

**WAC 173-303-169 Quantity exclusion limits—Generator category determinations.** A generator must determine its generator category. A generator's category is based on the amount of dangerous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a small quantity generator, a medium quantity generator, or a large quantity generator for a particular month, as defined in WAC 173-303-040.

(1) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL is the quantity of dangerous waste generated in a calendar month used to distinguish when a dangerous waste is only subject to the small quantity generator provisions, the medium quantity generator provisions, or when a dangerous waste is subject to the large quantity generator provisions. Any solid waste (which is not excluded or exempted) that is listed, exhibits a characteristic, or meets the criteria of this chapter is a dangerous waste.

(2) Aggregated waste quantities.

(a) A person may be generating more than one kind of dangerous waste. In such cases, they must consider the aggregate quantity of their wastes when determining whether or not their waste amounts exceed the specific quantity exclusion limits (QEL) for waste generation;

(b) Waste quantities must be aggregated for all waste with common QELs. Example: If a person generates 100 pounds of an ignitable waste and 130 pounds of a persistent waste, then both wastes are regulated because the aggregate waste quantity (230 pounds) exceeds the common QEL of 220 pounds. On the other hand, if a person generates one pound of toxic EHW and 218 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 220 pounds, respective QELs).

(3) Generator category determination.

(a) Determine separately the resulting generator categories for the quantities of waste with a 2.2 pound QEL and for the quantities of waste with a 220 pound QEL using Table 1 of this section; and

(b) Compare the resulting generator categories from (a) of this subsection and apply the more stringent generator category to the accumulation and management of dangerous waste with a 2.2 pound QEL and with a 220 pound QEL.

Table 1

Generator Categories Based on Quantity of Waste Generated in a Calendar Month

Quantity of dangerous waste with a QEL of 2.2 pounds generated in a calendar month	Quantity of dangerous waste with a QEL of 220 pounds generated in a calendar month	Quantity of residue or contaminated soil, water or other debris from a cleanup of a spill, into or on any land or water of any dangerous waste with a QEL of 2.2 pounds generated in a calendar month	Generator category
> 2.2 pounds	Any amount	Any amount	Large quantity generator.
Any amount	≥ 2,200 pounds	Any amount	Large quantity generator.
Any amount	Any amount	> 220 pounds	Large quantity generator.
≤ 2.2 pounds	> 220 pounds and < 2,200 pounds	≤ 220 pounds	Medium quantity generator.

Quantity of dangerous waste with a QEL of 2.2 pounds generated in a calendar month	Quantity of dangerous waste with a QEL of 220 pounds generated in a calendar month	Quantity of residue or contaminated soil, water or other debris from a cleanup of a spill, into or on any land or water of any dangerous waste with a QEL of 2.2 pounds generated in a calendar month	Generator category
≤ 2.2 pounds	≤ 220 pounds	≤ 220 pounds	Small quantity generator.

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

- (a) Is exempt from regulation under WAC 173-303-071; or
- (b) Is recycled under WAC 173-303-120 (2)(a), (3)(c) and (h), or (5); or
- (c) Is managed in accordance with WAC 173-303-802(5) immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in WAC 173-303-040; or
- (d) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under WAC 173-303-120 (4)(a); or
- (e) Is spent lead-acid batteries managed under the requirements of WAC 173-303-120 (3)(f) and 173-303-520; or
- (f) Is universal waste managed under WAC 173-303-077 and 173-303-573; or
- (g) Is a dangerous waste that is an unused commercial chemical product (listed in WAC 173-303-9903 or exhibits one or more characteristics or criteria listed in WAC 173-303-090 or 173-303-100) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to WAC 173-303-235(14). For purposes of this provision, the term eligible academic entity shall have the meaning as defined in WAC 173-303-235(1).

(h) (Reserved.)

(i) Is managed as part of an episodic event in compliance with the conditions of WAC 173-303-173.

(j) Is a dangerous waste pharmaceutical, as defined in WAC 173-303-555(1), that is managed in accordance with WAC 173-303-555 or is a dangerous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance and managed under WAC 173-303-555(7). The total dangerous waste, including both dangerous waste pharmaceuticals and nonpharmaceutical dangerous waste, must be counted per WAC 173-303-170(10) for purposes of determining if a health care facility is subject to WAC 173-303-555.

(5) In determining the quantity of dangerous waste generated, a generator need not include:

- (a) Dangerous waste when it is removed from on-site storage; or
- (b) Spent materials that are generated, reclaimed, and subsequently reused on site, as long as such spent materials have been counted once (note: If after treatment or reclamation a residue is generated with a different waste code(s), that residue must be counted); or
- (c) The container holding/containing the dangerous waste as described under WAC 173-303-160(1).

(6) Based on the generator category as determined under this section, the generator must meet the applicable independent requirements

listed in WAC 173-303-170. A generator's category also determines which of the provisions of WAC 173-303-171, 173-303-172, 173-303-174 or 173-303-200 must be met to obtain an exemption from the storage facility permit, interim status, and operating requirements when accumulating dangerous waste.

(a) In a calendar month, if a small quantity generator generates more than the amounts specified in the definition of "small quantity generator" in WAC 173-303-040, the generator becomes subject to full requirements of a medium quantity generator or large quantity generator of this chapter, respectively, and cannot again be a small quantity generator until after all dangerous waste on site at the time they became fully regulated have been properly treated or disposed at a designated facility.

Example. If a person generates 4 pounds of an acute hazardous waste discarded chemical product (QEL 2.2 pounds) and 200 pounds of an ignitable waste (QEL 220 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste. "Fully regulated" in this example means the regulations applicable to a large quantity generator.

(b) In a calendar month if a medium quantity generator generates more than the amounts specified in the definition of "medium quantity generator" in WAC 173-303-040 the generator becomes subject to full requirements of a large quantity generator of this chapter, and cannot again be a medium quantity generator until after all dangerous waste on site at the time they became fully regulated have been properly treated or disposed at a designated facility.

[Statutory Authority: Chapter 70.105, 70.105D RCW and Subtitle C of RCRA. WSR 20-20-045 (Order 19-07), § 173-303-169, filed 9/30/20, effective 10/31/20. Statutory Authority: Chapters 70.105, 70.105D RCW and RCRA. WSR 19-04-038 (Order 16-03), § 173-303-169, filed 1/28/19, effective 4/28/19.]