

**WAC 173-307-020 Definitions.** As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Closed-loop recycling" means that the entire process through completion of any reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance. Recycled materials are returned to the original process or processes.

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

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

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

Dangerous wastes specifically includes those wastes designated as extremely hazardous by rules adopted under chapter 70.105 RCW.

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

(4) "Director" means the director of the department of ecology or the director's designee.

(5) "EPA/state dangerous waste identification number" means the number assigned by the EPA (Environmental Protection Agency) or by the department of ecology to each generator and/or transporter and each treatment, storage, and/or disposal facility.

(6) "Extremely hazardous waste" means any dangerous waste which, if disposed of at a disposal site in quantities that would present an extreme hazard to man or the environment:

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

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

(ii) Is highly toxic to man and wildlife.

Extremely hazardous waste specifically includes those wastes designated as extremely hazardous by rules adopted under chapter 70.105 RCW.

(7) "Facility" means any geographical area that has been assigned an EPA/state dangerous waste identification number. In the case of a hazardous substance user not having an EPA/state dangerous waste identification number, facility means all buildings, equipment, structures, and other stationary items located on a single site or on contiguous or adjacent sites and owned or operated by the same person.

(8) "Fee" means the annual hazardous waste fees imposed under RCW 70.95E.020 and 70.95E.030.

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

(10) "Hazardous substance" means:

(a) Any hazardous substance listed as a hazardous substance as of the effective date of this section in accordance with Section 313 of Title III of the Superfund Amendments and Reauthorization Act and any further updates; and

(b) All ozone depleting compounds as defined by the Montreal Protocol of October 1987 and any further updates of the Montreal Protocol.

(11) "Hazardous substance use reduction" means the reduction, avoidance, or elimination of the use, toxicity, or production of hazardous substances without creating substantial new risks to human health or the environment. "Hazardous substance use reduction" includes proportionate changes in the usage of hazardous substances or the hazardous substances changes that are a result of production changes or other business changes.

(12) "Hazardous substance user" means any facility required to report under Section 313 of Title III of the Superfund Amendments and Reauthorization Act, except for those facilities which only distribute or use fertilizers or pesticides intended for commercial agricultural applications.

Note: This definition refers to those SARA Title III, Section 313 reporters who must prepare a plan, whereas the definition of hazardous substance refers to the substances that must be addressed in the plan.

(13) "Hazardous waste" includes all dangerous and extremely hazardous wastes, but:

(a) Does not include radioactive wastes or a substance composed of both radioactive and hazardous components; and

(b) Does not include any hazardous waste generated as a result of a remedial action under state or federal law.

(14) "Hazardous waste generator" or "generator" means any person generating hazardous waste that is subject to regulation by the department.

(15) "Hazardous waste reduction" means all in-facility practices that reduce, avoid, or eliminate the generation of hazardous waste or the toxicity of hazardous waste, before the hazardous waste is generated, without creating substantial new risks to human health or the environment.

(16) "Interrelated facilities" means multiple facilities owned or operated by the same person.

(17) "Office" means the hazardous waste and toxic reduction program.

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

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

(20) "Process" means one or a number of steps that produce an end product or service, or a component to be incorporated into an end product or service.

(21) "Product" means any hazardous substance or mixture containing hazardous substances that is used by a facility in a production or service process. Metals or metal alloys used by the facility are not considered "products" if they do not become incorporated into the hazardous waste streams and have no known pathway for the release of metals to the environment, either at the facility or after their use at the facility, such as from ultimate disposal by the consumer. Facilities will have to decide whether to group similar products (for example with different brand names) and list them as a single product. While some flexibility is left to the facility, products must be identified as a single product if they have a similar chemical composition and may be used interchangeably by the facility.

Note: The term "product" as defined here and used throughout this chapter is not to be confused with the term "end product," which specifically refers to the "output" of a production process.

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

Use constituting disposal;  
Incineration; or  
Use as a fuel.

(23) "Recycling" means reusing waste materials and extracting valuable materials from a waste stream. Recycling does not include burning for energy recovery.

Note: While burning for energy recovery may be preferable to disposal, burning for energy recovery does not count as recycling for the purpose of chapter 70.95C RCW.

(24) "Remedial action wastes" means hazardous wastes that result from the cleanup of sites under state or federal hazardous waste laws.

(25) "Shifting of risks" means changing the character, location, or receptor of a toxic material without achieving a substantial reduction in the overall risk to health and safety or the environment.

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

(27) "Treatment" means the physical, chemical, or biological processing of waste to render it completely innocuous, produce a recyclable by-product, reduce toxicity, or substantially reduce the volume of material that requires disposal as described in the priorities established in RCW 70.105.150. Treatment does not include incineration.

(28) "Used oil" means:

(a) Lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine;

(b) Any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; and

(c) Any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser. "Used oil" does not include used oil to which hazardous wastes have been added.

[Statutory Authority: Chapter 70.95C RCW. WSR 00-15-020 (Order 00-08), § 173-307-020, filed 7/11/00, effective 8/11/00; WSR 91-20-131 (Order 91-35), § 173-307-020, filed 10/1/91, effective 11/1/91; WSR 91-08-041 (Order 90-57), § 173-307-020, filed 4/1/91, effective 5/2/91.]