

**WAC 173-305-220 Hazardous waste planning fee.** (1) The department shall calculate the adjusted fees, annual fee, and maximum total fees using the formula in subsection (3) of this section. The formula uses a risk factor of one for dangerous waste and emissions, and a multiplication factor of ten for extremely hazardous waste. For purposes of this section, hazardous waste reported on the annual dangerous waste generator report as having been either recycled on-site or recycled for beneficial use offsite, including initial amounts of hazardous substances introduced into a process and subsequently recycled for beneficial use, may not be used in the calculation of hazardous waste generated. A facility may petition the director to exclude hazardous wastes recycled for beneficial use even if they were not reported as such on the annual dangerous waste generator report. Documentation from the hazardous waste handling facility that the hazardous waste was recycled for beneficial use must be submitted along with the petition.

(2) Fees in subsection (3) of this section are based on the following definitions:

(Note: The terms "dangerous waste" and "extremely hazardous waste" as used in this subsection use the same basic definition as in WAC 173-305-020, but are modified as follows for the fee calculation only.)

(a) Dangerous waste is the number of pounds of dangerous waste reported that are not recycled for beneficial use, calculated so that the following wastes are excluded:

(i) Wastewater discharged under permit by rule under WAC 173-303-802; or

(ii) Dangerous waste that is treated on-site by the generator according to WAC 173-303-170 (3)(b) and (c); or

(iii) Nonrecurrent dangerous waste as reported on the annual dangerous waste generator report required under WAC 173-303-060(5).

(b) Emissions is the number of pounds of emission reported under Toxic Chemical Release Reporting, 40 C.F.R. Part 372, by a company. If emissions are reported in ranges, the middle value of the reported range will be used in the calculation.

(c) Extremely hazardous waste is the number of pounds of extremely hazardous waste reported that are not recycled for beneficial use, calculated so that the following wastes are excluded:

(i) Wastewater discharged under permit by rule under WAC 173-303-802; or

(ii) Extremely hazardous waste that is treated on-site by the generator according to WAC 173-303-170 (3)(b) and (c); or

(iii) Nonrecurrent extremely hazardous waste as reported on the annual dangerous waste generator report required under WAC 173-303-060(5).

The total risk pounds for a facility or set of interrelated facilities is equal to ten times the number of pounds of extremely hazardous waste generated, plus the number of pounds of dangerous waste generated, plus the number of pounds of emission reported by that facility.

(3) The annual fee for a facility or set of interrelated facilities is equal to the rate per risk pound times the total risk pounds. The rate for the risk pounds must be calculated by the department so that the maximum total fee in (a) of this subsection can be obtained. The annual fee for each facility or set of interrelated facilities is subject to the limitations in (b) and (c) of this subsection.

(a) The maximum total fees collected must be determined based on the maximum total fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the

numerator for the previous year. The price deflator used in the denominator for the first adjustment is the second quarter price deflator for 1990. The maximum total fees for 1990 must be one million dollars.

(b) The maximum fee for any facility or interrelated facility must be determined based on the maximum total fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment is the second quarter price deflator for 1990. The maximum annual fee for 1990 must be ten thousand dollars.

(c) The maximum annual fee for a generator who generates between two thousand six hundred forty and four thousand pounds of dangerous and extremely hazardous waste must be determined based on the maximum total annual fee for the previous year, multiplied by the most current price deflator, and divided by the price deflator used in the numerator for the previous year. The price deflator used in the denominator for the first adjustment is the second quarter price deflator for 1990. The maximum annual fee for 1990 must be fifty dollars.

[Statutory Authority: RCW 70.95E.030. WSR 17-09-006 (Order 16-06), § 173-305-220, filed 4/6/17, effective 5/7/17. Statutory Authority: Chapter 70.95E RCW. WSR 00-16-103 (Order 99-16), § 173-305-220, filed 8/1/00, effective 9/1/00; WSR 91-08-040 (Order 90-56), § 173-305-220, filed 4/1/91, effective 5/2/91.]