered and responded to before a final list is approved by the director.

(d) An approved list is available on or about forty-five days after the close of the application period.

(3) The department may use funds authorized by chapter 43.99F RCW as fifteen percent grants to wastewater treatment projects for public entities who have received a federal grant under Title II of Public Law 97-117 prior to October 1, 1982 or a written guarantee from the department, prior to the effective date of this chapter, that such a grant will be available when a federal grant is received. New phases of those continuing construction wastewater treatment projects begun prior to October 1, 1982 are also eligible for a fifteen percent grant. Funds are to be awarded under this authority only if funds provided by chapter 43.83A RCW (Referendum Bill No. 26) are not available.

(4) Prior to December 31, 1982 the department may award a grant for seventy-five percent of the eligible costs for completion of any wastewater treatment facility that began construction under the federal wastewater treatment program prior to October 1, 1981 and is not scheduled to receive a federal grant prior to federal fiscal year 1983.

(5) Wastewater treatment program projects, except those allowed by WAC 173-80-050(4), shall not receive grants exceeding fifty percent of the eligible costs of the project.

(6) The director may enter into a single lump sum design and construction contract with a grantee whose project exceeds a total cost of $100 million and requires more than three years to design and construct, providing that all the following conditions are met:

(a) The project appears on the current project priority list within the range fundable with remaining, unobligated monies authorized by chapter 43.99F RCW.

(b) The contract contains provisions limiting the total amount of state funding to fifty percent of the eligible costs or an agreed upon figure (whichever is less), establishing cash flow agreements, and any other provisions the director deems necessary to protect the financial interests of the state.

(c) The legislature appropriates the necessary funds.

(d) The grantee agrees to a one-time grant, including limited increases at time of bid, and will not thereafter seek any further funds under the provisions of chapter 43.99F RCW. [Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-050, filed 2/5/82.]

WAC 173-80-060 Lake restoration project grants--General eligibility requirements and priority rating. (1) General eligibility requirements include:

(a) The lake must have a documented water quality problem which is resulting in impairment of beneficial uses;

(b) The proposed project must be sponsored by a public body as defined in chapter 43.99F RCW;

(c) The project sponsor must be able to provide at least ten percent of the total project cost unless a lower share is specifically authorized by the director; and

(d) Public access must be provided which is sufficient to allow the general public the same opportunity to enjoy the lake's recreational benefits as that enjoyed by residents living immediately adjacent to the lake.

(2) When applications for grant funds exceed the amount currently available to the department, the director will establish a lake restoration project priority list using rating criteria which consider, but are not limited to, the following:

(a) Water quality improvements to be achieved

(b) Increased or enhanced lake utilization

(c) Restoration potential

(d) Public health impacts to be corrected

(3) When a lake restoration project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director. [Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-060, filed 2/5/82.]

WAC 173-80-070 Agricultural wastes project grants--General eligibility requirements and priority rating. (1) General eligibility requirements include:

(a) The project sponsor must be a public body as defined in chapter 43.99F RCW;

(b) Eligible project elements must benefit the public and be utilized by more than one member of the sponsoring group or agency;

(c) The project must directly benefit the quality of the receiving water; and

(d) The project sponsor must provide at least ten percent of the grant eligible costs unless a lesser amount is authorized by the director.

(2) Project rating—when applications for grant funds exceed the amount currently available to the department, the director will establish an agricultural wastes project priority list using criteria which includes, but are not limited to:

(a) Water quality improvements to be achieved

(b) Improved efficiency in water quantity utilization

(c) Resource conservation potential

(d) Reduction in impairment of beneficial uses

(3) When an agricultural waste project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director. [Statutory Authority: RCW 43.21A.080. 82-05-011 (Order DE 81-50), § 173-80-070, filed 2/5/82.]

Chapter 173-128 WAC
ODESSA GROUND WATER MANAGEMENT SUBAREA

WAC

173-128-010 through 173-128-050 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-128-010 Background. [Order 72-25, § 173-128-010, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-020.

173-128-020 Purpose. [Order 72-25, § 173-128-020, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-030.

173-128-030 Authority. [Order 72-25, § 173-128-030, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-010.

173-128-040 Subarea definition. [Order 72-25, § 173-128-040, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-040.

173-128-050 Subarea map. [Order 72-25, § 173-128-050, filed 1/15/73.] Repealed by 82-14-041 (Order DE 82-23), filed 6/30/82. Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-128A-050.

WAC 173-128-010 through 173-128-050 Repealed. See Disposition Table at beginning of this chapter.

Chapter 173-128A WAC
ODESSA GROUND WATER MANAGEMENT SUBAREA

WAC

173-128A-010 Authority.
173-128A-020 Background.
173-128A-030 Purpose.
173-128A-040 Subarea definition.
173-128A-050 Subarea map.

WAC 173-128A-010 Authority. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43-.21A, 90.03, and 90.44 RCW. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-010, filed 6/30/82. Formerly WAC 173-128-030.]

WAC 173-128A-020 Background. (1) Since 1967, the segment of the Columbia basin ground water system centered around the community of Odessa has experienced a steady decline in ground water levels.

(2) Spurred by local concern and foreseeable management problems, the department of water resources (now department of ecology) closed an area of approximately 1,100 square miles to the drilling of large producing water wells and initiated a detailed investigation of ground water conditions in the Odessa basin.

(3) As a result of this investigation, a digital ground water model of the Odessa basin was developed and used in 1974 and 1975 to predict the effect of additional ground water withdrawals on existing water level declines.

(4) In 1975, the department expanded its ground water monitoring program and discontinued use of the predictive model.

(5) The expanded monitoring program, with additional data on the actual effects of pumping, included wells south of the subarea which showed ground water declines similar in magnitude to those inside the subarea. [Statutory Authority: RCW 43.21A.060, 43.21A-.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-020, filed 6/30/82. Formerly WAC 173-128-010.]

WAC 173-128A-030 Purpose. The purpose of this regulation is to expand the boundaries of the Odessa ground water subarea as originally set forth in chapter 173-128 WAC. [Statutory Authority: RCW 43.21A-.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-030, filed 6/30/82. Formerly WAC 173-128-020.]

WAC 173-128A-040 Subarea definition. "Odessa ground water subarea" shall mean those lands lying within the Columbia Basin described as follows:

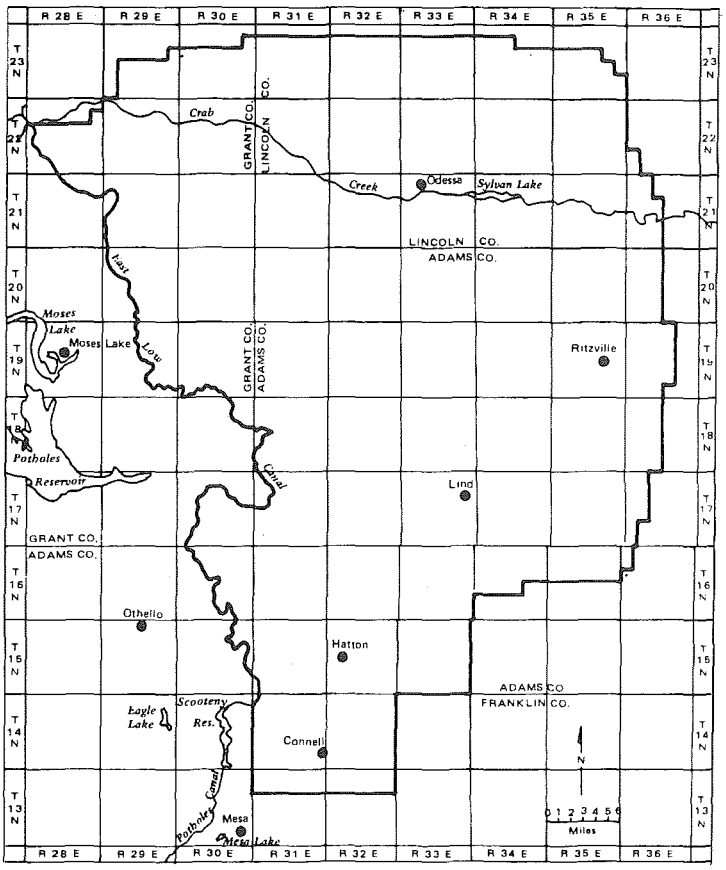
Township (North)	Range (East)	Sections
13	31	1 thru 12
13	32	1 thru 12
14	31	*1 thru 6, 8 thru 17, 19 thru 36, and that part of 7 and 18 lying to the left of the center line of the East Low Canal
14	32	1 thru 36
15	30	*1, and that part of 2, 11, 12 lying to the left of the center line of the East Low Canal
15	31	*1 thru 29, 32 thru 36, and that part of 30 and 31 lying to the left of the center line of the East Low Canal
15	32	1 thru 36
15	33	1 thru 36
16	30	*1 thru 4, 10 thru 14, 23 thru 25, 36, and that part of 5, 6, 8, 9, 15, 16, 21, 22, 26, 27, 28, 34, and 35 lying to the left of the center line of the East Low Canal
16	31	1 thru 36
16	32	1 thru 36
16	33	1 thru 36
16	34	1 thru 22
16	35	1 thru 18
16	36	6 and 7
17	30	*15, 16, 21 thru 28, 33 thru 36, and that part of 8 thru 11, 13, 14, 17, 20, 29, 31, and

Township (North)	Range (East)	Sections
		32 lying to the left of the center line of the East Low Canal
17	31	*1 thru 4, 9 thru 16, 19 thru 36, and that part of 5, 6, 8, 17 and 18 lying to the left of the center line of the East Low Canal
17	32	1 thru 36
17	33	1 thru 36
17	34	1 thru 36
17	35	1 thru 36
17	36	5 thru 8, 17 thru 20, 30 and 31
18	30	*1, 12 and that part of 2, 11, 13, and 14 lying to the left of the center line of the East Low Canal
18	31	*1 thru 16, 20 thru 29, 32 thru 36, and that part of 17, 18, 19, 30, and 31 lying to the left of the center line of the East Low Canal
18	32	1 thru 36
18	33	1 thru 36
18	34	1 thru 36
18	35	1 thru 36
18	36	4 thru 9, 16 thru 21, and 28 thru 33
19	29	*1 thru 3, 10 thru 14, 24, 25, and that part of 3, 4, 9, 10, 15, 16, 22, 23, 26, 27, 34, 35, and 36 lying to the left of the center line of the East Low Canal
19	30	*1 thru 27, 29, 30, 36 and that part of 28 and 31 thru 35 lying to the left of the center line of the East Low Canal
19	31	1 thru 36
19	32	1 thru 36
19	33	1 thru 36
19	34	1 thru 36
19	35	1 thru 36
19	36	3 thru 10, 15 thru 22 and 27 thru 33
20	29	*1 thru 5, 8 thru 15, 22 thru 27, 34 thru 36 and that part of 6, 7, 16, 17, 18, 21, 28 and 33 lying to the left of the center line of the East Low Canal
20	30	1 thru 36
20	31	1 thru 36
20	32	1 thru 36
20	33	1 thru 36
20	34	1 thru 36
20	35	1 thru 36
20	36	4 thru 9, 16 thru 21, and 28 thru 33
21	28	*1, 2, and that part of 3, 4, 10, 11 and 12 lying to the left of the center line of the East Low Canal
21	29	*1 thru 6, 9 thru 16, 20 thru 29, 32 thru 36 and that part of 7, 8, 17, 18, 19, 30 and 31 lying to the left of the center line of the East Low Canal
21	30	1 thru 36
21	31	1 thru 36
21	32	1 thru 36
21	33	1 thru 36
21	34	1 thru 36
21	35	1 thru 36
21	36	5 thru 8, 16 thru 21, and 28 thru 33
22	28	*12 thru 17, 20 thru 28, 34 thru 36 and that part of 18, 19, 29, 30, 32 and 33 lying to the left of the center line of the East Low Canal
22	29	1 thru 36
22	30	1 thru 36
22	31	1 thru 36
22	32	1 thru 36
22	33	1 thru 36
22	34	1 thru 36
22	35	1 thru 36
22	36	30 and 31
23	29	13, 20 thru 29, and 32 thru 36
23	30	12 thru 36
23	31	7 thru 36
23	32	7 thru 36
23	33	7 thru 36
23	34	7 thru 9 and 13 thru 36
23	35	15 thru 23 and 25 thru 36

*Right and left sides are determined by looking in the downstream or flow direction. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-040, filed 6/30/82. Formerly WAC 173-128-040.]

WAC 173-128A-050 Subarea map. "Odessa ground water subarea" shall include those lands that lie within the heavy outline shown on the following map:

ODESSA GROUND-WATER SUBAREA



[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-14-041 (Order DE 82-23), § 173-128A-050, filed 6/30/82. Formerly WAC 173-128-050.]

Chapter 173-130 WAC
ODESSA GROUND WATER SUBAREA MANAGEMENT POLICY

WAC

173-130-010 through 173-130-200 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-130-010 Background. [Order DE 73-32, § 173-130-010, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-020.

173-130-020 Authority. [Order DE 73-32, § 173-130-020, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-010.

173-130-030 Definitions. [Order DE 73-32, § 173-130-030, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-030.

173-130-040 Purpose. [Order DE 73-32, § 173-130-040, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-040.

173-130-050 Depth zone designation. [Order DE 73-32, § 173-130-050, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44-.130 and 90.54.040(2).

173-130-060 Rate of decline in water level to be controlled. [Order DE 73-32, § 173-130-060, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A-.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-060.

173-130-070 Maximum lowering of the water table. [Order DE 73-32, § 173-130-070, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A-.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-070.

173-130-080 Regulation of withdrawal of ground water. [Order DE 75-33, § 173-130-080, filed 1/23/76; Order DE 73-32, § 173-130-080, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-080.

173-130-090 Notice of regulation. [Order DE 73-32, § 173-130-090, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-090.

173-130-100 No increase in ground water withdrawals during regulation. [Order DE 73-32, § 173-130-100, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).

173-130-110 Supplemental wells regulated. [Order DE 73-32, § 173-130-110, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90-.44.130 and 90.54.040(2).

173-130-120 Annual volume of water determined. [Order DE 73-32, § 173-130-120, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2).

173-130-130 New ground water withdrawals. [Order DE 73-32, § 173-130-130, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90-.44.130 and 90.54.040(2).

173-130-140 New applications for withdrawal of ground waters. [Order DE 73-32, § 173-130-140, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-100.

173-130-150 Time sequence for processing new applications to appropriate ground water. [Order DE 75-33, § 173-130-150, filed 1/23/76; Order DE 73-32, § 173-130-150, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44-.130 and 90.54.040(2).

173-130-155 Reworking wells. [Order DE 75-33, § 173-130-155, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-180.

173-130-160 Bore hole logs required. [Order DE 75-33, § 173-130-160, filed 1/23/76; Order DE 73-32, § 173-130-160, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44-.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-190.

173-130-170 Distance of wells from east low canal. [Order DE 73-32, § 173-130-170, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-110.

173-130-180 Supplemental surface water. [Order DE 73-32, § 173-130-180, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90-.44.130 and 90.54.040(2).

173-130-190 Ground water supervisors. [Order DE 73-32, § 173-130-190, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44-.130 and 90.54.040(2).

173-130-195 Irrigation season. [Order DE 75-33, § 173-130-195, filed 1/23/76.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-130.

173-130-200 Review of regulations. [Order DE 75-33, § 173-130-200, filed 1/23/76; Order DE 73-32, § 173-130-200, filed 1/25/74.] Repealed by 82-16-103 (Order 82-27), filed 8/4/82. Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). Later promulgation, see WAC 173-130A-220.

WAC 173-130-010 through 173-130-200 Repealed. See Disposition Table at beginning of this chapter.

Chapter 173-130A WAC
ODESSA GROUND WATER SUBAREA MANAGEMENT POLICY

WAC

WAC 173-130A-010 Authority. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43-.21A. 90.03 and 90.44 RCW. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-010, filed 8/4/82. Formerly WAC 173-130-020.]

WAC 173-130A-020 Background. The Odessa ground water subarea was established and the boundaries set forth in chapter 173-128A WAC. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-020, filed 8/4/82. Formerly WAC 173-130-010.]

WAC 173-130A-030 Definitions. For the purposes of this chapter, the following definitions shall be used:

(1) "Water table" shall mean the surface formed by mapping the altitude at which water stands in wells.

(2) "Priority" shall mean the date of receipt by the department of ecology or its predecessor of an acceptable application to appropriate public ground water.

(3) "Department" shall mean the department of ecology.

(4) "Bore hole information" shall include data required to determine the extent and nature of subsurface geologic and hydrologic properties. Examples of bore hole information includes data contained on a completed department Water Well Report form, all or a portion of a suite of geophysical logs such as resistivity, flow, caliper, and television video scanning. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-030, filed 8/4/82. Formerly WAC 173-130-030.]

WAC 173-130A-040 Purpose. The purpose of this regulation is to provide a procedure for managing ground water within the Odessa ground water subarea to insure the maintenance of a safe sustaining yield from the ground water body within a reasonable and feasible pumping lift. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-040, filed 8/4/82. Formerly WAC 173-130-040.]

WAC 173-130A-050 Exemptions. The following shall not be subject to this management regulation:

(1) Wells from which the withdrawal is less than 5,000 gallons per day;

(2) Wells drilled under prior authorization which were defined as "Zone C" wells in WAC 173-130-030(3), now repealed. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-050, filed 8/4/82.]

WAC 173-130A-060 Rate of decline in water level to be controlled. The rate of decline in the water level will be limited to a total amount of thirty feet in three consecutive years. In the case of a new well, the base time shall commence in the spring following the first season of irrigation use. [Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-060, filed 8/4/82. Formerly WAC 173-130-060.]

WAC 173-130A-070 Maximum lowering of the water table. These regulations will be used to prevent the spring static water table, as measured prior to commencement of pumping for irrigation, from lowering more than three hundred feet below the altitude of the static water level as it existed in the spring of 1967. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-070, filed 8/4/82. Formerly WAC 173-130-070.]

WAC 173-130A-080 Regulation of withdrawal of ground water. (1) Upon complaint from a water right holder that the water level in the associated well or wells is being drawn down at a rate in excess of thirty feet in three years as set forth in WAC 173-130A-060 as a primary result of pumping by subsequent appropriators, the department shall evaluate the complaint and take appropriate regulatory action, to the extent practicable, to protect the rights of the prior appropriator.

(2) Whenever the department has reason to believe that the provision of WAC 173-130A-070 is going to be violated, regulatory action to limit withdrawals in the affected area will be initiated according to the procedure outlined in WAC 173-130A-090. Such regulation shall conform to the priority of the pertinent, valid rights and shall prevail on an annual basis until the condition no longer exists, unless the aggregate withdrawal is decreased by mutual agreement of the affected water right holders pursuant to RCW 90.44.180.

(3) The department shall take regulatory action, to the extent necessary, to assure compliance with water right conditions. [Statutory Authority: RCW 43.21A-.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-080, filed 8/4/82. Formerly WAC 173-130-080.]

WAC 173-130A-090 Notice of regulation. (1) Notice of regulation shall be provided to each water right holder within the area identified pursuant to WAC 173-

130A-080(2) by certified mail on or before May 1 of each year when regulation of withdrawals is contemplated for the next calendar year. Said notice shall also provide for a public meeting within thirty days to be held in the affected area to discuss proposed regulatory action.

(2) Within sixty days following this public meeting, departmental orders will be sent to those water right holders to be regulated. [Statutory Authority: RCW 43-.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-090, filed 8/4/82. Formerly WAC 173-130-090.]

WAC 173-130A-100 Applications for withdrawal of ground water. All applications for permits to appropriate ground water from within the Odessa ground water subarea shall be analyzed in order of priority to determine the calculated effect that the requested rate and volume of withdrawal will have on existing ground water declines. No permit will be issued for withdrawals which calculations show will cause the conditions of WAC 173-130A-060 or 173-130A-070 to be exceeded at any location within the subarea. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-100, filed 8/4/82. Formerly WAC 173-130-140.]

WAC 173-130A-110 Distance of wells from East Low Canal. No well may be drilled closer than one-quarter mile to the centerline of the East Low Canal. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-110, filed 8/4/82. Formerly WAC 173-130-170.]

WAC 173-130A-120 Ground water mound--Columbia Basin Project interests. Irrigation of Columbia Basin Project lands lying westerly of the East Low Canal and canal leakage have caused development of a ground water mound lying generally under the canal. The retention of existing water levels under the canal is necessary to maintain the present water table gradient toward the Potholes Reservoir to allow the recapture and utilization of artificially stored ground water (see order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975). All applications for permit within the following described area will be evaluated on a case-by-case basis consistent with this chapter. Additionally, the potential effects of the proposed appropriation on existing rights including protection of the ground water mound will be determined. All new permits will be conditioned to assure retention of the existing water levels under the East Low Canal.

Twp N	Rge E	Section
17	30	15, 16, 23, 24 and all those portions of 9 through 11, 13 and 14 lying southerly of the East Low Canal.
	31	3, 4, 9 through 11, 14 through 16, 19 through 23, and those portions of 5, 6, 8, and 17 lying easterly of the East Low Canal.
18	30	1, 12, and all those portions of 2, 11, 13 and 14 lying easterly of East Low Canal.
	31	4 through 10, 15, 16, 21, 22, 27 through 29, 32 through 34, and all those portions of 17 through 20, 30 and 31 lying northerly and easterly of the East Low Canal.
19	29	1 through 3, 10 through 14, 24 through 26, and all those portions of 4, 9, 15, 16, 22, 23, 27, and 34 through 36 lying easterly and northerly of the East Low Canal.
	30	19 through 23, 25 through 27, 29, 30, 36, and all those portions of 28, 31 through 35 lying northerly and easterly of the East Low Canal.
	31	30 and 31
20	29	27, 35, and all those portions of 21, 28, 33 and 34 lying easterly of the East Low Canal.

[Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-120, filed 8/4/82.]

WAC 173-130A-130 Irrigation season. The irrigation season for withdrawal of ground water in the Odessa ground water subarea shall be from February 1 to November 30, each year. However, the department recognizes that conditions will vary from year to year, making application of water to the land necessary during December and/or January in some years. Permission to withdraw ground water during December and January may be granted by the department upon showing of a need by individual permit or certificate holders and if not inconsistent with the regulatory program of this chapter. [Statutory Authority: RCW 43.21A.060, 43-.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-130, filed 8/4/82. Formerly WAC 173-130-195.]

WAC 173-130A-140 Airlines. An airline and pressure gauge shall be installed and maintained in operating condition on all new or reworked wells and equipped with a standard tire valve, placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls. The total length of the airline and any changes in length shall be reported to the department. [Statutory Authority: RCW 43.21A.060, 43-.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-140, filed 8/4/82.]

WAC 173-130A-150 Water duty. The duty of water issued in permits for agricultural irrigation shall be not more than 2.5 acre feet per acre per calendar year. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-150, filed 8/4/82.]

WAC 173-130A-160 Development schedule. All new permits issued will require beginning of construction of the authorized well(s) within two years after permit issuance. Beginning of construction means that the well drilling has been started and is being actively pursued toward completion. No extensions of time will be granted to this schedule. Violation of this requirement

will result in cancellation of the related permits. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A-.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-160, filed 8/4/82.]

WAC 173-130A-170 Casing and sealing. In order to protect existing shallow domestic and stock water wells, and springs, casing and sealing requirements will be determined on a case-by-case basis and included as a provision on all new permits issued. New permits will also be conditioned to prohibit cascading water in wells in accordance with chapter 173-160 WAC (Minimum standards for construction and maintenance of water wells). Sealing of required casing shall consist of filling the annular space between casing and well bore with cement grout placed by pumping from the bottom of the casing to land surface. Alternative methods to provide the same protection afforded by casing and sealing may be submitted to the department for review and shall only be used if approved in writing by the department prior to well completion. [Statutory Authority: RCW 43.21A-.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-170, filed 8/4/82.]

WAC 173-130A-180 Reworking wells. Any well which is reworked shall be constructed to comply with the casing and sealing provisions of WAC 173-130A-170. Reworking shall include, but not be limited to, reaming to enlarge well diameter or deepening. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A-.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-180, filed 8/4/82. Formerly WAC 173-130-155.]

WAC 173-130A-190 Bore hole information. It shall be the responsibility of the owner of all new or reworked wells drilled in the Odessa ground water subarea to provide the department of ecology with such logs as the department may reasonably require. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-190, filed 8/4/82. Formerly WAC 173-130-160.]

WAC 173-130A-200 Acreage expansion program. (1) Water right certificate holders who wish to expand their authorized irrigated acreage while not increasing actual historic withdrawal rates in gallons per minute or acre feet per year, within the maximum limits of their water right, may submit a request in writing to the department at least four months prior to initiation of irrigation. Such request shall include documentation substantiating actual quantities applied to a beneficial use within authorized acreage for a minimum of the three previous consecutive irrigation seasons. This documentation shall consist of accurate flow meter readings, electrical consumption which has been converted to actual acre footage withdrawn, or any other data acceptable to the department.

(2) The acreage expansion, if authorized, will allow the certificate holder to apply the average of the quantity of water beneficially used during the past three consecutive years to more land.

(3) Where the acreage expansion program is continuous from year to year, the initial documentation of beneficial use of water shall apply to each subsequent year.

(4) New wells will not be permitted to be drilled as part of this program. Every well authorized for use under this program must be equipped with an accurately operating flow meter before acreage expansion can be implemented.

(5) By December 31 of each year, the water user shall submit in writing to the department a statement of the total water used, in acre feet, under the acreage expansion program for the completed irrigation season.

(6) The acreage expansion program will be administered as a temporary change through an annual letter of authorization. No permanent amendment or change in any water right certificate shall be issued as part of this program.

The penalty for noncompliance with the provisions of this section shall include, but not be limited to, termination from the acreage expansion program for one calendar year. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-200, filed 8/4/82.]

WAC 173-130A-210 General implementation. The department recognizes the uncertainties associated with ground water occurrence and water well construction, both being dependent in large part on the geologic and hydrologic characteristics of the aquifer materials underlying a specific proposed well site. Therefore, the department shall endeavor to implement this chapter in a reasonable and practical manner consistent with its purpose. [Statutory Authority: RCW 43.21A.060, 43.21A-.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-210, filed 8/4/82.]

WAC 173-130A-220 Regulation review. The department may review these regulations whenever requested or by action initiated by the department. [Statutory Authority: RCW 43.21A.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2). 82-16-103 (Order DE 82-27), § 173-130A-220, filed 8/4/82. Formerly WAC 173-130-200.]

Chapter 173-142 WAC
DELEGATION OF PERMIT PROGRAM UNDER STATE FLOOD CONTROL ZONE ACT

WAC

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-142-060 Subdelegation. [Order DE 74-11, § 173-142-060, filed 6/17/74.] Repealed by 82-24-026 (Order DE 82-38), filed 11/23/82. Statutory Authority: RCW 86.16.027.

WAC 173-142-030 Definitions. As used in this chapter:

(1) "Department" shall mean the department of ecology;

(2) "Director" shall mean director of the department of ecology;

(3) "Flood control zone" shall mean any zone established and delineated by the department or any of its predecessor agencies pursuant to the State Flood Control Zone Act, chapter 86.16 RCW;

(4) "Permit program" shall mean the administration of applications to construct, reconstruct, modify, operate or maintain any structures or works affecting flood waters within any flood control zone as required by RCW 86.16.080 and as more specifically governed by rules issued thereunder; and

(5) "Requestor" shall mean the governing body of any county or any incorporated city or town which submits to the department a request for delegation of authority to administer the permit program established by RCW 86.16.080 within its area of jurisdiction.

(6) "Implementing ordinance" shall mean the ordinance that will be the basis under which the requestor shall implement and administer the delegated permit program. This ordinance shall identify the regulatory area and shall state that the permit program shall be administered in accordance with chapter 86.16 RCW and chapter 508-60 WAC. [Statutory Authority: RCW 86.16.027. 82-24-026 (Order DE 82-38), § 173-142-030, filed 11/23/82; Order DE 74-11, § 173-142-030, filed 6/17/74.]

WAC 173-142-040 Scope of delegation. (1) Authority delegated hereunder shall be limited to the administration of the permit program within established flood control zones or portions thereof identified in the requestor's approved implementing ordinance.

(2) Delegations to counties hereunder shall extend to all unincorporated areas with flood control zones identified in the implementing ordinance. Counties may, in addition, be delegated authority to administer the permit program in portions of flood control zones within the boundaries of incorporated cities and towns, but such authority shall be so delegated only where the county and the incorporated city or town have entered into a memorandum of agreement, or other appropriate document, evidencing the consent of the governing body of the city or town to the county's exercise of such authority within municipal corporation boundaries. [Statutory Authority: RCW 86.16.027. 82-24-026 (Order DE 82-38), § 173-142-040, filed 11/23/82; Order DE 74-11, § 173-142-040, filed 6/17/74.]

WAC 173-142-050 Conformity with department rules. (1) The requestor may set higher and more rigid standards for construction and development in the floodplain than the minimum criteria established by the department based on knowledge of local conditions and in the interest of human safety.

(2) All approved implementing ordinances shall contain a proviso requiring that the permit program as administered by any county or any incorporated city or town be revised, as necessary and to the satisfaction of the department, to conform with any changes in state rules pertaining to flood control zones which may be adopted by the department subsequent to the effective date of the delegation.

(3) All amendments of approved implementing ordinances shall be submitted for information purposes to the department. [Statutory Authority: RCW 86.16.027. 82-24-026 (Order DE 82-38), § 173-142-050, filed 11/23/82; Order DE 74-11, § 173-142-050, filed 6/17/74.]

WAC 173-142-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-142-070 Requests for delegation. No particular form shall be required for requests for delegation hereunder. The requestor shall provide the following information to the department:

(1) A statement of the requestor's intention to administer the permit program in accordance with the State Flood Control Zone Act and the state rules and regulations pertaining to flood control zones, as now or hereafter amended;

(2) A description of the geographic area to which the request relates. This may be identified as that portion of the named and numbered zones which are located in the incorporated or unincorporated area of the city, town or county. If the request is from a county desiring to administer the permit program within the boundaries of any incorporated city or town, the county shall include a memorandum of agreement with the city or town in accordance with the Interlocal Cooperation Act, chapter 39.34 RCW;

(3) A description of the financial and staffing capabilities used to administer the permit program along with the name of the community office which will administer the program;

(4) A copy of the implementing ordinance which is the basis for administering the permit program. [Statutory Authority: RCW 86.16.027. 82-24-026 (Order DE 82-38), § 173-142-070, filed 11/23/82; Order DE 74-11, § 173-142-070, filed 6/17/74.]

WAC 173-142-080 Procedure for delegation. (1) The requestor shall submit the request to the director for delegation.

(2) The department shall review the request for delegation and respond within ninety days as to adequacy of the request.

(3) Upon approval by the department of the request for delegation, the director shall issue an order of delegation to the requestor accompanied by the implementing ordinance in the form approved by the department.

Such order shall be conditioned to take effect upon the effective date of the implementing ordinance after adoption by the requestor in the form approved.

(4) Whenever any order of delegation made hereunder takes effect, the department shall transfer to the delegatee all pending applications which relate to the permit program in the area to which the delegation applies. [Statutory Authority: RCW 86.16.027. 82-24-026 (Order DE 82-38), § 173-142-080, filed 11/23/82; Order DE 74-11, § 173-142-080, filed 6/17/74.]

Chapter 173-164 WAC
WATER RATE CHARGES

WAC
173-164-050 Determination of rate.

WAC 173-164-050 Determination of rate. Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of capital costs, type of crop, and ability to repay. For the [1981] irrigation season, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T9N, R25E, shall be [forty-five] dollars per acre-foot of water. An additional charge for water delivered under pressure based on the vertical distance (discharge head) from pump to point of discharge will be in accordance with the following rate table:

ADDITIONAL COST PER ACRE FOOT AT GIVEN DISCHARGE HEADS

Discharge Head from Pump (feet)	Price per Acre-foot
0 to 10	$ .70
10 to 20	1.51
20 to 30	2.18
30 to 40	2.95
40 to 50	3.67
50 to 60	4.90
60 to 70	5.15
70 to 80	5.93
80 to 90	6.63
90 to 100	7.35
100 to 110	8.10
110 to 120	8.84
120 to 130	9.58
130 to 140	10.32
140 to 150	11.06

[Statutory Authority: RCW 43.83B.345. 81-07-037 (Order DE 81-5), § 173-164-050, filed 3/13/81; 80-09-052 (Order DE 80-28), § 173-164-050, filed 7/14/80. Statutory Authority: 1977 ex. sess. c 1. 78-08-026 (Order DE 77-33), § 173-164-050, filed 7/13/78.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 173-201 WAC
WATER QUALITY STANDARDS FOR WATERS OF THE STATE OF WASHINGTON

WAC

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-201-020 Water use and quality criteria. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-020, filed 1/17/78; Order 73-4, § 173-201-020, filed 7/6/73.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.

173-201-050 Characteristic uses to be protected. [Statutory Authority: RCW 90.48.035. 78-02-043 (Order DE 77-32), § 173-201-050, filed 1/17/78; Order 73-4, § 173-201-050, filed 7/6/73.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.

173-201-140 Miscellaneous. [Statutory Authority: RCW 90.48-.035. 78-02-043 (Order DE 77-32), § 173-201-140, filed 1/17/78; Order 73-4, § 173-201-140, filed 7/6/73.] Repealed by 82-12-078 (Order DE 82-12), filed 6/2/82. Statutory Authority: RCW 90.48.035.

WAC 173-201-010 Introduction. (1) The purpose of this chapter is to establish water quality standards for surface waters of the state of Washington pursuant to the provisions of chapter 90.48 RCW and the policies and purposes thereof.

(2) This chapter shall be reviewed periodically by the department and appropriate revisions shall be undertaken.

(3) The water use and quality criteria set forth in WAC 173-201-035 through 173-201-085 are established in conformance with present and potential water uses of the surface waters of the state of Washington and in consideration of the natural water quality potential and limitations of the same. These shall be the sole criteria for said waters. [Statutory Authority: RCW 90-.48.035. 82-12-078 (Order DE 82-12), § 173-201-010, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-010, filed 1/17/78; Order 73-4, § 173-201-010, filed 7/6/73.]

WAC 173-201-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-201-025 Definitions. (1) Background conditions: The biological, chemical, and physical conditions of a water body, upstream from the point or nonpoint source of any discharge under consideration. Background sampling location in an enforcement action would be upstream from the point of discharge, but not

upstream from other inflows. If several discharges to any water body exist, and enforcement action is being taken for possible violations to the standards, background sampling would be undertaken immediately upstream from each discharge.

(2) Department: State of Washington department of ecology.

(3) Director: Director of the state of Washington department of ecology.

(4) Fecal coliform: That portion of the coliform group which is present in the intestinal tracts and feces of warm-blooded animals as detected by the product of acid or gas from lactose in a suitable culture medium within 24 hours at 44.5 plus or minus 0.2 degrees Celsius.

(5) Geometric mean: The nth root of a product of n factors.

(6) Mean detention time: The time obtained by dividing a reservoir's mean annual minimum total storage by the 30-day ten-year low-flow from the reservoir.

(7) Permit: A document issued pursuant to RCW 90-.48.160 et seq. or RCW 90.48.260 or both, specifying the waste treatment and control requirements and waste discharge conditions.

(8) pH: The negative logarithm of the hydrogen ion concentration.

(9) Primary contact recreation: Activities where a person would have direct contact with water to the point of complete submergence, including but not limited to skin diving, swimming and water skiing.

(10) Secondary contact recreation: Activities where a person's water contact would be limited (wading or fishing) to the extent that bacterial infections of eyes, ears, respiratory or digestive systems or urogenital areas would normally be avoided.

(11) Surface waters of the state: Include lakes, rivers, ponds, streams, inland waters, saltwaters, and all other surface waters and water courses within the jurisdiction of the state of Washington.

(12) Temperature: Water temperature expressed in degrees Celsius (°C).

(13) Turbidity: The clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

(14) Upwelling: The annual natural phenomenon where the summer prevailing, northerly winds parallel to Washington's coast produce a seaward transport of surface waters. Cold, deeper more saline waters rich in nutrients and low in dissolved oxygen rise to replace the surface water. The cold, oxygen deficient water flows into Puget Sound and other coastal estuaries replacing the deep water with lower dissolved oxygen concentrations reaching the surface during late summer and fall.

(15) USEPA: United States Environmental Protection Agency.

(16) Wildlife habitat: Waters of the state used by fish, other aquatic life and wildlife for any life history stage or activity. [Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-025, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-025, filed 1/17/78.]

WAC 173-201-035 General considerations. The following general guidelines shall apply to the water quality criteria and classifications set forth in WAC 173-201-045 through 173-201-085 hereof:

(1) At the boundary between waters of different classifications, the water quality criteria for the higher classification shall prevail.

(2) In brackish waters of estuaries, where the fresh and marine water quality criteria differ within the same classification, the criteria shall be interpolated on the basis of salinity; except that the marine water quality criteria shall apply for dissolved oxygen when the salinity is one part per thousand or greater and for fecal coliform organisms when the salinity is ten parts per thousand or greater.

(3) The water quality criteria herein established shall not apply within an authorized dilution zone adjacent to or surrounding a waste-water discharge.

(4) Generally, waste discharge permits, whether issued pursuant to the National Pollutant Discharge Elimination System or otherwise, shall be conditioned in such manner as to authorize discharges which meet the water quality standards.

(a) However, persons discharging wastes in compliance with the terms and conditions of permits shall not be subject to civil and criminal penalties on the basis that discharge violates water quality standards.

(b) Permits shall be subject to modification by the department whenever it appears to the department the discharge violates water quality standards. Modification of permits, as provided herein, shall be subject to review in the same manner as originally issued permits.

(5) Nonpoint sources and water quality standards.

(a) It is recognized that many activities not subject to a waste discharge permit system are now being performed in the state, which result in conflicts with the water quality standards of this chapter. Further, the department has not developed a program which, in a reasonable or fully satisfactory manner, provides methods or means for meeting such standards. Persons conducting such activities shall not be subject to civil or criminal sanctions for violation of water quality standards if the activities are either:

(i) Conducted in accordance with management practices set forth by rules of the department.

For example, promulgation of regulations by the department which set forth approved management practices or other effluent limits shall be accomplished so that activities conducted within such regulations, (i.e., Forest practices rules and regulations chapter 173-202 WAC and Title 222 WAC) will achieve compliance with water pollution control laws. When the regulations are violated, the water quality standard can be enforced as described in WAC 173-201-045 through 173-201-085; or,

(ii) Subject to a regulatory order issued by the department relating to specific activities as provided for in WAC 173-201-100(2).

(b) Management practices or regulatory orders described in WAC 173-201-035(5) hereof, shall be subject to modification by the department whenever it

appears to the department that the discharge violates water quality standards. Modification of management practices or regulatory orders, as provided herein, shall be subject to review in the same manner as the originally issued management practices or regulatory orders.

(6) The water quality criteria herein established for total dissolved gas shall not apply when the stream flow exceeds the 7-day, 10-year frequency flood.

(7) The total area and/or volume of a receiving water assigned to a dilution zone shall be as described in a valid discharge permit as needed and be limited to that which will:

(a) Not cause acute mortalities of sport, food, or commercial fish and shellfish species of established biological communities within populations or important species to a degree which damages the ecosystem.

(b) Not diminish aesthetic values or other beneficial uses disproportionately.

(8) The antidegradation policy of the state of Washington, as generally guided by chapter 90.48 RCW, Water Pollution Control Act, and chapter 90.54 RCW, Water Resources Act of 1971, is stated as follows:

(a) Existing beneficial uses shall be maintained and protected and no further degradation which would interfere with or become injurious to existing beneficial uses will be allowed.

(b) No degradation will be allowed of waters lying in national parks, national recreation areas, national wildlife refuges, national scenic rivers, and other areas of national ecological importance.

(c) Whenever waters are of a higher quality than the criteria assigned for said waters, the existing water quality shall be protected and waste and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except, in those instances where:

(i) It is clear that overriding considerations of the public interest will be served, and

(ii) All wastes and other materials and substances proposed for discharge into the said waters shall be provided with all known, available, and reasonable methods of treatment before discharge.

(d) Whenever the natural conditions of said waters are of a lower quality than the criteria assigned, the natural conditions shall constitute the water quality criteria.

(e) The criteria and special conditions established in WAC 173-201-045 through 173-201-085 may be modified for a specific water body on a short-term basis when necessary to accommodate essential activities, respond to emergencies, or to otherwise protect the public interest. Such modification shall be issued in writing by the director or his designee subject to such terms and conditions as he may prescribe. The aquatic application of herbicides which result in water use restrictions shall be considered an activity for which a short-term modification generally may be issued subject to the following conditions:

(i) A request for a short-term modification shall be made to the department on forms supplied by the department. Such request generally shall be made at least thirty days prior to herbicide application.

(ii) Such herbicide application shall be in accordance with state of Washington department of agriculture regulations.

(iii) Such herbicide application shall be in accordance with label provisions promulgated by USEPA under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. (7 U.S.C. 136, et seq.)

(iv) Notice, including identification of the herbicide, applicator, location where the herbicide will be applied, proposed timing and method of application, and water use restrictions shall be given according to the following requirements:

(A) Appropriate public notice as determined and prescribed by the director or his designee shall be given of any water use restrictions specified in USEPA label provisions.

(B) The appropriate regional offices of the departments of fisheries and game shall be notified twenty-four hours prior to herbicide application.

(C) In the event of any fish kills, the departments of ecology, fisheries, and game shall be notified immediately.

(v) The herbicide application shall be made at times so as to:

(A) Minimize public water use restrictions during weekends.

(B) Completely avoid public water use restrictions during the opening week of fishing season, Memorial Day weekend, July 4 weekend, and Labor Day weekend.

(vi) Any additional conditions as may be prescribed by the director or his designee.

(f) In no case, will any degradation of water quality be allowed if this degradation interferes with or becomes injurious to existing water uses and causes long-term and irreparable harm to the environment.

(g) No waste discharge permit will be issued which violates established water quality criteria, except, as provided for under WAC 173-201-035(8)(e).

(9) Due consideration will be given to the precision and accuracy of the sampling and analytical methods used as well as existing conditions at the time, in the application of the criteria.

(10) The analytical testing methods for these criteria shall be in accordance with the most recent editions of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, American Water Works Association, and the Water Pollution Control Federation, and "Methods for Chemical Analysis of Water and Wastes," published by USEPA, and other or superseding methods published and/or approved by the department following consultation with adjacent states and concurrence of the USEPA.

(11) Deleterious concentrations of radioactive materials for all classes shall be as determined by the lowest practicable concentration attainable and in no case shall exceed:

(a) 1/100 of the values listed in WAC 402-24-220 (Column 2, Table II, Appendix A, Rules and Regulations for Radiation Protection); or,

(b) USEPA Drinking Water Regulations for radionuclides, as published in the Federal Register of July 9, 1976, or subsequent revisions thereto.

(12) Deleterious concentrations of toxic, or other nonradioactive materials, shall be determined by the department in consideration of the Quality Criteria for Water, published by USEPA 1976, and as revised, as the authoritative source for criteria and/or other relevant information, if justified.

(13) Nothing in this chapter shall be interpreted to be applicable to those aspects of governmental regulation of radioactive wastes which have been preempted from state regulation by the Atomic Energy Act of 1954, as amended, as interpreted by the United States Supreme Court in the cases of Northern States Power Co. v. Minnesota 405 U.S. 1035 (1972) and Train v. Colorado Public Interest Research Group 426 U.S. 1 (1976).

(14) Nothing in this chapter shall be interpreted to prohibit the establishment of effluent limitations for the control of the thermal component of any discharge in accordance with Section 316 of the Federal Clean Water Act (P.L. 95-217 as amended). [Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-035, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-035, filed 1/17/78.]

WAC 173-201-045 General water use and criteria classes. The following criteria shall apply to the various classes of surface waters in the state of Washington:

(1) **Class AA (Extraordinary).**

(a) General characteristic. Water quality of this class shall markedly and uniformly exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing, spawning, and harvesting.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater – Fecal coliform organisms shall not exceed a geometric mean value of 50 organisms/100 mL, with not more than 10 percent of samples exceeding 100 organisms/100 mL.

(B) Marine water – Fecal coliform organisms shall not exceed a geometric mean value of 14 organisms/100 mL, with not more than 10 percent of samples exceeding 43 organisms/100 mL.

(ii) Dissolved oxygen.

(A) Freshwater – Dissolved oxygen shall exceed 9.5 mg/L.

(B) Marine water – Dissolved oxygen shall exceed 7.0 mg/L . When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 7.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man-caused activities.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature shall not exceed 16.0° C (freshwater) or 13.0° C (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=23/(T+5)$ (freshwater) or $t=8/(T-4)$ (marine water).

When natural conditions exceed 16.0° C (freshwater) and 13.0° C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° C, and the maximum water temperature shall not exceed 16.3° C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man-caused variation within a range of less than 0.2 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(2) **Class A (Excellent).**

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing, spawning, and harvesting.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater – Fecal coliform organisms shall not exceed a geometric mean value of 100 organisms/100 mL, with not more than 10 percent of samples exceeding 200 organisms/100 mL.

(B) Marine water – Fecal coliform organisms shall not exceed a geometric mean value of 14 organisms/100 mL, with not more than 10 percent of samples exceeding 43 organisms/100 mL.

(ii) Dissolved oxygen.

(A) Freshwater – Dissolved oxygen shall exceed 8.0 mg/L.

(B) Marine water – Dissolved oxygen shall exceed 6.0 mg/L . When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 6.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man–caused activities.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature shall not exceed 18.0° C (freshwater) or 16.0° C (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=28/(T+7)$ (freshwater) or $t=12/(T-2)$ (marine water).

When natural conditions exceed 18.0° C (freshwater) and 16.0° C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° C, and the maximum water temperature shall not exceed 18.3° C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) or 7.0 to 8.5 (marine water) with a man–caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 5 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those of public health significance, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect any water use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste.

(3) **Class B (Good).**

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for most uses.

(b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (industrial and agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam, oyster, and mussel rearing and spawning.

Crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment.

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms.

(A) Freshwater – Fecal coliform organisms shall not exceed a geometric mean value of 200 organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

(B) Marine water – Fecal coliform organisms shall not exceed a geometric mean value of 100 organisms/100 mL, with not more than 10 percent of samples exceeding 200 organisms/100 mL.

(ii) Dissolved oxygen.

(A) Freshwater – Dissolved oxygen shall exceed 6.5 mg/L.

(B) Marine water – Dissolved oxygen shall exceed 5.0 mg/L. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 5.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man–caused activities.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature shall not exceed 21.0° C (freshwater) or 19.0° C (marine water) due to human activities. Temperature increases shall not, at any time, exceed $t=34/(T+9)$ (freshwater) or $t=16/T$ (marine water).

When natural conditions exceed 21.0° C (freshwater) and 19.0° C (marine water), no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

Provided that temperature increase resulting from nonpoint source activities shall not exceed 2.8° C, and the maximum water temperature shall not exceed 21.3° C (freshwater).

(v) pH shall be within the range of 6.5 to 8.5 (freshwater) and 7.0 to 8.5 (marine water) with a man–caused variation within a range of less than 0.5 units.

(vi) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in

turbidity when the background turbidity is more than 50 NTU.

(vii) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(viii) Aesthetic values shall not be reduced by dissolved, suspended, floating, or submerged matter not attributed to natural causes, so as to affect water use or taint the flesh of edible species.

(4) **Class C (Fair).**

(a) General characteristic. Water quality of this class shall meet or exceed the requirements of selected and essential uses.

(b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (industrial).

(ii) Fish (salmonid and other fish migration).

(iii) Recreation (secondary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(iv) Commerce and navigation.

(c) Water quality criteria – marine water.

(i) Fecal coliform organisms shall not exceed a geometric mean value of 200 organisms/100 mL, with not more than 10 percent of samples exceeding 400 organisms/100 mL.

(ii) Dissolved oxygen shall exceed 4.0 mg/L. When natural conditions, such as upwelling, occur, causing the dissolved oxygen to be depressed near or below 4.0 mg/L, natural dissolved oxygen levels can be degraded by up to 0.2 mg/L by man–caused activities.

(iii) Temperature shall not exceed 22.0° C due to human activities. Temperature increases shall not, at any time, exceed $t=20/(T+2)$.

When natural conditions exceed 22.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C.

For purposes hereof, "t" represents the permissive temperature change across the dilution zone; and "T" represents the highest existing temperature in this water classification outside of any dilution zone.

(iv) pH shall be within the range of 6.5 to 9.0 with a man–caused variation within a range of less than 0.5 units.

(v) Turbidity shall not exceed 10 NTU over background turbidity when the background turbidity is 50 NTU or less, or have more than a 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(vi) Toxic, radioactive, or deleterious material concentrations shall be below those which adversely affect public health during characteristic uses, or which may cause acute or chronic toxic conditions to the aquatic biota, or which may adversely affect characteristic water uses.

(vii) Aesthetic values shall not be interfered with by the presence of obnoxious wastes, slimes, aquatic growths, or materials which will taint the flesh of edible species.

(5) **Lake Class.**

(a) General characteristic. Water quality of this class shall meet or exceed the requirements for all or substantially all uses.

(b) Characteristic uses. Characteristic uses shall include, but not be limited to, the following:

(i) Water supply (domestic, industrial, agricultural).

(ii) Stock watering.

(iii) Fish and shellfish:

Salmonid migration, rearing, spawning, and harvesting.

Other fish migration, rearing, spawning, and harvesting.

Clam and mussel rearing, spawning, and harvesting.

Crayfish rearing, spawning, and harvesting.

(iv) Wildlife habitat.

(v) Recreation (primary contact recreation, sport fishing, boating, and aesthetic enjoyment).

(vi) Commerce and navigation.

(c) Water quality criteria.

(i) Fecal coliform organisms shall not exceed a geometric mean value of 50 organisms/100 mL, with not more than 10 percent of samples exceeding 100 organisms/100 mL.

(ii) Dissolved oxygen – no measurable decrease from natural conditions.

(iii) Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.

(iv) Temperature – no measurable change from natural conditions.

(v) pH – no measurable change from natural conditions.

(vi) Turbidity shall not exceed 5 NTU over background conditions.

(vii) Toxic, radioactive, or deleterious material concentrations shall be less than those which may affect public health, the natural aquatic environment, or the desirability of the water for any use.

(viii) Aesthetic values shall not be impaired by the presence of materials or their effects, excluding those of natural origin, which offend the senses of sight, smell, touch, or taste. [Statutory Authority: RCW 90.48.035. 82–12–078 (Order DE 82–12), § 173–201–045, filed 6/2/82; 78–02–043 (Order DE 77–32), § 173–201–045, filed 1/17/78.]

WAC 173-201-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-201-070 General classifications. General classifications applying to various surface water bodies not specifically classified under WAC 173–201–080 or 173–201–085 are as follows:

(1) All surface waters lying within the mountainous regions of the state assigned to national parks, national forests, and/or wilderness areas, are classified Class AA or Lake Class.

(2) All lakes and their feeder streams within the state are classified Lake Class and Class AA respectively, except for those feeder streams specifically classified otherwise.

(3) All reservoirs with a mean detention time of greater than 15 days are classified Lake Class.

(4) All reservoirs with a mean detention time of 15 days or less are classified the same as the river section in which they are located.

(5) All reservoirs established on preexisting lakes are classified as Lake Class.

(6) All unclassified surface waters that are tributaries to Class AA waters are classified Class AA. All other unclassified surface waters within the state are hereby classified Class A. [Statutory Authority: RCW 90.48-.035. 82-12-078 (Order DE 82-12), § 173-201-070, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-070, filed 1/17/78; Order 73-4, § 173-201-070, filed 7/6/73.]

WAC 173-201-080 Specific classifications--Freshwater. Specific fresh surface waters of the state of Washington are classified as follows:

(1) American River. Class AA

(2) Big Quilcene River and tributaries. Class AA

(3) Bumping River. Class AA

(4) Burnt Bridge Creek. Class A

(5) Cedar River from Lake Washington to Landsburg Dam (river mile 21.6). Class A

(6) Cedar River and tributaries from Landsburg Dam (river mile 21.6) to headwaters. Special condition - no waste discharge will be permitted. Class AA

(7) Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45" W) to Scammon Creek (river mile 65.8). Class A

(8) Chehalis River from Scammon Creek (river mile 65.8) to Newaukum River (river mile 75.2). Special condition - Dissolved oxygen shall exceed 5.0 mg/L from June 1, to September 15. For the remainder of the year, the dissolved oxygen shall meet Class A criteria. Class A

(9) Chehalis River from Newaukum River (river mile 75.2) to Rock Creek (river mile 106.7). Class A

(10) Chehalis River, from Rock Creek (river mile 106.7) to headwaters. Class AA

(11) Chehalis River, south fork. Class A

(12) Chewack River. Class AA

(13) Chiwawa River. Class AA

(14) Cispus River. Class AA

(15) Clearwater River. Class A

(16) Cle Elum River. Class AA

(17) Cloquallum Creek. Class A

(18) Clover Creek from outlet of Lake Spanaway to inlet of Lake Steilacoom. Class A

(19) Columbia River from mouth to the Washington-Oregon border (river mile 309.3). Special conditions - Temperature shall not exceed 20.0° C due to human activities. When natural conditions exceed 20.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed 0.3° C due to any single source or 1.1° C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation. Class A

(20) Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). Special condition from Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature shall not exceed 20.0° C due to human activities. When natural conditions exceed 20.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A

(21) Columbia River from Grand Coulee Dam (river mile 596.6) to Canadian border (river mile 745.0). Class AA

(22) Colville River. Class A

(23) Coweeman River from mouth to Mulholland Creek (river mile 18.4). Class A

(24) Coweeman River from Mulholland Creek (river mile 18.4) to headwaters. Class AA

(25) Cowlitz River from mouth to base of Riffe Lake Dam (river mile 52.0). Class A

(26) Cowlitz River from base of Riffe Lake Dam (river mile 52.0) to headwaters. Class AA

(27) Crab Creek and tributaries. Class B

(28) Decker Creek. Class AA

(29) Deschutes River from mouth to boundary of Snoqualmie National Forest (river mile 48.2). Class A

(30) Deschutes River from boundary of Snoqualmie National Forest (river mile 48.2) to headwaters. Class AA

(31) Dickey River. Class A

(32) Dosewallips River and tributaries. Class AA

(33) Duckabush River and tributaries. Class AA

(34) Dungeness River from mouth to Canyon Creek (river mile 10.8). Class A

(35) Dungeness River and tributaries from Canyon Creek (river mile 10.8) to headwaters. Class AA

(36) Duwamish River from mouth south of a line bearing 254° true from the NW corner of berth 3, terminal No. 37 to the Black River (river mile 11.0) (Duwamish River continues as the Green River above the Black River). Class B

(37) Elochoman River. Class A

(38) Elwha River and tributaries. Class AA

(39) Entiat River from Wenatchee National Forest boundary (river mile 20.5) to headwaters. Class AA

(40) Grande Ronde River from mouth to Oregon border (river mile 37). Special condition - Temperature shall not exceed 20.0° C due to human activities. When natural

conditions exceed 20.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed t=34/(T+9). Class A

(41) Grays River from Grays River Falls (river mile 15.8) to headwaters. Class AA

(42) Green River (Cowlitz County). Class AA

(43) Green River (King County) from Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to west boundary of Sec. 27–T21N–R6E (west boundary of Flaming Geyser State Park at river mile 42.3). Class A

(44) Green River (King County) from west boundary of Sec. 27–T21N–R6E (west boundary of Flaming Geyser State Park, river mile 42.3) to west boundary of Sec. 13–T21N–R7E (river mile 59.1). Class AA

(45) Green River and tributaries (King County) from west boundary of Sec. 13–T21N–R7E (river mile 59.1) to headwaters. Special condition – No waste discharge will be permitted. Class AA

(46) Hamma Hamma River and tributaries. Class AA

(47) Hanaford Creek from mouth to east boundary of Sec. 25–T15N–R2W (river mile 4.1). Special condition – Dissolved oxygen shall exceed 6.5 mg/L. Class A

(48) Hanaford Creek from east boundary of Sec. 25–T15N–R2W (river mile 4.1) to headwaters. Class A

(49) Hoh River and tributaries. Class AA

(50) Hoquiam River (continues as west fork above east fork) from mouth to river mile 9.3 (Dekay Road bridge) (upper limit of tidal influence). Class B

(51) Humptulips River and tributaries from mouth to Olympic National Forest boundary on east fork (river mile 12.8) and west fork (river mile 40.4) (main stem continues as west fork). Class A

(52) Humptulips River, east fork from Olympic National Forest boundary (river mile 12.8) to headwaters. Class AA

(53) Humptulips River, west fork from Olympic National Forest boundary (river mile 40.4) to headwaters. Class AA

(54) Issaquah Creek. Class A

(55) Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters. Class AA

(56) Klickitat River from Little Klickitat River (river mile 19.8) to headwaters. Class AA

(57) Lake Washington Ship Canal from Government Locks (river mile 1.0) to Lake Washington (river mile 8.6). Special condition – Salinity shall not exceed one part per thousand (1.0 ppt) at any point or depth along a line that transects the ship canal at the University Bridge (river mile 6.1). Lake Class

(58) Lewis River, east fork, from Multon Falls (river mile 24.6) to headwaters. Class AA

(59) Little Wenatchee River. Class AA

(60) Methow River from mouth to Chewack River (river mile 50.1). Class A

(61) Methow River from Chewack River (river mile 50.1) to headwaters. Class AA

(62) Mill Creek from mouth to 13th street bridge in Walla Walla (river mile 6.4). Special condition – Dissolved oxygen concentration shall exceed 5.0 mg/L. Class B

(63) Mill Creek from 13th Street bridge in Walla Walla (river mile 6.4) to Walla Walla waterworks dam (river mile 25.2). Class A

(64) Mill creek and tributaries from city of Walla Walla waterworks dam (river mile 25.2) to headwaters. Special condition – No waste discharge will be permitted. Class AA

(65) Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters. Class AA

(66) Naselle River from Naselle "Falls" (cascade at river mile 18.6) to headwaters. Class AA

(67) Newaukum River. Class A

(68) Nisqually River from mouth to Alder Dam (river mile 44.2). Class A

(69) Nisqually River from Alder Dam (river mile 44.2) to headwaters. Class AA

(70) Nooksack River from mouth to Maple Creek (river mile 49.7). Class A

(71) Nooksack River from Maple Creek (river mile 49.7) to headwaters. Class AA

(72) Nooksack River, south fork, from mouth to Skookum Creek (river mile 14.3). Class A

(73) Nooksack River, south fork, from Skookum Creek (river mile 14.3) to headwaters. Class AA

(74) Nooksack River, middle fork. Class AA

(75) Okanogan River. Class A

(76) Palouse River from mouth to south fork (Colfax, river mile 89.6). Class B

(77) Palouse River from south fork (Colfax, river mile 89.6) to Idaho border (river mile 123.4). Special condition – Temperature shall not exceed 20.0° C due to human activities. When natural conditions exceed 20.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed t=34/(T+9). Class A

(78) Pend Oreille River from Canadian border (river mile 16.0) to Idaho border (river mile 87.7). Special condition – Temperature shall not exceed 20.0° C due to human activities. When natural conditions exceed 20.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed t=34/(T+9). Class A

(79) Pilchuck River from city of Snohomish waterworks dam (river mile 26.8) to headwaters. Class AA

(80) Puyallup River from mouth to river mile 1.0. Class B

(81) Puyallup River from river mile 1.0 to Kings Creek (river mile 31.6). Class A

(82) Puyallup River from Kings Creek (river mile 31.6) to headwaters. Class AA

(83) Queets River and tributaries. Class AA

(84) Quillayute River. Class AA

(85) Quinault River and tributaries. Class AA

(86) Salmon Creek (Clark County). Class A

(87) Satsop River from mouth to west fork (river mile 6.4). Class A

(88) Satsop River, east fork. Class AA

(89) Satsop River, middle fork. Class AA

(90) Satsop River, west fork. Class AA

(91) Skagit River from mouth to Skiyou Slough–lower end (river mile 25.6). Class A

(92) Skagit River and tributaries (includes Baker, Suak, Suiattle, and Cascade Rivers) from Skiyou Slough–lower end, (river mile 25.6) to Canadian border (river mile 127.0). Class AA

(93) Skokomish River and tributaries. Class AA

(94) Skookumchuck River from Bloody Run Creek (river mile 21.4) to headwaters. Class AA

(95) Skykomish River from mouth to May Creek (above Gold Bar at river mile 41.2). Class A

(96) Skykomish River from May Creek (above Gold Bar at river mile 41.2) to headwaters. Class AA

(97) Snake River from mouth to Washington–Idaho–Oregon border (river mile 176.1). Special condition

(a) Below Clearwater River (river mile 139.3). Temperature shall not exceed 20.0° C due to human activities. When natural conditions exceed 20.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$.

(b) Above Clearwater River (river mile 139.3). Temperature shall not exceed 20.0° C due to human activities. When natural conditions exceed 20.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed 0.3° C due to any single source or 1.1° C due to all such activities combined. Class A

(98) Snohomish River from mouth and east of longitude 122°13'40"W upstream to latitude 47°56'30"N (southern tip of Ebey Island river mile 8.1). Special condition: Fecal coliform organisms shall not exceed a geometric mean value of 200, organisms/100 mL. with not more than 10 percent of samples exceeding 400 organisms/100 mL. Class A

(99) Snohomish River upstream from latitude 47°56'30"N (southern tip of Ebey Island river mile 8.1) to confluence with Skykomish and Snoqualmie River (river mile 20.5). Class A

(100) Snoqualmie River and tributaries from mouth to west boundary of Twin Falls State Park on south fork (river mile 9.1). Class A

(101) Snoqualmie River, middle fork. Class AA

(102) Snoqualmie River, north fork. Class AA

(103) Snoqualmie River, south fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters. Class AA

(104) Soleduck River and tributaries. Class AA

(105) Spokane River from mouth to Idaho border (river mile 96.5). Special condition – Temperature shall not exceed 20.0° C due to human activities. When natural conditions exceed 20.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A

(106) Stehekin River. Class AA

(107) Stillaguamish River from mouth to north and south forks (river mile 17.8). Class A

(108) Stillaguamish River, north fork, from mouth to Squire Creek (river mile 31.2). Class A

(109) Stillaguamish River, north fork, from Squire Creek (river mile 31.2) to headwaters. Class AA

(110) Stillaguamish River, south fork, from mouth to Canyon Creek (river mile 33.7). Class A

(111) Stillaguamish River, south fork, from Canyon Creek (river mile 33.7) to the headwaters. Class AA

(112) Sulphur Creek. Class B

(113) Sultan River from mouth to Chaplain Creek (river mile 5.9). Class A

(114) Sultan River and tributaries from Chaplain Creek (river mile 5.9) to headwaters. Special condition – No waste discharge will be permitted above city of Everett diversion dam (river mile 9.4). Class AA

(115) Sumas River from Canadian border (river mile 12) to headwaters (river mile 23). Class A

(116) Tieton River. Class AA

(117) Tolt River, south fork and tributaries from mouth to west boundary of Sec. 31–T26N–R9E (river mile 6.9). Class AA

(118) Tolt River, south fork from west boundary of Sec. 31–T26N–R9E (river mile 6.9) to headwaters. Special condition – No waste discharge will be permitted. Class AA

(119) Touchet River, north fork from Dayton water intake structure (river mile 3.0) to headwaters. Class AA

(120) Toutle River, north fork, from Green River to headwaters. Class AA

(121) Toutle River, south fork. Class AA

(122) Tucannon River from Umatilla National Forest boundary (river mile 38.1) to headwaters. Class AA

(123) Twisp River. Class AA

(124) Union River and tributaries from Bremerton waterworks dam (river mile 6.9) to headwaters. Special condition – No waste discharge will be permitted. Class AA

(125) Walla Walla River from mouth to Lowden (Dry Creek at river mile 27.2). Class B

(126) Walla Walla River from Lowden (Dry Creek at river mile 27.2) to Oregon border (river mile 40). Special condition – Temperature shall not exceed 20.0° C due to human activities. When natural conditions exceed 20.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A

(127) Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to headwaters. Class AA

(128) White River (Pierce–King Counties) from Mud Mountain Dam (river mile 29.6) to headwaters. Class AA

(129) White River (Chelan County). Class AA

(130) Wildcat Creek. Class A

(131) Willapa River upstream of a line bearing 70° true through Mailboat Slough light (river mile 1.8). Class A

(132) Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21–T18N–R9W). Class B

(133) Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21–T18N–R9W) to west fork (river mile 17.7). Class A

(134) Wishkah River from west fork of Wishkah River (river mile 17.7) to south boundary of Sec. 33–T21N–R8W (river mile 32.0). Class AA

(135) Wishkah River and tributaries from south boundary of Sec. 33–T21N–R8W (river mile 32.0) to headwaters. Special condition – No waste discharge will be permitted. Class AA

(136) Wynoochee River from mouth to Olympic National Forest boundary (river mile 45.9) Class A

(137) Wynoochee River from Olympic National Forest boundary (river mile 45.9) to headwaters. Class AA

(138) Yakima River from mouth to Sunnyside Dam (river mile 103.8). Class B

(139) Yakima River from Sunnyside Dam (river mile 103.8) to Cle Elum River (river mile 185.6). Special condition – Temperature shall not exceed 21.0° C due to human activities. When natural conditions exceed 21.0° C, no temperature increase will be allowed which will raise the receiving water temperature by greater than 0.3° C; nor shall such temperature increases, at any time, exceed $t=34/(T+9)$. Class A

(140) Yakima River from Cle Elum River (river mile 185.6) to headwaters. Class AA

[Statutory Authority: RCW 90.48.035. 82–12–078 (Order DE 82–12), § 173–201–080, filed 6/2/82; 78–02–043 (Order DE 77–32), § 173–201–080, filed 1/17/78; Order DE 73–22, § 173–201–080, filed 11/16/73; Order 73–4, § 173–201–080, filed 7/6/73.]

WAC 173–201–085 Specific classifications—Marine water. Specific marine surface waters of the state of Washington are classified as follows:

(1) Budd Inlet south of latitude 47°04'N (south of Priest Point Park). Class B

(2) Coastal waters: Pacific Ocean from Ilwaco to Cape Flattery. Class AA

(3) Commencement Bay south and east of a line bearing 258° true from "Brown's point" and north and west of line bearing 225° true through the Hylebos waterway light. Class A

(4) Commencement Bay, inner, south and east of a line bearing 225° true through Hylebos Waterway light except the city waterway south and east of south 11th Street. Class B

(5) Commencement Bay, city waterway south and east of south 11th Street. Class C

(6) Drayton Harbor, south of entrance. Class A

(7) Dyes and Sinclair Inlets west of longitude 122°37'W. Class A

(8) Elliott Bay east of a line between Pier 91 and Duwamish head. Class A

(9) Everett Harbor, inner, north and east of a line bearing 121° true from light "4" (Snohomish River mouth). Class B

(10) Grays Harbor west of longitude 123°59'W. Class A

(11) Grays Harbor east of longitude 123°59'W to longitude 123°45'45"W (Cosmopolis Chehalis River, river mile 3.1). Special condition – Dissolved oxygen shall exceed 5.0 mg/L. Class B

(12) Guemes Channel, Padilla, Samish and Bellingham Bays east of longitude 122°39'W and north of latitude 48°27'20"N. Class A

(13) Hood Canal. Class AA

(14) Mukilteo and all North Puget Sound west of longitude 122°39' W (Whidbey, Fidalgo, Guemes and Lummi Islands and state highway 20 bridge at Deception Pass), except as otherwise noted. Class AA

(15) Oakland Bay west of longitude 123°05'W (inner Shelton harbor).	Class B
(16) Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook.	Class A
(17) Port Gamble south of latitude 47°51'20"N.	Class A
(18) Port Townsend west of a line between Point Hudson and Kala point.	Class A
(19) Possession Sound, south of latitude 47°57'N.	Class AA
(20) Possession Sound, Port Susan, Saratoga Passage, and Skagit Bay east of Whidbey Island and state highway 20 bridge at Deception Pass between latitude 47°57'N (Mukilteo) and latitude 48°27'20"N (Similk Bay), except as otherwise noted.	Class A
(21) Puget Sound through Admiralty Inlet and South Puget Sound, south and west to longitude 122°52'30"W (Brisco Point) and longitude 122°51'W (northern tip of Hartstene Island).	Class AA
(22) Sequim Bay southward of entrance.	Class AA
(23) South Puget Sound west of longitude 122°52'30"W (Brisco Point) and longitude 122°51'W (northern tip of Hartstene Island, except as otherwise noted).	Class A
(24) Strait of Juan de Fuca.	Class AA
(25) Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8).	Class A

[Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-085, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-085, filed 1/17/78.]

WAC 173-201-090 Achievement considerations. To fully achieve and maintain the foregoing water quality in the state of Washington, it is the intent of the department to apply the various implementation and enforcement authorities at its disposal, including participation in the programs of the Federal Clean Water Act (P.L. 95-217) as appropriate. It is also the intent that cognizance will be taken of the need for participation in cooperative programs with other state agencies and private groups with respect to the management of related problems. The department's planned program for water pollution control will be defined and revised annually in accordance with section 106 of said federal act. Further, it shall be required that all activities which discharge wastes into waters within the state, or otherwise adversely affect the quality of said waters, be in compliance with the waste treatment and discharge provisions of state or federal law. [Statutory Authority: RCW 90-.48.035. 82-12-078 (Order DE 82-12), § 173-201-090, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-090, filed 1/17/78; Order 73-4, § 173-201-090, filed 7/6/73.]

WAC 173-201-120 Enforcement. To insure that the provisions of chapter 90.48 RCW, the standards for water quality promulgated herein, the terms of waste disposal permits, and other orders and directives of the department are fully complied with, the following enforcement tools will be relied upon by the department, in cooperation with the attorney general as it deems appropriate:

(1) Issuance of notices of violation and regulatory orders as provided for in RCW 90.48.120. Under this section, whenever in the opinion of the department a person is violating or about to violate chapter 90.48 RCW, the department shall notify said person of its determination. Within thirty days said person shall notify the department of the action taken or being taken in response to the department's determination, whereupon the department may issue a regulatory order as it deems appropriate. Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue a regulatory order without first giving notice and thirty days for response.

(2) Initiation of actions requesting injunctive or other appropriate relief in the various courts of the state, as provided for in RCW 90.48.037.

(3) Levying of civil penalties as provided for in RCW 90.48.144. Under this section, the director may levy a civil penalty up to five thousand dollars per day against a person who violates the terms of a waste discharge permit, or who discharges without such a permit when the same is required, or violates the provisions of RCW 90.48.080. If the amount of the penalty, which is subject to mitigation or remission by the department, is not paid within thirty days after receipt of said notice, the attorney general, upon request of the director, shall bring an action in superior court to recover the same.

(4) Initiation of a criminal proceeding by the appropriate county prosecutor, as provided for in RCW 90.48.140.

(5) Issuance of regulatory orders or directives as provided for in RCW 90.48.240. [Statutory Authority: RCW 90.48.035. 82-12-078 (Order DE 82-12), § 173-201-120, filed 6/2/82; 78-02-043 (Order DE 77-32), § 173-201-120, filed 1/17/78; Order 73-4, § 173-201-120, filed 7/6/73.]

WAC 173-201-140 Repealed. See Disposition Table at beginning of this chapter.

Chapter 173-220 WAC
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT PROGRAM

WAC

WAC 173-220-020 Permit required. No pollutants or other wastes or substances shall be discharged directly to any navigable water of the state from a point source, except as authorized by an individual or general permit issued pursuant to this chapter. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-020, filed 12/1/82; Order DE 74-1, § 173-220-020, filed 2/15/74.]

WAC 173-220-030 Definitions. For purposes of this chapter, the following definitions shall be applicable:

(1) "Department" means department of ecology.

(2) "Director" means the director of the department of ecology or his authorized representative.

(3) "Administrator" means the administrator of the United States Environmental Protection Agency.

(4) "Regional administrator" means the regional administrator of Region X of the Environmental Protection Agency (EPA).

(5) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

(6) "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. This term does not include sewage from vessels within the meaning of section 312 of the FWPCA nor does it include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

(7) "Navigable waters of the state" means all navigable waters as defined in section 502 of the FWPCA within the boundaries of the state such as lakes, rivers, ponds, streams, inland waters, ocean, bays, estuaries, sounds and inlets.

(8) "Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body.

(9) "Discharge of pollutant" and the term "discharge of pollutants" each means (a) any addition of any pollutant or combination of pollutants to navigable waters of the state from any point source, (b) any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source, other than a vessel or other floating craft which is being used as a means of transportation.

(10) "Major discharger" means any discharger appearing on the list of major dischargers appearing in the annual State-EPA Agreement.

(11) "Combined waste treatment facility" means any publicly owned waste treatment facility in which the maximum monthly average influent from any one industrial category, or categories producing similar wastes, constitutes over eighty-five percent of the design load for biochemical oxygen demand or suspended solids. Each single industrial category must contribute a minimum of ten percent of the applicable load. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-030, filed 12/1/82; Order DE 74-1, § 173-220-030, filed 2/15/74.]

WAC 173-220-040 Application for permit. (1) Any person presently discharging pollutants to navigable waters of the state must file an application with the department on a form prescribed by the department. For the purpose of satisfying the requirements of this subsection, any completed application filed with the Environmental Protection Agency prior to the approval by the administrator under section 402(b) of the FWPCA of this state permit program shall constitute a filing with the department.

(2) Any person proposing to commence a discharge of pollutants to navigable waters of this state must file an application with the department on a form prescribed by the department, (a) no less than 180 days in advance of the date on which it is desired to commence the discharge of pollutants, or (b) in sufficient time prior to commencement of the discharge of pollutants to insure compliance with the requirements of section 306 of the FWPCA and any other applicable water quality standards or effluent standards and limitations.

(3) The requirement for permit application will be satisfied if the discharger files:

(a) A complete refuse act application; or

(b) A complete application form which is appropriate for the type, category, or size of discharge; or

(c) A complete notification of coverage by a general permit; and

(d) Any additional information required by the department pertaining to pollutant discharge.

(4) The application form shall bear a certification of correctness to be signed:

(a) In the case of corporations, by a responsible corporate officer.

(b) In the case of a partnership, by a general partner.

(c) In the case of sole proprietorship, by the proprietor.

(d) In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

(5) No discharge of wastes into the navigable waters of the state is authorized until such time as an application has been approved and a permit issued consistent with the terms and conditions of this chapter. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-040, filed 12/1/82; Order DE 74-1, § 173-220-040, filed 2/15/74.]

WAC 173-220-045 General permits. (1) The director may issue general permits to cover categories of dischargers as described under subsection (2) of this section. The area shall correspond to existing geographic or political boundaries, such as:

(a) Designated planning areas under section 208 of the FWPCA;

(b) Sewer districts or other special purpose districts;

(c) City, county or state political boundaries;

(d) State or county highway systems;

(e) Standard metropolitan statistical areas as defined by the Federal Office of Management and Budget;

(f) Urbanized areas as designated by the Bureau of the Census; or

(g) Any other appropriate division or combination of boundaries.

(2) General permits may be written to cover the following within a described area:

(a) Separate storm sewers;

(b) Categories of point sources involving the same or substantially similar types of operations;

(c) Point sources discharging the same types of wastes;

(d) Point sources that require the same effluent limitations, operating conditions, or similar monitoring; or

(e) Point sources which in the opinion of the director are more appropriately controlled under a general permit than under individual permits.

(3) General permits may be issued, modified, revoked and reissued, or terminated in accordance with WAC 173-220-190.

(4) The director may require any discharger authorized by a general permit to apply for and obtain an individual permit. Cases where an individual permit may be required include, but are not limited to the following:

(a) The discharger is not in compliance with conditions of the general permit;

(b) A change occurs in the technology or practices for control or abatement of pollutants applicable to the point source;

(c) Effluent limitation guidelines are promulgated for point sources covered by the general permit;

(d) A water quality management plan containing requirements applicable to such point sources is approved;

(e) Effluent limitations more stringent than those contained in a general permit are necessary to meet water quality standards; or

(f) Other causes listed in 40 CFR Part 122.15, 122.16, or 122.59(b)(2)(A), as promulgated May 19, 1980.

(5) In cases where the director requires any owner or operator to apply for an individual permit, the owner or operator must be notified in writing that an individual permit application is required. This notice shall include a statement of why an individual permit is being required, an application form and a time limit for submitting the application.

(6) Any discharger authorized by a general permit may request to be excluded from coverage by the general permit by applying for an individual permit. The owner or operator shall submit to the director an application as described in WAC 173-220-040, with reasons supporting the request. The director shall either issue an individual permit or deny the request with a statement explaining the reason for denial.

(7) When an individual permit is issued to a discharger otherwise subject to a general permit, the applicability of the general permit to that permittee is automatically terminated on the effective date of the individual permit.

(8) Following issuance by the department of a general permit all dischargers who desire to be covered by the general permit shall notify the department on a form prescribed by the department. Unless the department responds in writing to the notification, coverage of a discharger by a general permit will automatically commence on the thirty-first day following the later of:

(a) The end of the thirty-day comment period required by WAC 173-220-050(2); or

(b) Receipt by the department of a completed notification of coverage.

(9) Any previously issued individual permit shall remain in effect until terminated in writing by the department, except that continuation of an expired individual permit (pursuant to WAC 173-220-180(5)), shall terminate upon coverage by the general permit.

(10) Where the department has determined that a discharger should not be covered by a general permit, it shall respond in writing within the time specified within subsection (8) of this section, to a notification of coverage stating the reason(s) why coverage cannot become effective and any actions needed to be taken by the discharger in order for coverage by the general permit to become effective. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-045, filed 12/1/82.]

WAC 173-220-050 Public notice. (1) Public notice of every draft permit determination or notification of coverage by a general permit, shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the proposed determination to issue or deny a permit for the proposed discharge. Circulation of public notice shall include at least the following:

(a) Notice shall be circulated within the geographical areas of the proposed discharge; for individual permits, such circulation may include any of the following, as directed by the department:

(i) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located; or

(ii) Posting near the entrance of the applicant's premises and nearby places; or

(iii) Publishing by the applicant, at his own cost within such time as the director shall prescribe, through a notice form provided by the department, in local newspapers or periodicals or, if appropriate, in a daily newspaper of general circulation;

(b) For general permits, such circulation shall include the following:

(i) Publishing by the department of a notice of intent to issue a general permit in a newspaper or newspapers of general circulation in each affected area; and

(ii) Posting or publishing by the applicant of a notice of coverage by a general permit in accordance with (i), (ii), or (iii) in paragraph (a).

(c) Notice shall be mailed to any person or group upon request; and

(d) The department shall add the name of any person or group upon request to a mailing list to receive copies of notices within the state or within a certain geographical area.

(2) The department shall provide a period of not less than thirty days following the date of the public notice during which time interested persons may submit their written views on the draft permit determinations or a notification of coverage by a general permit. All written comments submitted during the thirty-day comment period shall be retained by the department and considered in the formulation of its final determinations with respect to the application. The period for comment may be extended at the discretion of the department.

(3) The contents of the public notice shall include at least the following:

(a) Name, address, phone number of agency issuing the public notice;

(b) Except when unknown, in the case of general permit issuance, name and address of each applicant, and if different, of the facility or activity to be regulated;

(c) Brief description of each applicant's activities or operations which result in a discharge (e.g., municipal waste treatment plant, steel manufacturing, drainage from mining activities);

(d) Except in the case of general permit issuance, name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway indicating whether such discharge is a new or an existing discharge;

(e) A statement of the tentative determination to issue or deny a permit for the discharge;

(f) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by subsection (2) of this section and any other means by which interested persons may influence or comment upon those determinations; and

(g) Address and phone number of state premises at which interested persons may obtain further information.

(4) Copies of permit applications, draft permit determinations, notifications of coverage, and general permits will be provided to any person upon request by the department. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-050, filed 12/1/82; Order DE 76-20, § 173-220-050, filed 5/19/76; Order 74-7, § 173-220-050, filed 5/1/74; Order DE 74-1, § 173-220-050, filed 2/15/74.]

WAC 173-220-060 Fact sheets. (1) For every major discharger the department shall prepare and, following public notice, shall send, upon request to any person, a fact sheet with respect to the draft permit determination described in the public notice. The contents of such fact sheets shall include at least the following information:

(a) A brief description of the type of facility or activity which is the subject of the application;

(b) A sketch or detailed description of the location of the discharge described in the application;

(c) A quantitative description of the discharge described in the application which includes at least the following:

(i) The rate or frequency of the proposed discharge, if the discharge is continuous, the average daily flow in gallons per day or million gallons per day;

(ii) For thermal discharges subject to the jurisdiction of the department, the average summer and winter temperatures in degrees Fahrenheit; and

(iii) The average daily discharge in pounds per day of any pollutants which are present in significant quantities or which are subject to limitations or prohibition under sections 301, 302, 306, or 307 of the FWPCA and regulations published thereunder;

(d) Tentative determination of conditions in a proposed permit;

(e) A brief summary of the basis for the draft permit determination;

(f) A brief citation, including a brief identification of the uses for which the receiving waters have been classified, of the water quality standards and effluent standards and limitations applied to the proposed discharge; and

(g) A fuller description of the procedures for the formulation of final determinations than that given in the public notice including:

(i) The 30-day comment period required by WAC 173-220-050(2);

(ii) Procedures for requesting a public hearing and the nature thereof; and

(iii) Any other procedures by which the public may participate in the formulation of the final determinations.

(2) The department shall add the name of any person or group upon request to a mailing list to receive copies of fact sheets. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-060, filed 12/1/82; Order DE 74-1, § 173-220-060, filed 2/15/74.]

WAC 173-220-070 Notice to other government agencies. The department shall notify other appropriate government agencies of each draft permit determination or notification of coverage and shall provide such agencies an opportunity to submit their written views and

recommendations. Such notification shall include the following:

(1) Unless the regional administrator has agreed to waive review, transmission of an application, fact sheet if applicable (WAC 173-220-060), and draft permit to the regional administrator for comment or objection within thirty days (ninety days for general permits), or a longer period if requested up to a maximum of ninety days.

(2) At the time of issuance of public notice pursuant to WAC 173-220-050, transmission of the public notice to any other states whose waters may be affected by the issuance of a permit. Each affected state shall be afforded an opportunity to submit written recommendations to the department and to the regional administrator which the department may incorporate into the permit if issued. Should the department fail to incorporate any written recommendations thus received, it shall provide to the affected state or states (and to the regional administrator) a written explanation of its reasons for failing to accept any of the written recommendations.

(3) At the time of issuance of public notice pursuant to WAC 173-220-050, the public notice shall be sent to the appropriate district engineer of the Army Corps of Engineers.

(4) A copy of any written agreement between the department and a district engineer dispensing with requirements of the immediately preceding subsection shall be forwarded to the regional administrator and shall be made available to the public for inspection and copying.

(5) Copies of public notices shall be mailed to any other federal, state, or local agency, or any affected country, upon request. Such agencies shall have an opportunity to respond, comment, or request a public hearing pursuant to WAC 173-220-090. Such agencies shall include at least the agency responsible for the preparation of an approved plan pursuant to section 208(b) of the FWPCA. [Statutory Authority: RCW 90-.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-070, filed 12/1/82; Order DE 74-1, § 173-220-070, filed 2/15/74.]

WAC 173-220-080 Public access to information. (1) Any NPDES forms or any public comment upon those forms shall be available to the public for inspection and copying. The department, at its discretion, may also make available to the public, any other records, reports, plans, or information obtained by the state, pursuant to its participation in the permit process. Nothing herein shall modify the requirements of chapter 42.17 RCW, where applicable.

(2) The department shall protect any information (other than effluent) contained in such form, or other records, reports, or plans as confidential upon a showing by any person that such information if made public would divulge methods of processes entitled to protection as trade secrets of such person. If, however, the information being considered for confidential treatment is contained in a form, the department shall forward such information to the regional administrator for his concurrence in any determination of confidentiality. Upon arriving at his determination as to confidentiality, the regional administrator shall communicate to the department the decision. If such determination is not to concur with withholding of such information, the department and the regional administrator shall then make available to the public, upon request, that information determined not to constitute trade secrets.

(3) Any information accorded confidential status, whether or not contained in a form, shall be disclosed, upon request, to the regional administrator, or his authorized representative, who shall maintain the disclosed information as confidential.

(4) Facilities for the inspection of information relating to forms shall be provided by the department and shall insure that employees honor requests for such inspection promptly without undue requirements or restrictions. The department shall either (a) insure that a machine or device for the copying of papers and documents is available for a reasonable fee, or (b) otherwise provide for or coordinate with copying facilities or services such that requests for copies of nonconfidential documents may be honored promptly. [Statutory Authority: RCW 90.48-.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-080, filed 12/1/82; Order DE 74-1, § 173-220-080, filed 2/15/74.]

WAC 173-220-100 Public notice of public hearings. (1) Public notice of any hearing held pursuant to WAC 173-220-090 above shall be circulated at least as widely as was the notice pursuant to WAC 173-220-050. Procedures for the circulation of public notice for hearings held under WAC 173-220-090 shall include at least the following:

(a) Notice shall be published in at least one newspaper of general circulation within the geographical area of the discharge;

(b) Notice shall be sent to all persons and government agencies which received a copy of the notice pursuant to WAC 173-220-050 or the fact sheet;

(c) Notice shall be mailed to any person or group upon request; and

(d) Notice shall be effected pursuant to subparagraphs (a) and (c) of this paragraph at least thirty days in advance of the hearing.

(2) The contents of public notice of any hearing held in pursuant to WAC 173-220-090 shall include at least the following:

(a) Name, address, and phone number of agency holding the public hearing;

(b) A brief reference to the public notice issued pursuant to WAC 173-220-050, including identification number and date of issuance;

(c) Information regarding the time and location for the hearing;

(d) The purpose of the hearing;

(e) Address and phone number of premises at which interested persons may obtain information;

(f) A brief description of the nature of the hearing; (g) A concise statement of the issues raised by the persons requesting the hearing, when applicable and except in the case of general permit issuance:

(i) Name and address of each applicant whose proposed discharge will be considered at the hearing;

(ii) Name of waterway to which each discharge is made and a short description of the location of each discharge on the waterway. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-100, filed 12/1/82; Order DE 74-1, § 173-220-100, filed 2/15/74.]

WAC 173-220-110 Permit preparation. The department will prepare tentative staff determinations with respect to a permit application or a determination that a class of dischargers is appropriately covered by a general permit, in advance of public notice of the proposed issuance or denial of a permit. Such tentative determinations shall include at least the following:

(1) A proposed determination to issue or deny a permit for the discharge described in the application; and

(2) If the determination is to issue the permit, the following shall be included in a draft permit:

(a) Proposed effluent limitations for those pollutants proposed to be limited;

(b) A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed effluent limitations; and

(c) A brief description of any other proposed special conditions which will have a significant impact upon the discharge described in the application. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-110, filed 12/1/82; Order DE 74-1, § 173-220-110, filed 2/15/74.]

WAC 173-220-120 Prohibited discharges. No permit issued by the department shall authorize any person to:

(1) Discharge any radiological, chemical or biological warfare agent or high-level radioactive waste into navigable waters;

(2) Discharge any pollutants which the secretary of the army acting through the chief, corps of engineers, finds would substantially impair anchorage and navigation;

(3) Discharge any pollutant to which the regional administrator, not having waived his right to object pursuant to section 402(e) of the FWPCA, has objected in writing pursuant to section 402(d) of the FWPCA;

(4) Discharge from a point source any pollutant which is in conflict with the plan or amendment thereto approved pursuant to section 208(b) of the FWPCA;

(5) Discharge any pollutant subject to a toxic pollutant discharge prohibition under section 307 of FWPCA. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-120, filed 12/1/82; Order DE 74-1, § 173-220-120, filed 2/15/74.]

WAC 173-220-130 Effluent limitations, water quality standards and other requirements for permits. (1) Any permit issued by the department shall apply and insure compliance with all of the following, whenever applicable:

(a) Effluent limitations under sections 301, 302, 306, and 307 of the FWPCA. The effluent limitations shall not be less stringent than those based upon the treatment facility design efficiency contained in approved engineering plans and reports or approved revisions thereto. The effluent limits shall reflect any seasonal variation in industrial loading.

For combined waste treatment facilities, the effluent limitations for biochemical oxygen demand or suspended solids may be adjusted upwards to a maximum allowed by applying effluent limitations pursuant to sections 301(b)(1)(B) or 301(h) of the FWPCA to the domestic portion of the influent and effluent limitations pursuant to sections 301(b)(1)(A)(i), 301(b)(2)(A), and 301(b)(2)(E) of the FWPCA or standards of performance pursuant to section 306 of the FWPCA to the industrial portion of the influent: *Provided*, That the following additional condition is met:

Fecal coliform levels shall not exceed a monthly average of 200 organisms per 100 ml with a maximum weekly average of 400 organisms per 100 ml, unless a waiver is granted pursuant to section 301(h) of the FWPCA;

(b) Any more stringent limitation, including those:

(i) Necessary to meet water quality standards, treatment standards or schedules of compliance established pursuant to any state law or regulation under authority preserved to the state by section 510 of the FWPCA; or

(ii) Necessary to meet any federal law or regulation other than the FWPCA or regulations thereunder; or

(iii) Required to implement any applicable water quality standards; such limitations to include any legally applicable requirements necessary to implement total maximum daily loads established pursuant to section 303(d) and incorporated in the continuing planning process approved under section 303(e) of the FWPCA and any regulations and guidelines issued pursuant thereto;

(iv) Necessary to prevent or control pollutant discharges from plant site runoff, spillage or leaks, sludge or waste disposal, or raw material storage;

(v) Necessary to provide all known, available and reasonable methods of treatment.

(c) Any more stringent legal applicable requirements necessary to comply with a plan approved pursuant to section 208(b) of the FWPCA; and

(d) Prior to promulgation by the administrator of applicable effluent standards and limitations pursuant to sections 301, 302, 306, and 307 of the FWPCA, such conditions as the department determines are necessary to carry out the provisions of the FWPCA.

(2) In any case where an issued permit applies the effluent standards and limitations described in subparagraph (a) of paragraph (1) of this section, the department shall make a finding that any discharge authorized by the permit will not violate applicable water quality standards.

(3) In the application of effluent standards and limitations, water quality standards and other legally applicable requirements pursuant to paragraphs (1) and (2) hereof, each issued permit shall specify average and maximum daily quantitative (in terms of weight) or other such appropriate limitations for the level of pollutants and the authorized discharge.

[Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-130, filed 12/1/82; Order DE 74-1, § 173-220-130, filed 2/15/74.]

WAC 173-220-140 Schedules of compliance. (1) In addition to the application of the effluent standards and limitations, water quality standards, and other legally applicable requirements, all pursuant to WAC 173-220-130(1), (2), the department shall establish schedules and permit conditions as follows to achieve compliance with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements:

(a) With respect to any discharge which is found not to be in compliance with applicable effluent standards and limitations, applicable water quality standards, or other legally applicable requirements listed in WAC 173-220-130, the permittee shall be required to take specific steps to achieve compliance with the following:

(i) Any legally applicable schedule of compliance contained in:

(I) Section 301 of FWPCA;

(II) Applicable effluent standards and limitations;

(III) If more stringent, water quality standards; or

(IV) If more stringent, legally applicable requirements listed in WAC 173-220-130; (b) Schedules of compliance, shall set forth the shortest, reasonable period of time, to achieve the specified requirements, such period to be consistent with the guidelines and requirements of the FWPCA.

(2) In any case where the period of time for compliance specified in paragraph (1)(a) of this section exceeds one year, a schedule of compliance shall be specified in the permit which will set forth interim requirements and the dates for their achievement; however, in no event shall more than one year elapse between interim dates. If the time necessary for completion of the interim requirement (such as construction of a treatment facility) is more than one year and is not readily divided into stages of completion, interim dates shall be specified for the submission of reports of progress toward completion of the interim requirement.

(3) Either before or up to fourteen days following each interim date and the final date of compliance, the permittee shall provide the department with written notice of the permittee's compliance or noncompliance with the interim or final requirement.

(4) On the last day of the months of February, May, August, and November, the department shall transmit to the regional administrator a list of all instances, as of sixty days prior to the date of such report, of failure or refusal of a major permittee to comply with an interim or final requirement or to notify the department of compliance with each interim or final requirement (as required pursuant to paragraph (2) of this section). Such list shall be available to the public for inspection and copying and shall contain at least the following information with respect to each instance of noncompliance:

(a) Name and address of each noncomplying permittee;

(b) A short description of each instance of noncompliance (e.g., failure to submit preliminary plans, two-week delay in commencement of construction of treatment facility; failure to notify department of compliance with interim requirement to complete construction by June 30, etc.)

(c) A short description of any actions or proposed actions by the permittee or the department to comply or enforce compliance with the interim or final requirement; and

(d) Any details which tend to explain or mitigate an instance of noncompliance within interim or final requirement.

(5) If a permittee fails or refuses to comply with an interim or final requirement in a permit such noncompliance shall constitute a violation of the permit for which the department may modify, suspend or revoke the permit or take direct enforcement action. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-140, filed 12/1/82; Order DE 74-1, § 173-220-140, filed 2/15/74.]

WAC 173-220-150 Other terms and conditions. (1) In addition to the requirements of WAC 173-220-130 and 173-220-140, each issued permit shall require that:

(a) All discharges authorized by the permit shall be consistent with the terms and conditions of the permit; any facility expansions, production increases or process modifications which would result in new or increased discharges of pollutants must be reported to the department by submission of a new application or supplement thereto; or, if such discharge does not violate effluent limitations specified in the permit, by submission to the department of notice of such new or increased discharges of pollutants; any discharge of any pollutant more frequent than or at a level in excess of that identified and authorized by the permit shall constitute a violation of the terms and conditions of the permit.

(b) The permit may be modified, suspended or revoked in whole or in part during its terms for cause including, but not limited to, the following:

(i) Violation of any term or condition of the permit;

(ii) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

(iii) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(c) The permittee shall allow the department or its authorized representative upon the presentation of credentials and at reasonable times:

(i) To enter upon permittee's premises in which an effluent source is located or in which any records are required to be kept under terms and conditions of the

permit subject to any access restrictions due to the nature of the project;

(ii) to have access to and copy at reasonable cost any records required to be kept under terms and conditions of the permit;

(iii) to inspect any monitoring equipment or method required in the permit; or

(iv) to sample any discharge of pollutants.

(d) That, if the permit is for a discharge from a publicly owned treatment works, the permittee shall provide notice to the department of the following:

(i) Any new introduction of pollutants into such treatment works from a source which would be a new source as defined in section 306 of the FWPCA if such source were discharging pollutants;

(ii) except as to such categories and classes of point sources or discharges specified by the department, any new introduction of pollutants into such treatment works from a source which would be subject to section 301 of the FWPCA if such source were discharging pollutants;

(iii) any substantial change in volume or character of pollutants being introduced into such treatment works by a source introducing pollutants into such works at the time of issuance of the permit.

Such notice shall include information on:

(I) The quality and quantity of effluent to be introduced into such treatment works; and

(II) any anticipated impact of such change in the quantity or quality of effluent to be discharged from such publicly owned treatment works.

(e) The permittee shall at all times properly operate and maintain any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit. Where design criteria have been established, the permittee shall not permit flows or waste loadings to exceed approved design criteria, or approved revisions thereto.

(f) If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the FWPCA for a toxic pollutant which is present in the permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the department shall revise or modify the permit in accordance with the toxic effluent standard of prohibition and so notify the permittee.

(3) Every permit shall be conditioned to insure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308 of the FWPCA. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-150, filed 12/1/82; Order DE 74-1, § 173-220-150, filed 2/15/74.]

WAC 173-220-160 Transmission to regional administrator of issued permit. The department shall transmit, to the regional administrator, a copy of every issued permit, immediately following issuance, along with any and all terms, conditions, requirements, or documents which are a part of such permit or which affect the authorization by the permit of the discharge of pollutants. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-160, filed 12/1/82; Order DE 74-1, § 173-220-160, filed 2/15/74.]

WAC 173-220-170 Relationship with non-NPDES permits. Discharges of pollutants or other wastes that require permits from the department under RCW 90-.48.160, which are not satisfied through permits issued under this chapter, shall be subject to the permit requirements of RCW 90.48.160, et seq. Except where permits under RCW 90.48.160 are issued by a municipal corporation pursuant to chapter 173-208 WAC, permit requirements under this chapter and permit requirements under RCW 90.48.160 shall be contained in a single permit document. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-170, filed 12/1/82; Order DE 74-1, § 173-220-170, filed 2/15/74.]

WAC 173-220-180 Duration and replacement of existing permit. (1) Permits shall be issued for fixed terms not exceeding five years.

(2) Any permittee shall make application for replacement to existing permits or continuation of discharges after the expiration date of his permit by filing with the department an application for replacement of his permit at least one hundred eighty days prior to its expiration. The filing requirement for replacement shall be satisfied by written request for replacement by the permittee to the department, unless the department, at its discretion, requires a permittee to request a replacement by submitting to the department all applicable forms.

(3) The scope and manner of any review of an application for replacement of a permit by the department shall be sufficiently detailed as to insure the following:

(a) That the permittee is in compliance with or has substantially complied with all of the terms, conditions, requirements and schedules of compliance of the expired permit;

(b) That the department has up-to-date information on the permittee's production levels, permittee's waste treatment practices, nature, content and frequencies of permittee's discharge, either pursuant to the submission of new forms and applications or pursuant to monitoring records and reports resubmitted to the department by the permittee; and

(c) That the discharge is consistent with applicable effluent standards and limitations, water quality standards, and other legally applicable requirements listed in WAC 173-220-130, including any additions to, or revisions or modifications of such effluent standards and limitations, water quality standards, or other legally applicable requirements during the term of the permit.

(4) The notice and public participation procedures specified in WAC 173-220-050 through 173-220-100 are applicable to each draft replacement permit.

(5) When a permittee has made timely and sufficient application for the renewal of a permit, an expiring permit remains in effect and enforceable until the application has been finally determined by the department.

(6) Notwithstanding any other provision in this part, any point source, the construction of which is commenced after the date of enactment of the Federal Water Pollution Control Act Amendments of 1972 and which is so constructed as to meet all applicable standards of performance, shall not be subject insofar as the FWPCA is concerned to any more stringent standard of performance during a ten year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169 (or both) of the Internal Revenue Code of 1954, whichever period ends first. [Statutory Authority: RCW 90.48.035 and 90.48-.260. 82-24-078 (Order DE 82-39), § 173-220-180, filed 12/1/82; Order DE 74-1, § 173-220-180, filed 2/15/74.]

WAC 173-220-190 Modification, suspension, and revocation of permits. (1) Any permit issued under this chapter can be modified, suspended or revoked in whole or in part by the department for cause including, but not limited to, the causes listed in WAC 173-220-150(1)(b), or for failure or refusal of the permittee to allow entry according to RCW 90.48.090.

(2) The department may, upon request of the permittee, revise or modify a schedule of compliance or operating conditions in an issued permit if it determines good and valid cause (such as an act of God, strike, flood, materials shortage, or other event over which the permittee has little or no control) exists for such revision.

(3) The department shall modify, suspend or revoke permits only after public notice and opportunity for public hearing as provided in this chapter in those instances where changes are proposed which lessen the stringency of effluent limitations. In all other instances, the form of public notice and public participation, if any, shall be determined by the department on a case-by-case basis according to the significance of the proposed action.

(4) Nothing herein shall apply to permits remanded to the department for modification by the pollution control hearings board. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-190, filed 12/1/82; Order DE 74-1, § 173-220-190, filed 2/15/74.]

WAC 173-220-200 Transfer of permit. (1) A permit is automatically transferred to a new owner or operator if:

(a) A written agreement between the old and new owner or operator is submitted to the director, containing a specific date for transfer of permit responsibility, coverage, and liability; and

(b) The director does not notify the old and new owner or operator of his intent to modify, or revoke and reissue the permit. If this notice is not given, the transfer is effective on the date specified in the agreement mentioned in paragraph (a) above.

(2) Unless a permit is automatically transferred according to subsection (1) of this section, a permit may be transferred only if modified or revoked and reissued to identify the new permittee and incorporate such other requirements as may be necessary. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-200, filed 12/1/82; Order DE 74-1, § 173-220-200, filed 2/15/74.]

WAC 173-220-210 Monitoring, recording and reporting. (1) Monitoring.

(a) Any discharge authorized by a permit may be subject to such monitoring requirements as may be reasonably required by the department, including the installation, use, and maintenance of monitoring equipment or methods (including, where appropriate, biological monitoring methods). These monitoring requirements would normally include:

(i) Flow (in gallons per day); and (ii) All of the following pollutants:

(A) Pollutants (either directly or indirectly through the use of accepted correlation coefficients or equivalent measurements) which are subject to reduction or elimination under the terms and conditions of the permit;

(B) Pollutants which the department finds could have a significant impact on the quality of navigable waters;

(C) Pollutants specified by the administrator, in regulations issued pursuant to the FWPCA, as subject to monitoring; and (b) Each effluent flow or pollutant required to be monitored pursuant to paragraph (b) of this section shall be monitored at intervals sufficiently frequent to yield data which reasonably characterizes the nature of the discharge of the monitored effluent flow or pollutant. Variable effluent flows and pollutant levels may be monitored at more frequent intervals than relatively constant effluent flows and pollutant levels which may be monitored at less frequent intervals.

(c) Monitoring of intake water, influent to treatment facilities, and/or other internal waste streams may be required when determined necessary by the department to verify compliance with net discharge limitations or removal requirements, or to verify that proper waste treatment or control practices are being maintained.

(2) Recording of monitoring activities and results. Any permit which requires monitoring of the authorized discharge shall require that:

(a) The permittee shall maintain records of all information resulting from any monitoring activities required of him in his permit;

(b) Any records of monitoring activities and results shall include for all samples:

(i) The date, exact place, and time of sampling;

(ii) the dates analyses were performed;

(iii) who performed the analyses;

(iv) the analytical techniques/methods used; and

(v) the results of such analyses; and

(c) The permittee shall be required to retain for a minimum of three years any records of monitoring activities and results including all original strip chart recording for continuous monitoring instrumentation and calibration and maintenance records. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by

the permittee or when requested by the department or regional administrator.

(3) Reporting of monitoring results.

(a) The permittee shall periodically report (at a frequency of not less than once per year) on the proper reporting form, the monitoring results obtained pursuant to monitoring requirements in a permit. In addition to the required reporting form, the department at its discretion may require submission of such other results as it determines to be necessary.

(b) Monitoring reports shall be signed by:

(i) In the case of corporations, by a responsible corporate officer or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge originates.

(ii) In the case of a partnership, by a general partner.

(iii) In the case of a sole proprietorship, by the proprietor.

(iv) In the case of a municipal, state or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-210, filed 12/1/82; Order DE 74-1, § 173-220-210, filed 2/15/74.]

WAC 173-220-220 Control of disposal of pollutants into wells. (1) The disposal of pollutants into wells, excepting in the most extraordinary circumstances, is not authorized by the department.

(2) All applications requesting permission to dispose of pollutants into wells shall be processed under RCW 90.48.160, and/or under an approved underground injection control program.

(3) Under the extraordinary circumstance where an application for a permit is approved, the department shall include terms and conditions which shall control the proposed disposal in order to prevent pollution of ground and surface water resources and to protect the public health and welfare. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-220, filed 12/1/82; Order DE 74-1, § 173-220-220, filed 2/15/74.]

WAC 173-220-225 Appeals. (1) Individual permits are subject to appeals as specified in chapter 371-08 WAC.

(2) For general permits: (a) The terms and conditions of a general permit as they apply to the appropriate class of dischargers is subject to appeal within thirty days of issuance of a general permit; (b) the terms and conditions of a general permit as they apply to an individual discharger are subject to appeal within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or nonapplicability to that discharger. Appeal of general permit coverage of an individual discharger does not affect any other individual dischargers. If the terms and conditions of a general permit are found to be inapplicable to any discharger, the matter shall be remanded to the department for consideration of issuance of an individual permit. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-225, filed 12/1/82.]

WAC 173-220-240 Relationship of department of ecology to permits issued by the energy facility site evaluation council. (1) The Energy Facility Site Evaluation Council (EFSEC) shall be the state agency to receive applications for, issue, and modify permits for energy facilities subject to chapter 80.50 RCW. Processing of such applications shall be controlled by chapter 463-38 WAC. Application for issuance and modification of permits for all other energy facilities shall be the responsibility of the department.

(2) Monitoring, recording, and reporting activities required of operators of all energy facilities by the terms of a permit issued by EFSEC shall be supervised and enforced by the department.

(3) The department shall carry on an inspection program for the periodic inspection (to be performed not less than once every year) of discharges of pollutants from energy facilities authorized by a permit issued by EFSEC. Such inspections shall determine compliance or noncompliance with issued permits and, in particular, compliance or noncompliance with specific effluent limitations and schedules of compliance in such permits.

(4) The department shall carry on a surveillance program with respect to energy facility discharges for the random sampling and analysis of the discharge for the purpose of identifying occasional and continuing violations of permit conditions and the accuracy of information submitted by permittees in reporting forms.

(5) Enforcement activities regarding the NPDES program, including the levying of civil and criminal fines pertaining to all thermal power plants, whether the permit is issued by the department or EFSEC, shall be undertaken by the department, EFSEC, the attorney general, or the prosecuting attorney, as appropriate.

(6) Nothing in this section shall authorize the department to undertake enforcement or monitoring activities in a manner not consistent with the terms and conditions of any EFSEC-issued NPDES permit. [Statutory Authority: RCW 90.48.035 and 90.48.260. 82-24-078 (Order DE 82-39), § 173-220-240, filed 12/1/82; Order DE 74-1, § 173-220-240, filed 2/15/74.]

Chapter 173-230 WAC
CERTIFICATION OF OPERATORS OF WASTEWATER TREATMENT PLANTS

WAC

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-230-060 Applications. [Order 73-30, § 173-230-060, filed 11/9/73.] Repealed by 82-09-056 (Order DE 82-07), filed 4/16/82. Statutory Authority: Chapter 70-.95B RCW.

WAC 173-230-010 General. One of the basic requirements of the Wastewater Treatment Plant Operator Certification Act of 1973 (chapter 139, Laws of 1973) (chapter 70.95B RCW) is to have every operator in responsible charge of a wastewater treatment plant certified in a class equal to or higher than the class of his treatment plant. Certification under this act is available to all operators who can meet the minimum qualification of a given classification. Each operator is encouraged to apply for certification in the highest classification consistent with his qualifications. [Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-010, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-010, filed 10/11/78; Order 73-30, § 173-230-010, filed 11/9/73.]

WAC 173-230-020 Definitions. (1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) "Board" means the water and wastewater operators certification board of examiners established by RCW 70.95B.070.

(4) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(5) "Wastewater treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is performing work in the actual operation of a wastewater treatment plant.

(7) "Responsible charge" means the position held by an operator working on site at a wastewater treatment plant, including weekends, holidays, and shifts, where appropriate, who is in direct charge and is responsible for the operation of the plant or segment thereof. Responsible charge can, but is not required to, include supervisory responsibility over other employees. Responsible charge time may be accrued by the operator in charge of a shift, working alone as the only operator on duty, or when assigned as operator in charge in the absence of the designated operator in charge. [Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-020, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-020, filed 10/11/78; Order 73-30, § 173-230-020, filed 11/9/73.]

WAC 173-230-040 Certification required. (1) After July 1, 1974, it shall be unlawful for any person, firm, corporation, municipal corporation or other governmental subdivision or agency to operate a wastewater treatment plant unless the operator in responsible charge of day-to-day operation of the plant holds a valid certificate issued by the director of at least the same classification as that of the wastewater treatment plant.

(2) When a wastewater treatment plant is operated on more than one daily shift, including weekends or holidays, the operator in charge of each shift shall be certified. [Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-040, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-040, filed 10/11/78; Order 73-30, § 173-230-040, filed 11/9/73.]

WAC 173-230-050 Certification prerequisites. (1) Certificates shall be issued only upon application and only after payment of fees as required herein. Except as provided in WAC 173-230-050(2), certificates in appropriate classifications shall be issued to those who are eligible for examination pursuant to WAC 173-230-061 and only after successful completion of an examination as provided for in WAC 173-230-070.

(2) Certificates shall be issued without examination under the following conditions:

(a) In appropriate classifications, to an operator who on July 1, 1973, held a certificate of competency attained by examination under the voluntary certification program sponsored jointly by the department of social and health services and the pacific northwest pollution control association.

(b) In appropriate classifications, to a person verified by the governing body or owner to have been the operator in responsible charge of a wastewater treatment plant on July 1, 1973. A certificate issued to any person under this subsection shall be known as a "provisional" certificate and shall be valid only for the plant of which he was the operator on July 1, 1973, and shall not be renewed if such plant thereafter has been or is significantly modified or if the operator terminates his service with that plant.

(c) In appropriate classifications, to persons who fill a vacated position required to have a certified operator. A certificate issued under this subsection shall be known as a "temporary" certificate and shall be issued for a period of not more than twelve months from date of issue and shall be nonrenewable. If a position is vacated by the holder of a temporary certificate issued under this subsection, no additional temporary certificate shall be issued to his replacement. [Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-050, filed 4/16/82. Statutory Authority: RCW 70-.95B.040. 78-11-016 (Order DE 78-16), § 173-230-050, filed 10/11/78; Order 73-30, § 173-230-050, filed 11/9/73.]

WAC 173-230-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-230-061 Applications and certification requirements. (1) Application for certification to the various classifications of wastewater treatment plant operator shall be filed with the secretary for wastewater treatment of the water and wastewater operator certification board. The secretary shall make application forms available upon request.

(2) Upon receipt of a completed application, the secretary shall assemble all information needed and screen the application against the following criteria to determine eligibility for examination or reciprocal certification.

(3) Certification requirements: Applicants for examination or reciprocal certification to the various wastewater treatment operator classifications must meet the following minimum requirements or equivalents:

Class	Education	Operating Experience	Responsible Charge Time
OIT	12 years	3 months	None
Group I	12 years	1 year	None
Group II	12 years	3 years	None
Group III	14 years	4 years	2 years
Group IV	16 years	4 years	2 years

At least half of the experience requirement for certification to a Class II, III, or IV operator must be on-site, day-to-day experience. At least half of the responsible charge time requirement for certification to a Class III or IV operator must have been accrued on site in a plant with a classification not less than one classification lower than the class of certification being applied for.

(4) Definitions and equivalents related to certification requirements:

(a) "College" means a college degree or course work that is relevant to the operation of a wastewater treatment plant, such as sanitary, chemical, civil, electrical, or mechanical engineering, chemistry, biology, pharmacy, mathematics, or any of the environmental sciences. College shall also mean continuing education units CEUs in courses relevant to the operation of a wastewater treatment plant.

(b) One year of college credit shall mean thirty semester hours or forty-five quarter hours or forty-five continuing education units CEUs.

(c) Continuing Education Unit, (CEU) means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact lecture hours of participation in an organized continuing education experience, under responsible sponsorship, capable direction and qualified instruction. One CEU will also be awarded for twenty contact laboratory hours of training.

(d) Vocational experience shall mean work experience that is relevant to the operation of a wastewater treatment plant. Some related vocations are chemist, machinist, and electrician.

(5) Equivalent education:

(a) One year of operating experience may be substituted for one year of high school – four years maximum.

(b) One year of responsible charge time may be substituted for one year of college – one year maximum.

(6) Equivalent experience: College credit used as an equivalent for experience must be supported with a copy of college transcripts.

(a) Three CEUs relevant to the operation of a sewage treatment plant may be substituted for three months experience by an applicant for OIT.

(b) An applicant for Group I certification may not use an equivalent experience credit.

(c) An applicant for Group II certification may substitute up to one and one-half years of college for one and one-half years of experience.

(d) An applicant for Group III or IV certification may substitute up to two additional years of college for two years of experience.

(7) Equivalent responsible charge time: An applicant for Group III or IV may substitute one additional year of college for one year of responsible charge time.

(8) Equivalent experience. An applicant who does not satisfy the full amount of equivalent experience as specified under WAC 173-230-061(3) or (6) may request the board to allow any of the following or similar work experience to be credited toward the experience maximums set forth in WAC 173-230-061(3):

(a) Operation consultant equals 0 to 50 percent of time on duty.

(b) Wastewater collection or pump station operator or specialist equals 0 to 25 percent of time on duty.

(c) Water treatment plant operator equals 50 percent of time on duty.

(d) Water distribution and management equals to 0 to 50 percent of time on duty.

(e) Sewage treatment plant process control and laboratory equals 100 percent of time on duty.

(f) Sewage treatment plant operation and pump station operation equals 100 percent of time on duty.

(g) Sewage treatment plant operation and incineration operation equals 100 percent of time on duty.

(9) If no examination is required, the secretary shall present the application to the board for recommendation to the director as required by WAC 173-230-070(6) or 173-230-110.

(10) Group IV applications shall be submitted to the board for approval prior to scheduling for examination.

(11) If an examination is required, the secretary shall notify, schedule, and examine all applicants for certification. [Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-061, filed 4/16/82.]

WAC 173-230-070 Examination. (1) The board shall prepare written examinations to be used in determining the competency of operators.

(2) Examinations shall be held at least three times annually at places and times set by the board with advance announcements made by the board.

(3) All examinations will be graded by the board or by others designated by the board, and the applicant shall be notified of grade attained and pass or fail. Examinations will not be returned to the applicant.

(4) An applicant who fails to pass an examination may be reexamined at the next subsequent scheduled examination with no additional application or fee.

(5) An applicant who fails to pass a second examination as provided for in WAC 173-230-070(4) must reapply for further examination as provided for in WAC 173-230-090(2). The examination will not be administered until the second scheduled examination period following the date of the applicant's last examination.

(6) The board shall forward its recommendations for certification of those examined to the director. [Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-070, filed 4/16/82; Order 73-30, § 173-230-070, filed 11/9/73.]

WAC 173-230-080 Certificate term and renewals. (1) Except as provided for in WAC 173-230-050(2)(c), the term for any certificate or renewal thereof shall be from the first of January of the year of issuance until the thirty-first of December of the same year.

(2) Except as provided in WAC 173-230-050(2)(c), all certificates shall be renewable annually upon presentation of satisfactory evidence that the operator demonstrates continued professional growth in the field. In order to demonstrate continued professional growth in the field, each certified operator must accomplish one of the following three activities during a three-year period ending December 31, 1979, and in each three-year period thereafter.

(a) Accumulate a minimum of three relevant continuing education units CEUs, or three relevant college quarter hour credits; or

(b) Advance in his level of wastewater certification by examination. Advancement from OIT to I does not fulfill this requirement; or

(c) Retake and satisfactorily pass the examination given by the board for the classification for which a renewable certificate is desired. [Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-080, filed 4/16/82; Order 73-30, § 173-230-080, filed 11/9/73.]

WAC 173-230-100 Suspension and revocation. (1) When a certificate is not renewed, such certificate, upon notice by the director, shall be suspended for thirty days. If, during such suspension period, renewal of the certificate is not completed, the director shall give notice of revocation to the employer and to the certificate holder, and if, during the revocation notice period, renewal of the certificate is not completed, the certificate shall be revoked ten days after such notice is given.

(2) Certificates may be revoked when the board so recommends to the director, upon finding:

(a) Fraud or deceit in obtaining the certificate.

(b) Gross negligence in the operation of a wastewater treatment plant.

(c) Violation of the requirements of this chapter or the statute it implements or of any lawful rule, regulation or order of the department.

(3) No revocation shall be made under this subsection unless the operator has been notified that revocation is proposed, has been advised of the grounds therefor and has been given an opportunity to appear before the board and be heard on the matter.

(4) Whenever his certificate is revoked, the operator shall not be certified again until he has applied for certification as herein provided, paid the initial application fee, and successfully completed the examination provided for in WAC 173-230-070.

(5) If revocation was made pursuant to subsection (2) above, the operator shall not be eligible to reapply for a certificate for one year from the date the revocation became final. [Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-100, filed 4/16/82. Statutory Authority: RCW 70.95B.040. 78-11-016 (Order DE 78-16), § 173-230-100, filed 10/11/78; Order 73-30, § 173-230-100, filed 11/9/73.]

WAC 173-230-110 Reciprocity. The director shall accord an operator certified by another state reciprocal treatment, when in his judgment, and upon advice of the board, the certification requirements of such state are substantially equivalent to the requirements of this chapter. When such reciprocity is granted, the director shall so advise the operator. However, the term of such reciprocal approval shall be as provided in WAC 173-230-080 and the operator shall be subject to the same requirement of renewal as any operator initially certified in this state. [Statutory Authority: Chapter 70.95B RCW. 82-09-056 (Order DE 82-07), § 173-230-110, filed 4/16/82; Order 73-30, § 173-230-110, filed 11/9/73.]

Chapter 173-302 WAC
HAZARDOUS WASTE REGULATION

WAC

173-302-010 through 173-302-390 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-302-010 Purpose. [Order DE 77-34, § 173-302-010, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70-.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-010.

173-302-020 Applicability. [Order DE 77-34, § 173-302-020, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70-.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-020.

173-302-030 Abbreviations. [Order DE 77-34, § 173-302-030, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-030.

173-302-040 Definitions. [Order DE 77-34, § 173-302-040, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70-.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-040.

173-302-050 Conference. [Order DE 77-34, § 173-302-050, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70-.105 RCW and RCW 70.95.260.

173-302-060 Imminent hazard. [Order DE 77-34, § 173-302-060, filed 12/29/77.] Repealed by 82-05-023 (Order DE

81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-050.

173-302-070 Designation of EHW. [Order DE 77-34, § 173-302-070, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-080 Categorization. [Order DE 77-34, § 173-302-080, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-101.

173-302-090 Criteria for dangerous wastes (DW). [Order DE 77-34, § 173-302-090, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95-.260. Later promulgation, see chapter 173-303 WAC.

173-302-100 Criteria for extremely hazardous waste (EHW). [Order DE 77-34, § 173-302-100, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-110 Hazardous due to toxicity to man and wildlife. [Order DE 77-34, § 173-302-110, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-120 Hazardous due to quantity. [Order DE 77-34, § 173-302-120, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-102.

173-302-130 Hazardous due to persistence and potential hazard. [Order DE 77-34, § 173-302-130, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-140 Containers. [Order DE 77-34, § 173-302-140, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70-.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-160.

173-302-150 Division, dilution, and accumulation. [Order DE 77-34, § 173-302-150, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95-.260. Later promulgation, see WAC 173-303-150.

173-302-160 Appeal of designation. [Order DE 77-34, § 173-302-160, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-165 Disposal prohibited. [Statutory Authority: RCW 70-.105.020 and 70.105.030. 78-08-021 (Order DE 78-14), § 173-302-165, filed 7/12/78.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95-.260. Later promulgation, see chapter 173-303 WAC.

173-302-170 Requirements for generators. [Order DE 77-34, § 173-302-170, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-180 Manifest procedures. [Order DE 77-34, § 173-302-180, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-180.

173-302-190 Manifest form. [Order DE 77-34, § 173-302-190, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-180.

173-302-200 Waste transporter requirements. [Order DE 77-34, § 173-302-200, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-240.

173-302-210 Transporter applicability. [Order DE 77-34, § 173-302-210, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-240.

173-302-220 Waste acceptance. [Order DE 77-34, § 173-302-220, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-250 and 173-303-370.

173-302-230 Transportation. [Order DE 77-34, § 173-302-230, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-250.

173-302-240 Operator requirements. [Order DE 77-34, § 173-302-240, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.

173-302-250 Yearly operating plan. [Order DE 77-34, § 173-302-250, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.

173-302-260 Hazardous waste acceptance. [Order DE 77-34, § 173-302-260, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-370.

173-302-270 EHW handling at the disposal site. [Order DE 77-34, § 173-302-270, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.

173-302-280 Environmental requirements. [Order DE 77-34, § 173-302-280, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-290 Security requirements. [Order DE 77-34, § 173-302-290, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-310.

173-302-300 Safety requirements. [Order DE 77-34, § 173-302-300, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260.

173-302-310 Emergency requirements. [Order DE 77-34, § 173-302-310, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-350 and 173-303-360.

173-302-320 Personnel requirements. [Order DE 77-34, § 173-302-320, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-330.

173-302-330 Department surveillance. [Order DE 77-34, § 173-302-330, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-340 Financial requirements. [Order DE 77-34, § 173-302-340, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see WAC 173-303-620.

173-302-350 Treater requirements. [Order DE 77-34, § 173-302-350, filed 12/29/77.] Repealed by 82-05-023 (Order

DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-360 Treater applicability. [Order DE 77-34, § 173-302-360, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-370 EHW acceptance. [Order DE 77-34, § 173-302-370, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-380 Treatment criteria. [Order DE 77-34, § 173-302-380, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

173-302-390 Compliance. [Statutory Authority: RCW 70.105.020 and 70.105.030. 78-08-021 (Order DE 78-14), § 173-302-390, filed 7/12/78; Order DE 77-34, § 173-302-390, filed 12/29/77.] Repealed by 82-05-023 (Order DE 81-33), filed 2/10/82. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. Later promulgation, see chapter 173-303 WAC.

WAC 173-302-010 through 173-302-390 Repealed. See Disposition Table at beginning of this chapter.

Chapter 173-303 WAC
DANGEROUS WASTE REGULATIONS

WAC

WAC 173-303-010 Purpose. This regulation implements chapter 70.105 RCW, The Hazardous Waste Disposal Act of 1976 as amended in 1980, and Subtitle C of Public Law 94-580, The Resource Conservation and Recovery Act, which the legislature has empowered the department to implement.

(1) The purposes of this regulation are to:

(a) Designate those solid wastes which are dangerous or extremely hazardous to the public health and environment;

(b) Provide for surveillance and monitoring of dangerous wastes until they are detoxified, reclaimed, neutralized, or disposed of safely;

(c) Provide the form and rules necessary to establish a manifest system for tracking, reporting, monitoring, recordkeeping, sampling, and labeling of dangerous wastes;

(d) Establish the siting, design, operation, closure, post-closure, financial, and monitoring requirements for dangerous waste transfer, treatment, storage, and disposal facilities;

(e) Establish design, operation, and monitoring requirements for managing the state's extremely hazardous waste disposal facility;

(f) Establish and administer a program for permitting dangerous waste management facilities; and

(g) Encourage recycling to the maximum extent possible.

(2) Nothing in chapter 173-303 WAC is intended to abridge or alter the rights of action, by the state or by any person, which may exist in equity, common law, or other statutes to abate pollution or to abate a nuisance.

Nothing in chapter 173-303 WAC is intended to create or form the basis for any liability on the part of the state, or its officers, agents, or employees, for any injury or damage which result:

(a) From the failure of any person to comply with the provisions of this chapter;

(b) From any action on the part of the department of ecology related to the enforcement of this chapter; or

(c) From any inspection, order, permit, or approval by the department of ecology.

(3) Nothing in chapter 173-303 WAC is intended to alter, amend, or supersede the authority granted under chapter 80.50 RCW to the Energy Facility Site Evaluation Council (EFSEC). Applications for siting, certifying, and permitting thermal power plants shall be processed in accordance with chapter 463-42 WAC. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-010, filed 2/10/82. Formerly WAC 173-302-010.]

WAC 173-303-020 Applicability. (1) This regulation shall apply to all persons who handle dangerous wastes including, but not limited to:

(a) Generators;

(b) Transporters;

(c) Owners and operators of dangerous waste transfer, storage, treatment, and disposal facilities; and

(d) The operator of the state's extremely hazardous waste management facility.

(2) Nothing in this regulation shall apply to radioactive wastes. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-020, filed 2/10/82. Formerly WAC 173-302-020.]

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

(1) ASTM – American Society for Testing Materials
(2) APHA – American Public Health Association
(3) CDC – Center for Disease Control
(4) CFR – Code of Federal Regulations
(5) DOT – Department of Transportation
(6) °C – degrees Celsius
(7) DW – dangerous waste
(8) DWS – drinking water standards of the Safe Drinking Water Act
(9) EHW – extremely hazardous waste
(10) EP – extraction procedure
(11) EPA – Environmental Protection Agency
(12) °F – degrees Fahrenheit
(13) g – gram
(14) IARC – International Agency for Research on Cancer
(15) kg – kilogram (one thousand grams)
(16) L – liter
(17) lb – pound
(18) LC_{50} – lethal concentration 50 percent kill
(19) LD_{50} – lethal dose 50 percent kill
(20) M – molar (gram molecular weights per liter of solution)
(21) mg – milligram (one thousandth of a gram)
(22) NFPA – National Fire Protection Association
(23) NIOSH – National Institute for Occupational Safety and Health
(24) pH – negative logarithm of the hydrogen ion concentration
(25) POTW – publicly owned treatment works
(26) ppm – parts per million (weight/weight)
(27) RCRA – Resource Conservation and Recovery Act
(28) RCW – Revised Code of Washington
(29) TLm_{96} – toxic limit median, 96 hours
(30) TSD facility – treatment, storage disposal facility
(31) UBC – Uniform Building Code
(32) UFC – Uniform Fire Code
(33) USCG – United States Coast Guard
(34) USGS – United States Geological Survey
(35) WAC – Washington Administrative Code
(36) % – percent
(37) # – number

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-030, filed 2/10/82. Formerly WAC 173-302-030.]

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

(1) "Active portion" means that portion of a facility where transfer, treatment, storage or disposal operations

are being or have been conducted after the effective date of WAC 173-303-070 and which is not a closed portion. (See also "closed portion" and "inactive portion").

(2) "Administrator" means the administrator of the environmental protection agency or his designee.

(3) "Aquatic LC_{50}" (same as TLM_{96}) means a concentration in mg/L (ppm) which kills in 96 hours half of a group of ten or more of a medium sensitivity warm water species of fish such as Lepomis macrochirus (bluegill) or Pimephales promelas (flathead minnow), or cold water species such as salmonidae, when using the testing method described in WAC 173-303-110.

(4) "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.

(5) "Asbestos containing waste material" means any waste that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.

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

(7) "Berm" the shoulder of a dike.

(8) "Carcinogenic" means a material known to contain greater than one percent of an IARC positive or suspected, human or animal carcinogen. For inorganic carcinogens with nonbioaccumulative chronic effects, only those wastes (e.g., asbestos) which are likely to pose a respiratory carcinogenic threat shall be designated as carcinogenic dangerous wastes.

(9) "Claims-made policy" means an insurance policy that provides coverage for an occurrence if a claim is filed during the term of the policy.

(10) "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.

(11) "Closure" means the requirements placed upon all transfer, storage, treatment or disposal facilities to ensure that all such facilities are closed in an acceptable manner (see also post-closure definition).

(12) "Compliance procedure" shall mean any proceedings instituted pursuant to the Hazardous Waste Disposal Act as amended in 1980, 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 Disposal Act. For purposes of this section, a compliance procedure is considered to be pending from the time a notice of intent to terminate 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.

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

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

(15) "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 which could threaten the public health or environment.

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

(17) "Corrosive" means the characteristic of substances which are chemically very acidic or very basic, or which tend to corrode metals, and is a dangerous waste characteristic, WAC 173-303-090(6).

(18) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such 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.

(19) "Department" means the department of ecology.

(20) "Dermal LD_{50}" 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.

(21) "Designated facility" means the facility designated by the generator on the manifest to receive a dangerous waste shipment.

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

(23) "Director" means the director of the department of ecology.

(24) "Discharge" or "dangerous waste discharge" means the accidental or intentional release of dangerous waste into the environment.

(25) "Disposal" means the 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 or water.

(26) "Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue, 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.

(27) "Elementary neutralization unit" means a device which:

(a) 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

(b) Meets the definition of tank container, transport vehicle, or vessel.

(28) "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 transfer, storage, treatment, or disposal facility.

(29) "EP toxicity" means those contaminants described in WAC 173-303-090(8), dangerous waste characteristics, which would designate the waste as a dangerous or extremely hazardous waste, if found in the waste extract obtained by using the extraction procedure set forth in WAC 173-303-110(3)(a), testing methods.

(30) "Extremely hazardous waste" means any dangerous waste which

(a) will persist in a hazardous form for several years or more 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 or wildlife

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

(31) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for transferring, storing, treating, or disposing of dangerous waste. Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "dangerous waste facility" or "waste management facility" shall be used interchangeably.

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

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

(34) "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.

(35) "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.

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

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

(38) "Halogenated hydrocarbons" (HH) means only those halogenated hydrocarbons which can be obtained using the testing method described in WAC 173-303-110, testing methods, and which are persistent dangerous wastes.

(39) "Heavy metals" means only those metals which can be obtained using the Extraction Procedure (EP) described in WAC 173-303-110(3)(a), testing methods, and which are listed in WAC 173-303-090(8), dangerous waste characteristics.

(40) "Ignitable" means the characteristic of a substance which ignites or burns readily and vigorously, and is a dangerous waste characteristic, WAC 173-303-090(5).

(41) "Incinerator" means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down dangerous waste.

(42) "Incompatible waste" means a dangerous waste which is unsuitable for placement in a particular device or facility because it may corrode or decay the containment materials, or is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

(43) "Infectious waste" means organisms or materials listed in WAC 173-303-083, infectious dangerous wastes.

(44) "Inhalation LC_{50}" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours, kills within 14 days half of a group of ten rats each weighing between 200 and 300 grams.

(45) "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 contained therein.

(46) "Interim status permit" means a temporary permit given to treatment, storage, and disposal facilities which qualify under WAC 173-303-805(5).

(47) "Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

(48) "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 has the quality of persistence, or will remain after the facility is closed, this practice is disposal.

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

(50) "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.

(51) "Letter of credit" means the letter authorizing one person to pay money or extend credit to another on the credit of the writer. For the purposes of this regulation a bank would be authorized by a facility to pay money to the department in case of failure to perform closure according to this chapter.

(52) "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 top of a surface impoundment or landfill.

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

(54) "Manifest" means the shipping document 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.

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

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

(57) "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.

(58) "On-site" means the same or bordering property. Travel between two properties divided by a public right of way, and owned by the same person, shall be considered on-site travel if: (a) The travel crosses the right of way at a perpendicular intersection; or, (b) the right of way is controlled by the property owner and is inaccessible to the public.

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

(60) "Oral 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.

(61) "Penal sums" means the sum agreed upon in a bond, to be forfeited if the condition of the bond is not fulfilled.

(62) "Permit" means an authorization by the department 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.

(63) "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.

(64) "Persistence" means the quality of a material which 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.

(65) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(66) "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 desicant; 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.

(67) "Pile" means any noncontainerized accumulation of solid, nonflowing dangerous waste that is being treated or stored.

(68) "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.

(69) "Polycyclic aromatic hydrocarbons" (PAH) means only those 4-, 5-, or 6-ring aromatic hydrocarbons which can be obtained using the testing method described in WAC 173-303-110 and which are persistent dangerous wastes.

(70) "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 definition.)

(71) "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.

(72) "Reactive" means the characteristic of a substance which is unstable, easily undergoes chemical changes, or readily evolves vapors or gases, and is a dangerous waste characteristic, WAC 173-303-090(7).

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

(74) "Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

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

(76) "Schedule of compliance" means a schedule of remedial measure in a permit including an enforceable sequence leading to compliance with this regulation.

(77) "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.

(78) "Solid waste" means all putrescible and nonputrescible solid, semisolid, or liquid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, pressurized gaseous wastes in containers, and discarded commodities. (See also waste.)

(79) "Spill" means the accidental or intentional release of any material into the environment.

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

(81) "Standby trust fund" shall mean a trust fund which must be established by an owner or operator who obtains a letter of credit or surety bond as specified in these regulations. The institution issuing the letter of credit or surety bond will deposit into the standby trust fund any drawings by the department on the credit or bond.

(82) "Storage" means the holding of dangerous waste for a temporary period, except that the accumulation of dangerous waste, by the generator on the site of generation, for less than ninety days from the date the dangerous waste was generated is not storage.

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

(84) "Surety bond" means the obligation of a guarantor to pay a second party upon default by a third party in the performance the third party owes to the second party. For purposes of this regulation the guarantor may be a bank, the second party the department and the third party a facility.

(85) "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 or man–made materials, and which is designed to hold an accumulation of dangerous wastes. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(86) "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.

(87) "Thermal treatment" means the use of a device which uses primarily elevated temperatures to treat a dangerous waste.

(88) "TLM_{96}" means the same as "Aquatic LC_{50}."

(89) "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 into the environment during treatment.

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

(91) "Transfer facility" or "collection facility" means a facility at which dangerous waste shipments are collected, consolidated, and stored for more than ten days before transfer to a storage, treatment, or disposal facility.

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

(93) "Transporter" means a person engaged in the off–site transportation of dangerous waste.

(94) "Travel time" means the period of time necessary for a molecule of a dangerous waste constituent released to the soil (either by accident or intent) to enter the nearest well or surface water used for drinking purposes.

(95) "Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

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

(97) "Trust fund" means the money or property set aside as a trust for the benefit of another and held by a trustee.

(98) "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.

(99) "Waste" means any discarded, abandoned, unwanted, or unrecoverable material.

(100) "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.

(101) "Waste water treatment unit" means a device which:

(a) Is part of a waste water treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Federal Clean Water Act; and

(b) Handles dangerous waste as defined in WAC 173–303–070 in either of the following manner:

(i) Receives and treats or stores an influent dangerous waste water; or

(ii) Generates and accumulates or treats or stores a dangerous waste water treatment sludge; and

(c) Meets the definition of tank in WAC 173–303–040.

(102) "Existing TSD facility" means a facility which was in operation or for which construction commenced on or before the effective date of this chapter. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state and local hazardous waste control statutes, regulations and ordinances and either:

(a) A continuous on–site, physical construction program has begun; or

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

(103) "New TSD facility" means a facility which began operation or for which construction commenced after the effective date of this chapter.

Any terms used in this chapter which have not been defined in this section shall have either the same meaning as set forth in Title 40 CFR Part 260, or else shall 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. [Statutory Authority: Chapter 70-.105 RCW and RCW 70.95.260. 82–05–023 (Order DE

81-33), § 173-303-040, filed 2/10/82. Formerly WAC 173-302-040.]

WAC 173-303-045 References to EPA's hazardous waste and consolidated 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 267, or EPA's Consolidated Permit Regulations, including 40 CFR Parts 122 through 125, shall include any federal rules or amendments to federal rules as published in the Federal Register on the following dates:

(a) May 19, 1980;
(b) July 16, 1980;
(c) October 30, 1980;
(d) November 10, 1980;
(e) November 12, 1980;
(f) November 17, 1980;
(g) November 19, 1980;
(h) November 25, 1980;
(i) December 4, 1980;
(j) December 31, 1980;
(k) January 9, 1981;
(l) January 12, 1981;
(m) January 16, 1981;
(n) January 23, 1981;
(o) February 13, 1981;
(p) February 20, 1981;
(q) March 23, 1981;
(r) May 18, 1981;
(s) May 20, 1981;
(t) June 3, 1981;
(u) June 29, 1981;
(v) July 7, 1981;
(w) July 15, 1981; and
(x) November 17, 1981.

(2) Copies of these publications can be obtained from the department. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-045, filed 2/10/82.]

WAC 173-303-050 Imminent hazard. Notwithstanding any provisions of this regulation, the director or his designee may take immediate action within his authority to avert an imminent and substantial danger to the public health or the environment caused by the improper management of any dangerous waste, regardless of quantity or concentration. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-050, filed 2/10/82. Formerly WAC 173-302-060.]

WAC 173-303-060 Notification and identification numbers. (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who operates a dangerous waste transfer, storage, treatment, or disposal facility shall have an EPA/State identification number (EPA/State ID #).

(2) Any person who offers a dangerous waste to a transporter, transfer station, or to a dangerous waste storage, treatment, or disposal facility which does not have an EPA/State ID # shall be in violation of this regulation.

(3) Every person who must have an EPA/State ID #, and who has not already received his ID #, must notify the department by obtaining and completing a Washington state notification form, and submitting the completed form to the department. The notification form and instructions for its completion may be obtained by contacting the department.

(4) The EPA/State ID # must be used in all records and reports required by the department. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-060, filed 2/10/82.]

WAC 173-303-070 Designation of dangerous waste. (1) Purpose. This section describes the procedures for determining whether or not a solid waste is a dangerous waste or an extremely hazardous waste.

(2) Applicability. The procedures in this section are applicable to any person who is required by chapter 173-303 WAC to determine whether or not his solid waste is designated as dangerous or extremely hazardous, or who desires an exemption for a designated dangerous waste. Any person who must determine whether or not his solid waste is designated under chapter 173-303 WAC shall perform such designation in the following general manner:

(a) He shall determine whether or not his waste is designated by the dangerous waste lists, which include WAC 173-303-080 through 173-303-084, or by the dangerous waste characteristics, WAC 173-303-090; or

(b) In lieu of subsection (2)(a), above, he shall determine whether or not his waste is designated by the dangerous waste criteria, which include WAC 173-303-100 through 173-303-103.

Any person who wishes to seek an exemption for a waste which has been designated dangerous or extremely hazardous shall comply with the requirements of subsection (6), below.

(3) Designation procedures. To determine whether or not his waste is designated, a person must check certain sections of this regulation. These sections are set forth in subsection (3)(a) and (b), and the manner of their use is described. Any person who determines by these procedures that his waste is designated as dangerous or extremely hazardous shall be subject to all applicable requirements of chapter 173-303 WAC. The dangerous waste designation procedures are also illustrated in WAC 173-303-9901, flowchart for designating dangerous wastes, and WAC 173-303-9902, narrative for designating dangerous wastes.

(a) Except as provided in subsection (3)(b), below, a person shall check his waste against the following sections, and in the following order:

(i) First, discarded chemical products, WAC 173-303-081;

(ii) Second, dangerous waste sources, WAC 173-303-082;

(iii) Third, infectious dangerous wastes, WAC 173-303-083;

(iv) Fourth, dangerous waste mixtures, WAC 173-303-084; and

(v) Last, dangerous waste characteristics, WAC 173-303-090.

A person shall check each section, in the order set forth, until he determines that his waste is designated. Once his waste is designated, he need not determine any other designations for his waste, except as required by subsection (5), below. If he has checked his waste against each section and his waste is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

(b) In lieu of subsection (3)(a), above, a person shall check his waste against the following sections, and in the following order:

(i) First, toxic dangerous waste, WAC 173-303-101;

(ii) Second, persistent dangerous wastes, WAC 173-303-102;

(iii) Third, carcinogenic dangerous wastes, WAC 173-303-103; and

(iv) Last, dangerous waste characteristics, WAC 173-303-090.

A person shall check each section, in the order set forth, until he determines that his waste is designated. If he determines that his waste is designated as a dangerous waste (DW), then he must assure that it is not also an extremely hazardous waste (EHW) by checking it against the remaining sections. If he determines that his waste is designated as an EHW, then he need not check it against any remaining sections. If he has checked his waste against all of the sections and it is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

(4) Criteria designation required. The department may order any person to determine whether or not his waste is designated under the dangerous waste criteria, as set forth in WAC 173-303-100, if the department has reason to believe that his waste would be designated dangerous or extremely hazardous by the dangerous waste criteria. If a person, pursuant to an order issued under subsection (4), determines that his waste is a dangerous waste, then he shall be subject to the applicable requirements of this chapter 173-303 WAC. The department shall base its order on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be dangerous or extremely hazardous;

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

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

(d) Evidence or information about a person's manufacturing materials or processes which indicate that his wastes may be dangerous or extremely hazardous.

(5) Special knowledge. If a generator has designated his waste under the dangerous waste lists, as set forth in WAC 173-303-080, and has knowledge that his waste also exhibits any of the dangerous waste characteristics, WAC 173-303-090, or that his waste also meets any of the dangerous waste criteria set forth in WAC 173-303-100, or both, then he shall also designate his waste in accordance with those dangerous waste characteristics, a criteria, or both.

(6) Waste exemption. A generator whose waste has been designated as a dangerous or extremely hazardous waste under the dangerous waste lists or the dangerous waste characteristics may, at any time, check his waste against the dangerous waste criteria, WAC 173-303-100, for the purposes of exempting or changing the designation of his waste. The generator shall then submit a petition to the department in accordance with WAC 173-303-910, petitions, including all relevant data. The department shall, by order, issue a final determination regarding the designation or exemption of the waste.

(7) Dangerous waste numbers. When a generator is reporting (e.g., exception reports, annual reports, etc.) or keeping records on a dangerous waste, he shall use all the dangerous waste numbers (DW#s) which he knows are assignable to his waste from the dangerous waste lists, characteristics, or criteria (e.g., if his waste is ignitable *and* contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the DW#s of D001 and WP01). This shall not be construed as requiring the generator to designate his waste beyond those designation requirements set forth in WAC 173-303-070(2), (3), (4), and (5), above. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-070, filed 2/10/82.]

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 hazardous, 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) Petitions. Generators who believe that their wastes should be excluded may petition the department in accordance with the requirements of WAC 173-303-910, petitions, including all relevant data.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050:

(a) Domestic sewage that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment;

(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;

(c) Radioactive wastes or byproducts;

(d) Household wastes;

(e) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(f) Waste tires from motor vehicles;

(g) 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;

(h) Roofing tars and shingles;

(i) Waste railroad ties;

(j) Waste telephone and utility poles and pole butts;

(k) Irrigation return flows;

(l) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(m) Mining overburden returned to the mining site; and

(n) Polychlorinated biphenyl (PCB) wastes regulated by EPA under 40 CFR Part 761 (Toxic Substances Control Act regulation).

(4) Temporary exclusions. The following wastes are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, until January 1, 1984. The department will study data provided by industry on each of the wastes listed in WAC 173-303-071(4) to assess the need for permanent exclusions. Any waste which has not been permanently excluded (by addition to WAC 173-303-071(3), above) by January 1, 1984, shall become subject to the requirements of chapter 173-303 WAC:

(a) Drilling fluids, produced waters, and other wastes associated with the exploration, development and production of oil, gas, or geothermal energy;

(b) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels; and

(c) Cement kiln dust waste. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-071, filed 2/10/82.]

WAC 173-303-075 Certification of designation. (1) Purpose and applicability.

(a) The purpose of WAC 173-303-075 is to establish procedures by which the generator of a solid waste may apply to the department for a review of his waste, and for a determination of the designation of his waste. When a final determination is made, the department shall issue a certificate of designation which shall describe the status of the generator's waste with respect to the designation requirements of this chapter 173-303 WAC.

(b) The provisions of this section are applicable to any person who produces a solid waste and who may be subject to the requirements of this chapter 173-303 WAC as the generator of a dangerous waste.

(2) Certification. Any person who produces a solid waste which could be a dangerous waste may apply to the department, in accordance with the guidelines published pursuant to WAC 173-303-075(4), for a certificate of designation for his waste.

(a) The certificate of designation will describe the status of the designation for a waste or wastes as follows:

(i) Either, the certificate will state that the waste or wastes listed in the certificate are designated dangerous waste; or

(ii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the designation procedures of WAC 173-303-080 through 173-303-090; or

(iii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the dangerous waste criteria, WAC 173-303-100 through 173-303-103.

(b) The certificate of designation will, at a minimum, include the following information:

(i) The name, address, telephone number and, where applicable, the EPA/State identification number of the person to whom the certificate is issued;

(ii) A statement of the status of the designation of the waste or wastes listed in the certificate;

(iii) A listing of the waste or wastes for which the certificate has been issued;

(iv) The signature of the director or his designee;

(v) The date on which the certificate was issued; and

(vi) The period of time for which the certificate is valid.

(c) Once a certificate of designation has been issued to a person, that person is no longer subject to the designation procedures of WAC 173-303-080 through 173-303-103, unless the period of time for which the certificate is valid expires, or the department withdraws its certification of designation in accordance with WAC 173-303-075(5). If the certificate states that the waste or wastes listed in it are designated, then the person to whom the certificate is issued shall comply with all applicable requirements of this chapter 173-303 WAC. If the certificate states that the waste or wastes listed in it are not designated, then the person to whom the certificate is issued is not subject to the requirements of this chapter 173-303 WAC, unless the certificate becomes invalid or the department withdraws its certification.

(d) While an application for a certificate of designation is pending final action by the department, the person applying for certification must comply with all applicable requirements of this chapter 173-303 WAC.

(e) While a certificate of designation is being amended, in accordance with WAC 173-303-075(5), the certificate shall remain in effect except for those parts of the certificate which the department specifically suspends.

(3) Designation. Determination of the status of designation for a waste or wastes for which a certificate of designation is being sought shall follow the procedures set forth in this paragraph, WAC 173-303-075(3).

(a) A waste shall be certified as a dangerous waste if it is designated under any of the methods set forth in WAC 173-303-080 through 173-303-103.

(b) A waste shall be certified as not a dangerous waste if:

(i) It has only been checked against WAC 173-303-080 through 173-303-090 and it is not designated; or

(ii) It has been checked against the dangerous waste criteria, WAC 173-303-100 through 173-303-103, and it is not designated.

(c) The final determination of the status of designation shall be stated in the certificate of designation, in accordance with WAC 173-303-075(2)(b)(ii), for the waste or wastes listed in the certificate.

(4) Application.

(a) Within one hundred twenty days of the effective date of the chapter 173-303 WAC, the department will publish guidelines describing how to apply for a certificate of designation. The guidelines can be obtained from the department after publication.

(b) The application guidelines, at a minimum, will prescribe:

(i) Basic requirements for information (e.g., the name, address and telephone number of the person making application, the waste or wastes for which the certificate of designation is sought, and such other general information as the department may require);

(ii) Data necessary for designating the waste or wastes (e.g., names and concentrations of chemical constituents in a waste, if known, results of any tests performed on a waste, information on the processes which produced a waste and any chemicals used in those processes, etc.);

(iii) Sampling and testing procedures, and the circumstances under which sampling and testing will be required;

(iv) Such other information and procedures as the department may deem necessary for the accurate designation of a waste;

(v) Procedures and forms for submitting applications;

(vi) Procedures which the department will follow in considering applications and determining the status of designation;

(vii) Procedures for issuing certificates of designation; and

(viii) Procedures for reviewing certification, pursuant to WAC 173-303-075(5), including procedures for amendment and withdrawal of certification.

(5) Review of certification.

(a) The department will periodically review each certificate of designation to insure that it is current and accurately states the proper designation for the waste or wastes listed on the certificate.

(b) The department may amend, or any person with a certificate of designation may request the department to amend, any certificate in the event that changes to the certificate are necessary to keep it current or maintain its accuracy. The person will obtain concurrence of the department if he wishes to amend his certificate to reflect changes in the information on the certificate (e.g., new wastes, changes in waste properties, changes of address, etc.).

(c) The department reserves the authority to withdraw any certificate of designation if there is reason to believe that the certificate results in a threat to public health or the environment. If a certificate is withdrawn, then the waste or wastes listed on the certificate shall be subject to all applicable requirements of this chapter 173-303 WAC. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-075, filed 2/10/82.]

WAC 173-303-080 Dangerous waste lists. The dangerous waste lists include:

(1) WAC 173-303-081, Discarded chemical products;

(2) WAC 173-303-082, Dangerous waste sources;

(3) WAC 173-303-083, Infectious dangerous wastes; and

(4) WAC 173-303-084, Dangerous waste mixtures. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-080, filed 2/10/82.]

WAC 173-303-081 Discarded chemical products. (1) A waste shall be designated as a dangerous waste if it is discarded or intended to be discarded in amounts greater than the quantity exclusion limits of WAC 173-303-081(2), below, and if it is:

(a) A 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;

(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) Or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial or 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.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes identified in WAC 173-303-081(1), above, shall be a dangerous waste generator if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the discarded chemical products list as extremely hazardous wastes (EHW) – 2.2 lbs. (1.0 kg) per month or per batch;

(ii) For chemicals designated on the discarded chemical products list as dangerous wastes (DW) – 400 lbs. (181.8 kg) per month or per batch;

(iii) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the discarded chemical products list as EHW – 220 lbs. (100 kg) per month or per batch.

(b) A person's total monthly waste quantity shall be the sum of all his wastes of a given type (e.g., the total quantity of all EHW discarded chemical products, the total quantity of all liners contaminated by EHW discarded chemical products, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Mixtures. If a person mixes a solid waste with a waste that would be designated as a discarded chemical product under this section, then the entire mixture shall be designated. The mixture designation shall be the same as the designation for the discarded chemical product which was mixed with the solid waste. For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (dangerous waste number P004; EHW designation) and 22 lbs. (10 kg) of a solid waste, would be designated as an EHW, and would have the dangerous waste number P004.

(4) Discarded chemical products list. The discarded chemical products list appears in WAC 173-303-9903. The generator shall determine the appropriate DW or EHW designation for his waste from the discarded chemical products list, and shall comply with all applicable requirements for that designation. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-081, filed 2/10/82.]

WAC 173-303-082 Dangerous waste sources. The dangerous waste sources list appears in WAC 173-303-9904. Any waste which is listed on the dangerous waste sources list, and which is generated in amounts which exceed 400 lbs. (181.8 kg) per month or per batch, shall be designated as a dangerous waste (DW), and shall be assigned the dangerous waste number (DW #) which corresponds to the waste's listing. If a person mixes a solid waste with a waste that would be designated as a dangerous waste source under this section, then the entire mixture shall be designated as a dangerous waste source. The mixture shall be designated as a DW, and shall have the same dangerous waste number as the dangerous waste source which was mixed with the solid waste. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-082, filed 2/10/82.]

WAC 173-303-083 Infectious dangerous wastes. (Reserved.) [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-083, filed 2/10/82.]

WAC 173-303-084 Dangerous waste mixtures. (1) Purpose. It is the purpose of this section to describe the means for designating a waste mixture containing dangerous wastes which are not listed in WAC 173-303-081 through 173-303-083.

(2) References. The 1981 publication of the National Institute for Occupational Safety and Health's (NIOSH) "Registry of Toxic Effects of Chemical Substances" (Registry) is adopted by reference. The table in the United States EPA's regulations 40 CFR Table 117.3 (Spill Table) is adopted by reference.

(3) Waste mixture defined. For the purposes of this section, a waste mixture shall be any waste about which some or all of its constituents and concentrations are known, and which has not been designated as:

(a) A discarded chemical product under WAC 173-303-081;

(b) A dangerous waste source under WAC 173-303-082; or

(c) An infectious dangerous waste under WAC 173-303-083.

(4) A person who has a waste mixture shall use data which is available to him, and, when such data is inadequate for the purposes of this section, shall refer to the NIOSH Registry and/or to the EPA Spill Table to determine:

(a) Toxicity data or category for each known constituent in his waste;

(b) Whether or not each known constituent of his waste is a halogenated hydrocarbon or a polycyclic aromatic hydrocarbon; and,

(c) Whether or not each known constituent of his waste is an International Agency for Research on Cancer (IARC) human or animal, positive or suspected carcinogen.

(5) Toxicity.

(a) If a person has toxic constituents in his waste, he shall determine the toxic category for each known toxic constituent. The toxic category for each constituent may be determined directly from EPA'S Spill Table, or by obtaining data from the NIOSH Registry and checking this data against the toxic category table, below. If data is available for more than one of the four toxicity criteria (aquatic, oral, inhalation, or dermal), then the data of severest toxicity shall be used, and the most acutely toxic category shall be assigned to the constituent. If toxicity data for a constituent cannot be found in EPA'S Spill Table, NIOSH Registry, or other source reasonably available to a person, then he need not determine the toxic category for that constituent.

TOXIC CATEGORY TABLE

Category	TLM_{96} (Fish) or, Aquatic (Fish) LC_{50}(ppm)	Oral (Rat) LD_{50}(mg/kg)	Inhalation (Rat) LC_{50}(mg/L)	Dermal (Rabbit) LD_{50}(mg/kg)
X	<.1	<.5	<.02	< 2
A	.1 - 1	.5 - 5	.02 -.2	2 - 20
B	1 - 10	5 - 50	.2 - 2	20 - 200
C	10 - 100	50 - 500	2 - 20	200 - 2000
D	100 - 1000	500 - 5000	20 - 200	2000 - 20,000

(b) A person whose waste mixture contains one or more toxic constituents shall determine the equivalent concentration for his waste from the following formula:

$$\text{Equivalent Concentration}(\%) = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10{,}000} + \Sigma D\%$$

where Σ(X,A,B,C, or D) % is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste mixture contains: Aldrin (X Category) – .01%; Diuron (B Category) – 1%; Benzene (C Category) – 4%; Phenol (C Category) – 2%; Cyclohexane (C Category) – 5%; Water (nontoxic) – 87%. His equivalent concentration (E.C.) would be:

$$\text{E.C}(\%) = \frac{.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{1000} + \frac{(4\% + 2\% + 5\%)}{10{,}000} + 0\%$$

$$= .01\% + 0\% + .01\% + .011\% + 0\% = .031\%$$

So his equivalent concentration equals .031%.

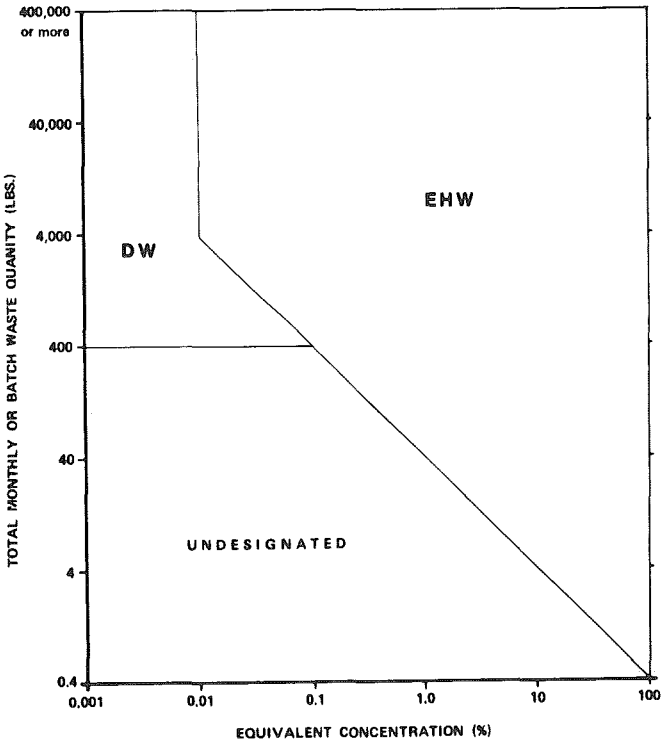
(c) A person whose waste mixture contains toxic constituents shall determine his designation from the toxic dangerous waste mixtures graph, below, by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from

his waste mixture's equivalent concentration. If the plotted point is in the area marked dangerous waste (DW), he shall designate his waste as a dangerous waste; if the plotted point is in the area marked extremely hazardous waste (EHW), he shall designate his waste as an extremely hazardous waste.

(d) If a person knows only some of the toxic constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated under WAC 173-303-084(5).

(e) Toxic dangerous waste mixtures graph. A larger version of this graph appears in WAC 173-303-9906.

Figure 1.



(6) Persistence.

(a) A person whose waste mixture contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of those halogenated hydrocarbons for which he knows the concentrations in his waste mixture.

Example 2. A person's waste mixture contains: Carbon tetrachloride – .009%; DDT – .012%; 1,1,1 – trichloroethylene – .02%. His total halogenated hydrocarbon concentration would be:

Total HH Concentration (%) = .009% + .012% + .02% = .041%

(b) A person whose waste mixture contains one or more four–, five–, or six–ring polycyclic aromatic hydrocarbons for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of those four–, five–, or six–ring polycyclic aromatic hydrocarbons about which he knows the concentration in his waste mixture.

Example 3. A person's waste mixture contains: Chrysene – .08%; 3, 4 – benzpyrene – 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

Total PAH Concentration (%) = .08% + 1.22% = 1.3%

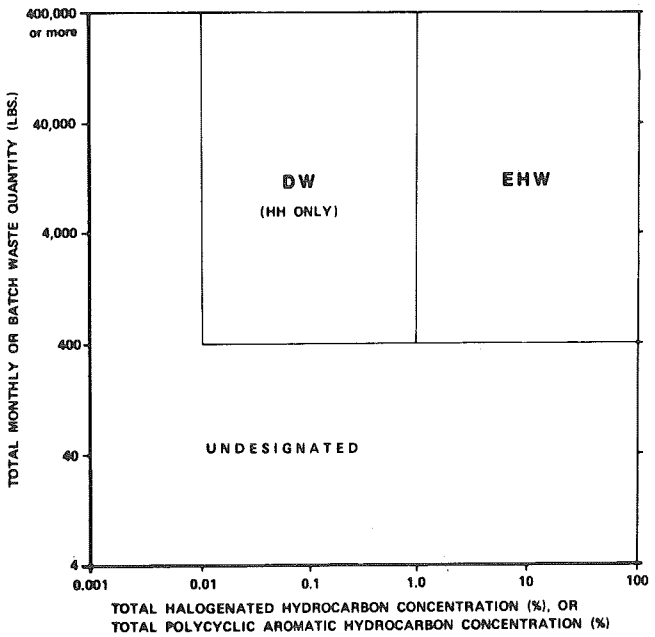
(c) A person whose waste mixture contains halogenated hydrocarbons shall determine his designation from the persistent dangerous waste mixtures graph, below, by finding the total halogenated hydrocarbon concentration for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total halogenated hydrocarbon concentration. If the plotted point is in the area marked dangerous waste (DW), then he shall designate his waste as a dangerous waste; if the plotted point is in the area marked extremely hazardous waste (EHW), then he shall designate his waste as an extremely hazardous waste.

(d) A person whose waste mixture contains four–, five–, or six–ring polycyclic aromatic hydrocarbons shall determine his designation from the persistent dangerous waste mixtures graph, below, by finding the total polycyclic aromatic hydrocarbon concentration of his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total polycyclic aromatic hydrocarbon concentration. If the plotted point is in the area marked extremely hazardous waste (EHW), then he shall designate his waste as an extremely hazardous waste. If the plotted point is outside of the area marked EHW, then his waste is not designated as a dangerous waste.

(e) If a person knows only some of the persistent constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated under WAC 173-303-084(6).

(f) Persistent dangerous waste mixtures graph. A larger version of this graph also appears in WAC 173-303-9907.

Figure 2.



(7) Carcinogens. Any person whose waste mixture contains one or more IARC human or animal, positive or suspected carcinogen(s) shall designate his waste as a dangerous waste (DW) if:

(a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and

(b) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg.).

(8) Assigning dangerous waste numbers. A person whose waste is a dangerous waste mixture shall assign a dangerous waste number (DW #) from the generic dangerous waste numbers table in WAC 173-303-104, generic dangerous waste numbers. He shall assign the DW # from the table which corresponds to the designation for his dangerous waste. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-084, filed 2/10/82.]

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 shall be the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910, petitions.

(4) Quantity exclusion limit. A solid waste which has been designated as a dangerous or extremely hazardous waste solely because it exhibits one or more of the dangerous waste characteristics shall be subject to the requirements of chapter 173-303 WAC if its quantity exceeds 400 lbs. (181.8 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, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;

(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 as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation; or,

(iv) It is an oxidizer as defined in 49 CFR 173.151.

(b) A solid waste that exhibits the characteristic of ignitability, but is not designated as a dangerous waste under any of the dangerous waste lists, as set forth in WAC 173-303-080, shall be designated as a dangerous waste (DW), and shall be 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 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 the testing methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," available from the department; or

(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 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods." The NACE Standard is available from the department.

(b) A solid waste that exhibits the characteristic of corrosivity, but is not designated as a dangerous waste under any of the dangerous waste lists, as set forth in WAC 173-303-080, shall be designated as a dangerous waste (DW), and shall be assigned the dangerous waste number of D002.

(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 173.51, or a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity, but is not designated as a dangerous waste under any of the dangerous waste lists, as set forth in WAC 173-303-080, shall be designated as a dangerous waste (DW), and shall be assigned the dangerous waste number of D003.

(8) Characteristic of EP toxicity.

(a) A solid waste exhibits the characteristic of EP toxicity if, using "Extraction Procedure Test Methods – 1981" on file with the department, the extract from a representative sample of the waste contains any of the contaminants listed in the EP toxicity list below, 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, is considered to be the extract for the purposes of this paragraph.

(b) A solid waste that exhibits the characteristic of EP toxicity, but is not designated as a dangerous waste under any of the dangerous waste lists, as set forth in WAC 173-303-080, has the dangerous waste number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) EP toxicity list. Two levels of concentration are established for the contaminants listed. Any waste containing one or more contaminants with concentrations in the extremely hazardous waste (EHW) range shall cause that waste to be designated as extremely hazardous. Any waste containing contaminants all or some of which occur at concentrations in the dangerous waste (DW) range only (i.e., no EHW contaminants), shall be designated as dangerous waste.

EP TOXICITY LIST

Dangerous Waste Number	Contaminant	EHW Maximum Concentration In Extract (mg/L)	DW Maximum Concentration In Extract (mg/L)
D004	Arsenic	> 500	5 – 500
D005	Barium	> 10,000	100 – 10,000
D006	Cadmium	> 100	1 – 100
D007	Chromium (VI)	> 500	5 – 500
D008	Lead	> 500	5 – 500
D009	Mercury	> 20	0.2 – 20
D010	Selenium	> 100	1 – 100
D011	Silver	> 500	5 – 500
D012	Endrin	> 2	0.02 – 2
D013	Lindane	> 40	0.4 – 40
D014	Methoxychlor	> 1,000	10 – 1,000
D015	Toxaphene	> 50	0.5 – 50
D016	2,4-D	> 1,000	10 – 1,000
D017	2,4,5-TP Silvex	> 100	1 – 100

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-090, filed 2/10/82.]

WAC 173-303-100 Dangerous waste criteria. (1) The dangerous waste criteria consist of:

(a) Toxic dangerous wastes, WAC 173-303-101;

(b) Persistent dangerous wastes, WAC 173-303-102;

(c) Carcinogenic dangerous wastes, WAC 173-303-103; and

(d) Dangerous waste characteristics, WAC 173-303-090.

(2) Applicability. Any person who has established that his waste meets any of the dangerous waste criteria is a dangerous waste generator, and shall comply with the requirements set forth in this chapter for generators. A person shall use the dangerous waste criteria to designate his waste pursuant to WAC 173-303-070(3)(b), or 173-303-070(4), or to exempt his waste pursuant to WAC 173-303-070(6), or to otherwise establish the risk which his waste presents to public health and the environment. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-100, filed 2/10/82.]

WAC 173-303-101 Toxic dangerous wastes. (1) Purpose. This section describes methods for determining the toxicity of a waste and the criteria by which a toxic waste shall be designated as a dangerous or extremely hazardous waste.

(2) Categorization. (a) the following toxic category table establishes categories (X, A, B, C, or D) for particular toxicity levels. The X category is the most toxic, and the D category is least toxic. Substances which have toxicity levels below the D category are generally considered to be nontoxic.

TOXIC CATEGORY TABLE

Category	TLM_{96} (Fish) or Aquatic (Fish) LC_{50}(ppm)	Oral (Rat) LD_{50}(mg/kg)	Inhalation (Rat) LC_{50}(mg/L)	Dermal (Rabbit) LD_{50} (mg/kg)
X	<.1	<.5	<.02	<2
A	.1 – 1	.5 – 5.0	.2 – 2	2 – 20
B	1 – 10	5 – 50	.2 – 2	20 – 200

TOXIC CATEGORY TABLE

Category	TLM$_{96}$ (Fish) or Aquatic (Fish) LC$_{50}$(ppm)	Oral (Rat) LD$_{50}$(mg/kg)	Inhalation (Rat) LC$_{50}$(mg/L)	Dermal (Rabbit) LD$_{50}$ (mg/kg)
C	10 - 100	50 - 500	2 - 20	200 - 2000
D	100 - 1000	500 - 5000	20 - 200	2000 - 20,000

(b) In order to determine the toxic categories for the constituents in his waste, a person must obtain toxicity data on the constituents either through knowledge he has about his waste, or by obtaining data from the two sources referenced in WAC 173-303-101(3)(a) and (b), below (EPA'S Spill Table and NIOSH Registry). If data obtained for a constituent is available for more than one of the toxicity criteria (aquatic, oral, inhalation, or dermal), then the data of severest toxicity shall be used to assign the most acutely toxic category to the waste constituent.

(3) Establishing waste toxicity. A person shall establish the toxicity of his waste or waste constituents by applying his knowledge about his waste, or by using the following information sources or testing methods, or both:

(a) The National Institute for Occupational Safety and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances" (Registry);

(b) The United States EPA's regulation 40 CFR Table 117.3 (Spill Table); and

(c) The bioassay testing methods adopted under WAC 173-303-110(3).

(4) Book designation procedure.

(a) A person may use the book designation procedure described in this paragraph only if:

(i) He knows the toxic categories (as set forth in WAC 173-303-101(2), above) for the significant toxic constituents in his waste;

(ii) He knows the concentrations of the significant toxic constituents in his waste; and

(iii) He can demonstrate to the department beyond a reasonable doubt that any waste constitutents about which he has limited or no knowledge do not significantly affect the toxicity of his waste.

(b) Equivalent concentration. A person who is book designating his waste shall determine the equivalent concentration (in percent) of the toxic constituents in his waste by using the following formula:

$$\text{Equivalent Concentration (\%)} = \Sigma X\% + \frac{\Sigma A\%}{10} + \frac{\Sigma B\%}{100} + \frac{\Sigma C\%}{1000} + \frac{\Sigma D\%}{10{,}000}$$

where Σ(X,A,B,C, or D)% is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

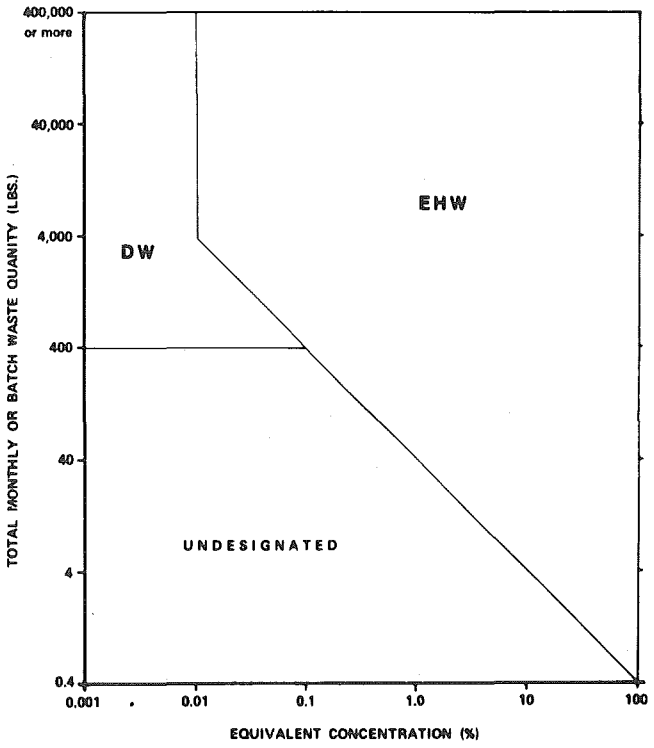
$$\text{E.C. (\%)} = .01\% + \frac{0\%}{10} + \frac{1\%}{100} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10{,}000}$$

$$= .01\% + 0\% + .01\% + .011\% + 0\% = .031\%$$

So his equivalent concentration equals .031%.

(c) Toxic dangerous waste graph. To book designate his waste, a person shall use the toxic dangerous waste mixtures graph, below (also, a larger version of this graph appears in the appendix WAC 173-303-9906), by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked dangerous waste (DW), he shall designate his waste as a dangerous waste; if the plotted point is in the area marked extremely hazardous waste (EHW), he shall designate his waste as an extremely hazardous waste.

Figure.



(5) Designation from bioassay data. If a person has established the toxicity of his waste by means of the bioassay test methods adopted under WAC 173-303-110(3), sampling and testing methods, and has determined his waste's toxicity range (C category or greater toxicity, or D category toxicity), then he shall designate his waste according to the toxic dangerous waste designation table, below.

TOXIC DANGEROUS WASTE DESIGNATION TABLE

If your waste's toxic range falls in the . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation is . . .
D Category	Greater than 400 lbs. (181.8 kg)	Dangerous Waste (DW)
X, A, B, or C Category	40 – 400 lbs. (18.2 – 181.8 kg)	DW
	Greater than 400 lbs. (181.8 kg)	Extremely Hazardous Waste (EHW)

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-101, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-102 Persistent dangerous wastes. (1) Purpose. This section describes the procedures for designating wastes which contain halogenated hydrocarbons (HH) and/or four-, five-, and six-ring polycyclic aromatic hydrocarbons (PAH).

(2) Concentration determination. A person shall determine the concentration of HH and/or PAH in his waste by either testing his waste as specified in WAC 173-303-102(2)(a), below, or by the calculation procedures described in WAC 173-303-102(2)(b), below.

(a) Concentration tests. A person shall test his waste to determine its concentration level as follows:

(i) For HH – By using the testing methods specified in WAC 173-303-110(3)(b); and,

(ii) For PAH – By using the testing methods specified in WAC 173-303-110(3)(c).

(b) Concentration calculations. If a person knows the concentrations of the significant persistent constituents in his waste, and if he can demonstrate to the department beyond a reasonable doubt that any remaining persistent constituents for which he does not know the concentrations would not contribute significantly to the total persistent concentration, then he may calculate the concentration of persistent constituents in his waste as follows:

(i) A person whose waste contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of his waste's significant halogenated hydrocarbons.

Example 1. A person's waste contains: Carbon tetrachloride – .009%; DDT – .012%; 1,1,1 – trichloroethylene – .02%. His total halogenated hydrocarbon concentration would be:

Total HH Concentration (%) = .009% + .012% + .02% = .041%

(ii) A person whose waste contains one or more four-, five-, or six-ring polycyclic aromatic hydrocarbons for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of his waste's significant four-, five-, or six-ring polycyclic aromatic hydrocarbons.

Example 2. A person's waste contains: Chrysene – .08%; 3, 4 – benzpyrene – 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

Total PAH Concentration (%) = .08% + 1.22% = 1.3%

(3) Designation criteria and quantity. A person whose waste contains persistent (HH or PAH) constituents shall designate his waste according to the persistent dangerous waste table, below, if his monthly or batch waste quantity exceeds 400 lbs. (181.8 kg.).

PERSISTENT DANGEROUS WASTE TABLE

If your waste contains . . .	At a concentration level of . . .	Then your waste's designation is . . .
Halogenated Hydrocarbons (HH)	0.01 to 1.0%	Dangerous Waste (DW)
	greater than 1.0%	Extremely Hazardous Waste (EHW)
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*

* No DW concentration level for PAH. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-102, filed 2/10/82. Formerly WAC 173-302-130.]

WAC 173-303-103 Carcinogenic dangerous wastes. (1) Criteria. A substance which is listed in the National Institute for Occupational Safety and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances" (Registry), or any other documents, as an IARC (International Agency for Research on Cancer) human or animal, positive or suspected carcinogen, shall be a carcinogenic substance for the purposes of this section. Any IARC identified substance which is an inorganic, respiratory carcinogen shall be a carcinogenic substance only if it occurs in a friable format (i.e., if it is in a waste which easily crumbles and forms dust which can be inhaled).

(2) Designation. Any person whose waste contains one or more IARC carcinogen(s) shall designate his waste as a dangerous waste (DW) if:

(a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and

(b) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg). [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-103, filed 2/10/82.]

WAC 173-303-104 Generic dangerous waste numbers. (1) Purpose. This section sets forth the dangerous waste number (DW#) for each of the dangerous waste criteria designations.

(2) Characteristics. A waste which exhibits any of the dangerous waste characteristics, WAC 173-303-090, shall be assigned the DW# corresponding to the characteristic(s) exhibited by the waste.

(3) Criteria. The following table shall be used for assigning DW#s to wastes designated by the dangerous waste criteria.

GENERIC DANGEROUS WASTE NUMBERS TABLE

DW#	Dangerous Waste Criteria and Designation
	Toxic Dangerous Wastes
WT01	EHW
WT02	DW
	Persistent Dangerous Wastes
	Halogenated Hydrocarbons
WP01	EHW
WP02	DW
	Polycyclic Aromatic Hydrocarbons
WP03	EHW
	Carcinogenic Dangerous Wastes
WC01	DW

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-104, filed 2/10/82.]

WAC 173-303-110 Sampling and testing methods. (1) Purpose. This section describes the testing methods which may be used in the process of designating a dangerous waste.

(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, 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;

(ii) Extremely viscous liquid – ASTM Standard D140-70;

(iii) Fly ash-like material – ASTM Standard D2234-76;

(iv) Soil-like material – ASTM Standard D1452-65;

(v) Soil or rock-like material – ASTM Standard D420-69;

(vi) Containerized liquid wastes – "COLIWASA" described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," and also in "Samplers and Sampling Procedures for Hazardous Waste Streams," EPA 600/2-80-18, January 1980; and,

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs – "Pond Sampler" described in the same documents referenced in WAC 173-303-110(2)(a)(vi), above.

(b) Copies of these representative sampling methods are available from the department.

(3) Test procedures. The following test procedures are on file with the department, and shall be used when testing a waste for the indicated purposes:

(a) Determining EP toxicity – "Extraction Procedure Test Methods – 1981";

(b) Determining halogenated hydrocarbon concentrations – "Parr Bomb Test for Total Chlorine";

(c) Determining polycyclic aromatic hydrocarbon concentrations – "Analysis for Polynuclear Aromatic Hydrocarbons";

(d) Determining aquatic fish toxicity (TLM_{96} or Aquatic LC_{50}) – "Static Acute Fish Toxicity Test" described in the document "Biological Testing Methods, Compliance with the Hazardous Waste Regulations," DOE 80-12, October, 1980; and,

(e) Determining oral rat toxicity (LD_{50}) – "Acute Oral Rat Toxicity Test" described in the document referenced in WAC 173-303-110(3)(d), above.

(4) Substantial changes to the testing methods described above shall 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 request the department to approve an equivalent testing method by submitting a petition, prepared in accordance with WAC 173-303-910, petitions, to the department. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-110, filed 2/10/82.]

WAC 173-303-120 Recycled, reclaimed, and recovered wastes. (1) Purpose. It is the purpose of this section to set forth the conditions under which a dangerous waste shall be handled when it is being recycled, reclaimed, or recovered.

(2) Any dangerous waste which is designated only because it exhibits one or more of the dangerous waste characteristics set forth under WAC 173-303-090 shall not be subject to the regulations of chapter 173-303 WAC if:

(a) It is being beneficially used or reused, or legitimately recycled, reclaimed, or recovered; or

(b) It is being accumulated, stored, or treated prior to beneficial use or reuse, or legitimate recycling, reclamation, or recovery.

(3) Any dangerous waste which is listed, or contains one or more dangerous wastes designated in the dangerous waste lists set forth under WAC 173-303-080, and which is transported or stored prior to being used, reused, recycled, reclaimed, or recovered is subject to the following requirements:

(a) WAC 173-303-060, notification and identification numbers;

(b) WAC 173-303-170 through 173-303-230 for generators;

(c) WAC 173-303-240 through 173-303-270 for transporters;

(d) WAC 173-303-280 through 173-303-395 for facility owners/operators;

(e) The storage requirements of WAC 173-303-400 through 173-303-520 for interim status facilities;

(f) The storage requirements of WAC 173-303-500 through 173-303-670 for final status facilities; and

(g) WAC 173-303-800 through 173-303-840 with respect to storage facility permits. [Statutory Authority:

Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-120, filed 2/10/82.]

WAC 173-303-130 Containment and control of infectious wastes. (Reserved.) [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-130, filed 2/10/82.]

WAC 173-303-140 Disposal of extremely hazardous waste. No person shall dispose of designated extremely hazardous waste (EHW) at any land disposal facility in the state other than the facility established and approved by the department for such purpose under chapter 70.105 RCW. A person is not prohibited from reclaiming, recycling, recovering, treating, detoxifying, neutralizing, or otherwise processing EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter 173-303 WAC. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-140, filed 2/10/82.]

WAC 173-303-141 Treatment, storage, or disposal of dangerous waste. A person shall only offer a designated dangerous waste for treatment, storage, or disposal (TSD) to a facility which is operating under a permit issued pursuant to the requirements of WAC 173-303-800 through 173-303-845, unless otherwise authorized by the department. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-141, filed 2/10/82.]

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 into the environment, except when such release is otherwise permitted under state or federal law. This section shall apply when any dangerous waste, or when any material having the properties of a dangerous waste, as described in WAC 173-303-080 through 173-303-103, is intentionally or accidentally spilled or discharged into the environment (unless otherwise permitted) such that public health or the environment are threatened, regardless of the quantity of material or the quantity exclusion limits for dangerous waste.

(2) Notification. Any person who is responsible for a nonpermitted spill or discharge shall immediately notify the individuals and authorities described for the following situations:

(a) For spills or discharges onto the ground or into groundwater 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; and

(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 appropriate regional office of the department of ecology.

(3) Mitigation and control. The person responsible for a nonpermitted spill or discharge shall 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 department may require the person responsible for a spill or discharge to:

(i) Clean up all released substances (dangerous wastes, or materials having the properties of dangerous waste), or to 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 substances as may be justified by the nature of the released 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, unless otherwise approved by the department. 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 substances resulting from clean-up; 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) Where immediate removal or temporary storage of spilled or discharged substances is necessary to protect human health or the environment, the department may direct that removal be accomplished without a manifest, by transporters who do not have EPA/State identification numbers, or that the substances be temporarily stored at facilities which do not have permits issued under this chapter 173-303 WAC.

(4) Nothing in WAC 173-303-145 shall eliminate any obligations to comply with reporting requirements which may exist in a permit or under other state or federal regulations. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-145, filed 2/10/82.]

WAC 173-303-150 Division, dilution, and accumulation. (1) Any action taken to evade the intent of this regulation by dividing or diluting wastes to change their designation shall be prohibited, except for the purposes of treating, neutralizing, or detoxifying such wastes.

(2) Separation of a homogeneous waste into heterogeneous phases (e.g., separation of a suspension into sludge and liquid phases, or of a solvent/water mixture into solvent and water phases, etc.) shall not be considered as

division, provided that the person generating the waste either:

(a) Designates the homogeneous waste before separation, and handles the entire waste accordingly; or

(b) Designates each phase of the heterogeneous waste, in accordance with the dangerous waste designation requirements of this chapter, and handles each phase accordingly.

(3) For the purposes of designation, quantities of continuously generated wastes shall be summed monthly. All wastes generated less frequently than once a month shall be considered as batch or single event wastes. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-150, filed 2/10/82. Formerly WAC 173-302-150.]

WAC 173-303-160 Containers. (1) Waste quantity. Containers and inner liners shall not be considered as a part of the waste when measuring or calculating the quantity of a dangerous waste.

(2) A container or inner liner is empty when 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., pouring, pumping, aspirating, etc.) and, either less 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 one percent or less of the container's or inner liner's capacity, whichever quantity is less. A container which held compressed gas is empty when the pressure inside the container equals or nearly equals atmospheric pressure.

(3) A container or inner liner which held designated dangerous waste (DW) need not be designated if it is empty, as defined in WAC 173-303-160(2), above.

(4) A container or inner liner which held extremely hazardous waste (EHW), or pesticides bearing the danger or warning label, need not be designated if it is empty, as defined in WAC 173-303-160(2), above, and if it has been rinsed at least three times with an appropriate cleaner or solvent. The volume of cleaner or solvent used for each rinsing shall be ten percent or more of the container's or inner liner's capacity. In lieu of rinsing for containers that might be damaged or made unusable by rinsing with liquids (e.g., fiber or cardboard containers without inner liners), an empty container may be vacuum cleaned, struck three times (e.g., on the ground, with a hammer or hand) to remove or loosen particles from the inner walls and corners, and vacuum cleaned again.

Any rinsate or vacuumed residue which results from the cleaning of containers or inner liners and which is a solid waste shall be reused in a manner consistent with the original intended purpose of the substance in the container or inner liner, or in the case of a farmer, if the rinsate is a pesticide or herbicide residue then the rinsate shall be disposed or reused in a manner consistent with the instructions on the pesticide or herbicide label, or else the rinsate shall be checked against the designation requirements (WAC 173-303-070 through 173-303-090) and, if designated, managed according to the requirements of this chapter 173-303 WAC.

A person may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910, petitions. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-160, filed 2/10/82. Formerly WAC 173-302-140.]

WAC 173-303-170 Requirements for generators of dangerous waste. (1) A person shall be a dangerous waste generator if his solid waste is designated by the requirements of WAC 173-303-070 through 173-303-090.

(a) The generator shall be responsible for designating his dangerous waste as extremely hazardous or dangerous waste.

(b) The generator may request an exemption for his dangerous waste according to the procedures of WAC 173-303-910, petitions.

(2) A dangerous waste generator shall comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) The generator shall comply with the requirements of WAC 173-303-060, notification and identification numbers.

(4) A person who triple rinses and disposes of his own containers shall comply with WAC 173-303-230(3), Special conditions, and WAC 173-303-160, Containers.

(5) Any generator who transfers, stores, treats, or disposes of dangerous waste on-site shall perform his operations in accordance with the requirements of this chapter 173-303 WAC. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-170, filed 2/10/82.]

WAC 173-303-180 Manifest. Before transporting dangerous waste off the site of generation, the generator shall prepare a typed or printed manifest, containing the information required below, and shall follow all applicable procedures described below.

(1) Required information for manifests. The manifest shall contain at least the following information:

(a) A manifest document number;

(b) The generator's name, address, telephone number, and EPA/State identification number;

(c) The name, address, telephone number, and EPA/State identification number of the origin of the dangerous waste, if the origin is different from the generator;

(d) The transporter's name, address, telephone number, and EPA/State identification number;

(e) The name, address, and EPA/State identification number of the designated receiving facility, and of one alternate facility;

(f) The total quantity of each dangerous waste, and the type and number of containers to be received by the transporter;

(g) The description of the waste(s) as required by United States Department of Transportation (DOT) regulations, 49 CFR 172.101, 172.202, and 172.203,

and, when such information would be useful in the event of a spill or discharge during transport, the approximate percentages of each waste component;

(h) Measures to be taken in case of accident, the National Response Center phone number, 1-800-424-8802, and the CHEM-TREC phone number, 1-800-424-9300;

(i) Such other information as required by the department to implement chapter 70.105 RCW; and

(j) The following certification, or an equivalent certification, on the manifest:

> "This is to certify that the above named materials are properly designated, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation and the Washington State Department of Ecology."

(2) The manifest shall consist of enough copies to provide the generator, transporter(s), and facility owner/operator with a copy, and a copy for return to the generator.

(3) Manifest procedures.

(a) The generator shall:

(i) Sign and date the manifest certification by hand;

(ii) Obtain the 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 shall give the remaining manifest copies to the transporter.

(c) 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.

(d) 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.

(4) Special requirements for shipments to the Washington extremely hazardous waste (EHW) facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford shall notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator shall 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. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95-.260. 82-05-023 (Order DE 81-33), § 173-303-180, filed 2/10/82. Formerly WAC 173-302-180 and 173-302-190.]

WAC 173-303-190 Preparing dangerous waste for transport. The generator shall fulfill the following requirements before transporting off-site or offering for off-site transport any dangerous waste.

(1) Packaging. The generator shall package all dangerous waste for transport in accordance with United States DOT regulations on packaging, 49 CFR Parts 173, 178, and 179, and with packaging requirements of the Washington state utilities and transportation commission (UTC) and the Washington state patrol.

(2) Labeling. The generator shall label each package in accordance with United States DOT regulations, 49 CFR Part 172.

(3) Marking. The generator shall:

(a) Mark each package of dangerous waste in accordance with United States DOT regulations, 49 CFR Part 172; and

(b) Mark each package containing one hundred ten gallons or less of dangerous waste with the following, or essentially equivalent, words and information, displayed in accordance with 49 CFR 172.304:

> DANGEROUS 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
>
> .....
>
> .....
>
> .....
>
> Manifest Document Number
>
> .....

(4) Placarding. The generator shall placard, or offer to the initial transporter all appropriate placards in accordance with United States DOT regulations, 49 CFR Part 172, Subpart F. [Statutory Authority: Chapter 70-.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-190, filed 2/10/82.]

WAC 173-303-200 Accumulating dangerous waste on-site. A generator may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(1) 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 in ninety days or less;

(2) The waste is placed in containers which meet the standards of WAC 173-303-190(1), packaging, and are

managed in accordance with WAC 173-303-630 (6) and (8), use and management of containers; or

(3) In tanks, provided the generator complies with the requirements set forth in WAC 173-303-400 for tanks except for waste analysis and trial tests (i.e., comply with Subpart J of 40 CFR Part 265 except 265.193);

(4) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(5) Each container is properly labeled and marked according to WAC 173-303-190(2), labeling, and WAC 173-303-190(3), marking; and

(6) The generator complies with the requirements for facility operators contained in WAC 173-303-340 through 173-303-360. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-200, filed 2/10/82.]

WAC 173-303-210 Generator recordkeeping. (1) The generator shall keep a copy of each manifest signed by the initial transporter in accordance with WAC 173-303-180(3), manifest procedures, for three years, or until he receives a signed copy from the designated facility which received the waste. The signed facility copy shall be retained for at least three years from the date the waste was accepted by the initial transporter.

(2) The generator shall keep a copy of each annual report and exception report as required by WAC 173-303-220 for a period of at least three years from the due date of each report.

(3) The generator shall keep records of any test results, waste analyses, or other determinations made in accordance with WAC 173-303-170(1) for designating dangerous waste, for at least three years from the date that the waste was last transferred for on-site or off-site storage, treatment, or disposal.

(4) The periods of retention for any records described in this section shall be automatically extended:

(a) During the course of any unresolved enforcement action requiring those records; or

(b) Upon request by the director. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-210, filed 2/10/82.]

WAC 173-303-220 Generator reporting. The generator shall submit the following reports to the department by the specified due date for each report, or within the time period allowed for each report.

(1) Annual reports.

(a) A generator who ships his dangerous waste off-site shall submit annual reports to the department, on the generator annual report form - Part A according to the instructions on the form (copies are available from the department), no later than March 1 for the preceding calendar year.

(b) Any generator who stores, treats, or disposes of dangerous waste on-site shall comply with the reporting requirements of WAC 173-303-390, Facility reporting.

(2) Exception reports.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter must contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

(b) A generator must submit an exception report to the department if he has not received a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

(c) The exception report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of those efforts.

(d) The department may require a generator to submit exception reports in less than forty-five days if it finds that the generator frequently or persistently endangers public health or the environment through improper waste shipment practices.

(3) Additional reports. The director, as he deems necessary under chapter 70.105 RCW, may require a generator to furnish additional reports concerning the quantities and disposition of his dangerous waste. [Statutory Authority: Chapter 70.105 RCW and RCW 70-.95.260. 82-05-023 (Order DE 81-33), § 173-303-220, filed 2/10/82.]

WAC 173-303-230 Special conditions. (1) Exporting dangerous waste.

(a) The requirements of 40 CFR, Section 262.50(a), (b) and (c), International Shipments, are here adopted by reference.

(b) Copies of any exception reports submitted to the Administrator of United States EPA shall be submitted to the director of the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer shall comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), required information for manifests, 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 shall be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his agent shall sign and date the certification and obtain the signature of the initial transporter.

(3) Triple rinsing. 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 shall not be treated as a generator or as a facility owner/operator, provided that:

(a) He triple rinses each emptied dangerous waste container in accordance with WAC 173-303-160, containers; and

(b) The rinsate is not a dangerous waste under this chapter 173-303 WAC; or

(c) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide or herbicide residues, he reuses or disposes of the rinsate in a manner consistent with the instructions on the pesticide or herbicide label.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars shall handle the rinsate according to this chapter, 173-303 WAC, and according to chapter 90.48 RCW, water pollution control. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-230, filed 2/10/82.]

WAC 173-303-240 Requirements for transporters of dangerous waste. (1) Transporters shall comply with the requirements of WAC 173-303-060, notification and identification numbers.

(2) Any person who transports a dangerous waste shall comply with the requirements of WAC 173-303-240 through 173-303-270, when:

(a) The dangerous waste has been manifested according to the requirements of WAC 173-303-180; and

(b) The dangerous waste is being delivered to the owner/operator of a transfer, storage, treatment or disposal facility, whether in-state or out-of-state.

(3) Any person who transports a dangerous waste shall also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the state from another country; or

(b) Mixes dangerous waste of different United States Department of Transportation (DOT) shipping descriptions by mixing them into a single container.

(4) These requirements shall not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or owners/operators of permitted storage, treatment, or disposal facilities. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-240, filed 2/10/82. Formerly WAC 173-302-210.]

WAC 173-303-250 Dangerous waste acceptance, transport, and delivery. (1) A transporter shall not accept dangerous waste from a generator unless it is accompanied by a manifest prepared by the generator in accordance with WAC 173-303-180, manifest.

(2) Before transporting a dangerous waste shipment, the transporter shall sign and date the manifest, acknowledging acceptance of the dangerous waste. The transporter shall return a signed copy to the generator before commencing transport.

(3) The transporter shall 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 shall:

(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 shall 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; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(6) If the dangerous waste cannot be delivered in accordance with WAC 173-303-250(5), above, the transporter shall contact the generator for further directions, and shall revise the manifest according to the generator's instructions.

(7) The requirements of WAC 173-303-250 (3), (4), and (8) 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), transporter recordkeeping.

(8) For shipments involving rail transportation, the requirements of WAC 173-303-250(3), (4), and (7) 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 shall:

(a) Indicate on the manifest the date the dangerous waste 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. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-250, filed 2/10/82. formerly WAC 173-302-220 and 173-302-230.]

WAC 173-303-260 Transporter recordkeeping. (1) A transporter of dangerous waste shall keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(2) For shipments delivered to the designated facility by rail or water (bulk shipment), each rail or water (bulk shipment) transporter shall retain a copy of a shipping paper containing all the information required on a manifest (excluding the EPA/State identification numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(3) A transporter who transports dangerous waste out of the United States shall keep a copy of the manifest, indicating that the dangerous waste left the United States, for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the director. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-260, filed 2/10/82.]

WAC 173-303-270 Discharges during transport. In the event of a spill or discharge of dangerous waste during transportation, the transporter shall comply with the requirements of WAC 173-303-145, Spills and discharges into the environment. In addition, the transporter shall 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 as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington D.C., 20590; and,

(4) For a water (bulk shipment) transporter, give the same notice as required by 33 CFR 153.203 for oil and hazardous substances. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-270, filed 2/10/82.]

WAC 173-303-275 Transfer facilities (or collection facilities). (1) Applicability. An off-site facility which stores manifested shipments of dangerous waste for more than ten days shall be considered a transfer facility or a collection facility and must, at a minimum, comply with the storage requirements of this chapter 173-303 WAC.

(2) Requirements. A transfer or collection facility shall meet the following requirements when applicable:

(a) WAC 173-303-170 through 173-303-230, generator requirements, whenever applicable;

(b) WAC 173-303-280 through 173-303-395, general requirements for dangerous waste management facilities;

(c) WAC 173-303-400 through 173-303-520, interim status facility standards, siting standards, performance standards, and buffer monitoring zones;

(d) WAC 173-303-600 through 173-303-660, final facility standards, whenever applicable; and

(e) WAC 173-303-800 through 173-303-840, permits. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-275, filed 2/10/82.]

WAC 173-303-280 General requirements for dangerous waste management facilities. (1) Applicability. The requirements of WAC 173-303-280 through 173-303-395 apply to all owners and operators of facilities which store, treat, or dispose of dangerous wastes and which must be permitted under the requirements of this chapter 173-303 WAC, unless otherwise specified in this chapter. Owners and operators of transfer or collection facilities shall comply with WAC 173-303-275. Whenever a shipment of dangerous waste is initiated from a facility, the owner or operator of that facility shall comply with the requirements for generators, WAC 173-303-170 through 173-303-230.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of a facility

present an imminent and substantial hazard to the public health and the environment, regardless of the quantity or concentration of a dangerous waste.

(3) Identification numbers. Every facility owner or operator shall obtain an EPA/State identification number from the department. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-280, filed 2/10/82.]

WAC 173-303-290 Required notices. (1) The facility owner or operator who is receiving dangerous waste from a foreign source shall comply with Title 40 CFR 265.12(a). The facility owner or operator shall also send a copy of the required notification to the department at least four weeks in advance of the date the waste is expected to arrive at the facility.

(2) Before transferring ownership or operation of a facility during its active life or post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter 173-303 WAC.

(3) The owner or operator of a facility that receives dangerous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record required under WAC 173-303-380(1). [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-290, filed 2/10/82.]

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 shall obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste before he stores, treats, or disposes of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter 173-303 WAC. The analysis may 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, if necessary.

(3) The owner or operator of an off-site facility shall 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 shall be repeated as necessary to ensure that it is accurate and current. At a minimum, analysis must be repeated:

(a) When the process or operation generating the dangerous waste 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 shall develop and follow a written waste analysis plan which describes the procedures he will use to comply with the waste analysis requirements of WAC 173-303-300(1), (2), (3), and (4). He must keep this plan at the facility, and the plan must contain at least:

(a) The parameters for which each dangerous waste will be analyzed, and the rationale for selecting these parameters;

(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);

(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 173-303-630 through 173-303-670; and

(g) For off-site facilities, the procedures for confirming that each dangerous waste received matches the identity of the waste specified on the accompanying manifest or shipping paper. This includes at least:

(i) The procedures for identifying each waste movement at the facility; and

(ii) The method for obtaining a representative sample of the waste to be identified, if the identification method includes sampling. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-300, filed 2/10/82.]

WAC 173-303-310 Security. (1) The owner or operator shall comply with the requirements of this section, unless:

(a) Physical contact with wastes or equipment within the active portion of the facility will not injure persons or livestock; and

(b) Disturbance of the wastes or equipment by persons or livestock will not result in violations 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. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-310, filed 2/10/82. Formerly WAC 173-302-290.]

WAC 173-303-320 General inspection. (1) The owner or operator shall inspect his facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of dangerous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(2) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that help prevent, detect, or respond to hazards to the public health or the environment. In addition:

(a) He must keep the schedule at the facility;

(b) The schedule must identify the types of problems which are to be looked for during inspections;

(c) The schedule shall indicate the frequency of inspection for specific items. The frequency should be based on the rate of possible deterioration of equipment, and the probability of an environmental or human health incident. Areas subject to spills must be inspected daily when in use. The inspection schedule shall also include the applicable items and frequencies required for the specific waste management methods described in WAC 173-303-630 through 173-303-670; and

(d) The owner or operator shall keep an inspection log or summary, 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 or summary must be kept at the facility for at least three years from the date of inspection.

(3) The owner or operator shall remedy any problems revealed by the inspection, on a schedule which prevents hazards to the public health and environment. Where a hazard is imminent or has already occurred, remedial action must be taken immediately. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-320, filed 2/10/82.]

WAC 173-303-330 Personnel training. (1) Training program. The facility owner or operator shall provide a program of classroom instruction or on-the-job training for facility personnel. This program must teach personnel to perform their duties in a way that ensures the facility's compliance with this chapter 173-303 WAC, and shall include those elements set forth in the training plan required in WAC 173-303-330(2), below. In addition:

(a) The training program shall be directed by a person knowledgeable in dangerous waste management procedures, and must include training relevant to the positions in which the facility personnel are employed;

(b) Facility personnel must participate in an annual review of the training provided in the training program;

(c) This program must be successfully completed by the facility personnel:

(i) Within six months after these regulations become effective; or

(ii) Within six months after their employment at or assignment to the facility, or to a new position at the facility, whichever is later.

Employees hired after the effective date of these regulations must be supervised until they complete the training program; and

(d) At a minimum, the training program shall familiarize facility personnel with emergency equipment and systems, and emergency procedures. The program shall include other parameters as set forth by the department, but at a minimum shall include, where applicable:

(i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(ii) Key parameters for automatic waste feed cut-off systems;

(iii) Communications or alarm systems;

(iv) Response to fires or explosions;

(v) Response to ground-water contamination incidents; and

(vi) Shutdown of operations.

(2) Written training plan. The owner or operator shall develop a written training plan which must include the following documents and records:

(a) For each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, other qualifications, and duties for each position;

(b) A written description of the type and amount of both introductory and continuing training required for each position; and

(c) Records documenting that facility personnel have received and completed the training required by WAC 173-303-330.

(3) Training records. Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95-.260. 82-05-023 (Order DE 81-33), § 173-303-330, filed 2/10/82. Formerly WAC 173-302-320.]

WAC 173-303-340 Preparedness and prevention. Facilities shall be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned release of dangerous waste to air, soil, or

surface or ground water which could threaten the public health or the environment. This section describes preparations and preventive measures which help avoid or mitigate such situations.

(1) Required equipment. All facilities must be equipped with the following, unless it can be demonstrated to the department that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction to facility personnel;

(b) A device, such as a telephone or a hand-held, two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(2) Access to communications or alarms. Personnel must have immediate access to the signalling devices described in the situations below:

(a) Whenever dangerous waste is being poured, mixed, spread, or otherwise handled, all personnel involved must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in WAC 173-303-340(1), above;

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone or a hand-held, two-way radio, capable of summoning external emergency assistance, unless such a device is not required in WAC 173-303-340(1), above.

(3) Aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the department that aisle space is not needed for any of these purposes.

(4) Arrangements with local authorities. The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations, unless the hazards posed by wastes handled at the facility would not require these arrangements:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of dangerous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

(b) Arrangements to familiarize local hospitals with the properties of dangerous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility;

(c) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(d) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority.

(5) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-340, filed 2/10/82.]

WAC 173-303-350 Contingency plan and emergency procedures. (1) Purpose. The purpose of WAC 173-303-350 and 173-303-360 is to lessen the potential impact on the public health and the environment in the event of a fire, explosion, or unplanned release of dangerous waste to air, soil, surface water, or ground water by a facility. A contingency plan must be developed, and the plan shall 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 which threaten the public 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 need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of WAC 173-303-350 and 173-303-360.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with WAC 173-303-350 and 173-303-360;

(b) A description of the actions which shall 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), 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;

(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;

(c) 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 shall 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 shall 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 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. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95-.260. 82-05-023 (Order DE 81-33), § 173-303-350, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-360 Emergencies. (1) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, required by WAC 173-303-350(2), all operations and activities at the facility, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(2) Emergency procedures. The following procedures shall be implemented in the event of an emergency.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(ii) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials.

(c) Concurrently, the emergency coordinator shall assess possible hazards to human health and the environment (considering direct, indirect, immediate, and long-term effects) that may result from the release, fire, or explosion.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) He must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their 24-hour toll free number (800) 424-8802).

(e) His assessment report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health or the environment outside the facility.

(f) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other dangerous waste at the facility.

(g) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(h) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(i) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(i) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(j) The owner or operator must notify the department, and appropriate local authorities, that the facility is in compliance with WAC 173-303-360(2)(i), above, before operations are resumed in the affected area(s) of the facility.

(k) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, he must submit a written report on the incident to the department. The report must include:

(i) Name, address, and telephone number of the owner or operator;

(ii) Name, address, and telephone number of the facility;

(iii) Date, time, and type of incident (e.g., fire, explosion);

(iv) Name and quantity of material(s) involved;

(v) The extent of injuries, if any;

(vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(vii) Estimated quantity and disposition of recovered material that resulted from the incident. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-360, filed 2/10/82. Formerly chapter 173-302 WAC.]

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.

(2) If a facility receives dangerous waste accompanied by a manifest, the owner or operator, or his agent, must:

(a) Sign and date 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 in WAC 173-303-370(4), 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 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, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a 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 agent, must:

(a) Sign and date each copy of the shipping paper to certify that the dangerous waste covered by the shipping paper was received;

(b) Note any significant discrepancies in the shipping paper, as described in WAC 173-303-370(4), on each copy of the shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the shipping paper;

(d) Within thirty days after the delivery, send a copy of the shipping paper to the generator. However, if the manifest is received within thirty days after the delivery, the owner or operator, or his agent, must sign and date the manifest and return it to the generator in lieu of the shipping paper; 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) Manifest discrepancies.

(a) Manifest discrepancies are significant discrepancies between the quantity or type of dangerous waste designated on the manifest or shipping paper and the quantity or type of dangerous waste a facility actually receives. Significant discrepancies in quantity are variations greater than ten percent in weight, or variations in piece count. Significant discrepancies in type are obvious physical or chemical differences which can be discovered by inspection or waste analysis (e.g., waste solvent substituted for waste acid).

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator 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) 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 shall be 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 WAC 173-303-370(4), above) 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 return the shipment to the generator, or send it on to the alternate facility designated on the manifest or shipping paper, 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 WAC 173-303-370(5)(b), above, then the owner or operator shall take those actions described in the contingency plan, WAC 173-303-350(3)(b). [Statutory Authority: Chapter 70-.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-370, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-380 Facility recordkeeping. (1) Operating record. The owner or operator of a facility shall keep a written operating record at his facility. The following information shall 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, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by WAC 173-303-380(2), 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 required by WAC 173-303-300, general waste analysis;

(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 three years);

(f) Monitoring, testing, or analytical data where required by WAC 173-303-630 through 173-303-670;

(g) All closure and post-closure cost estimates required for the facility; and

(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.

(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 shall be kept in the operating record, as follows:

(a) Each dangerous waste received shall be described by its common name and by its dangerous waste number(s) from WAC 173-303-080 through 173-303-104. 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 then the waste description shall include the process which generated the waste;

(b) The waste description shall include the waste's physical form (i.e., liquid, solid, sludge, or gas);

(c) The weight, or volume and density, of the dangerous waste shall be recorded, using one of the units of measure specified in Table 1, below;

TABLE 1

Unit of Measure	Symbol	Density
Pounds	P	
Short tons (2000 lbs)	T	
Gallons (U.S.)	G	P/G
Cubic yards	Y	T/Y

TABLE 1

Unit of Measure	Symbol	Density
Kilograms	K	
Tonnes (1000 kg)	M	
Liters	L	K/L
Cubic meters	C	M/C

(d) And, the date(s) and method(s) of management for each dangerous waste received shall be recorded, using the handling code(s) specified in Table 2, below.

TABLE 2

1. Storage
   - S01 Container (barrel, drum, etc.)
   - S02 Tank
   - S03 Waste pile
   - S04 Surface impoundment
   - S05 Other (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
   - T16 Cement kiln
   - T17 Lime kiln
   - 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 lagoon
T71 Composting
T72 Septic tank
T73 Spray irrigation
T74 Thickening filter
T75 Trickling filter
T76 Waste stabilization pond
T77 Other (specify)
T78–79 (Reserved)

3. Disposal
D80 Underground injection
D81 Landfill
D82 Land treatment
D83 Ocean disposal
D84 Surface impoundment
(to be closed as a landfill)
D85 Other (specify)

(3) Availability, retention and disposition of records.

(a) All facility records 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. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-380, filed 2/10/82. Formerly chapter 173-302 WAC.]

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 shipping paper, and if the waste is not excluded from the manifest requirements of this chapter 173-303 WAC, then the owner or operator must prepare and submit a single copy of a report to the department within fifteen days after receiving the waste. The report form and instructions in facilities report form – Part C (which may be obtained from the department) must be used for this report. The report must include 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 authorized representative; and

(g) A brief explanation of why the waste was unmanifested, if known.

(2) Annual reports. The owner or operator shall 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 facilities report form – Part B (which may be obtained from the department) must be used for this report. The annual report must cover facility activities during the previous calendar year and must include 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), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5); and

(g) The certification signed by the owner or operator of the facility or his authorized representative.

(3) Additional reports. The owner or operator shall also report to the department releases of dangerous wastes, fires, and explosions as specified in WAC 173-303-360(2)(k).

In addition, the owner or operator shall submit reports as required by the department. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-390, filed 2/10/82.]

WAC 173-303-395 Other general requirements. (1) Precautions for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this chapter 173-303 WAC, the treatment, storage, or disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;

(iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(iv) Damage the structural integrity of the facility or device containing the waste; or

(v) Through other like means, threaten human health or the environment.

(c) When required to comply with WAC 173-303-395(1)(a) and (b), the owner or operator must document that compliance in the operating record required under WAC 173-303-380(1). This documentation may be based on references to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(d) At least yearly, the owner or operator shall inspect those areas of his facility where ignitable or reactive wastes are stored. This inspection shall be performed in the presence of a professional person who is familiar with the Uniform Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator shall enter the following information in his inspection log or operating record as a result of this inspection:

(i) The date and time of the inspection;

(ii) The name of the professional inspector or fire marshal;

(iii) A notation of the observations made; and

(iv) Any remedial actions which were taken as a result of the inspection.

(2) Compliance with other environmental protection laws and regulations. In receiving, storing, handling, treating, processing, or disposing of dangerous wastes, the owner/operator shall design, maintain and operate his dangerous waste facility in compliance with all applicable federal, state and local laws and regulations (e.g., control of stormwater or sanitary water discharge, control of volatile air emissions, etc.).

(3) Asbestos dangerous waste disposal requirements. All asbestos containing waste material shall be disposed of at waste disposal sites which are operated in accordance with 40 CFR 61.25. Such sites will not need to comply with any other standards of chapter 173-303 WAC, if they comply with 40 CFR 61.25. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-395, filed 2/10/82.]

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.

(2) Applicability.

(a) The interim status standards apply to owners and operators of facilities which treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section, interim status shall apply to all facilities which comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-815(2). Interim status shall end after final administrative disposition of the Part B permit application is completed.

(b) Interim status facilities must meet the interim status standards upon the effective date of these regulations. Interim status facilities handling state designated wastes (i.e., not identified by 40 CFR Part 261) or facilities which are subject to WAC 173-303-400(3)(c)(ii), (iii), and (v), must meet interim status standards 180 days after promulgation of this regulation.

(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) Persons disposing of dangerous waste by underground injection which is permitted under the Safe Drinking Water Act;

(iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes;

(iv) The owner or operator of a totally enclosed treatment facility; and

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200(6) provides otherwise.

(3) Standards.

(a) Interim status standards shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 265 of Subparts F through R which are incorporated by reference into this regulation, the general requirements for dangerous waste management facilities, WAC 173-303-280 through 173-303-395, and the applicable requirements of WAC 173-303-500, Siting standards, WAC 173-303-510, Performance standards, and WAC 173-303-520, Buffer monitoring zones.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R to the state of Washington facilities, the federal terms shall have the following state of Washington meanings:

(i) "Regional administrator" shall mean the "department";

(ii) "Hazardous" shall mean "dangerous"; and

(iii) "Compliance procedure" shall have the meaning set forth in WAC 173-303-040, definitions.

(c) In addition to the changes described in WAC 173-303-400(3)(b), the following modifications shall be made to interim status standards of 40 CFR Part 265 Subparts F through R:

(i) The words "within one year after the effective date of these regulations" shall mean the effective date of 40 CFR Part 265.

(ii) "Subpart N – Landfills" shall have an additional section (9) added which reads: "An owner/operator shall not landfill an organic carcinogen designated in WAC 173-303-081, 173-303-082, 173-303-084, or 173-303-100, nor an extremely hazardous waste, as defined by WAC 173-303-080 to 173-303-100, except at the EHW facility at Hanford;"

(iii) "Subpart R – Underground injection" shall have an additional section (c) which reads: "Owners and operators of wells are prohibited from disposing of extremely hazardous waste as defined by WAC 173-303-080 to 173-303-100, or an organic carcinogen designated under WAC 173-303-081, 173-303-082, 173-303-084, or 173-303-100;"

(iv) "Subpart M – Land treatment," section 165.273(b) shall be modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080"; and

(v) "Subpart F – Ground-Water Monitoring," section 265.91(c) shall include the requirement that: "Groundwater monitoring wells shall be designed, constructed, and operated so as to prevent groundwater contamination in accordance with chapter 173-160 WAC. New groundwater monitoring wells shall have an inside diameter of not less than four inches (10 cm)." [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-400, filed 2/10/82.]

WAC 173-303-500 Siting standards. (1) Purpose. This section provides criteria for the siting of dangerous waste facilities. The criteria are to be viewed as standards which a facility owner/operator shall meet in siting his facility.

(2) Applicability. These siting standards will apply to all facilities which require a permit under WAC 173-303-820 and 173-303-825, or as otherwise limited in each of the applicable paragraphs of this section.

(3) Earthquake fault criteria.

(a) For dangerous waste facilities, active portions of new treatment, storage, transfer, or disposal facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. Where dangerous wastes are in solid or semisolid form, engineering efforts, as approved by the department, may be substituted for the 200-foot buffer zone.

(b) For extremely hazardous waste facilities, active portions of new or existing treatment, storage, transfer, or disposal facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. No engineering exceptions to this limit shall be permitted.

(c) As used in WAC 173-303-500(3)(a) and (b):

(i) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side;

(ii) "Displacement" means the relative movement of any two sides of a fault measured in any direction; and

(iii) "Holocene" means the most recent epoch of the Quarternary period, extending from the end of the Pleistocene to the present.

Facilities which are located in political jurisdictions other than those listed in Appendix VI of 40 CFR 264 are assumed to be in compliance with this requirement.

(4) Floodplain criteria.

(a) For dangerous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any dangerous waste by a 100-year flood, unless the owner or operator has included in his contingency plan (WAC 173-303-350) procedures which will cause the waste to be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters.

(b) For extremely hazardous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any extremely hazardous waste by a 100-year flood. Contingency procedures for removal of extremely hazardous waste will not be deemed equivalent to engineered flood proofing.

(c) The location to which wastes are moved must be a facility which is permitted by this chapter 173-303 WAC.

As used in WAC 173-303-500(4)(a) and (b):

(i) "100-year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source;

(ii) "Washout" means the movement of dangerous waste from the active portion of the facility as a result of flooding; and

(iii) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(5) The siting of facilities in areas under the jurisdiction of the 1971 Shoreline Management Act (chapter 90.58 RCW).

(a) Areas defined as "wetlands" under RCW 90.58.030(2)(f) (those areas under jurisdiction of the Shoreline Management Act) shall not be considered or used for the disposal of dangerous waste.

(b) Dangerous waste storage and treatment facilities, where such facilities have either historically located in areas under jurisdiction of the Shoreline Management Act, or where such facilities require a waterfront or harbor area location, shall be limited to those locations where the local shoreline management master program permits industrial, navigation, manufacturing, or similar activities. Areas classified natural, conservancy, rural, or residential shall not be considered for the location of a dangerous waste facility.

(6) Sole source aquifer criteria. No new facility shall dispose of dangerous waste over a sole source aquifer designated pursuant to section 1424(e) of the Safe Drinking Water Act (Public Law 93-523). [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-500, filed 2/10/82.]

WAC 173-303-510 Performance standards. (1) Purpose. This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities.

(2) Applicability. This section applies to all dangerous waste facilities permitted under WAC 173-303-800 through 173-303-845. These general performance standards shall be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-280 through 173-303-400 and 173-303-600 through 173-303-670.

(3) Performance standards. Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator shall design, construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

(a) Degradation of ground water quality;

(b) Degradation of air quality by open burning or other activities;

(c) Degradation of surface water quality;

(d) Destruction or impairment of flora and fauna outside the active portion of the facility;

(e) Excessive noise;

(f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;

(g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;

(h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible;

(i) Endangerment of the health of employees, or the public near the facility. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-510, filed 2/10/82.]

WAC 173-303-520 Buffer monitoring zones. (1) Buffer zones.

(a) The owner/operator of a dangerous waste facility which treats or stores ignitable waste in covered tanks must treat or store his ignitable waste in a manner equivalent with the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of "The Flammable and Combustible Liquids Code-1981."

(b) The owner/operator of a dangerous waste facility which stores reactive waste must store his reactive waste in a manner equivalent with the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition.

(c) Within the practical limits of the best available management technology, the owner/operator of a new dangerous waste impoundment, landfarm, or landfill should attempt to locate his facility so that the travel time (as defined in WAC 173-303-040) from the active portion of the facility to the nearest downstream well or surface water used for drinking purposes is at least:

(i) Three years, for dangerous wastes; and

(ii) Ten years, for extremely hazardous waste.

(2) Monitoring zones.

(a) The owner/operator of a new dangerous waste facility handling category X, A, B, C, or D dangerous waste, not designated as extremely hazardous waste, may provide a monitoring zone around lagoons, landfarms, and landfills as follows:

$$D = \frac{wv\ (ft)}{N}$$

Where

D = the minimum width of the monitoring zone
w = 3, a constant
v = velocity of surface soil migration, ft/yr
N = number of times the surface soil is sampled at one spot in a year.
Samples shall be taken a distance of

$$S = \frac{D\ (ft)}{w}$$ from the active portion of the facility

Where

D = the monitoring zone width in feet and
w = 3.

(b) The same monitoring zone determinations may be made for for facilities handling extremely hazardous waste (category X, A, B, or C), except that the value W = 10 shall be used.

(c) Additional information and assistance on choosing monitoring zones is available from the department. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-520, filed 2/10/82.]

WAC 173-303-575 Temporary standards for new dangerous waste land disposal facilities. (1) Purpose, scope and applicability.

(a) The purpose of WAC 173-303-575 is to establish minimum standards that define the acceptable management of dangerous waste for new land disposal facilities. Extremely hazardous waste can only be disposed in accordance with WAC 173-303-140.

(b) The regulations in WAC 173-303-575 apply to owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities and Class I underground injection wells that require individual permits under WAC 173-303-800.

(c) The requirements of this part do not apply to:

(i) A person disposing of dangerous waste by means of ocean disposal subject to a permit by rule issued under WAC 173-303-805;

(ii) A person disposing of dangerous waste by means of underground injection subject to a permit by WAC 173-303-805;

(iii) An owner or operator of a POTW subject to a permit by rule under WAC 173-303-805;

(iv) The owner or operator of a facility permitted, licensed, or registered by the state to manage municipal or industrial solid waste, if the only dangerous waste the facility treats, stores, or disposes of is under the quantity exclusion limits of WAC 173-303-070 to 173-303-103;

(v) The owner or operator of a facility which treats or stores dangerous waste that is recycled and not subject to regulation as set forth in WAC 173-303-120;

(vi) A generator accumulating waste on-site in compliance with WAC 173-303-200;

(vii) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040; or

(viii) Persons who undertake activities to immediately contain or treat a spill of dangerous waste or material which, when spilled, becomes a dangerous waste.

(2) Applicability of final facility standards.

In addition to the standards contained in WAC 173-303-575 owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities and underground injection wells must comply with Siting standards, WAC 173-303-500, Performance standards, WAC 173-303-510, Buffer monitoring zones, WAC 173-303-520, and general facility requirements, WAC 173-303-280 through 173-303-395.

(3) Duration of temporary standards and their relationship to final permits.

(a) The regulations in WAC 173-303-575 are applicable, and will serve as a basis for issuing permits, to owners or operators of new dangerous waste landfills, surface impoundments, land treatment facilities, or underground injections facilities until final regulations for such facilities become effective.

(b) Only those owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities or underground injection wells who have applied for a permit, and for whom public notice of the preparation of a draft permit has been issued under WAC 173-303-840(3), by the date final facility standards for these facilities become effective may be issued permits under the regulations in WAC 173-303-575.

(4) Additional permit procedures applicable to WAC 173-303-575.

(a) The procedures for issuance, modification, revocation and reissuance, and termination of permits under WAC 173-303-830 are applicable to permits issued pursuant to WAC 173-303-575. In addition, the following procedures apply to permits for facilities regulated under WAC 173-303-575:

(i) Any facility for which a draft permit is prepared pursuant to WAC 173-303-575 may be a major dangerous waste management facility. If the department determines that a facility is major, then a fact sheet shall be prepared for each such facility in accordance with WAC 173-303-840; and

(ii) Instead of the "brief summary of the basis for the draft permit conditions" required by WAC 173-303-840(2)(c)(iii), the fact sheet shall include a detailed discussion of basis for the draft permit conditions. This shall include a demonstration that relevant factors listed by the Environmental Protection Agency in 40 CFR 267 Subparts B through G were considered and a showing of how the draft permit reflects these considerations.

(b) The provisions of WAC 173-303-800 through 173-303-815 and WAC 173-303-825 through 173-303-845 apply to permits for facilities regulated under WAC 173-303-575. In addition to the information required by WAC 173-303-815, the applications for permits under WAC 173-303-575 must include the following information:

(i) For a landfill, sufficient information to demonstrate compliance with Subparts C and F of 40 CFR 267;

(ii) For a surface impoundment, sufficient information to demonstrate compliance with Subparts D and F of 40 CFR 267;

(iii) For a land treatment facility, sufficient information to demonstrate compliance with Subparts E and F of 40 CFR 267; and

(iv) For an underground injection well, sufficient information to demonstrate compliance with Subpart G or 40 CFR 267.

(5) Definitions.

Unless otherwise specified, terms used in WAC 173-303-575 are defined in 40 CFR 260.10 and 122.3, or WAC 173-303-040. For the purposes of WAC 173-303-575, "regional administrator" shall mean the "department."

(6) Temporary standards.

Temporary standards for new dangerous waste land disposal facilities shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 267 Subparts B through F.

(7) An owner/operator shall not landfill dangerous waste containing greater than one percent IARC organic carcinogens, nor an extremely hazardous waste as defined by WAC 173-303-080 through 173-303-103 except at the extremely hazardous waste facility at Hanford.

(8) Owners and operators of underground injection wells are prohibited from disposing of extremely hazardous waste as defined by WAC 173-303-080 through

173-303-103, or dangerous waste containing greater than one percent IARC organic carcinogens.

(9) Groundwater monitoring wells shall be designed, constructed and operated so as to prevent groundwater contamination in accordance with chapter 173-160 WAC. Monitoring wells shall be a minimum of 4 inches (10 centimeters) in diameter.

(10) Owners and operators of new dangerous waste land disposal facilities shall design, construct, and operate landfills to segregate and contain wastes, wherever practical, so as to enhance the retrievability of wastes. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-575, filed 2/10/82.]

WAC 173-303-600 Final facility standards. Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-670, is to establish minimum state-wide standards which all dangerous waste facilities must meet to obtain a permit under WAC 173-303-825.

(2) The final facility standards apply to owners and operators of all facilities which treat, store, or dispose of dangerous waste as defined in WAC 173-303-080 through 173-303-103. The final facility standards are to be used to determine whether a permit may be issued pursuant to the requirements set forth in WAC 173-303-800. In addition to WAC 173-303-600 through 173-303-670, the final facility standards include WAC 173-303-280 through 173-303-395, and WAC 173-303-500 through 173-303-520.

(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) Owners or operators of POTWs which treat, store, or dispose of dangerous waste provided they follow the permit-by-rule requirement of WAC 173-303-805;

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a totally enclosed treatment facility; and

(f) The owner or operator of an elementary neutralization or a wastewater treatment unit. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-600, filed 2/10/82.]

WAC 173-303-610 Closure and post-closure. (1) Applicability.

(a) WAC 173-303-610(2) to (6) (which concern closure) apply to the owners and operators of all dangerous waste facilities; and

(b) WAC 173-303-610(7) to (10) (which concern post-closure care) apply to the owners and operators of all dangerous waste disposal facilities.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a) Minimizes the need for further maintenance; and

(b) Controls, minimizes or eliminates to the extent necessary to prevent threats to human health and the environment, post-closure escape of dangerous waste, dangerous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground, surface water, or the atmosphere.

(c) 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.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. The plan must be submitted with the permit application, in accordance with WAC 173-303-815, and approved by the department as part of the permit issuance proceeding 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 WAC 173-303-610(2), (4), (5), (6), and the applicable requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(7), 173-303-660(9) and 173-303-670(8). A copy of the approved plan and all revisions to the plan must be kept at the facility until closure is completed and certified in accordance with WAC 173-303-610(6). The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include at least:

(i) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum extent of the operation which will be unclosed during the life of the facility and how the requirements of WAC 173-303-610(2) to (6), and the applicable closure requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(7), 173-303-660(9), and 173-303-670(8) will be met;

(ii) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility. (Any change in this estimate is a minor modification under WAC 173-303-830(4));

(iii) A description of the steps needed to decontaminate facility equipment during closure; and

(iv) An estimate of the expected year of closure and a schedule for final closure. The schedule must include, at a minimum, the total time required to close the facility and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover must be included.)

(b) The owner or operator may amend his closure plan at any time during the active life of the facility.

(The active life of the facility is that period during which wastes are periodically received.) The owner or operator must amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, he must request a modification of the closure plan at the same time (see WAC 173-303-840(10)). If a permit modification is not needed to authorize the change in operating plans or facility design, the request for modification of the closure plan must be made within sixty days after the change in plans or design occurs.

(c) The owner or operator must notify the department at least one hundred eighty days prior to the date he expects to begin closure.

(4) Closure; time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, the owner or operator must treat, remove from the site, 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 demonstrates that:

(i)(A) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

(B)(I) The facility has the capacity to receive additional wastes:

(II) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(III) Closure of the facility would be incompatible with continued operation of the site; and

(ii) He has taken and will continue to take all steps to prevent threats to human health and the environment.

(b) The owner or operator must complete closure activities in accordance with the approved closure plan within one hundred eighty days after receiving the final volume of wastes. The department may approve a longer closure period if the owner or operator demonstrates that:

(i) The closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii) (A) The facility has the capacity to receive additional wastes;

(B) There is reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(C) Closure of the facility would be incompatible with continued operation of the site;

(iii) And he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but inactive facility.

(5) Disposal or decontamination of equipment. When closure is completed, all facility equipment and structures must have been properly disposed of, or decontaminated by removing all waste and residues.

(6) Certification of closure. When closure is completed, the owner or operator must submit to the department certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

(7) Post-closure care and use of property.

(a) Post-closure care must continue for thirty years after the date of completing closure and must consist of at least the following:

(i) Ground water monitoring and reporting as applicable; and

(ii) Maintenance of monitoring and waste containment systems as applicable.

(b) During the one hundred eighty-day period preceding closure (see WAC 173-303-610(3)(c)) or at any time thereafter, the department may reduce the post-closure care period to less than thirty years 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 waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the facility is secure).

Prior to the time that the post-closure care period is due to expire the department may extend the post-closure care period 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 waste at levels which may be harmful to human health and the environment).

(c) The department may require, at closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the post-closure period after the date of completing closure when:

(i) Wastes may remain exposed after completion of closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health or may disturb the post-closure monitoring or waste containment systems.

(d) Post-closure use of property on or in which dangerous wastes remain after 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 WAC 173-303-610(8).

(8) Post-closure plan; amendment of plan.

(a) The owner or operator of a disposal facility must have a written post-closure plan. The plan must be submitted with the permit application in accordance with WAC 173-303-815, and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved post-closure plan will become a condition of any permit issued. A copy of the approved plan and all revisions to the plan must be kept at the facility until the post-closure care period begins. This 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 ensure:

(A) The integrity of the cap and final cover or other containment structures where applicable; and

(B) The function of the facility monitoring equipment;

(iii) And the name, address, and phone number of the person or office to contact about the disposal facility during the post-closure period. This person or office must keep an updated post-closure plan during the post-closure period.

(b) The owner or operator may amend his post-closure plan at any time during the active life of the disposal facility or during the post-closure care period. The owner or operator must amend his plan whenever changes in operating plans or facility design, or events which occur during the active life of the facility or during the post-closure period, affect his post-closure plan. He must also amend his plan whenever there is a change in the expected year of closure.

(c) When a permit modification is requested during the active life of the facility to authorize a change in operating plans or facility design which affects the post-closure plan, modification of the post-closure plan must be requested at the same time (see WAC 173-303-840(10)). In all other cases the request for modification of the post-closure plan must be made within sixty days after the change in operating plans or facility design or the events which affect his post-closure plan occur.

(9) Notice to local land authority. Within ninety days after closure is completed, 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 disposal areas 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 obligation to restrict disturbance of the site as specified in WAC 173-303-610(7)(d). In addition, 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 area of the facility. For wastes disposed of before these regulations were promulgated, the owner or operator must identify the type, location, and quantity of the wastes to the best of his knowledge and in accordance with any records he has kept. Any changes in the type, location, or quantity of dangerous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed must be reported to the local zoning authority or the authority with jurisdiction over local land use and to the department.

(10) Notice in deed to property.

(a) The owner of the property on which a disposal facility is located must 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:

(i) The land has been used to manage dangerous wastes;

(ii) Its use is restricted under WAC 173-303-610(7)(d); and

(iii) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility required in WAC 173-303-610(9) have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department.

(b) If at any time the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located removes the waste and waste residues, the liner, if any, and all contaminated underlying and surrounding soil, he may remove the notation on the deed to the facility property or other instrument normally examined during title search, or he may add a notation to the deed or instrument indicating the removal of the waste. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-610, filed 2/10/82.]

WAC 173-303-620 Financial requirements. (1) Applicability.

(a) The requirements of WAC 173-303-620(3), (4), and (7), apply to owners and operators of all dangerous waste facilities, except as provided otherwise in WAC 173-303-620.

(b) The requirements of WAC 173-303-620(5) and (6) apply only to owners and operators of dangerous waste disposal facilities.

(c) States and the federal government are exempt from the requirements of WAC 173-303-620; however, operators of facilities who are under contract with the state or federal government must meet the financial requirements of this section.

(2) The definitions of WAC 173-303-040 pertaining to liability are the common meanings of the terms as they are generally used in the insurance industry and are not intended to limit the meanings in a way that conflicts with general usage.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a written estimate 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(7), 173-303-660(9) and 173-303-670(8). The owner or operator must keep this estimate, and all subsequent estimates required in WAC 173-303-620 at the facility. The estimate 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)).

(b) The owner or operator must prepare a new closure cost estimate whenever a change in the closure plan affects the cost of closure.

(c) On each anniversary of the date on which the first estimate was prepared as specified in WAC 173-303-620(3)(a), the owner or operator must adjust the latest closure cost estimate using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its survey of current business. The inflation factor must be calculated by dividing the latest published annual deflator by the deflator for the previous year. The result is the inflation factor. The adjusted closure cost estimate must equal the latest closure cost estimate (see WAC 173-303-620(3)(b)) times the inflation factor.

(4) Financial assurance for facility closure. An owner or operator of each facility must establish financial assurance for closure of the facility. He must choose from among the following or equivalent options:

(a) Closure trust fund. The following procedures shall be used to establish a closure trust fund:

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by establishing a closure trust fund which conforms to the requirements of WAC 173-303-620(4)(a) and by sending an originally signed duplicate of the trust agreement to the department by certified mail. An owner or operator of a new facility must send the originally signed duplicate of the trust agreement to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The trustee must be a bank or other financial institution which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(ii) The wording of the trust agreement must be identical to the wording specified in 40 CFR 264.151(a)(1) and the trust agreement must be accompanied by a formal certification of acknowledgement.

(iii) Payments to the trust fund must be made annually by the owner or operator over the term of the initial permit. The payments to the closure trust fund must be made as follows:

(A) For a new TSD facility, the first payment must be made when the trust fund is established. The first payment must be at least equal to the closure cost estimate (see WAC 173-303-620(3)), except as provided in WAC 173-303-620(4)(g), divided by the number of years in the term of the permit. Subsequent payments must be made no later than thirty days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by performing the following calculation:

$$\text{Next payment} = \frac{\text{ACE} - \text{CV}}{\text{Y}}$$

where ACE is adjusted closure cost estimate calculated under WAC 173-303-620(3)(c), CV is the current value of the trust fund, and Y is the number of years remaining in the term of the permit;

(B) If an owner or operator established a trust fund as specified in WAC 173-303-400, and the value of the trust fund does not equal the adjusted closure cost estimate when a permit is awarded for the facility, the amount of the adjusted closure cost estimate still to be paid into the trust fund must be paid in over the term of the permit. Payments must continue to be made no later than thirty days after each anniversary date of the first payment made pursuant to WAC 173-303-400. The amount of each payment must be determined by performing the following calculation:

$$\text{Next payment} = \frac{\text{ACE} - \text{CV}}{\text{Y}}$$

where ACE is the adjusted closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the term of the permit.

(iv) The owner or operator may accelerate payments into the trust fund or he may deposit the full amount of the closure cost estimate at the time the fund is established. However, he must maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in WAC 173-303-620(4)(a)(iii)(A) and (B).

(v) If the owner or operator establishes a closure trust fund after having initially used one or more alternate mechanisms specified in WAC 173-303-620(4), his first payment must be at least the amount that the fund would have contained if the trust fund were established and annual payments made as specified in WAC 173-303-620(4)(a)(iii)(A) and (B).

(vi) After the term of the initial permit is completed, whenever the adjusted closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund (as described in section 10 of the trust agreement; see WAC 173-303-620(4)(a)(ii).

(vii) If the value of the fund is less than the amount of the new estimate, the owner or operator must, within sixty days of the change in the cost estimate, deposit a sufficient amount into the fund so that its value after payment at least equals the amount of the new estimate, or obtain other financial assurance as specified in WAC 173-303-620(4) to cover the difference.

(viii) If an owner or operator substitutes other financial assurance as specified in WAC 173-303-620(4) for all or part of the trust fund, he may submit a written request to the department for release of the amount in the trust fund which is greater than the amount required as a result of such substitution.

(ix) Within sixty days after receiving a request from the owner or operator for release of funds as specified in WAC 173-303-620(4)(a)(vii) or (a)(viii), the department will instruct the trustee to release to the owner or operator such funds as the department specifies in writing.

(x) After beginning final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the department. Within sixty days after receiving bills for closure activities, the department will instruct the trustee to make reimbursements in those amounts as the department specifies in writing, if the department determines that the closure expenditures are in accordance with the closure plan or otherwise justified.

(xi) The department will agree to termination of the trust when:

(A) The owner or operator substitutes alternate financial assurance for closure as specified in WAC 173-303-620(4); or

(B) The department notifies the owner or operator, in accordance with WAC 173-303-620(4)(i) that he is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(b) Surety bond guaranteeing payment into a closure trust fund.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining a surety bond which conforms to the requirements of WAC 173-303-620(4)(b) and by having the bond delivered to the department by certified mail. An owner or operator of a new facility must have the surety bond delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for transfer, treatment, storage, or disposal. The surety bond must be effective before this initial receipt of dangerous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the United States Department of the Treasury.

(ii) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(b).

(iii) The owner or operator who uses a surety bond to satisfy the requirements of WAC 173-303-620(4)(b) must also establish a standby trust fund by the time the bond is obtained. Under the terms of the surety bond, all payments made thereunder will be deposited directly into the standby trust fund. This trust fund must meet the requirements specified in WAC 173-303-620(4)(a) except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the surety bond; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required until the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(b).

(iv) The bond must guarantee that the owner or operator will:

(A) Fund the standby trust fund in an amount equal to the penal sum of the bond at least sixty days prior to the expected date of the beginning of final closure of the facility; or

(B) Fund the standby trust fund in an amount equal to the penal sum within fifteen days after an order to begin closure is issued by a court or within fifteen days after issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternate financial assurance as specified in WAC 173-303-620 within thirty days after receipt by the department of a notice of cancellation of the bond from the surety.

(v) The surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(vi) The penal sum of the bond must be in an amount at least equal to the amount of the adjusted closure cost estimate except as provided in WAC 173-303-620(4)(g).

(vii) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the penal sum of the bond, the owner or operator must, within sixty days after the increase, cause the penal sum of the bond to be increased to an amount at least equal to the new estimate or obtain other financial assurance, as specified in WAC 173-303-620(4) to cover the increase. Whenever the adjusted closure cost estimate decreases, the penal sum may be reduced to the amount of the new estimate following written approval by the department. Notice of an increase or decrease in the penal sum must be sent to the department by certified mail within sixty days after the change.

(viii) The bond shall remain in force unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the department. Cancellation cannot occur, however:

(A) During the ninety days beginning on the date of receipt of the notice of cancellation by the department as shown on the signed return receipt; or

(B) While a compliance procedure is pending, as defined in WAC 173-303-040.

(ix) The surety bond no longer satisfies the requirements of WAC 173-303-620(4)(b) subsequent to the receipt by the department of a notice of cancellation of the surety bond. Upon receipt of such notice the department will issue a compliance order, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternative financial assurance within thirty days after issuance of the compliance order, the department may direct the surety to place the penal sum of the bond in the standby trust fund.

(x) The owner or operator may cancel the bond if the department has given prior written consent based on receipt of evidence of alternate financial assurance as specified in WAC 173-303-620(4).

(xi) The department will notify the surety when the owner or operator funds the standby trust fund in the amount guaranteed by the surety bond or if he provides alternate financial assurance as specified in WAC 173-303-620(4).

(c) Surety bond guaranteeing performance of closure.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining a surety bond which conforms to the requirements of this paragraph

and by having the bond delivered to the department by certified mail. An owner or operator of a new facility must have the surety bond delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The surety bond must be effective before this initial receipt of dangerous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 or the United States Department of the Treasury.

(ii) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(c).

(iii) The owner or operator who uses a surety bond to satisfy the requirements of WAC 173-303-620(4) must also establish a standby trust fund by the time the bond is obtained. Under the terms of the surety bond, all payments made thereunder will be deposited directly into the standby trust fund. This trust fund must meet the requirements specified in WAC 173-303-620(4)(a), except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the surety bond; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required unless the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(c).

(iv) The bond must guarantee that the owner or operator will:

(A) Perform final closure in accordance with the closure plan and other requirements in the permit for the facility; or

(B) Perform final closure in accordance with WAC 173-303-610 following an order to begin closure issued by a court, or following issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternative financial assurance as specified in WAC 173-303-620(4) within thirty days after receipt by the department of a notice of cancellation of the bond from the surety.

(v) The surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(vi) The penal sum of the bond must be in an amount at least equal to the amount of the adjusted closure cost estimate.

(vii) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the penal sum of the bond, the owner or operator must, within sixty days after the increase, cause the penal sum of the bond to be increased to an amount at least equal to the new estimate or obtain other financial assurance, as specified in WAC 173-303-620(4), to cover the increase. Whenever the adjusted closure cost estimate decreases, the penal sum may be reduced to the amount of the adjusted closure cost estimate following written approval by the department. Notice of an increase or decrease in the penal sum must be sent to the department by certified mail within sixty days after the change.

(viii) The bond shall remain in force unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the department. Cancellation cannot occur, however:

(A) During the ninety days beginning on the date of receipt of the notice of cancellation by the department as shown on the signed return receipt; or

(B) While a compliance procedure is pending, as defined in WAC 173-303-040.

(ix) Following a determination pursuant to chapter 173-303 WAC that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements or closure order, then as an alternative the surety may deposit the amount of the penal sum into the standby trust fund.

(x) The surety bond no longer satisfies the requirements of WAC 173-303-620(4)(c) subsequent to the receipt by the department of a notice of cancellation of the surety bond. Upon receipt of such cancellation notice, the department will issue a notice of violation pursuant to chapter 70.105 RCW, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternate financial assurance within thirty days after issuance of the notice of violation, the department may direct the surety to place the penal sum of the bond in the standby trust fund.

(xi) The owner or operator may cancel the bond if the department has given prior written consent based on receipt of evidence of alternate financial assurance as specified in WAC 173-303-620(4).

(xii) The department will notify the surety if the owner or operator provides alternate financial assurance as specified in WAC 173-303-620(4).

(xiii) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the owner or operator has been notified by the department in accordance with WAC 173-303-620(4)(i), that it is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(d) Closure letter of credit.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining an irrevocable standby letter of credit which conforms to the requirements of WAC 173-303-620(4)(d) and by having it delivered to the department by certified mail. An owner or operator of a new facility must have the letter of credit delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The letter of credit must be effective before the initial receipt of dangerous waste. The issuing institution must be a bank or other financial institution which has the authority to issue letters of credit and whose letter of

credit operations are regulated and examined by a federal or state agency.

(ii) The wording of the letter of credit must be identical to the wording specified in 40 CFR 264.151(f).

(iii) An owner or operator who uses a letter of credit to satisfy the requirements of WAC 173-303-620(4) must also establish a standby trust fund by the time the letter of credit is obtained. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the department will be deposited promptly and directly by the issuing institution into the standby trust fund. The standby trust fund must meet the requirements of the trust fund specified in WAC 173-303-620(4)(a), except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the letter of credit; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required unless the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(d).

(iv) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year. If the issuing institution decides not to extend the letter of credit beyond the then current expiration date it must, at least ninety days before that date, notify both the owner or operator and the department by certified mail of that decision. The ninety-day period will begin on the date of receipt by the department as shown on the signed return receipt. Expiration cannot occur, however, while a compliance procedure is pending as defined in WAC 173-303-040.

(v) The letter of credit must be issued for at least the amount of the adjusted closure cost estimate except as provided in WAC 173-303-620(4)(g).

(vi) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator must, within sixty days of the increase, cause the amount of the credit to be increased to an amount at least equal to the new estimate or obtain other financial assurance as specified in WAC 173-303-620(4) to cover the increase. Whenever the adjusted closure cost estimate decreases during the operating life of the facility the letter of credit may be reduced to the amount of the new estimate following written approval by the department. Notice of an increase or decrease in the amount of the credit must be sent to the department by certified mail within sixty days of the change.

(vii) Following a notice pursuant to chapter 70.105 RCW that the owner or operator has failed to perform closure in accordance with the closure plan or other permit requirements, the department may draw on the letter of credit.

(viii) The letter of credit no longer satisfies the requirements of WAC 173-303-620(4)(d) subsequent to the receipt by the department of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the then current expiration date. Upon receipt of such notice, the department will issue a notice of violation pursuant to chapter 70.105 RCW, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternate financial assurance within thirty days of issuance of the notice of violation, the department may draw on the letter of credit.

(ix) The department will return the original letter of credit to the issuing institution for termination when:

(A) The owner or operator substitutes alternate financial assurance for closure as specified in WAC 173-303-620(4); or

(B) The department notifies the owner or operator, in accordance with WAC 173-303-620(4)(i) that he is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(e) Reserved.

(f) Reserved.

(g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of WAC 173-303-620(4) by establishing more than one financial mechanism. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a closure trust fund, and letters of credit. The mechanisms must be as specified in WAC 173-303-620(4)(a), (b), and (d) respectively, except that it is the combination of mechanisms, rather than each single mechanism, which must provide financial assurance for an amount at least equal to the adjusted closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, he may use the trust fund as the standby trust fund for the bond or letter of credit. If the multiple mechanisms include only surety bonds and letters of credit, a single standby trust may be established for all these mechanisms. The department may invoke use of any or all of the mechanisms, in accordance with the requirements of WAC 173-303-620(4)(a), (b) and (d) to provide for closure of the facility.

(h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in WAC 173-303-620(4) to meet the requirements of WAC 173-303-620(4) for more than one facility of which he is the owner or operator. Evidence of financial assurance submitted to the department must include a list showing, for each facility, the EPA/State identification number, name, address, and the amount of funds for closure assured by the mechanism. If the list is changed by addition or subtraction of a facility or by an increase or decrease in the amount of funds assured for closure of one or more facilities, a corrected list must be sent to the department within sixty days of such change. 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 each facility.

(i) Release of the owner or operator from the requirements of WAC 173-303-620(4). Within sixty days after

receiving certifications from the owner or operator and an independent registered professional engineer that closure has been accomplished in accordance with the closure plan (see WAC 173-303-610(6)), the department will notify the owner or operator in writing that he is no longer required by this section to maintain financial assurance for closure of the particular facility, unless the department has reason to believe that closure has not been in accordance with the closure plan.

(5) Cost estimate for post-closure monitoring and maintenance.

(a) The owner or operator of a disposal facility must have a written estimate 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). The owner or operator must keep this estimate, and all subsequent estimates required in WAC 173-303-620(5), at the facility.

(b) The owner or operator must prepare a new annual post-closure cost estimate whenever a change in the post-closure plan affects the cost of post-closure care (see WAC 173-303-610(8)(b)). The latest post-closure cost estimate is calculated by multiplying the latest annual post-closure cost estimate by the number of years of post-closure care required in the latest post-closure plan approved for the facility by the department.

(c) On each anniversary of the date on which the first estimate was prepared as specified in WAC 173-303-620(5)(a), during the operating life of the facility, the owner or operator must adjust the latest post-closure cost estimate using the inflation factor calculated in accordance with WAC 173-303-620(3)(c). The adjusted post-closure cost estimate must equal the latest post-closure cost estimate (see WAC 173-303-620(5)(b)) times the inflation factor.

(6) Financial assurance for post-closure monitoring and maintenance. An owner or operator of each disposal facility must establish financial insurance for post-closure care in accordance with the approved post-closure plan for the facility. He must choose from among the following options:

(a) Post-closure trust fund. The post-closure trust fund requirements shall be identical to the closure trust fund requirements of WAC 173-303-620(4)(a) except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(a); and

(ii) The following requirement shall be used in place of WAC 173-303-620(4)(a) in order for facilities to meet the requirement of WAC 173-303-620(6)(a):

An owner or operator or any other person authorized to conduct post-closure may request reimbursement for post-closure expenditures by submitting itemized bills to the department. Within sixty days after receiving bills for post-closure activities, the department will instruct the trustee to make reimbursements in those amounts as the department specifies in writing, if the department determines that the post-closure expenditures are in accordance with the post-closure plan or otherwise justified.

(b) Surety bond guaranteeing payment into a post-closure trust fund. The surety bond guaranteeing payment into a post-closure trust fund shall be identical to the surety bond requirements of WAC 173-303-620(4)(b), except for the following:

(i) The word "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(b);

(ii) The words "treatment and storage" in WAC 173-303-620(4), shall not apply to the post-closure requirements of WAC 173-303-620(6)(b);

(iii) The following requirement shall be used in place of WAC 173-303-620(4) in order for facilities to meet the requirements of WAC 173-303-620(6)(b): The bond must guarantee that the owner or operator will:

(A) Fund the standby trust fund in an amount equal to the penal sum of the bond by the beginning of final closure of the facility; or

(B) Fund the standby trust fund in an amount equal to the penal sum within fifteen days after an order to begin closure is issued by a court, or within fifteen days after issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternate financial assurance as specified in WAC 173-303-620(6) within thirty days after receipt by the department of a notice of cancellation of the bond from the surety;

(iv) And, the wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(d).

(c) Surety bond guaranteeing performance of post-closure care. The surety bond guaranteeing performance of post-closure care shall be identical to the surety bond requirements of WAC 173-303-620(4)(c), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(c);

(ii) The words "treatment and storage" in WAC 173-303-620(4) shall not apply to the post-closure requirements of WAC 173-303-620(6)(c);

(iii) The following requirement shall be used in place of WAC 173-303-620(4)(c)(ii) in order for facilities to meet the requirements of WAC 173-303-620(6)(c):

The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(e);

(iv) WAC 173-303-620(4)(c) shall not apply to post-closure financial requirements of WAC 173-303-620(6)(c);

(v) The following requirement shall be added to WAC 173-303-620(4)(c):

During the period of post-closure care, the department may approve a decrease in the penal sum of the surety bond if the owner or operator demonstrates to the department that the amount exceeds the remaining cost of post-closure care;

(vi) And the words "or closure order" in WAC 173-303-620(4)(c)(ix) shall not apply to the requirements of WAC 173-303-620(6)(c).

(d) Post-closure letter of credit. The post-closure letter of credit requirements shall be identical to the letter of credit requirements of WAC 173-303-620(4)(d), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(d);

(ii) The words "treatment and storage" in WAC 173-303-620(4)(d)(i) shall not apply to the post-closure requirements of WAC 173-303-620(6)(d); and

(iii) The following requirement shall be added to WAC 173-303-620(4)(d):

During the period of post-closure care, the department may approve a decrease in the amount of the letter of credit if the owner or operator demonstrates to the department that the amount exceeds the remaining cost of post-closure care.

(e) (Reserved.)

(f) (Reserved.)

(g) Use of multiple financial mechanisms. The use of multiple financial mechanisms shall be identical to the multiple financial mechanisms of WAC 173-303-620(4)(g), except that the words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(g).

(h) Use of a financial mechanism for multiple facilities. The use of a financial mechanism for multiple facilities shall be identical to the financial mechanism for multiple facilities of WAC 173-303-620(4)(h), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(h); and

(ii) WAC 173-303-620(4)(h)(i) shall be deleted and replaced with the following requirements:

Release of the owner or operator from the requirements of WAC 173-303-620(6). When an owner or operator has completed, to the satisfaction of the department, all post-closure care requirements for the period of post-closure care specified in the permit for the facility or the period specified by the department after closure, whichever period is shorter, the department will, at the request of the owner or operator, notify him in writing that he is no longer required by WAC 173-303-620(6) to maintain financial assurance for post-closure care of the particular facility.

(7) Use of a mechanism for financial assurance of both closure and post-closure care. An owner or operator may use one of the following financial assurance mechanisms to provide financial assurance for both closure and post-closure care of one or more facilities of which he is the owner or operator:

(a) A trust fund that meets the specifications of both WAC 173-303-620(4)(a) and (6)(a); or

(b) A letter of credit that meets the specifications of both WAC 173-303-620(4)(d) and (6)(d). The amount of funds available under 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 post-closure care of each facility.

(8) Liability requirements.

An owner or operator of a dangerous waste treatment, storage or disposal facility must maintain sufficient liability insurance in force in such amounts as determined by the department to be reasonably necessary to protect the environment and the health, safety and welfare of the people of the state.

(9) Incapacity of institutions issuing letters of credit, surety bonds, or insurance policies. An owner or operator who fulfills the requirements of WAC 173-303-620(4), (6), or (8) by obtaining a letter of credit, surety bond, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy, insolvency, or a suspension or revocation of the license or charter of the issuing institution. The owner or operator must establish other financial assurance or liability coverage within sixty days of such events. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-620, filed 2/10/82. Formerly WAC 173-302-340.]

WAC 173-303-630 Use and management of containers. (1) Applicability. The regulations in WAC 173-303-630 apply to owners and operators of all dangerous waste facilities that store containers of dangerous waste.

(2) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the dangerous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of chapter 173-303 WAC.

(3) Identification of containers. The owner or operator must mark and/or label containers in a manner which is equivalent to the procedures of 49 CFR Part 172 Subpart E, and shall mark each container with its accompanying manifest document number. The owner or operator must affix labels or properly mark containers upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels or markings from the emptied container. The owner or operator must ensure that labels or markings are not obscured, removed, or otherwise made unreadable in the course of inspection required under WAC 173-303-320.

(4) Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(5) Management of containers.

(a) A container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

(b) A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(6) Inspections. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors.

(7) Containment.

(a) Container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and for uncovered storage areas the precipitation of a maximum 25 year storm of 24 hours duration. The containment system must:

(i) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated rainfall until the collected material is detected and removed;

(ii) Be designed for positive drainage control (such as a locked drainage valve) to prevent release of contaminated liquids; and so that uncontaminated precipitation can be drained promptly for convenience of operation; and

(iii) Have sufficient capacity to contain one hundred ten percent of the volume of the largest container.

(b) Run-on into the containment system must be prevented, unless the department waives this requirement in the permit after determining that the collection system has sufficient excess capacity in addition to that required in WAC 173-303-630(7)(a)(iii) to accommodate any run-on which might enter the system.

(c) Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

(d) Extremely hazardous wastes in containers must be protected from the elements by means of a building or other protective covering that otherwise allows adequate inspection under WAC 173-303-630(6).

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste must be stored in a manner equivalent to the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition.

(b) The owner or operator shall design, operate, and maintain ignitable container storage in a manner equivalent with the Uniform Fire Code. Where no specific standard or requirements are specified in the Uniform Fire Code, or in existing state or local fire codes, applicable sections of the NFPA Pamphlet # 30, "Flammable and Combustible Liquids Code," shall be used. The owner/operator shall also comply with the requirements of WAC 173-303-395(1)(d) and 173-303-630(7).

(9) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container, unless WAC 173-303-395(1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(c) A storage container holding a dangerous waste that is incompatible with any waste or other materials 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. Containment systems for incompatible wastes shall be separate.

(10) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-630, filed 2/10/82.]

WAC 173-303-640 Tanks. (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tanks to treat or store dangerous waste, except as WAC 173-303-640(1)(b) and (c) provides otherwise.

(b) The regulations in WAC 173-303-640 prohibit facilities that treat or store dangerous waste in covered underground tanks that cannot be entered for inspection, unless such tanks can be externally inspected or they have secondary containment structures that allow for monitoring, containment and removal of leaks or such tanks can be tested for leakage using methods and testing frequencies approved by the department.

(c) The regulation in WAC 173-303-640 does not apply to owners and operators of an elementary neutralization unit or a waste water treatment unit, as defined in WAC 173-303-040.

(2) Design of tanks.

(a) The owner or operator shall design tanks including the foundation, structural support, seams and pressure controls to assure sufficient shell strength, pressure controls for closed tanks, earthquake resistance etc. The owner/operator shall submit a statement with his permit application specified in WAC 173-303-815, stating the basis for selecting minimum shell thickness, such as:

(i) Underwriters Laboratories Inc. standards;

(ii) American Petroleum Institute standards;

(iii) American Concrete Institute standards; or

(iv) American Society of Mechanical Engineers standards.

The statement shall be certified by an independent professional engineer.

(b) All tanks holding extremely hazardous waste which is acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air. New tanks holding extremely hazardous waste shall be constructed above ground and have an impervious base underlying the tanks in the storage area, unless state or local fire codes require otherwise.

The containment system shall have adequate capacity to contain 110 percent of the volume of the largest tank in the storage area and, for uncovered areas, have sufficient capacity to contain the precipitation of a maximum 25 year storm of 24 hours duration.

(c) All tanks holding dangerous or extremely hazardous waste shall be marked with labels or signs to identify the waste contained in the tank. The label or sign shall be legible at a distance of at least twenty-five feet, and shall bear a legend which identifies the waste in a manner consistent with United States Department of Transportation regulations 49 CFR 172. In lieu of this requirement, an owner/operator may demonstrate to the department that he uses an identification system for the

tanks which adequately warns employees and the public of the hazards associated with the waste being stored or treated in the tanks.

(3) General operating requirements.

(a) Wastes and other materials (e.g., treatment reagents) which are incompatible with the material of construction of the tank must not be placed in the tank unless the tank is protected from accelerated corrosion, erosion, or abrasion through the use of:

(i) An inner liner or coating which is compatible with the waste or material and which is free of leaks, cracks, holes, or other deterioration; or

(ii) Alternative means of protection (e.g., cathodic protection or corrosion inhibitors).

(b) The owner or operator must use appropriate controls and practices to prevent overfilling. These must include:

(i) Controls to prevent overfilling (e.g., waste feed cut-off system or by-pass system to a standby tank); and

(ii) For uncovered tanks, maintenance of sufficient freeboard to prevent overtopping by wave or wind action or precipitation.

(4) Inspections.

(a) The owner or operator must inspect:

(i) Overfilling control equipment (e.g., waste feed cut-off systems and by-pass systems) at least once each operating day to ensure that it is in good working order;

(ii) Data gathered from monitoring equipment (e.g., pressure, level, volume, and temperature gauges) where present, at least once each operating day to ensure that the tank is being operated according to its design;

(iii) For uncovered tanks, the level of waste in the tank, at least once each operating day or before each filling to ensure compliance with WAC 173-303-640(3)(b);

(iv) The construction materials of the above-ground portions of the tank, at least weekly to detect corrosion or erosion and leaking of fixtures and seams; and

(v) The area immediately surrounding the tank, at least weekly, to detect obvious signs of leakage (e.g., wet spots or dead vegetation).

(b) As part of the inspection schedule required in WAC 173-303-320(2)(b), and the specific requirements of WAC 173-303-640(4)(a), the owner or operator must develop a schedule and procedure for assessing the condition of the tank. The schedule and procedure must be adequate to detect cracks, leaks, corrosion, or erosion which may lead to cracks or leaks, or wall thinning to less than the thickness specified in WAC 173-303-640(2). Procedures for emptying a tank to allow entry and inspection of the interior must be established when necessary to detect corrosion or erosion of the tank sides and bottom. The frequency of these assessments must be based on the material of construction of the tank, type of corrosion or erosion protection used, rate of corrosion or erosion observed during previous inspections, and the characteristics of the waste being treated or stored.

(c) As part of the contingency plan required under WAC 173-303-350, the owner or operator must specify the procedures he intends to use to respond to tank spills or leakage, including procedures and timing for expeditious removal of leaked or spilled waste and repair of the tank.

(5) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from tanks, discharge control equipment, and discharge confinement structures.

(6) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in a tank unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank 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 is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered 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 "Flammable and Combustible Liquids Code - 1981", or as required by state and local fire codes.

(7) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank, unless WAC 173-303-395(1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless WAC 173-303-395(1)(b) is complied with. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-640, filed 2/10/82. Formerly chapter 173-302 WAC.]

WAC 173-303-650 Surface impoundments. (1) Applicability. The regulations in WAC 173-303-650 apply to owners and operators of facilities that use surface impoundments to treat or store (but not dispose of) dangerous waste.

(2) General design requirements. A surface impoundment must be designed and built to provide at least the following:

(a) A surface impoundment must be designed to provide:

(i) At least sixty centimeters (two feet) of freeboard; or

(ii) An amount of freeboard less than sixty centimeters based on documentation, acceptable to the department, that the specified amount of freeboard will prevent overtopping including the protection from a maximum 24 hour duration, 25 year storm.

(b) 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.

(c) A surface impoundment must be designed to prevent discharge into the land and ground water, and to surface water (except discharges authorized by an NPDES permit) during the life of the impoundment by use of a containment system which complies with WAC 173-303-650(4).

(d) Dikes must be designed with sufficient structural integrity to prevent massive failure without dependence on any liner system included in the surface impoundment design.

(e) A leachate detection, collection, and removal system must be designed and operated to remove accumulated liquids from the system as quickly as possible and to avoid unnecessary buildup of hydrostatic pressure in the system.

(f) Surface impoundments may be located so as to meet the buffer zone requirements of WAC 173-303-520.

(g) Surface impoundments must be designed to repel birds.

(3) General operating requirements.

(a) A surface impoundment must be operated to prevent any overtopping due to wind and wave action, overfilling, precipitation, or any combination thereof.

(b) A surface impoundment must be operated to maintain at least the amount of freeboard specified by the department in the permit.

(c) A leachate detection, collection, and removal system installed to comply with WAC 173-303-650(4)(b) must be operated so that leachate flows freely from the collection system and is removed as it accumulates or with sufficient frequency to prevent backwater within the collection system.

(d) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could displace the earthen materials upon which the structural integrity of the dike is dependent; and

(ii) Burrowing mammals which could remove earthen materials upon which the structural integrity of the dike is dependent or create leaks through burrows in the dike.

(e) Run-on must be diverted away from a surface impoundment.

(4) Containment systems.

(a) Earthen dikes must have a protective cover, such as grass, shale, or rock, to minimize wind and water erosion and to preserve the structural integrity of the dike.

(b) A liner system designed to prevent discharge into the land during the life of the surface impoundment must:

(i) Be constructed with a highly impermeable liner system in contact with the waste which will prevent discharge of the waste or leachate through the liner(s) during the life of the surface impoundment based on the liner(s) thickness, the saturated permeability of the liner(s) and the pressure head or waste or leachate to which the liner(s) will be exposed;

(ii) Be constructed with a leachate detection, collection, and removal system beneath the liner(s) in contact with the waste to detect, contain, collect, and remove any discharge from the liner system in contact with the waste; and

(iii) Be constructed above the water table to ensure the detection of any discharge of waste or leachate through the liner system in contact with the waste; prevent the discharge of ground water to the leachate detection, collection, and removal system; and to protect the structural integrity of the liner(s).

(c) A containment system must have a containment life equal to or greater than the life of the surface impoundment.

(d) Liner systems must be constructed:

(i) Of materials which have appropriate chemical properties and strength and of sufficient thickness to prevent failure due to pressure head, physical contact with the waste or leachate to which they are exposed, climatic conditions, and the stress of installation; and

(ii) On a foundation capable of providing support to the liner(s) and resistance to pressure head above the liner(s) to prevent failure of the liner(s) due to settlement or compression.

(e) For extremely hazardous wastes, the owner/operator shall submit a statement with his permit application specified in WAC 173-303-815, stating the basis for selecting the liner system required in WAC 173-303-650(4)(d)(i), and the statement shall be certified by an independent professional engineer.

(5) Inspections and testing.

(a) During construction or installation, liner systems must be inspected for uniformity, damage, and imperfections (e.g. holes, cracks, thin spots, and foreign materials). A static test using water may be run to check for leaks.

(b) Earth material liner systems must be tested for compaction density, moisture content, and permeability after placement.

(c) Manufactured liner materials (e.g., membranes, sheets, and coatings) must be inspected to ensure tight seams and joints and the absence of tears or blisters.

(d) The owner or operator must inspect:

(i) A surface impoundment which contains free liquids at least once each operating day to ensure compliance with WAC 173-303-650(3)(a), (b), and (c), and to detect any leaks or other failures of the impoundment; and

(ii) Each surface impoundment, including dikes, berms, and vegetation surrounding the dike, at least once a week and after storms to detect any evidence of or potential for leaks from the impoundment, erosion of dikes, and to ensure compliance with WAC 173-303-650(3)(d).

(e) The structural integrity of any dike, including that portion of any dike which provides freeboard, must be certified against massive failure by a qualified engineer prior to the issuance or reissuance of a permit; or if the impoundment is not in service, prior to being placed in service after construction, or prior to being returned to service.

In certifying the structural integrity of the dike it must be established that the dike will withstand:

(i) The stress of the pressure head of liquids placed into the impoundment;

(ii) The weakening effect of earth materials being scoured due to leakage from the impoundment through and under the dike without relying on any liner system; and

(iii) The weakening effect of earth materials being scoured due to leakage from the impoundment through and under the dike assuming leaks develop in the liner system.

(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 WAC 173-303-650(6)(d). Indications of possible failure of the containment system include at least an unplanned and nonsudden drop in liquid level in the impoundment, liquid detected in the leachate detection system, evidence of leakage or the potential for leakage in the dike, erosion of the dike, apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials, any mishandling of wastes placed in the impoundment, and foreign objects in the impoundment.

(b) Whenever there is indication of a failure of the containment system, the impoundment must be removed from service. Indications of failure of the containment system include an unplanned sudden drop in liquid level in the impoundment, waste detected in the leachate detection system, active leakage through the dike, or a breach (e.g., a hole, tear, crack, or separation) in the liner system.

(c) If the surface impoundment must be removed from service as required by WAC 173-303-650(6)(b), the owner or operator must:

(i) Immediately shut off the flow of or stop the addition of wastes into the impoundment;

(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, empty the impoundment to a secure facility, or manage the contained waste in a manner that eliminates the environmental impact of the leak, as approved by the department.

(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 WAC 173-303-650(6)(c); 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 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.

(e) No surface impoundment that has been removed from service in accordance with WAC 173-303-650(6)(b) 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 surface impoundment that has been removed from service in accordance with WAC 173-303-650(6)(b) and that will not be repaired must be closed in accordance with WAC 173-303-650(7).

(7) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the impoundment. Any component of the containment system or any appurtenant structure or equipment (e.g., discharge platforms and pipes, and baffles, skimmers, aerators, or other equipment) containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

(8) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a surface impoundment, unless:

(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.

(9) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395(1)(b) is complied with. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-650, filed 2/10/82.]

WAC 173-303-660 Waste piles. (1) Applicability. The regulations of WAC 173-303-660 apply to owners and operators of facilities that store or treat dangerous waste in piles.

(2) General design requirements.

(a) A waste pile must be designed to control dispersal of the waste by wind, where necessary, or by water erosion.

(b) A waste pile must be designed to prevent discharge into the land, surface water, or ground water during the life of the pile by use of a containment system which complies with WAC 173-300-660(4).

(c) All extremely hazardous and all respiratory carcinogens designated by WAC 173-303-103 stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.).

(3) General operating requirements.

(a) The department shall specify control practices (e.g., cover or frequent wetting) where necessary to ensure that wind dispersal of dangerous waste from piles is controlled.

(b) Run-on must be diverted away from a waste pile.

(c) Leachate and run-off from a waste pile must be collected and controlled in accordance with chapter 173-303 WAC and chapter 90.48 RCW, The Water Pollution Control Act.

(4) Containment systems.

(a) A containment system must be designed, constructed, maintained, and operated to prevent discharge onto or into the land, surface water, or ground water during the life of the waste pile. The system must consist of:

(i) A leachate and run-off collection and control system; and either

(ii) A base underlying and in contact with the waste pile that is made of a liner (or liners) which will prevent discharge onto or into the land, surface water, or ground water during the life of the pile based on the liner(s) thickness, the permeability of the liner(s), and the characteristics of the waste or leachate to which the liner(s) will be exposed. The liner(s) must be of sufficient strength and thickness to prevent failure due to puncture, cracking, tearing, or other physical damage from equipment used to place waste in or on the pile, or to clean and expose the liner surface for inspection; or

(iii) A base as in WAC 173-303-660(4)(a)(ii) (except that the liner(s) need not be of sufficient strength and thickness to prevent failure due to physical damage from equipment used to clean and expose the liner surface for inspection) and a leachate detection, collection, and removal system beneath the base to detect, contain, collect, and remove any discharge from the base. The leachate detection, collection, and removal system must be placed above the water table to ensure the detection of any discharge through the base; to prevent the discharge of ground water into the leachate detection, collection, and removal system; and to protect the structural integrity of the base.

(b) A waste pile base must be constructed:

(i) Of materials that have appropriate chemical properties and strength and of sufficient thickness to prevent failure due to pressure of and physical contact with the waste to which they are exposed, climatic conditions, and the stress of installation; and

(ii) On a foundation capable of providing support to the liner(s) and to loads placed or moving above the liner(s) to prevent failure of the liner(s) due to settlement or compression.

(c) A containment system must be protected from plant growth which could puncture any component of the system.

(d) A containment system must have a containment life equal to or greater than the life of the pile.

(e) For extremely hazardous waste, the owner or operator shall submit an engineering report with his permit application specified in WAC 173-303-815, stating the basis for selecting the containment system required in WAC 173-303-660(4)(b). The statement shall be certified by an independent professional engineer.

(5) Inspections and testing. During construction or installation of the waste pile base:

(a) Liner systems must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, and foreign materials); and

(b) Manufactured liner materials (e.g., membranes, sheets, and coatings) must be inspected to ensure tight seams and joints and the absence of tears or blisters.

(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 WAC 173-303-660(6)(d). Indications of possible failure of the containment system include liquid detected in the leachate detection system (where applicable), 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 (where applicable), 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 WAC 173-303-660(6)(d), 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 WAC 173-303-660(6)(c); 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 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 waste piles, owner/operators must submit with their permit application a statement signed by an independent 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 in accordance with WAC 173-303-660(6)(b) 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 in accordance with WAC 173-303-660(6)(b) and will not be repaired, must be closed in accordance with WAC 173-303-660(9).

(7) Special requirements for ignitable or reactive waste.

(a) Ignitable or reactive waste must not be placed in a pile, unless:

(i) 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

(ii) 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.

(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 required by WAC 173-303-660(4).

(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. At closure, all dangerous waste and dangerous waste residues must be removed from the pile. Any component of the containment system containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-660, filed 2/10/82.]

WAC 173-303-670 Incinerators. (1) Applicability.

(a) The regulations in WAC 173-303-670 apply to owners and operators of facilities that incinerate dangerous waste.

(b) The department may, in establishing permit conditions, exempt the facility from all requirements of WAC 173-303-670 except WAC 173-303-670(2), waste analysis, and WAC 173-303-670(8), 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) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable (Hazard Code I) or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090;

(ii) That the waste analysis included with Part B of the permit application includes none of the dangerous constituents listed in the appendix WAC 173-303-9905 above concentration limits designated in WAC 173-303-084;

(iii) That the waste analysis included with Part B of the permit application includes no halogenated hydrocarbon above 0.01 percent and no polycyclic aromatic hydrocarbons above 1.0 percent; and

(iv) That the waste feed contains no toxic dangerous wastes designated according to WAC 173-303-084.

(c) The owner or operator of an incinerator may conduct trial burns, subject only to the requirements of WAC 173-303-805(3), trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 173-303-805(3), 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 173-303-805(3)(b) or 173-303-815(8).

(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 WAC 173-303-670(6)(b)).

(3) Designation of principal organic hazardous constituents and hazardous combustion byproducts. Principal organic hazardous constituents (POHCs) and hazardous combustion byproducts must be treated to the extent required by the performance standards specified in WAC 173-303-670(4). For each waste feed to be burned, one or more POHCs and hazardous combustion byproducts will be specified from among those constituents. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion byproducts, 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 byproducts which represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs and hazardous combustion byproducts. Constituents are more likely to be designated as POHCs or hazardous combustion byproducts if they are present in large quantities or concentrations. Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-805(3) for obtaining trial burn permits. Trial hazardous combustion byproducts 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 WAC 173-303-670(6), it will meet the following performance standards:

(a) An incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each principal organic hazardous constituent (POHC) designated (under WAC 173-303-670(3)) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = \frac{(W_{in} - W_{out}) \times 100\%}{W_{in}}$$

Where:

W_{in} = Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator, and

W_{out} = Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

(b) Incinerators burning dangerous waste must destroy hazardous combustion byproducts designated under WAC 173-303-670(3) so that the total mass emission rate of these byproducts emitted from the stack is no more than .01 percent of the total mass feed rate of POHCs fed into the incinerator.

(c) An incinerator burning dangerous waste containing more than 0.5 percent chlorine must remove 99 percent of the hydrogen chloride from the exhaust gas.

(d) An incinerator burning hazardous waste must not emit particulate matter exceeding 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for 12 percent CO_2 using the procedures presented in the Clean Air Act regulations, "Standards of Performance for Incinerators," 40 CFR 60.50, Subpart E. These particulate emission standards shall be met when no other standards exist. Where a state or local air pollution control authority has jurisdiction and has more stringent emission standards, an incinerator burning dangerous or extremely hazardous wastes shall 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 WAC 173-303-670(6)) will be regarded as compliance with WAC 173-303-670(4). However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of WAC 173-303-670(4) may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-840(10).

(5) New wastes: Trial burns or 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 WAC 173-303-670(6); except:

(i) In approved trial burns under WAC 173-303-805(3); or

(ii) Under exemptions created by WAC 173-303-670(1).

(b) Other dangerous wastes may be burned only after operating conditions have been specified in a new permit or a permit modification 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 173-303-815(8).

(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 WAC 173-303-670(5)(b) and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of WAC 173-303-670(4).

(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 WAC 173-303-670(4)) 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) Air feed rate to the combustion system;

(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 WAC 173-303-670(4) are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except ignitable waste exempted in accordance with WAC 173-303-670(1)) 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 WAC 173-303-670(6)(a).

(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 air feed rate 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) Upon request 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 WAC 173-303-670(4).

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, and fugitive emissions. All emergency waste feed cutoff controls and

system alarms must be checked daily to verify proper operation.

(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. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95-.260. 82-05-023 (Order DE 81-33), § 173-303-670, filed 2/10/82.]

WAC 173-303-700 Requirements for the Washington state extremely hazardous waste management facility at Hanford. (1) Purpose and applicability. The purpose of this section is to set forth the requirements for the Washington extremely hazardous waste management (EHWM) facility located at Hanford, Washington. It is the only facility within the state that is allowed under law to dispose of extremely hazardous waste (RCW 70.105.050).

(2) Waste acceptance at Hanford.

(a) The state operator shall accept extremely hazardous waste for treatment, storage, or disposal when:

(i) The waste has been specified in the state operator's permit as not requiring prior approval from the department and the state operator sends a copy of each written request for disposal of waste at the EHWM facility to the department, not later than one week after receiving the request; or

(ii) If the waste has not been specified in the state operator's permit, then the department provides written approval that the waste may be accepted at the EHWM facility. Notices of approval or disapproval shall be provided as soon as possible, but not later than 15 days, after the state operator has notified the department. Written approval from the department is not required in emergencies, as specified; and

(iii) The generator has obtained prior written approval for waste acceptance from the state operator;

(iv) The waste is accompanied by a manifest specified in the generator requirements of WAC 173-303-180, manifest; and

(v) Waste containers meet the labeling and container condition requirements of WAC 173-303-190.

(b) The state operator may accept dangerous waste, as defined in this regulation, for storage, treatment, or disposal when:

(i) All the conditions of extremely hazardous waste acceptance, WAC 173-303-700(2), are met;

(ii) The generator and/or operator shows that no other permitted treatment, storage, or disposal (TSD) facility in the state will handle such dangerous waste. The generator and/or operator shall refer to:

(A) County or municipal ordinances or solid waste permits forbidding dangerous waste disposal at nearby sites;

(B) The extremely hazardous waste site being the shortest economical haul distance where other remotely located, dangerous waste sites may be available; and

(C) Specific rejection or disapproval, in writing, by nearby dangerous waste site operators, public or private; and

(iii) The EHWM facility is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste.

(c) The state operator, after consulting with the department, may refuse to accept any waste that does not meet the requirements of the extremely hazardous or dangerous waste acceptance procedures of WAC 173-303-700(2) until the facts are ascertained, including but not limited to:

(i) The requirement that samples of waste be taken and analyzed; or

(ii) The condition of the containers by physical inspection of the delivery load.

(d) The state operator may accept extremely hazardous or dangerous waste under emergency conditions if:

(i) An emergency and potential threat to the public health and safety exists;

(ii) the state operator notifies the department as soon as possible;

(iii) The state operator stores the waste upon delivery until the full manifest has been received and approved by the department; and

(iv) The generator is fully apprised that the waste remains his liability until approved under WAC 173-303-700(2)(d)(iii).

(3) Other applicable requirements. The EHWM facility at Hanford shall meet all other requirements of chapter 173-303 WAC, including specific requirements for storage, treatment, transfer and disposal of extremely hazardous waste, and siting, performance, and operation of EHWM facilities. The EHWM facility shall also meet the following requirements:

(a) The state operator shall not remove any extremely hazardous waste from the facility without the department's approval;

(b) The state operator shall maintain facilities for telephone and radio contact with the Hanford Reservation security patrol, and include this information with the contingency plan required in WAC 173-303-350;

(c) As a minimum, the state operator shall provide personnel having knowledge and background in the following areas:

(i) Inspecting and checking manifests for completeness and accuracy;

(ii) Applied chemistry as it relates to reactivity, explosiveness, and flammability; and

(iii) Industrial hygiene and/or toxicology of industrial, commercial, and agricultural chemicals, and emergency procedures;

(d) The state operator shall ensure that new personnel have a complete physical examination and annual checkups thereafter. The physician should be alerted to the kinds of materials the employee has been handling, so that more specific analyses can be made. The medical records shall be made a part of the state operator's records as required in WAC 173-303-380(1); and

(e) The state operator shall submit copies of all fee schedules to the department for yearly review and approval. The state operator shall supply, and the department shall use, the following criteria to review such disposal fees:

(i) Their relationship to other fees charged for similar services;

(ii) Reasonable return on investment and profit for the operator; and

(iii) The cost of administration, development, operation, maintenance, and perpetual management of the EHW facility, including administrative costs and perpetual management costs of the department.

(4) Department surveillance.

(a) In addition to the reports required under WAC 173-303-390, facility reports, the EHWM facility operator shall report the following to the department:

(i) Copies of all environmental sampling results during the previous quarter;

(ii) Telephone and written accounts of any accidents or emergencies requiring action under WAC 173-303-360; and

(iii) Complete financial reports during the previous year.

(b) The state operator shall admit the department's duly authorized representative to inspect the site at any reasonable hour of the day. Inspection may cover any of the following:

(i) The site and facilities;

(ii) The waste being delivered, stored, processed, or buried, including the taking of samples, a portion of each sample being given to the operator upon his request;

(iii) The environment, by the drilling of test wells and obtaining of samples; and

(iv) Any records, reports, information, or test results relating to the purpose of this regulation.

The inspection results will be written, filed with the department, and a copy made available to the state operator. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-700, filed 2/10/82.]

WAC 173-303-800 Permit requirements for dangerous waste management facilities. (1) The purpose of WAC 173-303-800 through 173-303-845 is to prevent a dangerous waste facility from endangering the public health and the environment by requiring permits that allow construction and operation in compliance with chapter 173-303 WAC.

(2) All owners/operators of dangerous waste facilities that treat, store, or dispose (TSD) of dangerous waste or extremely hazardous waste shall obtain a permit in accordance with WAC 173-303-800 through 173-303-845.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC 173-303-500 and 173-303-510 are met.

(4) Permits shall 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 shall have the same meanings as set forth in 40 CFR 122.3. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-800, filed 2/10/82.]

WAC 173-303-801 Relationship of the department to permits issued by the energy facilities site evaluation council (EFSEC). Permits applicable to energy facilities which are subject to chapter 80.50 RCW shall be issued by EFSEC. Nothing in chapter 173-303 WAC is intended to alter, amend, or supersede the provisions of chapter 80.50 RCW regarding the regulation, certification, construction, or operation of energy facilities as defined therein. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-801, filed 2/10/82.]

WAC 173-303-805 Types of permits and requirements. (1) Permits by rule. This section provides for a permit by rule for facilities accepting dangerous wastes. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit. The following shall be deemed to have a dangerous waste permit by rule.

(a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, if the owner or operator:

(i) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. § 1420 et seq.);

(ii) Complies with the conditions of that permit; and

(iii) Complies with the following dangerous waste regulations:

(A) WAC 173-303-060, Notification and identification numbers;

(B) WAC 173-303-370, Manifest system;

(C) WAC 173-303-380(1)(a), Operating record;

(D) WAC 173-303-390(2), Annual report; and

(E) WAC 173-303-390(1), Unmanifested waste report.

(b) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control and complies with the conditions of the permit and requirements of 40 CFR 122.45. However, no permit by rule shall be granted to underground injection wells disposing of extremely hazardous waste.

(c) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, if the owner or operator:

(i) Has a national pollutant discharge elimination system (NPDES) permit;

(ii) Complies with the conditions of that permit;

(iii) Complies with the following regulations:

(A) WAC 173-303-060, Notification and identification numbers;

(B) WAC 173-303-370, Manifest system;

(C) WAC 173-303-380, Operating record;

(D) WAC 173-303-390(2), Annual report; and

(E) WAC 173-303-390(1), Unmanifested waste reports;

(iv) Meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and

(v) Accepts no extremely hazardous waste for disposal at the POTW.

(d) Totally enclosed treatment facilities and elementary neutralization or wastewater treatment units.

(i) The owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit, except as provided in WAC 173-303-805(1)(d)(ii), if he complies with:

(A) WAC 173-303-280 through 173-303-395, the general facility standards; and

(B) WAC 173-303-510, performance standards.

(ii) The department may terminate the permit by rule, and require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit to apply for and obtain a final status permit in accordance with WAC 173-303-800 through 173-303-845, if:

(A) The owner or operator violates the requirements of WAC 173-303-280 through 173-303-395 or WAC 173-303-510;

(B) The owner or operator is conducting other activities which require him to obtain a final status permit; or

(C) The department determines that the requirements of WAC 173-303-280 through 173-303-395 or 173-303-510 are not sufficient to protect public health or the environment and that additional requirements under this chapter 173-303 WAC are necessary to provide such protection.

(2) State permits for UIC wells. The department may issue a state discharge permit to any UIC Class I well under the authority and regulations of chapter 90.45 RCW, Water pollution Control Act.

(3) Trial burn permits. For the purposes of determining feasibility of compliance with the incinerator performance standard of WAC 173-303-670(4) and of determining adequate incinerator operating conditions under WAC 173-303-670(6), the department may issue a trial burn permit to a facility to allow short-term operation of a dangerous waste incinerator subject to the following conditions:

(a) 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:

(i) An analysis of each waste or mixture of wastes to be burned which includes:

(A) Heating value of the waste in the form and composition in which it will be burned;

(B) Viscosity (if applicable), or description of physical form of the waste;

(C) An analysis and identification of any hazardous organic constituents listed in WAC 173-303-9905 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 in WAC 173-303-110, or their equivalent;

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110; and

(E) A quantification of those hazardous constituents in the waste which may be designated as principle organic hazardous constituents (POHC) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670(4);

(ii) A detailed engineering description of the incinerator for which the trial burn permit is sought including:

(A) Manufacturer's name and model number of incinerator (if available);

(B) Type of incinerator;

(C) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(D) Description of the auxiliary fuel system (type/feed);

(E) Capacity of the prime air mover;

(F) Description of automatic waste feed cut-off system(s);

(G) Stack gas monitoring and pollution control equipment;

(H) Nozzle and burner design;

(I) Construction materials; and

(J) Location and description of temperature, pressure, and flow indicating and control devices;

(iii) 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;

(iv) 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 WAC 173-303-805(3)(d);

(v) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(vi) A description of, and planned operating conditions for, any emission control equipment which will be used;

(vii) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction; and

(viii) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of WAC 173-303-805(3).

(b) The department, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of WAC 173-303-805(3).

(c) Based on the waste analysis data in the trial burn plan, the department will specify as trial principal organic hazardous constituents (trial POHC's) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHC's 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 from WAC 173-303-9905.

(d) Approval of the plan. The department shall approve a trial burn plan if it finds that:

(i) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(ii) The trial burn itself will not present an imminent hazard to human health or the environment;

(iii) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-400 and 173-303-670(6); and

(iv) The information sought in WAC 173-303-805(3)(d)(i) and (iii) cannot reasonably be developed through other means.

(e) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(i) A quantitative analysis of the trial POHC's in the waste feed to the incinerator;

(ii) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHC's, CO_2, O_2, and hazardous combustion byproducts, including the total mass emission rate of byproducts as a percent of the total mass feed rate of POHC's fed to the incinerator;

(iii) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the trial POHC's;

(iv) A total mass balance of the trial POHC's in the waste;

(v) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670(4)(a);

(vi) If the waste feed contains more than 0.5 percent chlorine, a computation of chlorine removal efficiency, in accordance with WAC 173-303-670(4)(c);

(vii) A computation of particulate emissions, in accordance with WAC 173-303-670(4)(d);

(viii) An identification of sources of fugitive emissions and their means of control;

(ix) A measurement of average, maximum, and minimum temperatures, and air feed rates;

(x) A continuous measurement of carbon monoxide in the exhaust gas; and

(xi) 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).

(f) The applicant shall submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and to the extent possible, this submission shall be made within thirty days of the completion of the trial burn, or sooner if the department so requests.

(g) All data collected during any trial burn must be submitted to the department following the completion of the trial burn. The results of the trial burn must be included with Part B of the permit application, if a permit application is submitted.

(h) All submissions required under WAC 173-303-805(3) shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application.

(4) Emergency permit. In the event the department finds that an imminent and substantial endangerment to human health or the environment exists, the department may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal (TSD) of dangerous waste at a nonpermitted facility, or at a facility covered by an effective permit that does not otherwise allow treatment, storage, or disposal of such dangerous waste. Notice of the issuance of an emergency permit shall be given to the fire marshal, police department, and other local emergency service agencies with jurisdiction near the location of the facility. The emergency permit:

(a) May be oral or written. If oral, it shall be followed within five days by a written emergency permit;

(b) Shall not exceed ninety days in duration;

(c) Shall clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;

(d) May be terminated by the department at any time without process if the department determines that termination is appropriate to protect human health and the environment;

(e) Shall be accompanied by a public notice that includes:

(i) The name and address of the department;

(ii) The name and location of the permitted TSD facility;

(iii) A brief description of the wastes involved;

(iv) A brief description of the action authorized and reasons for authorizing it; and

(v) The duration of the emergency permit.

(f) And shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

(5) Interim status permits. Any person who owns or operates an existing dangerous waste facility on the effective date of this chapter 173-303 WAC shall comply with WAC 173-303 815(2).

(6) Final permit. (a) An owner/operator can receive a final permit only after Part A and Part B of the permit application are completed and submitted to the department in compliance with WAC 173-303-815.

(b) Physical construction of a new TSD facility can only begin after the final permit is issued, except that new TSD facilities for which construction began prior to adoption of chapter 173-303 WAC may continue construction at the owner/operator's own risk while the department is reviewing the final permit application. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-805, filed 2/10/82.]

Reviser's note: Chapter 90.45 RCW as used by the agency in this section is a chapter that does not exist in the Revised Code of Washington as of 1982.

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 to assure compliance with chapter 70.105 RCW and chapter 173-303 WAC.

(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 shall 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 shall 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. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege. 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 shall 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 shall also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) Inspection and entry. The permittee shall 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) All permits shall specify:

(i) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods; and

(ii) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(b) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(c) The permittee shall 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, 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.

(d) Records of monitoring information shall 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 shall maintain records from all ground 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 shall be signed and certified according to WAC 173-303-810(13). When a dangerous waste facility is owned by one person, but is operated by another person, it is the duty of the operator and owner to obtain and cosign the permit application. The permit application shall be signed as follows:

(a) For a corporation: By a principal executive officer of at least the level of vice president, or the chief corporate officer in charge of environmental policy if he is at least the level of vice president;

(b) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(c) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official.

(13) Certification. Any person identified in WAC 173-303-810(12) as appropriate for signing the documents required for a permit application shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the 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."

(14) Reporting. The following reports shall be provided:

(a) Planned changes. The permittee shall 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 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

(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 shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(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 shall 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 shall be submitted no later than fourteen days following each scheduled date.

(f) Immediate reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment. Information shall be provided orally to the department as soon as the permittee becomes aware of the circumstances. A written submission shall 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 shall 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 shall 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. The description of the occurrence and its cause shall include:

(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.

(iii) The department may waive the five-day written notice requirements in favor of a written report within fifteen days.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under WAC

173-303-810(14)(d), (e), and (f), at the time monitoring reports are submitted. The reports shall contain the information listed in WAC 173-303-810(14)(f).

(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 shall 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(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 the owner/operator indicates to the department the degree of harm if the information is made to the public.

(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.

(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 shall place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidential information criteria. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-810, filed 2/10/82.]

WAC 173-303-815 Applying for a permit. (1) Purpose and applicability. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the department as described in WAC 173-303-815. Persons currently authorized with an interim status permit shall apply for a written permit when required by the department.

(2) Existing dangerous waste facilities.

(a) Interim status for facilities under RCRA interim status. Any existing facility operating under interim status gained under section 3005 of RCRA shall be deemed to have an interim status permit under this chapter 173-303 WAC provided that the owner/operator complies with the requirements of WAC 173-303-400. Facilities receiving wastes designated under amendments to 40 CFR Part 261 adopted after November 19, 1980, and which have been incorporated into this chapter 173-303 WAC, must obtain a final status permit in accordance with WAC 173-303-800 through 173-303-845.

(b) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which is managing dangerous wastes which are designated under WAC 173-303-070 through 173-303-103, but which have not been designated by amendments to 40 CFR Part 261, shall be deemed to have an interim status permit provided that the owner/operator of the facility:

(i) Has complied with the notification requirements of WAC 173-303-060 within ninety days of the promulgation of these regulations, and has submitted Part A of his permit application within one hundred eighty days of the promulgation of these regulations, or amendments to WAC 173-303-070 through 173-303-103 which newly designate wastes he is handling; or

(ii) Has amended Part A of his permit application submitted under the Resource Conservation and Recovery Act to include the state designated dangerous wastes within one hundred eighty days of the promulgation of these regulations, or amendments to WAC 173-303-070 through 173-303-103 which newly designate wastes he is handling.

(c) Timely submission of both notification and submission of Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department makes a final determination of the merits of the completed application.

(d) The owner/operator of an existing TSD facility shall be required to submit Part B of the permit application within six months upon the written request from the department. The owner/operator may voluntarily submit Part B of an application at any time.

(3) New dangerous waste facilities.

(a) A person may begin physical construction of a new TSD facility after submitting Part A and Part B of the permit application and receiving a dangerous waste facility permit, except that new facilities for which construction began prior to adoption of chapter 173-303 WAC may continue construction while the department is reviewing the permit application.

(b) An application for a permit for a new TSD facility may be filed with the department any time after promulgation of applicable final status standards of chapter 173-303 WAC.

(c) All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin, except that new facilities for which construction began prior to adoption of chapter 173-303 WAC shall submit a permit application to the department within ninety days of the adoption of chapter 173-303 WAC.

(4) Updating permit applications for facilities under interim status. Owners or operators of dangerous waste facilities with a filed Part A permit application shall file an amended Part A application to the department as necessary to comply with provisions of WAC 173-303-820(3) for changes during interim status.

(5) Reapplications. Any dangerous waste facility with an effective final permit shall submit a new application one hundred eighty days prior to the expiration date of

the effective permit, unless the department grants a later date.

(6) Completeness. The department shall not issue a permit before receiving a complete application, except for permits by rule or emergency permits, or unless specifically approved by the department. An application for a permit is complete when the application form and any supplemental information has been completed to the department's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(7) Recordkeeping. Applicants shall 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.

(8) Part A permit form, and contents of Part B.

(a) The Part A permit form may be obtained from the department.

(b) Contents of Part B. Part B of the permit application shall include the following:

(i) A general description of the facility and an engineering report discussing the basis for the design of the facility and plans and specifications. All reports and plans and specifications shall be prepared under the direction of a registered professional engineer, except the department may waive the requirement upon request of the applicant for minor modifications or projects;

(ii) Chemical and physical analyses of the dangerous wastes to be treated, stored, or disposed at the facility as required under WAC 173-303-300, general waste analysis;

(iii) A copy of the waste analysis plan as required under WAC 173-303-300(5);

(iv) A description of the security procedures required under WAC 173-303-310;

(v) A copy of the general inspection schedule required under WAC 173-303-320;

(vi) A description of the preparedness and prevention measures required under WAC 173-303-340;

(vii) A copy of the contingency plan required under WAC 173-303-350;

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent uncontrolled reaction of incompatible wastes (for example, procedures to avoid fires, explosions, or toxic gases);

(B) Prevent hazards in unloading operations (for example, ramps, special forklifts);

(C) Prevent runoff from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(D) Prevent contamination of water supplies;

(E) Mitigate effects of equipment failure and power outages; and

(F) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing);

(ix) Information sufficient for the department to determine that the facility has been sited in a manner which meets the requirements of WAC 173-303-500;

(x) Traffic pattern, volume and control (for example, show turns across traffic lanes, and stacking lanes, if appropriate; provide access road surfacing and load bearing capacity; show traffic control signals; provide estimates of traffic volume (number, types of vehicles)); and

(xi) Such other information, including that required under 40 CFR 122.25, as may be required by the department. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-815, filed 2/10/82.]

WAC 173-303-820 Interim status permits. (1) Applicability. This section applies to all treatment, storage and disposal (TSD) facilities meeting the requirements set forth in WAC 173-303-805(5).

(2) Facilities with an interim status permit. Facilities with an interim status permit shall not:

(a) Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;

(b) Employ processes not specified in Part A of the permit application; or

(c) Exceed the design capacities specified in Part A of the permit application.

(3) Changes during interim status.

(a) Newly regulated dangerous wastes not previously identified in Part A of the application may be treated, stored, or disposed at a permitted facility if the owner/operator submits to the department a revised Part A permit application within ninety days of the promulgation of the amendments which designate and/or regulate the new dangerous wastes.

(b) Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the department approves the change because of a lack of available treatment, storage, or disposal capacity at other permitted TSD facilities.

(c) Changes in the processes for the treatment, storage, or disposal of dangerous waste may be made at a facility, or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such changes (along with a justification explaining the need for the change) and the department approves the change because:

(i) It is necessary to prevent a threat to human health or the environment because of an emergency situation; or

(ii) It is necessary to comply with state, local, and federal regulations.

(d) Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the financial requirements of WAC 173-303-620, until the new owner or operator has demonstrated to the department that he is complying with the financial requirements. All other interim status permit duties are

transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with WAC 173-303-620, the department shall notify the old owner or operator in writing that he no longer needs to comply with the interim status permit requirements as of the date of demonstration.

(e) In no event shall changes be made to a TSD facility under the interim status permit which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new TSD facility.

(4) Termination of interim status permit. The following are causes for terminating an interim status permit:

(a) Final administrative disposition of a permit application is made;

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the standards of chapter 173-303 WAC, it may notify the owner or operator that the application is deficient and that the owner or operator is therefore not entitled to the interim status permit. The owner or operator will then be subject to enforcement for operating without a permit; or

(c) Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-820, filed 2/10/82.]

WAC 173-303-825 Final permits. (1) Applicability. This section applies to all TSD facilities meeting the requirements set forth in WAC 173-303-805(6).

(2) Permit duration.

(a) Final permits shall be effective for a fixed term not to exceed ten years.

(b) The department may issue any final permit for a duration that is less than the full allowable term.

(c) The term of a final permit shall not be extended by modification beyond ten years, unless otherwise authorized under WAC 173-303-830(3).

(3) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final permit, the facility is allowed to continue operating under the expiring permit until the effective date of the new permit.

(b) If the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any or all 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; or

(iv) Take other actions authorized by chapter 173-303 WAC.

(4) Grounds for termination. The following are causes for terminating a final 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 human health or the environment and the hazard can only be controlled by permit modification or termination. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-825, filed 2/10/82.]

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 department.

(2) Transfer of permits. 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 WAC 173-303-830(3), or a minor modification has been made to identify the new permittee and incorporate such other requirements as stipulated under WAC 173-303-830(4).

(3) Modification or revocation and reissuance of permits. When the department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for modification or revocation and reissuance, or conducts a review of the permit file), the department may determine whether or not one or more of the causes listed in WAC 173-303-830(3)(a) and (b) for modification or revocation and reissuance or both exist. If cause exists, the department may modify or revoke and reissue the permit accordingly and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. 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. If cause does not exist under WAC 173-303-830(3) or (4), the department shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in WAC 173-303-830(4) for "minor modifications," the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared in accordance with WAC 173-303-840(1).

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits, unless agreed to or requested by the permittee:

(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 department 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 regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only when:

(A) The permit condition requested to be modified was based on an effective regulation;

(B) The department has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; or

(C) A permittee requests modification within ninety days after notice of the action on which the request is based;

(iv) Compliance schedules. The department 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) Closure plans. When modification of a closure plan is required under WAC 173-303-610(3) or 173-303-610(8);

(vi) Revocation of changes approved prior to notice of closure. After the department receives the notification of expected closure under WAC 173-303-610(3), the department may determine that previously approved changes are no longer warranted. These include:

(A) Extension of the ninety or eighty day periods under WAC 173-303-610(4);

(B) Modification of the thirty year post-closure period under WAC 173-303-610(7);

(C) Continuation of security requirements under WAC 173-303-610(7); or

(D) Permission to disturb the integrity of the containment system under WAC 173-303-610(7).

(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 173-303-820(4) for interim status permits, or WAC 173-303-825(4) for final permits, and the department determines that modification or revocation and reissuance is appropriate; or

(ii) The department has received notification of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

(4) Minor modifications of permits. Unless the permittee indicates otherwise, the department may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this section without following the procedures of WAC 173-303-840. Any permit modification not processed as a minor modification under this section must be made for cause and with a draft permit and public notice as required in WAC 173-303-840. Minor modifications may only be made to:

(a) Correct typographical errors;

(b) Require more frequent monitoring or reporting by the permittee;

(c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than one hundred twenty days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;

(d) Allow for a change in ownership or operational control of a facility where the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the department;

(e) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan; or

(f) Change the following:

(i) Estimates of maximum inventory under WAC 173-303-610(3)(a)(ii);

(ii) Estimates of expected year of closure or schedules for final closure under WAC 173-303-610(3)(a)(iv); or

(iii) Approve periods longer than ninety days or one hundred eighty days under WAC 173-303-610(4)(a) or (b).

(5) Permit termination. The director shall follow the applicable procedures in WAC 173-303-840, procedures for decision making, in terminating any permit.

(6) Schedules of compliance.

(a) General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with chapter 173-303 WAC.

(b) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.

(c) Interim dates. If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement as follows;

(i) The time between interim dates shall not exceed one year; or

(ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.

(d) Reporting. The permit shall be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the department in writing of its compliance or noncompliance with the interim or final requirements. [Statutory Authority: Chapter 70.105 RCW and RCW

70.95.260. 82-05-023 (Order DE 81-33), § 173-303-830, filed 2/10/82.]

WAC 173-303-840 Procedures for decision making. (1) Draft permits.

(a) A draft permit is a document prepared by the department indicating the tentative decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) When an application is completed, the department may tentatively decide whether to prepare a draft permit, or to deny the application.

(c) If the department decides to prepare a draft permit, it shall contain the following information:

(i) All conditions applicable to permits under WAC 173-303-810;

(ii) Applicable conditions under WAC 173-303-830; and

(iii) Other RCRA permits, applicable standards for storage, treatment and disposal, and other permit conditions.

(d) All draft permits must be accompanied by a fact sheet that is supported by administrative record and made available for public comment.

(2) Fact sheet.

(a) A fact sheet shall be prepared for every draft permit for a major dangerous waste management facility, and for every draft permit which the department finds is the subject of wide-spread public interest or raises major issues.

(b) The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The department shall send this fact sheet to the applicant and, on request, to any other person.

(c) The fact sheet shall include, when applicable:

(i) A brief description of the type of facility or activity which is the subject of the draft permit;

(ii) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed, injected, emitted, or discharged;

(iii) A brief summary of the basis for the draft permit conditions including supporting references;

(iv) Reasons why any requested variances or alternatives to required standards do or do not appear justified; and

(v) A description of the procedures for reaching a final decision on the draft permit including:

(A) The beginning and ending dates of the comment period and the address where comments will be received;

(B) Procedures for requesting a hearing and the nature of that hearing;

(C) Any other procedures by which the public may participate in the final decision; and

(D) Name and telephone number of a person to contact for additional information.

(3) Public notice and involvement.

(a) The department shall give public notice that the following actions have occurred:

(i) A draft permit has been prepared;

(ii) A hearing has been scheduled; or

(iii) An appeal has been filed with the pollution control hearings board.

(b) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied. A written notice of the denial shall be given to the owner/operator who requested the permit modification.

(c) The public notice may describe more than one permit or permit action.

(d) Public notice of the preparation of a draft permit, including a notice of intent to deny a permit application shall allow at least forty-five days for public comment. Public notice of a public hearing shall be given at least thirty days before the hearing.

(e) Public notice of activities described in this section shall be given by the following methods:

(i) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

(A) The applicant;

(B) Any other agency which the department knows has issued or is required to issue a permit for the same activity or facility;

(C) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the advisory council on historic preservation, state historic preservation officers, and other appropriate government authorities, including any affected states;

(D) Persons on the mailing list developed by:

(I) Those who request in writing to be on the list;

(II) Soliciting persons for an area list from participants in past permit proceedings in that area; and

(III) Notifying the public of the opportunity to be put on the mailing list through periodic publications in the public press and in appropriate publications of the department;

(ii) For major permits, by publication of a notice in a daily newspaper within the area affected by the facility; or

(iii) For major permits, by radio broadcast of the public notice; or

(iv) By any other method reasonably calculated to give notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(4) Contents of the public notice.

(a) All public notices issued shall contain the following minimum information:

(i) Name and address of the office processing the permit action for which notice is being given;

(ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(iii) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(iv) Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet, and the application;

(v) A brief description of the comment procedures required and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;

(vi) Date, time, and place of the hearing;

(vii) Reference to the date of the previous public notice relating to the permit;

(viii) A brief description of the nature and purpose of the hearing including the applicable rules and procedures; and

(ix) In addition to the general public notice all persons identified in WAC 173-303-840(3)(e)(i)(B) and (C) shall be mailed a copy of the fact sheet, the permit application (if any), and the draft permit (if any).

(b) Public comments and request for public hearings. During the public comment period any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered according to WAC 173-303-840(9).

(5) Public hearings.

(a) The department shall hold a public hearing whenever, on the basis of requests, there is a significant degree of public interest in a draft permit or there is written notice of opposition and the director receives a request for a hearing during the forty-five day comment period. The department also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in WAC 173-303-840(3).

(b) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under WAC 173-303-840(3) shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.

(c) A tape recording or written transcript of the hearing may be made available to the public.

(6) Obligation to raise issues and provide information during the public comment period.

(a) All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the department's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under WAC 173-303-840(3).

(b) All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to the department. A comment period longer than thirty days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this section. Commenters may request a longer comment period.

(7) Reopening of the public comment period. If any data, information, or arguments submitted during the public comment period, including information or arguments required, appear to raise substantial new questions concerning a permit, the director may take one or more of the following actions:

(a) Prepare a new draft permit, appropriately modified;

(b) Prepare a revised statement of basis, a fact sheet or revised fact sheet, and reopen the comment period; or

(c) Reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice shall define the scope of the reopening.

(8) Issuance and effective date of permit.

(a) After the close of the public comment period under WAC 173-303-840(5) on a draft permit, the department shall issue a final permit decision. The department shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. For purposes of this section, a final permit means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision shall become effective thirty days after the service of notice of the decision, unless:

(i) A later effective date is specified in the decision; or

(ii) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

(9) Response to comments.

(a) At the time that any final permit decision is issued, the department shall issue a response to comments. The department is required to issue a response to comments when a final permit is issued.

(b) This response shall specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reason for the change, and briefly describe and respond to all significant comments of the draft permit raised during the public comment period or during any hearing.

(c) The response to comments shall be available to the public.

(10) Decision-making procedure for modification, revocation and reissuance, or termination of permits.

(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the department's initiative. However, permits may only be modified or revoked and reissued for the reasons specified in WAC 173-303-830(3) and (4), or terminated for the reasons specified in WAC 173-303-820(4) or 173-303-825(4). All requests shall be in writing and shall contain facts or reasons supporting the request.

(b) If the department tentatively decides to modify or revoke and reissue a permit under WAC 173-303-830(3), it shall prepare the draft permit under WAC 173-303-840(1), incorporating the proposed changes. The department may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the department shall require the submission of a new application.

(c) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(d) "Minor modifications" as defined in WAC 173-303-830(4) are not subject to the requirements of this section.

(e) If the department tentatively decides to terminate an interim status permit under WAC 173-303-820(4) or a final permit under WAC 173-303-825(4), it shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under WAC 173-303-840(1). [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-840, filed 2/10/82.]

WAC 173-303-845 Appeal of decision. Any person who is adversely affected by a decision of the department under chapter 173-303 WAC may appeal the decision to the pollution control hearings board pursuant to chapter 43.21B RCW.

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-845, filed 2/10/82.]

WAC 173-303-900 Public involvement and participation. (1) Intent. Public involvement and participation plays a significant role in the decision making process. The department intends to foster public awareness, information and consultation, and to respond actively to public concerns. The department will inform the public of major issues, proposed projects, and regulatory changes, and will consult interested and affected segments of the public before making important decisions. The overall goal of the department is to provide knowledge to the public about dangerous waste issues that vitally affect the state, to encourage broader understanding of the public role in dangerous wastes and their proper management, and to promote an open dialogue between the public, industry, and government.

(2) Applicable requirements. In fulfilling the intent of public involvement and participation in the decision making process, the department will refer to and, where applicable, follow the requirements and guidance set forth in the following:

(a) Chapter 34.04 RCW, Administrative Procedure Act;

(b) Chapter 34.08 RCW, Washington State Register Act of 1977;

(c) Chapter 42.17 RCW, Public Records Act;

(d) Chapter 197-10 WAC, Guidelines Interpreting and Implementing the State Environmental Policy Act;

(e) 40 CFR Part 25, Public Participation in Programs Under the Resource Conservation and Recovery Act, The Safe Drinking Water Act, and the Clean Water Act; and

(f) The Washington state solid waste management plan, December 1980. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-900, filed 2/10/82.]

WAC 173-303-910 Petitions. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. WAC 173-303-910(1) sets forth general requirements which apply to all such petitions. The remaining paragraphs 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) 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.

(d) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and initiate rule-making proceedings in accordance with RCW 34.04.025.

(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 WAC 173-303-910(1), above:

(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 in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through 173-303-090.

(b) To be successful, the generator must demonstrate to the satisfaction of the department that either:

(i) His waste would not be a designated dangerous waste under the dangerous waste criteria, WAC 173-303-100, by obtaining representative samples from his waste and checking his samples against the dangerous waste criteria; or

(ii) His waste does not otherwise pose a threat to public health or the environment, as verified by data provided by the generator. Such data shall be developed through consultation with the department, and shall establish beyond a reasonable doubt that the waste does not pose a threat.

(c) Representative samples must be taken over a period of time sufficient to reflect the variability (if any) or the uniformity of the waste.

(d) Each petition must include, in addition to the information required by WAC 173-303-910(1), above:

(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 weekly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in the respective dangerous waste criteria, WAC 173-303-100;

(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.

(e) After receiving a petition for a dangerous waste exclusion, the department may request any additional information which it may reasonably require to evaluate the petition.

(f) 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.

(g) 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.

(h) The department may (but shall not be required to) grant a temporary exemption before making a final decision under WAC 173-303-910(1), above, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator must demonstrate to the satisfaction of the department that:

(i) The wastes would not pose a significant threat to public health or the environment as demonstrated by data provided by the generator;

(ii) The wastes are adequately regulated under other existing state or federal programs, and will not pose a significant threat to public health or the environment; or

(iii) The wastes are currently being recycled, reclaimed, or recovered in a manner which does not pose a significant threat to public health or the environment.

(b) In addition to the information required by WAC 173-303-910(1) and 173-303-910(3)(d), above, each petition must include:

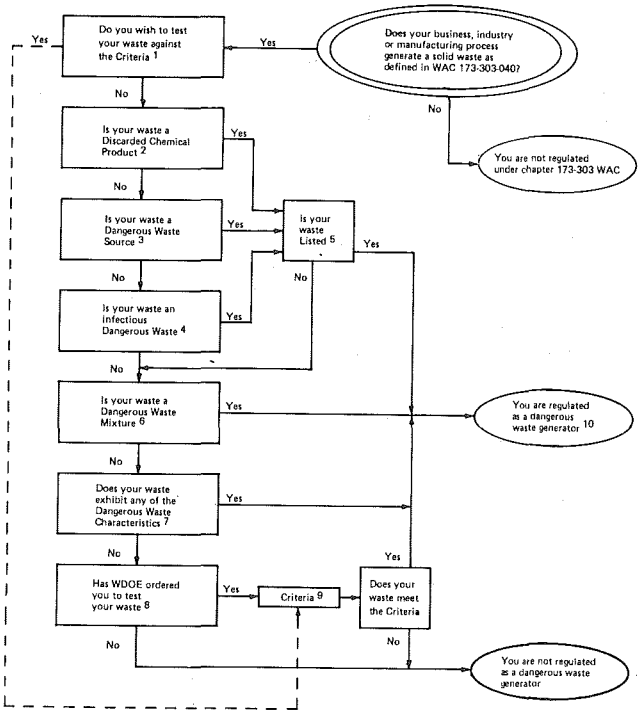
(i) Data showing the results of testing the waste for which exclusion is sought against the dangerous waste criteria, WAC 173-303-100 through 173-303-103;

(ii) A description of the state or federal program which regulates the wastes and information supporting the claim that the program adequately protects public health and the environment, if applicable; or

(iii) A description of the current waste recycling, reclamation and recovery practices and information supporting the claim that the practices do not pose a significant threat to public health and the environment if applicable.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-910, filed 2/10/82.]

WAC 173-303-9901 Flow chart for designating dangerous wastes.



1. Voluntary testing, allowed under WAC 173-303-070(2)(b).
2. See WAC 173-303-081.
3. See WAC 173-303-082.
4. This section, WAC 173-303-083, is reserved, and is not applicable at the publication date of this chapter.
5. The discarded chemical products list appears in WAC 173-303-1003, and the dangerous waste sources list appears in WAC 173-303-1004.
6. See WAC 173-303-084.
7. See WAC 173-303-090. The dangerous waste characteristics include the properties of ignitability, corrosivity, reactivity, and EP toxicity.
8. Washington Department of Ecology may order testing pursuant to WAC 173-303-070(4)(b).
9. See WAC 173-303-100.
10. As a dangerous waste generator you must comply with the requirements set forth under WAC 173-303-170.

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9901, filed 2/10/82.]

WAC 173-303-9902 Narrative for designating dangerous wastes. The following question and answer narrative has been designed to help a generator determine if his waste is dangerous, and therefore regulated under chapter 173-303 WAC. This narrative will be most valuable when used in conjunction with the regulations, and with specific knowledge about an actual waste or waste stream.

You should begin with paragraph (1), answer the question for yourself, then follow the directions for the appropriate yes or no response. Proceed through the narrative according to the questions and responses which are applicable to your waste.

If a given response is to continue, this indicates that you should go on to the next paragraph. In some cases there are multiple questions. If your answer to all the questions is yes, then follow the directions for the yes response. If your answer to one or more of the questions is no, then follow the directions for the no response.

(1) Do you generate a solid waste, as defined in WAC 173-303-040?

No — You are not regulated under chapter 173-303 WAC.

Yes — Continue.

(2) Do you wish to voluntarily designate your waste through the dangerous waste criteria set forth under WAC 173-303-100?

Yes — Go to (13) dangerous waste criteria.

No — Continue.

(3) Discarded chemical product. Is your waste a discarded chemical product as described under WAC 173-303-081(1)? Is your waste listed on the discarded chemical products list, WAC 173-303-9903? Does your

waste quantity exceed the quantity exclusion limits described in WAC 173-303-081(2) for your waste type?

Yes — You are the generator of a discarded chemical product. Assign the appropriate designation (EHW or DW) and the dangerous waste number (DW#) which correspond to your listed waste. Go to (14) generator.

No — Continue.

(4) Dangerous waste source. Is your waste and the process which generated it listed in the dangerous waste sources list, WAC 173-303-9904? Does your waste quantity exceed 400 lbs. per month or per batch, as set forth in WAC 173-303-082(1)?

Yes — You are the generator of a dangerous waste source. Designate your waste as a DW, and assign the dangerous waste number (DW#) which corresponds to your listed waste. Go to (14) generator.

No — Continue.

(5) Infectious dangerous waste. (Reserved). The department has not promulgated regulations in this area. Continue to the next question.

(6) Dangerous waste mixtures. Is your waste a dangerous waste mixture as defined under WAC 173-303-084(3)? Do you know any of the chemical constituents of your waste? Do you know the concentrations for these constituents in your waste?

No — Go to (11) dangerous waste characteristics.

Yes — Continue.

(7) Toxic dangerous waste mixtures. Can you obtain toxicity data for your waste constituents of known concentration? (You should check the NIOSH Registry and EPA Spill Table referenced in WAC 173-303-084(2).) Assign toxic categories to each known waste constituent in accordance with WAC 173-303-084(5)(a). Calculate the equivalent concentration (%) for your waste in accordance with WAC 173-303-084(5)(b). Plot your waste on the toxic dangerous waste mixtures graph, WAC 173-303-084(5)(e) (a larger version of the TDWM graph appears in WAC 173-303-9906), in accordance with the procedures of WAC 173-303-084(5)(c). Does the plotted point fall in either one of the regions marked DW or EHW?

Yes — You are the generator of a toxic dangerous waste mixture. Assign the proper designation (DW or EHW) according to the region in which the plotted point fell, and assign the dangerous waste number (DW#) WT01 if the toxic waste designation is EHW, or WT02 if it is DW. Go to (14) generator.

No — Continue.

(8) Persistent (HH) dangerous waste mixtures. Does your waste contain halogenated hydrocarbons (HH)? Sum all the known concentrations for the HH in your waste in accordance with WAC 173-303-084(6)(a). Plot your waste on the persistent dangerous waste mixtures graph, WAC 173-303-084(6)(f) (a larger version of the PDWM graph appears in WAC 173-303-9907), in accordance with the procedures of WAC 173-303-084(6)(c). Does the plotted point fall in either of the regions marked DW or EHW?

Yes — You are the generator of a persistent dangerous waste mixture. Assign the proper designation (DW or EHW) according to the region in which the plotted point fell, and assign the dangerous waste number (DW#) WP01 if the HH waste designation is EHW, or WP02 if it is DW. Go to (14) generator.

No — Continue.

(9) Persistent (PAH) dangerous waste mixtures. Does your waste contain polycyclic aromatic hydrocarbons (PAH) as defined in WAC 173-303-040? Sum all the known concentrations for the PAH in your waste in accordance with WAC 173-303-084(6)(b). Plot your waste on the persistent dangerous waste mixtures graph, WAC 173-303-084(6)(f) (a larger version of the PDWM graph appears in WAC 173-303-9907), in accordance with the procedures of WAC 173-303-084(6)(d). Does the plotted point fall in the region marked EHW (PAH are not designated at DW threshold levels)?

Yes — You are the generator of a persistent dangerous waste mixture. Designate your waste as EHW, and assign the dangerous waste number (DW#) WP03 to your waste. Go to (14) generator.

No — Continue.

(10) Carcinogenic dangerous waste mixtures. Does your waste contain constituents which are IARC (International Agency for Research on Cancer) positive or suspected, animal or human carcinogens? (Information on IARC carcinogens appears in the NIOSH Registry referenced in WAC 173-303-084(2).) Sum the concentrations of all IARC carcinogens in your waste. Does your waste contain more than one percent total IARC carcinogens, and does your waste quantity exceed 400 lbs. per month or per batch as set forth in WAC 173-303-084(7)?

Yes — You are the generator of a carcinogenic dangerous waste mixture. Designate your waste as DW, and assign the dangerous waste number (DW#) WC01 to your waste. Go to (14) generator.

No — Continue.

(11) Dangerous waste characteristics. Does your waste exhibit any of the dangerous waste characteristics, WAC 173-303-090, including: Ignitability, WAC 173-303-090(4); Corrosivity, WAC 173-303-090(5); Reactivity, WAC 173-303-090(6); or, EP toxicity, WAC 173-303-090(7)? Does your waste quantity exceed 400 lbs. per month or per batch?

Yes — You are a dangerous waste generator. Designate your waste (either DW or EHW) in accordance with the characteristic which it exhibits, and assign the dangerous waste number (DW#) that corresponds to the characteristic exhibited by your waste. Go to (14) generator.

No — Continue.

(12) Has the Washington Department of Ecology ordered you to test your waste against the dangerous waste criteria, WAC 173-303-100, pursuant to the provisions of WAC 173-303-070(4)(b)?

No — Go to (15) not regulated.

Yes — Continue.

(13) Dangerous waste criteria. Check or test your waste against the dangerous waste criteria set forth in WAC 173-303-100, including: Dangerous waste characteristics, WAC 173-303-090; toxic dangerous wastes,

WAC 173-303-101; persistent dangerous wastes, WAC 173-303-102; and carcinogenic dangerous wastes, WAC 173-303-103. Does your waste meet one or more of the dangerous waste criteria?

Yes — You are a dangerous waste generator. Designate your waste in accordance with all applicable criteria, and assign all dangerous waste numbers (DW#) corresponding to the criteria your waste needs. Go to (14) generator.

No — Go to (15) not regulated.

(14) Generator. Because you are a generator of a dangerous waste (DW or EHW), you must comply with the requirements set forth under WAC 173-303-170. You may check your waste against the dangerous waste criteria, WAC 173-303-100, to change its designation in accordance with WAC 173-303-070(6)(a).

(15) Not regulated. You do not generate a dangerous waste, and therefore are exempt from any other requirements of chapter 173-303 WAC. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9902, filed 2/10/82.]

WAC 173-303-9903 Discarded chemical products list.

DISCARDED CHEMICAL PRODUCTS LIST

ACUTELY DANGEROUS CHEMICAL PRODUCTS

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
P023	Acetaldehyde, chloro-	EHW	B H
U001	Acetaldehyde	EHW	C
U034	Acetaldehyde, trichloro-	EHW	H
P002	Acetamide, N-(aminothioxomethyl)-	EHW	B
P057	Acetamide, 2-fluoro-	EHW	B H
P058	Acetic acid, fluoro-, sodium salt	EHW	A H
U144	Acetic acid, lead salt	EHW	D EP
P066	Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester	EHW	B
U003	Acetonitrile	EHW	C I
P001	3-(alpha-Acetonyl-benzyl)-4-hydroxycoumarin and salts	EHW	A
P002	1-Acetyl-2-thiourea	EHW	B
U006	Acetyl chloride	EHW	C H O R
P003	Acrolein	EHW	X
U007	Acrylamide	EHW	C
U008	Acrylic acid	EHW	C O I
U009	Acrylonitrile	EHW	C + I
P070	Aldicarb	EHW	B
P004	Aldrin	EHW	X H
P005	Allyl alcohol	EHW	B I
P006	Aluminum phosphide	EHW	B R
P007	5-(Aminomethyl)-3-isoxazolol	EHW	B
P008	4-Aminopyridine	EHW	B
P009	Ammonium picrate	EHW	R
P119	Ammonium vanadate	EHW	B
U012	Aniline	EHW	C I
P010	Arsenic acid	EHW	B
P012	Arsenic (III) oxide	EHW	B +
P011	Arsenic (V) oxide	EHW	B
P011	Arsenic pentoxide	EHW	B
P012	Arsenic trioxide	EHW	B +
P038	Arsine, diethyl-	EHW	B
U015	Azaserine	EHW	C +
P054	Aziridine	EHW	B +
U010	Azirino(2',3':3,4)pyrrolo(1,2a)indole-4,7-dione, 6-amino-8[((aminocarbonyl) oxy) methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-	EHW	B +
P013	Barium cyanide	EHW	A
U157	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	EHW	H P
U017	Benzal chloride	EHW	D H
U018	Benz[a]anthracene	EHW	P +
U018	1,2-Benzanthracene	EHW	P +
U094	1,2-Benzanthracene, 7,12-dimethyl-	EHW	C P
U012	Benzenamine	EHW	C I
P024	Benzenamine, 4-chloro-	EHW	C H
U049	Benzenamine, 4-chloro-2-methyl-	EHW	H
U093	Benzenamine, N,N-dimethyl-4-(phenylazo)-	EHW	C +
U158	Benzenamine, 4,4-methylenebis(2-chloro-	EHW	H +
P077	Benzenamine, 4-nitro-	EHW	D ?
P028	Benzene, (chloromethyl)-	EHW	B H +
U019	Benzene	EHW	C + I
U038	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester	EHW	H
U030	Benzene, 1-bromo-4-phenoxy-	EHW	H
U037	Benzene, chloro-	EHW	B H I
U190	1,2-Benzenedicarboxylic acid anhydride	EHW	C
U070	Benzene, 1,2-dichloro-	EHW	B H
U071	Benzene, 1,3-dichloro-	EHW	B H
U072	Benzene, 1,4-dichloro-	EHW	B H
U017	Benzene, (dichloromethyl)-	EHW	D H
U223	Benzene, 1,3-diisocyanatomethyl-	EHW	B R
U239	Benzene, dimethyl-	EHW	C I
U201	1,3-Benzenediol	EHW	C
U127	Benzene, hexachloro-	EHW	H
U056	Benzene, hexahydro-	EHW	C I
U188	Benzene, hydroxy-	EHW	C
U220	Benzene, methyl-	EHW	C I
U105	Benzene, 1-methyl-1-2,4-dinitro	EHW	C
U106	Benzene, 1-methyl-2,6-dinitro-	EHW	C
U055	Benzene, (1,methylethyl)-	EHW	C I
U169	Benzene, nitro-	EHW	C I
U183	Benzene, pentachloro	EHW	H
U185	Benzene, pentachloronitro-	EHW	D H +
U020	Benzenesulfonic acid chloride	EHW	D H O R
U020	Benzenesulfonyl chloride	EHW	D H O R
U207	Benzene, 1,2,4,5-tetrachloro-	EHW	D H
U023	Benzene, (trichloromethyl)-	EHW	H O R
P042	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-	EHW	B
P014	Benzenethiol	EHW	A
U021	Benzidine	EHW	B +
U022	Benzo[a]pyrene	EHW	P +
U022	3,4-Benzopyrene	EHW	P +
U197	p-Benzoquinone	EHW	C
U023	Benzotrichloride	EHW	H O R
U050	1,2-Benzphenanthrene	EHW	P +
P028	Benzyl chloride	EHW	B H +
P015	Beryllium dust	EHW	C +
U085	2,2'-Bioxirane	EHW	B I
U021	'1,1"-Biphenyl)-4,4'-diamine	EHW	B +
U073	(1,1'-Biphenyl-4,4'-diamine, 3,3'-dichloro-	EHW	H +
U095	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	EHW	C +
U024	Bis(2-chloroethoxy) methane	EHW	C H
U027	Bis(2-chloroisopropyl) ether	EHW	C H O
P016	Bis(chloromethyl) ether	EHW	B H +
U246	Bromine cyanide	EHW	C H
P017	Bromoacetone	EHW	C H
U225	Bromoform	EHW	H
U030	4-Bromophenyl phenyl ether	EHW	H
P018	Brucine	EHW	A
U128	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	EHW	C H
U035	Butanoic acid, 4-[bis(2-chloroethyl) amino] benzene-	EHW	H +
U160	2-Butanone peroxide	EHW	B R
U053	2-Butenal	EHW	B I
U074	2-Butene, 1,4-dichloro-	EHW	C H I
U032	Calcium chromate	EHW	C + EP
P021	Calcium cyanide	EHW	B
P123	Camphene, octachloro-	EHW	X H
U178	Carbamic acid, methylnitroso-, ethyl ester	EHW	C +
U176	Carbamide, N-ethyl-N-nitroso-	EHW	C +
U177	Carbamide, N-methyl-N-nitroso-	EHW	C +
U219	Carbamide, thio-	EHW	C +
P103	Carbamimidoselenoic acid	EHW	B
U097	Carbamoyl chloride, dimethyl-	EHW	D H +
P022	Carbon bisulfide	EHW	D I ?
P022	Carbon disulfide	EHW	D I ?

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U156	Carbonochloridic acid, methyl ester	EHW	B H I
U033	Carbon oxyfluoride	EHW	H R
U211	Carbon tetrachloride	EHW	C H +
P095	Carbonyl chloride	EHW	B H
U033	Carbonyl fluoride	EHW	B H R
U035	Chlorambucil	EHW	H +
U036	Chlordane, technical	EHW	X H
P033	Chlorine cyanide	EHW	A H
U026	Chlornaphazine	EHW	H +
P023	Chloroacetaldehyde	EHW	B H
P024	p-Chloroaniline	EHW	C H
U037	Chlorobenzene	EHW	B H I
U039	4-Chloro-m-cresol	EHW	H
U041	1-Chloro-2,3-epoxypropane	EHW	C H + I
U042	2-Chloroethyl vinyl ether	EHW	C H
U044	Chloroform	EHW	C H +
U046	Chloromethyl methyl ether	EHW	D H + I
U047	beta-Chloronaphthalene	EHW	D H
U048	o-Chlorophenol	EHW	D H
P026	1-(o-Chlorophenyl)thiourea	EHW	A H
P027	3-Chloropropionitrile	EHW	B H
U049	4-Chloro-o-toluidine, hydrochloride	EHW	H
U032	Chromic acid, calcium salt	EHW	C H +
U050	Chrysene	EHW	P +
P029	Copper cyanides	EHW	B
U051	Creosote	EHW	B
U052	Cresols	EHW	B
U052	Cresylic acid	EHW	B
U053	Crotonaldehyde	EHW	B I
U055	Cummene	EHW	C I
P030	Cyanides (soluble cyanide salts), not elsewhere specified	EHW	A
P031	Cyanogen	EHW	B I
U246	Cyanogen bromide	EHW	C H
P033	Cyanogen chloride	EHW	A H
U197	1,4-Cyclohexadienedione	EHW	C
U056	Cyclohexane	EHW	C I
U057	Cyclohexanone	EHW	C I
U130	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexa-chloro-	EHW	X H
U058	Cyclophosphamide	EHW	C H +
U240	2,4-D, salts and esters	EHW	B H
U060	DDD	EHW	C H +
U061	DDT	EHW	X H +
U142	Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one	EHW	X H
U062	Diallate	EHW	C H +
U133	Diamine	EHW	B + R
U063	Dibenz[a,h]anthracene	EHW	A
U063	1,2:5,6-Dibenzanthracene	EHW	P +
U064	1,2:7,8-Dibenzopyrene	EHW	P +
U064	Dibenz[a,i]pyrene	EHW	P +
U066	1,2-Dibromo-3-chloropropane	EHW	C H +
U062	S-(2,3-Dichloroallyl) diisopropylthiocarbamate	EHW	C H +
		EHW	C H +
U070	o-Dichlorobenzene	EHW	B H
U071	m-Dichlorobenzene	EHW	B H
U072	p-Dichlorobenzene	EHW	B H
U073	3,3'-Dichlorobenzidine	EHW	H +
U074	1,4-Dichloro-2-butene	EHW	C H I
U075	Dichlorodifluoromethane	EHW	H
U060	Dichloro diphenyl dichloroethane	EHW	C H +
U061	Dichloro diphenyl trichloroethane	EHW	X H +
U078	1,1-Dichloroethylene	EHW	C H +
U079	1,2-Dichloroethylene	EHW	D H
U025	Dichloroethyl ether	EHW	C H
U081	2,4-Dichlorophenol	EHW	D H
U082	2,6-Dichlorophenol	EHW	D H
U240	2,4-Dichlorophenoxyacetic acid, salts and esters	EHW	B H
P036	Dichlorophenylarsine	EHW	B H
U083	1,2-Dichloropropane	EHW	C H I
U084	1,3-Dichloropropane	EHW	C H
U037	Dieldrin	EHW	X H +
U085	1,2:3,4-Diepoxybutane	EHW	B I
P038	Diethylarsine	EHW	B
P039	O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate	EHW	A
U087	O,O-Diethyl-S-methyl-dithiophosphate	EHW	B
P041	Diethyl-p-nitrophenyl phosphate	EHW	A
P040	O,O-Diethyl O-pyrazenyl phosphorothioate	EHW	A
P043	Diisopropyl fluorophosphate	EHW	B H
P044	Dimethoate	EHW	A
U092	Dimethylamine	EHW	C I
U093	Dimethylaminoazobenzene	EHW	C +
U094	7,12-Dimethylbenz[a]anthracene	EHW	C P
U095	3,3'-Dimethylbenzidine	EHW	C +
U096	alpha,alpha-Dimethylbenzylhydroperoxide	EHW	C R
U097	Dimethylcarbamoyl chloride	EHW	D H +
U099	1,2-Dimethylhydrazine	EHW	C + I
P045	3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)carbonyl] oxime	EHW	B
P071	O,O-Dimethyl O-p-nitrophenyl phosphorothioate	EHW	A
P082	Dimethylnitrosamine	EHW	B +
P046	alpha, alpha-Dimethylphenethylamine	EHW	C
U103	Dimethyl sulfate	EHW	C O +
P047	4,6-Dinitro-o-cresol and salts	EHW	B
P034	4,6-Dinitro-o-cyclohexylphenol	EHW	C
P048	2,4-Dinitrophenol	EHW	B
U105	2,4-Dinitrotoluene	EHW	C
U106	2,6-Dinitrotoluene	EHW	C
P020	Dinoseb	EHW	B
U109	1,2-Diphenylhydrazine	EHW	C
P035	Diphosphoramide, octamethyl	EHW	?
U110	Dipropylamine	EHW	C I
U111	Di-n-propylnitrosamine	EHW	C +
P039	Disulfoton	EHW	A
P049	2,4-Dithiobiuret	EHW	A
P109	Dithiopyrophosphoric acid, tetraethyl ester	EHW	A
P050	Endosulfan	EHW	X H
P088	Endothall	EHW	B
P051	Endrin	EHW	X H
P042	Epinephrine	EHW	B
U001	Ethanal	EHW	C
U174	Ethanamine, N-ethyl-N-nitroso-	EHW	C +
P046	Ethanamine, 1,1-dimethyl-2-phenyl-	EHW	C
U067	Ethane, 1,2-dibromo-	EHW	C H +
U076	Ethane, 1,1-dichloro-	EHW	D H
U077	Ethane, 1,2-dichloro-	EHW	D H
U114	1,2-Ethanediylbiscarbamodithioic acid	EHW	B
U131	Ethane, 1,1,1,2,2,2-hexachloro-	EHW	H
U024	Ethane, 1,1'-[methylenebis(oxy)] bis[2-chloro-	EHW	C H
U247	Ethane, 1,1,1-trichloro-2,2-bis(b-methoxy phenyl)	EHW	D H
U003	Ethanenitrile	EHW	C
U025	Ethane, 1,1'-oxybis[2-chloro-	EHW	C H
U184	Ethane, pentachloro-	EHW	A H
U208	Ethane, 1,1,1,2-tetrachloro-	EHW	H
U209	Ethane, 1,1,2,2-Tetrachloro-	EHW	H
U227	Ethane, 1,1,2-trichloro-	EHW	C H
P084	Ethenamine, N-methyl-N-nitroso	EHW	B +
U043	Ethene, chloro-	EHW	D H +
U042	Ethane, 2-chloroethoxy-	EHW	C H
U078	Ethene, 1,1-dichloro-	EHW	C H +
U079	Ethene, trans-1,2-dichloro-	EHW	D H
U210	Ethene, 1,1,2,2-tetrachloro-	EHW	C H
U006	Ethanoyl chloride	EHW	C H O R
P101	Ethyl cyanide	EHW	B
U038	Ethyl 4,4'-dichlorobenzilate	EHW	D H
U114	Ethylenebis(dithiocarbamic acid), salts and esters	EHW	B
U067	Ethylene dibromide	EHW	C H
U077	Ethylene dichloride	EHW	D H
U115	Ethylene oxide	EHW	C I
P054	Ethylenimine	EHW	B +
U076	Ethylidene dichloride	EHW	D H
P097	Famphur	EHW	A
P056	Fluorine	EHW	B
P057	Fluoroacetamide	EHW	B H
P058	Fluoroacetic acid, sodium salt	EHW	A H
U122	Formaldehyde	EHW	C
P065	Fulminic acid, mercury (II) salt	EHW	R ?
U125	2-Furancarboxaldehyde	EHW	C I
U147	2,5-Furandione	EHW	C
U125	Furfural	EHW	C I
U126	Glycidylaldehyde	EHW	C +
U163	Guanidine, N-nitroso-N-methyl-N'nitro-	EHW	C +
P059	Heptachlor	EHW	X H +
U127	Hexachlorobenzene	EHW	H
U128	Hexachlorobutadiene	EHW	C H
U129	Hexachlorocyclohexane (gamma isomer)	EHW	H +

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U130	Hexachlorocyclopentadiene	EHW	X H
P051	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–dimethanophthalene	EHW	X H
P037	1,2,3,4,10,10–Hexachloro–6,7—epoxy–1,4,4a,5,6,7,8,8a–octahydro–endo, exo–1,4,5,8–dimethanonaphthalene	EHW	X H +
U131	Hexachloroethane	EHW	H
P060	1,2,3,4,10,10–Hexachloro–1,4,4a,5,8,8a–hexahydro–1,4:5,8–endo, endo–dimethanonaphthalene	EHW	B H
P004	1,2,3,4,10,10–Hexachloro–1,4,4a,5,8,8a–hexahydro–1,4,5,8–endo, exodimethanonaphthalene	EHW	B H
P060	Hexachlorohexahydro–endo, endo–dimethanonaphthalene	EHW	B H
U132	Hexachlorophene	EHW	C H
U243	Hexachloropropene	EHW	H
P062	Hexaethyl tetraphosphate	EHW	B
U133	Hydrazine	EHW	B + R
P116	Hydrazinecarbothioamide	EHW	B
U099	Hydrazine, 1,2–dimethyl–	EHW	C + I
U109	Hydrazine, 1,2–diphenyl–	EHW	C
P068	Hydrazine, methyl–	EHW	A I
P063	Hydrocyanic acid	EHW	A
P063	Hydrogen cyanide	EHW	A
P096	Hydrogen phosphide	EHW	B I
U135	Hydrogen sulfide	EHW	B I
U096	Hydroperoxide, 1–methyl–1–phenylethyl–	EHW	C R
U245	Indomethacin	EHW	B H
P064	Isocyanic acid, methyl ester	EHW	I ?
P007	3(2H)–Isoxazolone, 5–(aminomethyl)–	EHW	B
U142	Kepone	EHW	X H
U143	Lasiocarpine	EHW	C +
U114	Lead acetate	EHW	D EP
U129	Lindane	EHW	H +
U147	Maleic anhydride	EHW	C
U149	Malononitrile	EHW	C
U151	Mercury	EHW	EP
P092	Mercury, (acetato–O)phenyl–	EHW	B
P065	Mercury fulminate	EHW	R ?
U152	Methacrylonitrile	EHW	B I
U092	Methanamine, N–methyl–	EHW	C I
P016	Methane, oxybis(chloro)–	EHW	B H +
P112	Methane, tetranitro–	EHW	A R
U029	Methane, bromo–	EHW	H
U045	Methane, chloro–	EHW	H I
U046	Methane, chloromethyoxy–	EHW	D H + I
U068	Methane, dibromo–	EHW	C H +
U080	Methane, dichloro–	EHW	C H
U075	Methane, dichlorodifluoro–	EHW	H
U138	Methane, iodo–	EHW	H +
U211	Methane, tetrachloro–	EHW	C H +
P118	Methanethiol, trichloro–	EHW	H
U153	Methanethiol	EHW	B I
U225	Methane, tribromo	EHW	H
U121	Methane, trichlorofluoro–	EHW	H
U044	Methane, trichloro–	EHW	C H +
P059	4,7–Methano–1H–indene, 1,4,5,6,7,8,8–heptachloro–3a,4,7,7a–tetrahydro–	EHW	X H +
U036	4,7–Methanoindan, 1,2,4,5,6,7,8,8–octa–chloro–3a,4,7,7a–tetrahydro–	EHW	X H
P066	Methomyl	EHW	B
P067	2–Methylazindine	EHW	B + I
P068	Methyl hydrazine	EHW	A I
P064	Methyl isocyanate	EHW	I ?
P069	2–Methyllactonitrite	EHW	A
P071	Methyl parathion	EHW	A
U029	Methyl bromide	EHW	H
U045	Methyl chloride	EHW	H I
U156	Methyl chlorocarbonate	EHW	B H I
U226	Methylchloroform	EHW	C H
U157	3–Methylcholanthrene	EHW	H P
U158	4,4'–Methylenebis(2–chloroaniline)	EHW	H +
U132	2,2'–Methylenebis(3,4,6–trichlorophenol)	EHW	C H
U068	Methylene bromide	EHW	C H +
U080	Methylene chloride	EHW	C H
U122	Methylene oxide	EHW	C
U160	Methyl ethyl ketone peroxide	EHW	C R
U138	Methyl iodide	EHW	H +
U163	N–Methyl–N'–nitro–N–nitrosoguanidine	EHW	C +
U010	Mitomycin C	EHW	B +
U165	Naphthalene	EHW	B
U047	Naphthalene, 2–chloro–	EHW	D H
U166	1,4–Naphthalenedione	EHW	C
U236	2,7–Naphthalenedisulfonic acid, 3,3'–[(3,3'–dimethyl–(1,1'–biphenyl)–4,4' diyl)]–bis (azo)bis(5–amino–4–hydroxy)–,tetrasodium salt	EHW	H +
U166	1,4,Naphthaquinone	EHW	C
U167	1–Naphthylamine	EHW	B +
U168	2–Naphthylamine	EHW	B +
U167	alpha–Naphthylamine	EHW	B +
U168	beta–Naphthylamine	EHW	B +
U026	2–Naphthylamine, N,N'–bis(2–chloro–methyl)–	EHW	H +
P072	alpha–Naphthylthiourea	EHW	B
P073	Nickel carbonyl	EHW	B
P074	Nickel cyanide	EHW	D R ?
P074	Nickel (II) cyanide	EHW	D R ?
P073	Nickel tetracarbonyl	EHW	B
P075	Nicotine and salts	EHW	B
P076	Nitric oxide	EHW	B
P077	p–Nitroaniline	EHW	D ?
U169	Nitrobenzene	EHW	C I
P078	Nitrogen dioxide	EHW	A
P076	Nitrogen (II) oxide	EHW	B
P078	Nitrogen (IV) oxide	EHW	A
P081	Nitroglycerine	EHW	R ?
U170	p–Nitrophenol	EHW	C
U171	2–Nitropropane	EHW	C I
U174	N–Nitrosodiethylamine	EHW	C +
P082	N–Nitrosodimethylamine	EHW	B +
U176	N–Nitroso–N–ethylurea	EHW	C +
U177	N–Nitroso–N–methylurea	EHW	C +
U178	N–Nitroso–N–methylurethane	EHW	C +
P084	N–Nitrosomethylvinylamine	EHW	B +
U179	N–Nitrosopiperidine	EHW	C +
U111	N–Nitroso–N–propylamine	EHW	C +
P050	5–Norbornene–2,3,–dimethanol, 1,4,5,6,7,7–hexachloro, cyclic sulfite	EHW	X H
P085	Octamethylpyrophosphoramide	EHW	A
P087	Osmium oxide	EHW	B
P087	Osmium tetroxide	EHW	B
P088	7–Oxabicyclo[2.2.1]heptane–2,3–dicarboxylic acid	EHW	B
U058	2H–1,3,2–Oxazaphosphorine, 2–[bis(2–chloro– ethyl)amino]tetrahydro–, oxide 2–	EHW	C H I
U115	Oxirane	EWH	C I
U041	Oxirane, 2–(chloromethyl)–	EHW	C H + I
P089	Parathion	EHW	X
U183	Pentachlorobenzene	EHW	H
U184	Pentachloroethane	EHW	A H
U185	Pentachloronitrobenzene	EHW	D H +
U242	Pentachlorophenol	EHW	A H
U188	Phenol	EHW	C
P034	Phenol, 2–cyclohexyl–4,6–dinitro–	EHW	C
P048	Phenol, 2,4–dinitro–	EHW	B
P047	Phenol, 2,4–dinitro–6–methyl–, and salts	EHW	B
P020	Phenol, 2,4–dinitro–6–(1–methylpropyl)–	EHW	B
P009	Phenol, 2,4,6–trinitro–, ammonium salt	EHW	R
U048	Phenol, 2–chloro–	EHW	D H
U039	Phenol, 4–chloro–3–methyl–	EHW	H
U081	Phenol, 2,4–dichloro–	EHW	D H
U082	Phenol, 2,6–dichloro–	EHW	D H
U017	Phenol, 4–nitro–	EHW	C
U242	Phenol, pentachloro–	EHW	A H
U212	Phenol, 2,3,4,6–tetrachloro–	EHW	C H
U230	Phenol, 2,4,5–trichloro–	EHW	A H
U231	Phenol, 2,4,6–trichloro–	EHW	A H
P036	Phenyl dichloroarsine	EHW	B H
P092	Phenylmercuric acetate	EHW	B
P093	N–Phenylthoiurea	EHW	A
P094	Phorate	EHW	X
P095	Phosgene	EHW	B H
P096	Phosphine	EHW	B I
P041	Phosphoric acid, diethyl p–nitrophenyl ester	EHW	A
P044	Phosphorodithioic acid, O,O–dimethyl S–[2–(methylamino)–2–oxoethyl] ester	EHW	A
P043	Phosphorofluoridic acid, bis(1–methyl–	EHW	B H

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
	ethyl)–ester		
P094	Phosphorothiac acid, O,O–diethyl S–(ethylthio)methyl ester	EHW	X
P097	Phosphorothioic acid, O,O–dimethyl O–[p–((dimethylamino)–sulfonyl) phenyl]ester	EHW	A
P089	Phosphorothioic acid, O,O–diethyl O–(p–ni–trophenyl)ester	EHW	X
P040	Phosphorothioic acid, O,O–diethyl O–pyra–zinyl ester	EHW	A
U189	Phosphorous sulfide	EHW	B I R
U190	Phthalic anhydride	EHW	C
U191	2–Picoline	EHW	C
P110	Plumbane, tetraethyl–	EHW	A
P098	Potassium cyanide	EHW	A
P099	Potassium silver cyanide	EHW	A
P070	Propanal, 2–methyl–2(methylthio)– O–[(methylamino)carbonyl]oxime	EHW	B
U194	1–Propanamine	EHW	C I
U110	1–Propanamine, N–propyl–	EHW	C I
U066	Propane, 1,2–dibromo–3–chloro–	EHW	C H +
U149	Propanedinitrile	EHW	C
P101	Propanenitrile	EHW	B
P027	Propanenitrile, 3–chloro–	EHW	B H
P079	Propanenitrile, 2–hydroxy–2–methyl–	EHW	A
U171	Propane, 2–nitro–	EHW	C I
U027	Propane, 2,2'oxybis[2–chloro–	EHW	C H O
P081	1,2,3–Propanetriol, trinitrate–	EHW	R ?
U235	1–Propanol, 2,3–dibromo–, phosphate (3:1)	EHW	D H
U126	1–Propanol, 2,3–epoxy–	EHW	C +
P017	2–Propanone, 1–bromo–	EHW	C H
P102	Propargyl alcohol	EHW	X
P003	2–Propenal	EHW	X
U007	2–Propenamide	EHW	C
U084	Propene, 1,3–dichloro–	EHW	C H
U243	1–Propene, 1,1,2,3,3,3–hexachloro–	EHW	H
U009	2–Propenenitrile	EHW	C + I
U152	2–Propenenitrile, 2–methyl–	EHW	B I
U008	2–Propenoic acid	EHW	C O I
P005	2–Propen–1–ol	EHW	B I
U233	Propionic acid, 2–(2,4,5– trichlorophenoxy)–	EHW	B H
U194	n–Propylamine	EHW	C I
U083	Propylene dichloride	EHW	C H I
P067	1,2–Propylenimine	EHW	B + I
P102	2–Propyn–1–ol	EHW	X
P008	4–Pyridinamine	EHW	B
P075	Pyridine, (S)–3–(1–methyl–2– pyrrolidinyl)–, and salts	EHW	B
U196	Pyridine	EHW	C I
U179	Pyridine, hexahydro–N–nitroso–	EHW	C +
U191	Pyridine,2–methyl–	EHW	C
P111	Pyrophosphoric acid, tetraethyl ester	EHW	A
U201	Resorcinol	EHW	C
P103	Selenourea	EHW	B
U015	L–Serine, diazoacetate (ester)	EHW	C +
P104	Silver cyanide	EHW	C
U233	Silvex	EHW	B H
P105	Sodium azide	EHW	A
P106	Sodium cyanide	EHW	B
P107	Strontium sulfide	EHW	R
P108	Strychnidin–10–one, and salts	EHW	B
P018	Strychnidin–10–one, 2,3–dimethoxy–	EHW	A
P108	Strychnine and salts	EHW	B
U135	Sulfur hydride	EHW	B I
U103	Sulfuric acid, dimethyl ester	EHW	C O +
P115	Sulfuric acid, thallium (I) salt	EHW	B
U189	Sulfur phosphide	EHW	B I R
U232	2,4,5–T	EHW	B H +
U207	1,2,4,5–Tetrachlorobenzene	EHW	D H
U208	1,1,1,2–Tetrachloroethane	EHW	H
U209	1,1,2,2–Tetrachloroethane	EHW	H
U210	Tetrachloroethylene	EHW	C H
U212	2,3,4,6–Tetrachlorophenol	EHW	C H
P109	Tetraethyldithiopyrophosphate	EHW	A
P110	Tetraethyl lead	EHW	A
P111	Tetraethylpyrophosphate	EHW	A
P112	Tetranitromethane	EHW	A R
P062	Tetraphosphoric acid, hexaethyl ester	EHW	B
P113	Thallic oxide	EHW	B
P113	Thallium (III) oxide	EHW	B
P114	Thallium (I) selenide	EHW	C
P115	Thallium (I) sulfate	EHW	B
P045	Thiofanox	EHW	B
P049	Thioimidodicarbonic diamide	EHW	A
U153	Thiomethanol	EHW	B I
P014	Thiophenol	EHW	A
P116	Thiosemicarbozide	EHW	B H +
U219	Thiourea	EHW	C+
P026	Thiourea, (2–chlorophenyl)–	EHW	A H
P072	Thiourea, 1–naphthalenyl–	EHW	B
P093	Thiourea, phenyl–	EHW	A
U220	Toluene	EHW	C I
U233	Toluene diisocyanate	EHW	B R
P123	Toxaphene	EHW	X H
U226	1,1,1–Trichloroethane	EHW	C H
U227	1,1,2–Trichloroethane	EHW	C H
U228	Trichloroethene	EHW	C H +
U228	Trichloroethylene	EHW	C H +
P118	Trichloromethanethiol	EHW	H
U121	Trichloromonofluoromethane	EHW	H
U230	2,4,5–Trichlorophenol	EHW	A H
U231	2,4,6–Trichlorophenol	EHW	A H
U232	2,4,5–Trichlorophenoxyacetic acid	EHW	B H +
U235	Tris(2,3–disbromopropyl) phosphate	EHW	D H
U236	Trypan blue	EHW	H +
U237	Uracil, 5[bis(2–chloromethyl)amino]–	EHW	B H +
U237	Uracil mustard	EHW	B H +
P119	Vanadic acid, ammonium salt	EHW	B
P120	Vanadium pentoxide	EHW	B
P120	Vanadium (V) oxide	EHW	B
U043	Vinyl chloride	EHW	D H +
P001	Warfarin	EHW	A
U239	Xylene	EHW	C I
P121	Zinc cyanide	EHW	C
P122	Zinc phosphide	EHW	B R

MODERATELY DANGEROUS CHEMICAL PRODUCTS

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U187	Acetamide, N–(4–ethoxyphenyl)–	DW	D +
U005	Acetamide, N–9H–fluoren–2–yl–	DW	?
U112	Acetic acid, ethyl ester	DW	D I
U214	Acetic acid, thallium(I) salt	DW	?
U002	Acetone	DW	D I
U004	Acetophenone	DW	D
U005	2–Acetylaminofluorene	DW	?
U150	Alanine, 3–[p–bis(2–chloroethyl)amino] phenyl–, L–	DW	+
U011	Amitrole	DW	D +
U014	Auramine	DW	+
U016	Benz[c]acridine	DW	+
U016	3,4–Benzacridine	DW	+
U014	Benzenamine, 4,4–carbonimidoylbis(N,N– dimethyl–	DW	+
U222	Benzenamine, 2–methyl–, hydrochloride	DW	D +
U181	Benzenamine, 2–methyl–5–nitro	DW	D
U028	1,2–Benzenedicarboxylic acid, [bis(2– ethyl–hexyl)] ester	DW	?
U069	1,2–Benzenedicarboxylic acid, dibutyl ester	DW	D
U088	1,2–Benzenedicarboxylic acid, diethyl ester	DW	?
U102	1,2–Benzenedicarboxylic acid, dimethyl ester	DW	?
U107	1,2–Benzenedicarboxylic acid, di–n– octyl ester	DW	?
U203	Benzene, 1,2–methylenedioxy–4–allyl–	DW	D +
U141	Benzene, 1,2–methylenedioxy–4–propenyl–	DW	D +
U090	Benzene, 1,2–methylenedioxy–4–propyl–	DW	D +
U234	Benzene, 1,3,5–trinitro–	DW	D R
U202	1,2–Benzisothiazolin–3–one, 1, 1–dioxide, and salts	DW	+
U120	Benzo[j,k]fluorene	DW	D
U091	(1,1'–Biphenyl)–4–'–diamine, 3,3'– dimeth–oxy–	DW	D +
U244	Bis(dimethylthiocarbomoyl) disulfide	DW	D
U028	Bis(2–ethythoxyl) phthalate	DW	?
U172	1–Butanamine, N–butyl–N–nitroso–	DW	D +
U031	1–Butanol	DW	D I
U159	2–Butanone	DW	D I
U031	n–Butyl alcohol	DW	D I
U136	Cacodylic acid	DW	D

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U238	Carbamic acid, ethyl ester	DW	+
U215	Carbonic acid, dithallium(I) salt	DW	?
U034	Chloral	DW	?
U059	Daunomycin	DW	+
U221	Diaminotoluene	DW	?
U069	Dibutyl phthalate	DW	D
U192	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide	DW	?
U108	1,4-Diethylene dioxide	DW	D +
U086	N,N-Diethylhydrazine	DW	+
U088	Diethyl phthalate	DW	?
U089	Diethylstilbestrol	DW	+
U148	1,2-Dihydro-3-,6-pyridizinedione	DW	D
U090	Dihydrosafrole	DW	D +
U091	3,3'-Dimethoxybenzidine	DW	D +
U098	1,1-Dimethylhydrazine	DW	+ I
U101	2,4-Dimethylphenol	DW	D
U102	Dimethyl phthalate	DW	?
U107	Di-n-octyl phthalate	DW	?
U108	1,4-Dioxane	DW	D +
U117	Ethane, 1,1'-oxybis-	DW	D I
U218	Ethanethioamide	DW	+
U173	Ethanol, 2,2-(nitrosoimino)bis-	DW	+
U004	Ethanone, 1-phenyl-	DW	D
U112	Ethyl acetate	DW	D I
U113	Ethyl acrylate	DW	D I
U238	Ethyl carbamate (urethan)	DW	+
U116	Ethylene thiourea	DW	D +
U117	Ethyl ether	DW	DI
U118	Ethyl methacrylate	DW	I
U119	Ethyl methanesulfonate	DW	+
U139	Ferric dextran	DW	+
U120	Fluoranthene	DW	D
U123	Formic Acid	DW	D O
U124	Furan	DW	I
U213	Furan, tetrahydro-	DW	I
U124	Furfuran	DW	I
U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-	DW	+
U086	Hydraxine, 1,2-diethyl-	DW	+
U098	Hydrazine, 1,1-dimethyl-	DW	+ I
U134	Hydrofluoric acid	DW	D O
U134	Hydrogen fluoride	DW	D O
U136	Hydroxydimethylarsine oxide	DW	D
U116	2-Imidazolidinethione	DW	D +
U137	Indeno[1,2,3-cd]pyrene	DW	+
U139	Iron dextran	DW	+
U140	Isobutyl alcohol	DW	D I
U141	Isosafrole	DW	D +
U145	Lead phosphate	DW	+
U146	Lead subacetate	DW	+
U148	Maleic hydrazide	DW	D
U150	Melphalan	DW	+
U119	Methanesulfonic acid, ethyl ester	DW	+
U123	Methanoic acid	DW	D O
U154	Methanol	DW	D I
U155	Methapyrilene	DW	D
U154	Methyl alcohol	DW	D I
U186	1-Methylbutadiene	DW	D I
U159	Methyl ethyl ketone	DW	D I
U161	Methyl isobutyl ketone	DW	D I
U162	Methyl methacrylate	DW	D I
U161	4-Methyl-2-pentanone	DW	+
U164	Methylthiouracil	DW	+
U059	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxyl]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-	DW	+
U172	N-Nitrosodi-n-butylamine	DW	D +
U173	N-Nitrosodiethanolamine	DW	+
U180	N-Nitrosopyrrolidine	DW	D +
U181	5-Nitro-o-toluidine	DW	D
U139	1,2-Oxathiolane, 2,2-dioxide	DW	+
U182	Paraldehyde	DW	D I
U186	1,3-Pentadiene	DW	D I
U187	Phenacetin	DW	D+
U101	Phenol, 2,4-dimethyl-	DW	D
U137	1,10-(1,2-phenylene)pyrene	DW	+
U145	Phosphoric acid, Lead salt	DW	+
U087	Phosphorodithioic acid, O,O-diethyl-,S-methyl ester	DW	?
U192	Pronamide	DW	?
U193	1,3-Propane sultone	DW	+
U140	1-Propanol, 2-methyl-	DW	D I
U002	2-Propanone	DW	D I
U113	2-Propenoic acid, ethyl ester	DW	D I
U118	2-Propenoic acid, 2-methyl-, ethyl ester	DW	I
U162	2-Propenoic acid, 2-methyl-, methyl ester	DW	D I
U155	Pyridine, 2-[(2dimethylamino)-2-thenylamino]-	DW	D
U164	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	DW	+
U180	Pyrrole, tetrahydro-N-nitroso-	DW	D +
U200	Reserpine	DW	?
U202	Saccharin and salts	DW	+
U203	Safrole	DW	D +
U204	Seleniousacid	DW	O
U204	Selenium dioxide	DW	O
U205	Selenium disulfide	DW	R
U089	4,4'-Stilbenediol, alpha,alpha'-diethyl-	DW	+
U206	Streptozotocin	DW	+
U205	Sulfur selenide	DW	R
U213	Tetrahydrofuran	DW	I
U214	Thallium(1) acetate	DW	?
U215	Thallium(1) carbonate	DW	?
U216	Thallium(1) chloride	DW	?
U217	Thallium(1) nitrate	DW	?
U218	Thioacetamide	DW	+
U244	Thiran	DW	D
U221	Toluenediamine	DW	?
U222	O-Toluidine hydrochloride	DW	D +
U011	1H-1,2,4-Triazol-3-amine	DW	D +
U234	sym-Trinitrobenzene	DW	D R
U182	1,3,5-Trioxane, 2,4,5-trimenthyl-	DW	D I
U200	Yohimban-16-carboxylic acid, 11,17-di-methoxy-18-[(3,4,5-trimethoxy-benzoyl)oxy]-,methyl ester	DW	?

* EHW = Extremely Hazardous Waste
DW = Dangerous Waste
X = Toxic, Category X
A = Toxic, Category A
B = Toxic, Category B
C = Toxic, Category C
D = Toxic, Category D
H = Persistent, Halogenated Hydrocarbon
O = Corrosive
P = Persistent, Polycyclic Aromatic Hydrocarbon
+ = ARC Positive or Suspended Carcinogen
I = Ignitable
R = Reactive
EP = Extraction Procedure Toxicity

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9903, filed 2/10/82.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-303-9904 Dangerous waste sources list.

DANGEROUS WASTE SOURCES LIST

Dangerous Waste No.	Sources
	Nonspecific Sources
Generic:	
F001	The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethlene, methylene chloride, 1,1,1–trichloroethane, carbon tetrachloride, and the chlorinated fluoracarbons; and sludges from the recovery of these solvents in degreasing operations.
F002	The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1–trichloroethane, chlorobenzene, 1,1,2–trichloro–1,1,1–trifluoroethane, o–dichlorobenzene, trichlorofluoromethane; and the still bottoms from the recovery of these solvents.
F003	The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n–butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.
F004	The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene, and the still bottoms from the recovery of these solvents.
F005	The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine; and the still bottoms from the recovery of these solvents.
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.
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum.
F007	Spent plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).
F008	Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating bath sludges).
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).
F010	Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat–treating quenching bath sludges).
F011	Spent solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat–treating spent cyanide solutions from salt bath pot cleaning).
F012	Quenching wastewater treatment sludges from metal heat–treating operations where cyanides are used in the process (except for precious metals heat–treating quenching wastewater treatment sludges).
	Specific Sources
Wood Preservation:	
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.
Inorganic Pigments:	
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003	Wastewater treatment sludge from the production of molybdate orange pigments.
K004	Wastewater treatment sludge from the production of zinc yellow pigments
K005	Wastewater treatment sludge from the production of chrome green pigments.
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007	Wastewater treatment sludge from the production of iron blue pigments.
K008	Oven residue from the production of chrome oxide green pigments.
Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene.
K010	Distillation side cuts from the production of acetaldehyde from ethylene.
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.

Dangerous Waste No.	Sources
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.
K014	Bottoms from the acetronitrile purification column in the production of acrylonitrile.
K015	Still bottoms from the distillation of benzyl chloride.
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.
K018	Heavy ends from fractionation in ethyl chloride production.
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.
K022	Distillation bottom tars from the production of phenol/acetone from cumene.
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
K026	Stripping still tails from the production of methyl ethyl pyridines.
K027	Centrifuge and distillation residues from toluene diisocyanate production.
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.
K096	Heavy ends from the heavy ends column from the production of 1.1.1-trichloroethane
K030	Column bottoms or heavy ends from the combined production of thrichloroethylene and perchloroethylene
K083	Distillation bottoms from aniline production
K103	Process residues from aniline extraction from the production of aniline
K104	Combined wastewater streams generated from nitrobenzene/aniline production
K085	Distillation of fractionation column bottoms from the production of chlorobenzenes
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes
Explosives:	
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.
K045	Spent carbon from the treatment of wastewater containing explosives.
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
K047	Pink/red water from TNT operations.
Inorganic Chemicals:	
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production
K106	Wastewater treatment sludge from the mercury cell process in chlorine production
Petroleum Refining:	
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.
K049	Slop oil emulsion solids from the petroleum refining industry.
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.
K051	API separator sludge from the petroleum refining industry.
K052	Tank bottoms (leaded) from the petroleum refining industry.
Iron and Steel:	
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.

Dangerous Waste No.	Sources
K062	Spent pickle liquor from steel finishing operations.
Pesticides:	
K031	By-product salts generated in the production of MSMA and cacodylic acid.
K032	Wastewater treatment sludge from the production of chlordane.
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.
K035	Wastewater treatment sludges generated in the production of creosote.
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.
K037	Wastewater treatment sludges from the production of disulfoton.
K038	Wastewater from the washing and stripping of phorate production.
K039	Filter cake from the filtration of diethylphosphorodithoric acid in the production of phorate.
K040	Wastewater treatment sludge from the production of phorate.
K041	Wastewater treatment sludge from the production of toxaphene.
K098	Untreated process wastewater from the production of toxaphene.
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.
K043	2,6-Dichlorophenol waste from the production of 2,4-D.
K099	Untreated wastewater from the production of 2,4-D.
Secondary Lead:	
K069	Emission control dust/sludge from secondary lead smelting.
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
Veterinary Pharmaceuticals:	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds
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
Coking:	
K060	Ammonia still-lime sludge from coking operations
K087	Decanter tank tar sludge from coking operations

[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9904, filed 2/10/82.]

WAC 173-303-9905 Dangerous waste constituents list.

Acetonitrile [Ethanenitrile]
Acetophenone (Ethanone, 1-phenyl)
3-(alpha-Acetonylbenzyl)-4-hydroxycoumarin and salts (Warfarin)
2-Acetylaminofluorene (Acetemide,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
Aldrin (1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a,8b-hexahydro-endo,exo-1,4:5,8-Dimethanonaphthalene)
Allyl alcohol (2-Propen-1-ol)
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[((amino-carbonyl)oxy)methyl]-1,1a,2,8,8a,8b-hexahydro-8amethoxy-5-methy-)
5-(Aminomethyl)-3-isoxazolol (3(2H)-Isoxazolone, 5-(aminomethyl)-)-4 Aminopyridine (4-Pyridinamine)[1]
Amitrole (1H-1,2,4-Triazol-3-amine)
Aniline (Benzenamine)
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.*
Arsenic acid (Orthoarsenic acid)
Arsenic pentoxide (Arsenic (V) oxide)
Arsenic trioxide (Arsenic (III) oxide)
Auramine (Benzenamine, 4,4-carbonimidoylbis[N,N-Dimethyl-monohydrochloride)
Azaserine (L-Serine, diazoacetate (ester))
Barium and compounds, N.O.S.*
Barium cyanide
Benz[c]acridine (3,4-Benzacridine)
Benz[a]anthracene (1,2-Benzanthracene)
Benzene (Cyclohexatriene)
Benzenearsonic acid (Arsonic acid, phenyl-)
Benzene, dichloromethyl- (Benzal chloride)
Benzenethoil (Thiophenol)
Benzidine ([1,1'-Biphenyl]-4,4'diamine)
Benzo[b]fluoranthene (2,3-Benzofluoranthene)
Benzo[j]fluoranthene (7,8-Benzofluoranthene)
Benzo[a]pyrene (3,4-Benzopyrene)
p Benzoquinone (1,4-Cyclohexadienedione)
Benzotrichloride (Benzene, trichloromethyl-)
Benzyl chloride (Benzene, (chloromethyl)-)
Beryllium and 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)
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)-)
Cadmium and compounds, N.O.S.*
Calcium chromate (Chromic acid, calcium salt)
Calcium cyanide
Carbon disulfide (Carbon bisulfide)
Carbon oxyfluoride (Carbonyl fluoride)
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 (Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-,ethyl ester)
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-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 tars
Copper cyanide
Creosote (Creosote, wood)
Cresols (Cresylic acid) (Phenol, methyl-)
Crotonaldehyde (2-Butenal)
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-)
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–lyxo–hexopyranosyl)oxy]–7,8,9,10–tetrahydro–6,8,11–trihydroxy–1–methoxy–)
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–)
Dieldrin (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
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) (Phosphorofluoridic 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)–)
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)

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 (Benezene, 1–methyl–2,4–dinitro–)
2,6–Dinitrotoluene (Benzene,1–methyl –2,6–dinitro–)
Di–n–octyl phthalate (1,2–Benzenedicarbozylic 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)
Disulfoton (O,O–diethyl S–[2–(ethylthio)ethyl] phosphorodithioate)
2,4–Dithiobiuret (Thioimidodicarbonic diaminde)
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)
Ethylenebisdithiocarbamic acid, salts and esters (1,2–Ethanediylbiscarbamodithioic acid, salts and esters.
Ethyleneimine (Aziridine)
Ethylene oxide (Oxirane)
Ethylenethiourea (2–Imidazolidinethione)
Ethylmethacrylate (2–Propenoic acid, 2–methyl–, ethyl ester)
Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)
Fluoranthene (Benzo[j,k]fluorene)
Fluorine
2–Fluoroacetamide (Acetamide, 2–fluoro–)
Fluoroacetic acid, sodium salt (Acetic acid, fluoro–, sodium salt)
Formaldehyde (Methylene, oxide)
Formic acid (Methanoic acid)
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)
Hexachlorobenzene (Benzene, hexachloro–)
Hexachlorobutadiene (1,3–Butadiene, 1,1,2,3,4,4–hexachloro–)
Hexachlorocyclohexane (all isomers) (Lindane and isomers)
Hexachlorocylopentadiene (1,3–Cyclopentadiene, 1,2,3,4,5,5–hexachloro–)
Hexachloroethane (Ethane, 1,1,1,2,2,2–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 (1–Propene, 1,1,2,3,3,3–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)
Iodomethane (Methyl iodide)
Iron Dextran (Ferric dextran)
Isocyanic acid, methyl ester (Methyl isocyanate)
Isobutyl alcohol (1–Propanol, 2–methyl–)
Isosafrole (Benzene, 1,2–methylenedioxy–4–allyl–)
Kapone (Decachlorooctahydro–1,3,4–Methano–2H–cyclobuta[cd]pentalen–2–one)
Lasiocarpine (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–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)
Melphalan (Alanine, 3–[p–bis(2–chloroethyl)amino]phenyl–,L–)
Mercury Fulminate (Fulminic acid, mercury salt)
Mercury and compounds, N.O.S.*
Methacrylonitrile (2–Propenenitrile, 2–methyl–)
Methanethiol (Thiomethanol)
Methapyrilene (Pyridine, 2–[(2–dimethylamino)ethyl]–2–thenylamino–)
Metholonyl (Acetimidic acid, N–[(methylcarbamoyl)oxy]thio–,methyl ester
Methoxychior (Ethane, 1,1,1–trichloro–2,2'–bis(p–methoxyphenyl)–)
2–Methylaziridine (1,2–Propylenimine)
3–Methylcholanthrene (Benz[j]aceanthrylene,

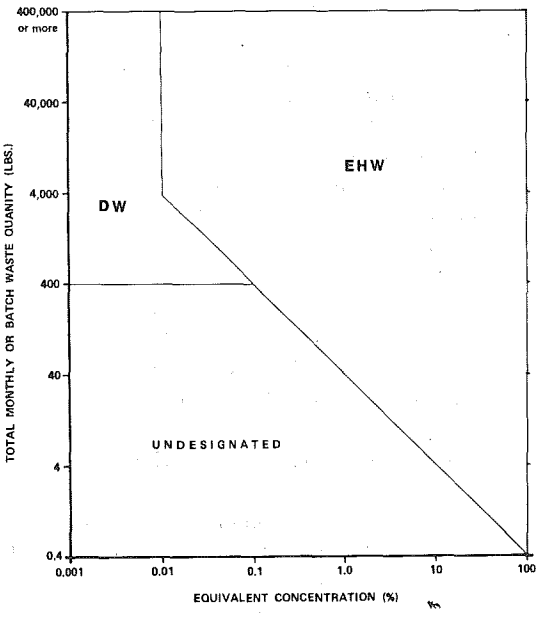
1,2-dihydro-3-methyl-)
Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)
4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis-(2-chloro-)
Methyl ethyl ketone (MEK) (2-Butanone)
Methyl hydrazin (Hydrazine, methyl-)
2-Methyllactonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime (Propanal,2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]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-)
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-)
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-, and hydrochloride salt)
Nitroglycerine (1,2,3-Propanetriol, trinitrate)
4-Nitrophenol (Phenol, 4-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-Nitrosonornicotine (Nornicotine, N-nitroso-)
N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)
Nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)
N-Nitrososacrosine (Sarcosine, N-nitroso-)
5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)
Octamethylpyrophosphoramide (Diphosphoraminde, octamethyl-)
Osmium tetroxide (Osmium (VIII) oxide)
7-Ocabicyclo[2.2.1]heptane-2,3-dicarbonxylic acid (Endothal)
Paraldehyde (1,3,5-Trioxane, 2,4,6-trinethyl-)
Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester
Pentachlorobenzene (Benzene, pentachloro-)
Pentachloroethane (Ethane, pentachloro-)
Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)
Pentachlorophenol (Phenol, pentachloro-)
Phenacetin (Acetamide, N-(4-ethoxyphenyl)-)
Phenol (Benzene, hydroxy-)
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)
2-Picoline (Pyridine, 2-methyl-)
Polychlorinated biphenyl, N.O.S.*
Potassium cyanide
Potassium silver cyanide (Argentate(1-), dicyano-, potassium)
Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
1,3-Propanesultone (1,2-Oxathiolane, 2,2-dioxide)
n-Propylamine (1-Propane)
Propylthiouracil (Undecamethylenediamine, N,N'-bis(2-chlorobenzyl)-, dihydrochloride)
2-Propyn-1-ol (Propargyl alcohol)

Pyridine
Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenxoyl)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)
Selenourea (Carbamimidoselenoic acid)
Silver and compounds, N.O.S.*
Silver cyanide
Sodium cyanide
Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
Strontium sulfide
Strychnine and salts (Strychnidin-10-one, and salts)
1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)
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 (Ethane, 1,1,2,2-tetrachloro-)[1]
Tetrachloromethane (Carbon tetrachloride)
2,3,4,6-Tetrachlorophenol (Phenol,2,3,4,6-tetrachloro-)
Tetraethyldithiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)
Tetraethyl lead (Plumbane, tetraethyl-)
Tetraethylpyrophosphate (Pyrophosphoric acide, tetraethyl ester)
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)
Thiosemicarbazide (Hydrazinecarbothioamide)
Thiourea (Carbamide thio-)
Thiuram (Bis(dimethylthioucarbamoyl) disulfide)
Toluene (Benzene, methyl-)
Toluenediamine (Diaminotoluene)
o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)
Tolylene diisocyanate (Benzene, 1,3-diisocyanatomethyl-)
Toxaphene (Camphene, octachloro-)
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)
Trichloromethanethiol (Methanethiol, trichloro-)
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) (Acetic acid, 2,4,5-trichlorophenoxy-)
2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP) (Silvex) (Porpionoic acid, 2-(2,4,5-trichlorophenoxyl)-)
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)
sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)
Tris(1-azridinyl) 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)
Uracil mustard (Uracil 5-[bis(2-chlorethyl)amino]-)
Vanadic acid, ammonium salt (ammonium vanadate)
Vanadium pentoxide (Vanadium (V) oxide)
Vinyl chloride (Ethane, chloro-)
Zinc cyanide
Zinc phosphide

*The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing. [Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9905, filed 2/10/82.]

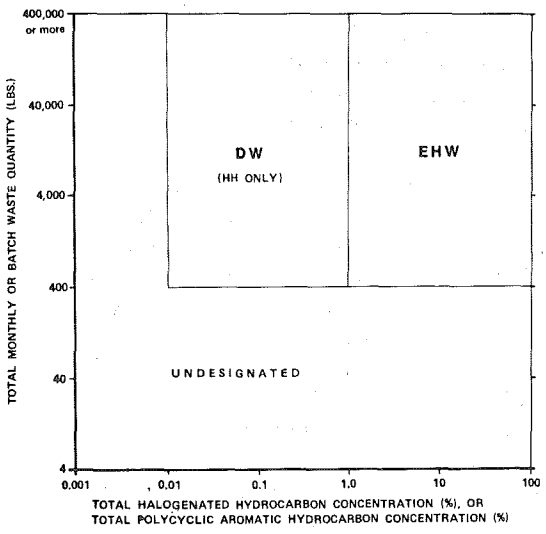
Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 173-303-9906 Toxic dangerous waste mixtures graph.



[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9906, filed 2/10/82.]

WAC 173-303-9907 Persistent dangerous waste mixtures graph.



[Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. 82-05-023 (Order DE 81-33), § 173-303-9907, filed 2/10/82.]

Chapter 173-400 WAC
GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

WAC

WAC 173-400-110 New source review. (1) Whenever the construction, installation or establishment of a new stationary source is contemplated, and such source is within a source category listed in WAC 173-400-100, the owner or operator thereof shall file a notice of construction with the department unless the filing of such a notice is required by an air pollution control authority with jurisdiction over the source.

(a) This requirement shall also apply to any source for which a federal standard of performance has been promulgated prior to the filing of the notice of construction. A list of sources for which a federal standard of performance or a national emission standard for hazardous air pollutants (NESHAPS) has been promulgated, and the standards which apply to such sources, shall be available at the headquarters office and each regional office of the department of ecology.

(b) Whenever the construction, installation or establishment of a new major stationary source of carbon monoxide or volatile organic compounds is contemplated in an area designated as nonattainment for carbon monoxide or ozone, it is required that there be an analysis of alternative sites, sizes and production processes and environmental control techniques for the proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction and modification. This analysis is the responsibility of the applicant who may use an environmental impact statement prepared under the state environmental policy act or the national environmental policy act as a source of information for this analyses.

(2) Whenever the construction, installation or establishment of any new stationary source, except single-family and duplex dwellings, is contemplated and such source is not within a source category listed in WAC 173-400-100, the department may require the owner or operator thereof to file a notice of construction with the department. The department shall not impose such requirement if an equivalent notice is required by an air pollution control authority with jurisdiction over the source.

(3)(a) The replacement of air pollution control equipment in an existing process which will not increase potential emissions and will not increase ambient air concentrations of any pollutant does not require a notice of construction provided no change is made in the process or the size of the source. The department or local air pollution authority with jurisdiction over the source shall be notified of such proposed change. Demonstration of nonapplicability of notice of construction requirement will be the responsibility of the owner or operator.

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of air pollution control equipment as covered in WAC 173-400-110(3)(a), which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of

a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(4) Any contemplated new stationary source subject to the provisions of chapter 80.50 RCW, energy facilities siting act, shall comply with the provisions of that statute in lieu of the provisions of this section.

(5) Within thirty days of receipt of a notice of construction, the department may require the submission of plans, specifications and such other information as deemed necessary for the review of the proposed project.

(6) The department shall review notices of construction and plans, specifications and other information associated therewith in order to determine that:

(a) The proposed project will be in accord with applicable rules and regulations in force pursuant to chapter 70.94 RCW, including a determination that the operation of the new stationary source at the location proposed will not result in any applicable federal or state ambient air quality standard being exceeded.

(b) The proposed project will utilize best available control technology (BACT) for emission control. If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, it will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated. Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required. BACT, LAER and NSPS will be required only for those pollutants which will increase potential emissions due to the proposed project.

(c) The proposed project meets all requirements of prevention of significant deterioration regulations if applicable.

(d) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the total allowable emissions from existing sources and the new source of the contaminants for which nonattainment has been designated must be less than allowable emissions from existing sources at the time the application for approval was filed as demonstrated by an offsetting reduction from existing source or sources of 1.3 times the emissions of the new or modified source. The offset reduction may not be required if an adequate emissions growth allowance is included in an approved plan for attainment. Arrangements for such an offsetting reduction must be made by the owner or operator of the proposed new source. Replacement of process equipment with new equipment of identical capacity may be approved with an emission offset of less than 1.3 if LAER and all other new source requirements are met. Details of the offsetting transaction shall be included in an order of approval and the source or sources furnishing the offsetting reduction shall be made parties to such order and shall agree to be bound by its terms. The approval order shall establish allowable emission limits for the new source and new allowable limits for the source or sources supplying the offsetting reduction. No such order will be issued until after an opportunity for a public hearing has been provided. The offsetting reduction must be accomplished prior to the startup of the new source. If the offset is accomplished by the shutdown of an existing source, the approval order will state that a new notice of construction and a new offset must be approved prior to starting up that source again. Procedures for administering offsets will be in accordance with EPA's Interpretive Offset Ruling Part IV, Paragraph C and D (40 CFR 51, appendix S) on file with the department.

(e) The emissions from the proposed source will not delay the attainment date for any nonattainment area.

(f) If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the owner or operator shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(g) The requirement for a net reduction in emissions in the nonattainment area before a new major source in the area can be approved is acceptable evidence that it will not delay attainment. For a new source in an attainment area the requirements of (6)(e) of this section that the proposed new source will not delay the attainment date for any nonattainment area will be considered to be met if the impact of the new source on any point within a nonattainment area does not exceed the following levels:

Pollutant	Annual Average	24–Hour Average	8–Hour Average	3–Hour Average	1–Hour Average
CO	–	–	0.5 mg/m^3	–	2 mg/m^3
TSP	1.0 $\mu g/m^3$	5 $\mu g/m^3$	–	–	–
SO_2	1.0 $\mu g/m^3$	5 $\mu g/m^3$	–	25 $\mu g/m^3$	30 $\mu g/m^3$

(7) Within thirty days after receipt of all information required by it, the department shall:

(a) Make preliminary determinations on the matters set forth in WAC 173–400–100(6);

(b) Make available in at least one location in the county or counties in which the proposed project is located, a copy of the preliminary determinations and copies of or a summary of the information considered in making such preliminary determinations; and

(c) Require the applicant to publish notice to the public of the opportunity for written comment on the preliminary determinations within thirty days from the date such notice is made.

(8) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (6)(a), (6)(b), (6)(c), (6)(d), (6)(e) or (6)(f) in the

negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(9) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of (6)(a), (6)(b), and where applicable, (6)(c), (6)(d), (6)(e) and (6)(f) in the affirmative, it shall issue an order of approval for the construction, installation or establishment of the new stationary source. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto.

(10) For portable sources which locate temporarily (one year or less) at particular sites, the owner or operator shall be permitted to operate at the temporary location without filing a notice of construction, providing that the owner or operator notifies the department of intent to operate at the new location at least thirty days prior to starting the operation and supplies sufficient information to enable the department to determine that the operation will comply with the emission standards for a new source, will not cause a violation of applicable ambient air standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time and the department may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards. The provisions of this subsection do not apply to major sources wishing to establish operations in nonattainment areas. Such sources must meet all applicable requirements of this section.

(11) The owner or operator of a proposed new source shall not commence operations until written permission to commence has been granted by the department or authority. [Statutory Authority: RCW 70.94.331, 70.94-.510, and 70.94.785. 81-03-002 (Order DE 80-53), § 173-400-110, filed 1/8/81. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-110, filed 8/20/80. Statutory Authority: RCW 43.21A-.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-110, filed 5/8/79; Order DE 76-38, § 173-400-110, filed 12/21/76. Formerly WAC 18-04-110.]

WAC 173-400-115 Standards of performance for new stationary sources. Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to July 1, 1982, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or to the appropriate air pollution control authority.

(1) Sections 60.5 and 60.6 of Title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 173-400-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

(2) Energy facility siting: The requirements of WAC 173-400-115 do not apply to any sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

(3) As of July 1, 1982, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts:

Subpart D	Fossil fuel fires steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input larger than 73 megawatts but not greater than 250 megawatts
Subpart Da	Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input larger than 73 megawatts and not greater than 250 megawatts
Subpart E	Incinerators
Subpart F	Portland cement plants
Subpart G	Nitric acid plants
Subpart H	Sulfuric acid plants
Subpart I	Asphalt concrete plants
Subpart J	Petroleum refineries which produce less than 25,000 barrels per day of refined products
Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
Subpart ka	Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
Subpart L	Secondary lead smelters
Subpart M	Iron and steel plants
Subpart O	Sewage treatment plants
Subpart P	Primary copper smelters
Subpart Q	Primary zinc smelters
Subpart R	Primary lead smelters
Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants
Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants
Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants
Subpart W	Phosphate fertilizer industry: Triple superphosphate plants
Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities
Subpart Y	Coal preparation plants
Subpart Z	Ferroalloy production facilities
Subpart AA	Steel plants: Electric arc furnaces
Subpart CC	Glass manufacturing plants
Subpart DD	Grain elevators
Subpart GG	Stationary gas turbines
Subpart HH	Lime manufacturing plants

Subpart KK Lead acid batteries
Subpart MM Light duty truck surface coating operations
Subpart NN Phosphate rock plants
Subpart PP Ammonium sulfate manufacture

Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference hereby.

(4) The "appropriate air pollution control authority" as used in this section means an activated authority which has been delegated enforcement authority for this section, WAC 173-400-115, and which is enforcing the federal regulations hereby adopted by reference or its own more stringent regulations applicable to the same sources, and within whose boundary a new stationary source is proposed. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-019 (Order DE 82-20), § 173-400-115, filed 7/27/82. Statutory Authority: RCW 70.94.331. 80-11-059 (Order DE 80-14), § 173-400-115, filed 8/20/80. Statutory Authority: RCW 43.21A-.080 and 70.94.331. 79-06-012 (Order DE 78-21), § 173-400-115, filed 5/8/79; Order DE 76-38, § 173-400-115, filed 12/21/76. Formerly WAC 18-04-115.]

Chapter 173-415 WAC
PRIMARY ALUMINUM PLANTS

WAC
173-415-040 Standards of performance.

WAC 173-415-040 Standards of performance. For primary aluminum plants which commenced construction after September 24, 1976, Title 40, the code of federal regulations, Part 60, subparts A and S and appendix A, B, C and D (standards of performance for new stationary sources) as promulgated prior to July 1, 1982, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department of ecology. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-020 (Order DE 82-21), § 173-415-040, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-028 (Order DE 80-17), § 173-415-040, filed 8/14/80. Formerly WAC 18-52-051.]

Chapter 173-422 WAC
MOTOR VEHICLE EMISSION INSPECTION

WAC
173-422-040 Noncompliance areas.
173-422-050 Emission contributing areas.
173-422-060 Emission standards.
173-422-070 Test procedures.
173-422-080 Vehicle inspection data handling procedures.
173-422-090 Exhaust analyzer specifications.
173-422-100 Testing equipment maintenance and calibration.
173-422-110 Data system requirements.
173-422-130 Inspection fees.
173-422-140 Inspection forms and certificates.
173-422-160 Fleet/dealer testing requirements.
173-422-170 Exemptions.

WAC 173-422-040 Noncompliance areas. As based on monitoring data and projections for 1982, the following are designated noncompliance areas for the air contaminants specified (these areas are set forth on maps on file with the department):

(1) Carbon monoxide

(a) The following parts of Seattle: The Central Business District, the Rainier Valley Corridor, the University District, and the Fremont District.

(b) The following part of Bellevue: The Central Business District.

(c) In relation to Spokane, analysis of monitoring, data, and projections indicate that the Central Business District of that city may be a noncompliance area for carbon monoxide after December 31, 1982. However, this analysis is based on calculations which do not take into account all various means of emission reduction, other than vehicle inspection, which the city has proposed to implement in the near future. Therefore, no noncompliance area in Spokane is designated at this time. If, on technical analysis, the Spokane program is found to be adequate to achieve carbon monoxide compliance by December 31, 1982, no such noncompliance designation will be made. If the contrary is found, some portion of Spokane will have to be designated a noncompliance area for carbon monoxide. In the meantime, certain zip codes are set forth in this chapter on a standby basis to describe what the emission contributing area in Spokane County would be if a noncompliance area were designated.

(2) Ozone

The Central Puget Sound Basin. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-040, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-040, filed 2/28/80.]

WAC 173-422-050 Emission contributing areas. Emission contributing areas within which the motor vehicle emission inspection program will apply are designated by the following United States Postal Service ZIP codes as of the effective date of this regulation.

(1) Puget Sound Region

98004	98007
98005	98008
98006	98009
98011	98040
	98043
98020	98052
98027	98055
	98056
	98057
98028	98062
98033	98063
98036	98072

98039	98101 thru 98199, inclusive except 98110

(2) Spokane Region. The designations below shall apply only if local programs for reducing motor vehicle related air contaminants by means other than inspection and maintenance are not demonstrated to the satisfaction of the United States Environmental Protection Agency to bring the area hereby designated into compliance with applicable air quality standards by December 31, 1982.

99201	99206
99202	99207
99203	99208
99204	99216
99205	99218

[Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-050, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-050, filed 2/28/80.]

WAC 173-422-060 Emission standards. Motor vehicles subject to this chapter shall meet the following emission standards prior to receiving a certificate of compliance. CO standards apply in emission contributing areas related to noncompliance areas for carbon monoxide. HC standards apply in emission contributing area related to noncompliance areas for ozone.

STANDARDS

Model Year	CO(%) 4 or less* [Cyl.]	CO(%) More Than 4 Cyl.	HC(ppm) 4 or less* Cyl.	HC(ppm) More Than 4 Cyl.
69	8.0	8.0	1000	1000
70-74	7.0	6.0	900	700
75-80	5.0	4.0	700	650
81 and later	3.0	3.0	300	300

*Includes all rotary engines

[Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-060, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-060, filed 2/28/80.]

WAC 173-422-070 Test procedures. All persons certified by, or under contract to, the department to conduct motor vehicle emission inspections shall use the following test procedures. Variations to the procedures specified may be used if approved by the department after receipt of evidence that such changes will not interfere with the validity of the test.

(1) An idle mode test shall be used to measure vehicle exhaust emissions for carbon monoxide, hydrocarbons, and carbon dioxide.

(2) The engine shall be at normal operating temperature during the emission test with all accessories off.

(3) Any vehicle causing an unsafe condition, such as the continuous leaking of any fluid onto the floor, may be rejected from the inspection site.

(4) Vehicles shall be approximately level during the test.

(5) Vehicles with more than one exhaust pipe shall be tested by sampling each tail pipe and averaging the results.

(6) The following steps shall be taken to prevent excessive dilution. The exhaust sample probe must be inserted at least ten inches into the tail pipe. If this is not possible, an extension boot shall be used. The exhaust emission test results shall not be recorded if the carbon dioxide concentration does not exceed five percent.

(7) If the engine stalls during the test, the engine shall be restarted and one additional attempt will be made to complete the test.

(8) If a vehicle is capable of being operated with either gasoline or gaseous fuels, the vehicle shall be tested using the fuel it is operating on when it enters the testing facility.

(9) If a multiple range analyzer is used, the exhaust analyzer range shall be selected so that the standard for the vehicles being tested is between twenty-five percent and seventy-five percent of full scale, if possible.

(10) The engine shall be accelerated to one-third to one-half throttle (about 2500 rpm), with the transmission in neutral or park, and held there for fifteen seconds.

(11) With the engine idling, insert the probe into the tailpipe for at least thirty seconds. The exhaust emissions averaged over the last five seconds shall then be recorded. A shorter testing time may be used if the emission stabilization procedure in WAC 173-422-110(2)(d) is used.

(12) A loaded (dynamometer) test may be used when authorized by the department. However, all requirements of the idle mode test shall be met and idle emission data recorded.

(13) No emission test shall be conducted with any analyzer that is not operating within all required specifications. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-070, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-070, filed 2/28/80.]

WAC 173-422-080 Vehicle inspection data handling procedures. All persons under contract to the state to conduct motor vehicle emission inspections shall use the following data handling procedures.

(1) The comparison of the test results with the state's emission standards shall be automated.

(2) The emission test results, the comparison with the state's emission standards, and certificates of compliance shall be automatically printed.

(3) The required vehicle identification data shall be entered and validated before the emission test is started.

(4) Vehicle identification data flagged as incorrect by the established validation checks shall be corrected before the emission test is started.

(5) The emission test results shall be automatically printed.

(6) All required data shall be automatically printed on the vehicle inspection reports and stored on bulk storage devices.

(7) In the case of data handling equipment problems, the vehicle emission test reports and certificates of compliance may be manually completed, but all the data is required to be included on the bulk storage devices submitted to the department. Penalties for excessive manual operation may be assessed. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-080, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-080, filed 2/28/80.]

WAC 173-422-090 Exhaust analyzer specifications. Only exhaust analyzers meeting the following specifications may be used for certification testing. The department will maintain a list of analyzers that have been certified by the manufacturers as meeting the specifications. The department does not require the use of these analyzers or guarantee the performance of these analyzers. Any person authorized by the department to certify vehicles is solely responsible for insuring that the testing equipment is operating within the following specifications.

(1) Accuracy: The readings of the exhaust analyzers compared to the true value of a measured sample shall have the following accuracy tolerances.

HC – Measured as n – hexane	
0 to 1000 ppm	±30 ppm
1000 to 2000 ppm	±100 ppm
CO	
0 to 5%	±0.2 %
5 to 10%	±0.5 %
CO_2	
0 to 12%	±1%

(2) Calibration: The analyzer shall have the capability of being calibrated electronically and/or by gas.

(3) Drift: The drift of the zero reading or any calibration reading of each analyzer shall not exceed ±20 ppm HC, ±0.1% CO and ±0.5% CO_2 in one hour.

(4) Flow restriction indicator: The analyzer shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with a visual and/or audible warning that sample flow is not within operating requirements.

(5) Interference effects: Sampling the following concentrations of noninterest gases shall not cause the HC reading to change ±10 ppm: 15% CO_2 in N_2, 10% CO in N_2, 3000 ppm NO in N_2, 10% O_2 in N_2, and 3% H_2O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO reading to change ±0.05%: 15% CO_2 in N_2, 1600 ppm HC in N_2, 3000 ppm NO in N_2, 10% 0_2 in N_2, and 3% H_2O vapor in air.

Sampling the following concentrations of noninterest gases shall not cause the CO_2 reading to change ±0.5%: 1600 ppm HC in N_2, 10% CO in N_2, 3000 ppm NO in N_2, 10% O_2 in N_2, and 3% H_2O vapor in air.

(6) Repeatability: The repeatability of the exhaust analyzers used shall be within ±10 ppm HC, ±0.05% CO and ±0.2% CO_2 during five successive measurements of the same sample.

(7) Response: The response of the exhaust analyzers shall be at least ninety-five percent of the final value within fifteen seconds.

(8) Sensitivity: The sensitivity of each analyzer shall be 10 ppm HC, 0.05% CO and 0.2% CO_2.

(9) Temperature and humidity operating range: The analyzer shall be capable of meeting all specifications from zero to eighty-five percent relative humidity and 35°F to 110°F temperature.

(10) Range of Measurement: The analyzer shall have a range of 0-2000 ppm HC (n-Hexane), 0 to 10% CO, and 0 to at least 10% CO_2. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-090, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-090, filed 2/28/80.]

WAC 173-422-100 Testing equipment maintenance and calibration. (1) Unless alternative procedures have been approved or required by the department all equipment used in the inspection shall be calibrated and maintained according to the manufacturer's specifications and recommendations. Complete logs as approved by the department shall be kept for maintenance, repair, and calibration.

(2) The following procedures shall be followed by all testing facilities unless equivalent procedures have been approved by the department. Exhaust analyzers shall be warmed up for at least thirty minutes prior to performing any test or equipment, calibration, span, or zero checks:

(a) Each test. Before each test can start, the exhaust analyzer readings must be less than 20 ppm HC, 0.1% CO and 0.5% CO_2. If during a test the sampling system flow restriction indicator becomes activated, the test shall be stopped and restarted after the necessary repairs to the analyzer have been completed.

(b) Hourly check. The exhaust analyzer shall not be used to test vehicles unless within an hour prior to the test it was spanned with a calibration gas. The following procedure shall be used:

(i) Adjust the exhaust analyzer using the electronic span.

(ii) Adjust the exhaust analyzer to zero using ambient air or zero calibration gas.

(iii) Check the calibration of the exhaust analyzer using a calibration gas with a CO concentration of 0.6 to 2.4% and a HC concentration 110 to 440 ppm measured as n-hexane.

(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090.

(v) If adjustments or repairs were performed, check and adjust the electronic span and zero, then check the span point using the calibration gas without further adjustments. The analyzer shall not be used for certification testing unless all readings are within the accuracy limits specified in WAC 173-422-090.

(c) Monthly check. The exhaust analyzer shall not be used to test vehicles unless a multipoint calibration has been performed within the last thirty days. The following procedure shall be used:

(i) Adjust the exhaust analyzer using the electronic span.

(ii) Adjust the exhaust analyzer to read zero using zero calibration gas.

(iii) Check the calibration of the exhaust analyzer using calibration gases of approximately twenty, forty, sixty, and eighty percent for each range.

(iv) Adjust and repair as necessary to insure the accuracy specified in WAC 173-422-090 at each calibration point.

(v) If adjustments or repairs were performed, check and adjust the electronic span and zero, then check calibration points using the calibration gases without any further adjustments. The analyzer shall not be used for certification testing unless all readings are within the required accuracy limits upon completion of the calibration procedure. If the barometric pressure was not within the range of 1002 to 1023 millibars (29.62 "to 30.21" Hg) corrected to sea level during the calibration procedure the calibration procedure may be repeated when the barometric pressure is within the specified range.

(d) Repair check. A multipoint calibration as specified in WAC 173-422-100(c) shall be performed before the analyzer is used for certification testing following the replacement of an optical or electronic component that can cause a variation in the analyzer reading.

The manufacturer's recommended procedures to determine any change in the correction factor from the propane calibration gas to n-hexane readings shall be followed.

(e) Leak check. The exhaust analyzer shall not be used to test vehicles unless within one week prior to the testing, CO readings have been taken while introducing calibration gas through the calibration port and through the probe. Discrepancies of over 3% in the readings shall require repair of leaks. No analyzer adjustments shall be permitted during this check. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-100, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-100, filed 2/28/80.]

WAC 173-422-110 Data system requirements. The data system shall consist of the following units:

(1) Vehicle identification terminal. The vehicle identification terminal shall have a standard typewriter formatted keyboard with a visual display to verify data entered. The data entered shall be transferred to the programmable processor on command.

(2) Programmable processor. The programmable processor shall perform the following functions:

(a) Accept and validate vehicle and test data required in WAC 173-422-140 from the vehicle identification terminal, exhaust analyzer, or other sources. Indicate on the vehicle identification terminal any data entered that does not meet the validation criteria.

(b) Convert analog emission measurements to digital information for each analyzer range.

(c) Verify that there is no excessive dilution of the exhaust sample by determining the carbon dioxide concentration and provide carbon dioxide output signal to printer and bulk storage device.

(d) Compare test results to the state's emissions standards. Test results shall be determined by averaging five consecutive readings taken at one second intervals, at fifteen seconds after the probe has been inserted into the tailpipe. The results shall be considered stable and recorded if the five readings do not vary more than ten percent of their average or 30 ppm HC, or 0.2% CO, or 1% CO_2 from their average, whichever is greater. If stability has not occurred before thirty seconds of testing, the thirty second reading along with four other consecutive readings shall be averaged and recorded as the result.

(e) Outputs vehicle and test data and established standards for report printout.

(f) Outputs vehicle and test data for storage on bulk storage devices.

(3) Report printer. The report printer shall print the vehicle inspection report and the certificate of compliance. The forms used shall be provided or approved by the department.

(4) Bulk storage devices. All data from the vehicle inspection report and the certificate of compliance shall be written on the bulk storage devices at the same time the printed report(s) are produced.

The data handling system shall be so designed to prevent any data changes on the bulk storage devices that would eliminate or alter the original entry.

Inspection shall be redone if errors result in an incorrect vehicle inspection report.

To insure that the bulk storage devices are compatible with the state's data processing equipment, all bulk storage devices and data handling methods used by the contractor shall be expressly approved by the department. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-110, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-110, filed 2/28/80.]

WAC 173-422-130 Inspection fees. A fee of ten dollars shall be collected for the first emission test on each vehicle applicable to each vehicle license year. If the vehicle fails, one retest will be provided free of charge at any inspection station operated by the contractor who collected the fee, provided that the retest is requested within sixty days of the initial test and other requirements specified in WAC 173-422-140 are met. Any additional retests applicable to the same vehicle license year will require the payment of the same fee charged for the initial test.

Inspection station operators shall forward to the department within ten working days after the end of each month, the amount of fees due to the state for inspections conducted during the month.

The department or its designee shall have the right to audit any inspection station operator's or contractor's records and procedures to substantiate that the operator or contractor is properly collecting and accounting for

such fees. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-130, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-130, filed 2/28/80.]

WAC 173-422-140 Inspection forms and certificates. All inspection stations shall use inspection forms and certificates provided or approved by the department. Additional diagnostic information may be provided to the vehicle operator. Other materials may be given the vehicle operator only if approved by the department.

(1) Vehicle inspection report: The driver of each vehicle tested shall be given a vehicle inspection report on a form to be provided or approved by the department. The inspection station operator shall provide the following information.

(a) Station number (lane number).

(b) Date and time of test(s).

(c) Who conducted the test(s) (name or identification number).

(d) Vehicle identification number (VIN).

(e) Odometer reading in thousands of miles.

(f) Vehicle license number.

(g) Vehicle model year.

(h) Make of the vehicle.

(i) Number of cylinders.

(j) Whether or not the vehicle was manufactured with a catalytic converter.

(k) Gross vehicle weight class.

(l) Emission test results.

(m) Applicable standards.

(n) Whether the vehicle has passed or failed the appropriate emission standards.

(o) Carbon dioxide reading.

(p) When and who issued a certificate of compliance or acceptance (name or identification number).

(q) First test or retest.

(r) All other information required on the form.

(2) Certificate of compliance: The driver of a vehicle meeting the appropriate emission standards shall be issued a certificate of compliance. A vehicle failing the initial test shall be allowed one free retest within sixty days of the initial test.

(3) Certificate of acceptance: If a vehicle has failed to pass the emission test applicable to any vehicle license year, the vehicle owner may request a certificate of acceptance. To receive the certificate of acceptance, the vehicle owner must provide documentation of repairs completed.

A certificate of acceptance may be issued only if costs of repairs and/or parts solely devoted to meeting the emission standards exceed fifty dollars. Original receipts for such repairs and parts must be provided.

(4) Form storage: Copies of each certificate of compliance/acceptance, and all vehicle inspection reports shall be kept on file by the contractor and be available for the department's review for one year after they are issued. This requirement includes forms that are voided for any reason.

(5) Reporting: The inspection station operator shall forward to the department within ten working days after the end of each month (a) an approved storage device containing all data collected from each inspection conducted that month, and (b) a copy of all certificates of acceptance issued that month along with the related vehicle inspection reports and repair and/or parts receipts.

Before the storage device is forwarded to the department, a backup bulk storage device shall be in the possession of the contractor. The backup bulk storage device shall be retained for one year and be available to the department upon request. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-140, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-140, filed 2/28/80.]

WAC 173-422-160 Fleet/dealer testing requirements. Self-inspection of vehicles by a fleet operator or dealer may be authorized by the department. The department may also authorize emission inspection of fleet and dealer vehicles by an automotive service or testing facility engaged by the fleet or dealer for such activity. Authorizations to conduct emission tests and issue certificates of compliance under this section are limited to vehicles within the fleet or fleets, and vehicles owned and offered for sale by dealers, requesting such authorization. Any person or facility conducting fleet and dealer tests under authorization of this section must meet all requirements of this section.

(1) The exhaust analyzers used for certification testing shall meet the specifications in WAC 173-422-090 except that CO_2 need not be measured.

In order to utilize existing equipment as much as possible, the department may allow testing facilities to use analyzers that do not meet all the specifications of WAC 173-422-090 if the analyzers were purchased prior to December 31, 1981.

To qualify for this exception, the test facility must request a waiver for each analyzer, demonstrate to the satisfaction of the department that the analyzer and procedures being used will provide satisfactory emission tests, and obtain approval from the department prior to using the analyzer for certification testing. Any analyzer model that has been approved by the State of California Bureau of Automotive Repair will qualify for this exception.

(2) All persons engaged in testing for fleet or dealer vehicles must comply with all provisions of this chapter except WAC 173-422-080, 173-422-100(2)(c), 173-422-110, 173-422-130, 173-422-140, and 173-422-150. The check specified in WAC 173-422-100(2)(b)(i) and (ii) shall be performed within one hour prior to the test. The complete check specified in WAC 173-422-100(2)(b) shall have been performed within one week prior to the test. The check specified in WAC 173-422-100(2)(b), in addition to being required weekly, shall be performed after each relocation of the analyzer.

(3) All persons conducting tests for the purpose of issuing certificates for fleets or dealers shall demonstrate to the satisfaction of the department the knowledge and capability to calibrate and operate emission testing equipment.

(4) The department will provide test forms upon request. Fully completed forms with appropriate signature(s) will constitute certificates of compliance for licensing purposes. Any person conducting testing under this section shall forward to the department within ten working days after the end of each month, a copy of each certificate of compliance, and one dollar fifty cents for each certificate, issued during that month. Copies of each certificate of compliance shall be retained by the person issuing the certificate for at least two years from date of issuance.

Forms may also be purchased from the department in advance of issuance through payment of one dollar fifty cents to the department for each certificate requested.

Test forms provided under this section are official documents. Persons receiving the forms from the department are accountable for each form provided.

Voided forms must be handled the same as certificates of compliance. One copy shall be sent to the department within ten days after the end of the month in which the form was voided and one copy shall be retained by the person accountable for the forms for at least two years after date of voiding.

(5) All persons authorized to conduct fleet or dealer inspections under this section shall be subject to fiscal and performance audits and compliance inspections by the department, during normal business hours.

(6) Fleet vehicles may be inspected any time between their scheduled license renewals.

(7) Certificates of acceptance may not be issued under this section. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-160, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-160, filed 2/28/80.]

WAC 173-422-170 Exemptions. The following motor vehicles are exempt from the inspection requirement:

(1) Vehicles proportionally registered pursuant to chapter 46.85 RCW.

(2) Vehicles whose model year when subtracted from the calendar year equals or exceeds fourteen.

(3) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale; this does not exempt motor vehicles that are or have been leased.

(4) Motor vehicles that use propulsion units powered exclusively by electricity.

(5) Motor-driven cycles as defined by RCW 46.04.332.

(6) Motor vehicles powered by diesel engines or two-cycle engines.

(7) Farm vehicles.

(8) Vehicles exempted from licensing pursuant to RCW 46.16.010.

(9) Mopeds as defined by RCW 46.04.304.

(10) Vehicles garaged and operated out of the emission contributing area (a) more than six months during the registration year or (b) for less than six months and not returning prior to the registration renewal date, may be exempted provided the registered owner/authorized agent provides a signed statement which includes:

(i) The registered owner's name and address.

(ii) Date of departure from and return to the emission contributing area.

(iii) For vehicles to be exempted under (b), a statement that the vehicle will not be returning to the emission contributing area prior to the registration renewal date and that within thirty days after returning to the emission contributing area, a valid certificate of compliance or acceptance will be obtained.

Persons making false statements to secure exemptions are punishable under RCW 9A.72.040 (a gross misdemeanor) and RCW 46.12.160 (cancellation of vehicle registration).

(11) Vehicles registered with the state but not for highway use. [Statutory Authority: RCW 70.120.120. 82-02-027 (Order DE 81-32), § 173-422-170, filed 12/31/81; 80-03-070 (Order DE 79-35), § 173-422-170, filed 2/28/80.]

Chapter 173-490 WAC
EMISSION STANDARDS AND CONTROLS FOR SOURCES EMITTING VOLATILE ORGANIC COMPOUNDS (VOC)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-490-206 Synthesized pharmaceutical products. [Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-206, filed 8/20/80.] Repealed by 82-16-021 (Order DE 82-22), filed 7/27/82. Statutory Authority: Chapters 70.94 and 43.21A RCW.

WAC 173-490-020 Definitions. The specific definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter, and all words and phrases there defined shall, when used in this chapter, carry the meanings set forth in chapter 173-400 WAC. Unless a different meaning is indicated by context, the following words and phrases, as used in this chapter, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a submerged fill line.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product

Standard PS-59-73 as approved by the American National Standards Institute.

(4) "Closed refinery system" means a system that will process or dispose of those VOC collected from another system. The mass quantity of collected VOC emitted to the ambient air from the closed refinery system shall by comparison not exceed that required for a disposal system.

(5) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

(6) "Condenser" means a device for cooling a gas stream to a temperature where specific volatile organic compounds become liquid and are removed.

(7) "Control system" means one or more control devices, including condensers, that are designed and operated to reduce the quantity of VOC emitted to the atmosphere.

(8) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.

(9) "Cutback asphalt" means an asphalt that has been blended with petroleum distillates to reduce the viscosity for ease of handling and lower application temperature. An inverted emulsified asphalt shall be considered a cutback asphalt when the continuous phase of the emulsion is a cutback asphalt.

(10) "Demonstrate" means a presentation of the necessary data and calculations to support the required conclusion. The material is recorded for each event and made a part of air quality records or reports required by the state.

(11) "Disposal system" means a process or device that reduces the mass quantity of the VOC that would have been emitted to the ambient air by at least ninety percent prior to their actual emission.

(12) "Dry cleaning facility" means a facility engaged in the cleaning of fabrics in an essentially nonagueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps and attendant piping and valves.

(13) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(14) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(15) "Gas service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.

(16) "Gasoline" means a petroleum distillate having a true vapor pressure greater than 200 mm of Hg (4 psia) at 20°C, that is a liquid at standard conditions of 760 mm of Hg and 20°C, and is used as a fuel for internal combustion engines.

(17) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

(18) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

(19) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

(20) "Hardboard plywood" means plywood whose surface layer is a veneer of hardwood.

(21) "Lease custody transfer" means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(22) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

(23) "Liquid service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.

(24) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(25) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(26) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery, excluding No. 2 through 6 fuel oils (ASTM D396-69), No. 2GT through 4 GT gas turbine fuel oils (ASTM D2880-71) or No. 2D and 4D diesel fuel oils (ASTM D975-68).

(27) "Petroleum refinery" means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(28) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(29) "Proper attachment fittings" means hardware for the attachment of gasoline transfer or vapor collection

lines that meet or exceed industrial standards or specifications and the standards of other agencies or institutions responsible for safety and health.

(30) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(31) "Reactor" means a vessel that may be jacketed for temperature control in which to conduct chemical reactions.

(32) "Refinery unit" means a set of components that are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

(33) "Roll printing" means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(34) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves an integlio or recessed image areas in the form of cells.

(35) "Separation operation" means a process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.

(36) "Submerged fill line" means a pipe, tube, fitting or other hardware for loading liquids into a tank with either a discharge opening flush with the tank bottom; or with a discharge opening entirely below the lowest normal operating drawoff level or that level determined by a liquid depth two and one half times the fill line diameter when measured in the main portion of the tank, but not in sumps or similar protrusions.

(37) "Submerged loading" means the filling of a tank with a submerged fill line.

(38) "Suitable closure or cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents or other devices specifically required for safety and fire protection are not included.

(39) "Thin particleboard" means a manufactured board one-quarter inch or less in thickness made of individual wood particles which have been coated with a binder and former into flat sheets by pressure.

(40) "Tileboard" means panelling that has a colored waterproof surface coating.

(41) "Transport tank" means a container having a usable liquid volume greater than one thousand liters (260 gallons) used for shipping gasoline on land, including but not limited to, tank trucks, tank trailers, railroad tank cars, and metallic or nonmetallic tanks or cells conveyed on any vehicle.

(42) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, 1980.

(43) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

(44) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(45) "Vapor control system" means a system designed and operated to reduce or limit the emission of VOC, or to recover the VOC to prevent their emission into the ambient air.

(46) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(47) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 mm of Hg (millimeters of mercury) at a temperature of 20°C. Excluded compounds are methane, ethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), methylene chloride and 1, 1, 1-trichloroethane (methyl chloroform).

(48) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils." [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-020, filed 7/27/82. Statutory Authority: RCW 70.94.331, 70.94-.510, and 70.94.785. 81-03-003 (Order DE 80-54), § 173-490-020, filed 1/8/81. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-020, filed 8/20/80. Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-020, filed 5/8/79.]

WAC 173-490-025 General applicability. (1) This chapter shall apply to the specified emission sources of volatile organic compounds located in or operating within designated ozone nonattainment areas of the state of Washington.

(2) Sources of volatile organic compound emissions may be exempted, by the director, from any or all requirements to control or reduce the emission of volatile organic compounds if the source will be permanently shutdown by January 1, 1983 and the owner or operator of the source complies with a phase-out schedule approved by the director. The phase-out schedule shall contain specific actions and dates necessary to the orderly termination of the source's activities. The operation of the emission source after January 1, 1983 shall be permitted only when done in full compliance with all other applicable requirements of this chapter.

(3) This chapter does not apply to those sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

(4) A source of volatile organic compound emissions not belonging to any of the categories listed in WAC 173-490-030 nor specifically identified in any section, but which is located on the same or adjacent property and owned or operated by the same person as a regulated emission source, shall not be required to comply with the regulations of this chapter.

(5) Sources of volatile organic compound emissions may be exempted, by the director, from any or all requirements to control or reduce the emissions of volatile organic compounds when the source is a development operation and the equipment is used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, provided emissions of volatile organic compounds from such operations do not exceed 300 kg (660 lbs) per month. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-025, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-025, filed 8/20/80. Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-025, filed 5/8/79.]

WAC 173-490-040 Requirements. Sources shall demonstrate compliance with this chapter using the sampling procedures on file with and approved by the director.

(1) Petroleum refineries.

(a) This chapter shall apply to all petroleum refineries with a crude oil or feed stock capacity greater than one million five hundred thousand liters (9,000 bbl) per day.

(b) A petroleum refinery with a crude oil or feed stock capacity of eight million three hundred twenty eight thousand liters (50,000 bbl) per day or less and which is owned or controlled by a refiner with a total combined crude oil or feed stock capacity of twenty-three million liters (137,500 bbl) per day or less shall be classified as a small refinery.

(c) Vacuum producing system.

(i) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(ii) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(d) Wastewater separator.

(i) Wastewater separators with demonstrated VOC emissions less than twenty-five tons annually shall be exempt from the requirements of WAC 173-490-040 (1)(d)(ii) and (iii).

(ii) Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or a double deck-type cover equipped with closure seals between the cover edge and compartment wall.

(iii) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(e) Process unit turnaround.

(i) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.

(ii) The pressure in a process unit following depressurization for turnaround shall be less than five psig before venting to the ambient air.

(iii) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than five psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by WAC 173-490-040(1)(e)(ii).

(f) Maintenance and operation of emission control equipment. Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with the level of maintenance and housekeeping of the overall plant.

(2) Petroleum liquid storage tanks.

(a) All fixed-roof tanks except as noted in subparagraph (d) of this subsection storing volatile organic petroleum liquids with a true vapor pressure as stored greater than 78 mm of Hg (1.5 psi), but less than 570 mm of Hg (11.1 psi) at actual monthly average storage temperatures and having a capacity greater than one hundred fifty thousand liters (40,000 gallons) shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in WAC 173-490-040(2)(a)(i) or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in WAC 173-490-040 (2)(a)(ii) and (iii) are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in WAC 173-490-040(4)(b) shall be exempt from the requirements of WAC 173-490-040(2).

(3) Gasoline loading terminals.

(a) This chapter shall apply to all gasoline loading terminals with an average annual daily gasoline throughput greater than seventy-five thousand liters (20,000 gallons).

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor recovery system (VRS) as described in WAC 173-490-040(3)(c) and comply with the following conditions:

(i) The loading facility shall employ submerged loading or bottom loading for all transport tanks.

(ii) The VRS shall be connected to the transport tank being loaded and operating during the entire loading of every transport tank loaded at the facility.

(iii) The loading of all transport tanks shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released to the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically upon disconnect. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor recovery system (VRS). The VRS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VRS shall prevent at least ninety percent by weight of the gasoline vapors displaced during loading of each transport tank from entering the ambient air and in no case shall the gasoline vapors emitted to the ambient air exceed eighty milligrams per liter of gasoline loaded.

(ii) The VRS shall be equipped with a signal device to alert personnel when the system is not operating or unintentionally shuts down.

(iii) The back pressure in the VRS collection lines shall not exceed the transport tank's pressure relief settings.

(d) Alternative loading facility. The loading of transport tanks by other means and using other vapor control systems shall require the facility owner to demonstrate that the emission of gasoline vapors to the ambient air is less than eighty milligrams per liter of gasoline loaded.

(4) Bulk gasoline plants.

(a) This chapter shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than fifteen thousand liters (4,000 gallons).

(b) Storage tanks. All storage tanks with a capacity greater than two thousand one hundred liters (550 gallons) and used for the storage of gasoline shall comply with the following conditions:

(i) Each storage tank shall be equipped with a submerged fill line.

(ii) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(iii) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iv) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Transport tanks. All transport tanks, except those meeting the conditions in WAC 173-490-040(4)(d), transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

(i) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(ii) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iii) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(d) Transport tanks used for gasoline and meeting all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines:

(i) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of WAC 173-490-040(5); and

(ii) The transport tank has a total capacity less than fifteen thousand liters (4,000 gallons)and is of a compartmented design and construction requiring the installation of four or more separate vapor balance fittings.

(e) Gasoline transfer operations. No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All tanks shall be submerged filled or bottom loaded.

(ii) The loading of all tanks, except those exempted under WAC 173-490-040(4)(d) shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released into the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions.

(f) Equipment or system failures. Failures or leaks in the vapor balance system shall be limited by the following conditions:

(i) During the months of June, July, August and September, failures of the vapor balance system to comply with this chapter shall require the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used.

(ii) The loading or unloading of the transport tank connected to the failed part of the vapor balance system may be completed.

(iii) Breakdowns and upset conditions during all months of the year shall comply with the additional provisions of WAC 173-400-120(4).

(g) The owner or operator of a bulk gasoline plant or transport tank shall take all reasonable necessary measures to prevent the spilling, discarding in sewers, storing in open containers or handling of gasoline in a manner on the plant site that will result in evaporation to the ambient air.

(5) Gasoline dispensing facilities (Stage I).

(a) This chapter shall apply to all gasoline dispensing facilities with a total annual gasoline output greater than seven hundred fifty-seven thousand liters (200,000 gallons) or sixty-three thousand one hundred liters (16,670 gallons) per month and total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons).

(b) All gasoline storage tanks of the facilities defined in WAC 173-490-040(5)(a) shall be equipped with submerged fill lines and fittings for vapor balancing gasoline vapors with the delivery transport tank. Storage tanks required to comply are:

(i) All tanks with a capacity greater than seven thousand five hundred liters (2,000 gallons) installed before January 1, 1979, except as provided for in WAC 173-490-040(5)(c).

(ii) All tanks with a capacity greater than one thousand liters (260 gallons) installed on or after January 1, 1979.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of WAC 173-490-040(5)(b) if installed prior to January 1, 1979.

(d) The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built and operated according to accepted industrial practices will satisfy this requirement.

(e) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(6) Surface coaters.

The operation of a coater and dryer, that may serve one or more process lines, shall comply with the following emission limits if the uncontrolled emissions of VOC from the coater, flashoff areas, and dryer would be greater than 18 kg (40 pounds) in any given twenty-four hour period. The emission limits and uncontrolled emission quantity shall include the additional quantity of emissions from the dryer during the twelve hour period after application of the coating.

Process Can Coating	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal.of Coating (Excluding Water)
Sheet basecoat and overvarnish; two-piece can exterior	340	2.8
Two and three piece can interior body spray, two piece can exterior end	510	4.2
Side-seam spray	660	5.5
End sealing compound	440	3.7
Coil coating	310	2.6
Fabric coating	350	2.9
Vinyl coating	450	3.8
Paper coating	350	2.9
Auto and light duty truck coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal furniture coating	360	3.0
Magnet wire coating	200	1.7
Large appliance coating	340	2.8

(7) Open top vapor degreasers.

(a) All open top vapor degreasers shall comply with the following equipment specifications:

(i) Be equipped with a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust. When a degreaser has a freeboard ratio equal to or greater than 0.75 and the opening is greater than one square meter (10 square feet) the cover shall be power operated.

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75.

(B) A freeboard chiller.

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

(iii) Be equipped with at least the following three safety switches:

(A) Condenser-flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm).

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively.

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(iv) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet per minute).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air interface area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet per minute).

(G) Degrease the workload in the vapor zone until condensation ceases.

(H) Spraying operations should be done within the vapor layer.

(I) Hold parts in the degreaser until visually dry.

(J) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(K) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(L) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(8) Conveyorized degreasers.

(a) The owner or operator of conveyorized cold cleaners and conveyorized vapor degreasers shall comply with the following operating requirements:

(i) Exhaust ventilation shall not exceed twenty cubic meters per minute of square meter (65 cfm per $ft.^2$) of degreaser opening, unless necessary to meet OSHA requirements.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyored parts to less than 3.35 meters per minute (11 feet per minute).

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(D) Water shall not be visible in the solvent stream from the water separator.

(iii) Vapor degreasers shall be equipped with at least the following three safety switches:

(A) Condenser flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm).

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively).

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(f) All conveyorized cold cleaners and conveyorized vapor degreasers with air/vapor interfaces of 2.0 m^2 or greater shall have one of the following major control devices installed and operating after April 1, 1982:

(i) Carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 m^2/min per m^2 of air/vapor area, when downtime covers are open), or

(ii) Refrigerated chiller with control effectiveness equal to or better than WAC 173-490-040(8)(f)(i), or

(iii) A system with control effectiveness equal to or better than WAC 173-490-040(8)(f)(i).

(9) Cutback asphalt paving.

(a) After June 1, 1981 all paving applications of cutback asphalts are prohibited during the months of June, July, August and September, except as provided for in WAC 173-490-040(9)(b).

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year.

(i) As a penetrating prime coat on aggregate bases prior to paving.

(ii) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(iii) All paving uses when the temperature during application is below 10°C (50°F). Any person using cutback asphalt for paving shall demonstrate that the ambient air temperature at 8 a.m. (PST) is below 50°F. The paving application of cutback asphalt when the ambient air temperature is 50°F or higher is in violation of this chapter.

(10) Cold cleaners.

(a) The owner or operator of all cold cleaners shall comply with the following equipment specifications:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a drainrack that returns the drained solvent to the solvent bath.

(iii) Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

(v) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

(d) If the solvent has a vapor pressure greater than 2.0 kPa (0.3 psi) measured at 38°C (100°F), or if the

solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand.

(e) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(f) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (120°F), then one of the following solvent vapor control systems must be used:

(i) The freeboard ratio must be equal to or greater than 0.70; or

(ii) Water must be kept over the solvent, which must be insoluble in and heavier than water; or

(iii) Other systems of equivalent control, such as a refrigerated chiller. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-040, filed 7/27/82. Statutory Authority: RCW 70.94.331, 70.94.510, and 70.94.785. 81-03-003 (Order DE 80-54), § 173-490-040, filed 1/8/81. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-040, filed 8/20/80. Statutory Authority: RCW 43.21A.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-040, filed 5/8/79.]

WAC 173-490-080 Exceptions. Exceptions to volatile organic compound emission standards and requirements.

(1) Other emission reduction methods may be employed if the source operator demonstrates to the department that they are at least as effective as the required methods.

(2) The operation of a natural gas-fired incinerator and associated capture system installed for the purpose of complying with this chapter shall be required only during the months of June, July, August and September, unless the operation of such devices is required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-080, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-080, filed 8/20/80. Statutory Authority: RCW 43.21A-.080 and 70.94.331. 79-06-011 (Order DE 78-23), § 173-490-080, filed 5/8/79.]

WAC 173-490-203 Perchloroethylene dry cleaning systems. (1) Specific applicability. This section shall apply to all dry cleaning systems using perchloroethylene cleaning solvent and as qualified in WAC 173-490-203 (1)(a) and (b) and 173-490-025.

(a) The following dry cleaning systems are exempt from the requirements of WAC 173-490-203 (2)(a)(i) and (ii):

(i) Coin-operated systems;

(ii) Systems located in a facility with inadequate space to accommodate an adsorber;

(iii) Systems with an average monthly loss less than twenty-five gallons (2 tons per year); and

(iv) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in WAC 173-490-203 (2)(a)(i) and (ii) may be granted by the director when sufficient evidence is submitted by the owner or operator of the dry cleaning system to justify the exemption.

(2) Provisions for specific processes.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall:

(i) Vent the entire dryer exhaust through a properly functioning carbon absorption system or equally effective control device;

(ii) Emit no more than 100 ppmv when determined in accordance with WAC 173-490-203(4)(c)(i), of volatile organic compounds from the dryer control device before dilution;

(iii) Immediately repair all components found to be leaking liquid volatile organic compounds;

(iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of volatile organic compounds per 100 kg of wet waste material;

(v) Reduce the volatile organic compounds from all solvent stills to 60 kg or less per 100 kg of wet waste material;

(vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and

(vii) When possible, dry all drained cartridges without emitting volatile organic compounds to the atmosphere.

(3) Schedule of control dates.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to WAC 173-490-203 (2)(a)(i) and (ii) shall meet the applicable increments of progress in the following schedule or a schedule approved under WAC 173-490-071.

(i) Award contracts, issue purchase orders, or otherwise order the emission control system and process equipment, before July 1, 1981;

(ii) Complete installation of the emission control and process equipment before July 1, 1982;

(iii) Achieve final compliance, determined in accordance with WAC 173-490-203(4) before July 1, 1982;

(iv) In the event that equipment cannot be delivered prior to May 1, 1982, and the owner or operator placed the order prior to July 1, 1981, the final compliance date shall be sixty days following delivery of the equipment.

(b) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall comply with the operational and maintenance provisions of WAC 173-490-203 (2)(a)(iii) through (vii) by July 1, 1981.

(4) Testing and monitoring.

(a) Compliance with WAC 173-490-203 (2)(a)(i), (vi), and (vii) shall be determined by means of visual inspection.

(b) Compliance with WAC 173-490-203(2)(a)(iii) shall be determined by means of visual inspection of the following components:

(i) Hose connections, unions, couplings and valves;
(ii) Machine door gaskets and seatings;
(iii) Filter head gasket and seating;
(iv) Pumps;
(v) Base tanks and storage containers;
(vi) Water separators;
(vii) Filter sludge recovery;
(viii) Distillation unit;
(ix) Diverter valves;
(x) Saturated lint from lint basket; and
(xi) Cartridge filters.

(c) Compliance with WAC 173-490-203(2)(a)(ii) shall be determined by:

(i) A test consistent with the procedures on file with and approved by the department; or

(ii) The proper installation, operation, and maintenance of equipment that has been demonstrated by the owner or operator to adequately meet the emission limits in WAC 173-490-203(2)(a)(ii).

(d) Compliance with WAC 173-490-203 (2)(a)(iv) and (v) shall be determined by tests consistent with the procedures on file with and approved by the department. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-203, filed 7/27/82. Statutory Authority: RCW 70.94.331, 70.94-.510, and 70.94.785. 81-03-003 (Order DE 80-54), § 173-490-203, filed 1/8/81. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-203, filed 8/20/80.]

WAC 173-490-204 Graphic arts systems. (1) Specific applicability.

(a) This section shall apply to all packaging rotogravure, publication rotogravure, specialty printing operations, and flexographic printing facilities that use more than 90 megagrams (100 tons) per year of volatile organic compounds as a component of ink, for the thinning of ink, cleaning of presses, press components and equipment; and are covered by WAC 173-490-025.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs, and pictures) shall be included under WAC 173-490-204 rather than WAC 173-490-040(6), Surface coaters.

(2) Provisions for specific processes.

(a) No owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing subject to this regulation and employing solvent containing ink may operate, cause, allow or permit the operation of the facility unless:

(i) The volatile fraction of ink, as it is applied to the substrate, contains twenty-five percent by volume or less of organic solvent and seventy-five percent by volume or more of water;

(ii) The ink as it is applied to the substrate, less water, contains sixty percent by volume or more nonvolatile material; or

(iii) The owner or operator installs and operates:

(A) A carbon adsorption system which reduces the volatile organic emissions from the capture system by at least ninety percent by weight;

(B) An incineration system which oxidizes at least ninety percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative volatile organic compound emission reduction system demonstrated to have at least a ninety percent reduction efficiency, measured across the control system, and has been approved by the department.

(b) A collection system shall be used with the emission controls of WAC 173-490-204(2)(a)(iii). The design and operation of the collection system shall be consistent with good engineering practice, and shall provide an overall reduction in the emission of volatile organic compounds of at least:

(i) Seventy-five percent where a publication rotogravure process is used; or

(ii) Sixty-five percent where a packaging rotogravure process is used; or

(iii) Sixty percent where a flexographic process is used.

(3) Schedule of control dates.

(a) The owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing facility subject to this chapter shall meet the applicable increments of progress in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071:

(i) For process equipment changes and add-on control devices, including incineration with heat recovery:

(A) Submit final plans for the emission control system or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4), before January 1, 1983.

(ii) For incineration equipment without heat recovery or process modifications not requiring purchase orders:

(A) Submit final plans for the emission control system or process modifications, or both, before March 1, 1981;

(B) Award contracts for process modifications or for incineration equipment, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of process modifications or emission control equipment, or both, before July 1, 1981;

(D) Complete on-site construction or installation of process modifications or incineration equipment, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4) before January 1, 1982.

(iii) For low solvent technology:

(A) Submit a plan for an extended schedule of control dates meeting the conditions in WAC 173-490-071;

(B) Achieve a final reduction in emissions greater than that which would have been attained from the controls specified in WAC 173-490-204(2);

(C) Commit to the installation of the controls in WAC 173-490-204(2) and achieving final compliance by January 1, 1987 should progress toward low solvent technology not meet expectations;

(D) Provide for a major reduction in emissions by January 1, 1983 as an increment of progress as required in WAC 173-490-071.

(b) The owner or operator of a volatile organic compound source subject to a compliance schedule of WAC 173-490-204 shall certify to the department within five days after the deadline for each increment of progress whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) Testing procedures to determine compliance with this chapter shall be on file with and approved by the department.

(b) When add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed;

(iii) Breakthrough of VOC on a carbon adsorption unit; and

(iv) Any other continuous monitoring or recording device required by the department.

(c) The owner or operator of a facility shall be responsible for all expense of monitoring required by WAC 173-490-204(4)(b). [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-204, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-204, filed 8/20/80.]

WAC 173-490-205 Surface coating of miscellaneous metal parts and products. (1) Specific applicability. This section shall apply to surface coating of miscellaneous metal parts and products in the following industries having VOC emissions greater than one hundred six kilograms (two hundred thirty-five pounds) per day and as qualified in WAC 173-490-205 (1)(b), (c), and (d), and 173-490-025.

(a) Miscellaneous metal parts and products shall include:

(i) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(ii) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) Commercial machinery (office equipment, computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) Fabricated metal products (metal covered doors, frames, etc.); and

(vii) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries).

(b) This chapter is not applicable to the surface coating of the following metal parts and products:

(i) Automobiles and light-duty trucks;

(ii) Metal cans;

(iii) Flat metal sheets and strips in the form of rolls or coils;

(iv) Magnet wire for use in electrical machinery;

(v) Metal furniture;

(vi) Large appliances;

(vii) Airplanes;

(viii) Automobile refinishing;

(ix) Customized top coating of automobiles and trucks, if production is less than thirty-five vehicles per day; and

(x) Exterior of marine vessels.

(c) This chapter applies to the application area, flashoff area, air and forced air drier, and oven used in the surface coating of the metal parts and products in WAC 173-490-205(1)(a). This chapter also applies to prime coat, top coat, and single coat operations.

(d) The application of coatings whose formulations are controlled by federal specifications and the use of which is required by federal agencies shall be exempt from the emission limits in WAC 173-490-205(2)(a).

(e) A case-by-case determination of the emission controls best representing RACT may be substituted for the requirements of WAC 173-490-205(2). Such a determination shall be approved by the department.

(2) Provisions for specific processes.

(a) The owner or operator of a coating application system shall not emit a quantity of volatile organic compounds greater than those listed by specific coating, excluding water and as delivered to the application system:

(i) Clear coatings	0.52 kg/liter (4.3 lb/gallon)
(ii) Extreme performance coatings	0.42 kg/liter (3.5 lb/gallon)
(iii) Air dried coatings	0.42 kg/liter (3.5 lb/gallon)
(iv) All others	0.36 kg/liter (3.0 lb/gallon)
(v) Powder coatings	0.05 kg/liter (0.4 lb/gallon)

(b) When more than one emission limitation listed in WAC 173-490-205(2)(a) applies to a specific coating, the least stringent will apply.

(c) All VOC emissions from solvent washings shall be considered in the emission limitations in WAC 173-490-205(2)(a), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(d) The emission limits set forth in WAC 173-490-205(2)(a) shall be achieved by:

(i) The application of low solvent coating technology; or

(ii) An incineration system that oxidizes at least ninety percent of the volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC reduction certified by the owner or operator and approved by the department.

(e) A collection system shall be used together with the incinerator of WAC 173-490-205(2)(d)(ii). The design and operation of the collection system shall be consistent with good engineering practice and provide for an overall VOC emission reduction necessary to comply with the emission limits of WAC 173-490-205(2)(a). The required VOC emission reduction shall be calculated on a unit volume of uncured solids basis.

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Sources using low solvent content coatings shall:

(A) Submit final plans for the application of low solvent technology before April 1, 1981;

(B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;

(C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;

(D) Initiate process modifications before January 1, 1982; and

(E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.

(ii) Sources using process equipment changes or add-on control devices, including incineration with heat recovery, shall:

(A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4) before January 1, 1983.

(iii) Sources using incineration without heat recovery or process modifications not requiring purchase orders shall:

(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4), before January 1, 1982.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a source to demonstrate at his own expense, compliance by the methods of WAC 173-490-205(4)(c).

(b) The owner or operator of a source shall notify the department at least ten days before a proposed emission certification test so the director may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-205, filed 7/27/82. Statutory Authority: RCW 70.94.331 and 70.94.395. 80-11-062 (Order DE 80-18), § 173-490-205, filed 8/20/80.]

WAC 173-490-206 Repealed. See Disposition Table at beginning of this chapter.

WAC 173-490-208 Aerospace assembly and component coating operations. (1) Specific applicability. This section shall apply to all aerospace component coating facilities that emit an annual average of eighteen kilograms (forty pounds) or more of volatile organic compounds per operating day and as qualified in WAC 173-490-025.

(2) It shall be unlawful for any person to cause or allow:

(a) The application of any primer or topcoat to aerospace components which contains in excess of:

(i) 650 grams of VOC per liter of primer, less water, as applied.

(ii) 600 grams of VOC per liter of topcoat, less water, as applied.

(b) The application of any temporary protective coating to aerospace components that contains more than 250 grams of VOC per liter of material, less water, as applied.

(c) The use of volatile organic compounds of composite vapor pressure of 10.4 kPa (1.5 psia) or greater at a temperature of 21.1°C (70°F) for surface preparation or cleanup, excluding paint removal.

(d) The use of volatile organic compounds for the cleanup of spray equipment used in aerospace component coating operations unless 85 percent of the volatile

organic compounds by weight, are collected and disposed such that they are not emitted to the atmosphere.

(e) The use of a stripper which contains more than 400 grams of VOC per liter or has a composite vapor pressure of volatile organic compounds more than 1.3 kPa (0.19 psia) at 21.1°C (70°F).

(3) The emission limits of paragraph (2) shall be achieved by:

(a) The application of reasonably available low solvent coating technology;

(b) A vapor collection and disposal system; or

(c) An equivalent method of VOC reduction certified by the owner or operator and approved by the director.

(4) The provisions of paragraphs (2)(a) and (2)(b) of WAC 173-490-208 shall not apply to the following materials:

(a) Coatings for masking in chemical etching operations,

(b) Adhesive bonding primer,

(c) Flight test coatings,

(d) Space vehicle coatings, or

(e) Fuel tank coatings.

(5) Upon the submission of an alternative coating evaluation, the director may determine that a reasonably available low solvent coating does exist for a given application and may exempt the coating from requirements of WAC 173-490-208. All alternative coating evaluations shall contain, as a minimum:

(a) Types of products to be coated,

(b) Types of coatings evaluated,

(c) Results of performance tests,

(d) Status of research into development of low VOC coatings for the application,

(e) Feasibility of installing control equipment,

(f) Mitigating measures that could be implemented to reduce VOC emissions.

(6) Any facility subject to this section shall submit a report to the department by January 1, 1983. This report shall include, as a minimum, a discussion of the advances in coating technology that have occurred since January 1, 1980, and a forecast of future technology improvements.

(7) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress.

(i) Submit final plans for the emission control system, process equipment or low solvent coatings substitution before September 1, 1982.

(ii) Award contracts or purchase orders for the emission control system, process equipment or low solvent coatings before January 1, 1983.

(iii) Initiate construction or process modifications before March 1, 1983.

(iv) Achieve final compliance before July 1, 1983. [Statutory Authority: Chapters 70.94 and 43.21A RCW. 82-16-021 (Order DE 82-22), § 173-490-208, filed 7/27/82.]

Chapter 173-511 WAC
INSTREAM RESOURCES PROTECTION PROGRAM--NISQUALLY RIVER BASIN, WATER RESOURCE INVENTORY AREA (WRIA) 11

WAC

WAC 173-511-010 General provision. These rules apply to waters within the Nisqually River Basin, WRIA 11, as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum Water Flows and Levels), and in accordance with chapter 173-500 WAC (Water Resources Management Program). [Statutory Authority: Chapters 90-.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-010, filed 2/2/81.]

WAC 173-511-020 Purpose. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Nisqually River Basin with instream flows and levels necessary to provide protection for wildlife, fish, scenic, aesthetic, environmental values, recreation, navigation, and to preserve water quality. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-020, filed 2/2/81.]

WAC 173-511-030 Establishment of instream flows. (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

Control Station No. Stream Management Unit Name	Control Station Location, River Mile and Section, Township and Range	Affected Stream Reach
New gage Nisqually River	4.3 9, 18N, 1E	From influence of mean annual high tide at low base flow levels to the outlet of the Centralia City Light Power Plant
12-0895-00 Nisqually River	21.8 28, 17N, 2E	From outlet of the Centralia City Light Power Plant at river mile 12.6 to Centralia City Light Power Canal diversion at river mile 26.2, including all tributaries.
12-0884-00 Nisqually River	32.6 21, 16N, 3E	From the Centralia City Light Power canal diversion at river mile 26.2 to gage 12-0865-00 near the La Grande Power Plant, including all tributaries except the Mashel River.
12-0825-00 Nisqually River	57.8 29, 15N, 6E	From gage 12-0865-00 near the La Grande Power Plant to the headwaters including all tributaries
12-0870.00 Mashel River	3.25 11, 16N, 4E	From mouth upstream to the headwaters including all tributaries

(2) Instream flows established for the stream management unit described in WAC 173-511-030(1) are as follows:

INSTREAM FLOWS IN THE NISQUALLY RIVER BASIN
(in Cubic Feet per Second)

Month	Day	Lower Reach of the Nisqually River USGS Gage 12-*RM 4.3	Bypass Reach of the Nisqually River USGS Gage 12-0895-00 RM 21.8	Mid Reach of the Nisqually River USGS Gage 12-0884-00 RM 32.6
January	1	900	600	900
	15	900	600	900
February	1	900	600	900
	15	900	600	900

Month	Day	Lower Reach of the Nisqually River USGS Gage 12–*RM 4.3	Bypass Reach of the Nisqually River USGS Gage 12–0895–00 RM 21.8	Mid Reach of the Nisqually River USGS Gage 12–0884–00 RM 32.6
March	1	900	600	900
	15	900	600	900
April	1	900	600	900
	15	900	600	900
May	1	900	600	900
	15	900	600	900
June	1	900	500(closed)	800(closed)
	15	850	450(closed)	800(closed)
July	1	800	400(closed)	800(closed)
	15	800	400(closed)	800(closed)
August	1	800	370(closed)	800(closed)
	15	800	370(closed)	650(closed)
September	1	600	370(closed)	600(closed)
	15	600	370(closed)	600(closed)
October	1	700	550(closed)	700(closed)
	15	700	550(closed)	700(closed)
November	1	700	600	700
	15	700	600	700
December	1	800	600	800
	15	900	600	900

*New gage to be established.

Month	Day	Upper Reach of the Nisqually River USGS Gage 12–0825–00 RM 57.8	Mashel River USGS Gage 12–0870–00 RM 3.25
January	1	450	100
	15	450	100
February	1	450	100
	15	450	100
March	1	450	100
	15	450	100
April	1	450	100
	15	450	100
May	1	450	100
	15	450	80
June	1	600	80(closed)
	15	650	70(closed)
July	1	550	50(closed)
	15	500	40(closed)
August	1	450	30(closed)
	15	400	30(closed)
September	1	350	20(closed)
	15	300	20(closed)
October	1	300	20(closed)
	15	300	20(closed)
November	1	350	40
	15	400	70
December	1	450	100
	15	450	100

(3) Instream flow hydrographs, as represented in the document entitled "Nisqually River Basin Instream Resource Protection Program," shall be used for identification of instream flows on those days not specifically identified in WAC 173-511-030(2). [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-030, filed 2/2/81.]

WAC 173-511-040 Surface water source limitations to further consumptive appropriations. (1) The department has determined that (a) certain streams exhibit low summer flows or have a potential for going dry thereby inhibiting anadromous fish passage during critical life stages, and (b) historic flow regimes and current uses of certain other streams indicate that no water is available for additional appropriation. Based upon these determinations the following streams and lakes are closed to further appropriation for the periods indicated:

New Surface Water Closures

Stream or Lake Section, Township, and Range of Mouth or Outlet	Tributary to	Period of Closure
Mashel River NE1/4SW1/4 Sec. 29, T16N, R4E and all tributaries	Nisqually River	June 1 – Oct. 31
Red Salmon Creek (Mounts Creek) NE1/4NW1/4 Sec. 33, T19N, R1E and all tributaries	Nisqually River	April 1 – Oct. 31
Clear Creek NE1/4SE1/4 Sec. 21, T18N, R1E and all tributaries	Nisqually River	April 1 – Oct. 31
Tanwax Creek NW1/4NE1/4 Sec. 20, T16N, R3E and all tributaries	Nisqually River	April 1 – Oct. 31
McAllister Creek (except Medicine Creek) NW1/4N1/4 Sec. 6, T18N, R1E and all tributaries	Puget Sound	all year
Lake Saint Clair SE1/4NW1/4 Sec. 6, T17N, R1E		all year
Toboton Creek (above Hopson Road) SW1/4SW1/4 Sec. 19, T16N, R3E and all tributaries	Nisqually River	April 1 – Nov. 30
Lackamas Creek SE1/4SE1/4 Sec. 13, T16N, R2E and all tributaries	Nisqually River	April 1 – Nov. 30
Murray Creek NW1/4NW1/4 Sec. 16, T17N, R2E	Nisqually River	April 1 – Nov. 30
Bypass Reach, Nisqually River NE1/4SE1/4 Sec. 11, T17N, R1E	Puget Sound	June 1 – Oct. 31
Mid Reach, Nisqually River SE1/4NW1/4 Sec. 1, T16N, R2E	Puget Sound	June 1 – Oct. 31

(2) The following stream and lake low flows and closures are adopted confirming surface water source limitations previously established administratively under the authority of chapter 90.03 RCW and RCW 75.20.050.

Existing Surface Water Source Limitations
Current Administrative Status of Streams and Lakes
Nisqually Basin, WRIA 11

Stream	Tributary to	Action	Dates
Eaton Creek SE1/4NW1/4 Sec. 6, T17N, R1E	Lake St. Clair	Closure	12/1/53
Harts Lake and outlet streams SW1/4SE1/4 Sec. 1, T16N, R2E	Nisqually River	Low Flow (0.5 cfs bypass)	10/7/44
Horn Creek SW1/4NE1/4 Sec. 1, T16N, R2E	Nisqually River	Closure	7/22/74
Muck Creek and all tributaries SW1/4SW1/4 Sec. 36, T18N, R1E	Nisqually River	Closure	5/26/48
Ohop Creek and all tributaries SW1/4NE1/4 Sec. 25, T16N, R3E	Nisqually River	Closure	2/15/52
Ohop Lake NE1/4SE1/4 Sec. 10, T16N, R1E	Ohop Creek	Lake Level (523 ft)	3/25/66
Thompson Creek and all tributaries SE1/4NE1/4 Sec. 11, T17N, R1E	Nisqually River	Low Flow (1.0 cfs bypass)	11/19/51
Unnamed Stream and all tributaries SW1/4NW1/4 Sec. 11, T15N, R4E	Alder Lake (Nisqually River)	Closure	4/28/64
Unnamed Stream and all tributaries SW1/4SE1/4 Sec. 17, T17N, R2E	Centralia Canal (Nisqually River)	Low Flow (0.75 cfs bypass)	11/19/51
Unnamed Stream and all tributaries SE1/4SE1/4 Sec. 27, T17N, R2E	Nisqually River	Low Flow (0.50 cfs bypass)	12/6/50
Yelm Creek and all tributaries SW1/4SW1/4 Sec. 12, T.17N, R1E	Nisqually River	Closure	8/7/51

[Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-040, filed 2/2/81.]

WAC 173-511-050 Ground water. Future ground water withdrawal proposals will not be affected by this chapter unless it is verified that such withdrawal would clearly have an adverse impact upon the surface water system contrary to the intent and objectives of this chapter. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-050, filed 2/2/81.]

WAC 173-511-060 Lakes. In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict

therewith shall be authorized only in situations where it is clear that overriding considerations of the public interest will be served. [Statutory Authority: Chapters 90-.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-060, filed 2/2/81.]

WAC 173-511-070 Exemptions. (1) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) If, upon detailed analysis, appropriate and environmentally sound proposed storage facilities are found to be compatible with this chapter, such facilities may be approved.

(3) Domestic use for a single residence shall be exempt from the provisions of this chapter; provided that, if the cumulative effects of numerous single domestic diversions and/or withdrawals would seriously affect the quantity of water available for instream uses, then only domestic in-house use shall be exempt if no alternative source is available.

(4) Stock-watering use, except that related to feedlots, shall be exempt from the provisions established in this chapter.

(5) Future rights for nonconsumptive uses may be granted. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-070, filed 2/2/81.]

WAC 173-511-080 Future rights. No rights to divert or store public surface waters of the Nisqually River Basin, WRIA 11, shall hereafter be granted, except as provided in WAC 173-511-070, which shall conflict with the purpose of this chapter as stated in WAC 173-511-020. [Statutory Authority: Chapters 90.22 and 90-.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-080, filed 2/2/81.]

WAC 173-511-090 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-090, filed 2/2/81.]

WAC 173-511-100 Regulation review. The rules in this chapter shall be reviewed by the department of ecology at least once in every four years. In addition, the department may review this regulation whenever requested by private, public, state, and federal agencies. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-04-028 (Order DE 80-42), § 173-511-100, filed 2/2/81.]

Chapter 173-515 WAC

INSTREAM RESOURCES PROTECTION PROGRAM--KITSAP WATER RESOURCE INVENTORY AREA (WRIA) 15

WAC

WAC 173-515-010 General provision. These rules apply to waters within the Kitsap Water Resource Inventory Area (WRIA) 15 as defined in WAC 173-500-040. This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum Water Flows and Levels), and in accordance with chapter 173-500 WAC (Water Resources Management Program). [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-010, filed 7/24/81.]

WAC 173-515-020 Purpose. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the Kitsap Water Resource Inventory Area (WRIA) 15 with instream flows and levels necessary to provide for preservation and protection of wildlife, fish, scenic, aesthetic and other environmental values, recreational and navigational values, and to preserve water quality. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-020, filed 7/24/81.]

WAC 173-515-030 Establishment of instream flows. (1) The following instream flows are established for each stream listed, from the point of influence of mean high tide at low flow to the stream's headwaters including tributaries except where indicated otherwise. Monitoring will take place at the control locations indicated.

INSTREAM FLOWS IN THE KITSAP WATER RESOURCE INVENTORY AREA (WRIA) 15

*WAC 173-515-040(2) closes certain streams to additional consumptive appropriations during specific time periods. These closures are indicated by asterisks in the following table. Such closures supersede the indicated instream flow. The Union River closure extends upstream to McKenna Falls (RM 6.7).

**Stream numbers correlate with Plate I, Instream Resources Protection Program, Kitsap Water Resource Inventory Area (WRIA) 15.

Stream Number**	#7	#44	#60
Stream Name	Union River	Tahuya River	Rendsland Cr.
Gage Number	12-0635.00	12-0680.00	
River Mile	2	2.5	near mouth
Sec., Twp., Rge.	20,23N.,1W.	12,22N.,3W.	19,22N.,3W.

Month	Day	cfs	cfs	cfs
Jan.	1	65*	90	18
	15	65*	90	18
Feb.	1	65*	90	18
	15	65*	90	18
Mar.	1	59*	90	18
	15	53*	90	18
Apr.	1	48*	72	18
	15	44*	58	16
May	1	40*	47	13.5
	15	36*	38	12
June	1	33*	31	10*
	15	29*	25*	9*
July	1	27*	18*	8*
	15	24*	12*	7*
Aug.	1	22*	8.5*	6*
	15	20*	5.5*	5*
Sept.	1	20*	5.5*	5*
	15	20*	5.5*	5*
Oct.	1	20*	7*	5*
	15	20*	13*	7*
Nov.	1	27*	25	9.5
	15	35*	48	13
Dec.	1	47*	90	18
	15	65*	90	18

Stream Number**	#70	#96	#113
Stream Name	Dewatto River	Anderson Cr.	Stavis Cr.
Gage Number	12-0685.00		12-0695.00
River Mile	1.5	0.1	0.75
Sec., Twp., Rge.	23,23N.,3W.	17,24N.,2W.	25,25N.,2W.

Month	Day	cfs	cfs	cfs
Jan.	1	75	10.5	15
	15	75	10.5	15
Feb.	1	75	10.5	15
	15	75	10.5	15
Mar.	1	75	10.5	15
	15	75	10.5	15
Apr.	1	60	10.5	14
	15	49	10	13
May	1	39	9	12
	15	32	8.5	11
June	1	25	8	10
	15	22*	7.5	9.5
July	1	20*	7	9

Stream Number**	#70	#96	#113
Stream Name	Dewatto River	Anderson Cr.	Stavis Cr.
Gage Number	12-0685.00		12-0695.00
River Mile	1.5	0.1	0.75
Sec., Twp., Rge.	23,23N.,3W.	17,24N.,2W.	25,25N.,2W.

Month	Day	cfs	cfs	cfs
	15	17.5*	6.5	8
Aug.	1	15.5*	6	7.5
	15	13.5*	6	7
Sept.	1	13.5*	6	7
	15	13.5*	6	7
Oct.	1	13.5*	6.5	7
	15	17*	7	8.5
Nov.	1	21	8	10.5
	15	39	8.5	12.5
Dec.	1	75	9.5	15
	15	75	10.5	15

Stream Number**	#121	#124	#192
Stream Name	Big Beef Cr.	Anderson Cr.	Grover's Cr.
Gage Number	12-0695.50		
River Mile	0.25	near mouth	near mouth
Sec., Twp., Rge.	22,25N.,1W.	13,25N.,1W.	4,26N.,2E.

Month	Day	cfs	cfs	cfs
Jan.	1	40	8	5.5
	15	40	8	5.5
Feb.	1	40	8	5.5
	15	40	8	5.5
Mar.	1	40	8	5.5
	15	40	8	5.5
Apr.	1	31	8	5.5
	15	24	6	4.5
May	1	18	4.5	4
	15	14*	3.5	3.5
June	1	11*	3*	3*
	15	8.5*	2*	2.5*
July	1	6.5*	1.5*	2.5*
	15	5*	1.5*	2*
Aug.	1	4*	1*	2*
	15	4*	1*	2*
Sept.	1	4*	1*	2*
	15	4.5*	1*	2.5*
Oct.	1	5.5*	1.5*	3*
	15	6*	1.5*	3.5*
Nov.	1	7*	2.5*	4
	15	12	4.5	4.5
Dec.	1	22	8	5.5
	15	40	8	5.5

Stream Number**	#223	#248	#259
Stream Name	Steel Creek	Strawberry/ Kochs/Cooks	Dickerson Cr.
Gage Number			
River Mile	near mouth	near mouth	Confluence with Chico Cr.
Sec., Twp., Rge.	14,25N.,1E.	20,25N.,1E.	8,24N.,1E.

Month	Day	cfs	cfs	cfs
Jan.	1	6	7	3*
	15	6	7	3*
Feb.	1	6	7	3*
	15	6	7	3*
Mar.	1	6	7	3*
	15	6	7	3*
Apr.	1	6	7	2.5*
	15	5	5.5	2.5*
May	1	4.5	4.5	2*
	15	4	3.5	2*
June	1	3.5*	2.5*	1.5*
	15	3*	2*	1.5*
July	1	3*	1.5*	1.5*
	15	2.5*	1.5*	1.5*
Aug.	1	2.5*	1*	1*
	15	2.5*	1*	1*
Sept.	1	2.5*	1*	1*
	15	3*	1*	1*
Oct.	1	3.5*	1*	1*
	15	4*	1.5*	1.5*
Nov.	1	4.5	2.5	1.5*
	15	5	4	1.5*
Dec.	1	6	7	3*
	15	6	7	3*

Stream Number**	#259	#268	#294
Stream Name	Chico Cr.	Gorst Cr.	Curley Cr.
Gage Number			
River Mile	near mouth	0.1	0.1
Sec., Twp., Rge.	5,24N.,1E.	32,24N.,1E.	4,23N.,2E.

Month	Day	cfs	cfs	cfs
Jan.	1	15*	25	40
	15	15*	25	40
Feb.	1	15*	25	40
	15	15*	25	40
Mar.	1	15*	25	40
	15	15*	21	40
Apr.	1	15*	18	31
	15	13.5*	15	25
May	1	12*	13	20
	15	11*	11	16
June	1	10*	10.5	12.5
	15	9*	10	10*

Stream Number**	#259	#268	#294
Stream Name	Chico Cr.	Gorst Cr.	Curley Cr.
Gage Number			
River Mile	near mouth	0.1	0.1
Sec., Twp., Rge.	5,24N.,1E.	32,24N.,1E.	4,23N.,2E.

Month	Day	cfs	cfs	cfs
July	1	8.5*	9	8*
	15	8*	8.5	6.5*
Aug.	1	7.5*	8	5*
	15	7*	7.5	5*
Sept.	1	7*	7.5	5*
	15	7*	7.5	5*
Oct.	1	7*	8	5*
	15	8*	8.5	8*
Nov.	1	9*	9	14
	15	11.5*	15	23
Dec.	1	15*	25	40
	15	15*	25	40

Stream Number**	#313	#321	#354
Stream Name	Olalla Cr.	Crescent Cr.	Purdy Cr.
Gage Number			12-0728.00
River Mile	near mouth	near mouth	0.1
Sec., Twp., Rge.	4,22N.,2E	32,22N.,2E.	24,22N.,1E.

Month	Day	cfs	cfs	cfs
Jan.	1	13	9	7
	15	13	9	7
Feb.	1	13	9	7
	15	13	9	7
Mar.	1	13	9	7
	15	13	9	6
Apr.	1	13	9	5.5
	15	11	7.5	5
May	1	9.5	7	4.5
	15	8.5	6	4
June	1	7.5*	5*	3.5*
	15	6.5*	4.5*	3*
July	1	5.5*	4*	3*
	15	5*	3.5*	2.5*
Aug.	1	5*	3.5*	2.5*
	15	5*	3.5*	2.5*
Sept.	1	5*	3.5*	2.5*
	15	6*	4*	3*
Oct.	1	7*	5*	3*
	15	8*	5.5*	3.5*
Nov.	1	9	6.5	4.5
	15	11	7.5	5.5
Dec.	1	13	9	7
	15	13	9	7

Stream Number**	#369	#415	#425
Stream Name	Lackey Cr.	Rocky Cr.	Coulter Cr.a/
Gage Number			
River Mile	near mouth	0.1	0.1
Sec., Twp., Rge.	31,21N.,1E.	27,22N.,1W	9,22N.,1W.
Month Day	cfs	cfs	cfs
Jan. 1	5	18	18
15	5	18	18
Feb. 1	5	18	18
15	5	18	18
Mar. 1	5	18	18
15	4.5	18	18
Apr. 1	4	14.5	18
15	3.5	11.5	17
May 1	3	9	16.5
15	2.5	7.5	15.5
June 1	2.5*	6*	15
15	2*	5.5*	14.5
July 1	2*	5*	13.5
15	2*	4.5*	13
Aug. 1	1.5*	4.5*	13
15	1.5*	4*	13
Sept. 1	1.5*	4*	13
15	1.5*	4*	13
Oct. 1	2*	4*	13
15	2*	5*	14
Nov. 1	2*	6	15
15	2.5*	7	16.5
Dec. 1	3	18	18
15	4	18	18

a/ Relating to the waters of Coulter Creek, the department is cognizant of a Settlement Agreement resulting from Cause No. 14262, in the Superior Court of the state of Washington for Mason County, "*Peter E. Overton, et al., v. Washington Department of Fisheries, et al.*"
Although the Department of Ecology was not a party in this litigation, the department will, to the extent possible, give full consideration to the intent of the Settlement Agreement in any future water right actions involving said parties: *Provided*, That, said actions must be consistent with the requirements of chapters 90.03 and 90.44 RCW, and satisfy the general intent of chapter 173-515 WAC.

(2) Instream flow hydrographs, as represented in the document entitled "Instream Resources Protection Program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-515-030(1).

(3) All consumptive water rights hereafter established shall be expressly subject to instream flows and closures established in WAC 173-515-030(1) and 173-515-040 (1) through (3). Closures override the instream flows where both are shown except as provided in WAC 173-515-070. [Statutory Authority: Chapters 90.22 and 90-.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-030, filed 7/24/81.]

WAC 173-515-040 Surface water closures. (1) The department, having determined there are no waters available for further appropriation, closes the following streams to further consumptive appropriation. These closures confirm surface water source limitations previously established administratively under authority of chapter 90.03 RCW and RCW 75.20.050.

Surface Water Closures

**Stream numbers correlate with Plate I, Instream Resources Protection Program, Kitsap Water Resource Inventory Area (WRIA) 15.

Stream Number** Stream or Lake Name Sec., Twp., Rge. at Mouth	Tributary To	Date of Original Closure
Stansberry Lake and tributaries Sec. 19, T.22N., R.1E.	Carr Inlet	5-17-66
Mission Lake and tributaries Outlet: NE1/4NW1/4 Sec. 32, T.24N.,R.1W.	Mission Creek	7-19-78
#12 Mission Creek and tributaries NW1/4NE1/4 Sec. 1, T.22N., R.2W.	Hood Canal	12-5-51
#57 Unnamed Stream and tributaries Sec. 20, T.21N., R.4W.	Hood Canal	11-3-48
#117 Seabeck Creek and tributaries SE1/4SW1/4 Sec. 20, T.25N., R.1W.	Seabeck Bay	8-27-54
#158 Unnamed Stream (Gamble Creek, Christianson Creek) and tributaries SW1/4SW1/4 Sec. 20, T.27N., R.2E.	Port Gamble	8-15-75
#207 Unnamed Stream (Dogfish Creek, Harding Creek) and tributaries NE1/4NE1/4 Sec. 15, T.26N., R.1E.	Liberty Bay	8-21-75
#245 Barker Creek and tributaries SW1/4SW1/4 Sec. 22, T.25N., R.1E.	Dyes Inlet	2-21-61
#246 Clear Creek and tributaries SE1/4SW1/4 Sec. 16, T.25N., R.1E.	Dyes Inlet	7-27-53
#259 Chico Creek and tributaries above confluence of Dickerson Creek, (excluding Wildcat Lake). Sec. 5, T.24N., R.1E.	Chico Bay	11-3-52
#259 Kitsap Creek and tributaries Sec. 5, T.24N., R.1E.	Chico Creek	7-2-42
#259 Unnamed Stream and tributaries SE1/4SW1/4 Sec. 17, T.24N., R.1E.	Kitsap Lake	12-8-52
#279 Blackjack Creek and tributaries NE1/4SE1/4 Sec. 25, T.24N., R.1E.	Sinclair Inlet	4-5-60
#285 Unnamed Stream (Sullivan Creek) and tributaries NE1/4SW1/4 Sec. 19, T.24N., R.2E	Sinclair Inlet	5-9-75
#294 Salmonberry Creek and tributaries NW1/4SE1/4 Sec. 18, T.23N., R.2E.	Long Lake	1-7-48
#356 Burley Creek and tributaries, SW1/4NW1/4 Sec. 12, T.22N., R.1E.	Burley Lagoon	5-10-51

Stream Number** Stream or Lake Name Sec., Twp., Rge. at Mouth	Tributary To	Date of Original Closure
#367 Minter Creek and tributaries SW1/4NE1/4 Sec. 29, T.22N., R.1E.	Henderson Bay	12-28-73
#402 Unnamed Stream (Dutcher Creek) and tributaries NE1/4NE1/4 Sec. 15, T.21N., R.1W.	Dutcher Cove	3-10-54
#510 Judd Creek and tributaries NE1/4NE1/4 Sec. 18, T.22N., R.3E.	Quartermaster Harbor	5-10-51

(2) The department has determined that (a) certain streams exhibit low summer flows and have a potential for drying up or inhibiting anadromous fish passage during critical life stages, and (b) historic flow regimes and current uses of certain other streams indicate that no water is available for additional appropriation. Based upon these determinations and in accordance with the general intent of RCW 75.20.050, the following streams are closed to further appropriation for the periods indicated:

New Surface Water Closures

**Stream numbers correlate with Plate I, Instream Resources Protection Program, Kitsap Water Resource Inventory Area (WRIA) 15.

Stream Number** Stream Name Sec., Twp., Rge. at Mouth	Tributary to	Period of Closure
#7 Union River and tributaries from the mouth to McKenna Falls (R.M. 6.7) SE1/4SW1/4 Sec. 29, T.23N., R.1W.	Hood Canal	All year
#44 Tahuya River and tributaries SE1/4SE1/4 Sec. 22, T.22N., R.3W.	Hood Canal	June 15-Oct. 15
#60 Rendsland Creek and tributaries NW1/4NW1/4 Sec. 19, T.22N., R.3W.	Hood Canal	June 1-Oct. 31
#70 Dewatto River and tributaries NW1/4SE1/4 Sec. 27, T.22N., R.3W.	Hood Canal	June 15-Oct. 31
#121 Big Beef Creek and tributaries SW1/4SE1/4 Sec. 15, T.25N., R.1W.	Hood Canal	May 15-Oct. 31
#124 Anderson Creek and tributaries NW1/4NW1/4 Sec. 13, T.26N., R.1W.	Hood Canal	June 1-Oct. 31
#192 Grover's Creek and tributaries NW1/4SW1/4 Sec. 4, T.26N., R.2E.	Puget Sound	June 1-Oct. 15
#223 Unnamed Stream (Steel Creek) and tributaries SE1/4SE1/4 Sec. 14, T.25N., R.1E.	Port Orchard	June 1-Oct. 15
#248 Unnamed Stream and tributaries (Strawberry/Cook's/Koch's Creek) SE1/4NE1/4 Sec. 20, T.25N., R.1E.	Dyes Inlet	June 1-Oct. 31
#259 Dickerson Creek and tributaries SW1/4NW1/4 Sec. 7, T.24N., R.1E.	Chico Creek	All year
#259 Chico Creek and tributaries below confluence of Dickerson Creek SW1/4SW1/4 Sec. 5, T.25N., R.1E.	Chico Bay	All year
#294 Curley Creek and tributaries NE1/4NE1/4 Sec. 18, T.23N., R.2E.	Yukon Harbor	June 15-Oct. 15
#313 Olalla Creek and tributaries SE1/4NE1/4 Sec. 4, T.22N., R.2E.	Colvos Passage	June 1-Oct. 15
#321 Crescent Creek and tributaries SE1/4SW1/4 Sec. 32, T. 22N., R.2E.	Gig Harbor	June 1-Oct. 15
#354 Purdy Creek and tributaries NE1/4NW1/4 Sec. 12, T.22N., R.1E.	Henderson Bay	June 1-Oct. 31
#369 Lackey Creek and tributaries SE1/4SW1/4 Sec. 31, T.21N., R.1E.	Carr Inlet	June 1-Nov. 15
#415 Rocky Creek and tributaries SE1/4SE1/4 Sec. 27, T.22N., R.1E.	Case Inlet	June 1-Oct. 31

(3) In the Kitsap Basin numerous small streams with estimated mean annual flow of 5 cfs or less have been identified as having high instream values for anadromous fish, aesthetics, water quality, and/or recreation. In accordance with the general intent of RCW 75.20-.050 the department has determined that the total natural flow of these streams is required for protection and preservation of instream resources, and that no water is available for additional consumptive appropriation. The natural flow, in effect, constitutes the minimum flow for protection of the instream resources. The following streams possess such characteristics and are therefore closed year-round to further consumptive appropriation.

New Surface Water Closures

**Stream numbers correlate with Plate I, Instream Resources Protection Program, Kitsap Water Resource Inventory Area (WRIA) 15.

Stream Number** Stream Name Sec., Twp., Rge. at Mouth	Tributary to
#13 Little Mission Creek and tributaries SE1/4NW1/4 Sec. 1, T.22N., R.2W.	Hood Canal
#18 Stimson Creek and tributaries NW1/4NW1/4 Sec. 11, T.22N., R.2W.	Hood Canal
#31 Unnamed Stream (Little Shoefly Creek) and tributaries SW1/4NW1/4 Sec. 17, T.22N., R.2W.	Hood Canal
#34 Shoefly Creek and tributaries SE1/4SW1/4 Sec. 18, T.22N., R.2W.	Hood Canal
#46 Caldervin Creek and tributaries NE1/4NE1/4 Sec. 28, T.21N., R.3W.	Hood Canal
#50 Hall Creek and tributaries Sec. 20, T.21N., R.3W.	Hood Canal

Stream Number** Stream Name Sec., Twp., Rge. at Mouth	Tributary to
#52 Hoddy Creek and tributaries Sec. 20, T.21N., R.3W.	Hood Canal
#54 Fay Creek and tributaries Sec. 21, T.20N., R.3W.	Hood Canal
#55 Brown Creek and tributaries Sec. 21, T.20N., R.3W.	Hood Canal
#56 Unnamed Stream (West Creek) and tributaries Sec. 20, T.22N., R.3W.	Hood Canal
#101 Harding Creek and tributaries NW1/4SW1/4 Sec. 9, T.24N., R.2W.	Hood Canal
#164 Unnamed Stream (Little Boston Creek) and tributaries SW1/4SW1/4 Sec. 5, T.27N., R.2E.	Port Gamble
#181 Unnamed Stream and tributaries SE1/4SW1/4 Sec. 26, T.27N., R.2E.	Apple Tree Cove
#184 Unnamed Stream and tributaries NE1/4SW1/4 Sec. 36, T.27N., R.2E.	Apple Tree Cove
#190 Unnamed Stream and tributaries Sec. 9, T.26N., R.2E.	Puget Sound
#196 Cowling Creek and tributaries NW1/4NW1/4 Sec. 16, T.26N., R.2E.	Miller Bay
#198 Thompson Creek and tributaries SW1/4SE1/4 Sec. 29, T.26N., R.2E.	Port Orchard
#208 Johnson Creek and tributaries SE1/4NW1/4 Sec. 22, T.26N., R.1E.	Liberty Bay
#213 Scandia Creek and tributaries SW1/4NE1/4 Sec. 27, T.26N., R.1E.	Liberty Bay
#241 Mosher Creek and tributaries SW1/4NE1/4 Sec. 34, T.25N., R.1E.	Dyes Inlet
#272 Anderson Creek and tributaries SE1/4NE1/4 Sec. 33, T.24N., R.1E.	Sinclair Inlet
#275 Ross Creek and tributaries SE1/4SE1/4 Sec. 27, T.24N., R.1E.	Sinclair Inlet
#289 Beaver Creek and tributaries NW1/4SE1/4 Sec. 16, T.24N., R.2E.	Rich Passage
#322 North Creek and tributaries NE1/4SE1/4 Sec. 6, T.21N., R.2E.	Gig Harbor
#342 Unnamed Stream and tributaries NW1/4SE1/4 Sec. 10, T.21N., R.1E.	Henderson Bay
#343 Unnamed Stream (Meyer Creek) and tributaries SW1/4SW1/4 Sec. 2, T.21N., R.1E.	Hood Canal
#407 Unnamed Stream and tributaries SE1/4NW1/4 Sec. 2, T.21N., R.1W.	Vaughn Bay
#434 Unnamed stream and tributaries SE1/4SE1/4 Sec. 15, T.25N., R.2E.	Murden Cove
#461 Unnamed Stream and tributaries SE1/4NE1/4 Sec. 20, T.25N., R.2E.	Fletcher Bay
#514 Unnamed Stream (Fisher Creek) and tributaries SW1/4NW1/4 Sec. 19, T.22N., R.3E.	Quartermaster Harbor
#530 Jod Creek and tributaries NW1/4NW1/4 Sec. 14, T.22N., R.2E.	Colvos Passage
#540 Needle Creek and tributaries NE1/4SE1/4 Sec. 13, T.23N., R.3E.	Colvos Passage

(4) Closures listed in WAC 173-515-040 (2) and (3) will supersede low flow surface water source limitations previously imposed by administrative authority pursuant to chapter 75.20 RCW.

(5) Lakes perennially tributary to closed streams are closed to further consumptive appropriation. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-040, filed 7/24/81.]

WAC 173-515-050 Groundwater. Future groundwater withdrawal proposals will not be affected by this chapter unless it is determined that such withdrawal would clearly have an adverse impact upon the surface water system contrary to the intent and objectives of this chapter. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-050, filed 7/24/81.]

WAC 173-515-060 Lakes. In future permitting actions relating to withdrawal of lake waters, lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-060, filed 7/24/81.]

WAC 173-515-070 Exemptions. (1) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) If, upon detailed analysis, appropriate and environmentally sound proposed storage facilities are found to be compatible with this chapter, such facilities may be approved but will be subject to the establishment of appropriate protection flows for drought or low runoff periods.

(3) Domestic use for a single residence shall be exempt from the provisions of this chapter. If the cumulative effects of numerous single domestic diversions would

seriously affect the quantity of water available for instream uses, then domestic in-house use shall be exempt if no alternative source is available.

(4) Stockwatering use, except that related to feedlots, shall be exempt from the provisions established in this chapter.

(5) Future rights for nonconsumptive uses may be granted. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-070, filed 7/24/81.]

WAC 173-515-080 Future rights. No right to divert or store public surface waters of the Kitsap Water Resource Inventory Area (WRIA) 15 shall hereafter be granted which shall conflict with the purpose of this chapter. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-080, filed 7/24/81.]

WAC 173-515-090 Enforcement. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-090, filed 7/24/81.]

WAC 173-515-100 Regulation review. The rules in this chapter shall be reviewed by the department of ecology at least once in every five-year period. [Statutory Authority: Chapters 90.22 and 90.54 RCW. 81-16-003 (Order DE 80-45), § 173-515-100, filed 7/24/81.]

Chapter 173-530 WAC
WATER RESOURCES PROGRAM IN THE KLICKITAT RIVER BASIN, WRIA-30

WAC

WAC 173-530-940 Declaration of withdrawal. The department declares that, after the effective date hereof, the public waters of the Little Klickitat River Basin are withdrawn from further appropriation until November 1, 1983 or until a state water resources management program has been adopted for the Little Klickitat River Basin as provided in chapter 173-500 WAC, whichever occurs first. After the effective date of the regulation for the withdrawal, the department will continue to accept applications for water rights in the basin, as provided in RCW 90.03.250 and 90.44.060; however, no actions of approval or disapproval of these applications shall be made by the department during the time the withdrawal is in effect except as provided for in WAC 173-530-960. [Statutory Authority: RCW 90.54.050. 81-20-041 (Order DE 81-30), 173-530-940, filed 10/1/81; 78-11-039 (Order DE 78-18), § 173-530-940, filed 10/19/78; Order DE 76-7, § 173-530-940, filed 4/14/76.]

Chapter 173-532 WAC
WATER RESOURCES PROGRAM FOR THE WALLA WALLA RIVER BASIN, WRIA-32

WAC

WAC 173-532-060 Designation of ground water areas for specific uses. A portion of the ground water resource in the Walla Walla-College Place vicinity is designated for the anticipated growth of the community. Within the following area, ground water in the basalt aquifer is limited to appropriation for municipal water supply systems only, and ground water in the shallow gravel aquifer is limited to uses other than municipal water supply systems:

All the area contained within the following listed sections: Sections 35 and 36, T8N, R35E; sections 1, 2, 11, 12, 13, 14, 15, 23, 24, 25, 26, 27, 28, 34, 35, and 36, T7N, R35E; sections 1, 2, 3, 10, 11, 12, and all of 13, 14, and 15 lying within Washington state, T6N, R35E; sections 31, 32, 33, 34, 35, and 36, T8N, R36E; all the area within T7N, R36E; all the area within T6N, R36E lying within the state of Washington; section 31, T8N, R37E; sections 6, 7, 18, 19, 30, and 31, T7N, R37E; and sections 6, 7, and all of section 18 lying within Washington state, T6N, R37E.

The provisional designation of water in the basalt aquifer for municipal water supply systems shall be effective for a period from February 1, 1978 to October 1, 1984. After October 1, 1984, all designated waters not appropriated or reserved under chapter 173-590 WAC reservation of water for future public water supply, shall be open for appropriations by other users as determined by the department.

The designation of water in the gravel aquifer for users other than municipal water supply systems shall remain indefinitely until changed by the department. [Statutory Authority: RCW 90.54.050. 83-02-039 (Order DE 82-46), § 173-532-060, filed 12/30/82; Order DE 77-30, § 173-532-060, filed 12/14/77.]

Chapter 173-563 WAC
INSTREAM RESOURCES PROTECTION PROGRAM FOR THE MAIN STEM COLUMBIA RIVER IN WASHINGTON STATE

WAC

WAC 173-563-020 Applicability. (1) This chapter applies to public surface waters of the main stem Columbia River in Washington state and to any ground water the withdrawal of which is determined by the department of ecology to have a significant and direct impact on the surface waters of the main stem Columbia River.

The extent of the "main stem" Columbia River shall be the Columbia River from the upstream extent of tidal influence (Bonneville Dam–River Mile 146.1) upstream to the United States–Canada border (River Mile 745) and including those areas inundated by impounded waters at full pool elevations.

(2) Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program mandated by RCW 90.54.040, applies to this chapter.

(3) Nothing in this chapter shall affect existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter, including existing rights relating to the operation of any navigation, hydroelectric, or water storage reservoir, or related facilities. This exemption includes rights embodied in all water right permits and certificates existing on the effective date of this chapter.

(4) Water right permits and certificates for domestic/municipal water supplies issued subsequent to the effective date of this rule shall not be subject to the provisions of this chapter.

(5) Waters withdrawn by the United States pursuant to RCW 90.40.030 prior to the effective date of this rule relating to the second half of the Columbia Basin Project, and water right permits and certificates hereafter issued by the department of ecology pertaining to such withdrawn waters, are not subject to the provisions of this chapter.

(6) For the purposes of this chapter, average weekly flows shall be the average of the daily average flows reported in the Columbia River Operational Hydromet and Management System (CROHMS) for a seven-day period beginning at 12:01 a.m. Monday and ending at midnight on Sunday. When the beginning of the seven-day period defined in this section does not correspond to the dates on which flows are established in WAC 173-563-040, the flow requirements for that week shall be the arithmetic average of the required flows listed in WAC 173-563-040 for each of the seven days, rounded to the nearest 1,000 cfs. [Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-020, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-020, filed 6/24/80.]

WAC 173-563-040 Establishment of instream flows for instream uses. (1) In order to protect the quality of the natural environment and provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values, minimum instantaneous flows and minimum average weekly flows are established for instream uses at the following project locations on the main stem Columbia River in Washington state:

CONTROL STATION	RIVER MILE	MANAGEMENT UNIT
The Dalles Dam	191.5	John Day Dam to Bonneville Dam (Lake Bonneville and Celilo Lake) (River Mile 146.1–215.6)
John Day Dam	215.6	John Day Dam to McNary Dam (Umatilla Lake) (River Mile 215.6–292.0)
McNary Dam	292.0	McNary Dam to Priest Rapids Dam (Lake Wallula and the Hanford Reach) (River Mile 292.0–397.1)
Priest Rapids Dam and upstream (Wanapum, Rock Island, Rocky Reach, Wells, Chief Joseph, and Grand Coulee Dam)	397.1+	Priest Rapids Dam upstream to Canadian Border (River Mile 397.1–745.0)

(2) Minimum instantaneous flows at the locations listed in WAC 173-563-040(1) are established for instream uses as follows:

MINIMUM INSTANTANEOUS FLOWS – COLUMBIA RIVER PROJECTS
(1,000 cubic feet/second)

	Chief* Joseph	Wells & Rocky Reach Rock Island & Wanapum*	Priest Rapids	McNary & John Day	The Dalles
Jan	10	10	50	20	20
Feb	10	10	50	20	20
Mar	10	10	50	50	50
Apr 1–15	20	20	50	50	70
16–25	20	30	50	70	70
26–30	20	50	50	70	70
May	20	50	50	70	70
June 1–15	20	50	50	70	70
16–30	10	20	50	50	50
Jul 1–15	10	20	50	50	50
16–31	10	50	50	50	50
Aug	10	50	50	50	50
Sep	10	20	36	50	50
Oct 1–15	10	20	36	50	50
16–31	10	20	50	50	50
Nov	10	10	50	50	50
Dec	10	10	50	20	20

*As provided in WAC 173-563-050(1), the minimum instantaneous flows set forth in this subsection are subject to a reduction of up to twenty-five percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cfs. For the reach from Grand Coulee through Wanapum, minimum instantaneous flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever is higher.

(3) Minimum average weekly flows for instream uses are established at the locations listed in WAC 173-563-040(1) as follows:

MINIMUM AVERAGE WEEKLY FLOWS - COLUMBIA RIVER PROJECTS
(1,000 cubic feet/second)

	Chief Joseph*	Wells & Rocky Reach*	Rock Island & Wanapum*	Priest Rapids	McNary	John Day	The Dalles
Jan	30	30	30	70	60	60	60
Feb	30	30	30	70	60	60	60
Mar	30	30	30	70	60	60	60
Apr 1–15	50	50	60	70	100	100	120
16–25	60	60	60	70	150	150	160
26–30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
Jun 1–15	80	110	110	110	200	200	200
16–30	60	80	80	80	120	120	120
Jul 1–15	60	80	80	80	120	120	120
16–31	90	100	110	110	140	140	140
Aug	85	90	95	95	120	120	120
Sep	40	40	40	40	60	85	90
Oct 1–15	30	35	40	40	60	85	90
16–31	30	35	40	70	60	85	90
Nov	30	30	30	70	60	60	60
Dec	30	30	30	70	60	60	60

*For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever is higher. As provided in WAC 173–563–050(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to twenty–five percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cfs. [Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82–21–001 and 82–21–007 (Orders DE 82–35 and DE 82–35A), § 173–563–040, filed 10/7/82 and 10/8/82; 80–08–021 (Order DE 80–2), § 173–563–040, filed 6/24/80.]

WAC 173–563–050 Critical flow adjustment to, and waivers of, minimum instantaneous and average weekly flows. (1) The director of the department of ecology, when he deems it to be an overriding public interest requirement, may reduce the minimum instantaneous and/or average weekly flows for the Columbia River established in this chapter up to twenty–five percent during low flow years, except that in no case shall the outflow from Priest Rapids be less than 36,000 cfs. The amount of the reduction (from zero to twenty–five percent) shall be: (a) based on the March 1 forecast for April through September runoff at The Dalles, Oregon, as published by the National Weather Service in Water Supply Outlook for the Western United States, and (b) determined from Figure 1 in WAC 173–563–900.

(2) Prior to implementing the critical flow adjustment to minimum flows in a low water year, the department of ecology shall conduct a public hearing to announce its intentions and to solicit public and agency comment on the proposed action.

(3) The department has determined that some damage to instream values may be incurred at flow values equivalent to eighty–eight million acre–feet or less. Therefore, the reduced flows shall be referred to as critical flows and shall be authorized by the director of the department of ecology under the critical flow adjustment only when the March 1 forecast of April through September flow at The Dalles is below eighty–eight million acre–feet (MAF). The critical flows shall, in no case, provide less than 39.4 MAF (seventy–five percent of 52.5 MAF for the April through September period).

(4) The director of the department of ecology may waive the state's minimum flow requirements delineated in this chapter for a defined period of time for the purpose of studying the impacts of various flow levels on the river system and its operation when such studies are to be conducted in consultation with the Washington departments of fisheries and/or game and when said exemption is requested by the departments of fisheries and/or game. Such a request shall be made by letter to the director of the department of ecology. This waiver may include the Federal Energy Regulatory Commission studies to be conducted under Docket No. E–9569 and any operational change which does not allow the flows under this chapter to be met, but which, in the opinion of the director, still provides a commensurate level of protection for instream resources. [Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82–21–001 and 82–21–007 (Orders DE 82–35 and DE 82–35A), § 173–563–050, filed 10/7/82 and 10/8/82; 80–08–021 (Order DE 80–2), § 173–563–050, filed 6/24/80.]

WAC 173–563–052 Establishment of instream flows for out–of–stream uses. In order to protect the quality of the natural environment and provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values, the minimum average weekly flows listed in WAC 173–563–040(3) are established for out–of–stream uses. [Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82–21–001 and 82–21–007 (Orders DE 82–35 and DE 82–35A), § 173–563–052, filed 10/7/82 and 10/8/82.]

WAC 173–563–056 Application of minimum average weekly flows to out–of–stream uses. (1) For the first 4,500 cfs of water rights issued subject to this program, the following conditions shall apply:

(a) When the March 1 forecast of April–September runoff at The Dalles, Oregon (as published by the National Weather Service in Water Supply Outlook for the Western United States) is equal to or greater than 88 million acre–feet (MAF), no regulation of out–of–stream diverters shall occur, regardless of the gaged flow of the Columbia River.

(b) When the flow forecast is less than 88 MAF but greater than 60 MAF, the department shall encourage voluntary water conservation through appropriate notification of water users in an attempt to foster efficient resource use.

(c) When the flow forecast is 60 MAF or less, the department shall regulate out–of–stream diverters on the basis of first–in–time is first–in–right whenever it is predicted that gaged flows will fall below the minimum average weekly flows as established by this chapter.

(2) For any water allocations issued in excess of the first 4,500 cfs defined in WAC 173-563-056(1), the following conditions shall apply:

(a) When the March 1 forecast of April-September runoff at The Dalles, Oregon (as published by the National Weather Service in Water Supply Outlook for the Western United States) is equal to or greater than 88 million acre-feet (MAF), no regulation of out-of-stream diverters shall occur, regardless of the gaged flow of the Columbia River.

(b) When the flow forecast is less than 88 MAF, the department shall regulate out-of-stream diverters on the basis of first-in-time is first-in-right whenever it is predicted that gaged flows will fall below the CRIRPP minimum average weekly flows as established by this chapter.

(3) The department shall utilize the Bonneville Power Administration (BPA) 30-day power operation plan in predicting specific periods of anticipated flow conditions. [Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-056, filed 10/7/82 and 10/8/82.]

WAC 173-563-060 Establishment of conservation and efficiency fundamentals. (1) The department, having determined that public water is available from the main stem of the Columbia River in Washington and that continued issuance of water right permits and certificates therefrom is in the public interest, does acknowledge and is concerned that, cumulatively, the projected future diversions from the main stem Columbia River in Washington state may, under certain flow conditions, have a detrimental effect on instream values.

(2) Also, it is in the public interest that the state's water resources be conserved and that the burden of water shortages in low water years should be shared by the various users to the greatest extent practicable.

(3) Notwithstanding the constraints on prorata water-sharing under existing state water laws, the department shall, in projected low water years, utilize all reasonable measures of influence to achieve the goal of this section.

(4) During proof of appropriation of water under RCW 90.03.330 and before issuing a certificate of water right, the department shall assure that the quantities of water shown on the certificate accurately reflect the perfected usage consistent with up-to-date water conservation practices and water delivery system efficiencies.

(5) The department shall continue to seek effective methods to better achieve the goal of this section. [Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-060, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-060, filed 6/24/80.]

WAC 173-563-080 Overriding considerations. Future authorizations for the use of water which would conflict with the provisions of this chapter shall be authorized by the director only in those situations when it is clear that overriding considerations of the public interest will be served. Such decisions shall be made in consultation with the directors of the Washington state department of fisheries, the Washington state department of game, the Washington state department of agriculture, and the Washington state department of natural resources.

Consideration of the public interest by the director of the department of ecology shall include an evaluation of all uses of the river and its impact on the state of Washington. The uses to be considered include, but are not limited to, uses of water for domestic, stockwatering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production, and preservation of environmental and aesthetic values and all other uses compatible with the enjoyment of the public waters of the state. [Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-080, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-080, filed 6/24/80.]

WAC 173-563-100 Implementation. (1) All water right permits and certificates subject to this chapter or issued subject to chapter 173-531A WAC shall be issued subject to the department's minimum flow requirements. (The minimum average weekly flows established in WAC 173-563-040 and 173-563-052 are equivalent to a flow of 52.5 MAF at The Dalles for the April through September period.)

(2) All water rights for instream uses subject to the minimum flows established in this chapter shall contain the following provision:

This permit/certificate is subject to the minimum flow provisions contained in chapter 173-563 WAC and is subject to regulation by the department of ecology to insure protection of instream resources.

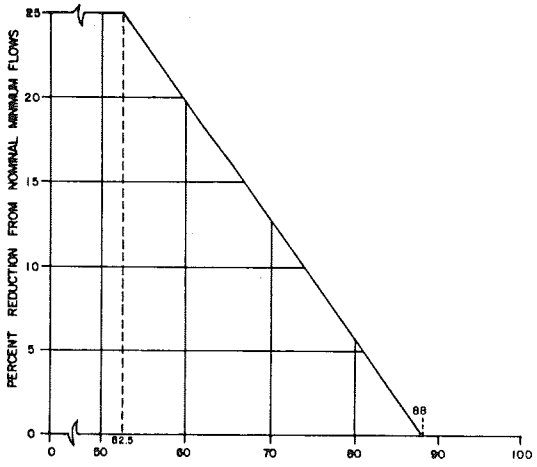
(3) All water rights for out-of-stream uses subject to the flows established in this chapter shall contain the following provisions:

(a) This permit/certificate is subject to the minimum flow provisions contained in chapter 173-563 WAC and is subject to regulation by the department of ecology to insure protection of instream resources.

(b) Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities. [Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-100, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-100, filed 6/24/80.]

WAC 173-563-900 Critical flow adjustment--Minimum instantaneous and weekly average flows--Columbia River.

FIGURE 1
FLOW ADJUSTMENT
MINIMUM INSTANTANEOUS AND
WEEKLY AVERAGE FLOWS
COLUMBIA RIVER



[Statutory Authority: RCW 90.54.040, 90.54.050, chapters 90.03 and 90.22 RCW. 82-21-001 and 82-21-007 (Orders DE 82-35 and DE 82-35A), § 173-563-900, filed 10/7/82 and 10/8/82; 80-08-021 (Order DE 80-2), § 173-563-900, filed 6/24/80.]

Title 174 WAC
THE EVERGREEN STATE COLLEGE

Chapters

Chapter 174-104 WAC
REGULAR AND SPECIAL MEETINGS OF THE BOARD OF TRUSTEES

WAC

WAC 174-104-010 Regular meetings. A regular meeting of the board of trustees shall be held once each month unless dispensed with by the board of trustees, on the campus of The Evergreen State College beginning at 1:30 p.m. on the second Thursday of the month, except that when such Thursday shall be a legal holiday, the meeting shall be held on the Friday immediately following such second Thursday. [Statutory Authority: RCW 28B.40.120(11). 82-10-035 (Order 82-1, Motion No. 82-9), § 174-104-010, filed 4/30/82; 78-05-008 (Order 78-1, Resolution Motion 78-7), § 174-104-010, filed 4/7/78; Order 72-3, § 174-104-010, filed 10/27/72.]

Chapter 174-116 WAC
CAMPUS PARKING AND TRAFFIC REGULATIONS

WAC

WAC 174-116-115 Parking permit regulations. (1) Annual, quarterly and monthly permits shall be in the form of decals permanently affixed to vehicles for which they were issued, which decals may be purchased from the college cashier at the rate of forty dollars a year, sixteen dollars a quarter, or eight dollars a month.

(2) Daily permits shall be in the form of date-stamped tickets available at the staffed booth on the parkway at the rate of fifty cents each.

(3) Students who reside in college-owned housing shall be issued permits entitling them to park in parking lot F at no cost; residence hall residents may secure permits from the security office.

(4) Contractor and construction employees who work on campus projects shall be granted parking privileges without charge, for specific campus locations; these employees shall request appropriate permits through the project foremen who may secure them from the security office.

(5) Visitor passes will be issued without charge for specific periods when requested at least 24 hours in advance by the appropriate college official. Irregular visitors shall be issued daily passes without charge at the discretion of the individual staffing the parking booth.

(6) Vendors conducting official business with the college may secure parking permits through the security office at no cost.

(7) Federal, state, county, city and school district and other governmental personnel on official business in vehicles with tax exempt licenses may park without permits.

(8) Staff members and students who participate in car pools may purchase a single transferable permit, subject to the following instructions: Each vehicle owner within the pool shall complete a "parking permit application" and submit it to the cashier but only one vehicle displaying the car pool decal may park on campus on a given day unless a daily pass is purchased. [Statutory Authority: RCW 28B.40.120(11). 81-19-092 (Order 81-3, Motion No. 81-36), § 174-116-115, filed 9/18/81; 80-06-034 (Order 80-2, Motion No. 80-13), § 174-116-115, filed 5/9/80, effective 9/1/80; Order 77-3, § 174-116-115, filed 12/16/77; Order 75-2, § 174-116-115, filed 8/12/75. Formerly WAC 174-116-110.]