

WAC 173-303-170 Requirements for generators of dangerous waste.

Any person who generates a solid waste must determine if their solid waste designates as DW or EHW by the requirements of WAC 173-303-070 through 173-303-100. A person is a dangerous waste generator if their solid waste is designated as such.

(1) The following definitions apply to this section:

(a) "Condition for exemption" means any requirement in WAC 173-303-171 through 173-303-174, 173-303-200 through 173-303-201, 173-303-235 and also in WAC 173-303-160 (2)(b) in reference to farmers, that states an event, action, or standard that must occur or be met in order to obtain an exemption from any applicable requirement in WAC 173-303-400, 173-303-600, 173-303-800 and from any requirement for notification under WAC 173-303-060.

(b) "Independent requirement" means a requirement of WAC 173-303-170(2) that states an event, action, or standard that must occur or be met, and that applies without relation to, or irrespective of, the purpose of obtaining a conditional exemption.

(2) The regulations in this section establish standards for generators of dangerous waste.

(a) A person who generates a dangerous waste is subject to all the applicable independent requirements in the sections and subsections listed below:

(i) Independent requirements of a small quantity generator:

(A) Designate their waste in accordance with WAC 173-303-070;

(B) Determine generator category in accordance with WAC 173-303-169;

(C) Manage their waste in a way that does not pose a potential threat to human health or the environment; and

(D) Submit an annual report in accordance with WAC 173-303-220 if they have obtained an EPA/state identification number pursuant to WAC 173-303-060; and

(E) If a small quantity generator's wastes are mixed with used oil, the mixture is subject to WAC 173-303-510 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also subject to WAC 173-303-510 if it is destined to be burned for energy recovery; and

(F) If a small quantity generator's used oil is to be recycled by being burned for energy recovery or rerefined, the used oil is subject to WAC 173-303-515.

(ii) Independent requirements of a medium quantity generator:

(A) WAC 173-303-070 Designation of dangerous waste. The generator is responsible for designating their waste as DW or EHW;

(B) WAC 173-303-169 Quantity exclusion limits—Generator category determinations. The generator is responsible for determining their generator category;

(C) WAC 173-303-060 Notification, identification numbers, and annual reports. A dangerous waste generator must notify the department and obtain an EPA/state identification number as required by WAC 173-303-060;

(D) WAC 173-303-140. The generator must comply with all applicable land disposal restrictions for dangerous wastes in WAC 173-303-140;

(E) WAC 173-303-180 Manifest;

(F) WAC 173-303-190 Preparing dangerous waste for transport;

(G) WAC 173-303-210 Generator recordkeeping;

(H) WAC 173-303-220 Generator reporting;

(I) WAC 173-303-230 Special conditions.

(iii) Independent requirements of a large quantity generator:

(A) WAC 173-303-070 Designation of dangerous waste. The generator is responsible for designating their waste as DW or EHW;

(B) WAC 173-303-169 Quantity exclusion limits—Generator category determinations. The generator is responsible for determining their generator category;

(C) WAC 173-303-060 Notification, identification numbers, and annual reports. A dangerous waste generator must notify the department and obtain an EPA/state identification number as required by WAC 173-303-060;

(D) WAC 173-303-140. The generator must comply with all applicable land disposal restrictions for dangerous wastes in this section;

(E) WAC 173-303-180 Manifest;

(F) WAC 173-303-190 Preparing dangerous waste for transport;

(G) WAC 173-303-210 Generator recordkeeping;

(H) WAC 173-303-220 Generator reporting;

(I) WAC 173-303-230 Special conditions.

(b) A generator that accumulates dangerous waste on site is a person that stores dangerous waste. Any generator who stores, treats, or disposes of dangerous waste on site must perform their operations in accordance with the TSD facility requirements (as specified by WAC 173-303-600) with the following exceptions:

(i) A small quantity generator that meets the conditions for exemption in WAC 173-303-171; or

(ii) A medium quantity generator that meets the conditions of exemption in WAC 173-303-172 and 173-303-174; or

(iii) A large quantity generator that meets the conditions for exemption in WAC 173-303-174, 173-303-200, and 173-303-201.

(iv) In addition to complying with the requirements of (b)(ii) of this subsection for medium quantity generators, and (b)(iii) of this subsection for large quantity generators, generators that treat their dangerous waste on site in accumulation tanks, containers and containment buildings must:

(A) Not treat dangerous waste on drip pads; and

(B) Maintain a treatment log showing dates and amounts of waste treated; and

(C) Comply with 173-303-283(3).

(v) A generator who treats special waste on site provided:

(A) The accumulation standards of WAC 173-303-073 (2)(a) and (b) are met;

(B) When treated in units other than tanks or containers, the unit is designed, constructed, and operated in a manner that prevents:

(I) A release of waste and waste constituents to the environment;

(II) Endangerment of health of employees or the public;

(III) Excessive noise; and

(IV) Negative aesthetic impact on the use of adjacent property.

(C) The treatment unit must also be inspected routinely for deterioration that would lead to a release and repairs must be conducted promptly.

(c) A generator shall not transport, offer its dangerous waste for transport, or otherwise cause its dangerous waste to be sent to a facility that is not a designated facility, as defined in WAC 173-303-040, or not otherwise authorized to receive the generator's dangerous waste.

(3) Determining generator category. A generator must use WAC 173-303-169 to determine which provisions of this section are applicable to the generator based on the quantity of dangerous waste generated per month.

(4) Any person who exports or imports dangerous waste must comply with WAC 173-303-060 and 173-303-230.

(5) Violations of independent requirements or conditions for exemption:

(a) Independent requirement violations. A generator's violation of an independent requirement is subject to penalty under this chapter 173-303 WAC and RCW 70.105.080.

(b) Condition for exemption violations. A generator's noncompliance with a condition for exemption in this section is not subject to penalty under the authority of this chapter 173-303 WAC or RCW 70.105.080 as a violation of a condition of exemption.

Noncompliance by any generator with an applicable condition for exemption from a storage permit and operations requirements means that the facility is a storage facility operating without an exemption from the permit, interim status, and operations requirements in WAC 173-303-400, 173-303-600, 173-303-800, 173-303-500 through 173-303-578, 173-303-700, and the notification requirements of WAC 173-303-060. Without an exemption, any violations of such storage requirements are subject to penalty under this chapter 173-303 WAC and RCW 70.105.080.

(6) Persons responding to an explosives or munitions emergency in accordance with WAC 173-303-400 (2)(c)(xiii)(A)(IV) or 173-303-600 (3)(p)(i)(D) or (3)(p)(iv), and WAC 173-303-800 (7)(c)(i)(D) or (7)(c)(i)(E) are not required to comply with the standards of WAC 173-303-170 through 173-303-230.

(7) Any person who exports or imports hazardous waste subject to the manifesting requirements of WAC 173-303-180, the universal waste management standards of WAC 173-303-573, or to the export requirements in the spent lead-acid battery management standards of WAC 173-303-520, or to or from another country for recovery or disposal must comply with 40 C.F.R. 262 subpart H. 40 C.F.R. 262 subpart H is incorporated by reference at WAC 173-303-230(1).

(8) The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of WAC 173-303-235 are not subject to (for purposes of this subsection, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in WAC 173-303-235(1)):

(a) The requirements of WAC 173-303-070(3) or the regulations in WAC 173-303-174 for large quantity generators and medium quantity generators, except as provided in WAC 173-303-235; and

(b) The conditions of WAC 173-303-171, for small quantity generators, except as provided in WAC 173-303-235.

(9) All reverse distributors (as defined in WAC 173-303-555(1)) are subject to WAC 173-303-555 for the management of dangerous waste pharmaceuticals in lieu of this section.

(10) Each health care facility (as defined in WAC 173-303-555(1)) must determine whether it is subject to WAC 173-303-555 for the management of dangerous waste pharmaceuticals, based on the total dangerous waste it generates per calendar month (including both dangerous waste pharmaceuticals and nonpharmaceutical dangerous waste). A health care facility that generates more than the following quantities of dangerous waste per calendar month is subject to WAC 173-303-555 for

the management of dangerous waste pharmaceuticals in lieu of this section:

- (a) 220 pounds (100 kg) of dangerous waste; or
- (b) 2.2 pounds (1 kg) of either acute hazardous waste or WT01 extremely hazardous waste or any combination of the two; or
- (c) 220 pounds (100 kg) of any residue or contaminated soil, water, or other debris, resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous waste and/or WT01 extremely hazardous waste.

(11) A health care facility (as defined in WAC 173-303-555(1)) that is a small quantity generator when counting all its dangerous waste generated per calendar month, including both dangerous waste pharmaceuticals and nonpharmaceutical dangerous waste, remains subject to subsection (2)(a)(i) of this section and WAC 173-303-171 and is not subject to WAC 173-303-555, except for WAC 173-303-555 (6) and (8) and the optional provisions of WAC 173-303-555(5).

(12) Law enforcement agencies managing dangerous waste have the option of complying with WAC 173-303-555 (7) and (10) with respect to only dangerous waste pharmaceuticals held in their custody. Law enforcement agencies remain subject to all applicable dangerous waste regulations with respect to the management of its other dangerous wastes.

[Statutory Authority: Chapter 70.105, 70.105D RCW and Subtitle C of RCRA. WSR 20-20-045 (Order 19-07), § 173-303-170, 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), § 173-303-170, filed 1/28/19, effective 4/28/19. Statutory Authority: Chapter 70.105 RCW. WSR 15-01-123 (Order 13-07), § 173-303-170, filed 12/18/14, effective 1/18/15. Statutory Authority: Chapters 70.105, 70.105D, and 15.54 RCW and RCW 70.105.007. WSR 04-24-065 (Order 03-10), § 173-303-170, filed 11/30/04, effective 1/1/05. Statutory Authority: Chapters 70.105 and 70.105D RCW. WSR 03-07-049 (Order 02-03), § 173-303-170, filed 3/13/03, effective 4/13/03. Statutory Authority: Chapters 70.105, 70.105D, 15.54 RCW and RCW 70.105.007. WSR 00-11-040 (Order 99-01), § 173-303-170, filed 5/10/00, effective 6/10/00. Statutory Authority: Chapters 70.105 and 70.105D RCW. WSR 95-22-008 (Order 94-30), § 173-303-170, filed 10/19/95, effective 11/19/95; WSR 94-01-060 (Order 92-33), § 173-303-170, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapter 70.105 RCW. WSR 88-02-057 (Order DE 83-36), § 173-303-170, filed 1/5/88, effective 2/5/88; WSR 87-14-029 (Order DE-87-4), § 173-303-170, filed 6/26/87; WSR 86-12-057 (Order DE-85-10), § 173-303-170, filed 6/3/86; WSR 84-09-088 (Order DE 83-36), § 173-303-170, filed 4/18/84. Statutory Authority: Chapter 70.105 RCW and RCW 70.95.260. WSR 82-05-023 (Order DE 81-33), § 173-303-170, filed 2/10/82.]