

WSR 19-04-002
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed January 23, 2019, 2:12 p.m., effective February 23, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department amended Rule 166 to conform to changes required by 2SHB 2015, 2018 regular session (chapter 245, Laws of 2018). This legislation modifies the lodging excise tax to remove the exemption for premises with fewer than sixty lodging units and to tax certain vacation rentals, short-term home-sharing arrangements, and other compensated use or occupancy of dwellings.

Citation of Rules Affected by this Order: Amending WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, hostels, trailer camps, short-term rentals and similar lodging businesses.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Other Authority: The statute being implemented is RCW 36.100.040.

Adopted under notice filed as WSR 18-23-060 on November 16, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: January 23, 2019.

Erin T. Lopez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 15-22-085, filed 11/3/15, effective 12/4/15)

WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, hostels, trailer camps, short-term rentals and similar lodging businesses. (1) **Introduction.** This rule explains the taxation of persons operating hotels, motels, bed and breakfast facilities, and similar businesses that provide lodging and related services to transient tenants.

(a) **References to related rules.** The department of revenue (department) has adopted other rules that may contain additional relevant information:

(i) WAC 458-20-111 (Advances and reimbursements);

(ii) WAC 458-20-118 (Sale or rental of real estate, license to use real estate);

(iii) WAC 458-20-159 (Consignees, bailees, factors, agents and auctioneers);

(iv) WAC 458-20-165 (Laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services);

(v) WAC 458-20-167 (Educational institutions, school districts, student organizations, and private schools);

(vi) WAC 458-20-168 (Hospitals, nursing homes, assisted living facilities, adult family homes and similar health care facilities);

(vii) WAC 458-20-187 (Coin operated vending machines, amusement devices and service machines); and

(viii) WAC 458-20-245 (Taxation of competitive telephone service, telecommunications service, and ancillary service).

(b) **Examples.** This rule includes examples that identify a set of facts and then state a conclusion. The examples are only a general guide. The department will evaluate each case on its particular facts and circumstances and apply both this rule and other statutory and common law authority.

(2) This rule explains the business and occupation (B&O) tax, retail sales tax, special hotel/motel tax, the convention and trade center tax, the tourism promotion area charge, and the taxation of emergency housing furnished to homeless people.

(a) This rule applies to persons operating hotels, motels, short-term rentals, and the following businesses((-):

(i) Trailer camps and recreational vehicle parks that rent space to transient tenants for house trailers, campers, recreational vehicles, mobile homes, tents, and similar accommodations.

(ii) Educational institutions that sell overnight lodging to persons other than students. Information regarding educational institutions is provided in WAC 458-20-167 (Educational institutions, school districts, student organizations, and private schools).

(iii) Private lodging houses, dormitories, bunkhouses, and similar accommodations operated by or on behalf of a business or school solely for the accommodation of employees of the business or students of the school, which are not held out to the public as a place where sleeping accommodations may be obtained.

(b) This rule does not apply to persons operating the following businesses((-):

(i) Hospitals, sanitariums, nursing homes, rest homes, and similar institutions. Information regarding operating these establishments is provided in WAC 458-20-168 (Hospitals, nursing homes, assisted living facilities, adult family homes and similar health care facilities).

(ii) Apartments or condominiums where the rental is for one month or more. Information regarding rentals for one month or more and the distinction between a rental of real estate and the license to use real estate is provided in WAC 458-20-118 (Sale or rental of real estate, license to use real estate).

(3) **Transient tenant defined.** The term "transient tenant" as used in this rule means any guest, resident, or other occupant to whom lodging and other services are furnished under a license to use real property for less than one month, or less than thirty continuous days if the rental period does

not begin on the first day of the month. Providing lodging for a continuous period of one month or more to a guest, resident, or other occupant is a rental or lease of real property. It is presumed that when lodging is provided for a continuous period of one month or more, or thirty continuous days or more if the rental period does not begin on the first day of the month, the guest, resident, or other occupant purchasing the lodging is a nontransient upon the thirtieth day without regard to a specific lodging unit occupied throughout the continuous thirty-day period. An occupant who contracts in advance and remains in continuous occupancy for the initial thirty days will be considered a nontransient from the first day of occupancy provided in the contract.

(4) **Business and occupation tax (B&O).** Where lodging is sold to a nontransient tenant, the transaction is a rental of real estate and ~~((exempt from))~~ not subject to B&O tax. See WAC 458-20-118 (Sale or rental of real estate, license to use real estate). Sales of lodging and related services to transient tenants are subject to B&O tax, including transactions that may have been identified or characterized as membership fees or dues.

(a) **Retailing classification.** Gross income derived from the following activities provided to transient tenants is subject to the retailing B&O tax:

- Rental of rooms for lodging;
- Rental of radio and television sets;
- Rental of rooms, space, and facilities not for lodging, such as ballrooms, display rooms, meeting rooms, and similar accommodations;
- Automobile parking or storage; and
- Sale or rental of tangible personal property at retail.

More information regarding retail sales is provided in subsection (5) of this rule discussing retail sales tax.

(b) **Service and other activities classification.** Commissions, amounts derived from accommodations not available to the public, and certain lump sum fees charged for multiple services are taxable under the service and other activities classification of the B&O tax. Gross income derived from the following business activities also is subject to service and other B&O tax.

(i) Commission income received by hotels, motels, and similar businesses from other businesses providing a service to their tenants. The following are examples of commission income that is subject to the service and other activities B&O tax.

(A) Commission income received from acting as a laundry agent for tenants when someone other than the hotel provides the laundry service. Information regarding these commissions is provided in WAC 458-20-165 (Laundry, dry cleaning, linen and uniform supply, and self-service and coin-operated laundry services).

(B) Commission income received from telephone companies for long distance telephone calls when the hotel or motel merely acts as an agent and commission income received from coin-operated telephones. Information regarding these commissions is provided in WAC 458-20-159 (Consignees, bailees, factors, agents and auctioneers) and WAC 458-20-245 (Taxation of competitive telephone service, telecommunications service, and ancillary service).

Refer to subsection (5) of this rule for a discussion of telephone service fees subject to retail sales tax.

(C) Commission income or license fees for permitting a satellite antenna to be installed on the premises or for permitting a broadcaster or cable operator to make sales to the transient tenants staying at the hotel or motel are subject to service and other activities B&O tax.

(D) Commission income from the rental of videos for use by tenants staying at the hotel or motel when the hotel or motel operator is making the sales as an agent for a seller.

(E) Commission income received from the operation of amusement devices. Information regarding amusement devices is provided in WAC 458-20-187 (Coin operated vending machines, amusement devices and service machines).

(ii) Gross income derived from the following business activities is subject to the service and other activities B&O tax.

(A) The rental of sleeping accommodations by private lodging houses (including dormitories, bunkhouses, and similar accommodations) operated by or on behalf of a business for its employees, which are not held out to the public as a place where sleeping accommodations may be obtained.

(B) Deposits retained by the lodging business as a penalty charged to a transient tenant for failure to timely cancel a reservation.

(5) **Retail sales tax.** Persons providing lodging and other services generally must collect and remit retail sales tax on the gross selling price of the lodging and other services. They must pay retail sales or use tax on all items they purchase for use in providing their services.

(a) **Lodging.** All fees charged for lodging and related services to transient tenants are retail sales. Included are fees charged for vehicle parking and storage and for space and other facilities, including fees charged by a trailer camp for utility services.

(i) A tenant who does not contract in advance to stay at least thirty days is not entitled to a refund of retail sales tax if the rental period later extends beyond thirty days.

Example: Assume a tenant rents the same motel room on a weekly basis. Further assume the tenant continues to extend occupancy on a weekly basis until the tenant finally exceeds thirty days. Under these assumed facts, the tenant is considered a transient for the first twenty-nine days of occupancy and must pay retail sales tax on the rental fees. The rental fees are exempt from retail sales tax beginning on the thirtieth day. The tenant is not entitled to a refund of retail sales taxes paid on the rental fees for the first twenty-nine days.

(ii) A business providing transient-tenant lodging must complete the "transient rental income" information section of the combined excise tax return. The four digit location code must be listed along with the gross income received from transient-tenant lodging subject to retail sales tax for each facility located within a participating city or county.

(b) **Meals and entertainment.** All fees charged for food, beverages, and entertainment activities are retail sales subject to retail sales tax.

(i) Fees charged for related services including, but not limited to, room service, banquet room services, and service charges and gratuities that are agreed to in advance by cus-

tomers or added to their bills by the service provider are subject to retail sales tax.

(ii) If meals sold under a promotion such as a "two meals for the price of one," the taxable selling price is the actual amount received as payment for the meals.

(iii) Meals sold to employees are subject to retail sales tax. Information regarding meals furnished to employees is provided in WAC 458-20-119 (Sales by caterers and food service contractors).

(iv) Sale of food and other items sold through vending machines are retail sales. Information regarding income from vending machines and the distinction between taxable and nontaxable sales of food products is provided in WAC 458-20-187 (Coin operated vending machines, amusement devices and service machines) and WAC 458-20-244 (Food and food ingredients).

(v) When a lump sum fee is charged to nontransient tenants for providing both lodging and meals, retail sales tax must be collected upon the fair selling price of such meals. Unless accounts are kept showing the fair selling price, the tax will be computed upon double the cost of the meals served. The cost includes the price paid for food and drinks served, the cost of preparing and serving meals, and all other costs incidental thereto, including an appropriate portion of overhead expenses.

(vi) Cover fees charged for dancing and other entertainment activities are retail sales.

(vii) Fees charged for providing extended television reception to transient tenants are retail sales.

(c) **Laundry services.** Fees charged for laundry services provided by a hotel/motel in the hotel's name are retail sales. Fees charged to tenants for self-service laundry facilities are not retail sales, but the gross income derived from these fees is subject to service and other activities B&O tax.

(d) **Telephone charges.** Telephone and "message service" fees charged to transient tenants are retail sales, but commission income received from telephone companies for long distance telephone calls when the hotel or motel merely acts as an agent is not subject to retail sales tax.

If the hotel or motel is acting as an agent for a telephone service provider that provides long distance telephone service to the transient tenant, the actual telephone fees charged are not taxable income to the hotel or motel. These amounts are advances and reimbursements. Information on advances and reimbursements is provided in WAC 458-20-111 (Advances and reimbursements). Any additional fee added by the hotel or motel to the actual long distance telephone fee, however, is a retail sale.

(e) **Telephone lines.** If the hotel or motel leases telephone lines and then provides telephone services for a fee to either its transient or nontransient tenants, these fees are retail sales. In this case the hotel or motel is in the telephone business. Information regarding the telephone business is provided in WAC 458-20-245 (Taxation of competitive telephone service, telecommunications service, and ancillary service). The hotel or motel may give a reseller permit for purchases made to the provider of the leased lines and is not subject to the payment of retail sales tax to the provider of the leased lines.

(f) **Rentals.** Renting tangible personal property such as movies and sports equipment is a retail sale.

(g) **Purchases of tangible personal property for use in providing lodging and related services.** All purchases of tangible personal property for use in providing lodging and related services are retail sales. The fee charged for lodging and related services is for services rendered and not for the resale of any tangible property.

(i) Purchases subject to retail sale tax include, but are not limited to, beds, room furnishings, linens, towels, soap, shampoo, restaurant equipment, and laundry supply services. Purchases, such as small toiletry items, are included even though they may be provided for guests to take home if not used.

(ii) Sales of prepared meals or other prepared items are subject to retail sales tax. Information regarding the sales of food products is provided in WAC 458-20-244 (Food and food ingredients).

(h) **Sales to the United States government.** Sales made directly to the United States government are not subject to retail sales tax. Sales to employees of the federal government are taxable even if the employee ultimately will be reimbursed for the lodging fee.

(i) **Payment by government voucher or check.** If the lodging fee is paid by United States government voucher or United States government check payable directly to the hotel or motel, the sale is presumed to be a tax-exempt sale made directly to the federal government.

(ii) **Charges to government credit card.** Various United States government contracted credit cards are used to make payment for purchases of goods and services by or for the United States government. Specific information about determining when a purchase by government credit card is a tax-exempt purchase by the United States government is available via the department's internet web site at <http://dor.wa.gov>. (See the department's lodging industry guide.) For specific information about determining when payment is the direct responsibility of the United States government or the employee, you may contact the department's taxpayer services division at <http://dor.wa.gov/content/ContactUs/> or:

Department of Revenue
Taxpayer Services
P.O. Box 47478
Olympia, WA 98504-7478

(6) **Special hotel/motel tax.** Some locations in the state impose ((a)) special hotel/motel ((tax)) taxes. (These taxes are imposed under chapters 67.28 and 36.100 RCW.) If a business is in one of those locations, an additional tax is charged and reported under the special hotel/motel portion of the tax return. The four digit location code, the gross-selling price for providing the lodging, and the tax rate must be completed for each location where the lodging is provided. The tax applies without regard to the number of lodging units except that the tax imposed under ((chapter 36.100)) RCW 36.100.040(1) applies only if there are forty or more lodging units. The tax only applies to the fee charged for the rooms used for lodging by transient tenants. Additional fees charged for telephone services, laundry, or other incidental charges are not subject to the special hotel/motel tax. Nor is the fee

charged for use of meeting rooms, banquet rooms, or other special use rooms subject to this tax. The tax applies, however, to fees charged for use of camping and recreational vehicle sites.

(7) **Convention and trade center tax.** Subject to the exemptions in (b) of this subsection, businesses located in King County selling lodging to transient tenants ((that have sixty or more transient lodging units)) including, but not limited to, any short-term rental, must charge their customers the convention and trade center tax and report the tax under the "convention and trade center" portion of the combined excise tax return.

(a) ~~((A business having more than sixty units that rents to both transient tenants and nontransient tenants, is subject to the convention and trade center tax only if the business has at least sixty rooms that are available or being used to provide lodging to transient tenants.~~

~~Example: Assume Lodging House has one hundred forty total individual occupancy rooms available to the public and rents ninety-five of the rooms to nontransient tenants. Under these assumed facts, Lodging House is not subject to the convention and trade center tax because only forty-five rooms are available or being used for transient lodging units.~~

~~((b)) The convention and trade center tax applies only to the fees charged for the rooms, or camping or recreational vehicle sites, used to provide lodging for transient tenants. Each campsite is considered a single unit.~~

Additional fees charged for telephone services, laundry, or other incidental charges are not subject to the convention and trade center tax. Fees charged for the use of meeting rooms, banquet rooms, or other special use rooms are also not subject to the convention and trade center tax. ~~((The convention and trade center tax applies, however, to fees charged for camping or recreational vehicle sites. Each camp site is considered a single unit.~~

~~((c) Exemptions. Businesses having fewer than sixty transient lodging units or businesses classified as a hostel are exempt from the convention and trade center tax. For purposes of this exemption:))~~

~~((b) Exemptions. The following are exempt from the convention and trade center tax:~~

~~((i) A business in a town with a population of less than three hundred people that has fewer than sixty rooms that are available or being used to provide lodging to transient tenants, regardless of whether the business also rents units to nontransient tenants and the combined number of transient and nontransient lodging units is sixty rooms or more;~~

~~((ii) Businesses classified as hostels;~~

~~((iii) Any lodging that is concurrently subject to a tax on engaging in the business of being a short-term rental operator imposed by a city in which a convention and trade center is located;~~

~~((iv) Any lodging that is operated by a university health care system exclusively for family members of patients; and~~

~~((v) Any lodging that is operated as a charity described in (c)(iii)(B) of this subsection, is otherwise exempted in this subsection, or is emergency lodging to homeless people as described in subsection (9) of this rule.~~

~~((c) Definitions. The definitions in this subsection apply to the convention and trade center tax:~~

(i) "Hostel" means a structure or facility where a majority of the rooms for sleeping accommodations are hostel dormitories containing a minimum of four standard beds designed for single-person occupancy within the facility. Hostel accommodations are supervised and must include at least one common area and at least one common kitchen for guest use.

(ii) "Hostel dormitory" means a single room, containing four or more standard beds designed for single-person occupancy, used exclusively as nonprivate communal sleeping quarters, generally for unrelated persons, where such persons independently acquire the right to occupy individual beds, with the operator supervising and determining which bed each person will occupy.

(iii) "Short-term rental" means a lodging use, that is not a hotel or motel, in which a short-term rental operator offers or provides a dwelling unit, or portion thereof, to a guest or guests for a fee for fewer than thirty consecutive nights. The term "short-term rental" does not include:

(A) A dwelling unit, or portion thereof, that the same person uses for thirty or more consecutive nights; and

(B) A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the secretary of state, state of Washington, and/or is classified by the federal Internal Revenue Service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury, or disease and/or their family members.

(d) The four digit location code, gross-selling price for the lodging, and the tax rate must be completed for each location where the lodging is provided.

(8) **Tourism promotion area charge.** A legislative authority as defined in RCW 35.101.010 may impose a charge on the activity of providing lodging by a business located in the tourism promotion area, except for temporary medical housing that is exempt under RCW 82.08.997 (Exemptions—Temporary medical housing). The charge is administered by the department and must be collected by the business providing the lodging from the transient tenant. The charge is not subject to the sales tax rate limitations of RCW 82.14.410. To determine whether your lodging business must collect and remit the charge, refer to the special notices for tourism promotion areas at http://dor.wa.gov/content/GetAFormOrPublication/PublicationBySubject/tax_sn_main.aspx or the lodging industry guide at <http://dor.wa.gov/content/doingbusiness/BusinessTypes/Industry/lodging/>.

(9) **Providing emergency lodging to homeless people.** The fee charged for providing emergency lodging to homeless people purchased via a shelter voucher program administered by cities, towns, counties, or private organizations that provide emergency food and shelter services is exempt from the retail sales tax, the convention and trade center tax, and the special hotel/motel tax. This form of payment does not influence the required minimum of transient rooms available for use as transient-lodging units under the "convention and trade center tax" or under the "special hotel/motel tax."

WSR 19-04-003
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed January 23, 2019, 2:23 p.m., effective February 23, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 458-19-090 is a new rule written due to legislation passed in 2017, ESSB 5628, which allowed a city or town to form a fire protection district under specific conditions as described in RCW 52.02.160. This rule explains how the county assessor calculates the highest lawful levy under chapter 84.55 RCW, for a city or town when a fire protection district has been established under these conditions.

Citation of Rules Affected by this Order: New WAC 458-19-090 Fire protection district formation—Cities and towns—Highest lawful levy.

Statutory Authority for Adoption: RCW 84.08.010, 84.08.070, 84.55.060.

Adopted under notice filed as WSR 18-23-068 on November 16, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: January 23, 2019.

Erin T. Lopez
Rules Coordinator

NEW SECTION

WAC 458-19-090 Fire protection district formation—Cities and towns—Highest lawful levy. (1) **Introduction.** RCW 52.02.160 allows a city or town to establish a fire protection district, subject to voter approval, within the same corporate boundaries of the city or town, for the provision of fire prevention services, fire suppression services, emergency medical services, and for the protection of life and property within the city or town. This rule explains how to calculate the highest amount of regular property taxes that can be lawfully levied (highest lawful levy) by a city or town that creates this type of fire protection district.

(2) **Definitions.** The definitions found in WAC 458-19-005 apply to this rule.

(3) **Example.** This rule includes an example that identifies a number of facts and then states a conclusion. This example should only be used as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

(4) **Highest lawful levy limit calculation.**

(a) **First year.** A city or town that establishes a fire protection district under RCW 52.02.160 must reduce its highest lawful levy by the total amount initially levied in the first year by the newly established fire protection district. This reduced amount will become the new highest lawful levy for the city or town, and will be used for subsequent levy limit calculations under chapter 84.55 RCW. This reduction in the highest lawful levy for the city or town must occur in the first year the newly established fire protection district imposes its property tax levy.

(b) **Second and subsequent years.** The city or town must further reduce its highest lawful levy in subsequent years if the fire protection district initially imposes any additional regular property tax levies as allowed under RCW 52.16.140 and 52.16.160 in those subsequent years.

(c) **Maximum rate.** The maximum statutory dollar rate for fire protection districts is one dollar and fifty cents per one thousand dollars of assessed value. This rate consists of three regular property tax levies as follows: RCW 52.16.130 (up to \$0.50), 52.16.140 (up to \$0.50), and 52.16.160 (up to \$0.50).

Example. City A establishes a fire protection district under RCW 52.02.160. Prior to the formation, City A annually levied an amount of \$200,390, which is equal to its highest lawful levy. In this example, the maximum statutory dollar rate of the city is \$3.375 per \$1,000 of assessed value.

First year levy. In its first year, the newly established fire protection district determines it will need to levy \$57,000 and its total assessed value is \$59,375,000 (the same total assessed value as City A). This levy amount is the equivalent to a levy rate for the fire protection district of \$0.96 per \$1,000 of assessed value ($\$57,000/\$59,375,000(1,000)$), thus the district is initially imposing regular property tax levies under RCW 52.16.130 (\$0.50) and 52.16.140 (\$0.46) in the first year. Therefore, City A must reduce its highest lawful levy by \$57,000. City A's reduced highest lawful levy amount is the amount it will use when calculating the following year's levy calculations.

Second year levy. One year later, the fire protection district requests an increased levy amount of \$74,000 and its total assessed value, along with the total assessed value of City A, has increased to \$60,655,738. The increased levy amount is the equivalent to a levy rate for the fire protection district of \$1.22 per \$1,000 of assessed value ($\$74,000/\$60,655,738(1,000)$), thus the district is imposing regular levies under RCW 52.16.130, 52.16.140, and is initially imposing the third regular levy under RCW 52.16.160 (\$0.22). Therefore, City A must further reduce its highest lawful levy by the amount resulting from the fire district initially imposing the third regular levy under RCW 52.16.160. The additional amount resulting from the initial imposition of the fire protection district's third regular levy under RCW 52.16.160 is \$13,344 ($\0.22 per \$1,000 of assessed value multiplied by the total assessed value of \$60,655,738). City A must make a reduction of \$13,344 to its highest lawful levy. City A's newly reduced highest lawful levy is the amount it will use when calculating the following year's levy calculations.

Subsequent year levies. In subsequent years, if the fire protection district's levy rate increases beyond \$1.22 per

\$1,000 of assessed value, City A is not required to further reduce its highest lawful levy because the fire protection district had already initially imposed all three regular levies under RCW 52.16.130, 52.16.140, and 52.16.160.

(5) **Constitutional one percent limit and five dollars and ninety cents aggregate dollar limit.** Fire protection district levies are subject to the constitutional one percent limit for regular property taxes and the statutory aggregate dollar rate limit of five dollars and ninety cents per thousand dollars of assessed value. If a reduction in a fire protection district levy is required because it exceeds these limits, it is reduced in the manner described in RCW 84.52.010, 84.52.043, and 84.52.125.

WSR 19-04-004
PERMANENT RULES
HEALTH CARE AUTHORITY

[Filed January 23, 2019, 2:58 p.m., effective March 1, 2019]

Effective Date of Rule: March 1, 2019.

Purpose: The agency modified these sections to remove the bariatric fixed case rate.

Citation of Rules Affected by this Order: Amending WAC 182-550-3000, 182-550-3470, 182-550-4400, and 182-550-4800.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 19-01-080 on December 17, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: January 23, 2019.

Wendy Barcus
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-11-074, filed 5/16/18, effective 7/1/18)

WAC 182-550-3000 Payment method. (1) The medic-aid agency uses the diagnosis-related group (DRG) payment method to pay for covered inpatient hospital services, except as specified in WAC 182-550-4300 and 182-550-4400.

(2) The agency assigns a DRG code to each claim for an inpatient hospital stay using 3M™ software (AP-DRG or

APR-DRG) or other software currently in use by the agency. That DRG code determines the method used to pay claims for prospective payment system (PPS) hospitals. For the purpose of this section, PPS hospitals include all in-state and border area hospitals, except both of the following:

(a) Critical access hospitals (CAH), which the agency pays per WAC 182-550-2598; and

(b) Military hospitals, which the agency pays using the following payment methods depending on the revenue code billed by the hospital:

- (i) Ratio of costs-to-charges (RCC); and
- (ii) Military subsistence per diem.

(3) For each DRG code, the agency establishes an average length of stay (ALOS). The agency may use the DRG ALOS as part of its authorization process and payment methods as specified in this chapter.

(4) An inpatient claim payment includes all hospital covered services provided to a client during days the client is eligible. This includes, but is not limited to:

- (a) The inpatient hospital stay;
- (b) Outpatient hospital services, including preadmission, emergency department, and observation services related to an inpatient hospital stay and provided within one calendar day of a client's inpatient hospital stay. These outpatient services must be billed on the inpatient hospital claim;

(c) Any hospital covered service for which the admitting hospital sends the client to another facility or provider during the client's inpatient hospital stay, and the client returns as an inpatient to the admitting hospital.

(5) The agency's claim payment for an inpatient stay is determined by the payment method. The agency pays hospitals for inpatient hospital covered services provided to clients using the following methods:

Payment Method	General Description of Payment Formula	WAC Reference
DRG (Diagnostic Related Group)	DRG specific relative weight times hospital specific DRG rate times maximum service adjustor	182-550-3000
Per Diem	Hospital-specific daily rate for the service (psych, rehab, detox, or CUP) times covered allowable days	182-550-2600 and 182-550-3381
((Single-Case-Rate	Hospital-specific bariatric-case rate per stay	182-550-3470))
Fixed Per Diem for Long Term Acute Care (LTAC)	Fixed LTAC rate per day times allowed days plus ratio of cost to charges times allowable covered ancillaries not included in the daily rate	182-550-2595 and 182-550-2596
Ratio of Costs-to-Charges (RCC)	RCC times billed covered allowable charges	182-550-4500
Cost Settlement with Ratio of Costs-to-Charges	RCC times billed covered allowable charges (subject to hold harmless and other settlement provisions of the Certified Public Expenditure program)	182-550-4650 and 182-550-4670

Payment Method	General Description of Payment Formula	WAC Reference
Cost Settlement with Weighted Costs-to-Charges (WCC)	WCC times billed covered allowable charges subject to Critical Access Hospital settlement provisions	182-550-2598
Military	Depending on the revenue code billed by the hospital: • RCC times billed covered allowable charges; and • Military subsistence per diem.	182-550-4300
Administrative Day	Standard administrative day rate times days authorized by the agency combined with RCC times ancillary charges that are allowable and covered for administrative days	182-550-3381

(6) For claims paid using the DRG method, the payment may not exceed the billed amount.

(7) The agency may adjust the initial allowable calculated for a claim when one or more of the following occur:

(a) A claim qualifies as a high outlier (see WAC 182-550-3700);

(b) A claim is paid by the DRG method and a client transfers from one acute care hospital or distinct unit per WAC 182-550-3600;

(c) A client is not eligible for a Washington apple health program on one or more days of the hospital stay;

(d) A client has third-party liability coverage at the time of admission to the hospital or distinct unit;

(e) A client is eligible for Part B medicare, the hospital submitted a timely claim to medicare for payment, and medicare has made a payment for the Part B hospital charges;

(f) A client is discharged from an inpatient hospital stay and, within fourteen calendar days, is readmitted as an inpatient to the same hospital or an affiliated hospital. The agency or the agency's designee performs a retrospective utilization review (see WAC 182-550-1700) on the initial admission and all readmissions to determine which inpatient hospital stays qualify for payment. The review may determine:

(i) If both admissions qualify for separate reimbursement;

(ii) If both admissions must be combined to be reimbursed as one payment; or

(iii) Which inpatient hospital (~~stay(s)~~) stay qualifies for individual payment.

(g) A readmission is due to a complication arising from a previous admission (e.g., provider preventable condition described in WAC 182-502-0022). The agency or the agency's designee performs a retrospective utilization review to determine if both admissions are appropriate and qualify for individual payments; or

(h) The agency identifies an enhanced payment due to a provider preventable condition, hospital-acquired condition, serious reportable event, or a condition not present on admission.

(8) In response to direction from the legislature, the agency may change any one or more payment methods outlined in chapter 182-550 WAC for the purpose of achieving the legislature's targeted expenditure levels. The legislative

direction may take the form of express language in the Biennial Appropriations Act or may be reflected in the level of funding appropriated to the agency in the Biennial Appropriations Act. In response to this legislative direction, the agency may calculate an adjustment factor (known as an "inpatient adjustment factor") to apply to inpatient hospital rates.

(a) The inpatient adjustment factor is a specific multiplier calculated by the agency and applied to existing inpatient hospital rates to meet targeted expenditure levels as directed by the legislature.

(b) The agency will apply the inpatient adjustment factor when the agency determines that its expenditures on inpatient hospital rates will exceed the legislature's targeted expenditure levels.

(c) The agency will apply any such inpatient adjustment factor to each affected rate.

(9) The agency does not pay for a client's (~~day(s)~~) day of absence from the hospital.

(10) The agency pays an interim billed hospital claim for covered inpatient hospital services provided to an eligible client only when the interim billed claim meets the criteria in WAC 182-550-2900.

(11) The agency applies to the allowable for each claim all applicable adjustments for client responsibility, any third-party liability, medicare payments, and any other adjustments as determined by the agency.

(12) The agency pays hospitals in designated bordering cities for allowed covered services as described (~~in~~) under WAC 182-550-3900.

(13) The agency pays out-of-state hospitals for allowed covered services as described (~~in~~) under WAC 182-550-4000.

(14) The agency's annual aggregate payments for inpatient hospital services, including payments to state-operated hospitals, will not exceed the estimated amounts that the agency would have paid using medicare payment principles.

(15) When hospital ownership changes, the agency's payment to the hospital will not exceed the amount allowed under 42 U.S.C. Section 1395x (v)(1)(O).

(16) Hospitals participating in the (~~Washington~~) apple health program must annually submit to the agency:

(a) A copy of the hospital's CMS medicare cost report (Form 2552 version currently in use by the agency) that is the official "as filed" cost report submitted to the medicare fiscal intermediary; and

(b) A disproportionate share hospital (DSH) application if the hospital wants to be considered for DSH payments. See WAC 182-550-4900 for the requirements for a hospital to qualify for a DSH payment.

(17) Reports referred to in subsection (16) of this section must be completed according to:

(a) Medicare's cost reporting requirements;

(b) The provisions of this chapter; and

(c) Instructions issued by the agency.

(18) The agency requires hospitals to follow generally accepted accounting principles.

(19) Participating hospitals must permit the agency to conduct periodic audits of their financial records, statistical records, and any other records as determined by the agency.

(20) The agency limits payment for private room accommodations to the semiprivate room rate. Room charges must not exceed the hospital's usual and customary charges to the general public as required by 42 C.F.R. Sec. 447.271.

(21) For a client's hospital stay that involves regional support network (RSN)-approved voluntary inpatient or involuntary inpatient hospitalizations, the hospital must bill the agency for payment. When the hospital contracts directly with the RSN, the hospital must bill the RSN for payment.

(22) For psychiatric hospitals and psychiatric hospital units, when a claim groups to a DRG code that pays by the DRG method, the agency may manually price the claim at the hospital's psychiatric per diem rate.

AMENDATORY SECTION (Amending WSR 15-18-065, filed 8/27/15, effective 9/27/15)

WAC 182-550-3470 Payment method—Bariatric surgery—Per case rate. (1) Effective through June 30, 2019, the medicaid agency:

(a) Pays for bariatric surgery provided in designated agency-approved hospitals when all criteria established in WAC 182-550-2301 are met;

(b) Requires qualification and prior authorization of the provider before bariatric surgery related services are provided (see WAC 182-550-2301); and

(c) Uses a per case rate to pay for bariatric surgery.

(2) For dates of admission before August 1, 2007, the agency determines the per case rate by using a hospital-specific medicaid fee schedule rate the agency used to pay for bariatric surgery.

(3) For dates of admission after July 31, 2007, the agency determines the per case rate by using the bariatric per case rate calculation method described in this subsection and established by the agency's new inpatient payment system implemented on August 1, 2007.

(a) To adjust hospital-specific operating, capital, and direct medical education costs, the agency:

(i) Inflates the hospital-specific operating, capital, and direct medical education routine costs from the hospital's medicaid cost report fiscal year to the mid-point of the state fiscal year.

(ii) Divides the labor portion of the hospital-specific operating costs by the hospital-specific medicaid wage index in effect for the medicaid inpatient prospective payment system federal fiscal year that most closely matches the time period covered by the medicaid cost report used for these calculations.

(b) To determine the statewide standardized weighted average cost per case by using the adjusted hospital-specific operating and capital costs derived in (a) of this subsection, the agency:

(i) Adjusts the hospital-specific operating and capital costs to remove the indirect costs associated with approved medical education programs; then

(ii) Calculates the operating standardized amount by dividing statewide aggregate adjusted operating costs by the statewide aggregate number cases in the base year claims data; then

(iii) Calculates the capital standardized amount by dividing statewide aggregate adjusted capital costs by the statewide aggregate number of cases in the base year claims data.

(c) To make hospital-specific adjustments to the statewide operating and capital standardized amounts, the agency:

(i) Defines the adjusted operating standardized amount for bariatric services as the average of all in-state hospitals operating standardized amount after making adjustments for the wage index and the indirect medical education. The agency:

(A) To determine the labor portion, uses the factor established by medicaid multiplied by the statewide operating standardized amount, then multiplies the labor portion of the operating standardized amount by (1.0 plus the most currently available hospital-specific medicaid wage index); then

(B) Adds the nonlabor portion of the operating standardized amount to the labor portion derived in (c)(i)(A) of this subsection; then

(C) Multiplies the amount derived in (c)(i)(B) of this subsection by 1.0 plus the most currently available hospital-specific medicaid operating indirect medical education factor to derive the operating standardized amount for bariatric services; then

(D) Adjusts the hospital-specific operating standardized amount for bariatric services for inflation based on the CMS PPS input price index. The adjustment is to reflect the increases in price index levels between the base year data and the payment system implementation year.

(E) Calculates the statewide bariatric operating payment per case amount by:

(I) Totaling the hospital-specific amounts derived in (c)(i)(D) of this subsection for each hospital approved by the agency to provide bariatric services; and

(II) Dividing the results in (E)(I) of this subsection by the number of in-state hospitals approved by the agency to provide bariatric services.

(ii) Defines the adjusted capital standardized amount for bariatric services as the average of all in-state hospitals capital standardized amount after adjusting for the indirect medical education. The agency:

(A) Multiplies the amount derived in (b)(iii) of this subsection by (1.0 plus the most currently available hospital-specific medicaid capital indirect medical education factor) to derive the adjusted indirect medical education capital standardized amount for bariatric services.

(B) Adjusts the hospital-specific capital standardized amount for bariatric services for inflation based on the CMS PPS input price index. The adjustment is to reflect the increases in price index levels between the base year data and the payment system implementation year.

(C) Calculates the statewide bariatric capital payment per case amount by:

(I) Totaling the hospital-specific amounts derived in (c)(ii)(B) of this subsection for each hospital approved by the agency to provide bariatric services; and

(II) Dividing the results derived in (C)(I) of this subsection by the number of in-state hospitals approved by the agency to provide bariatric services.

(iii) Defines the direct medical education standardized amount for bariatric services as the in-state hospitals hospital-

specific direct medical education weighted cost per case multiplied by the CMS PPS input price index. The adjustment is to reflect the increases in price index levels between the base year data and the payment system implementation year. The agency calculates the statewide bariatric direct medical education standardized payment per case by:

(A) Multiplying the hospital-specific direct medical education weighted cost per case for each hospital approved by the agency to provide bariatric services by the CMS PPS input price index; then

(B) Totaling the hospital-specific amounts derived in (iii)(A) of this subsection for each hospital approved by the agency to provide bariatric services.

(d) To determine hospital-specific bariatric payment per case amount, the agency sums for each hospital the in-state statewide bariatric operating payment per case, the in-state statewide bariatric capital payment per case, and the hospital-specific direct medical education payment per case. (For critical border hospitals, the direct medical education payment per case is limited at the highest direct medical education payment per case amount for the in-state hospitals approved by the agency to provide bariatric services.)

(e) The agency adjusts the hospital-specific bariatric payment per case amount by a factor to achieve budget neutrality for the state's aggregate inpatient payments for all hospital inpatient services.

(f) The agency may make other necessary adjustments as directed by the legislature (e.g., rate rebasing and other changes as directed by the legislature).

AMENDATORY SECTION (Amending WSR 16-04-051, filed 1/28/16, effective 3/1/16)

WAC 182-550-4400 Services—Exempt from DRG payment. (1) Inpatient services are exempt from the diagnosis-related group (DRG) payment method only if they qualify for payment methods specifically mentioned in other sections of this chapter or in this section.

(2) Subject to the restrictions and limitations in this section, the agency exempts the following services for medicaid and CHIP clients from the DRG payment method. This policy also applies to covered services paid through medical care services (MCS) and any other state-administered program, except when otherwise indicated in this section. The exempt services are:

(a) Alcohol or other drug detoxification services when provided in a hospital having a detoxification provider agreement with the agency to perform these services.

(b) Hospital-based intensive inpatient detoxification, medical stabilization, and drug treatment services provided to chemical-using pregnant (CUP) women by a certified hospital. These are medicaid program services and are not covered or funded by the agency through MCS or any other state-administered program.

(c) Acute physical medicine and rehabilitation (acute PM&R) services.

(d) Psychiatric services. A mental health designee that arranges to pay a hospital directly for psychiatric services may use the agency's payment methods or contract with the hospital to pay using different methods. Claims not paid

directly through a mental health designee are paid through the agency's payment system.

(e) Chronic pain management treatment provided in a hospital approved by the agency to provide that service.

(f) Administrative day services. The agency pays administrative days for one or more days of a hospital stay in which an acute inpatient or observation level of care is not medically necessary, and a lower level of care is appropriate. The administrative day rate is based on the statewide average daily medicaid nursing facility rate, which is adjusted annually. The agency may designate part of a client's stay to be paid an administrative day rate upon review of the claim or the client's medical record, or both.

(g) Inpatient services recorded on a claim grouped by the agency to a DRG for which the agency has not published an all-patient DRG (AP-DRG) or all-patient refined DRG (APR-DRG) relative weight. The agency will deny payment for claims grouped to DRG 469, DRG 470, APR DRG 955, or APR DRG 956.

(h) Organ transplants that involve heart, intestine, kidney, liver, lung, allogeneic bone marrow, autologous bone marrow, pancreas, or simultaneous kidney/pancreas. The agency pays hospitals for these organ transplants using the ratio of costs-to-charges (RCC) payment method. The agency maintains a list of DRGs which qualify as transplants on the agency's web site.

~~((i) Bariatric surgery performed in hospitals that meet the criteria in WAC 182-550-2301. The agency pays hospitals for bariatric surgery on a per case rate basis for clients in medicaid and state-administered programs when the services are prior authorized and take place at an approved hospital. See WAC 182-550-3000 and 182-550-3470.)~~

AMENDATORY SECTION (Amending WSR 18-12-043, filed 5/30/18, effective 7/1/18)

WAC 182-550-4800 Hospital payment methods—State-administered programs. This section does not apply to out-of-state hospitals unless they are border hospitals (critical or noncritical).

(1) The medicaid agency:

(a) Pays for services provided to a client eligible for a state-administered program (SAP) based on SAP rates;

(b) Establishes SAP rates independently from the process used in setting the medicaid payment rates;

(c) Calculates a ratable each year to adjust each hospital's SAP rates for their percentage of community-based dollars to the total revenues for all hospitals;

(d) Calculates an equivalency factor (EF) to keep the SAP payment rates at the same level before and after the medicaid rates were rebased.

(2) The agency has established the following:

(a) SAP diagnosis-related group (DRG) conversion factor (CF) for claims grouped under DRG classifications services;

(b) SAP per diem rates for claims grouped under the following specialty service categories:

(i) Chemical-using pregnant (CUP) women;

(ii) Detoxification;

(iii) Physical medicine and rehabilitation (PM&R); and

(iv) Psychiatric(~~(s)~~).

(c) ~~((SAP per case rate for claims grouped under bariatric services; and~~

~~(d)))~~ SAP ratio of costs-to-charges (RCC) for claims grouped under transplant services.

(3) This subsection describes the SAP DRG CF and payment calculation processes used by the agency to pay claims using the DRG payment method. The agency pays for services grouped to a DRG classification provided to clients eligible for a SAP based on the use of a DRG CF, a DRG relative weight, and a maximum service adjustor. This process is similar to the payment method used to pay for medicaid and CHIP services grouped to a DRG classification.

(a) The agency's SAP DRG CF calculation process is as follows:

(i) The hospital's specific DRG CF used to calculate payment for a SAP claim is the medicaid DRG CF multiplied by the applicable EF multiplied by the ratable;

(ii) For hospitals that do not have a ratable or an EF, the SAP CF is the hospital's specific medicaid CF multiplied by the average EF and the average ratable; and

(iii) For noncritical border hospitals, the SAP DRG CF is the lowest in-state medicaid DRG CF multiplied by the average ratable and the average EF.

(b) The agency calculates the SAP DRG EF as follows:

(i) The hospital-specific current SAP DRG CF is divided by the rebased medicaid DRG CF and then divided by the ratable factor to compute the preliminary EF.

(ii) The current SAP DRG payment is determined by multiplying the hospital specific SAP DRG CF by the AP-DRG version 23 relative weight.

(iii) The current aggregate DRG payment is determined by summing the current SAP DRG payments for all hospitals.

(iv) The hospital projected SAP DRG payment is determined by multiplying the hospital specific current SAP DRG CF by the APR-DRG relative weights and the maximum service adjustor.

(v) The projected aggregate DRG payment is determined by summing the projected SAP program DRG payments for all hospitals.

(vi) The aggregate amounts derived in (b)(iii) and (v) of this subsection are compared to identify a neutrality factor that keeps the projected aggregate SAP DRG payment (based on DRG-APR relative weights) at the same level as the previous aggregate SAP DRG payment (based on AP-DRG relative weights version 23.0).

(vii) The neutrality factor is multiplied by the hospital specific preliminary EF to determine the hospital specific final EF that is used to determine the SAP DRG conversion factors for the rebased system implementation.

(c) The agency calculates the DRG payment for services paid under the DRG payment method as follows:

(i) The agency calculates the allowed amount for the inlier portion of the SAP DRG payment by multiplying the SAP DRG CF by the DRG relative weight and the maximum service adjustor.

(ii) SAP claims are also subject to outlier pricing. See WAC 182-550-3700 for details on outlier pricing.

(4) This subsection describes how the agency calculates the SAP per diem rate and payment for CUP, detoxification, PM&R, and psychiatric services.

(a) The agency calculates the SAP per diem rate for in-state and critical border hospitals by multiplying the hospital's specific medicaid per diem by the ratable and the per diem EF.

(b) The agency calculates the SAP per diem rate for non-critical border hospitals by multiplying the lowest in-state medicaid per diem rate by the average ratable and the average per diem EF.

(c) For hospitals with more than twenty nonpsychiatric SAP per diem paid services during SFY 2011, the agency calculates a per diem EF for each hospital using the individual hospital's claims as follows:

(i) The agency calculates a SAP average payment per day by dividing the total current SAP per diem payments by the total number of days associated with the payments.

(ii) The agency calculates a medicaid average payment per day by dividing the aggregate payments based on the rebased medicaid rates by the total number of days associated with the aggregate payments (same claims used in (c)(i) of this subsection).

(iii) The agency divides the hospital estimated SAP average payment per day in (a) of this subsection by the hospital medicaid average payment per day in (b) of this subsection.

(iv) The agency divides the result of (c)(iii) of this subsection by the hospital specific ratable factor to determine the EF.

(d) For hospitals with twenty or less nonpsychiatric SAP per diem paid services during SFY 2011, the EF is an average for all hospitals. The agency uses the following process to determine the average EF:

(i) The agency calculates a SAP average payment per day by dividing the total current SAP per diem payments for all hospitals by the total number of days associated with the aggregate payments.

(ii) The agency calculates a medicaid average payment per day by dividing the aggregate payments based on the rebased medicaid rates by the total number of days associated with the aggregate payment (same claims used in (d)(i) of this subsection).

(iii) The agency divides the SAP average per day in (a) of this subsection by the medicaid average payment per day in (b) of this subsection.

(iv) The agency divides the result of (d)(iii) of this subsection by the hospital specific ratable factor to determine the EF. The EF is an average based on claims for all the hospitals in the group.

(e) The agency uses a psychiatric EF ~~((is used))~~ to keep SAP psychiatric rates at the level required by the Washington state legislature. The agency's SAP psychiatric rates are eighty-five and four one hundredths of a percent (85.04%) of the agency's medicaid psychiatric rates. The factor is applied to all hospitals.

(f) The agency calculates the SAP per diem allowed amount for CUP, detoxification, PM&R, and psychiatric services by multiplying the hospital's SAP per diem rate by the agency's allowed patient days.

(g) The agency does not apply the high outlier or transfer policy to the payment calculations for CUP, detoxification, PM&R, and psychiatric services.

~~(5) ((This subsection describes the SAP per case rate and payment processes for bariatric surgery services.~~

~~(a) The agency calculates the SAP per case rate for bariatric surgery services by multiplying the hospital's medicaid per case rate for bariatric surgery services by the hospital's ratable.~~

~~(b) The per case payment rate for bariatric surgery services is an all-inclusive rate.~~

~~(c) The agency does not apply the high outlier or transfer policy to the payment calculations for bariatric surgery services.~~

~~(6))~~ The agency calculates the SAP RCC by multiplying the medicaid RCC by the hospital's ratable.

~~((7))~~ (6) The agency annually establishes ~~((annually))~~ the hospital-specific ratable factor used in the calculation of SAP payment rate based on the most current hospital revenue data available from the department of health (DOH). The agency uses the following process to determine the hospital ratable factor:

(a) The agency adds the hospital's medicaid revenue, medicare revenue, charity care, and bad debts as reported in DOH data.

(b) The agency determines the hospital's community care dollars by subtracting the hospital's low-income disproportionate share hospital (LIDSH) payments from the amount derived in (a) of this subsection.

(c) The agency calculates the hospital net revenue by subtracting the hospital-based physician revenue (based on information available from the hospital's medicare cost report or provided by the hospitals) from the DOH total hospital revenue report.

(d) The agency calculates the preliminary hospital-specific ratable by dividing the amount derived in (b) of this subsection by the amount derived in (c) of this subsection.

(e) The agency determines a neutrality factor by comparing the hospital-specific medicaid revenue (used in (a) of this subsection) multiplied by the preliminary ratable to the hospital-specific medicaid revenue (used in (a) of this subsection) multiplied by the prior year ratable. The neutrality factor is used to keep the projected SAP payments at the same current payment level.

(f) The agency determines the final hospital-specific ratable by multiplying the hospital-specific preliminary ratable by the neutrality factor.

(g) The agency applies to the allowable for each SAP claim all applicable adjustments for client responsibility, any third-party liability, medicare payments, and any other adjustments as determined by the agency.

~~((8))~~ (7) The agency does not pay an SAP claim paid by the DRG method at greater than the billed charges.

~~((9))~~ (8) SAP rates do not apply to the critical access hospital (CAH) program's weighted cost-to-charges, to the long-term acute care (LTAC) program's per diem rate, or to the certified public expenditure (CPE) program's RCC (except as the RCC applies to the CPE hold harmless described ~~((in))~~ under WAC 182-550-4670).

WSR 19-04-007

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 16-07—Filed January 23, 2019, 5:26 p.m., effective February 23, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: We are adopting amendments to chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington. This rule making sets forth revised fresh and marine water quality standards for the protection of the water contact recreational use in state waters.

This rule making adopted:

- New bacterial indicators and numeric criteria to protect water contact recreational uses.
- Updated water contact recreational use categories, and modifications to WAC 173-201A-600 and 173-201A-602 to support the proposed updated uses.
- Improved location information in use designation Tables 602 (use designations for fresh waters) and 612 (use designations for marine waters).

At the request of the Puyallup Tribe, we added a note in Table 602 clarifying water quality regulatory authority for the lower Puyallup River. This provides an improved delineation between the State and the Puyallup Tribe's water quality standards.

The rule making amended the following sections of chapter 173-201A WAC: WAC 173-201A-020 Definitions, 173-201A-200 Fresh water designated uses and criteria, 173-201A-210 Marine water designated uses and criteria, 173-201A-320 Tier II—Protection of waters of higher quality than the standards, 173-201A-600 Use designations—Fresh waters, 173-201A-602 Table 602—Use designations for fresh waters by water resource inventory area (WRIA), 173-201A-610 Use designations—Marine waters, and 173-201A-612 Table 612—Use designations for marine waters.

Citation of Rules Affected by this Order: Amending WAC 173-201A-020, 173-201A-200, 173-201A-210, 173-201A-320, 173-201A-600, 173-201A-602, 173-201A-610, and 173-201A-612.

Statutory Authority for Adoption: RCW 90.48.035 Rule-making authority provides clear and direct authority to ecology to revise the water quality standards.

Other Authority: 40 C.F.R. 131.20 requires states and tribes (with primacy for clean water actions) to periodically review and update the water quality standards.

Adopted under notice filed as WSR 18-15-073 on July 17, 2018.

Changes Other than Editing from Proposed to Adopted Version: The rule adopted differs from the rule proposed on July 17, 2018. Ecology made these changes:

- In response to comments we received during the formal comment period.
- To ensure clarity and consistency.

The following content describes the changes between the proposed and adopted rule language, and ecology's reasons for making them. New language is underlined, and deleted language is in strikethrough.

Example: New language

Example: ~~Deleted language~~

Change to WAC 173-201A-020: Ecology clarified the definition of "E. coli" in response to public comments.

Proposed rule language: No edit proposed.

Final rule language: "E. coli" or "Escherichia coli" is an aerobic and facultative gram-negative nonspore-forming rod shaped bacterium that can grow at 44.5 degrees Celsius that is ortho-nitrophenyl-B-D-galactopyranoside (ONPG) positive and Methylumbelliferyl glucuronide (MUG) positive is a bacterium in the family Enterobacteriaceae named Escherichia coli and is a common inhabitant of the intestinal tract of warm-blooded animals, and its presence in water samples is an indication of fecal pollution and the possible presence of enteric pathogens.

Change to WAC 173-201A-020: Ecology removed the proposed definition of "Effluent" in response to public comments.

Proposed rule language: "Effluent" refers to the discharge of chemical, physical, biological, or other constituents from point sources into surface waters.

Final rule language: Ecology removed the proposed definition.

Change to WAC 173-201A-200 (2)(b): Ecology made edits to the proposed rule language in response to public comments.

Proposed rule language: Water contact recreation bacteria criteria. Table 200 (2)(b) lists the bacteria criteria to protect water contact recreation in fresh waters. These criteria are based on Escherichia coli (E. coli) and fecal coliform organism levels, and expressed as colony forming units (CFU) or most probable number (MPN). Both bacterial indicators may be used to measure effluent discharge and ambient water quality conditions to determine compliance. The use of fecal coliform organism levels to determine compliance will expire December 31, 2020.

Final rule language: Water contact recreation bacteria criteria. Table 200 (2)(b) lists the bacteria criteria to protect water contact recreation in fresh waters. These criteria are based on Escherichia coli (E. coli) and fecal coliform organism levels, and expressed as colony forming units (CFU) or most probable number (MPN). The use of fecal coliform organism levels to determine compliance will expire December 31, 2020.

Change to WAC 173-201A-200 (2)(b)(iv): Ecology made edits to the proposed rule language in response to public comments.

Proposed rule language: ~~Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by the department.~~

Final rule language: Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by the department as described in WAC 173-201A-430.

Change to WAC 173-201A-210 (3)(b): Ecology made edits to the proposed rule language in response to public comments.

Proposed rule language: Water contact recreation bacteria criteria. Table 210 (3)(b) lists the bacteria criteria to protect water contact recreation in marine waters. These criteria are based on enterococci and fecal coliform organism levels, and expressed as colony forming units (CFU) or most probable number (MPN). Both bacterial indicators may be used to measure effluent discharge and ambient water quality conditions to determine compliance. The use of fecal coliform levels to determine compliance will expire December 31, 2020.

Final rule language: Water contact recreation bacteria criteria. Table 210 (3)(b) lists the bacteria criteria to protect water contact recreation in marine waters. These criteria are based on enterococci and fecal coliform organism levels, and expressed as colony forming units (CFU) or most probable number (MPN). The use of fecal coliform levels to determine compliance will expire December 31, 2020.

Change to WAC 173-201A-210 (3)(b)(i)(A): Ecology made edits to the proposed rule language in response to public comments.

Proposed rule language: Effluent bacteria samples: When averaging effluent bacteria sample values for comparison to the geometric mean criteria, or for determining compliance with effluent requirements, the averaging period shall be thirty days or less.

Final rule language: Effluent bacteria samples: When averaging effluent bacteria sample values for comparison to the geometric mean criteria, or for determining permit compliance, the averaging period shall be thirty days or less.

Change to WAC 173-201A-210 (3)(b)(iv): Ecology made edits to the proposed rule language in response to public comments.

Proposed rule language: ~~Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by the department.~~

Final rule language: Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by the department as described in WAC 173-201A-430.

Change to WAC 173-201A-602: Ecology modified the format of Table 602 to appear as a portrait-orientated table instead of images. Each area, or WRIA, in Table 602 appears as a stand-alone table, with any notes as text below the table. The hyphens following the waterbody name were bolded, and the first letter of the following word capitalized, per code reviser standards. The intent of these changes is to make Table 602 easier to read, and to make any necessary edits in future rule makings.

Change to WAC 173-201A-602 (WRIA 10 Puyallup-White): Based on a comment received from the Puyallup Tribe, ecology modified the text in Table 602 to include a note.

Proposed rule language: Note: This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species. See WAC 173-201A-200 (1)(c)(iv).

Final rule language: Notes for WRIA 10:

1. The Puyallup Tribe regulates water quality from the mouth of the Puyallup River to the up-river boundary of the 1873 Survey Area of the Puyallup Reservation.

2. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Change to WAC 173-201A-602 (WRIA 10 Puyallup-White): Based on a comment received from the Puyallup Tribe, ecology modified the text in Table 602 to include a note.

Proposed rule language: **Puyallup River:** upstream from the mouth (latitude 47.2685, longitude -122.4269) to river mile 1.0 (latitude 47.2562, longitude -122.4173).

Final rule language: **Puyallup River:** Upstream from the mouth (latitude 47.2685, longitude -122.4269) to river mile 1.0 (latitude 47.2562, longitude -122.4173).¹

Change to WAC 173-201A-602 (WRIA 10 Puyallup-White): Based on a comment received from the Puyallup Tribe, ecology modified the text in Table 602 to include a note.

Proposed rule language: **Puyallup River:** upstream from river mile 1.0 (latitude 47.2562, longitude -122.4173) to the confluence with White River (latitude 47.1999, longitude -122.2591).

Final rule language: **Puyallup River:** Upstream from river mile 1.0 (latitude 47.2562, longitude -122.4173) to the confluence with White River (latitude 47.1999, longitude -122.2591).¹

A final cost-benefit analysis is available by contacting Becca Conklin, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 360-407-6413, TTY 711, for deaf or hard of hearing 877-833-6341 (Washington relay service), email swqs@ecy.wa.gov, web site <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-201A-Aug17>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 8, Repealed 0; Federal Rules or Standards: New 0, Amended 8, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 23, 2019.

Maia D. Bellon
Director

AMENDATORY SECTION (Amending WSR 16-16-095, filed 8/1/16, effective 9/1/16)

WAC 173-201A-020 Definitions. The following definitions are intended to facilitate the use of chapter 173-201A WAC:

"1-DMax" or **"1-day maximum temperature"** is the highest water temperature reached on any given day. This measure can be obtained using calibrated maximum/minimum thermometers or continuous monitoring probes having sampling intervals of thirty minutes or less.

"7-DADMax" or **"7-day average of the daily maximum temperatures"** is the arithmetic average of seven consecutive measures of daily maximum temperatures. The 7-DADMax for any individual day is calculated by averaging that day's daily maximum temperature with the daily maximum temperatures of the three days prior and the three days after that date.

"Action value" means a total phosphorus (TP) value established at the upper limit of the trophic states in each ecoregion (see Table 230(1)). Exceedance of an action value indicates that a problem is suspected. A lake-specific study may be needed to confirm if a nutrient problem exists.

"Actions" refers broadly to any human projects or activities.

"Acute conditions" are changes in the physical, chemical, or biologic environment which are expected or demonstrated to result in injury or death to an organism as a result of short-term exposure to the substance or detrimental environmental condition.

"AKART" is an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART shall represent the most current methodology that can be reasonably required for preventing, controlling, or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution. The term "best management practices," typically applied to nonpoint source pollution controls is considered a subset of the AKART requirement.

"Ambient water quality" refers to the conditions and properties of a surface water of the state as determined by the results of water samples, measurements, or observations.

"Background" means the biological, chemical, and physical conditions of a water body, outside the area of influence of the discharge under consideration. Background sampling locations in an enforcement action would be up-gradient or outside the area of influence of the discharge. 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 up-gradient from each discharge.

"Best management practices (BMP)" means physical, structural, and/or managerial practices approved by the department that, when used singularly or in combination, prevent or reduce pollutant discharges.

"Biological assessment" is an evaluation of the biological condition of a water body using surveys of aquatic community structure and function and other direct measurements of resident biota in surface waters.

"Bog" means those wetlands that are acidic, peat forming, and whose primary water source is precipitation, with little, if any, outflow.

"Carcinogen" means any substance or agent that produces or tends to produce cancer in humans. For implementation of this chapter, the term carcinogen will apply to substances on the United States Environmental Protection Agency lists of A (known human) and B (probable human) carcinogens, and any substance which causes a significant increased incidence of benign or malignant tumors in a single, well conducted animal bioassay, consistent with the weight of evidence approach specified in the United States Environmental Protection Agency's Guidelines for Carcinogenic Risk Assessment as set forth in 51 FR 33992 et seq. as presently published or as subsequently amended or republished.

"Chronic conditions" are changes in the physical, chemical, or biologic environment which are expected or demonstrated to result in injury or death to an organism as a result of repeated or constant exposure over an extended period of time to a substance or detrimental environmental condition.

"Combined sewer overflow (CSO) treatment plant" is a facility that provides at-site treatment as provided for in chapter 173-245 WAC. A CSO treatment plant is a specific facility identified in a department-approved CSO reduction plan (long-term control plan) that is designed, operated and controlled by a municipal utility to capture and treat excess combined sanitary sewage and stormwater from a combined sewer system.

"Compliance schedule" or "schedule of compliance" is a schedule of remedial measures included in a permit or an order, including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with an effluent limit, other prohibition, or standard.

"Created wetlands" means those wetlands intentionally created from nonwetland sites to produce or replace natural wetland habitat.

"Critical condition" is when the physical, chemical, and biological characteristics of the receiving water environment interact with the effluent to produce the greatest potential adverse impact on aquatic biota and existing or designated water uses. For steady-state discharges to riverine systems the critical condition may be assumed to be equal to the 7Q10 flow event unless determined otherwise by the department.

"Damage to the ecosystem" means any demonstrated or predicted stress to aquatic or terrestrial organisms or communities of organisms which the department reasonably concludes may interfere in the health or survival success or natural structure of such populations. This stress may be due to, but is not limited to, alteration in habitat or changes in water temperature, chemistry, or turbidity, and shall consider the potential build up of discharge constituents or temporal increases in habitat alteration which may create such stress in the long term.

"Department" means the state of Washington department of ecology.

"Designated uses" are those uses specified in this chapter for each water body or segment, regardless of whether or not the uses are currently attained.

"Director" means the director of the state of Washington department of ecology.

"Drainage ditch" means that portion of a designed and constructed conveyance system that serves the purpose of transporting surplus water; this may include natural water courses or channels incorporated in the system design, but does not include the area adjacent to the water course or channel.

"Ecoregions" are defined using EPA's *Ecoregions of the Pacific Northwest* Document No. 600/3-86/033 July 1986 by Omernik and Gallant.

"Enterococci" refers to a subgroup of fecal streptococci that includes *S. faecalis*, *S. faecium*, *S. gallinarum*, and *S. avium*. The enterococci are differentiated from other streptococci by their ability to grow in 6.5% sodium chloride, at pH 9.6, and at 10°C and 45°C.

"E. coli" (~~(or "*Escherichia coli*" is an aerobic and facultative gram negative nonspore forming rod shaped bacterium that can grow at 44.5 degrees Celsius that is ortho nitrophenyl B-D galactopyranoside (ONPG) positive and Methylumbelliferyl glucuronide (MUG) positive))~~ is a bacterium in the family Enterobacteriaceae named *Escherichia coli* and is a common inhabitant of the intestinal tract of warm-blooded animals, and its presence in water samples is an indication of fecal pollution and the possible presence of enteric pathogens.

"Existing uses" means those uses actually attained in fresh or marine waters on or after November 28, 1975, whether or not they are designated uses. Introduced species that are not native to Washington, and put-and-take fisheries comprised of nonself-replicating introduced native species, do not need to receive full support as an existing use.

~~("Extraordinary primary contact" means waters providing extraordinary protection against waterborne disease or that serve as tributaries to extraordinary quality shellfish harvesting areas.)~~

"Fecal coliform" means 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 twenty-four hours at 44.5 plus or minus 0.2 degrees Celsius.

"Geometric mean" means either the nth root of a product of n factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.

"Ground water exchange" means the discharge and recharge of ground water to a surface water. Discharge is inflow from an aquifer, seeps or springs that increases the available supply of surface water. Recharge is outflow down-gradient to an aquifer or downstream to surface water for base flow maintenance. Exchange may include ground water discharge in one season followed by recharge later in the year.

"Hardness" means a measure of the calcium and magnesium salts present in water. For purposes of this chapter, hardness is measured in milligrams per liter and expressed as calcium carbonate (CaCO₃).

"Intake credit" is a procedure for establishing effluent limits that takes into account the amount of a pollutant that is present in waters of the state, at the time water is removed from the same body of water by the discharger or other facility supplying the discharger with intake water.

"Irrigation ditch" means that portion of a designed and constructed conveyance system that serves the purpose of transporting irrigation water from its supply source to its place of use; this may include natural water courses or channels incorporated in the system design, but does not include the area adjacent to the water course or channel.

"Lakes" shall be distinguished from riverine systems as being water bodies, including reservoirs, with a mean detention time of greater than fifteen days.

"Lake-specific study" means a study intended to quantify existing nutrient concentrations, determine existing characteristic uses for lake class waters, and potential lake uses. The study determines how to protect these uses and if any uses are lost or impaired because of nutrients, algae, or aquatic plants. An appropriate study must recommend a criterion for total phosphorus (TP), total nitrogen (TN) in µg/l, or other nutrient that impairs characteristic uses by causing excessive algae blooms or aquatic plant growth.

"Mean detention time" means the time obtained by dividing a reservoir's mean annual minimum total storage by the thirty-day ten-year low-flow from the reservoir.

"Migration" or **"translocation"** means any natural movement of an organism or community of organisms from one locality to another locality.

"Mixing zone" means that portion of a water body adjacent to an effluent outfall where mixing results in the dilution of the effluent with the receiving water. Water quality criteria may be exceeded in a mixing zone as conditioned and provided for in WAC 173-201A-400.

"Natural conditions" or **"natural background levels"** means surface water quality that was present before any human-caused pollution. When estimating natural conditions in the headwaters of a disturbed watershed it may be necessary to use the less disturbed conditions of a neighboring or similar watershed as a reference condition. (See also WAC 173-201A-260(1).)

"New or expanded actions" mean human actions that occur or are regulated for the first time, or human actions expanded such that they result in an increase in pollution, after July 1, 2003, for the purpose of applying this chapter only.

"Nonpoint source" means pollution that enters any waters of the state from any dispersed land-based or water-based activities including, but not limited to, atmospheric deposition; surface water runoff from agricultural lands, urban areas, or forest lands; subsurface or underground sources; or discharges from boats or marine vessels not otherwise regulated under the National Pollutant Discharge Elimination System program.

"Permit" means a document issued pursuant to chapter 90.48 RCW specifying the waste treatment and control requirements and waste discharge conditions.

"pH" means the negative logarithm of the hydrogen ion concentration.

"Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

"Primary contact recreation" means 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.

~~("Secondary contact recreation" means activities where a person's water contact would be limited (e.g., wading or fishing) to the extent that bacterial infections of eyes, ears, respiratory or digestive systems, or urogenital areas would normally be avoided.)~~

"Shoreline stabilization" means the anchoring of soil at the water's edge, or in shallow water, by fibrous plant root complexes; this may include long-term accretion of sediment or peat, along with shoreline progradation in such areas.

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface water body, or a constructed infiltration facility.

"Stormwater attenuation" means the process by which peak flows from precipitation are reduced and runoff velocities are slowed as a result of passing through a surface water body.

"Surface waters of the state" includes lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands and all other surface waters and water courses within the jurisdiction of the state of Washington.

"Temperature" means water temperature expressed in degrees Celsius (°C).

"Treatment wetlands" means those wetlands intentionally constructed on nonwetland sites and managed for the primary purpose of wastewater or stormwater treatment. Treatment wetlands are considered part of a collection and treatment system, and generally are not subject to the criteria of this chapter.

"Trophic state" means a classification of the productivity of a lake ecosystem. Lake productivity depends on the amount of biologically available nutrients in water and sediments and may be based on total phosphorus (TP). Secchi depth and chlorophyll-a measurements may be used to improve the trophic state classification of a lake. Trophic states used in this rule include, from least to most nutrient rich, ultra-oligotrophic, oligotrophic, lower mesotrophic, upper mesotrophic, and eutrophic.

"Turbidity" means the clarity of water expressed as nephelometric turbidity units (NTU) and measured with a calibrated turbidimeter.

"Upwelling" means the natural process along Washington's Pacific Coast where the summer prevailing northerly winds produce a seaward transport of surface water. Cold,

deeper more saline waters rich in nutrients and low in dissolved oxygen, rise to replace the surface water. The cold oxygen deficient water enters Puget Sound and other coastal estuaries at depth where it displaces the existing deep water and eventually rises to replace the surface water. Such surface water replacement results in an overall increase in salinity and nutrients accompanied by a depression in dissolved oxygen. Localized upwelling of the deeper water of Puget Sound can occur year-round under influence of tidal currents, winds, and geomorphic features.

"USEPA" means the United States Environmental Protection Agency.

"Variance" is a time-limited designated use and criterion as defined in 40 C.F.R. 131.3, and must be adopted by rule.

"Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands. (Water bodies not included in the definition of wetlands as well as those mentioned in the definition are still waters of the state.)

"Wildlife habitat" means waters of the state used by, or that directly or indirectly provide food support to, fish, other aquatic life, and wildlife for any life history stage or activity.

AMENDATORY SECTION (Amending WSR 11-09-090, filed 4/20/11, effective 5/21/11)

WAC 173-201A-200 Fresh water designated uses and criteria. The following uses are designated for protection in fresh surface waters of the state. Use designations for water bodies are listed in WAC 173-201A-600 and 173-201A-602.

(1) **Aquatic life uses.** Aquatic life uses are designated based on the presence of, or the intent to provide protection for, the key uses identified in (a) of this subsection. It is required that all indigenous fish and nonfish aquatic species be protected in waters of the state in addition to the key species described below.

(a) The categories for aquatic life uses are:

(i) **Char spawning and rearing.** The key identifying characteristics of this use are spawning or early juvenile rearing by native char (bull trout and Dolly Varden), or use by other aquatic species similarly dependent on such cold water. Other common characteristic aquatic life uses for waters in this category include summer foraging and migration of native char; and spawning, rearing, and migration by other salmonid species.

(ii) **Core summer salmonid habitat.** The key identifying characteristics of this use are summer (June 15 - September 15) salmonid spawning or emergence, or adult holding; use as important summer rearing habitat by one or more salmonids; or foraging by adult and subadult native char. Other common characteristic aquatic life uses for waters in this category include spawning outside of the summer season, rearing, and migration by salmonids.

(iii) **Salmonid spawning, rearing, and migration.** The key identifying characteristic of this use is salmon or trout spawning and emergence that only occurs outside of the summer season (September 16 - June 14). Other common characteristic aquatic life uses for waters in this category include rearing and migration by salmonids.

(iv) **Salmonid rearing and migration only.** The key identifying characteristic of this use is use only for rearing or migration by salmonids (not used for spawning).

(v) **Non-anadromous interior redband trout.** For the protection of waters where the only trout species is a non-anadromous form of self-reproducing interior redband trout (*O. mykiss*), and other associated aquatic life.

(vi) **Indigenous warm water species.** For the protection of waters where the dominant species under natural conditions would be temperature tolerant indigenous nonsalmonid species. Examples include dace, redband shiner, chiselmouth, sucker, and northern pikeminnow.

(b) **General criteria.** General criteria that apply to all aquatic life fresh water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(c) **Aquatic life temperature criteria.** Except where noted, water temperature is measured by the 7-day average of the daily maximum temperatures (7-DADMax). Table 200 (1)(c) lists the temperature criteria for each of the aquatic life use categories.

**Table 200 (1)(c)
Aquatic Life Temperature Criteria in Fresh Water**

Category	Highest 7-DADMax
Char Spawning and Rearing*	12°C (53.6°F)
Core Summer Salmonid Habitat*	16°C (60.8°F)
Salmonid Spawning, Rearing, and Migration*	17.5°C (63.5°F)
Salmonid Rearing and Migration Only	17.5°C (63.5°F)
Non-anadromous Interior Redband Trout	18°C (64.4°F)
Indigenous Warm Water Species	20°C (68°F)

*Note: Some streams have a more stringent temperature criterion that is applied seasonally to further protect salmonid spawning and egg incubation. See (c)(B)(iv) of this subsection.

(i) When a water body's temperature is warmer than the criteria in Table 200 (1)(c) (or within 0.3°C (0.54°F) of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the 7-

DADMax temperature of that water body to increase more than 0.3°C (0.54°F).

(ii) When the background condition of the water is cooler than the criteria in Table 200 (1)(c), the allowable rate of warming up to, but not exceeding, the numeric criteria from human actions is restricted as follows:

(A) Incremental temperature increases resulting from individual point source activities must not, at any time, exceed 28/(T+7) as measured at the edge of a mixing zone boundary (where "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge); and

(B) Incremental temperature increases resulting from the combined effect of all nonpoint source activities in the water body must not, at any time, exceed 2.8°C (5.04°F).

(iii) Temperatures are not to exceed the criteria at a probability frequency of more than once every ten years on average.

(iv) Spawning and incubation protection. The department has identified waterbodies, or portions thereof, which require special protection for spawning and incubation in ecology publication 06-10-038 (also available on ecology's web site at (www.ecy.wa.gov)) www.ecology.wa.gov). This publication indicates where and when the following criteria are to be applied to protect the reproduction of native char, salmon, and trout:

- Maximum 7-DADMax temperatures of 9°C (48.2°F) at the initiation of spawning and at fry emergence for char; and
- Maximum 7-DADMax temperatures of 13°C (55.4°F) at the initiation of spawning for salmon and at fry emergence for salmon and trout.

The two criteria above are protective of incubation as long as human actions do not significantly disrupt the normal patterns of fall cooling and spring warming that provide significantly colder temperatures over the majority of the incubation period.

(v) For lakes, human actions considered cumulatively may not increase the 7-DADMax temperature more than 0.3°C (0.54°F) above natural conditions.

(vi) Temperature measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should:

- (A) Be taken from well mixed portions of rivers and streams; and
- (B) Not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(vii) The department will incorporate the following guidelines on preventing acute lethality and barriers to migration of salmonids into determinations of compliance with the narrative requirements for use protection established in this chapter (e.g., WAC 173-201A-310(1), 173-201A-400(4), and 173-201A-410 (1)(c)). The following site-level considerations do not, however, override the temperature criteria established for waters in subsection (1)(c) of this section or WAC 173-201A-600 through 173-201A-602:

(A) Moderately acclimated (16-20°C, or 60.8-68°F) adult and juvenile salmonids will generally be protected from acute lethality by discrete human actions maintaining the 7-

DADMax temperature at or below 22°C (71.6°F) and the 1-day maximum (1-DMax) temperature at or below 23°C (73.4°F).

(B) Lethality to developing fish embryos can be expected to occur at a 1-DMax temperature greater than 17.5°C (63.5°F).

(C) To protect aquatic organisms, discharge plume temperatures must be maintained such that fish could not be entrained (based on plume time of travel) for more than two seconds at temperatures above 33°C (91.4°F) to avoid creating areas that will cause near instantaneous lethality.

(D) Barriers to adult salmonid migration are assumed to exist any time the 1-DMax temperature is greater than 22°C (71.6°F) and the adjacent downstream water temperatures are 3°C (5.4°F) or more cooler.

(viii) 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 33 U.S.C. 1326 (commonly known as section 316 of the Clean Water Act).

(d) **Aquatic life dissolved oxygen (D.O.) criteria.** The D.O. criteria are measured in milligrams per liter (mg/L). Table 200 (1)(d) lists the 1-day minimum D.O. for each of the aquatic life use categories.

Table 200 (1)(d)

Aquatic Life Dissolved Oxygen Criteria in Fresh Water

Category	Lowest 1-Day Minimum
Char Spawning and Rearing	9.5 mg/L
Core Summer Salmonid Habitat	9.5 mg/L
Salmonid Spawning, Rearing, and Migration	8.0 mg/L
Salmonid Rearing and Migration Only	6.5 mg/L
Non-anadromous Interior Red-band Trout	8.0 mg/L
Indigenous Warm Water Species	6.5 mg/L

(i) When a water body's D.O. is lower than the criteria in Table 200 (1)(d) (or within 0.2 mg/L of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the D.O. of that water body to decrease more than 0.2 mg/L.

(ii) For lakes, human actions considered cumulatively may not decrease the dissolved oxygen concentration more than 0.2 mg/L below natural conditions.

(iii) Concentrations of D.O. are not to fall below the criteria in the table at a probability frequency of more than once every ten years on average.

(iv) D.O. measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should:

- (A) Be taken from well mixed portions of rivers and streams; and

(B) Not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(e) **Aquatic life turbidity criteria.** Turbidity is measured in "nephelometric turbidity units" or "NTUs." Table 200 (1)(e) lists the maximum turbidity criteria for each of the aquatic life use categories.

**Table 200 (1)(e)
Aquatic Life Turbidity Criteria in Fresh Water**

Category	NTUs
Char Spawning and Rearing	Turbidity shall not exceed: <ul style="list-style-type: none"> • 5 NTU over background when the background is 50 NTU or less; or • A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
Core Summer Salmonid Habitat	Same as above.
Salmonid Spawning, Rearing, and Migration Salmonid Rearing and Migration Only	Same as above. Turbidity shall not exceed: <ul style="list-style-type: none"> • 10 NTU over background when the background is 50 NTU or less; or • A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.
Non-anadromous Interior Redband Trout	Turbidity shall not exceed: <ul style="list-style-type: none"> • 5 NTU over background when the background is 50 NTU or less; or • A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
Indigenous Warm Water Species	Turbidity shall not exceed: <ul style="list-style-type: none"> • 10 NTU over background when the background is 50 NTU or less; or • A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.

(i) The turbidity criteria established under WAC 173-201A-200 (1)(e) shall be modified, without specific written authorization from the department, to allow a temporary area of mixing during and immediately after necessary in-water

construction activities that result in the disturbance of in-place sediments. This temporary area of mixing is subject to the constraints of WAC 173-201A-400 (4) and (6) and can occur only after the activity has received all other necessary local and state permits and approvals, and after the implementation of appropriate best management practices to avoid or minimize disturbance of in-place sediments and exceedances of the turbidity criteria. A temporary area of mixing shall be as follows:

(A) For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from the activity causing the turbidity exceedance.

(B) For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream of the activity causing the turbidity exceedance.

(C) For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream of the activity causing the turbidity exceedance.

(D) For projects working within or along lakes, ponds, wetlands, or other nonflowing waters, the point of compliance shall be at a radius of one hundred fifty feet from the activity causing the turbidity exceedance.

(f) **Aquatic life total dissolved gas (TDG) criteria.** TDG is measured in percent saturation. Table 200 (1)(f) lists the maximum TDG criteria for each of the aquatic life use categories.

**Table 200 (1)(f)
Aquatic Life Total Dissolved Gas Criteria in Fresh Water**

Category	Percent Saturation
Char Spawning and Rearing	Total dissolved gas shall not exceed 110 percent of saturation at any point of sample collection.
Core Summer Salmonid Habitat	Same as above.
Salmonid Spawning, Rearing, and Migration	Same as above.
Salmonid Rearing and Migration Only	Same as above.
Non-anadromous Interior Redband Trout	Same as above.
Indigenous Warm Water Species	Same as above.

(i) The water quality criteria established in this chapter for TDG shall not apply when the stream flow exceeds the seven-day, ten-year frequency flood.

(ii) The TDG criteria may be adjusted to aid fish passage over hydroelectric dams when consistent with a department approved gas abatement plan. This plan must be accompanied by fisheries management and physical and biological monitoring plans. The elevated TDG levels are intended to allow increased fish passage without causing more harm to fish populations than caused by turbine fish passage. The following special fish passage exemptions for the Snake and

Columbia rivers apply when spilling water at dams is necessary to aid fish passage:

- TDG must not exceed an average of one hundred fifteen percent as measured in the forebays of the next downstream dams and must not exceed an average of one hundred twenty percent as measured in the tailraces of each dam (these averages are measured as an average of the twelve highest consecutive hourly readings in any one day, relative to atmospheric pressure); and

- A maximum TDG one hour average of one hundred twenty-five percent must not be exceeded during spillage for fish passage.

(g) **Aquatic life pH criteria.** Measurement of pH is expressed as the negative logarithm of the hydrogen ion concentration. Table 200 (1)(g) lists the pH levels for each of the aquatic life use categories.

**Table 200 (1)(g)
Aquatic Life pH Criteria in Fresh Water**

Use Category	pH Units
Char Spawning and Rearing	pH shall be within the range of 6.5 to 8.5, with a human-caused variation within the above range of less than 0.2 units.
Core Summer Salmonid Habitat	Same as above.
Salmonid Spawning, Rearing, and Migration	pH shall be within the range of 6.5 to 8.5 with a human-caused variation within the above range of less than 0.5 units.
Salmonid Rearing and Migration Only	Same as above.
Non-anadromous Interior Redband Trout	Same as above.
Indigenous Warm Water Species	Same as above.

(2) **Recreational uses.** The recreational ~~((uses are extraordinary primary contact recreation;))~~ use is primary contact recreation ~~((; and secondary contact recreation))~~.

(a) **General criteria.** General criteria that apply to fresh water recreational uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(b) **Water contact recreation bacteria criteria.** Table 200 (2)(b) lists the bacteria criteria to protect water contact recreation in fresh waters. These criteria are based on *Escherichia coli* (*E. coli*) and fecal coliform organism levels, and expressed as colony forming units (CFU) or most probable number (MPN). The use of fecal coliform organism levels to determine compliance will expire December 31, 2020.

**Table 200 (2)(b)
~~((Water))~~ Primary Contact Recreation Bacteria Criteria in Fresh Water**

((Category)) Bacterial Indicator	((Bacteria Indicator)) Criteria
((Extraordinary Primary Contact Recreation))	Fecal coliform organism levels must not exceed a geometric mean value of 50 colonies/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 100 colonies/100 mL.)
<i>E. coli</i>	<i>E. coli</i> organism levels within an averaging period must not exceed a geometric mean value of 100 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained within the averaging period exceeding 320 CFU or MPN per 100 mL.
((Primary Contact Recreation)) <u>Fecal coliform</u> <u>(expires 12/31/2020)</u>	Fecal coliform organism levels <u>within an averaging period</u> must not exceed a geometric mean value of 100 ((colonies/100)) CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained ((for calculating the geometric mean value)) <u>within an averaging period</u> exceeding 200 ((colonies/100)) CFU or MPN per 100 mL.
((Secondary Contact Recreation))	Fecal coliform organism levels must not exceed a geometric mean value of 200 colonies/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 400 colonies/100 mL.)

(i) ~~((When averaging bacteria sample data for comparison to the geometric mean criteria, it is preferable to average by season and include five or more data collection events within each period. Averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, is not permitted when such averaging would skew the data set so as to mask noncompliance periods. The period of averaging should not exceed twelve months, and should have sample collection dates well distributed throughout the reporting period.))~~ A minimum of three samples is required to calculate a geometric mean for comparison to the geometric mean criteria. Sample collection dates shall be

well distributed throughout the averaging period so as not to mask noncompliance periods.

(A) Effluent bacteria samples: When averaging effluent bacteria sample values for comparison to the geometric mean criteria, or for determining permit compliance, the averaging period shall be thirty days or less.

(B) Ambient water quality samples: When averaging bacteria sample values for comparison to the geometric mean criteria, it is preferable to average by season. The averaging period of bacteria sample data shall be ninety days or less.

(ii) When determining compliance with the bacteria criteria in or around small sensitive areas, such as swimming beaches, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically averaged together (to reduce concerns with low bias when the data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(iii) As determined necessary by the department, more stringent bacteria criteria may be established for rivers and streams that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas, even when the preassigned bacteria criteria for the river or stream are being met.

(iv) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis ((by the department)) as described in WAC 173-201A-430.

(3) **Water supply uses.** The water supply uses are domestic, agricultural, industrial, and stock watering.

General criteria. General criteria that apply to the water supply uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (a) Toxic, radioactive, and deleterious materials; and
- (b) Aesthetic values.

(4) **Miscellaneous uses.** The miscellaneous fresh water uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.

General criteria. General criteria that apply to miscellaneous fresh water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (a) Toxic, radioactive, and deleterious materials; and
- (b) Aesthetic values.

AMENDATORY SECTION (Amending WSR 11-09-090, filed 4/20/11, effective 5/21/11)

WAC 173-201A-210 Marine water designated uses and criteria. The following uses are designated for protection in marine surface waters of the state of Washington. Use designations for specific water bodies are listed in WAC 173-201A-612.

(1) **Aquatic life uses.** Aquatic life uses are designated using the following general categories. It is required that all indigenous fish and nonfish aquatic species be protected in waters of the state.

(a) **The categories for aquatic life uses are:**

(i) **Extraordinary quality** salmonid and other fish migration, rearing, and spawning; clam, oyster, and mussel

rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

(ii) **Excellent quality** salmonid and other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

(ii) **Good quality** salmonid migration and rearing; other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.

(iv) **Fair quality** salmonid and other fish migration.

(b) **General criteria.** General criteria that apply to aquatic life marine water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(c) **Aquatic life temperature criteria.** Except where noted, temperature is measured as a 1-day maximum temperature (1-DMax). Table 210 (1)(c) lists the temperature criteria for each of the aquatic life use categories.

**Table 210 (1)(c)
Aquatic Life Temperature Criteria in Marine Water**

Category	Highest 1-DMax
<i>Extraordinary quality</i>	13°C (55.4°F)
<i>Excellent quality</i>	16°C (60.8°F)
<i>Good quality</i>	19°C (66.2°F)
<i>Fair quality</i>	22°C (71.6°F)

(i) When a water body's temperature is warmer than the criteria in Table 210 (1)(c) (or within 0.3°C (0.54°F) of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the 7-DADMax temperature of that water body to increase more than 0.3°C (0.54°F).

(ii) When the natural condition of the water is cooler than the criteria in Table 210 (1)(c), the allowable rate of warming up to, but not exceeding, the numeric criteria from human actions is restricted as follows:

(A) Incremental temperature increases resulting from individual point source activities must not, at any time, exceed 12/(T-2) as measured at the edge of a mixing zone boundary (where "T" represents the background temperature as measured at a point or points unaffected by the discharge and representative of the highest ambient water temperature in the vicinity of the discharge); and

(B) Incremental temperature increases resulting from the combined effect of all nonpoint source activities in the water body must not, at any time, exceed 2.8°C (5.04°F).

(ii) Temperatures are not to exceed the criteria at a probability frequency of more than once every ten years on average.

(iv) Temperature measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(v) The department will incorporate the following guidelines on preventing acute lethality and barriers to migration

of salmonids into determinations of compliance with the narrative requirements for use protection established in this chapter (e.g., WAC 173-201A-310(1), 173-201A-400(4), and 173-201A-410 (1)(c)). The following site-level considerations do not, however, override the temperature criteria established for waters in subsection (1)(c) of this subsection or WAC 173-201A-612:

(A) Moderately acclimated (16-20°C, or 60.8-68°F) adult and juvenile salmonids will generally be protected from acute lethality by discrete human actions maintaining the 7-DADMax temperature at or below 22°C (71.6°F) and the 1-DMax temperature at or below 23°C (73.4°F).

(B) Lethality to developing fish embryos can be expected to occur at a 1-DMax temperature greater than 17.5°C (63.5°F).

(C) To protect aquatic organisms, discharge plume temperatures must be maintained such that fish could not be entrained (based on plume time of travel) for more than two seconds at temperatures above 33°C (91.4°F) to avoid creating areas that will cause near instantaneous lethality.

(D) Barriers to adult salmonid migration are assumed to exist any time the 1-DMax temperature is greater than 22°C (71.6°F) and the adjacent downstream water temperatures are 3°C (5.4°F) or more cooler.

(vi) 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 33 U.S.C. 1326 (commonly known as section 316 of the Clean Water Act).

(d) **Aquatic life dissolved oxygen (D.O.) criteria.** Except where noted, D.O. concentrations are measured as a 1-day minimum in milligrams per liter. Table 210 (1)(d) lists the D.O. criteria for each of the aquatic life use categories.

Table 210 (1)(d)

Aquatic Life Dissolved Oxygen Criteria in Marine Water

Category	Lowest 1-Day Minimum
<i>Extraordinary quality</i>	7.0 mg/L
<i>Excellent quality</i>	6.0 mg/L
<i>Good quality</i>	5.0 mg/L
<i>Fair quality</i>	4.0 mg/L

(i) When a water body's D.O. is lower than the criteria in Table 210 (1)(d) (or within 0.2 mg/L of the criteria) and that condition is due to natural conditions, then human actions considered cumulatively may not cause the D.O. of that water body to decrease more than 0.2 mg/L.

(ii) Concentrations of D.O. are not to fall below the criteria in the table at a probability frequency of more than once every ten years on average.

(iii) D.O. measurements should be taken to represent the dominant aquatic habitat of the monitoring site. This typically means samples should not be taken from shallow stagnant backwater areas, within isolated thermal refuges, at the surface, or at the water's edge.

(e) **Aquatic life turbidity criteria.** Turbidity is measured in "nephelometric turbidity units" or "NTUs." Table 210 (1)(e) lists the one-day maximum turbidity allowed as a

result of human actions for each of the aquatic life use categories.

Table 210 (1)(e)

Aquatic Life Turbidity Criteria in Marine Water

Category	NTUs
<i>Extraordinary quality</i>	Turbidity must not exceed: • 5 NTU over background when the background is 50 NTU or less; or • A 10 percent increase in turbidity when the background turbidity is more than 50 NTU.
<i>Excellent quality</i>	Same as above.
<i>Good quality</i>	Turbidity must not exceed: • 10 NTU over background when the background is 50 NTU or less; or • A 20 percent increase in turbidity when the background turbidity is more than 50 NTU.
<i>Fair quality</i>	Same as above.

(i) The turbidity criteria established under WAC 173-201A-210 (1)(e) shall be modified, without specific written authorization from the department, to allow a temporary area of mixing during and immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. This temporary area of mixing is subject to the constraints of WAC 173-201A-400 (4) and (6) and can occur only after the activity has received all other necessary local and state permits and approvals, and after the implementation of appropriate best management practices to avoid or minimize disturbance of in-place sediments and exceedances of the turbidity criteria. For estuaries or marine waters, the point of compliance for a temporary area of mixing shall be at a radius of one hundred fifty feet from the activity causing the turbidity exceedance.

(f) **Aquatic life pH criteria.** Measurement of pH is expressed as the negative logarithm of the hydrogen ion concentration. Table 210 (1)(f) lists the pH levels allowed as a result of human actions for each of the aquatic life use categories.

Table 210 (1)(f)

Aquatic Life pH Criteria in Marine Water

Use Category	pH Units
<i>Extraordinary quality</i>	pH must be within the range of 7.0 to 8.5 with a human-caused variation within the above range of less than 0.2 units.

Use Category	pH Units
<i>Excellent quality</i>	pH must be within the range of 7.0 to 8.5 with a human-caused variation within the above range of less than 0.5 units.
<i>Good quality</i>	Same as above.
<i>Fair quality</i>	pH must be within the range of 6.5 to 9.0 with a human-caused variation within the above range of less than 0.5 units.

(2) **Shellfish harvesting.**

(a) **General criteria.** General criteria that apply to shellfish harvesting uses for marine water are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(b) **Shellfish harvesting bacteria criteria.** ~~((To protect shellfish harvesting, fecal coliform organism levels))~~ Fecal coliform organism levels are used to protect shellfish harvesting. Criteria are expressed as colony forming units (CFU) or most probable number (MPN). Fecal coliform must not exceed a geometric mean value of 14 ((colonies/400)) CFU or MPN per 100 mL, and not have more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 43 ((colonies/400)) CFU or MPN per 100 mL.

(i) Shellfish growing areas approved for unconditional harvest by the state department of health are fully supporting the shellfish harvest goals of this chapter, even when comparison with the criteria contained in this chapter suggest otherwise.

(ii) When averaging bacteria sample data for comparison to the geometric mean criteria, it is preferable to average by season and include five or more data collection events within each period. Averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, is not permitted when such averaging would skew the data set so as to mask noncompliance periods. The period of averaging should not exceed twelve months, and should have sample collection dates well distributed throughout the reporting period.

(iii) When determining compliance with the bacteria criteria in or around small sensitive areas, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically averaged together (to reduce concerns with low bias when the data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(iv) As determined necessary by the department, more stringent bacteria criteria may be established for waters that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas, even when the preassigned bacteria criteria for the water ~~((is))~~ are being met.

(v) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis by the department.

(3) **Recreational uses.** The recreational ~~((uses are))~~ use is primary contact recreation ((and secondary contact recreation)).

(a) **General criteria.** General criteria that apply to water contact uses for marine water are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (i) Toxic, radioactive, and deleterious materials; and
- (ii) Aesthetic values.

(b) **Water contact recreation bacteria criteria.** Table 210 (3)(b) lists the bacteria criteria to protect water contact recreation in marine waters. ~~These criteria are based on enterococci and fecal coliform organism levels, and expressed as colony forming units (CFU) or most probable number (MPN). The use of fecal coliform levels to determine compliance will expire December 31, 2020.~~

Table 210 (3)(b)

~~((Water))~~ **Primary Contact Recreation Bacteria Criteria in Marine Water**

((Category)) Bacterial Indicator	((Bacteria Indicator)) Criteria
Enterococci	<u>Enterococci organism levels within an averaging period must not exceed a geometric mean value of 30 CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample values exist) obtained within the averaging period exceeding 110 CFU or MPN per 100 mL.</u>
((Primary Contact Recreation)) <u>Fecal coliform (expires 12/31/2020)</u>	<u>Fecal coliform organism levels within an averaging period must not exceed a geometric mean value of 14 ((colonies/400)) CFU or MPN per 100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained ((for calculating the geometric mean value)) within an averaging period exceeding 43 ((colonies/400)) CFU or MPN per 100 mL.</u>
((Secondary Contact Recreation))	<u>Enterococci organism levels must not exceed a geometric mean value of 70 colonies/100 mL, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 208 colonies/100 mL.)</u>

(i) ~~((When averaging bacteria sample data for comparison to the geometric mean criteria, it is preferable to average by season and include five or more data collection events within each period. Averaging of data collected beyond a thirty-day period, or beyond a specific discharge event under investigation, is not permitted when such averaging would skew the data set so as to mask noncompliance periods. The period of averaging should not exceed twelve months, and should have sample collection dates well distributed throughout the reporting period.))~~ A minimum of three samples is required to calculate a geometric mean for comparison to the geometric mean criterion. Sample collection dates shall be well distributed throughout the averaging period so as not to mask noncompliance periods.

(A) Effluent bacteria samples: When averaging effluent bacteria sample values for comparison to the geometric mean criteria, or for determining permit compliance, the averaging period shall be thirty days or less.

(B) Ambient water quality samples: When averaging ambient bacteria sample values for comparison to the geometric mean criteria, it is preferable to average by season. The averaging period of bacteria sample data shall be ninety days or less.

(ii) When determining compliance with the bacteria criteria in or around small sensitive areas, such as swimming beaches, it is recommended that multiple samples are taken throughout the area during each visit. Such multiple samples should be arithmetically averaged together (to reduce concerns with low bias when the data is later used in calculating a geometric mean) to reduce sample variability and to create a single representative data point.

(iii) As determined necessary by the department, more stringent bacteria criteria may be established for waters that cause, or significantly contribute to, the decertification or conditional certification of commercial or recreational shellfish harvest areas, even when the preassigned bacteria criteria for the water ~~((is))~~ are being met.

(iv) Where information suggests that sample results are due primarily to sources other than warm-blooded animals (e.g., wood waste), alternative indicator criteria may be established on a site-specific basis ~~((by the department))~~ as described in WAC 173-201A-430.

(4) **Miscellaneous uses.** The miscellaneous marine water uses are wildlife habitat, harvesting, commerce and navigation, boating, and aesthetics.

General criteria. General criteria that apply in miscellaneous marine water uses are described in WAC 173-201A-260 (2)(a) and (b), and are for:

- (a) Toxic, radioactive, and deleterious materials; and
- (b) Aesthetic values.

AMENDATORY SECTION (Amending WSR 03-14-129, filed 7/1/03, effective 8/1/03)

WAC 173-201A-320 Tier II—Protection of waters of higher quality than the standards. (1) Whenever a water quality constituent is of a higher quality than a criterion designated for that water under this chapter, new or expanded actions within the categories identified in subsection (2) of this section that are expected to cause a measurable change in

the quality of the water (see subsection (3) of this section) may not be allowed unless the department determines that the lowering of water quality is necessary and in the overriding public interest (see subsection (4) of this section).

(2) A Tier II review will only be conducted for new or expanded actions conducted under the following authorizations. Public involvement with the Tier II review will be conducted in accordance with the public involvement processes associated with these actions.

(a) National Pollutant Discharge Elimination System (NPDES) waste discharge permits;

(b) State waste discharge permits to surface waters;

(c) Federal Clean Water Act Section 401 water quality certifications; and

(d) Other water pollution control programs authorized, implemented, or administered by the department.

(3) **Definition of measurable change.** To determine that a lowering of water quality is necessary and in the overriding public interest, an analysis must be conducted for new or expanded actions when the resulting action has the potential to cause a measurable change in the physical, chemical, or biological quality of a water body. Measurable changes will be determined based on an estimated change in water quality at a point outside the source area, after allowing for mixing consistent with WAC 173-201A-400(7). In the context of this regulation, a measurable change includes a:

(a) Temperature increase of 0.3°C or greater;

(b) Dissolved oxygen decrease of 0.2 mg/L or greater;

(c) Bacteria level increase of 2 ~~((cfu/))~~ CFU or MPN per 100 mL or greater;

(d) pH change of 0.1 units or greater;

(e) Turbidity increase of 0.5 NTU or greater; or

(f) Any detectable increase in the concentration of a toxic or radioactive substance.

(4) **Necessary and overriding public interest determinations.** Once an activity has been determined to cause a measurable lowering in water quality, then an analysis must be conducted to determine if the lowering of water quality is necessary and in the overriding public interest. Information to conduct the analysis must be provided by the applicant seeking the authorization, or by the department in developing a general permit or pollution control program, and must include:

(a) A statement of the benefits and costs of the social, economic, and environmental effects associated with the lowering of water quality. This information will be used by the department to determine if the lowering of water quality is in the overriding public interest. Examples of information that can assist in this determination include:

(i) Economic benefits such as creating or expanding employment, increasing median family income, or increasing the community tax base;

(ii) Providing or contributing to necessary social services;

(iii) The use and demonstration of innovative pollution control and management approaches that would allow a significant improvement in AKART for a particular industry or category of action;

(iv) The prevention or remediation of environmental or public health threats;

(v) The societal and economic benefits of better health protection;

(vi) The preservation of assimilative capacity for future industry and development; and

(vii) The benefits associated with high water quality for uses such as fishing, recreation, and tourism.

(b) Information that identifies and selects the best combination of site, structural, and managerial approaches that can be feasibly implemented to prevent or minimize the lowering of water quality. This information will be used by the department to determine if the lowering of water quality is necessary. Examples that may be considered as alternatives include:

(i) Pollution prevention measures (such as changes in plant processes, source reduction, and substitution with less toxic substances);

(ii) Recycle/reuse of waste by-products or production materials and fluids;

(iii) Application of water conservation methods;

(iv) Alternative or enhanced treatment technology;

(v) Improved operation and maintenance of existing treatment systems;

(vi) Seasonal or controlled discharge options to avoid critical conditions of water quality;

(vii) Establishing buffer areas with effective limits on activities;

(viii) Land application or infiltration to capture pollutants and reduce surface runoff, on-site treatment, or alternative discharge locations;

(ix) Water quality offsets as described in WAC 173-201A-450.

(5) The department retains the discretion to require that the applicant examine specific alternatives, or that additional information be provided to conduct the analysis.

(6) General permit and water pollution control programs are developed for a category of dischargers that have similar processes and pollutants. New or reissued general permits or other water pollution control programs authorized, implemented, or administered by the department will undergo an analysis under Tier II at the time the department develops and approves the general permit or program.

(a) Individual activities covered under these general permits or programs will not require a Tier II analysis.

(b) The department will describe in writing how the general permit or control program meets the antidegradation requirements of this section.

(c) The department recognizes that many water quality protection programs and their associated control technologies are in a continual state of improvement and development. As a result, information regarding the existence, effectiveness, or costs of control practices for reducing pollution and meeting the water quality standards may be incomplete. In these instances, the antidegradation requirements of this section can be considered met for general permits and programs that have a formal process to select, develop, adopt, and refine control practices for protecting water quality and meeting the intent of this section. This adaptive process must:

(i) Ensure that information is developed and used expeditiously to revise permit or program requirements;

(ii) Review and refine management and control programs in cycles not to exceed five years or the period of permit reissuance; and

(iii) Include a plan that describes how information will be obtained and used to ensure full compliance with this chapter. The plan must be developed and documented in advance of permit or program approval under this section.

(7) All authorizations under this section must still comply with the provisions of Tier I (WAC 173-201A-310).

AMENDATORY SECTION (Amending WSR 11-09-090, filed 4/20/11, effective 5/21/11)

WAC 173-201A-600 Use designations—Fresh waters. (1) All surface waters of the state not named in Table 602 are to be protected for the designated uses of: Salmonid spawning, rearing, and migration; primary contact recreation; domestic, industrial, and agricultural water supply; stock watering; wildlife habitat; harvesting; commerce and navigation; boating; and aesthetic values.

(a) Additionally, the following waters are also to be protected for the designated use((s)) of((s)) core summer salmonid habitat(~~(; and extraordinary primary contact recreation)~~):

(i) All surface waters lying within national parks, national forests, and/or wilderness areas;

(ii) All lakes and all feeder streams to lakes (reservoirs with a mean detention time greater than fifteen days are to be treated as a lake for use designation);

(iii) All surface waters that are tributaries to waters designated core summer salmonid habitat(~~(; or extraordinary primary contact recreation)~~); and

(iv) All fresh surface waters that are tributaries to extraordinary aquatic life marine waters (WAC 173-201A-610 through 173-201A-612).

(2) The water quality standards for surface waters for the state of Washington do not apply to segments of waters that are on Indian reservations, except for surface waters overlying fee lands on the Puyallup reservation consistent with the Puyallup Tribe Land Claims Settlement of 1989.

(3) Aquatic life uses are designated based on the presence of, or the intent to provide, protection for the key uses identified in Table 600. It is required that all indigenous fish and nonfish aquatic species be protected in waters of the state in addition to the key species described below.

Table 600 (Key to Table 602)

Abbreviation	General Description
Aquatic Life Uses:	(see WAC 173-201A-200(1))
Char Spawning/Rearing	Char spawning and rearing. The key identifying characteristics of this use are spawning or early juvenile rearing by native char (bull trout and Dolly Varden), or use by other aquatic species similarly dependent on such cold water. Other common

Abbreviation	General Description
	characteristic aquatic life uses for waters in this category include summer foraging and migration of native char; and spawning, rearing, and migration by other salmonid species.
Core Summer Habitat	Core summer salmonid habitat. The key identifying characteristics of this use are summer (June 15 - September 15) salmonid spawning or emergence, or adult holding; use as important summer rearing habitat by one or more salmonids; or foraging by adult and subadult native char. Other common characteristic aquatic life uses for waters in this category include spawning outside of the summer season, rearing, and migration by salmonids.
Spawning/Rearing	Salmonid spawning, rearing, and migration. The key identifying characteristic of this use is salmon or trout spawning and emergence that only occurs outside of the summer season (September 16 - June 14). Other common characteristic aquatic life uses for waters in this category include rearing and migration by salmonids.
Rearing/Migration Only	Salmonid rearing and migration only. The key identifying characteristic of this use is use only for rearing or migration by salmonids (not used for spawning).
Redband Trout	Nonanadromous interior redband trout. For the protection of waters where the only trout species is a nonanadromous form of self-reproducing interior redband trout (<i>O. mykiss</i>), and other associated aquatic life.

Abbreviation	General Description
Warm Water Species	Indigenous warm water species. For the protection of waters where the dominant species under natural conditions would be temperature tolerant indigenous nonsalmonid species. Examples include dace, redband shiner, chiselmouth, sucker, and northern pikeminnow.
Recreational Uses: (see WAC 173-201A-200(2))	
((Extraordinary Primary Cont.	Extraordinary quality primary contact waters. Waters providing extraordinary protection against waterborne disease or that serve as tributaries to extraordinary quality shellfish harvesting areas.)
Primary ((Cont.)) <u>Contact</u>	Primary contact recreation.
((Secondary Cont.	Secondary contact recreation.)
Water Supply Uses: (see WAC 173-201A-200(3))	
Domestic Water	Domestic water supply.
Industrial Water	Industrial water supply.
Agricultural Water	Agricultural water supply.
Stock Water	Stock watering.
Miscellaneous Uses: (see WAC 173-201A-200(4))	
Wildlife Habitat	Wildlife habitat.
Harvesting	Fish harvesting.
Commerce/Navigation	Commerce and navigation.
Boating	Boating.
Aesthetics	Aesthetic values.

AMENDATORY SECTION (Amending WSR 11-09-090 and 11-11-022, filed 4/20/11 and 5/9/11, effective 5/21/11 and 6/9/11)

WAC 173-201A-602 Table 602—Use designations for fresh waters by water resource inventory area (WRIA). (1) Table 602 lists uses for fresh waters. All surface waters of the state have designated uses assigned to them for protection under this chapter. Table 602 lists use designations for specific fresh waters. Fresh waters not assigned designated uses in Table 602 have their designated uses assigned in accordance with WAC 173-201A-600 and 173-201A-260(3). In Table 602, the Columbia River is listed first, followed by other water bodies listed by WRIA. Only the uses

with the most stringent criteria are listed. The criteria notes in Table 602 take precedence over the criteria in WAC 173-201A-200 for same parameter.

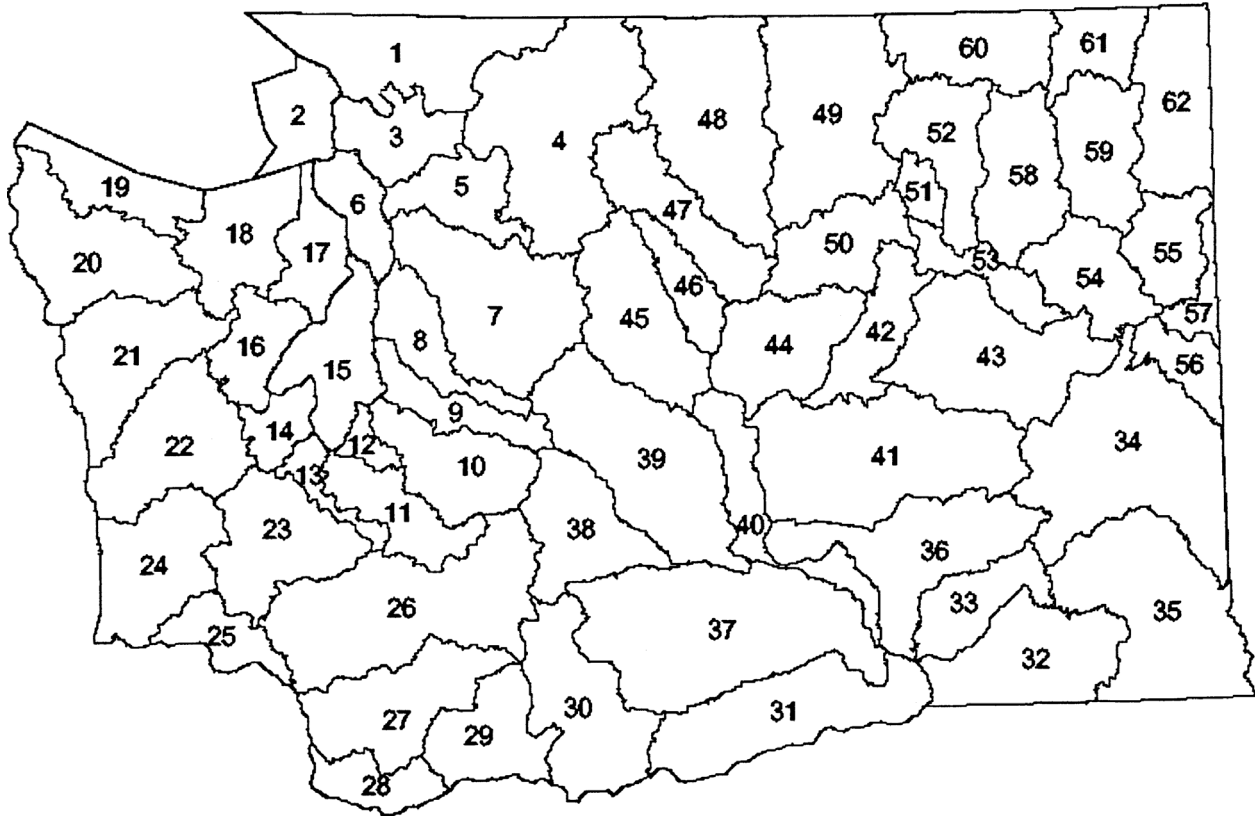
(2) Table 602 is necessary to determine and fully comply with the requirements of this chapter. If you are viewing a paper copy of the rule from the office of the code reviser or are using their web site, Table 602 may be missing (it will instead say "place illustration here"). In this situation, you may view Table 602 at the department of ecology's web site at ((www.ecy.wa.gov)) www.ecology.wa.gov, or request a

paper copy of the rule with Table 602 from the department of ecology or the office of the code reviser.

(3) The department has identified waterbodies, or portions thereof, in Table 602 use designations which have additional requirements for supplemental spawning and incubation protection for salmonid species. See WAC 173-201A-200 (1)(c)(iv) for more information.

(4) The coordinates listed in Table 602 are defined in the North American 1983 Datum High Accuracy Reference Network (NAD83 HARN).

Illustration 1: Water Resources Inventory Area Map



Key:			
1. Nooksack	21. Queets/Quinault	41. Lower Crab	61. Upper Lake Roosevelt
2. San Juan	22. Lower Chehalis	42. Grand Coulee	62. Pend Oreille
3. Lower Skagit/Samish	23. Upper Chehalis	43. Upper Crab/Wilson	
4. Upper Skagit	24. Willapa	44. Moses Coulee	
5. Stillaguamish	25. Grays/Elochoman	45. Wenatchee	
6. Island	26. Cowlitz	46. Entiat	
7. Snohomish	27. Lewis	47. Chelan	
8. Cedar/Sammamish	28. Salmon/Washougal	48. Methow	
9. Duwamish/Green	29. Wind/White Salmon	49. Okanogan	
10. Puyallup/White	30. Klickitat	50. Foster	
11. Nisqually	31. Rock/Glade	51. Nespelem	
12. Chambers/Clover	32. Walla Walla	52. Sanpoil	

Key:			
13. Deschutes	33. Lower Snake	53. Lower Lake Roosevelt	
14. Kennedy/Goldsborough	34. Palouse	54. Lower Spokane	
15. Kitsap	35. Middle Snake	55. Little Spokane	
16. Skokomish/ Dosewallips	36. Esquatzel Coulee	56. Hangman	
17. Quilcene/Snow	37. Lower Yakima	57. Middle Spokane	
18. Elwha/Dungeness	38. Naches	58. Middle Lake Roosevelt	
19. Lyre/Hoko	39. Upper Yakima	59. Colville	
20. Soleduck/Hoh	40. Alkaki/Squilchuck	60. Kettle	

((

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
COLUMBIA RIVER																		
Columbia River from mouth to the Washington-Oregon border (river mile 309.3). ¹							✓				✓	✓	✓	✓	✓	✓	✓	✓
Columbia River from Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). ^{2,3}			✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
Columbia River from Grand Coulee Dam (river mile 596.6) to Canadian border (river mile 745.0).		✓									✓	✓	✓	✓	✓	✓	✓	✓
Notes for Columbia River:																		
1. Temperature shall not exceed a 1-day maximum (1-DMax) of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 0.5°C due to any single source or 1.1°C due to all such activities combined. Dissolved oxygen shall exceed 90 percent of saturation. Special condition - special fish passage exemption as described in WAC 173-201A-200 (1)(f).																		
2. From Washington-Oregon border (river mile 309.3) to Priest Rapids Dam (river mile 397.1). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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).																		
3. From Washington-Oregon border (river mile 309.3) to Grand Coulee Dam (river mile 596.6). Special condition - special fish passage exemption as described in WAC 173-201A-200 (1)(f).																		
WRIA 1 - Nooksack																		
Bertrand Creek from mouth to Canadian border	✓										✓	✓	✓	✓	✓	✓	✓	✓
Breckenridge Creek and tributaries	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Chilliwaek River and Little Chilliwaek River: All waters (including tributaries) above the confluence.	✓								✓		✓	✓	✓	✓	✓	✓	✓	✓
Chuckanut Creek from mouth to headwaters		✓									✓	✓	✓	✓	✓	✓	✓	✓
Colony Creek and tributaries from mouth to headwaters		✓									✓	✓	✓	✓	✓	✓	✓	✓
Dakota Creek and tributaries		✓									✓	✓	✓	✓	✓	✓	✓	✓
Dale Creek		✓									✓	✓	✓	✓	✓	✓	✓	✓
Deer Creek (tributary to Barrett Lake) and tributaries		✓									✓	✓	✓	✓	✓	✓	✓	✓
Depot Creek and tributaries	✓										✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Fishtrap Creek from mouth to Canadian border		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Hutchinson Creek and tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Johnson Creek, unnamed tributary just north of Pangborn Road		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River mainstem from mouth to Anderson Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River and tributaries [except where otherwise designated Char] from and including Anderson Creek (latitude 48.8675 longitude -122.3210) to confluence with South Fork.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, North Fork, and all tributaries, upstream to the confluence with Maple creek (RM 49.7).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, North Fork, and all tributaries above and including Maple Creek (RM 49.7) and tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, Middle Fork, and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, South Fork, from mouth to Skookum Creek (river mile 14.3).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, South Fork, from Skookum Creek (river mile 14.3) to Fobes Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nooksack River, South Fork, and all tributaries above the confluence with Fobes Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Padden Creek and tributaries from mouth to headwaters		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Pepin Creek from mouth to Canadian border		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Saar Creek from latitude 48.98177 longitude -122.23846 to headwaters		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Silesia Creek and all tributaries south of Canadian border.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Skookum Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Squaw Creek		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Squalicum Creek, unnamed tributary from latitude 48.7862 longitude -122.4864 to headwaters		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Stickney Creek (Slough) and Kamm Ditch from confluence with mainstem Nooksack River to headwaters.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Sumas River from Canadian border (river mile 12) to headwaters (river mile 23) except where designated otherwise.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tennile Creek below Barrett Lake		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Tomyhoi Creek and tributaries from Canadian border to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Whatcom Creek and tributaries from mouth to outlet of Lake Whatcom.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 2 San Juan																		
There are no specific waterbody entries for this WRIA.																		
WRIA 3 Lower Skagit-Samish																		
Fisher and Carpenter Creeks and tributaries.		✓									✓	✓	✓	✓	✓	✓	✓	✓
Hansen Creek and tributaries.		✓									✓	✓	✓	✓	✓	✓	✓	✓
Nookachamps Creek and tributaries (except where designated char).		✓									✓	✓	✓	✓	✓	✓	✓	✓
Nookachamps Creek, East Fork, and unnamed creek at latitude 48.4103 longitude -122.1657: All waters (including tributaries) above the confluence.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Samish River and tributaries above latitude 48.5472 longitude -122.3378 (Sect 05 T35N R04E).		✓									✓	✓	✓	✓	✓	✓	✓	✓
Skagit River mainstem from mouth to Skiyou Slough-lower end (river mile 25.6).		✓									✓	✓	✓	✓	✓	✓	✓	✓
Skagit River, all tributaries to the mainstem from the mouth to Skiyou Slough-lower end (river mile 25.6); except where designated otherwise.			✓								✓	✓	✓	✓	✓	✓	✓	✓
Skagit River and tributaries from Skiyou Slough-lower end, (river mile 25.6) to the boundary of WRIA 3 and 4, except the other waters listed for this WRIA. ¹		✓									✓	✓	✓	✓	✓	✓	✓	✓
Walker Creek and unnamed creek at latitude 48.3813 longitude -122.1639: All waters (including tributaries) above the confluence.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Notes for WRIA 3:																		
1. Skagit River (Gorge by-pass reach) from Gorge Dam (river mile 96.6) to Gorge Powerhouse (river mile 94.2). Temperature shall not exceed a 1-DMax of 21°C due to human activities. When natural conditions exceed a 1-DMax of 21°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).																		

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
WRIA 4 Upper Skagit	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Bacon Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Baker Lake and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Bear Creek and the unnamed outlet creek of Blue Lake (Latitude 48.62036; Longitude -121.74882): All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Big Beaver Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Big Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Buck Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Cascade River and Boulder Creek: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Circle Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Clear Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Diobsud Creek and the unnamed tributary at longitude -121.4414 and latitude 48.5850: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Goodell Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Hozomeen Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Illabot Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Jordan Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Lightning Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Beaver Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Murphy Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Newhalem Creek, and all tributaries	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Rocky Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Ruby Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Sauk River and Dutch Creek: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Silver Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Skagit River and tributaries, except where listed otherwise for this WRIA. ¹	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Stetattle Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Straight Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Suiattle River all tributaries above Harriet Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sulphur Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tenas Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Thunder Creek (upstream of Lake Shannon at Latitude 48.59867, Longitude -121.71359) and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Thunder Creek (upstream of Diablo Lake at Latitude 48.69469, Longitude -121.09830) and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
White Chuck River and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Notes for WRIA 4:																		
1. Skagit River (Gorge by-pass reach) from Gorge Dam (river mile 96.6) to Gorge Powerhouse (river mile 94.2). Temperature shall not exceed a 1-DMax of 21°C due to human action. When natural conditions exceed a 1-DMax of 21°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).																		
WRIA 5 Stillaguamish																		
Brooks Creek and the unnamed tributary at latitude 48.2967 longitude -121.9031: All waters (including tributaries) above the confluence.	✓												✓	✓	✓	✓	✓	✓
Canyon Creek above unnamed tributary at latitude 48.1242 longitude -121.8894 (Sect. 34 T31N R7E) to headwaters (including tributaries).	✓							✓					✓	✓	✓	✓	✓	✓
Canyon Creek's unnamed tributaries at latitude 48.1522 longitude -121.9677.	✓							✓					✓	✓	✓	✓	✓	✓
Unnamed tributaries at latitude 48.1461 longitude -122.9649 located upstream of unnamed tributary at river mile 3 of Canyon Creek	✓							✓					✓	✓	✓	✓	✓	✓
Crane Creek and unnamed tributary at latitude 48.3295 longitude -122.1005: All waters (including tributaries) above the confluence.	✓												✓	✓	✓	✓	✓	✓
Crape Creek's unnamed tributaries at latitude 48.3323 longitude -122.1059: All waters (including tributaries) above the confluence.	✓												✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Reband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Cub Creek and the unnamed tributary at latitude 48.1655 longitude -121.9376; All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Deer Creek (on N.F. Stillaguamish) and the unnamed tributary at longitude -121.9565 and latitude 48.3195; All waters (including tributaries) above the confluence.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Dicks Creek and unnamed outlet of Myrtle Lake at latitude 48.3187 longitude -121.8129; All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Jim Creek and Little Jim Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Jorgenson Slough (Church Creek) from latitude 48.23409 longitude -121.32346 between West Pass and Hat Slough: All waters (including tributaries) above the confluence.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Lake Cavanaugh and all tributaries above outlet at latitude 48.3127 longitude -121.9802.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pitchuck Creek and Bear Creek: All waters (including tributaries) above the confluence.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Pitchuck Creek's unnamed tributaries at latitude 48.3104 longitude -122.1305; All waters (including tributaries) above the confluence.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Pitchuck Creek from latitude 48.2395 longitude -122.2015 (above 268 th St) to headwaters including tributaries(except where designated Char)		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Unnamed tributary to Portage Creek at latitude 48.1837 longitude -122.2314; All waters (including tributaries) above the confluence		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River from mouth to confluence of north and south forks (river mile 17.8).			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, North Fork, from mouth to Boulder River (including tributaries) except where designated Char.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, North Fork, and Boulder River: All waters (including tributaries) from the confluence up to Squire Creek, downstream of the Mt. Baker Snoqualmie National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Stillaguamish River, North Fork, and Boulder River: All waters (including tributaries) from the confluence up to Squire Creek that are in or above the Mt. Baker Snoqualmie National Forest.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, North Fork, from Squire Creek (river mile 31.2) to headwaters, including all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, South Fork, from mouth to Canyon Creek (river mile 33.7).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, South Fork, from Canyon Creek (river mile 33.7) to the unnamed tributary at latitude 48.0921 longitude -121.8797 (near Cranberry Creek).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillaguamish River, South Fork, and the unnamed tributary at latitude 48.0921 longitude -121.8797 (near Cranberry Creek): All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 6 Island																		
There are no specific waterbody entries for this WRIA.																		
WRIA 7 Snohomish																		
Cherry Creek and tributaries from mouth to headwaters.		✓									✓	✓	✓	✓	✓	✓	✓	✓
Cripple Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Kelly Creek and tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Miller River, East Fork, and West Fork Miller River: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
North Fork Creek and unnamed creek at latitude 47.7409 longitude -121.8231 (Sect. 18 T26N R8E): All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Pilchuck River from mouth to Boulder Creek.		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
Pilchuck River and Boulder Creek: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Pratt River and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Skykomish River and tributaries from mouth to May Creek (above Gold Bar at river mile 41.2).		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Skylomish River and May Creek (above Gold Bar at river mile 41.2): All waters (including tributaries) above confluence (Except where designated Char).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Skylomish River, North Fork, beginning below Salmon Creek at latitude 47.8790 longitude -121.4594) to headwaters (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Skylomish River, South Fork, and Beckler River: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Snohomish River from mouth to latitude 47.942 longitude -122.1719 (southern tip of Ebey Island at river mile 8.1). ¹			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Snohomish River from latitude 47.942, longitude -122.1719 (southern tip of Ebey Island at river mile 8.1) to below Pilchuck Creek at latitude 47.9045 longitude -122.0917.			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Snohomish River from below Pilchuck Creek (latitude 47.9045 longitude -122.0917) to confluence with Skylomish and Snoqualmie River (river mile 20.5).	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Snoqualmie River from mouth to confluence with Harris Creek (latitude 47.7686 longitude -121.9605; Sect.5 T25N R6E)			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Snoqualmie River and tributaries from and including Harris Creek (latitude 47.7686 longitude -121.9605; Sect.5 T25N R6E) to west boundary of Twin Falls State Park on south fork (river mile 9.1).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, South Fork, from west boundary of Twin Falls State Park (river mile 9.1) to headwaters (including tributaries).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, North Fork, from mouth to Sunday Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, North Fork, and Sunday Creek: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, Middle Fork, from mouth to Dingford Creek (Except where designated char).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Snoqualmie River, Middle Fork, and Dingford Creek: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Snoqualmie River's Middle Fork's unnamed tributaries at latitude 47.5389 longitude -121.5629 (Sect. 29 T24N R10E).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Sultan River and tributaries from mouth to Chaplain Creek (river mile 5.9).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	
	Sultan River and tributaries from Chaplain Creek (river mile 5.9) to headwaters. ²	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Taylor River and all tributaries.							✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Tolt River, North Fork, and unnamed creek at latitude 47.7183 longitude -121.7775: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Tolt River, South Fork, and tributaries from mouth to unnamed creek at latitude 47.6925 longitude -121.7392; river mile 5.4		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Tolt River, South Fork, and unnamed creek at latitude 47.6925 longitude -121.7392 (river mile 5.4): All waters (including tributaries) above the confluence. ³	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Tolt River's South Fork's unnamed tributaries at latitude 47.6889 longitude -121.7856 (Sect.33 T26N R8E).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Trout Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	
	Notes for WRIA 7:																		
	1. Fecal coliform organism levels shall both not exceed a geometric mean value of 200 colonies/100 mL and not have more than 10 percent of the samples obtained for calculating the mean value exceeding 400 colonies/100 mL.																		
	2. No waste discharge will be permitted above city of Everett Diversion Dam (river mile 9.4).																		
	3. No waste discharge will be permitted for the South Fork Tolt River and tributaries from latitude 47.6925 longitude -121.7392 (river mile 5.4) to headwaters.																		
	WRIA 8 Cedar-Sammamish																		
	Cedar River from Lake Washington to the Maplewood Bridge (river mile 4.1).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cedar River and tributaries from the Maplewood Bridge (river mile 4.1) to Landsburg Dam (river mile 21.6).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
	Cedar River and tributaries from Landsburg Dam (river mile 21.6) to Chester Morse Lake. ¹		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Cedar River at Chester Morse Lake Cedar Falls Dam: All waters (including tributaries) to headwaters. ²	✓						✓							✓	✓	✓	✓	✓
Holder Creek and the unnamed tributary at latitude 47.4581 longitude -121.9496: All waters (including tributaries) above the confluence.	✓							✓						✓	✓	✓	✓	✓
Issaquah Creek from Lake Sammamish to headwaters (including tributaries) except where designated Char.		✓												✓	✓	✓	✓	✓
Lake Washington Ship Canal from Government Locks (river mile 1.0) to Lake Washington (river mile 8.6). ^{3,4}		✓												✓	✓	✓	✓	✓
Notes for WRIA 8:																		
1. No waste discharge will be permitted.																		
2. No waste discharge will be permitted.																		
3. 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).																		
4. This waterbody is to be treated as a Lake for purposes of applying this chapter.																		
WRIA 9 Duwamish-Green																		
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).			✓						✓					✓	✓	✓	✓	✓
Green River from and including the Black River (river mile 11.0 and point where Duwamish River continues as the Green River) to latitude 47.3699 longitude -122.246 (Sect. 25 T22N R4E) above confluence with unnamed tributary.			✓											✓	✓	✓	✓	✓
Green River from above confluence with Mill Creek at latitude 47.3699 longitude -122.246 (Sect. 25 T22N R4E) (east of the West Valley highway) to west boundary of Flaming Geyser State Park (including all tributaries)		✓												✓	✓	✓	✓	✓
Green River from W. Boundary of Flaming Geyser State Park to headwaters (including tributaries) except where designated Char, Core, and Ex. Primary-Green River and Sunday Creek: All waters (including tributaries) above the confluence. ¹		✓					✓							✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Smay Creek and West Fork Smay Creek: All waters (including tributaries) above the confluence. ¹	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Notes for WRIA 9:																		
1. No waste discharge will be permitted for the Green River and tributaries (King County) from west boundary of Sec. 13-T21N-R7E (river mile 59.1) to headwaters.																		
WRIA 10 Puyallup-White																		
Carbon River and tributaries above latitude 46.9998 longitude -121.9794, downstream of the Snoqualmie National Forest or Mt. Rainier National Park.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Carbon River and tributaries above latitude 46.9998 longitude -121.9794 that are in or above the Snoqualmie National Forest or Mt. Rainier National Park.							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Clarks Creek and tributaries.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Clear Creek and tributaries.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Clearwater River and Milky Creek: All waters (including tributaries) above the confluence.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Greenwater River from confluence with White River to headwaters (including all tributaries).	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Puyallup River from mouth to river mile 1.0.				✓						✓	✓	✓	✓	✓	✓	✓	✓	✓
Puyallup River from river mile 1.0 to confluence with White River.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Puyallup River and tributaries from confluence with White River to Mowich River (Except where designated char).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Puyallup River at and including Mowich River: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
South Prairie Creek and all tributaries above the Kepka Fishing Pond, except those waters in or above the Snoqualmie National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
South Prairie Creek and all tributaries above the Kepka Fishing Pond that are in or above the Snoqualmie National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Swan Creek		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Voight Creek and Bear Creek: All waters (including tributaries) above the confluence that are downstream of the Snoqualmie National Forest or Mt. Rainier National Park.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Voight Creek and Bear Creek: All waters (including tributaries) above the confluence that are in or above the Snoqualmie National Forest or Mt. Rainier National Park.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
White River from mouth to latitude 47.2438 longitude -122.2422 (Sect. 1 T20N R4E).						✓				✓	✓	✓	✓	✓	✓	✓	✓	✓
White River from latitude 47.2438 longitude -122.2422 (Sect. 1 T20N R4E) to Mud Mountain dam (including tributaries).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
White River from Mud Mountain Dam (river mile 27.1) to West Fork White River at (latitude 47.3699 longitude -121.6197) except where designated Char.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
White River from and including West Fork White River: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Wilkeson Creek and Gale Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 11 Nisqually																		
Big Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Copper Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
East Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Horn Creek and tributaries						✓					✓	✓	✓	✓	✓	✓	✓	✓
Little Nisqually River and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Mashel River and Little Mashel River: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Mineral Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Muck Creek and tributaries		✓									✓	✓	✓	✓	✓	✓	✓	✓
Murray Creek and tributaries						✓					✓	✓	✓	✓	✓	✓	✓	✓
Nisqually River mainstem from mouth to Alder Dam (river mile 44.2).		✓									✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Nisqually River from Alder Dam (river mile 44.2) to Tahoma Creek (including tributaries) except where designated Char.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Nisqually River and Tahoma Creek: All waters (including tributaries) above the confluence.	✓																	
Rocky Slough from latitude 46.8882 longitude -122.4339 to latitude 46.9109 longitude -122.4012.			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Tanwax Creek and tributaries downstream of lakes		✓																
WRIA 12 Chambers-Clover																		
Clover Creek from inlet to Lake Steilacoom, upstream and including Spanaway Creek to outlet of Spanaway Lake			✓					✓										
WRIA 13 Deschutes																		
Deschutes River from mouth to and including tributary to Offutt Lake.			✓															
Deschutes River, and tributaries, upstream of the tributary to Offutt Lake (all waters in or above the national forest boundary).		✓																
Deschutes River, and tributaries, upstream of the tributary to Offutt Lake (all waters below the national forest boundary).		✓																
McLane Creek and tributaries		✓																
WRIA 14 Kennedy-Goldsborough																		
Campbell Creek and tributaries		✓																
Coffee Creek and tributaries		✓																
Cranberry Creek and tributaries		✓																
Deer Creek and tributaries		✓																
Goldsborough Creek and tributaries		✓																
Hiawata Creek and tributaries			✓															
Jarrell Creek and tributaries			✓															
John's Creek and tributaries		✓																
Jones Creek and tributaries			✓															

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Malaney Creek (at Spencer Lake)	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Perry Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Shelton Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Uncle John Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Unnamed stream (latitude 47.2237 longitude -122.9135) at Peale Passage inlet on west side of Hartstone Island.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 15 Kitsap																		
Anderson Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Barker Creek and tributaries from Dyes Inlet to Island Lake	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Blackjack Creek and tributaries downstream of Square Lake	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Chico Creek and tributaries above confluence with Kitsap Creek (tributaries to Chico Bay in Dyes Inlet).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Clear Creek from Dyes Inlet to headwaters (including tributaries)	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Gamble Creek and tributaries (latitude 47.8116 longitude -122.5797).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Gorst Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Martha John Creek and tributaries (latitude 47.8252 longitude -122.5632).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Ross Creek and tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Strawberry Creek and tributaries (latitude 47.6458 longitude -122.6933)	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Union River and tributaries from Bremerton Waterworks Dam (river mile 6.9) to headwaters. ¹	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Unnamed tributary to Sinclair Inlet between Gorst and Anderson Creeks (latitude 47.5270 longitude -122.6932).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Unnamed tributary to Sinclair Inlet (latitude 47.5471 longitude -122.6123) east of Blackjack Creek.			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Unnamed tributary west of Port Gamble Bay at latitude 47.8220 longitude -122.5831.	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Notes for WRIA 15:																	
1. No waste discharge will be permitted.																	
WRIA 16 Skokomish-Dosewallips																	
Dosewallips River and tributaries.		✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Duckabush River and tributaries.		✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Hamma Hamma River and tributaries.		✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rock Creek and unnamed tributary at latitude 47.3894 longitude -123.3496. All waters (including tributaries) above the confluence.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Skokomish River and tributaries, except where designated char.		✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Skokomish River, North Fork, from latitude 47.4160 longitude -123.2233 (below Cushman Upper Dam) to headwaters (including tributaries).	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Skokomish River, South Fork, and Brown Creek: All waters (including tributaries) above the confluence.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Vance Creek and Cabin Creek all waters above the confluence.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 17 Quilcene-Snow																	
Big Quilcene River and tributaries	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 18 Elwha-Dungeness																	
Boulder Creek and Deep Creek: All waters (including tributaries) above the confluence.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Dungeness River mainstem from mouth to Canyon Creek (river mile 10.8).		✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Dungeness River, tributaries to mainstem, above and between confluence with Matriotti Creek to Canyon Creek (river mile 10.8).			✓						✓	✓	✓	✓	✓	✓	✓	✓	✓
Dungeness River and Canyon Creek: All waters (including tributaries) above the confluence.	✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Elwha River and tributaries from mouth to Cat Creek, except where designated Char.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Elwha River and Cat Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Emmis Creek and White Creek (and all tributaries) from the confluence with the Strait of Juan De Fuca to the Olympic National Park Boundary.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Emmis Creek and tributaries lying above the Olympic National Park Boundary.							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Griff Creek and the unnamed tributary at latitude 48.0135 longitude -123.5440 (Sect. 11 T29N R7W): All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Hughes Creek and the unnamed tributary at latitude 48.0298 longitude - 123.6322 (Sect. 6 T29N R7W): All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little River and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Matriotti Creek		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Wolf Creek and the unnamed tributary at latitude 47.9654 longitude -123.5374 (Sect. 35 T29N R7W): All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 19 Lyre-Hoko	There are no specific waterbody entries for this WRIA.																	
WRIA 20 Soleduc	There are no specific waterbody entries for this WRIA.																	
Dickey River and tributaries.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Hoh River and tributaries from mouth to South Fork Hoh River.	✓								✓		✓	✓	✓	✓	✓	✓	✓	✓
Hoh River and South Fork Hoh River: All waters above the confluence.	✓										✓	✓	✓	✓	✓	✓	✓	✓
Quillayute and Bogachiel Rivers.		✓									✓	✓	✓	✓	✓	✓	✓	✓
Soleduc River and tributaries from mouth to Canyon Creek.		✓									✓	✓	✓	✓	✓	✓	✓	✓
Soleduc River and all tributaries above Canyon Creek.	✓										✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
WRIA 21 Queets-Quinalt	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Clearwater River and the unnamed tributary at latitude 47.7270 longitude - 124.0361 (Sect.26 T26N R11W): All waters (including tributaries) above the confluence.										✓	✓	✓	✓	✓	✓	✓	✓	✓
Kunamakst Creek and the unnamed tributary at latitude 47.7285 longitude - 124.0771 (Sect.26 T26N R11W): All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Matheny Creek and the unnamed tributary at latitude 47.5592 longitude - 123.9538: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Queets River and tributaries from mouth to Tshletshy Creek.							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Queets River and tributaries above the confluence with Tshletshy Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Quinalt River and tributaries from mouth to the confluence with the North Fork Quinalt River.							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Quinalt River and North Fork Quinalt: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Salmon River, Middle Fork, and the unnamed tributary at latitude 47.5208 longitude -123.9899: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sams River and the unnamed tributary at latitude 47.6059 longitude -123.8941: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Solleks River and the unnamed tributary at latitude 47.6937 longitude - 124.0133: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Stequaleho Creek and the unnamed tributary at latitude 47.6620 longitude - 124.0426: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tshletshy Creek and the unnamed tributary at latitude 47.6585 longitude - 123.8668: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 22 Lower Chehalis	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Andrews Creek and tributaries above confluence with West Fork.								✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Baker Creek and the unnamed tributary at latitude 47.3301 longitude -123.4142: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Big Creek and Middle Fork Big Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Canyon River and the unnamed tributary at latitude 47.3473 longitude -123.4936: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Chehalis River from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'45"W) to latitude 46.6004 and longitude -123.1472 (Section 23 T13N R43W on main stem and to latitude 46.6013 and longitude -123.1253 on South Fork.			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Chester Creek and the unnamed tributary at latitude 47.4196 longitude -123.7841: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cloquallum Creek.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Decker Creek.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Delezene Creek and tributaries above latitude 46.9413 longitude -123.3893.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Elk River, West Branch and tributaries above latitude 46.8111 longitude -123.9774.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Goforth Creek and the unnamed tributary at latitude 47.3560 longitude -123.7323: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Hoquiam River, East Fork and tributaries above latitude 47.0524 longitude -123.8428 (above Lytle Creek).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Hoquiam River and tributaries above latitude 47.0571 longitude -123.9287 (above river mile 9.3 - Dekay Road Bridge) (upper limit of tidal influence).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Hoquiam River, Middle Fork and tributaries above latitude 47.0418 longitude -123.9052.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Hoquiam River mainstem (continues as west fork above east fork) from mouth to river mile 9.3 - Dekay Road Bridge) (upper limit of tidal influence).			✓						✓		✓	✓	✓	✓	✓	✓	✓	✓
Humpulips River and tributaries from mouth to latitude 47.0810 longitude -124.0655 (Section 4 T18N R11W).			✓						✓		✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Humtulpis River and tributaries from latitude 47.0810 longitude -124.0655 (Section 4 T18N R11W) to Olympic National Forest boundary (except where designated Char).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Humtulpis River and tributaries from Olympic National Forest boundary to headwaters (except where designated Char).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Humtulpis River, East Fork, and the unnamed tributary at latitude 47.3821 longitude -123.7163: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Humtulpis River, West Fork, and Petes Creek: All waters (including tributaries) above the confluence.							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Johns River and North Fork Johns River: All waters above the confluence.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Hoquiam River, North Fork and tributaries above latitude 47.0001 longitude -123.9269.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Hoquiam River and tributaries above latitude 46.9934 longitude -123.9364.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Mox Chehalis Creek and tributaries above and latitude 46.9680 longitude -123.3083.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Newsah Creek and tributaries above latitude 46.9163 longitude -123.8235 (Section 32 T16N R9W).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Satsop River and tributaries from latitude 46.9854 longitude -123.4887 (Section 6 T17N R6W) to headwaters, except where designated Char.		✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Satsop River, West Fork, and Robertson Creek: All waters (including tributaries) above the confluence.	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Satsop River, Middle Fork, and the unnamed tributary at latitude 47.3340 longitude -123.4451: All waters (including tributaries) above the confluence.	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Wildcat Creek and tributaries above confluence with Cloquallum Creek.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Wishkah River, East Fork and tributaries above latitude 47.0801 longitude -123.7560.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Wishkah River from mouth to river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W).				✓														✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses						
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics	
Wishkah River from river mile 6 (SW 1/4 SW 1/4 NE 1/4 Sec. 21-T18N-R9W) to latitude 47.1089 longitude -123.7908.			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	
Wishkah River and tributaries from latitude 47.1089 longitude -123.7908 to confluence with West Fork.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	
Wishkah River and tributaries from and including West Fork to headwaters. ¹		✓					✓												
Wynoochee River and tributaries from latitude 46.9709 longitude -123.6252 (near railroad crossing) to Olympic National Forest boundary (river mile 45.9).		✓						✓											
Wynoochee River and tributaries from Olympic National Forest boundary (river mile 45.9) to Wynoochee Dam.		✓					✓												
Wynoochee River and all tributaries above Wynoochee Dam.	✓						✓												
Notes for WRIA 22:																			
1. No waste discharge will be permitted from south boundary of Sec. 33-T21N-R8W (river mile 32.0) to headwaters.																			
WRIA 23 Upper Chehalis																			
Bunker Creek and tributaries.	✓																		
Cedar Creek and tributaries above latitude 46.8760 longitude -123.2714 (near intersection with Highway 12).		✓						✓											
Chehalis River, South Fork (including tributaries) above latitude 46.6014 longitude -123.1253 (near junction with State Route 6), except where specifically designated Char.		✓						✓											
Chehalis River (including tributaries) above latitude 46.6004 longitude -123.1473 (Section 23 T13N R4W), except where specifically designated Char.		✓						✓											
Chehalis River mainstem from upper boundary of Grays Harbor at Cosmopolis (river mile 3.1, longitude 123°45'W) to latitude 46.6004 longitude -123.1473 (Section 23 T13N R4W) on main stem and to latitude 46.6014 longitude -123.1253 on South Fork. ¹			✓					✓											
Chehalis River, South Fork, and the unnamed tributary at latitude 46.179 longitude -123.4127 (Sect. 10 T10N R4W): All waters (including tributaries) above the confluence.	✓							✓											

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Chehalis River, West Fork, and East Fork Chehalis River: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Coffee Creek and tributaries.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Eight Creek and the unnamed tributary at latitude 46.6211 longitude -123.4127: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Fall Creek and the unnamed tributary at Sect. 22 T15N R1E: All waters (including tributaries) above their confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Garrard Creek, South Fork, and tributaries above latitude 46.8013 longitude -123.3060.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Hanaford Creek and all tributaries from east boundary of Sec. 25-T15N-R2W (river mile 4.1) to the unnamed tributary at latitude 46.7295 longitude -122.6812 except where designated Char.			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Hanaford Creek and all tributaries from mouth to east boundary of Sec. 25-T15N-R2W (river mile 4.1)².			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Hanaford Creek and the unnamed tributary at latitude 46.7295 longitude -122.6812 (Sect. 4 T14N R1E): All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Kearney Creek and the unnamed tributary at latitude 46.6256 longitude -122.5683: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Laramie Creek and the unnamed tributary at latitude 46.7901 longitude -122.5901: All waters (including tributaries) above the confluence.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
Lincoln Creek, North Fork and tributaries above latitude 46.7370 longitude -123.7370 and (Section 36 T15N R5W).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Lincoln Creek, South Fork and tributaries above latitude 46.7253 longitude -123.2306 (Section 6 T14N R4W).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Mima Creek and tributaries above latitude 46.8588 longitude -123.0856.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Newaukum River and tributaries (except where designated Char).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Newaukum River, North Fork, and the unnamed tributary at latitude 46.6793 longitude -122.6677: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Newaukum River, South Fork, and Frase Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pheeny Creek and the unnamed tributary at latitude 46.7836 longitude -122.6276 (Sect. 13 T15N R1E): All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Porter Creek and Jamaica Day Creek: All waters above the confluence.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Rock Creek (upstream of Callow): All waters above confluence with Chehalis River (Section 15, T16N, R5W), except where designated otherwise in this table.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rock Creek (upstream of Pe Ell) and the unnamed tributary at latitude 46.5279 longitude -123.3782 (Sect. 11 T12N R6W): All waters (including tributaries) above the confluence.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Scatter Creek and tributaries from latitude 46.8025 longitude -123.0863 (near mouth) to headwaters.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Seven Creek and the unnamed tributary at latitude 46.6192 longitude -123.3723: All waters (including tributaries) above the confluence.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Skookumchuck River and tributaries from confluence with Hanaford Creek to headwaters (except where designated char).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Skookumchuck River mainstem from mouth to Hanaford Creek.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Skookumchuck River and Hospital Creek: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Stearns Creek's, unnamed (GIS Ripple Creek) tributary at latitude 46.5711 longitude -122.9692 (Section 30 T13N R2W).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Stearns Creek's, unnamed tributary to West Fork at latitude 46.5824 longitude -123.0222 (Section 26 T13N R3W).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Stillman Creek and Little Mill Creek (Sect. 23 T12N R4W): All waters (including tributaries) above the confluence.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Thrash Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Waddef Creek and tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Notes for WRIA 23:																		
1. Chehalis River from Scammon Creek (RM 65.8) to Newaukum River (RM 75.2); 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 standard criteria.																		
2. Dissolved oxygen shall exceed 6.5 mg/L.																		
WRIA 24 Willapa																		
Bear River, unnamed south flowing tributary at latitude 46.3342 longitude -123.9394 (Section 20 T10N R10W).																		
Bear River and tributaries above latitude 46.3284 longitude -123.9172 (Section 28 T10N R10W) to headwaters.	✓																	
Canon River and tributaries above latitude 46.5879 longitude -123.8672 (Section 25 T13N R10W).	✓																	
Lower Salmon Creek and tributaries.	✓																	
Middle Nemah River and tributaries above latitude 46.4873 longitude -123.8855 (Section 35 T12N R10W).	✓																	
Mill Creek and tributaries above latitude 46.6448 longitude -123.6251 (Section 1 T13N R8W).	✓																	
Naselle River from O'Conner Creek to headwaters (including tributaries).																		
North Nemah River and tributaries above latitude 46.5172 longitude -123.8665 (Section 14 T12N R10W).	✓																	
North River and Fall River: All waters above the confluence (Section 24 T15N R7W).	✓																	
Pioneer Creek and tributaries above latitude 46.8149 longitude -123.5502 (Section 4 T15N R7W).	✓																	
Salmon Creek and tributaries above latitude 46.8904 longitude -123.6829 (Section 9 T16N R8W).	✓																	
Smith Creek and tributaries above latitude 46.7554 longitude -123.8424 (Section 30 T15N R9W).	✓																	

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
South Naselle River above latitude 46.3499 longitude -123.8093 (Section 16 T10N R9W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
South Nemah River above latitude 46.4406 longitude -123.8630 (Section 13 T11N R10W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Stringer Creek and tributaries (Section 25 T13N R8W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Willapa River South Fork and tributaries above latitude 46.6479 longitude -123.7267 (Section 6 T13N R8W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Willapa River and Oxbow Creek: All waters upstream of the confluence (Section 26 T13N R8W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Williams Creek and tributaries above latitude 46.5284 longitude -123.8668 (Section 14 T12N R10W).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 25 Grays-Elochoman																		
Abernathy Creek and Cameron Creek: All waters above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Coal Creek and Tributaries above and latitude 46.1839 longitude -123.0338 (just below Harmony Creek).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Elochoman River and tributaries from mouth to latitude 46.2292 longitude -123.3606 (Section 25 T9N R6W).			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Elochoman River and tributaries from latitude 46.2292 longitude -123.3606 (Section 25 T9N R6W) to headwaters.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Germany Creek from latitude 46.1946 longitude -123.1259 (near mouth) to headwaters.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Grays River from latitude 46.3454 longitude -123.6099 to headwaters.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Hull Creek and tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek and Tributaries above latitude 46.1906 longitude -123.1802 (near mouth).	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Skomokawa Creek and Wilson Creek: All waters above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 26 Cowlitz																		
Cispus River and tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Cowweman River and tributaries from mouth to latitude 46.1405 longitude -122.8532 (Section 31 T8N R1W).			✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cowweman River and tributaries from latitude 46.1405 longitude -122.8532 (Section 31 T8N R1W) to Mulholland Creek (river mile 18.4).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Cowweman River and tributaries from Mulholland Creek (river mile 18.4) to headwaters.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cowlitz River and tributaries from mouth to latitude 46.2622 longitude -122.9001 (Section 14 T9N R2W).			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Cowlitz River from latitude 46.2622 longitude -122.9001 (Section 14 T9N R2W) base of Mayfield Dam (river mile 52.0).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Cowlitz River, and tributaries from base of Mayfield Dam (river mile 52.0) to headwaters.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Green River and tributaries.										✓	✓	✓	✓	✓	✓	✓	✓	✓
Toutle River and tributaries from mouth to Green River on North Fork.									✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Toutle River, North Fork, and tributaries from Green River to headwaters.									✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Toutle River, South Fork, and tributaries.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 27 Lewis																		
Alec Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Big Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Chickoon Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Clear Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Clearwater Creek and upriamed creek: All waters (including tributaries) above the confluence (Section 15 T8N R6E – below confluence of Smith and Muddy Creeks).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Curly Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cussed Hollow Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Kalama River east of Interstate 5 to Kalama River Falls (river mile 10.4) (including tributaries).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Kalama River from lower Kalama River Falls (river mile 10.4) to headwaters (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Lewis River from Houghton Creek (including tributaries) to Lake Merwin.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Lewis River and Pass Creek (alternately known as Swamp Creek): All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Lewis River's unnamed tributaries at latitude 46.1122 longitude -121.9174 (Sect. 11 T7N R7E).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Lewis River, East Fork, from and including Mason Creek to Multon Falls (river mile 24.6) including tributaries.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Lewis River, East Fork, and tributaries from Multon Falls (river mile 24.6) to headwaters.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Panamaker Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pin Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pine Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Quartz Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rush Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Spencer Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Steamboat Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Trillicum Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 28 Salmon-Washougal																		
Burnt Bridge Creek.			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Duncan Creek and unnamed tributary just east of Duncan Creek: All waters north of highway 14.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Greep-Leaf Creek and Hamilton Creek: All waters above the confluence.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Hardy Creek and tributaries above lake inlet.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Lawton Creek and tributaries above latitude 45.5708 longitude -122.2576 (Section 13).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Salmon Creek from latitude 45.7176 longitude -122.6958 (below confluence with Cougar Creek) and tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Washougal River from latitude 45.5883 longitude -122.3711 (Section 7 TIN R4E) (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Woodward Creek and tributaries north of highway 14.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 29 Wind-White Salmon																		
Bear Creek (tributary to White Salmon River (at Latitude 45.98290 Longitude 121.52946) below National Forest Boundary			✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Buck Creek and all tributaries (Two Buck Creeks drain to the White Salmon River, the mouth of this creek is found in Section 21 T7NR10E).	✓							✓										
Carson Creek.		✓																
Catherine Creek and tributaries.		✓																
Cave Creek below National Forest Boundary			✓															
Gilmer Creek and all tributaries, except as noted otherwise.	✓																	
Gilmer Creek's unnamed tributary in Sections 29 and 32 T5N R11E.			✓															
Gotchen Creek and all tributaries, except those waters in or above the Gifford Pinchot National Forest.	✓						✓											
Gotchen Creek and all tributaries that are in or above the Gifford Pinchot National Forest.	✓																	
Green Canyon Creek and all tributaries.	✓						✓											
Jewett Creek and tributaries.		✓																
Killowatt Canyon Creek below National Forest Boundary and unnamed creek at latitude 45.965 longitude -121.5154			✓															
Little White Salmon River and tributaries downstream of National Forest boundary.		✓																
Little White Salmon River and tributaries in or above National Forest boundary.	✓						✓											

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Major Creek and tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Morrison Creek and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Rattlesnake Creek and the unnamed tributary at latitude 45.8512 longitude - 121.4081; All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Rock Creek and tributaries downstream of Gifford Pinchot National Forest boundaries from Latitude 45.68557 Longitude -121.88523.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Spring Creek below National Forest Boundary (Latitude 45.99170 Longitude - 121.57855).			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Trout Lake Creek and all tributaries below Trout Lake.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Trout Lake Creek and all tributaries at and above Trout Lake.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
White Salmon River (including all natural tributaries) occurring downstream of National Forest boundary, not otherwise designated Char.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
White Salmon River (including all natural tributaries) occurring in or upstream of National Forest boundary, not otherwise designated Char.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
White Salmon River drainage's unnamed tributaries that originate in Section 13 T6N R10E (latitude 46.0042 longitude 121.5001); all portions occurring downstream of the Gifford Pinchot National Forest boundary.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
White Salmon River drainage's unnamed tributaries that originate in Section 13 T6NR10E (latitude 46.0042 longitude 121.5001); all portions occurring upstream of the Gifford Pinchot National Forest boundary.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
White Salmon River and Cascade Creek: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Wind River and tributaries downstream of Gifford Pinchot National Forest boundaries.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Wind River and tributaries in or upstream of Gifford Pinchot National Forest.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 30 Kikikitat																		
Clearwater Creek and Trappers Creek: All waters (including tributaries) above the confluence.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Reband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Cougar Creek and Big Muddy Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Diamond Fork and Cuitin Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Diamond Fork's unnamed tributaries at latitude 46.4205 longitude -121.1562.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Diamond Fork's unnamed tributaries at latitude 46.4355 longitude -121.1590 (outlet of Maiden Springs).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Fish Lake Stream and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Fraser Creek and Outlet Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Klickitat River mainstem from mouth to Little Klickitat River (river mile 19.8).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Klickitat River from Little Klickitat River (river mile 19.8) to Diamond Fork.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Klickitat River and all tributaries above the confluence with Diamond Fork.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Klickitat River and all tributaries above the confluence with Cozy Nook Creek.			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Muddy Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
McCreedy Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 31 Rock-Glade																		
Squaw Creek and unnamed tributary at latitude 45.8758 longitude -120.4324 (Section 33 T5N R19E): all waters above confluence.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Rock Creek and Quartz Creek: all waters above confluence.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 32 Walla Walla																		
Blue Creek and tributaries above latitude 46.0581 and longitude 118.0971	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Coppei Creek, North and South Forks (including tributaries).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Dry Creek and tributaries above confluence with unnamed creek at latitude 46.1197 longitude -118.1378 (Seaman Rd).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek from mouth to 13th Street Bridge in Walla Walla (river mile 6.4). ¹				✓										✓				✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Mill Creek from 13th Street Bridge in Walla Walla (river mile 6.4) to diversion structure at confluence of Mill Creek and unnamed creek (river mile 11.4); latitude 46.0800 longitude -118.2541		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek from river mile 11.4; latitude 46.080 longitude -118.2541 to headwaters (including tributaries) except where otherwise designated Char		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek and Railroad Canyon: All waters (including tributaries) above the confluence to the Oregon state line (river mile 21.6).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek and tributaries within Washington that are above the city of Walla Walla Waterworks Dam (river mile 25.2) to headwaters. ²	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Touchet River above latitude 46.3172 longitude -118.0000 (Sect. 25 T10N R38E) (including tributaries) not otherwise designated Char.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Touchet River, North Fork, and Wolf Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Touchet River, South Fork, and the unnamed tributary at latitude 46.2307 longitude -117.9397: All waters (including tributaries) above the confluence, except those waters in or above the Umatilla National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Touchet River, South Fork, and the unnamed tributary at latitude 46.2307 longitude -117.9397: All waters (including tributaries) above the confluence that are in or above the Umatilla National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Walla Walla River from mouth to Lowden (Dry Creek at river mile 27.2).				✓					✓		✓	✓	✓	✓	✓	✓	✓	✓
Walla Walla River from Lowden (Dry Creek at river mile 27.2) to Oregon border (river mile 40). ³			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Whiskey Creek, and unnamed tributary system at and latitude 46.2176 longitude -118.0667 (Section 33 T9N R38E), all waters above confluence.										✓	✓	✓	✓	✓	✓	✓	✓	✓

Notes for WRIA 32:

1. Dissolved oxygen concentration shall exceed 5.0 mg/L.

2. No waste discharge will be permitted for Mill Creek and tributaries in Washington from city of Walla Walla Waterworks Dam (river mile 25.2) to headwaters.

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Reband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
<p>3. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t=34/(T+9)$.</p>																		
WRIA 33 Lower Snake																		
Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). ¹																		
Notes for WRIA 33:																		
1. Below Clearwater River (river mile 139.3). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t=34/(T+9)$. Special condition- special fish passage exemption as described in WAC 173-201A-200 (1)(f).																		
WRIA 34 Palouse																		
Palouse River from Palouse Falls to south fork (Colfax, river mile 89.6).																		
Palouse River mainstem from mouth to Palouse Falls																		
Palouse River, main river, from confluence with south fork (Colfax, river mile 89.6) to Idaho border (river mile 123.4). ¹																		
Notes on WRIA 34:																		
1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t=34/(T+9)$.																		
WRIA 35 Middle Snake																		
All streams flowing into Oregon from North Fork Wenaha River east to, and including, Fairview Creek.																		
Asotin River from and including Charley Creek to headwaters (including tributaries) not otherwise designated Char.																		
Asotin River, North Fork, and all tributaries above Lick Creek, except those waters in or above the Umatilla National Forest.																		
Asotin River, North Fork, and all tributaries above Lick Creek that are in or above the Umatilla National Forest.																		

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Charley Creek and the unnamed tributary at latitude 46.2851 longitude - 117.3216: All waters (including tributaries) above the confluence, except those waters in or above the Umatilla National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Charley Creek and the unnamed tributary at latitude 46.2851 longitude - 117.3216: All waters (including tributaries) above the confluence that are in or above the Umatilla National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Cottonwood Creek and the unnamed tributary at latitude 46.0678 longitude - 117.3015 (Section 21 T7N R44E) all waters above the confluence.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Crooked Creek (including tributaries) from Oregon Border to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cummings Creek and all tributaries, except those waters in or above the Umatilla National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Cummings Creek and all tributaries that are in or above the Umatilla National Forest.	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
George Creek, above and including Coombs Canyon (including tributaries).	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
George Creek and the unnamed tributary at latitude 46.2292 longitude -117.1874 (Section 29 T9N R45E), all waters above confluence not otherwise designated Char.		✓							✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Grande Ronde River from mouth to Oregon border (river mile 37). ¹			✓							✓	✓	✓	✓	✓	✓	✓	✓	✓
Grouse Creek and tributaries from Oregon border.		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Grub Canyon and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Hixon Canyon and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Tucannon River and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Menatchee Creek and West Fork Menatchee Creek: All waters (including tributaries) above the confluence.	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pataha Creek and Dry Pataha Creek: All waters (including tributaries) above the confluence, except those waters in or above the Umatilla National Forest.	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Pataha Creek and Dry Pataha Creek: All waters (including tributaries) above the confluence that are in or above the Umatilla National Forest.	✓								✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Snake River from mouth to Washington-Idaho-Oregon border (river mile 176.1). ²			✓				✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tennile Creek, all waters above confluence with unnamed creek at latitude 46.2156 longitude -117.0386 (Section 33 T9N R46E).		✓								✓	✓	✓	✓	✓	✓	✓	✓	✓
Tucannon River and tributaries from latitude 46.4592 longitude -117.8461 (Section 6, T11N R40E) to Panjab Creek (except where designated char).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tucannon River mainstem from between Little Tucannon River and Panjab Creek.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Tucannon River and Panjab Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tucannon River's unnamed tributaries in Sect. 1 T10N R40E and in Sect. 35 T11N R40E (South of Marengo): all waters above their forks.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Tumalum Creek and the unnamed tributary at latitude 46.3594 longitude -117.6488: All waters (including tributaries) above the confluence, except those waters in or above the Umatilla National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Tumalum Creek and the unnamed tributary at latitude 46.3594 longitude -117.6488: All waters (including tributaries) above the confluence that are in or above the Umatilla National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Willow Creek and the unnamed tributary at latitude 46.4182 longitude -117.8314: All waters (including tributaries) above the confluence.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Notes for WRIA 35:																		
1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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).																		
2. The following two notes apply:																		
(a) Below Clearwater River (river mile 139.3). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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). Special condition - special fish passage exemption as described in WAC 173-201A-200 (1)(f).																		

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics	
<p>(b) Above Clearwater River (river mile 139.3). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increases 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.</p>																			
WRIA 36 Esquatzel Coulee																			
There are no specific waterbody entries for this WRIA.																			
WRIA 37 Lower Yakima																			
Ahtanum Creek North Fork's unnamed tributaries at latitude 46.5465 longitude - 120.8857.																			
Ahtanum Creek North Fork's unnamed tributaries at latitude 46.5395 longitude - 120.9851.	✓																		
Ahtanum Creek, between confluence with South Fork and confluence of North and Middle Forks (including tributaries) except where designated Char																			
Ahtanum Creek, North Fork, and Middle Fork Ahtanum Creek: All waters (including tributaries) above the confluence.	✓																		
Ahtanum Creek, South Fork, and all tributaries.	✓																		
Carpenter Gulch and all tributaries.	✓																		
Foundation Creek and all tributaries.	✓																		
Nasty Creek and all tributaries.	✓																		
Sulphur Creek																			
Yakima River from mouth to Cle Elum River (river mile 185.6) except where specifically designated otherwise in Table 602. ¹			✓																
Notes for WRIA 37:																			
1. Temperature shall not exceed a 1-DMax of 21.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t=34/(T+9)$.																			
WRIA 38 Naches																			
American River and all tributaries.																			
✓																			

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Barton Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Bumping Lake's unnamed tributaries at latitude 46.8464 longitude -121.3106.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Bumping River's unnamed tributaries at latitude 46.9317 longitude -121.2067 (outlet of Flat Iron Lake).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Bumping River and tributaries downstream of the upper end of Bumping Lake (except where designated char).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Bumping River (and tributaries) upstream of Bumping Lake.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cedar Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Clear Creek and tributaries (including Clear Lake).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Crow Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Deep Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Goat Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Granite Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Indian Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Naches River and Bear Creek: All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Naches River, South Fork and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Naches River and tributaries from latitude 46.7640 longitude -120.8286 (just upstream of Cougar Canyon) to Snoqualmie National Forest boundary (river mile 35.7) (except where designated Char).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Naches River from Snoqualmie National Forest boundary (river mile 35.7) to headwaters (except where designated Char).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pileup Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Quartz Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Rattlesnake Creek: All waters above the confluence with North Fork Rattlesnake Creek.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Rattlesnake Creek, North Fork, all waters above latitude 46.8107 longitude 121.0694 (from and including the unnamed tributary just above confluence with mainstem).	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Sand Creek and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sunrise Creek (latitude 46.9042 longitude -121.2431) and all tributaries	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tieton River and tributaries (except where otherwise designated).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tieton River, North Fork (including tributaries) above the confluence with Clear Lake.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tieton River, South Fork, and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
WRIA 39 Upper Yakima																		
Cle Elum River from mouth to latitude 47.3805 longitude -121.0983 (above Little Salmon la Sac Creek).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Cle Elum River and all tributaries from confluence with unnamed tributary at latitude 47.3805 longitude -121.0983 to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Indian Creek and tributaries downstream of Wenatchee National Forest boundary below.		✓							✓									
Indian Creek and tributaries in or above National Forest boundary.		✓							✓									
Jack Creek and tributaries downstream of Wenatchee National Forest boundary below.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Jack Creek and tributaries in or above National Forest boundary.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Little Kachess Lake (narrowest point dividing Kachess Lake from Little Kachess Lake) and all tributaries.	✓									✓	✓	✓	✓	✓	✓	✓	✓	✓
Manastash Creek: All waters above the confluence of the North and South Forks that are downstream of the Wenatchee National Forest boundary.		✓							✓									
Manastash Creek: All waters above the confluence of the North and South Forks that are in or above the Wenatchee National Forest.		✓							✓									
Manastash Creek mainstem from mouth to confluence of North and South Forks.		✓							✓									

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Manastash Creek, tributaries to mainstem, between the mouth and the confluence of North and South Forks.																		
Swauk Creek mainstem from mouth to confluence with First Creek.																		
Swauk Creek from confluence with First Creek to Wenatchee National Forest (including tributaries).																		
Taneum Creek, tributaries to mainstem, from mouth to Wenatchee National Forest boundary.																		
Taneum Creek mainstem from mouth to Wenatchee National Forest boundary.																		
Teanaway River mainstem from mouth to West Fork Teanaway River.																		
Teanaway River, tributaries to mainstem, from mouth to West Fork Teanaway River.																		
Teanaway River, West Fork and Middle Fork, and tributaries downstream of the Wenatchee National Forest.																		
Teanaway River, West Fork and Middle Fork, and tributaries upstream of the Wenatchee National Forest.																		
Teanaway River, North Fork (and tributaries) from mouth to Jungle Creek that are downstream of the Wenatchee National Forest boundary (except where designated otherwise).																		
Teanaway River, North Fork (and tributaries) from mouth to Jungle Creek that are in or above the Wenatchee National Forest boundary (except where designated otherwise).																		
Teanaway River, North Fork, and all tributaries above and including Jungle Creek.																		
Yakima River mainstem from mouth to Cle Elum River (river mile 185.6) except where specifically designated otherwise in Table 602. ¹																		
Yakima River and tributaries from Cle Elum River (river mile 185.6) to headwaters (except where designated otherwise).																		
Yakima River and tributaries above but not including Cedar Creek (latitude 47.2892 longitude -121.2947) in Sect.25 T21N12E.																		

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Notes for WRIA 39:																		
1. Temperature shall not exceed a 1-DMax of 21.0°C due to human activities. When natural conditions exceed a 1-DMax of 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).																		
WRIA 40 Alkaki-Squilchuck																		
There are no specific water body entries for this WRIA.																		
WRIA 41 Lower Crab																		
Crab Creek and tributaries.																		
WRIA 42 Grand Coulee																		
Crab Creek and tributaries.																		
WRIA 43 Upper Crab-Wilson																		
Crab Creek and tributaries.																		
WRIA 44 Moses Coulee																		
There are no specific waterbody entries for this WRIA.																		
WRIA 45 Wenatchee																		
Chiwaukum Creek from confluence with Skirney Creek to headwaters (including tributaries).																		
Chiwawa River from mouth to Chikamin Creek (including tributaries).																		
Chiwawa River (and all tributaries) above and including Chikamin Creek.																		
Chumstick Creek and tributaries downstream of the National Forest boundary (not otherwise designated char).																		
Chumstick Creek and tributaries in or above the National Forest boundary (not otherwise designated char).																		
Dry Creek and Chumstick Creek: All waters (including tributaries) above the confluence, except those waters in or above the Wenatchee National Forest.																		
Dry Creek and Chumstick Creek: All waters (including tributaries) above the confluence that are in or above the Wenatchee National Forest.																		

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Eagle Creek and the unnamed tributary at latitude 47.6544 longitude -120.5165; All waters (including tributaries) above the junction, except those waters in or above the Wenatchee National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Eagle Creek and the unnamed tributary at latitude 47.6544 longitude -120.5165; All waters (including tributaries) above the confluence that are in or above the Wenatchee National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Icicle Creek (including tributaries) from mouth to the National Forest Boundary.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Icicle Creek (including tributaries) from National Forest boundary to confluence with Jack Creek.							✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Icicle Creek above and including Jack Creek (including all tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Ingalls Creek (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Mission Creek from latitude 47.4496 longitude -120.4945 to headwaters (including tributaries) downstream of the National Forest boundary.		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Mission Creek from latitude 47.4496 longitude -120.4945 to headwaters (including tributaries) in or above the National Forest boundary.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Peshastin Creek from National Forest Boundary to headwaters (including tributaries) except where designated char.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Peshastin Creek from confluence with Mill Creek to National Forest Boundary (including tributaries).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Second Creek and the unnamed tributary at latitude 47.7384 longitude -120.5935; All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Van Creek and the unnamed tributary at latitude 47.6722 longitude -120.5373; All waters (including tributaries) above the confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Wenatchee River mainstem between Peshastin Creek and the boundary of the Wenatchee National Forest (river mile 27.1).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Wenatchee River from Wenatchee National Forest boundary (river mile 27.1) to Chiwawa River (including tributaries) except where designated otherwise.		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Wenatchee River and all tributaries above Chiwawa River confluence.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
WRIA 46 Entiat																		
Brennegan Creek and the unnamed tributary at and latitude 47.9098 longitude - 120.4185: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Entiat River and tributaries occurring below the National Forest boundary from and including the Mad River to Wenatchee National Forest boundary on the mainstem Entiat River (river mile 20.5).		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
Entiat River and all tributaries above the unnamed creek at and latitude 47.9135 longitude -120.4942 (below Fox Creek).	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Entiat River's unnamed tributaries upstream of latitude 47.9106 longitude - 121.5010 (below Fox Creek).	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Gray Canyon, North Fork, and South Fork Gray Canyon: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Hornet Creek and all tributaries.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Mad River and all tributaries above latitude 47.8015 longitude -120.4920 (below Young Creek).	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Mud Creek and Switchback Canyon: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Potato Creek and Gene Creek: All waters above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Preston Creek and South Fork Preston Creek: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Stormy Creek and the unnamed tributary at latitude 47.8387 longitude - 120.3865: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Tillicum Creek and Indian Creek: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
WRIA 47 Chelan																		
Stehlekin River.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics	
WRIA 48 Methow																			
Bear Creek from mouth to headwaters (including tributaries) in or above the National Forest boundary.																			
Bear Creek from mouth to headwaters (including tributaries) downstream of the National Forest boundary.																			
Beaver Creek and South Fork Beaver Creek: All waters (including tributaries) above the confluence.																			
Big Hidden Lake and all tributaries, and the outlet stream that flows into the East Fork Pasayten River.																			
Boulder Creek and Pebble Creek: All waters (including tributaries) above the confluence.																			
Buttermilk Creek and all tributaries.																			
Chevuch River and tributaries from mouth to headwaters (except where designated otherwise).																			
Chevuch River and tributaries above Buck Creek at Section 30, T38, R22E.																			
Eagle Creek and all tributaries.																			
Early Winters Creek (including tributaries) from mouth to headwaters.																			
Eureka Creek and all tributaries.																			
Goat Creek above the confluence with Roundup Creek to headwaters (including tributaries).																			
Gold Creek and all tributaries, except those waters in or above the Okanogan National Forest.																			
Gold Creek and all tributaries that are in or above the Okanogan National Forest.																			
Lake Creek and all tributaries.																			
Libby Creek and Hornel Draw: All waters (including tributaries) above the confluence.																			
Little-Bridge Creek and tributaries																			
Lost River Gorge and all tributaries upstream of confluence with Sunset Creek.																			

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
		Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
	Methow River from mouth to confluence with Twisp River.			✓								✓	✓	✓	✓	✓	✓	✓	✓
	Methow River from confluence with Twisp River to Chewuch River (river mile 50.1).		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
	Methow River and tributaries from Chewuch River (river mile 50.1) to headwaters (except where designated char.		✓						✓			✓	✓	✓	✓	✓	✓	✓	✓
	Methow River, West Fork, (including tributaries) from and including Robinson Creek and its tributaries to headwaters (except unnamed tributary above mouth at latitude 48.6591 longitude -120.5493.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Pipestone Canyon Creek and all tributaries below Campbell Lake.	✓							✓			✓	✓	✓	✓	✓	✓	✓	✓
	Pipestone Canyon Creek and all tributaries above Campbell Lake, Campbell Lake, and all tributaries to Campbell Lake.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Smith Canyon Creek and Elderberry Canyon: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Twisp River from mouth to War Creek.		✓					✓				✓	✓	✓	✓	✓	✓	✓	✓
	Twisp River and War Creek: All waters (including tributaries) above the confluence.	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	Wolf Creek from and including unnamed tributary at latitude 48.4849 longitude -120.3180 to headwaters (including tributaries).	✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
	WRIA 49 Okanogan																		
	Okanogan River.			✓								✓	✓	✓	✓	✓	✓	✓	✓
	WRIA 50 Foster																		
	There are no specific waterbody entries for this WRIA.																		
	WRIA 51 Nespelem																		
	There are no specific waterbody entries for this WRIA.																		
	WRIA 52 Sanpoil																		
	There are no specific waterbody entries for this WRIA.																		

TABLE 602	Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses						Recreation Uses			Water Supply Uses				Misc. Uses				
		Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Reband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
WRIA 53 Lower Lake Roosevelt																			
There are no specific waterbody entries for this WRIA.																			
WRIA 54 Lower Spokane																			
Spokane River from mouth to Long Lake Dam (river mile 33.9). ¹				✓						✓			✓	✓	✓	✓	✓	✓	✓
Spokane River from Long Lake Dam (river mile 33.9) to Nine Mile Bridge (river mile 58.0). ²		✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Spokane River from Nine Mile Bridge (river mile 58.0) to the Idaho border (river mile 96.5). ³				✓					✓			✓	✓	✓	✓	✓	✓	✓	✓
Notes for WRIA 54:																			
1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t=34/(T + 9)$.																			
2. a. The average euphotic zone concentration of total phosphorus (as P) shall not exceed 25µg/L during the period of June 1 to October 31. b. Temperature shall not exceed a 1-DMax of 20.0°C, due to human activities. When natural conditions exceed a 1-DMax of 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 $t=34/(T + 9)$.																			
3. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t=34/(T+9)$.																			
WRIA 55 Little Spokane																			
There are no specific waterbody entries for this WRIA.																			
WRIA 56 Hangman																			
There are no specific waterbody entries for this WRIA.																			
WRIA 57 Middle Spokane																			
Lake Creek and all tributaries.		✓						✓				✓	✓	✓	✓	✓	✓	✓	✓
Spokane River from Nine Mile Bridge (river mile 58.0) to the Idaho border (river mile 96.5). ¹				✓					✓			✓	✓	✓	✓	✓	✓	✓	✓

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses				Recreation Uses			Water Supply Uses				Misc. Uses				
	Char Spawning /Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating
Notes on WRIA 57:																
1. Temperature shall not exceed a 1-DM _{max} of 20.0°C due to human activities. When natural conditions exceed a 1-DM _{max} of 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).																
WRIA 58 Middle Lake Roosevelt																
There are no specific waterbody entries for this WRIA.																
WRIA 59 Colville																
Colville River.																
WRIA 60 Kettle																
There are no specific waterbody entries for this WRIA.																
WRIA 61 Upper Lake Roosevelt																
There are no specific waterbody entries for this WRIA.																
WRIA 62 Pend Oreille																
All streams flowing into Idaho from Bath Creek (latitude 48.5865 longitude 117.0351) to the Canadian border.																
Calispell Creek (including tributaries) from Small Creek to Calispell Lake.																
Calispell Lake and all tributaries.																
Cedar Creek from latitude 48.7500 longitude -117.4349 (including tributaries) to headwaters: all waters that are in the Colville National Forest.																
Cedar Creek from latitude 48.7500 longitude -117.4349 to (including tributaries) to headwaters: all waters that are outside the Colville National Forest.																
Cedar Creek from mouth to latitude 48.7500 longitude -117.4349 (including tributaries) in or above Colville National Forest boundary.																
Cedar Creek from mouth to latitude 48.7500 longitude -117.4349 (including tributaries) downstream of the Colville National Forest.																
Harvey Creek (also called Outlet Creek) and Paupac Creek: All waters (including tributaries) above the confluence.																

TABLE 602 Use Designations for Fresh Waters by Water Resource Inventory Area (WRIA)	Aquatic Life Uses					Recreation Uses			Water Supply Uses				Misc. Uses					
	Char Spawning/Rearing	Core Summer Habitat	Spawning/Rearing	Rearing/Migration Only	Redband Trout	Warm Water Species	Ex Primary Cont	Primary Cont	Secondary Cont	Domestic Water	Industrial Water	Agricultural Water	Stock Water	Wildlife Habitat	Harvesting	Commerce/Navigation	Boating	Aesthetics
Indian Creek from mouth to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Le Clerc Creek, East Branch, and West Branch Le Clerc Creek: All waters (including tributaries) above the confluence, except those waters in or above the Colville National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Le Clerc Creek, East Branch, and West Branch Le Clerc Creek: All waters (including tributaries) above the confluence that are in or above the Colville National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Le Clerc Creek from mouth to confluence with West Branch Le Clerc Creek (including tributaries).		✓						✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Mill Creek from mouth to headwaters (including tributaries).		✓					✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Pend Oreille River from Canadian border (river mile 16.0) to Idaho border (river mile 87.7). ¹			✓					✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Slate Creek from mouth to headwaters (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Small Creek and all tributaries, except those waters in or above the National Forest.	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Small Creek and all tributaries that are in or above the National Forest.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
South Salmo River and all tributaries.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Sullivan Creek above confluence with Harvey Creek (including tributaries) to headwaters.	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓
Tacoma Creek, South Fork, upstream of Tacoma Creek and downstream of the Colville National Forest boundary (including tributaries).	✓							✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Tacoma Creek, South Fork, and tributaries upstream of the Colville National Forest boundary (including tributaries).	✓						✓			✓	✓	✓	✓	✓	✓	✓	✓	✓

Notes for WRIA 62:

1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 ~~1.54/(T + 9)~~.

))

Table 602: Columbia River	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Columbia River: From mouth (latitude 46.2502, longitude -124.0829) to the Washington-Oregon border (latitude 46.0002, longitude -118.9809). ¹	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Columbia River: From Washington-Oregon border (latitude 46.0002, longitude -118.9809) to Grand Coulee Dam (latitude 47.957, longitude -118.9825). ^{2,3}	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Columbia River: From Grand Coulee Dam (latitude 47.957, longitude -118.9825) to Canadian border (latitude 49.007, longitude -117.6313).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Notes for Columbia River:

1. Temperature shall not exceed a 1-day maximum (1-DMax) of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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. Special condition - Special fish passage exemption as described in WAC 173-201A-200 (1)(f).
2. From Washington-Oregon border (latitude 46.0002, longitude -118.9809) to Priest Rapids Dam (latitude 46.6443, longitude -119.9103). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.
3. From Washington-Oregon border (latitude 46.0002, longitude -118.9809) to Grand Coulee Dam (latitude 47.957, longitude -118.9825). Special condition - Special fish passage exemption as described in WAC 173-201A-200 (1)(f).
4. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 1 - Nooksack	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Bertrand Creek: Upstream from the mouth (latitude 48.9121, longitude -122.5352) to Canadian border.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Breckenridge Creek: Upstream from the mouth (latitude 48.9267, longitude -122.3129), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Chilliwack River and Little Chilliwack River: All waters above the confluence (latitude 48.9929, longitude -121.4086), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Chuckanut Creek: Upstream from the mouth (latitude 48.7002, longitude -122.4949) to headwaters.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Colony Creek: Upstream from the mouth (latitude 48.5966, longitude -122.4193) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Dakota Creek: Upstream from the mouth (latitude 48.9721, longitude -122.7291), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Dale Creek: Upstream from the mouth (latitude 48.8938, longitude -122.3023).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 1 - Nooksack	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Deer Creek (tributary to Barrett Lake):</u> Upstream from the mouth (latitude 48.8471, longitude -122.5615), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Depot Creek:</u> Upstream from the mouth (latitude 49.0296, longitude -121.4021), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Fishtrap Creek:</u> Upstream from the mouth (latitude 48.912, longitude -122.5229) to Canadian border.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hutchinson Creek:</u> Upstream from the mouth (latitude 48.7078, longitude -122.1812), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Johnson Creek's unnamed tributary:</u> Upstream from the mouth (latitude 48.978, longitude -122.3223) just north of Pangborn Road.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Nooksack River mainstem:</u> Upstream from the mouth to the confluence with Anderson Creek (latitude 48.8646, longitude -122.3157).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Nooksack River:</u> Upstream from, and including, Anderson Creek (latitude 48.8646, longitude -122.3157) to the confluence with South Fork (latitude 48.8094, longitude -122.2039) except where otherwise designated char, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Nooksack River, North Fork:</u> Upstream from the confluence with South Fork (latitude 48.8094, longitude -122.2039) upstream to the confluence with Maple Creek (latitude 48.9119, longitude -122.0792), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Nooksack River, North Fork:</u> Upstream from and including Maple Creek (latitude 48.9119, longitude -122.0792), including all tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Nooksack River, Middle Fork:</u> Upstream from the confluence with mainstem (latitude 48.8341, longitude -122.1549) to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Nooksack River, South Fork:</u> Upstream from the mouth (latitude 48.8075, longitude -122.2024) to Skookum Creek (latitude 48.6701, longitude -122.1417).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Nooksack River, South Fork:</u> Upstream from Skookum Creek (latitude 48.6701, longitude -122.1417) to Fobes Creek (latitude 48.6237, longitude -122.1123).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 1 - Nooksack	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Nooksack River, South Fork:</u> Upstream from the confluence with Fobes Creek (latitude 48.6237, longitude -122.1123), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Padden Creek:</u> Upstream from the mouth (latitude 48.7202, longitude -122.5073) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Pepin Creek:</u> From the mouth (latitude 48.9417, longitude -122.4748) to Canadian border (latitude 49.0023, longitude -122.4738).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Saar Creek:</u> From the mouth (latitude 48.9818, longitude -122.2386) to headwaters.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Silesia Creek:</u> South of Canadian border (latitude 48.9985, longitude -121.6125), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Skookum Creek:</u> Upstream from the mouth (latitude 48.6702, longitude -122.1417), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Squaw Creek:</u> Upstream from the mouth (latitude 48.969, longitude -122.3291).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Squalicum Creek's unnamed tributary:</u> Upstream from latitude 48.7862, longitude -122.4864 to headwaters.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Stickney Creek (Slough) and Kamm Ditch:</u> Upstream from the confluence with mainstem Nooksack River (latitude 48.938, longitude -122.441) to headwaters.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Sumas River:</u> From the Canadian border (latitude 49.0024, longitude -122.2324) to headwaters (latitude 48.888, longitude -122.3087) except where designated otherwise.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Tenmile Creek:</u> Upstream from the mouth (latitude 48.8559, longitude -122.5771) to Barrett Lake (latitude 48.8513, longitude -122.5718).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Tomyhoi Creek:</u> From the Canadian border (latitude 48.9991, longitude -121.7318) to headwaters.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Whatcom Creek:</u> Upstream from the mouth (latitude 48.7549, longitude -122.4824) to outlet of Lake Whatcom (latitude 48.7575, longitude -122.4226), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 1:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

<u>Table 602: WRIA 2 - San Juan</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	=	=	=	=	=

<u>Table 602: WRIA 3 - Lower Skagit-Samish</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Fisher and Carpenter creeks:</u> Upstream from the mouth (latitude 48.3222, longitude -122.3363), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Hansen Creek:</u> Upstream from the mouth (latitude 48.4902, longitude -122.2086), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Nookachamps Creek:</u> Upstream from the mouth (latitude 48.4709, longitude -122.2954) except where designated char, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Nookachamps Creek, East Fork, and unnamed creek:</u> Upstream from the confluence (latitude 48.4091, longitude -122.1702), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Samish River:</u> Upstream from latitude 48.547, longitude -122.3373, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Skagit River mainstem:</u> Upstream from the mouth to Skiyou Slough-lower end (latitude 48.4974, longitude -122.1811).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Skagit River, all tributaries to the mainstem:</u> Upstream from the mouth to Skiyou Slough-lower end (latitude 48.4974, longitude -122.1811); except where designated otherwise.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Skagit River:</u> Upstream Skiyou Slough-lower end (latitude 48.4974, longitude -122.1811) to the boundary of WRIA 3 and 4 (latitude 48.5106, longitude -121.8973), except the other waters listed for this WRIA, including tributaries. ¹	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Walker Creek and unnamed creek:</u> Upstream of the confluence (latitude 48.3808, longitude -122.164), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Notes for WRIA 3:

1. Skagit River (Gorge bypass reach) from Gorge Dam (latitude 48.6978, longitude -121.2082) to Gorge Powerhouse (latitude 48.677, longitude -121.2422). Temperature shall not exceed a 1-DMax of 21°C due to human activities. When natural conditions exceed a 1-DMax of 21°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 $t = 34 / (T + 9)$.
2. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 4 - Upper Skagit	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Bacon Creek:</u> Upstream from the mouth (latitude 48.5858, longitude -121.3934), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Baker Lake:</u> From dam (latitude 48.649, longitude -121.6906), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Bear Creek and the unnamed outlet creek of Blue Lake:</u> Upstream of the confluence (latitude 48.6204, longitude -121.7488), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Big Beaver Creek:</u> Upstream from the mouth (latitude 48.7747, longitude -121.065), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Big Creek:</u> Upstream from the mouth (latitude 48.3457, longitude -121.451), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Buck Creek:</u> Upstream from the mouth (latitude 48.2635, longitude -121.3374), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cascade River and Boulder Creek:</u> All waters above the confluence (latitude 48.5177, longitude -121.3643), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Circle Creek:</u> Upstream from the mouth (latitude 48.2593, longitude -121.339), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Clear Creek:</u> Upstream from the mouth (latitude 48.2191, longitude -121.5684), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Diobsud Creek and unnamed tributary:</u> All waters above the confluence (latitude 48.5846, longitude -121.4422), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Goodell Creek:</u> Upstream from the mouth (latitude 48.6725, longitude -121.2649), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hozomeen Creek:</u> Upstream from the mouth (latitude 48.9869, longitude -121.0717), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Illabot Creek:</u> Upstream from the mouth (latitude 48.49597, longitude -121.53164), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Jordan Creek:</u> Upstream from the mouth (latitude 48.5228, longitude -121.4229), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Lightning Creek:</u> Upstream from the mouth, including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 4 - Upper Skagit	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Little Beaver Creek: Upstream from the mouth (latitude 48.9162, longitude -121.0825), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Murphy Creek: Upstream from the mouth (latitude 48.191, longitude -121.5157), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Newhalem Creek: Upstream from the mouth (latitude 48.6714, longitude -121.2561), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Rocky Creek: Upstream from the mouth (latitude 48.6461, longitude -121.702), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Ruby Creek: Upstream from the mouth (latitude 48.7125, longitude -120.9868), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Sauk River and Dutch Creek: All waters above the confluence (latitude 48.1812, longitude -121.488), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Silver Creek: Upstream from the mouth (latitude 48.9702, longitude -121.1039), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Skagit River: Upstream from latitude 48.5106, longitude -121.8973, including tributaries, except where listed otherwise for this WRIA. ¹	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Stetattle Creek: Upstream from the mouth (latitude 48.7172, longitude -121.1498), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Straight Creek: Upstream from the mouth (latitude 48.2719, longitude -121.4004), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Suiattle River: Above the confluence with Harriet Creek (latitude 48.2507, longitude -121.3018), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Sulphur Creek: Upstream of the mouth (latitude 48.6482, longitude -121.6997), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Tenas Creek: Upstream of the mouth (latitude 48.3236, longitude -121.4395), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Thunder Creek: Upstream of Lake Shannon (latitude 48.5978, longitude -121.7138), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Thunder Creek: Upstream of Diablo Lake (latitude 48.69469, longitude -121.09830), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Table 602: WRIA 4 - Upper Skagit	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>White Chuck River:</u> Upstream of the mouth (latitude 48.1729, longitude -121.4723), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Notes for WRIA 4:

1. Skagit River (Gorge bypass reach) from the Gorge Dam (river mile 96.6) to the Gorge Powerhouse (river mile 94.2). Temperature shall not exceed a 1-DMax of 21°C due to human action. When natural conditions exceed a 1-DMax of 21°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 $t = 34/(T + 9)$.
2. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 5 - Stillaguamish	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Brooks Creek and unnamed tributary:</u> Upstream of the confluence (latitude 48.296, longitude -121.905), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Canyon Creek:</u> Upstream of the confluence with unnamed tributary (latitude 48.1245, longitude -121.8892) to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Canyon Creek's unnamed tributaries:</u> Upstream from latitude 48.1516, longitude -121.9677.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Unnamed tributaries:</u> Upstream from the mouth of tributary (latitude 48.1463, longitude -121.9653) of unnamed tributary of Canyon Creek (latitude 48.12145, longitude -121.94482).	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Crane Creek and unnamed tributary:</u> Upstream of the confluence (latitude 48.3298, longitude -121.1005), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Crane Creek's unnamed tributaries:</u> Upstream of the confluence (latitude 48.3324, longitude -122.1059), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Cub Creek and unnamed tributary:</u> Upstream of the confluence (latitude 48.1677, longitude -121.9428), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Deer Creek (on N.F. Stillaguamish) and unnamed tributary:</u> Upstream of the confluence (latitude 48.3194, longitude -121.9582), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Dicks Creek and unnamed outlet of Myrtle Lake:</u> Upstream of the confluence (latitude 48.3185, longitude -121.8147), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Jim Creek and Little Jim Creek:</u> Upstream of the confluence (latitude 48.1969, longitude -121.902), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 5 - Stillaguamish	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Jorgenson Slough:</u> Upstream from the confluence with Church Creek (latitude 48.2341, longitude -122.3235), between West Pass and Hat Slough, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Lake Cavanaugh and all tributaries:</u> All waters above the outlet (latitude 48.3126, longitude -121.9803).	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Pilchuck Creek and Bear Creek:</u> Upstream of the confluence (latitude 48.3444, longitude -122.0691), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Pilchuck Creek's unnamed tributaries:</u> Upstream of the confluence (latitude 48.309, longitude -122.1303), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Pilchuck Creek:</u> Upstream from latitude 48.2395, longitude -122.2015 (above 268 th St) to headwaters, including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Unnamed tributary to Portage Creek:</u> Upstream of the confluence (latitude 48.1836, longitude -122.2314), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Stillaguamish River:</u> Upstream from the mouth (latitude 48.2082, longitude -122.323) to confluence of north and south forks (latitude 48.2036, longitude -122.1279).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Stillaguamish River, North Fork:</u> Upstream from the mouth (latitude 48.2039, longitude -122.128) to Boulder River (latitude 48.2822, longitude -121.7876), including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Stillaguamish River, North Fork, and Boulder River:</u> Upstream from the confluence (latitude 48.2822, longitude -121.7876) to Squire Creek (latitude 48.2802, longitude -121.686), and downstream of the Mt. Baker Snoqualmie National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Stillaguamish River, North Fork, and Boulder River:</u> Upstream from the confluence (latitude 48.2802, longitude -121.686) up to Squire Creek (latitude 48.2802, longitude -121.686) that are in or above the Mt. Baker Snoqualmie National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Stillaguamish River, North Fork:</u> Upstream from the confluence with Squire Creek (latitude 48.2802, longitude -121.686) to headwaters, including all tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 5 - Stillaguamish	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Stillaguamish River, South Fork: Upstream from the mouth (latitude 48.2034, longitude -122.1277) to Canyon Creek (latitude 48.0972, longitude -121.9711).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Stillaguamish River, South Fork: Upstream from Canyon Creek (latitude 48.0972, longitude -121.9711) to the unnamed tributary at latitude 48.092 longitude -121.8812 (near Cranberry Creek).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Stillaguamish River, South Fork, and the unnamed tributary: Upstream of the confluence (latitude 48.092, longitude -121.8812) near Cranberry Creek, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 5:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 6 - Island	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	-	-	-	-	-

Table 602: WRIA 7 - Snohomish	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Cherry Creek: Upstream from the mouth (latitude 47.7684, longitude -121.9603) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Cripple Creek: Upstream from the mouth (latitude 47.523, longitude -121.4728), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Kelly Creek: Upstream from the mouth (latitude 47.9849, longitude -121.5034), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Miller River, East Fork, and West Fork Miller River: Upstream of the confluence (latitude 47.675, longitude -121.3892), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
North Fork Creek and unnamed creek: Upstream of the confluence (latitude 47.7406, longitude -121.8246), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Pilchuck River: Upstream from the mouth (latitude 47.9006, longitude -122.0919) to the confluence with Boulder Creek (latitude 48.0248, longitude -121.8217).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Pilchuck River and Boulder Creek: Upstream on the confluence (latitude 48.0248, longitude -121.8217), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 7 - Snohomish	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Pratt River:</u> Upstream from the mouth (latitude 47.5261, longitude -121.5873), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Skykomish River:</u> Upstream from the mouth (latitude 47.8213, longitude -122.0327) to May Creek (above Gold Bar at latitude 47.8471, longitude -121.6954), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Skykomish River and May Creek:</u> Upstream from the confluence above Gold Bar at latitude 47.8471, longitude -121.6954, including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Skykomish River, North Fork:</u> Upstream from below Salmon Creek at latitude 47.8790, longitude -121.4594 to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Skykomish River, South Fork, and Beckler River:</u> Upstream from the confluence (latitude 47.715, longitude -121.3398), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Snohomish River:</u> Upstream from the mouth (latitude 48.0202, longitude -122.1989) to the southern tip of Ebey Island (latitude 47.942, longitude -122.1719). ¹	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Snohomish River:</u> Upstream the southern tip of Ebey Island (latitude 47.942, longitude -122.1719) to below Pilchuck Creek at (latitude 47.9005, longitude -122.0925).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Snohomish River:</u> Upstream from below Pilchuck Creek (latitude 47.9005, longitude -122.0925) to the confluence with Skykomish and Snoqualmie River (latitude 47.8212, longitude -122.0331).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Snoqualmie River:</u> Upstream from the mouth (latitude 47.8208, longitude -122.0321) to the confluence with Harris Creek (latitude 47.6772, longitude -121.9382).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Snoqualmie River and Harris Creek:</u> Upstream from the confluence (latitude 47.6772, longitude -121.9382) to west boundary of Twin Falls State Park on south fork (latitude 47.4525, longitude -121.7063).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Snoqualmie River, South Fork:</u> Upstream from the west boundary of Twin Falls State Park (latitude 47.4525, longitude -121.7063) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 7 - Snohomish	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Snoqualmie River, North Fork:</u> Upstream from the mouth (latitude 47.5203, longitude -121.7746) to Sunday Creek (latitude 47.6556, longitude -121.6419).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Snoqualmie River, North Fork, and Sunday Creek:</u> Upstream of the confluence (latitude 47.6556, longitude -121.6419), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Snoqualmie River, Middle Fork:</u> Upstream from the mouth (latitude 47.52, longitude -121.7767) to Dingford Creek at latitude 47.5156, longitude -121.4545 (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Snoqualmie River, Middle Fork, and Dingford Creek:</u> Upstream of the confluence (latitude 47.5156, longitude -121.4545), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Snoqualmie River's Middle Fork's unnamed tributaries:</u> Upstream of the mouth at latitude 47.539, longitude -121.5645.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Sultan River:</u> Upstream from the mouth (latitude 47.8605, longitude -121.8206) to Chaplain Creek (latitude 47.9211, longitude -121.8033), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Sultan River:</u> From the confluence with Chaplain Creek (latitude 47.9211, longitude -121.8033) to headwaters, including tributaries. ²	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Taylor River:</u> Upstream from the mouth (latitude 47.5468, longitude -121.5355), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Tolt River, North Fork, and unnamed creek:</u> Upstream from the confluence (latitude 47.718, longitude -121.7788), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Tolt River, South Fork:</u> Upstream from the mouth (latitude 47.6957, longitude -121.8213) to the unnamed creek at latitude 47.6921, longitude -121.7408, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Tolt River, South Fork, and unnamed creek:</u> Upstream of the confluence (latitude 47.6921, longitude -121.7408), including tributaries. ³	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Tolt River's South Fork's unnamed tributaries:</u> Upstream of the mouth at latitude 47.6888, longitude -121.7869.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Trout Creek:</u> Upstream from the mouth (latitude 47.8643, longitude -121.4877), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Notes for WRIA 7:

1. Fecal coliform organism levels shall both not exceed a geometric mean value of 200 colonies/100 mL and not have more than 10 percent of the samples obtained for calculating the mean value exceeding 400 colonies/100 mL.
2. No waste discharge will be permitted above city of Everett Diversion Dam (latitude 47.9599, longitude -121.7962).
3. No waste discharge will be permitted for the South Fork Tolt River and tributaries from latitude 47.6957, longitude -121.8213 to headwaters.
4. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 8 - Cedar-Sammamish	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Cedar River:</u> Upstream from the confluence with Lake Washington (latitude 47.5005, longitude -122.2159) to the Maplewood Bridge (latitude 47.4693, longitude -122.1596).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cedar River:</u> Upstream from the Maplewood Bridge (latitude 47.4693, longitude -122.1596) to Landsburg Dam (latitude 47.3759, longitude -121.9615), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cedar River:</u> From Landsburg Dam (latitude 47.3759, longitude -121.9615) to Chester Morse Lake (latitude 47.4121, longitude -121.7526), including tributaries. ¹	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cedar River at Chester Morse Lake Cedar Falls Dam:</u> All waters above the dam (latitude 47.4121, longitude -121.7526) to headwaters, including tributaries. ²	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Holder Creek and unnamed tributary:</u> Upstream from the confluence (latitude 47.4576, longitude -121.9505), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Issaquah Creek:</u> Upstream from the confluence with Lake Sammamish (latitude 47.562, longitude -122.0651) to headwaters, including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Lake Washington Ship Canal:</u> From Government Locks (latitude 47.6652, longitude -122.3973) to Lake Washington (latitude 47.6471, longitude -122.3003). ^{3,4}	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Notes for WRIA 8:

1. No waste discharge will be permitted.
2. No waste discharge will be permitted.
3. 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 (latitude 47.65284, longitude -122.32029).
4. This waterbody is to be treated as a lake for purposes of applying this chapter.
5. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 9 - Duwamish-Green	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
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 (latitude 47.4737, longitude -122.2521) (Duwamish River continues as the Green River above the Black River).	<u>Rearing/ Migration Only</u>	<u>Primary Contact</u>	<u>All, Except Domestic Water</u>	<u>All</u>	=
Green River: From and including the Black River (latitude 47.4737, longitude -122.2521, and point where Duwamish River continues as the Green River) to latitude 47.3699, longitude -122.246 above confluence with Mill Creek.	<u>Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Green River: Upstream from above confluence with Mill Creek at latitude 47.3699, longitude -122.2461 (east of the West Valley highway) to west boundary of Flaming Geyser State Park, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Green River: Upstream from the west boundary of Flaming Geyser State Park (latitude 47.2805, longitude -122.0379) to headwaters, including tributaries (except where designated char and core).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Green River and Sunday Creek: Upstream from the confluence (latitude 47.2164, longitude -121.4494), including tributaries. ¹	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Smay Creek and West Fork Smay Creek: Upstream from the confluence, (latitude 47.2458, longitude -121.592) including tributaries. ¹	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Notes for WRIA 9:

1. No waste discharge will be permitted for the Green River and tributaries (King County) from west boundary of Sec. 13-T21N-R7E (river mile 59.1) to headwaters.
2. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 10 - Puyallup-White	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Carbon River: Waters above latitude 47.0001, longitude -121.9796, downstream of the Snoqualmie National Forest or Mt. Rainier National Park, including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Carbon River: Waters upstream from latitude 47.0001, longitude -121.9796 that are in or above the Snoqualmie National Forest or Mt. Rainier National Park, including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Clarks Creek: Upstream from the mouth (latitude 47.2137, longitude -122.3415), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 10 - Puyallup-White	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Clear Creek: Upstream from the mouth (latitude 47.2342, longitude -122.3942), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Clearwater River and Milky Creek: Upstream from the confluence (latitude 47.0978, longitude -121.7835), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Greenwater River: Upstream from the confluence with White River (latitude 47.1586, longitude -121.6596) to headwaters, including all tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	173-201A-200 (1)(c)(iv)
Puyallup River: Upstream from the mouth (latitude 47.2685, longitude -122.4269) to river mile 1.0 (latitude 47.2562, longitude -122.4173). ¹	<u>Rearing/Migration Only</u>	<u>Primary Contact</u>	<u>All, Except Domestic Water</u>	<u>All</u>	=
Puyallup River: Upstream from river mile 1.0 (latitude 47.2562, longitude -122.4173) to the confluence with White River (latitude 47.1999, longitude -122.2591). ¹	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Puyallup River: Upstream from the confluence with White River (latitude 47.1999, longitude -122.2591) to Mowich River (latitude 46.9005, longitude -122.031), including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	173-201A-200 (1)(c)(iv)
Puyallup River at and including Mowich River: All waters upstream from the confluence (latitude 46.9005, longitude -122.031), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	173-201A-200 (1)(c)(iv)
South Prairie Creek: Upstream from the Kepka Fishing Pond (latitude 47.1197, longitude -122.0128), including tributaries, except those waters in or above the Snoqualmie National Forest.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	173-201A-200 (1)(c)(iv)
South Prairie Creek: Upstream from the Kepka Fishing Pond (latitude 47.1197, longitude -122.0128) in or above the Snoqualmie National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Swam Creek: Upstream from the mouth (latitude 47.2361, longitude -122.3928).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Voight Creek and Bear Creek: Upstream from the confluence (latitude 47.0493, longitude -122.1173) and downstream of the Snoqualmie National Forest or Mt. Rainier National Park, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Voight Creek and Bear Creek: Upstream from the confluence (latitude 47.0493, longitude -122.1173) and in or above the Snoqualmie National Forest or Mt. Rainier National Park, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 10 - Puyallup-White	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
White River: Upstream from the mouth (latitude 47.2001, longitude -122.2585) to latitude 47.2438, longitude -122.2422.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
White River: Upstream from latitude 47.2438, longitude -122.2422 to Mud Mountain dam (latitude 47.1425, longitude -121.931), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
White River: Upstream from the Mud Mountain Dam (latitude 47.1425, longitude -121.931) to West Fork White River (latitude 47.1259, longitude -121.62), except where designated char.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
White River and West Fork White River: Upstream from the confluence (latitude 47.1259, longitude -121.62), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Wilkeson Creek and Gale Creek: Upstream from the confluence (latitude 47.0897, longitude -122.0171), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Notes for WRIA 10:

1. The Puyallup Tribe regulates water quality from the mouth of the Puyallup River to the up-river boundary of the 1873 Survey Area of the Puyallup Reservation.
2. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 11 - Nisqually	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Big Creek: Upstream from the mouth (latitude 46.7424, longitude -122.0396), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Copper Creek: Upstream from the mouth (latitude 46.7542, longitude -121.9615), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
East Creek: Upstream from the mouth (latitude 46.761, longitude -122.2078), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Horn Creek: Upstream from the mouth (latitude 46.9048, longitude -122.4945), including tributaries.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Little Nisqually River: Upstream from the mouth (latitude 46.7945, longitude -122.3123), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Mashel River and Little Mashel River: Upstream from the confluence (latitude 46.8574, longitude -122.2802), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 11 - Nisqually	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Mineral Creek: Upstream from the mouth (latitude 46.7522, longitude -122.1462), including tributaries.	Char Spawning/ Rearing	Primary Contact	All	All	:
Muck Creek: Upstream from the mouth (latitude 46.9971, longitude -122.6293), including tributaries.	Core Summer Habitat	Primary Contact	All	All	:
Murray Creek: Upstream from the mouth (latitude 46.9234, longitude -122.5269), including tributaries.	Spawning/ Rearing	Primary Contact	All	All	173-201A-200 (1)(c)(iv)
Nisqually River mainstem: Upstream from the mouth (latitude 47.0858, longitude -122.7075) to Alder Dam (latitude 46.801, longitude -122.3106).	Core Summer Habitat	Primary Contact	All	All	:
Nisqually River: Upstream from the Alder Dam (latitude 46.801, longitude -122.3106) to Tahoma Creek (latitude 46.7372, longitude -121.9022), including tributaries (except where designated char).	Core Summer Habitat	Primary Contact	All	All	173-201A-200 (1)(c)(iv)
Nisqually River and Tahoma Creek: Upstream from the confluence (latitude 46.7372, longitude -121.9022), including tributaries.	Char Spawning/ Rearing	Primary Contact	All	All	:
Rocky Slough: From latitude 46.8882, longitude -122.4339 to latitude 46.9109, longitude -122.4012.	Spawning/ Rearing	Primary Contact	All	All	:
Tanwax Creek: Upstream from the mouth (latitude 46.8636, longitude -122.4582) and downstream of lakes, including tributaries.	Spawning/ Rearing	Primary Contact	All	All	173-201A-200 (1)(c)(iv)

Note for WRIA 11:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 12 - Chambers-Clover	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Clover Creek: Upstream from the inlet to Lake Steilacoom (latitude 47.1569, longitude -122.5287), including Spanaway Creek to the outlet of Spanaway Lake (latitude 47.1209, longitude -122.4464).	Spawning/ Rearing	Primary Contact	All	All	:

Table 602: WRIA 13 - Deschutes	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Deschutes River: Upstream from the mouth (latitude 47.0436, longitude -122.9091) to, and including, the tributary to Offutt Lake at latitude 46.9236, longitude -122.8123.	Spawning/ Rearing	Primary Contact	All	All	:

Table 602: WRIA 13 - Deschutes	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Deschutes River: Upstream of the tributary to Offutt Lake at latitude 46.9236, longitude -122.8123. All waters in or above the national forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Deschutes River: Upstream of the tributary to Offutt Lake at latitude 46.9236, longitude -122.8123. All waters below the national forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
McLane Creek: Upstream from the mouth (latitude 47.0347, longitude -122.9904), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Table 602: WRIA 14 - Kennedy-Goldsborough	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Campbell Creek: Upstream from the mouth (latitude 47.2221, longitude -123.0252), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Coffee Creek: Upstream from the mouth (latitude 47.2093, longitude -123.1248), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Cranberry Creek: Upstream from the mouth (latitude 47.2625, longitude -123.0159), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Deer Creek: Upstream from the mouth (latitude 47.2594, longitude -123.0094), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Goldsborough Creek: Upstream from the mouth (latitude 47.2095, longitude -123.0952), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Hiawata Creek: Upstream from the mouth (latitude 47.2877, longitude -122.9204), including tributaries.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Jarrell Creek: Upstream from the mouth (latitude 47.2771, longitude -122.8909), including tributaries.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
John's Creek: Upstream from the mouth (latitude 47.2461, longitude -123.043), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Jones Creek: Upstream from the mouth (latitude 47.263, longitude -122.9321), including tributaries.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Malaney Creek: Upstream from the mouth (latitude 47.2514, longitude -123.0197).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Mill Creek: Upstream from the mouth (latitude 47.1955, longitude -122.9964), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

<u>Table 602: WRIA 14 - Kennedy-Goldsborough</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Perry Creek:</u> Upstream from the mouth (latitude 47.0492, longitude -123.0052), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Shelton Creek:</u> Upstream from the mouth (latitude 47.2139, longitude -123.0952), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Uncle John Creek:</u> Upstream from the mouth (latitude 47.2234, longitude -123.029), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Unnamed stream at Peale Passage inlet, on west side of Hartstene Island:</u> Upstream from the mouth (latitude 47.2239, longitude -122.9135).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Note for WRIA 14:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

<u>Table 602: WRIA 15 - Kitsap</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Anderson Creek:</u> Upstream from the mouth (latitude 47.5278, longitude -122.6831), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Barker Creek:</u> Upstream from Dyes Inlet (latitude 47.6378, longitude -122.6701) to Island Lake (latitude 47.6781, longitude -122.6603), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Blackjack Creek:</u> Upstream from the mouth (latitude 47.5422, longitude -122.6272) and downstream of Square Lake (latitude 47.4826, longitude -122.6847), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Chico Creek:</u> Above confluence with Kitsap Creek (latitude 47.5869, longitude -122.7127), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Clear Creek:</u> Upstream from Dyes Inlet (latitude 47.6524, longitude -122.6863) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Gamble Creek:</u> Upstream from the mouth (latitude 47.8116, longitude -122.5797), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Gorst Creek:</u> Upstream from the mouth (latitude 47.5279, longitude -122.6979), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Martha John Creek:</u> Upstream from the mouth (latitude 47.8263, longitude -122.5637), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Table 602: WRIA 15 - Kitsap	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Ross Creek:</u> Upstream from the mouth (latitude 47.5387, longitude -122.6565), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Strawberry Creek:</u> Upstream from the mouth (latitude 47.6459, longitude -122.6939), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Union River:</u> From the Bremerton Waterworks Dam (latitude 47.5371, longitude -122.7796) to headwaters, including tributaries. ¹	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Unnamed tributary to Sinclair Inlet (between Gorst and Anderson Creeks):</u> Upstream from the mouth (latitude 47.5270, longitude -122.6932).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Unnamed tributary to Sinclair Inlet, east of Blackjack Creek:</u> Upstream from the mouth (latitude 47.5468, longitude -122.6131).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Unnamed tributary, west of Port Gamble Bay:</u> Upstream from the mouth (latitude 47.8220, longitude -122.5831).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Notes for WRIA 15:

1. No waste discharge will be permitted.
2. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 16 - Skokomish-Dosewallips	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Dosewallips River:</u> Upstream from the mouth (latitude 47.6852, longitude -122.8965), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Duckabush River:</u> Upstream from the mouth (latitude 47.6501, longitude -122.936), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hamma Hamma River:</u> Upstream from the mouth (latitude 47.547, longitude -123.0453), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Rock Creek and unnamed tributary:</u> Upstream from the confluence (latitude 47.3894, longitude -123.3512), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Skokomish River:</u> Upstream from the mouth (latitude 47.3294, longitude -123.1189), including tributaries, except where designated char.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Skokomish River, North Fork:</u> Upstream from latitude 47.416, longitude -123.2151 (below Cushman Upper Dam) to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

<u>Table 602: WRIA 16 - Skokomish-Dosewals</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Skokomish River, South Fork, and Brown Creek:</u> Upstream from the confluence (latitude 47.4113, longitude -123.3188), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Vance Creek and Cabin Creek:</u> Upstream from the confluence (latitude 47.3651, longitude -123.3837).	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Note for WRIA 16:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

<u>Table 602: WRIA 17 - Quilcene-Snow</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Big Quilcene River:</u> Upstream from the mouth (latitude 47.8186, longitude -122.8618), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 17:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

<u>Table 602: WRIA 18 - Elwha-Dungeness</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Boulder Creek and Deep Creek:</u> Upstream from the confluence (latitude 47.9835, longitude -123.6441), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Dungeness River mainstem:</u> Upstream from the mouth (latitude 48.1524, longitude -123.1294) to Canyon Creek (latitude 47.0254, longitude -123.137).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Dungeness River, tributaries to mainstem:</u> Above and between confluence with Matriotti Creek (latitude 48.1384, longitude -123.1349) to Canyon Creek (latitude 47.0254, longitude -123.137).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Dungeness River and Canyon Creek:</u> Upstream from the confluence (latitude 47.0254, longitude -123.137), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Elwha River:</u> Upstream from the mouth (latitude 48.1421, longitude -123.5646) to Cat Creek (latitude 47.9729, longitude -123.5919), including tributaries, except where designated char.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Elwha River and Cat Creek:</u> Upstream from the confluence (latitude 47.9729, longitude -123.5919), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Table 602: WRIA 18 - Elwha-Dungeness	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Ennis Creek and White Creek:</u> Upstream from the confluence with the Strait of Juan De Fuca (latitude 48.1172, longitude -123.4051) to the Olympic National Park Boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Ennis Creek:</u> All waters lying above the Olympic National Park Boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Griff Creek and unnamed tributary:</u> All waters above the confluence (latitude 48.0134, longitude -123.5455), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Hughes Creek and unnamed tributary:</u> All waters above the confluence (latitude 48.0297, longitude -123.6335), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Little River:</u> Upstream from the mouth (latitude 48.063, longitude -123.5772), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Matriotti Creek:</u> Upstream from the mouth (latitude 48.1385, longitude -123.1352).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Wolf Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.9652, longitude -123.5386), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Note for WRIA 18:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 19 - Lyre-Hoko	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	-	-	-	-	-

Table 602: WRIA 20 - Sol Duc	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Dickey River:</u> Upstream from the mouth (latitude 47.9208, longitude -124.6209), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hoh River:</u> Upstream from the mouth (latitude 47.749, longitude -124.429) to the confluence with the South Fork Hoh River (latitude 47.8182, longitude -124.0207).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hoh River and South Fork Hoh River:</u> All waters above the confluence (latitude 47.8182, longitude -124.0207).	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 20 - Sol Duc	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Quillayute and Bogachiel rivers:</u> Upstream from the mouth (latitude 47.9198, longitude -124.633).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Sol Duc River:</u> Upstream from the mouth (latitude 47.9147, longitude -124.542) to Canyon Creek (latitude 47.9513, longitude -123.8271), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Sol Duc River:</u> Upstream from the confluence with Canyon Creek (latitude 47.9513, longitude -123.8271), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 20:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 21 - Queets-Quinault	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Clearwater River and unnamed tributary:</u> All waters above the confluence (latitude 47.7272, longitude -124.0365), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Kunamakst Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.7284, longitude -124.0793), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Matheny Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.5589, longitude -123.9548), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Queets River:</u> Upstream from the mouth (latitude 47.535, longitude -124.3463) to Tshletshy Creek (latitude 47.6659, longitude -123.9277).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Queets River:</u> Upstream from the confluence with Tshletshy Creek (latitude 47.6659, longitude -123.9277).	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Quinault River:</u> Upstream from the mouth (latitude 47.3488, longitude -124.2926) to the confluence with the North Fork Quinault River (latitude 47.5369, longitude -123.6718).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Quinault River and North Fork Quinault:</u> All waters above the confluence (latitude 47.5369, longitude -123.6718), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Salmon River, Middle Fork, and unnamed tributary:</u> All waters above the confluence (latitude 47.5206, longitude -123.9908), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 21 - Queets-Quinault	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Sams River and unnamed tributary:</u> All waters above the confluence (latitude 47.6055, longitude -123.8939), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Solleks River and unnamed tributary:</u> All waters above the confluence (latitude 47.694, longitude -124.0135), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Stequaleho Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.662, longitude -124.0439), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Tshletshy Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.6586, longitude -123.868), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Note for WRIA 21:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 22 - Lower Chehalis	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Andrews Creek:</u> Upstream from the confluence with West Fork (latitude 46.823, longitude -124.0234), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Baker Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.3302, longitude -123.4142), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Big Creek and Middle Fork Big Creek:</u> All waters above the confluence (latitude 47.4041, longitude -123.6583), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Canyon River and unnamed tributary:</u> All waters above the confluence (latitude 47.3473, longitude -123.4949), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Chehalis River:</u> From upper boundary of Grays Harbor at Cosmopolis (latitude 46.9579, longitude -123.7625) to latitude 46.6004, longitude -123.1472 on main stem and to latitude 46.6013, longitude -123.1253 on South Fork.	<u>Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Chester Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.4192, longitude -123.7856), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Cloquallum Creek:</u> Upstream from the mouth (latitude 46.986, longitude -123.3951).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 22 - Lower Chehalis	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Decker Creek:</u> Upstream from the mouth (latitude 47.0964, longitude -123.4735).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Delezene Creek:</u> Upstream from the mouth (latitude 46.9413, longitude -123.3893).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Elk River, West Branch:</u> Upstream from latitude 46.8111, longitude -123.9774.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Goforth Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.3559, longitude -123.7325), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Hoquiam River, East Fork:</u> Upstream from the confluence with Lytle Creek (latitude 47.0523, longitude -123.8428), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hoquiam River:</u> Upstream from latitude 47.0573, longitude -123.9278 (the approximate upper limit of tidal influence at Dekay Road Bridge), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hoquiam River, Middle Fork:</u> Upstream from latitude 47.0418, longitude -123.9052, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hoquiam River mainstem (continues as west fork above east fork):</u> Upstream from the mouth (latitude 46.9825, longitude -123.8781) to latitude 47.0573, longitude -123.9278 (the approximate upper limit of tidal influence at Dekay Road Bridge).	<u>Rearing/ Migration Only</u>	<u>Primary Contact</u>	<u>All, Except Domestic Water</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Humptulips River:</u> Upstream from the mouth (latitude 47.0413, longitude -124.0522) to latitude 47.0810, longitude -124.0655, including tributaries.	<u>Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Humptulips River:</u> Upstream from latitude 47.0810, longitude -124.0655 to Olympic National Forest boundary, including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Humptulips River:</u> Upstream from Olympic National Forest boundary to headwaters, including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Humptulips River, East Fork, and unnamed tributary:</u> All waters above the confluence (latitude 47.3816, longitude -123.7175), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Humptulips River, West Fork, and Petes Creek:</u> All waters above the confluence (latitude 47.4487, longitude -123.7257), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 22 - Lower Chehalis	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Johns River and North Fork Johns River:</u> <u>All waters above the confluence (latitude 46.8597, longitude -123.9049).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Little Hoquiam River, North Fork:</u> <u>Upstream from latitude 47.0001, longitude -123.9269, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Little Hoquiam River:</u> <u>Upstream from latitude 46.9934, longitude -123.9364, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Mox Chehalis Creek:</u> <u>Upstream from latitude 46.9680, longitude -123.3083, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200(1)(c)(iv)</u>
<u>Newkah Creek:</u> <u>Upstream from latitude 46.9163, longitude -123.8235, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Satsop River:</u> <u>Upstream from latitude 46.9828, longitude -123.4887 to headwaters, including tributaries (except where designated char).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Satsop River, West Fork, and Robertson Creek:</u> <u>All waters above the confluence (latitude 47.3324, longitude -123.5557), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>=</u>
<u>Satsop River, Middle Fork, and unnamed tributary:</u> <u>All waters above the confluence (latitude 47.3333, longitude -123.4463), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>=</u>
<u>Wildcat Creek:</u> <u>Upstream from the confluence with Cloquallum Creek (latitude 47.0204, longitude -123.3619), including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Wishkah River, East Fork:</u> <u>Upstream from above latitude 47.0801, longitude -123.7560, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Wishkah River:</u> <u>Upstream from the mouth (latitude 46.9739, longitude -123.8092) to river mile 6 (latitude 47.0337, longitude -123.8023).</u>	<u>Rearing/ Migration Only</u>	<u>Primary Contact</u>	<u>All, Except Domestic Water</u>	<u>All</u>	<u>=</u>
<u>Wishkah River:</u> <u>Upstream from river mile 6 (latitude 47.0337, longitude -123.8023) to latitude 47.1089, longitude -123.7908.</u>	<u>Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>=</u>
<u>Wishkah River:</u> <u>From latitude 47.1089, longitude -123.7908 to confluence with West Fork (latitude 47.1227, longitude -123.7779), including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 22 - Lower Chehalis	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Wishkah River and West Fork: Upstream from the confluence (latitude 47.1227, longitude -123.7779) to headwaters, including tributaries. ¹	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Wynoochee River: Upstream from latitude 46.9709, longitude -123.6252 (near railroad crossing) to Olympic National Forest boundary (latitude 47.3452, longitude -123.6452), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Wynoochee River: Upstream from Olympic National Forest boundary (latitude 47.3452, longitude -123.6452) to Wynoochee Dam (latitude 47.3851, longitude -123.6055), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Wynoochee River: Above Wynoochee Dam (latitude 47.3851, longitude -123.6055), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Notes for WRIA 22:

1. No waste discharge will be permitted from south boundary of Sec. 33-T21N-R8W (river mile 32.0) to headwaters.
2. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 23 - Upper Chehalis	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Bunker Creek: Upstream from the mouth (latitude 46.6438, longitude -123.1092), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Cedar Creek: Upstream from latitude 46.8795, longitude -123.2714 (near intersection with Highway 12), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Chehalis River, South Fork: Upstream from latitude 46.6018, longitude -123.1251 (near junction with State Route 6), including tributaries (except where specifically designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Chehalis River: Upstream from latitude 46.6004, longitude -123.1473, including tributaries (except where specifically designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Chehalis River mainstem: Upstream from the upper boundary of Grays Harbor at Cosmopolis (latitude 46.95801, longitude -123.76252) to latitude 46.6004, longitude -123.1473 on main stem and to latitude 46.6018, longitude -123.125 on South Fork. ¹	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 23 - Upper Chehalis	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Chehalis River, South Fork, and unnamed tributary:</u> All waters above the confluence (latitude 46.4514, longitude -123.2919), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Chehalis River, West Fork, and East Fork Chehalis River:</u> All waters above the confluence (latitude 46.4514, longitude -123.2919), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Coffee Creek:</u> Upstream from the mouth (latitude 46.7313, longitude -122.9658), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Eight Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.621, longitude -123.4137), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Fall Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.7669, longitude -122.6741), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Garrard Creek, South Fork:</u> Upstream from latitude 46.8013, longitude -123.3060, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hanaford Creek:</u> Upstream from the mouth to (latitude 46.7604, longitude -122.8662), including tributaries. ²	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hanaford Creek:</u> Upstream from (latitude 46.7604, longitude -122.8662) to the unnamed tributary at latitude 46.7301, longitude -122.6829, including tributaries (except where designated char).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hanaford Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.7301, longitude -122.6829), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Kearney Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.6255, longitude -122.5699), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Laramie Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.7902, longitude -122.5914), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Lincoln Creek, North Fork:</u> Upstream from latitude 46.7371, longitude -123.2462, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Lincoln Creek, South Fork:</u> Upstream from latitude 46.7253, longitude -123.2306, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 23 - Upper Chehalis	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Mima Creek:</u> Upstream from latitude 46.8588, longitude -123.0856, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Newaukum River:</u> Upstream from the mouth (latitude 46.6512, longitude -122.9815), including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Newaukum River, North Fork, and unnamed tributary:</u> All waters above the confluence (latitude 46.6793, longitude -122.6685), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Newaukum River, South Fork, and Frase Creek:</u> All waters above the confluence (latitude 46.6234, longitude -122.6321), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200(1)(c)(iv)</u>
<u>Pheeny Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.7834, longitude -122.6291), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Porter Creek and Jamaica Day Creek:</u> All waters above the confluence (latitude 46.9416, longitude -123.3011).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Rock Creek (upstream of Callow):</u> All waters above confluence with Chehalis River (latitude 46.8805, longitude -123.2946), except where designated otherwise in this table.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Rock Creek (upstream of Pe Ell) and unnamed tributary:</u> All waters above the confluence (latitude 46.5283, longitude -123.3791), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Scatter Creek:</u> Upstream from latitude 46.8025, longitude -123.0863 (near mouth) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Seven Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.6192, longitude -123.3736), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Skookumchuck River:</u> Upstream from the confluence with Hanaford Creek (latitude 46.7446, longitude -122.9402) to headwaters, including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Skookumchuck River mainstem:</u> Upstream from the mouth (latitude 46.7194, longitude -122.9803) to Hanaford Creek (latitude 46.7446, longitude -122.9402).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 23 - Upper Chehalis	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Skookumchuck River and Hospital Creek:</u> All waters above the confluence (latitude 46.7194, longitude -122.9803), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Stearns Creek's unnamed tributary:</u> Upstream from the mouth (latitude 46.5713, longitude -122.9698).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Stearns Creek's unnamed tributary to West Fork:</u> Upstream from the mouth (latitude 46.5824, longitude -123.0226).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Stillman Creek and Little Mill Creek:</u> All waters above the confluence (latitude 46.5044, longitude -123.1407), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Thrash Creek:</u> Upstream from the mouth (latitude 46.4751, longitude -123.2996), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Waddel Creek:</u> Upstream from the mouth (latitude 46.9027, longitude -123.024), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Notes for WRIA 23:

1. Chehalis River from Scammon Creek (RM 65.8) to Newaukum River (RM 75.2): dissolved oxygen shall exceed 5.0 mg/L from June 1st to September 15th. For the remainder of the year, the dissolved oxygen shall meet standard criteria.
2. Dissolved oxygen shall exceed 6.5 mg/L.
3. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 24 - Willapa	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Bear River's unnamed south flowing tributary:</u> Upstream from the mouth at latitude 46.3342, longitude -123.9394.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Bear River:</u> Upstream from latitude 46.3284, longitude -123.9172 to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Canon River:</u> Upstream from latitude 46.5879, longitude -123.8672, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Lower Salmon Creek:</u> Upstream from the mouth (latitude 46.7937, longitude -123.851), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Middle Nemah River:</u> Upstream from latitude 46.4873, longitude -123.8855, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Mill Creek:</u> Upstream from latitude 46.6448, longitude -123.6251, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 24 - Willapa	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Naselle River: Upstream from O'Conner Creek (latitude 46.3746, longitude -123.7971) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
North Nemah River: Upstream from latitude 46.5172, longitude -123.8665, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
North River and Fall River: All waters above the confluence (latitude 46.7773, longitude -123.5038).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Pioneer Creek: Upstream from latitude 46.8147, longitude -123.5498, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Salmon Creek: Upstream from latitude 46.8905, longitude -123.6828, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Smith Creek: Upstream from latitude 46.7554, longitude -123.8424, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
South Naselle River: upstream from latitude 46.3499, longitude -123.8093.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
South Nemah River: Upstream from latitude 46.4406, longitude -123.8630.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Stringer Creek: Upstream from the mouth (latitude 46.5905, longitude -123.6316), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Willapa River South Fork: Upstream from latitude 46.6479, longitude -123.7267, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Willapa River and Oxbow Creek: All waters upstream of the confluence (latitude 46.5805, longitude -123.6343).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Williams Creek: Upstream from latitude 46.5284, longitude -123.8668, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 24:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 25 - Grays-Elochoman	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Abernathy Creek and Cameron Creek: All waters above the confluence (latitude 46.197, longitude -123.1632).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Coal Creek: Upstream from latitude 46.1836, longitude -123.0338 (just below Harmony Creek), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 25 - Grays-Elochoman	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Elochoman River:</u> Upstream from the mouth (latitude 46.2267, longitude -123.4008) to latitude 46.2292, longitude -123.3606, including tributaries.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Elochoman River:</u> Upstream from latitude 46.2292, longitude -123.3606 to headwaters.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Germany Creek:</u> Upstream from latitude 46.1946, longitude -123.1259 (near mouth) to headwaters.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Grays River:</u> Upstream from latitude 46.3454, longitude -123.6099 to headwaters.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hull Creek:</u> Upstream from the mouth (latitude 46.3533, longitude -123.6088), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Mill Creek:</u> Upstream from latitude 46.1906, longitude -123.1802 (near mouth), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Skomokawa Creek and Wilson Creek:</u> All waters above the confluence (latitude 46.2889, longitude -123.4456).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 25:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 26 - Cowlitz	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Cispus River:</u> Upstream from the mouth (latitude 46.4713, longitude -122.0727), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Coweeman River:</u> Upstream from the mouth (latitude 46.1076, longitude -122.8901) to latitude 46.1405, longitude -122.8532, including tributaries.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Coweeman River:</u> Upstream from latitude 46.1405, longitude -122.8532 to Mulholland Creek (latitude 46.1734, longitude -122.7152), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Coweeman River:</u> Upstream from Mulholland Creek (latitude 46.1734, longitude -122.7152) to headwaters.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cowlitz River:</u> Upstream from the mouth (latitude 46.0967, longitude -122.9173) to latitude 46.2622, longitude -122.9001, including tributaries.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Table 602: WRIA 26 - Cowlitz					
Cowlitz River: Upstream from latitude 46.2622, longitude -122.9001 to the base of Mayfield Dam (latitude 46.5031, longitude -122.5883).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Cowlitz River: Upstream from the base of Mayfield Dam (latitude 46.5031, longitude -122.5883) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Green River: Upstream from the mouth (latitude 46.3717, longitude -122.586), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Toutle River: Upstream from the mouth (latitude 46.3101, longitude -122.9196) to Green River (latitude 46.3717, longitude -122.586) on North Fork, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Toutle River, North Fork: Upstream from the Green River (latitude 46.3717, longitude -122.586) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Toutle River, South Fork: Upstream from the mouth (latitude 46.3286, longitude -122.7211), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 26:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Table 602: WRIA 27 - Lewis					
Alec Creek: Upstream from the mouth (latitude 46.1757, longitude -121.8534), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Big Creek: Upstream from the mouth (latitude 46.097, longitude -121.921), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Chickoon Creek: Upstream from the mouth (latitude 46.1534, longitude -121.8843), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Clear Creek: Upstream from the mouth (latitude 46.1133, longitude -122.0048), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Clearwater Creek and unnamed creek: All waters above the confluence (latitude 46.1666, longitude -122.0322), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Curly Creek: Upstream from the mouth (latitude 46.0593, longitude -121.9732), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 27 - Lewis	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Cussed Hollow Creek:</u> Upstream from the mouth (latitude 46.144, longitude -121.9015), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Kalama River:</u> Upstream of Interstate 5 (latitude 46.035, longitude -122.8571) to Kalama River Falls (latitude 46.0207, longitude -122.7323), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Kalama River:</u> Upstream of the lower Kalama River Falls (latitude 46.0207, longitude -122.7323) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Lewis River:</u> Upstream from Houghton Creek (latitude 45.9374, longitude -122.6698) to Lake Merwin (latitude 45.9568, longitude -122.5562), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Lewis River and Pass Creek (alternately known as Swamp Creek):</u> All waters above the confluence (latitude 46.201, longitude -121.7085), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Lewis River's unnamed tributaries:</u> Upstream from latitude 46.112, longitude -121.9188.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Lewis River, East Fork:</u> Upstream from, and including, Mason Creek (latitude 45.8366, longitude -122.6435) to Multon Falls (latitude 45.8314, longitude -122.3896), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Lewis River, East Fork:</u> Upstream from Multon Falls (latitude 45.8314, longitude -122.3896) to headwaters, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Little Creek:</u> Upstream from the mouth (latitude 46.0821, longitude -121.9235), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Panamaker Creek:</u> Upstream from the mouth (latitude 46.0595, longitude -122.2936), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Pin Creek:</u> Upstream from the mouth (latitude 46.2002, longitude -121.712), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Pine Creek:</u> Upstream from the mouth (latitude 46.0718, longitude -122.0173), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Quartz Creek:</u> Upstream from the mouth (latitude 46.1795, longitude -121.847), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Table 602: WRIA 27 - Lewis					
Rush Creek: Upstream from the mouth (latitude 46.0746, longitude -121.9378), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Spencer Creek: Upstream from the mouth (latitude 46.1397, longitude -121.9063), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Steamboat Creek: Upstream from the mouth (latitude 46.1945, longitude -121.7293), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Tillicum Creek: Upstream from the mouth (latitude 46.1803, longitude -121.8329), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Note for WRIA 27:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Table 602: WRIA 28 - Salmon-Washougal					
Burnt Bridge Creek: Upstream from the mouth (latitude 45.6752, longitude -122.6925).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Duncan Creek and unnamed tributary just east of Duncan Creek: All waters north of highway 14 (latitude 45.6133, longitude -122.0549).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Green Leaf Creek and Hamilton Creek: All waters above the confluence (latitude 45.6416, longitude -121.9775).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Hardy Creek: Upstream of the lake inlet (latitude 45.6331, longitude -121.9969), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Lawton Creek: Upstream from latitude 45.5707, longitude -122.2574, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Salmon Creek: Upstream from latitude 45.7176, longitude -122.6958 (below confluence with Cougar Creek), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Washougal River: Upstream from latitude 45.5883, longitude -122.3711, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Woodward Creek: Upstream of highway 14 (latitude 45.6214, longitude -122.0297), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 28:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 29 - Wind-White Salmon	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Bear Creek (tributary to White Salmon River):</u> Upstream from latitude 45.98290, longitude -121.52946, and below National Forest boundary.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Buck Creek:</u> Upstream from the mouth (latitude 46.0754, longitude -121.5667), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Carson Creek:</u> Upstream from the mouth (latitude 45.7134, longitude -121.823).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Catherine Creek:</u> Upstream from the mouth (latitude 45.7071, longitude -121.3582), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cave Creek:</u> Upstream from the mouth (latitude 45.9886, longitude -121.4928), and below National Forest boundary.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Gilmer Creek:</u> Upstream from the mouth (latitude 45.8569, longitude -121.5085), including tributaries, except as noted otherwise.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Gilmer Creek's unnamed tributary:</u> Upstream from the mouth (latitude 45.8733, longitude -121.4587).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Gotchen Creek:</u> Upstream from the mouth (latitude 46.0013, longitude -121.5051), including tributaries, except those waters in or above the Gifford Pinchot National Forest.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Gotchen Creek:</u> Upstream from latitude 46.04409 longitude -121.51538 (in or above the Gifford Pinchot National Forest), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Green Canyon Creek:</u> Upstream from the mouth (latitude 46.0489, longitude -121.5485), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Jewett Creek:</u> Upstream from the mouth (latitude 45.7164, longitude -121.4773), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Killowatt Canyon Creek:</u> Below National Forest Boundary and unnamed creek at latitude 45.963, longitude -121.5154.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Little White Salmon River:</u> Upstream from the mouth (latitude 45.72077, longitude -121.64081), and downstream of National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Little White Salmon River (mouth at latitude 45.72077, longitude -121.64081):</u> Waters in or above National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 29 - Wind-White Salmon	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Major Creek: Upstream from the mouth (latitude 45.709, longitude -121.3515), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Morrison Creek: Upstream from the mouth (latitude 46.0744, longitude -121.5351), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Rattlesnake Creek and unnamed tributary: All waters above the confluence (latitude 45.8471, longitude -121.4123), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Rock Creek: Upstream from the mouth (latitude 45.69020, longitude -121.88923) and downstream of Gifford Pinchot National Forest boundaries, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Spring Creek: Upstream from the mouth (latitude 45.9908, longitude -121.5687), and below National Forest boundary.	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Trout Lake Creek: Upstream from the mouth (latitude 45.9948, longitude -121.5019), and below Trout Lake (latitude 46.0072, longitude -121.5455), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Trout Lake Creek: At and above Trout Lake (latitude 46.0072, longitude -121.5455), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
White Salmon River: Upstream from the mouth (latitude 45.7283, longitude -121.5219), and downstream of the National Forest boundary, including all natural tributaries (not otherwise designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
White Salmon River (mouth at latitude 45.7283, longitude -121.5219): Occurring in or upstream of National Forest boundary, including all natural tributaries (not otherwise designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
White Salmon River drainage's unnamed tributaries: Waters originating in Section 13 T6N R10E; all portions occurring downstream of the Gifford Pinchot National Forest boundary.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
White Salmon River drainage's unnamed tributaries: Waters originating in Section 13 T6N R10E; all portions occurring upstream of the Gifford Pinchot National Forest boundary.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
White Salmon River and Cascade Creek: All waters above the confluence (latitude 46.1042, longitude -121.6081), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Table 602: WRIA 29 - Wind-White Salmon	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Wind River: Upstream from the mouth (latitude 45.718, longitude -121.7908) and downstream of Gifford Pinchot National Forest boundaries, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Wind River (mouth at latitude 45.718, longitude -121.7908): Waters in or upstream of Gifford Pinchot National Forest, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 29:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 30 - Klickitat	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Clearwater Creek and Trappers Creek: All waters above the confluence (latitude 46.2788, longitude -121.3325), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Cougar Creek and Big Muddy Creek: All waters above the confluence (latitude 46.1294, longitude -121.2895), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Diamond Fork and Cuitin Creek: All waters above the confluence (latitude 46.451, longitude -121.1729), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Diamond Fork's unnamed tributaries: Upstream from latitude 46.4205, longitude -121.1562.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Diamond Fork's unnamed tributaries (outlet of Maiden Springs): Upstream from the mouth (latitude 46.4353, longitude -121.16).	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Fish Lake Stream: Upstream from the mouth (latitude 46.2749, longitude -121.3126), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Frasier Creek and Outlet Creek: All waters above the confluence (latitude 45.9953, longitude -121.2569), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Klickitat River mainstem: Upstream from the mouth (latitude 45.6961, longitude -121.292) to the Little Klickitat River (latitude 45.845, longitude -121.0636).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Klickitat River from Little Klickitat River: Upstream from the confluence (latitude 45.845, longitude -121.0636) to Diamond Fork (latitude 46.374, longitude -121.1943).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Klickitat River: Upstream from the confluence with Diamond Fork (latitude 46.374, longitude -121.1943), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 30 - Klickitat	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Little Klickitat River: Upstream from the confluence with Cozy Nook Creek (latitude 45.8567, longitude -120.7701), including tributaries.	Spawning/ Rearing	Primary Contact	All	All	173-201A-200 (1)(c)(iv)
Little Muddy Creek: Upstream from the mouth (latitude 46.2769, longitude -121.3386), including tributaries.	Char Spawning/ Rearing	Primary Contact	All	All	-
McCreedy Creek: Upstream from the mouth (latitude 46.323, longitude -121.2527), including tributaries.	Char Spawning/ Rearing	Primary Contact	All	All	-

Note for WRIA 30:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 31 - Rock-Glade	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Squaw Creek and unnamed tributary: All waters above confluence (latitude 45.8761, longitude -120.4324).	Core Summer Habitat	Primary Contact	All	All	173-201A-200 (1)(c)(iv)
Rock Creek and Quartz Creek: All waters above confluence (latitude 45.8834, longitude -120.5569).	Core Summer Habitat	Primary Contact	All	All	173-201A-200 (1)(c)(iv)

Note for WRIA 31:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 32 - Walla Walla	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Blue Creek and tributaries: Waters above latitude 46.0581, longitude -118.0971.	Char Spawning/ Rearing	Primary Contact	All	All	173-201A-200 (1)(c)(iv)
Coppei Creek, North and South Forks: Upstream from the confluence (latitude 46.1906, longitude -118.1113), including tributaries.	Core Summer Habitat	Primary Contact	All	All	173-201A-200 (1)(c)(iv)
Dry Creek and tributaries: Upstream from the confluence with unnamed creek at latitude 46.1195, longitude -118.1375 (Seaman Rd).	Core Summer Habitat	Primary Contact	All	All	173-201A-200 (1)(c)(iv)
Mill Creek: Upstream from the mouth (latitude 46.0383, longitude -118.4795) to 13th Street Bridge in Walla Walla (latitude 46.0666, longitude -118.3565). ¹	Rearing/ Migration Only	Primary Contact	All, Except Domestic Water	All	173-201A-200 (1)(c)(iv)
Mill Creek: Upstream from the 13th Street Bridge in Walla Walla (latitude 46.0666, longitude -118.3565) to diversion structure at confluence of Mill Creek and unnamed creek (latitude 46.0798, longitude -118.2541).	Spawning/ Rearing	Primary Contact	All	All	173-201A-200 (1)(c)(iv)

Table 602: WRIA 32 - Walla Walla	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Mill Creek: Upstream from latitude 46.0798, longitude -118.2541 to headwaters, including tributaries (except where otherwise designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Mill Creek and Railroad Canyon: All waters above the confluence (latitude 46.0066, longitude -118.1185) to the Oregon state line (latitude 46.00061, longitude -118.11525), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Mill Creek: Waters within Washington that are above the city of Walla Walla Waterworks Dam (latitude 45.9896, longitude -118.0525) to headwaters, including tributaries. ²	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Touchet River: Upstream from latitude 46.3172, longitude -118.0000, including tributaries (not otherwise designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Touchet River, North Fork, and Wolf Creek: All waters above the confluence (latitude 46.2922, longitude -117.9397), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Touchet River, South Fork, and unnamed tributary: All waters above the confluence (latitude 46.2297, longitude -117.9412), except those waters in or above the Umatilla National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Touchet River, South Fork, and unnamed tributary: All waters above the confluence (latitude 46.2297, longitude -117.9412) that are in or above the Umatilla National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Walla Walla River: Upstream from the mouth (latitude 46.0642, longitude -118.9152) to Lowden (Dry Creek at latitude 46.0506, longitude -118.5944).	<u>Rearing/Migration Only</u>	<u>Primary Contact</u>	<u>All, Except Domestic Water</u>	<u>All</u>	=
Walla Walla River: From Lowden (Dry Creek at latitude 46.0506, longitude -118.5944) to Oregon border (latitude 46, longitude -118.3796). ³	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Whiskey Creek and unnamed tributary system: All waters above confluence (latitude 46.2176, longitude -118.0661).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Notes for WRIA 32:

1. Dissolved oxygen concentration shall exceed 5.0 mg/L.
2. No waste discharge will be permitted for Mill Creek and tributaries in Washington from city of Walla Walla Waterworks Dam (latitude 45.9896, longitude -118.0525) to headwaters.
3. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.
4. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 33 - Lower Snake	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Snake River: Upstream from the mouth (latitude 46.1983, longitude -119.0368) to Washington-Idaho-Oregon border (latitude 45.99599, longitude -116.91705). ¹	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Note for WRIA 33:

1. Below Clearwater River (latitude 46.42711, longitude -119.04021). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$. Special condition - Special fish passage exemption as described in WAC 173-201A-200 (1)(f).

Table 602: WRIA 34 - Palouse	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Palouse River mainstem: Upstream from the mouth (latitude 46.5909, longitude -118.2153) to Palouse Falls (latitude 46.6635, longitude -118.2236).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
Palouse River: Upstream from Palouse Falls (latitude 46.6635, longitude -118.2236) to south fork (Colfax, latitude 46.8898, longitude -117.3675).	<u>Rearing/Migration Only</u>	<u>Primary Contact</u>	<u>All, Except Domestic Water</u>	<u>All</u>	-
Palouse River mainstem: Upstream from the confluence with south fork (Colfax, latitude 46.8898, longitude -117.3675) to Idaho border (latitude 46.9124, longitude -117.0395). ¹	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Note for WRIA 34:

1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.

Table 602: WRIA 35 - Middle Snake	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
All streams flowing into Oregon: From North Fork Wenaha River (upstream from latitude 46.00025, longitude -117.85942) east to, and including, Fairview Creek (upstream from latitude 45.999, longitude -117.60893).	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Asotin River and Charley Creek: Upstream from the confluence (latitude 46.2887, longitude -117.2785) to the headwaters, including tributaries (not otherwise designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Asotin River, North Fork: Upstream of the confluence with Lick Creek (latitude 46.2621, longitude -117.2969), except those waters in or above the Umatilla National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 35 - Middle Snake	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Asotin River, North Fork:</u> Upstream from the confluence with Lick Creek (latitude 46.2621, longitude -117.2969) and that are in or above the Umatilla National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Charley Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.2846, longitude -117.321), except those waters in or above the Umatilla National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Charley Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.2846, longitude -117.321) that are in or above the Umatilla National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cottonwood Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.0677, longitude -117.3011).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Crooked Creek:</u> Upstream from the Oregon Border (latitude 46, longitude -117.5553) to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cummings Creek:</u> Upstream from the mouth (latitude 46.3326, longitude -117.675) except those waters in or above the Umatilla National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cummings Creek (mouth at latitude 46.3326, longitude -117.675):</u> Waters that are in or above the Umatilla National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>George Creek:</u> Upstream from (latitude 46.1676, longitude -117.2543) and including Coombs Canyon, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>George Creek and unnamed tributary:</u> All waters above confluence (latitude 46.2293, longitude -117.1879) not otherwise designated Char.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Grande Ronde River:</u> Upstream from the mouth (latitude 46.08, longitude -116.9802) to the Oregon border (latitude 46, longitude 117.3798). ¹	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Grouse Creek:</u> Upstream from the Oregon border (latitude 46, longitude -117.413), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Grub Canyon:</u> Upstream from the mouth (latitude 46.2472, longitude -117.6795), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Hixon Canyon:</u> Upstream from the mouth (latitude 46.2397, longitude -117.6924), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 35 - Middle Snake	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Little Tucannon River: Upstream from the mouth (latitude 46.2283, longitude -117.7226), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Menatchee Creek and West Fork Menatchee Creek: All waters above the confluence (latitude 46.0457, longitude -117.386), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Pataha Creek and Dry Pataha Creek: All waters above the confluence (latitude 46.3611, longitude -117.5562), except those waters in or above the Umatilla National Forest, including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Pataha Creek and Dry Pataha Creek: All waters above the confluence (latitude 46.3611, longitude -117.5562) that are in or above the Umatilla National Forest, including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Snake River: From mouth (latitude 45.99900, longitude -117.60893) to Washington-Idaho-Oregon border (latitude 45.99599, longitude -116.91705).²</u>	<u>Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Tenmile Creek: All waters above confluence with unnamed creek (latitude 46.2154, longitude -117.0388).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Tucannon River: Upstream from latitude 46.4592, longitude -117.8461 to Panjab Creek (latitude 46.2046, longitude -117.7061), including tributaries (except where designated char).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Tucannon River mainstem: Upstream from the confluence with Little Tucannon River (latitude 46.2284, longitude -117.7223) to the confluence with Panjab Creek (latitude 46.2046, longitude -117.7061).</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Tucannon River and Panjab Creek: All waters above the confluence (latitude 46.2046, longitude -117.7061), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Tucannon River's unnamed tributaries (South of Marengo): All waters in Sect. 1 T10N R40E and in Sect. 35 T11N R40E above their forks.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Tumalum Creek and unnamed tributary: All waters above the confluence (latitude 46.3592, longitude -117.6498), except those waters in or above the Umatilla National Forest including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Table 602: WRIA 35 - Middle Snake	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Tumalum Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.3592, longitude -117.6498) that are in or above the Umatilla National Forest including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Willow Creek and unnamed tributary:</u> All waters above the confluence (latitude 46.4181, longitude -117.8328) including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Notes for WRIA 35:

- Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.
- The following two notes apply:
 - Below Clearwater River (latitude 46.4269, longitude -117.0372). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$. Special condition - Special fish passage exemption as described in WAC 173-201A-200 (1)(f).
 - Above Clearwater River (latitude 46.4269, longitude -117.0372). Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 20.0°C, no temperature increases 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.
- This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 36 - Esquatzel Coulee	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	=	=	=	=	=

Table 602: WRIA 37 - Lower Yakima	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Ahtanum Creek North Fork's unnamed tributaries:</u> Upstream from the mouth (latitude 46.5458, longitude -120.8869).	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Ahtanum Creek North Fork's unnamed tributaries:</u> Upstream from the mouth (latitude 46.5395, longitude -120.9864).	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Ahtanum Creek:</u> Between confluence with South Fork (latitude 46.5232, longitude -120.8548) and confluence of North and Middle Forks (latitude 46.5177, longitude -121.0152), including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Ahtanum Creek, North Fork, and Middle Fork Ahtanum Creek:</u> All waters above the confluence (latitude 46.5177, longitude -121.0152), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 37 - Lower Yakima	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Ahtanum Creek, South Fork:</u> Upstream from the mouth (latitude 46.5232, longitude -120.8548), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Carpenter Gulch:</u> Upstream from the mouth (latitude 46.5432, longitude -120.9671), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Foundation Creek:</u> Upstream from the mouth (latitude 45.5321, longitude -120.9973), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Nasty Creek:</u> Upstream from the mouth (latitude 46.5641, longitude -120.918), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Sulphur Creek:</u> Upstream from the mouth (latitude 46.3815, longitude -119.9584).	<u>Rearing/ Migration Only</u>	<u>Primary Contact</u>	<u>All, Except Domestic Water</u>	<u>All</u>	<u>-</u>
<u>Yakima River:</u> Upstream from the mouth (latitude 46.248, longitude -119.2422) to Cle Elum River (latitude 47.17683, longitude -120.99756) except where specifically designated otherwise in Table 602. ¹	<u>Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>-</u>

Notes for WRIA 37:

1. Temperature shall not exceed a 1-DMax of 21.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.
2. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 38 - Naches	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>American River:</u> Upstream from the mouth (latitude 46.9756, longitude -121.1574), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Barton Creek:</u> Upstream from the mouth (latitude 46.8725, longitude -121.2934), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>-</u>
<u>Bumping Lake's unnamed tributaries:</u> Upstream from the mouth (latitude 46.8464, longitude -121.3106).	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>-</u>
<u>Bumping River's unnamed tributaries:</u> Upstream from latitude 46.9316, longitude -121.2078 (outlet of Flat Iron Lake).	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Bumping River:</u> Upstream from the mouth (latitude 46.9853, longitude -121.0931) to the upper end of Bumping Lake (latitude 46.8394, longitude -121.3662), including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 38 - Naches	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Bumping River:</u> Upstream of Bumping Lake (latitude 46.8394, longitude -121.3662), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Cedar Creek:</u> Upstream from the mouth (latitude 46.8411, longitude -121.3644), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Clear Creek:</u> Upstream from the mouth (latitude 46.6352, longitude -121.2856), including tributaries (including Clear Lake).	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Crow Creek:</u> Upstream from the mouth (latitude 47.0153, longitude -121.1341), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Deep Creek:</u> Upstream from the mouth (latitude 46.8436, longitude -121.3175), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Goat Creek:</u> Upstream from the mouth (latitude 46.9173, longitude -121.2243), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Granite Creek:</u> Upstream from the mouth (latitude 46.8414, longitude -121.3253), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Indian Creek:</u> Upstream from the mouth (latitude 46.6396, longitude -121.2487), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Little Naches River and Bear Creek:</u> All waters above the confluence (latitude 47.0732, longitude -121.2413), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Little Naches River, South Fork:</u> Upstream from the mouth (latitude 47.0659, longitude -121.2265), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Naches River:</u> Upstream from latitude 46.7641, longitude -120.8284 (just upstream of Cougar Canyon) to the Snoqualmie National Forest boundary (latitude 46.9007, longitude -121.0135), including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Naches River:</u> Upstream from the Snoqualmie National Forest boundary (latitude 46.9007, longitude -121.0135) to headwaters (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Pileup Creek:</u> Upstream from the mouth (latitude 47.0449, longitude -121.1829), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Quartz Creek:</u> Upstream from the mouth (latitude 47.0169, longitude -121.1351), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 38 - Naches	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Rattlesnake Creek:</u> All waters above the confluence with North Fork Rattlesnake Creek (latitude 46.8096, longitude -121.0679).	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Rattlesnake Creek, North Fork:</u> All waters above latitude 46.8107, longitude 121.0694 (from and including the unnamed tributary just above confluence with mainstem).	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Sand Creek:</u> Upstream from the mouth (latitude 47.0432, longitude -121.1923), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Sunrise Creek:</u> Upstream from the mouth (latitude 46.9045, longitude -121.2431), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Tieton River:</u> Upstream from the mouth (latitude 46.7463, longitude -120.7871), including tributaries (except where otherwise designated).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Tieton River, North Fork:</u> Upstream from the confluence with Clear Lake (latitude 46.6278, longitude -121.2711), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Tieton River, South Fork:</u> Upstream from the mouth (latitude 46.6261, longitude -121.133), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 38:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 39 - Upper Yakima	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Cle Elum River:</u> Upstream from the mouth (latitude 47.1771, longitude -120.9982) to latitude 47.3805 longitude -121.0979 (above Little Salmon la Sac Creek).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Cle Elum River:</u> Upstream from the confluence with unnamed tributary (latitude 47.3807, longitude -121.0975) to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Indian Creek:</u> Upstream from the mouth (latitude 47.2994, longitude -120.8581) and downstream of Wenatchee National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Indian Creek (mouth at latitude 47.2994, longitude -120.8581):</u> Waters in or above the National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 39 - Upper Yakima	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Jack Creek:</u> Upstream from the mouth (latitude 47.3172, longitude -120.8561) and downstream of Wenatchee National Forest boundary, including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Jack Creek (mouth at latitude 47.3172, longitude -120.8561):</u> Waters in or above National Forest boundary, including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Little Kachess Lake:</u> Upstream from the narrowest point dividing Kachess Lake from Little Kachess Lake (latitude 47.3542, longitude -121.2378), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Manastash Creek mainstem:</u> Upstream from the mouth (latitude 46.9941, longitude -120.5814) to confluence of North and South Forks (latitude 46.9657, longitude -120.7359).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Manastash Creek, tributaries to mainstem:</u> Between the mouth (latitude 46.9941, longitude -120.5814) and the confluence of North and South Forks (latitude 46.9657, longitude -120.7359).	<u>Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Manastash Creek:</u> All waters above the confluence of the North and South Forks (latitude 46.9657, longitude -120.7359) and downstream of the Wenatchee National Forest boundary.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Manastash Creek:</u> All waters above the confluence of the North and South Forks (latitude 46.9657, longitude -120.7359) that are in or above the Wenatchee National Forest.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Swauk Creek mainstem:</u> Upstream from the mouth (latitude 47.1239, longitude -120.7381) to confluence with First Creek (latitude 47.2081, longitude -120.7007).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Swauk Creek:</u> Upstream from the confluence with First Creek (latitude 47.2081, longitude -120.7007) to Wenatchee National Forest, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Taneum Creek mainstem:</u> Upstream from the mouth (latitude 47.0921, longitude -120.7092) to Wenatchee National Forest boundary (latitude 47.1134, longitude -120.8997).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Taneum Creek, tributaries to mainstem:</u> Between the mouth (latitude 47.0921, longitude -120.7092) and Wenatchee National Forest boundary (latitude 47.1134, longitude -120.8997).	<u>Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 39 - Upper Yakima	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Teanaway River mainstem: Upstream from the mouth (latitude 47.1672, longitude -120.835) to West Fork Teanaway River (latitude 47.2567, longitude -120.8981).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Teanaway River, tributaries to mainstem: Between the mouth (latitude 47.1672, longitude -120.835) and West Fork Teanaway River (latitude 47.2567, longitude -120.8981).</u>	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Teanaway River, West Fork and Middle Fork: Upstream from the mouth (latitude 47.2567, longitude -120.8981) and downstream of the Wenatchee National Forest, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Teanaway River, West Fork and Middle Fork (confluence at latitude 47.2567, longitude -120.8981): Upstream of the Wenatchee National Forest, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Teanaway River, North Fork: Upstream from mouth (latitude 47.2514, longitude -120.8785) to Jungle Creek (latitude 47.3328, longitude -120.8564) and downstream of the Wenatchee National Forest boundary, including tributaries (except where designated otherwise).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Teanaway River, North Fork: Upstream from the mouth (latitude 47.2514, longitude -120.8785) to Jungle Creek (latitude 47.3328, longitude -120.8564) and in or above the Wenatchee National Forest boundary, including tributaries (except where designated otherwise).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Teanaway River, North Fork, and Jungle Creek: Upstream from the confluence (latitude 47.3328, longitude -120.8564), including tributaries.</u>	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Yakima River mainstem: Upstream from the mouth (latitude 46.25010, longitude -119.24668) to the confluence with the Cle Elum River (latitude 47.1768, longitude -120.9976) except where specifically designated otherwise in Table 602.¹</u>	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Yakima River: Upstream from the confluence with the Cle Elum River (latitude 47.1768, longitude -120.9976) to headwaters, including tributaries (except where designated otherwise).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 39 - Upper Yakima	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Yakima River:</u> Upstream from the confluence with, but not including, Cedar Creek (latitude 47.2892, longitude -121.2947) including tributaries.	Char Spawning/ Rearing	Primary Contact	All	All	173-201A-200 (1)(c)(iv)

Notes for WRIA 39:

1. Temperature shall not exceed a 1-DMax of 21.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.
2. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 40 - Alkaki-Squilchuck	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific water body entries for this WRIA.	=	=	=	=	=

Table 602: WRIA 41 - Lower Crab	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Crab Creek:</u> Upstream from the mouth (latitude 47.1452, longitude -119.2655), including tributaries.	Rearing/ Migration Only	Primary Contact	All, Except Domestic Water	All	=

Table 602: WRIA 42 - Grand Coulee	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Crab Creek:</u> Upstream from the mouth (latitude 47.1452, longitude -119.2655), including tributaries.	Rearing/ Migration Only	Primary Contact	All, Except Domestic Water	All	=

Table 602: WRIA 43 - Upper Crab-Wilson	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Crab Creek:</u> Upstream from the mouth (latitude 47.1452, longitude -119.2655), including tributaries.	Rearing/ Migration Only	Primary Contact	All, Except Domestic Water	All	=

Table 602: WRIA 44 - Moses Coulee	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	=	=	=	=	=

Table 602: WRIA 45 - Wenatchee	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Chiwaukum Creek:</u> Upstream from the confluence with Skinny Creek (latitude 47.6865, longitude -120.7351) to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Chiwawa River:</u> Upstream from the mouth (latitude 47.7883, longitude -120.6594) to Chikamin Creek (latitude 47.9036, longitude -120.7307), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Chiwawa River and Chikamin Creek:</u> Upstream from the confluence (latitude 47.9036, longitude -120.7307), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Chumstick Creek:</u> Upstream from the mouth (latitude 47.6026, longitude -120.6444) and downstream of the National Forest boundary, including tributaries (not otherwise designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Chumstick Creek (mouth at latitude 47.6026, longitude -120.6444):</u> In or above the National Forest boundary, including tributaries (not otherwise designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Dry Creek and Chumstick Creek:</u> All waters above the confluence (latitude 47.7151, longitude -120.5734), except those waters in or above the Wenatchee National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Dry Creek and Chumstick Creek:</u> All waters above the confluence (latitude 47.7151, longitude -120.5734) that are in or above the Wenatchee National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Eagle Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.6544, longitude -120.5165) except those waters in or above the Wenatchee National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Eagle Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.6544, longitude -120.5165) that are in or above the Wenatchee National Forest, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Icicle Creek:</u> Upstream from the mouth (latitude 47.5799, longitude -120.6664) to the National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Icicle Creek:</u> Upstream from the National Forest boundary to confluence with Jack Creek (latitude 47.6081, longitude -120.8991), including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Table 602: WRIA 45 - Wenatchee	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Icicle Creek and Jack Creek:</u> Upstream from the confluence (latitude 47.6081, longitude -120.8991), including all tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Ingalls Creek:</u> Upstream from the mouth (latitude 47.4635, longitude -120.6611), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Mission Creek:</u> Upstream from latitude 47.4496, longitude -120.4944 to headwaters and downstream of the National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Mission Creek:</u> Upstream from latitude 47.4496, longitude -120.4944 to headwaters and in, or above, the National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Peshastin Creek:</u> Upstream from the National Forest boundary (latitude 47.4898, longitude -120.6502) to headwaters, including tributaries (except where designated char).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All, Except Aesthetics</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Peshastin Creek:</u> Upstream from the confluence with Mill Creek (latitude 47.5105, longitude -120.6319) to the National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All, Except Aesthetics</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Second Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.7384, longitude -120.5946), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Van Creek and unnamed tributary:</u> All waters above the confluence (latitude 47.6719, longitude -120.5385), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Wenatchee River mainstem:</u> Between Peshastin Creek (latitude 47.5573, longitude -120.5741) and the boundary of the Wenatchee National Forest (latitude 47.5851, longitude -120.6902).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Wenatchee River:</u> From Wenatchee National Forest boundary (latitude 47.5851, longitude -120.6902) to Chiwawa River (latitude 47.7883, longitude -120.6594), including tributaries (except where designated otherwise).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Wenatchee River:</u> Upstream from the confluence with Chiwawa River (latitude 47.7883, longitude -120.6594), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 45:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 46 - Entiat	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Brennegan Creek and unnamed tributary:</u> <u>All waters above the confluence (latitude 47.9096, longitude -120.4199), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Entiat River:</u> <u>Occurring below the National Forest boundary from, and including, the Mad River (latitude 47.7358, longitude -120.3633) to Wenatchee National Forest boundary on the mainstem Entiat River (latitude 47.84815, longitude -120.42051), including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Entiat River:</u> <u>Upstream from the unnamed creek at latitude 47.9135, longitude -120.4942 (below Fox Creek), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Entiat River's unnamed tributaries:</u> <u>Upstream of latitude 47.9107, longitude -121.5012 (below Fox Creek).</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Gray Canyon, North Fork, and South Fork Gray Canyon:</u> <u>All waters above the confluence (latitude 47.8133, longitude -120.399), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Hornet Creek:</u> <u>Upstream from the mouth (latitude 47.771, longitude -120.4332), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Mad River:</u> <u>Upstream from latitude 47.8015 longitude -120.4920 (below Young Creek), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Mud Creek and Switchback Canyon:</u> <u>All waters above the confluence (latitude 47.7802, longitude -120.3073), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Potato Creek and Gene Creek:</u> <u>All waters above the confluence (latitude 47.8139, longitude -120.3424).</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Preston Creek and South Fork Preston Creek:</u> <u>All waters above the confluence (latitude 47.8835, longitude -120.4241), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Stormy Creek and unnamed tributary:</u> <u>All waters above the confluence (latitude 47.8383, longitude -120.3877), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Tillicum Creek and Indian Creek:</u> <u>All waters above the confluence (latitude 47.7291, longitude -120.4322), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Note for WRIA 46:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 47 - Chelan	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Stehekin River: Upstream from the mouth (latitude 48.3202, longitude -120.6791).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Table 602: WRIA 48 - Methow	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Bear Creek: Upstream from the mouth (latitude 48.4484, longitude -120.161) to the headwaters and in or above the National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Bear Creek: Upstream from the mouth (latitude 48.4484, longitude -120.161) to the headwaters and downstream of the National Forest boundary, including tributaries.	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Beaver Creek and South Fork Beaver Creek: All waters above the confluence (latitude 48.435, longitude -120.0215), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Big Hidden Lake and outlet stream to the East Fork Pasayten River: Upstream from the mouth (latitude 48.9375, longitude -120.509), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Boulder Creek and Pebble Creek: All waters above the confluence (latitude 48.5878, longitude -120.1069), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Buttermilk Creek: Upstream from the mouth (latitude 48.3629, longitude -120.3392), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Chewuch River: Upstream from the mouth (latitude 48.4753, longitude -120.1808) to headwaters, including tributaries (except where designated otherwise).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Chewuch River: Upstream from the confluence with Buck Creek (latitude 48.7572, longitude -120.1317), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Eagle Creek: Upstream from the mouth (latitude 48.359, longitude -120.3907), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Early Winters Creek: Upstream from the mouth (latitude 48.6013, longitude -120.4389) to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Eureka Creek: Upstream from the mouth (latitude 48.7004, longitude -120.4921), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
Goat Creek: Upstream from the confluence with Roundup Creek (latitude 48.6619, longitude -120.3282) to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Table 602: WRIA 48 - Methow	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Gold Creek: Upstream from the mouth (latitude 48.1879, longitude -120.0953), except those waters in or above the Okanogan National Forest, including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Gold Creek: Upstream from the mouth (latitude 48.1879, longitude -120.0953) and in, or above, the Okanogan National Forest, including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Lake Creek: Upstream from the mouth (latitude 48.7513, longitude -120.1371), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Libby Creek and Hornel Draw: All waters above the confluence (latitude 48.2564, longitude -120.1879), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Little Bridge Creek: Upstream of the mouth (latitude 48.379, longitude -120.286), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Lost River Gorge: Upstream from the confluence with Sunset Creek (latitude 48.728, longitude -120.4518), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Methow River: Upstream from the mouth (latitude 48.0505, longitude -119.9025) to the confluence with Twisp River (latitude 48.368, longitude -120.1188).</u>	<u>Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Methow River: Upstream from the confluence with Twisp River (latitude 48.368, longitude -120.1188) to Chewuch River (latitude 48.475, longitude -120.1812).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Methow River: Upstream from the confluence with Chewuch River (latitude 48.475, longitude -120.1812) to headwaters, including tributaries (except where designated char).</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Methow River, West Fork: Upstream from the confluence with, and including, Robinson Creek (latitude 48.6595, longitude -120.5389) to headwaters, including tributaries (except unnamed tributary above mouth at latitude 48.6591, longitude -120.5493).</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Pipestone Canyon Creek: Upstream from the mouth (latitude 48.397, longitude -120.058) and below Campbell Lake (latitude 48.4395, longitude -120.0656), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-
<u>Pipestone Canyon Creek: Upstream from, and including, Campbell Lake (latitude 48.4395, longitude -120.0656), including tributaries.</u>	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	-

Table 602: WRIA 48 - Methow	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Smith Canyon Creek and Elderberry Canyon:</u> All waters above the confluence (latitude 48.2618, longitude -120.1682), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
<u>Twisp River:</u> Upstream from the mouth (latitude 48.368, longitude -120.1188) to War Creek (latitude 48.3612, longitude -120.396).	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Twisp River and War Creek:</u> All waters above the confluence (latitude 48.3612, longitude -120.396), including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>
<u>Wolf Creek and unnamed tributary:</u> Upstream from the confluence (latitude 48.4848, longitude -120.3178) to headwaters, including tributaries.	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 48:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 49 - Okanogan	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Okanogan River:</u> Upstream from the mouth (latitude 48.1011, longitude -119.7207).	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	<u>173-201A-200 (1)(c)(iv)</u>

Note for WRIA 49:

1. This WRIA contains waters requiring supplemental spawning and incubation protection for salmonid species per WAC 173-201A-200 (1)(c)(iv). See ecology publication 06-10-038 for further information.

Table 602: WRIA 50 - Foster	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>There are no specific waterbody entries for this WRIA.</u>	=	=	=	=	=

Table 602: WRIA 51 - Nespelam	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>There are no specific waterbody entries for this WRIA.</u>	=	=	=	=	=

Table 602: WRIA 52 - Sanpoil	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>There are no specific waterbody entries for this WRIA.</u>	=	=	=	=	=

<u>Table 602: WRIA 53 - Lower Lake Roosevelt</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	=	=	=	=	=

<u>Table 602: WRIA 54 - Lower Spokane</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Spokane River:</u> Upstream from the mouth (latitude 47.8937, longitude -118.3345) to Long Lake Dam (latitude 47.837, longitude -117.8394). ¹	Spawning/ Rearing	Primary Contact	All	All	=
<u>Spokane River:</u> Upstream from Long Lake Dam (latitude 47.837, longitude -117.8394) to Nine Mile Bridge (latitude 47.777, longitude -117.5449). ²	Core Summer Habitat	Primary Contact	All	All	=
<u>Spokane River:</u> Upstream from Nine Mile Bridge (latitude 47.777, longitude -117.5449) to the Idaho border (latitude 47.69747, longitude -117.04185). ³	Spawning/ Rearing	Primary Contact	All	All	=

Notes for WRIA 54:

1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.
2. a. The average euphotic zone concentration of total phosphorus (as P) shall not exceed 25µg/L during the period of June 1st to October 31st.
 b. Temperature shall not exceed a 1-DMax of 20.0°C, due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.
3. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.

<u>Table 602: WRIA 55 - Little Spokane</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	=	=	=	=	=

<u>Table 602: WRIA 56 - Hangman</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	=	=	=	=	=

<u>Table 602: WRIA 57 - Middle Spokane</u>	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Lake Creek:</u> Upstream from the Idaho border (latitude 47.5603, longitude -117.0409), including tributaries.	Char Spawning/ Rearing	Primary Contact	All	All	=

Table 602: WRIA 57 - Middle Spokane	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Spokane River: Upstream from Nine Mile Bridge (latitude 47.777, longitude -117.5449) to the Idaho border (latitude 47.69747, longitude -117.04185). ¹	Spawning/ Rearing	Primary Contact	All	All	=

Note for WRIA 57:

1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34/(T + 9)$.

Table 602: WRIA 58 - Middle Lake Roosevelt	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	=	=	=	=	=

Table 602: WRIA 59 - Colville	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Colville River: Upstream from the mouth (latitude 48.5738, longitude -118.1115).	Spawning/ Rearing	Primary Contact	All	All	=

Table 602: WRIA 60 - Kettle	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	=	=	=	=	=

Table 602: WRIA 61 - Upper Lake Roosevelt	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
There are no specific waterbody entries for this WRIA.	=	=	=	=	=

Table 602: WRIA 62 - Pend Oreille	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
All streams flowing into Idaho: From Bath Creek (latitude 48.5866, longitude 117.0346) to the Canadian border (latitude 49.000, longitude -117.0308).	Char Spawning/ Rearing	Primary Contact	All	All	=
Calispell Creek: Upstream from the confluence with Small Creek (latitude 48.3205, longitude -117.3081) to Calispell Lake (latitude 48.2902, longitude -117.3212), including tributaries.	Char Spawning/ Rearing	Primary Contact	All	All	=
Calispell Lake: Upstream from (latitude 48.2902, longitude -117.3212), including tributaries.	Char Spawning/ Rearing	Primary Contact	All	All	=

Table 602: WRIA 62 - Pend Oreille	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
<u>Cedar Creek: Upstream from the mouth (latitude 48.7432, longitude -117.4176) to latitude 48.7502, longitude -117.4346, in or above Colville National Forest boundary, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Cedar Creek: Upstream from the mouth (latitude 48.7432, longitude -117.4176) to latitude 48.7502, longitude -117.4346, and downstream of the Colville National Forest, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Cedar Creek: Upstream from latitude 48.7502, longitude -117.4346 to headwaters, and in the Colville National Forest, including tributaries.</u>	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Cedar Creek: Upstream from latitude 48.7502, longitude -117.4346 to headwaters, and outside the Colville National Forest, including tributaries.</u>	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Harvey Creek (also called Outlet Creek) and Paupac Creek: All waters above the confluence (latitude 48.7708, longitude -117.2978), including tributaries.</u>	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Indian Creek: Upstream from the mouth (latitude 48.2445, longitude -117.1515) to headwaters.</u>	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Le Clerc Creek, East Branch, and West Branch Le Clerc Creek: All waters above the confluence (latitude 48.5337, longitude -117.2827), except those waters in or above the Colville National Forest, including tributaries.</u>	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Le Clerc Creek, East Branch, and West Branch Le Clerc Creek: All waters above the confluence (latitude 48.5337, longitude -117.2827) that are in or above the Colville National Forest, including tributaries.</u>	<u>Char Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Le Clerc Creek: Upstream from the mouth (latitude 48.5189, longitude -117.2821) to the confluence with West Branch Le Clerc Creek (latitude 48.5337, longitude -117.2827), including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Mill Creek: From mouth (latitude 48.4899, longitude -117.2645) to headwaters, including tributaries.</u>	<u>Core Summer Habitat</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:
<u>Pend Oreille River: From Canadian border (latitude 49.000, longitude -117.3534) to Idaho border (latitude 48.1998, longitude -117.0389).¹</u>	<u>Spawning/Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	:

Table 602: WRIA 62 - Pend Oreille	<u>Aquatic Life Uses</u>	<u>Recreation Uses</u>	<u>Water Supply Uses</u>	<u>Misc. Uses</u>	<u>Additional info for waterbody</u>
Slate Creek: From mouth (latitude 48.924, longitude -117.3292) to headwaters, including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Small Creek: From mouth (latitude 48.3206, longitude -117.3087) to the National Forest (latitude 48.8462, longitude -117.2884), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Small Creek: In or above the National Forest (latitude 48.32680, longitude -117.39423), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
South Salmo River: Upstream from latitude 48.9990, longitude -117.1365, including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Sullivan Creek: Upstream of confluence with Harvey Creek (latitude 48.8462, longitude -117.2884) to headwaters, including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Tacoma Creek, South Fork: Upstream of confluence with Tacoma Creek (latitude 48.3938, longitude -117.3238) and downstream of the Colville National Forest boundary (latitude 48.3989, longitude -117.3487), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=
Tacoma Creek, South Fork: Upstream of the Colville National Forest boundary (latitude 48.3989, longitude -117.3487), including tributaries.	<u>Char Spawning/ Rearing</u>	<u>Primary Contact</u>	<u>All</u>	<u>All</u>	=

Note for WRIA 62:

1. Temperature shall not exceed a 1-DMax of 20.0°C due to human activities. When natural conditions exceed a 1-DMax of 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 $t = 34 / (T + 9)$.

AMENDATORY SECTION (Amending WSR 03-14-129, filed 7/1/03, effective 8/1/03)

WAC 173-201A-610 Use designations—Marine waters. All marine surface waters have been assigned specific uses for protection under Table 612.

Table 610 (Key to Table 612)

Abbreviation	General Description
Aquatic Life Uses:	(see WAC 173-201A-210(1))
Extraordinary	Extraordinary quality salmonid and other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish,

Abbreviation	General Description
	scallops, etc.) rearing and spawning.
Excellent	Excellent quality salmonid and other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawning; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.
Good	Good quality salmonid migration and rearing; other fish migration, rearing, and spawning; clam, oyster, and mussel rearing and spawn-

Abbreviation	General Description
	ing; crustaceans and other shellfish (crabs, shrimp, crayfish, scallops, etc.) rearing and spawning.
Fair	Fair quality salmonid and other fish migration.
Shellfish Harvesting: (see WAC 173-201A-210(2))	
Shellfish Harvest	Shellfish (clam, oyster, and mussel) harvesting.
Recreational Uses: (see WAC 173-201A-210(3))	
Primary ((Cont.)) Contact	Primary contact recreation.
((Secondary Cont.	Secondary contact recreation.))
Miscellaneous Uses: (see WAC 173-201A-210(4))	
Wildlife Habitat	Wildlife habitat.
Harvesting	Salmonid and other fish harvesting, and crustacean and other shellfish (crabs, shrimp, scallops, etc.) harvesting.
Com./Navig.	Commerce and navigation.
Boating	Boating.
Aesthetics	Aesthetic values.

AMENDATORY SECTION (Amending WSR 03-14-129, filed 7/1/03, effective 8/1/03)

WAC 173-201A-612 Table 612—Use designations for marine waters. (1) Table 612 lists uses for marine waters. Only the uses with the most stringent criteria are listed. The criteria notes in Table 612 take precedence over the criteria in WAC 173-201A-210 for the same parameter.

(2) All marine waters listed in Table 612 are protected for the miscellaneous uses of aesthetics, boating, commerce/navigation, and wildlife habitat.

(3) Table 612 is necessary to determine and fully comply with the requirements of this chapter. If you are viewing a paper copy of the rule from the office of the code reviser or are using their web site, Table 612 may be missing (it will instead say "place illustration here"). In this situation, you may view Table 612 at the department of ecology's web site at (~~www.ecy.wa.gov~~) www.ecology.wa.gov, or request a paper copy of the rule with Table 612 from the department of ecology or the office of the code reviser.

((

Table 612 Use Designations for Marine Waters	Aquatic Life Uses				Shellfish Harvest	Recreational Uses		Misc. Uses				
	Extraordinary	Excellent	Good	Fair		Primary Cont	Secondary Cont	Wildlife Habitat	Harvesting	Com/Navig	Boating	Aesthetics
Budd Inlet south of latitude 47°04'N (south of Priest Point Park).			✓				✓	✓	✓	✓	✓	✓
Coastal waters: Pacific Ocean from Ilwaco to Cape Flattery.	✓				✓	✓		✓	✓	✓	✓	✓
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.		✓			✓	✓		✓	✓	✓	✓	✓
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.			✓				✓	✓	✓	✓	✓	✓
Commencement Bay, city waterway south and east of south 11th Street.				✓			✓	✓		✓	✓	✓
Drayton Harbor, south of entrance.		✓			✓	✓		✓	✓	✓	✓	✓
Dyes and Sinclair inlets west of longitude 122°37'W.		✓			✓	✓		✓	✓	✓	✓	✓
Elliott Bay east of a line between Pier 91 and Duwamish Head.		✓			✓	✓		✓	✓	✓	✓	✓
Everett Harbor, inner, northeast of a line bearing 121° true from approximately 47°59'5"N and 122°13'44"W (southwest corner of the pier).			✓				✓	✓	✓	✓	✓	✓
Grays Harbor west of longitude 123°59'W.		✓			✓	✓		✓	✓	✓	✓	✓
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.			✓				✓	✓	✓	✓	✓	✓
Guemes Channel, Padilla, Samish and Bellingham bays east of longitude 122°39'W and north of latitude 48°27'20"N.		✓			✓	✓		✓	✓	✓	✓	✓
Hood Canal.	✓				✓	✓		✓	✓	✓	✓	✓
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.	✓				✓	✓		✓	✓	✓	✓	✓
Oakland Bay west of longitude 123°05'W (inner Shelton harbor).			✓				✓	✓	✓	✓	✓	✓

))

((

Table 612 Use Designations for Marine Waters	Aquatic Life Uses				Shellfish Harvest	Recreational Uses		Misc. Uses				
	Extraordinary	Excellent	Good	Fair		Primary Cont	Secondary Cont	Wildlife Habitat	Harvesting	Com/Navig	Boating	Aesthetics
Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook.		✓			✓	✓		✓	✓	✓	✓	✓
Port Gamble south of latitude 47°51'20"N.		✓			✓	✓		✓	✓	✓	✓	✓
Port Townsend west of a line between Point Hudson and Kala Point.		✓			✓	✓		✓	✓	✓	✓	✓
Possession Sound, south of latitude 47°57'N.	✓				✓	✓		✓	✓	✓	✓	✓
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.		✓			✓	✓		✓	✓	✓	✓	✓
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).	✓				✓	✓		✓	✓	✓	✓	✓
Sequim Bay southward of entrance.	✓				✓	✓		✓	✓	✓	✓	✓
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).		✓			✓	✓		✓	✓	✓	✓	✓
Strait of Juan de Fuca.	✓				✓	✓		✓	✓	✓	✓	✓
Totten Inlet and Little Skookum Inlet, west of longitude 122°56'32" (west side of Steamboat Island).	✓				✓	✓		✓	✓	✓	✓	✓
Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8).		✓			✓	✓		✓	✓	✓	✓	✓

))

Table 612

<u>Use Designations for Marine Waters</u>	<u>Aquatic Life Use</u>	<u>Recreational Use</u>	<u>Harvest Use</u>
<u>Budd Inlet south of latitude 47°04'N (south of Priest Point Park).</u>	<u>Good</u>	<u>Primary Contact</u>	<u>Excludes Shellfish</u>
<u>Coastal waters: Pacific Ocean from Ilwaco to Cape Flattery.</u>	<u>Extraordinary</u>	<u>Primary Contact</u>	<u>All</u>
<u>Commencement Bay south and east of a line bearing 258° true from "Brown's Point" and north and west of a line bearing 225° true through the Hylebos waterway light.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>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.</u>	<u>Good</u>	<u>Primary Contact</u>	<u>Excludes Shellfish</u>

<u>Use Designations for Marine Waters</u>	<u>Aquatic Life Use</u>	<u>Recreational Use</u>	<u>Harvest Use</u>
<u>Commencement Bay, city waterway south and east of south 11th Street.</u>	<u>Fair</u>	<u>Primary Contact</u>	<u>No Harvest Use Supported</u>
<u>Drayton Harbor, south of entrance.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>Dyes and Sinclair inlets west of longitude 122°37'W.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>Elliott Bay east of a line between Pier 91 and Duwamish Head.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>Everett Harbor, inner, northeast of a line bearing 121° true from approximately 47°59'5"N and 122°13'44"W (southwest corner of the pier).</u>	<u>Good</u>	<u>Primary Contact</u>	<u>Excludes Shellfish</u>
<u>Grays Harbor west of longitude 123°59'W.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>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.</u>	<u>Good</u>	<u>Primary Contact</u>	<u>Excludes Shellfish</u>
<u>Guemes Channel, Padilla, Samish and Bellingham bays east of longitude 122°39'W and north of latitude 48°27'20"N.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>Hood Canal.</u>	<u>Extraordinary</u>	<u>Primary Contact</u>	<u>All</u>
<u>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.</u>	<u>Extraordinary</u>	<u>Primary Contact</u>	<u>All</u>
<u>Oakland Bay west of longitude 123°05'W (inner Shelton harbor).</u>	<u>Good</u>	<u>Primary Contact</u>	<u>Excludes Shellfish</u>
<u>Port Angeles south and west of a line bearing 152° true from buoy "2" at the tip of Ediz Hook.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>Port Gamble south of latitude 47°51'20"N.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>Port Townsend west of a line between Point Hudson and Kala Point.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>Possession Sound, south of latitude 47°57'N.</u>	<u>Extraordinary</u>	<u>Primary Contact</u>	<u>All</u>
<u>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.</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>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).</u>	<u>Extraordinary</u>	<u>Primary Contact</u>	<u>All</u>
<u>Sequim Bay southward of entrance.</u>	<u>Extraordinary</u>	<u>Primary Contact</u>	<u>All</u>
<u>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).</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>
<u>Strait of Juan de Fuca.</u>	<u>Extraordinary</u>	<u>Primary Contact</u>	<u>All</u>
<u>Totten Inlet and Little Skookum Inlet, west of longitude 122°56'32"W (west side of Steamboat Island).</u>	<u>Extraordinary</u>	<u>Primary Contact</u>	<u>All</u>
<u>Willapa Bay seaward of a line bearing 70° true through Mailboat Slough light (Willapa River, river mile 1.8).</u>	<u>Excellent</u>	<u>Primary Contact</u>	<u>All</u>

WSR 19-04-027**PERMANENT RULES****DEPARTMENT OF TRANSPORTATION**

[Filed January 28, 2019, 9:59 a.m., effective February 28, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: At state-owned park and ride lots where utilization is very high, overcrowding can lead to commuters parking in travel or fire lanes, parking on local streets, and circling the lots and local streets looking for parking. In addition, overcrowded lots can lead to crush-loaded buses and trains and exacerbate congestion on adjacent highway corridors.

By managing demand for these lots, municipalities (such as city and county transit agencies) can increase the likelihood that parking will be available for those who need it most, improve the commuter experience, and encourage a more efficient use of highway corridors.

This proposal provides administrative support for municipalities that operate and maintain state-owned park and ride lots by allowing their agreements with the department to include parking demand management strategies that are consistent with state and local laws.

Citation of Rules Affected by this Order: New chapter 468-603 WAC.

Statutory Authority for Adoption: RCW 46.61.577.

Adopted under notice filed as WSR 19-01-033 on December 12, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: January 28, 2019.

Kara Larsen, Director
Risk Management and
Legal Services Division

Chapter 468-603 WAC**AGREEMENTS WITH MUNICIPALITIES AND REGIONAL TRANSIT AUTHORITIES—STATE-OWNED PARK AND RIDE LOTS****NEW SECTION**

WAC 468-603-010 Agreements with municipalities and regional transit authorities at state-owned park and ride lots. Washington state department of transportation may enter into agreements with municipalities as defined in RCW

35.95.020 and with regional transit authorities authorized under chapter 81.112 RCW allowing them to operate and maintain park and ride lots under the jurisdiction of the department. Provided, that nothing in this section shall be construed as expanding or limiting the powers or authority of any entity entering into an agreement covered by this section.

These agreements may include those parking management elements which the municipalities and regional transit authorities are authorized by law to implement and manage including, but not limited to:

(1) The issuing of permits such as high occupancy vehicle permits or permits designating a time of arrival. Such permits shall be issued at no cost unless allowed by state and local law;

(2) The reservation of a portion of stalls for the exclusive or time-specific use of permitted vehicles;

(3) The enforcement against unauthorized uses through impoundment, ticketing, or other measures as governed by applicable state and local laws and regulations. Enforcement measures may also include the establishment of parking time limit maximums consistent with RCW 46.55.070; or

(4) The temporary closure of underutilized sections of park and ride facilities to reduce maintenance and operation costs.

For the purposes of this chapter, a "permit" is defined as any document or electronic record approved by and/or issued by a municipality or regional transit authority that when properly displayed or implemented by the permittee authorizes a vehicle to park.

WSR 19-04-038**PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Order 16-03—Filed January 28, 2019, 4:16 p.m., effective April 28, 2019]

Effective Date of Rule: April 28, 2019.

Purpose: The department of ecology (ecology) is amending chapter 173-303 WAC, Dangerous waste regulations. These regulations set standards for the safe management of dangerous wastes. Chapter 173-303 WAC implements chapter 70.105 RCW and Subtitle C of the federal Resource Conservation and Recovery Act (RCRA). Chapter 70.105 RCW gives ecology hazardous waste program authority to adopt regulations for dangerous waste management. Ecology plans to amend specific sections of the dangerous waste regulations to incorporate new federal hazardous waste rules, including but not limited to:

(1) Conditional exclusions for solvent-contaminated wipes.

(2) Revisions to the definition of solid waste.

(3) Revisions to the export provisions of the cathode ray tube rule.

(4) Hazardous waste generator improvements rule.

(5) Hazardous waste export-import revisions.

(6) Hazardous waste electronic manifest rule.

Amendments also include several state-initiated technical and editorial corrections and clarifications. Substantive changes include:

- Changes to the polychlorinated biphenyl (PCB) waste exclusion to reduce duplicative regulation of state-only PCB wastes also regulated under the Toxic Substance Control Act, 40 C.F.R. Part 760.
- Above-ground signage requirements for underground dangerous waste tanks to increase safety awareness.

Citation of Rules Affected by this Order: New WAC 173-303-019, 173-303-169, 173-303-171, 173-303-172, 173-303-173 and 173-303-174; and amending WAC 173-303-016, 173-303-017, 173-303-030, 173-303-040, 173-303-045, 173-303-060, 173-303-070, 173-303-071, 173-303-082, 173-303-110, 173-303-120, 173-303-140, 173-303-160 [not included in this filing], 173-303-170, 173-303-180, 173-303-190, 173-303-200, 173-303-201, 173-303-202, 173-303-210, 173-303-220, 173-303-230, 173-303-235, 173-303-240, 173-303-250, 173-303-270, 173-303-290, 173-303-320, 173-303-350, 173-303-360, 173-303-370, 173-303-380, 173-303-395, 173-303-400, 173-303-505, 173-303-510, 173-303-515, 173-303-520, 173-303-522, 173-303-525, 173-303-573, 173-303-578, 173-303-600, 173-303-610, 173-303-620, 173-303-630, 173-303-640, 173-303-64610, 173-303-64620, 173-303-690, 173-303-691, 173-303-9903, and 173-303-9904.

Statutory Authority for Adoption: Chapters 70.105, 70.105D RCW.

Other Authority: RCRA.

Adopted under notice filed as WSR 18-17-061 on August 9, 2018.

Changes Other than Editing from Proposed to Adopted Version: Ecology made the following changes. For details on why the changes were made see the concise explanatory statement

<https://fortress.wa.gov/ecy/publications/summarypages/1904003.html>.

WAC 173-303-040 "Authorized representative": "An employee of the company of equivalent responsibility" is included in the definition as an additional example of an authorized representative. This change more closely aligns with the federal definition.

WAC 173-303-040 "Satellite accumulation area": The phrase "ninety-day accumulation area" is changed to "central accumulation area" to align with the new definition for central accumulation area and maintain consistent definitions.

WAC 173-303-070 (1)(b): Enforcement issues noted for proposed language requiring any person discovering unknown materials to immediately begin designation. Language is revised to clearly indicate this rule applies to solid waste discovered on a generator's site or property.

WAC 173-303-070 (3)(a): Due to comments and confusion about the meaning of "immediately," the word "promptly" is used. Also removed "unknown material" for reasons discussed under WAC 173-303-070 (1)(b) above.

WAC 173-303-071 (3)(s)(xiii) and 173-303-395(6): These cites address hazard labeling of containers and tanks. For consistency with RCRA hazard labeling regulations and to align with changes to other related citations in the amended state rules, the word "major" is deleted.

WAC 173-303-170 (2)(b)(iv) and (5)(c): Treatment by generator exception language mistakenly occurs at subsections (2)(b)(iv) and (5)(c). This language belongs under subsection (2)(b)(iv). Corrected by adding "... in accumulation

tanks, containers and containment buildings ..." at the end of subsection (2)(b)(iv) and deleting subsection (5)(c).

WAC 173-303-171 (1)(e)(ix)(B), 173-303-172 (9)(a)(ii), 173-303-173 [(3)](f)(i)(B), 173-303-174 (1)(f)(i), 173-303-200 (7)(a)(ii) and 173-303-630 (3)(a): In order to address physical problem of attaching a label to small containers where the words "hazardous waste" (or the words "episodic hazardous waste") are 1/2 inch in size, ecology is giving an exception to the labeling size rule for containers one gallon (or four liters) and under. We are also clarifying that the lettering size requirement only applies to the size of the letters in "hazardous waste," and not to all the wording that may be on the hazardous/dangerous waste label.

WAC 173-303-171 (1)(e)(ix)(C)(II), 173-303-172 (9)(a)(iii)(A) and (B), 173-303-173 (3)(f)(i)(C)(II), 173-303-174 (1)(f)(ii)(B), 173-303-200 (7)(a)(iii)(B), 173-303-630 (3)(b)(ii): In order to address physical problem of attaching a hazard label to small containers with 1/2 inch high hazard word(s), we are allowing containers one gallon (or four liters) and under to use labels, markings or lettering that are appropriate to the size of the container.

WAC 173-303-173 (3)(d): The proposed episodic generator rule language required small quantity generators (SQG) to report all dangerous wastes generated during the calendar year, potentially creating a new recordkeeping requirement for SQGs. To align with the RCRA episodic generation rule and to make compliance with the state rule easier, the wording was revised to require only wastes generated during the episodic event to be annually reported.

WAC 173-303-201 (7)(f): Proposed rules did not include a federal RCRA exemption providing large quantity generators (LQG) with twenty-four hour emergency response capabilities a waiver from the requirement to make arrangements with the local fire department. Ecology did include this waiver in the proposed rules for medium quantity generator emergency planning requirements, but a commenter pointed out that we mistakenly did not include it in the LQG emergency planning rules. We are adding this waiver exemption to the final rules as a new subsection [(7)](f).

WAC 173-303-201 (9)(a): By oversight during rule drafting, language in WAC 173-303-350 that only applies to treatment, storage, or disposal (TSD) activity was carried over to the LQG contingency plan requirements in WAC 173-303-201 (9)(a). The last sentence pertaining to permit modifications is removed.

A final cost-benefit analysis is available by contacting Robert Rieck, Department of Ecology, Hazardous Waste and Toxics Reduction Program, P.O. Box 47600, Olympia, WA 98504-47600 [98504-7600], phone 360-407-6751, people with speech disability may call TTY at 877-833-6341, people with impaired hearing may call Washington relay service at 711, email Robert.rieck@ecy.wa.gov, web site <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-303-Feb17>.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 42, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 31, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 28, 2019.

Maia D. Bellon
Director
by Polly Zehm

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-016 Identifying solid waste. (1) Purpose and applicability.

(a) The purpose of this section is to identify those materials that are and are not solid wastes.

(b)(i) The definition of solid waste contained in this section applies only to wastes that also are dangerous for purposes of the regulations implementing chapter 70.105 RCW. For example, it does not apply to materials (such as nondangerous scrap, paper, textiles, or rubber) that are not otherwise dangerous wastes and that are recycled.

(ii) This section identifies only some of the materials which are solid wastes and dangerous wastes under chapter 70.105 RCW. A material which is not defined as a solid waste in this section, or is not a dangerous waste identified or listed in this section, is still a solid waste and a dangerous waste for purposes of these sections if reason and authority exists under chapter 70.105 RCW and WAC 173-303-960. Within the constraints of chapter 70.105 RCW, this includes, but is not limited to, any material that: Is accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or, due to the dangerous constituent(s) in it, when used or reused would pose a threat to public health or the environment.

(c) Certain materials are solid wastes but are excluded from the requirements of this chapter by WAC 173-303-071 and 173-303-073.

(2) The following terms are used and have the meanings as defined in WAC 173-303-040:

- (a) Boiler
- (b) By-product
- (c) Incinerator
- (d) Industrial furnace
- (e) Reclaim
- (f) Recover
- (g) Recycle
- (h) Used or reused (see reuse or use)
- (i) Sludge
- (j) Scrap metal
- (k) Spent material
- (l) Excluded scrap metal
- (m) Processed scrap metal

(n) Home scrap metal

(o) Prompt scrap metal

(3) Definition of solid waste.

(a) A solid waste is any discarded material that is not excluded by WAC 173-303-017(2) or that is not excluded by variance granted under WAC 173-303-017(5).

(b) A discarded material is any material that is:

(i) Abandoned, as explained in subsection (4) of this section; or

(ii) Recycled, as explained in subsection (5) of this section; or

(iii) Considered inherently waste-like, as explained in subsection (6) of this section. Persons registering micronutrient or waste-derived fertilizers under chapter 15.54 RCW must submit information required by the department to indicate compliance with this chapter. The required minimum information is described in WAC 173-303-505; or

(iv) A military munition identified as a solid waste at WAC 173-303-578(2).

(4) Materials are solid waste if they are abandoned by being:

(a) Disposed of; or

(b) Burned or incinerated; or

(c) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated; or

(d) Sham recycled, as defined in subsection (8) of this section.

(5) Materials are solid wastes if they are recycled—accumulated, stored, or treated before recycling—as specified in (a) through (d) of this subsection.

(a) Used in a manner constituting disposal. Materials noted with a "*" in column 1 of Table 1 are solid wastes when they are:

(i)(A) Applied to or placed on the land in a manner that constitutes disposal; or

(B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

(ii) However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-090 or 173-303-100 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(b) Burning for energy recovery. Materials noted with a "*" in column 2 of Table 1 are solid wastes when they are:

(i) Burned to recover energy;

(ii) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste).

However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria or characteristics listed in WAC 173-303-090 or 173-303-100 are not solid wastes if they are themselves fuels.

(c) Reclaimed. Materials noted with a "*" in column 3 of Table 1 are solid wastes when reclaimed.

(d)(i) Accumulated speculatively. Materials noted with a "*" in column 4 of Table 1 are solid wastes when accumulated speculatively.

(ii) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five percent by weight or volume of the amount of that material accumulated at the beginning of the period. Materials must be placed in a storage unit with a label indicating the first date that the material began to be accumulated. If placing a label on the storage unit is not practical, the accumulation period must be documented through an inventory log or other appropriate method. In calculating the percentage of turnover, the seventy-five percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under WAC 173-303-071 (3)(n) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

TABLE 1

	Use constituting disposal WAC 173-303-016 (5)(a)	Energy recovery/fuel WAC 173-303-016 (5)(b)	Reclamation WAC 173-303-016 (5)(c)	Speculative accumulation WAC 173-303-016 (5)(d)
Spent materials	(*)	(*)	(*)	(*)
Commercial chemical products	(*)	(*)	—	—
By-products listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
Sludges listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic ¹ or criteria ²	(*)	(*)	—	(*)
Sludges exhibiting a characteristic ¹ or criteria ²	(*)	(*)	—	(*)
Scrap metal that is not excluded under WAC 173-303-071 (3)(ff)	(*)	(*)	(*)	(*)

Note: The terms "spent materials," "sludges," "by-products," "scrap metal" and "processed scrap metal" are defined in WAC 173-303-040.

1 The characteristics of dangerous waste are described in WAC 173-303-090.
 2 The dangerous waste criteria are described in WAC 173-303-100.

(6) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

(a) Dangerous Waste Nos. F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

(b) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a dangerous waste or are listed as a dangerous waste as defined in WAC 173-303-090 or 173-303-080 through 173-303-082, except for brominated material that meets the following criteria:

(i) The material must contain a bromine concentration of at least 45%; and

(ii) The material must contain less than a total of 1% of toxic organic compounds listed in WAC 173-303-9905; and

(iii) The material is processed continually on site in the halogen acid furnace via direct conveyance (hard piping).

(c) The department will use the following criteria to add wastes to (a) of this subsection:

(i)(A) The materials are ordinarily disposed of, burned, or incinerated; or

(B) The materials contain toxic constituents listed in WAC 173-303-9905 and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

(ii) The material may pose a substantial hazard to human health or the environment when recycled.

(7) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(8) Sham recycling. A material found to be sham recycled is considered discarded and a solid waste. Sham recycling is recycling that is not legitimate recycling as defined in WAC 173-303-019.

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-017 Recycling processes involving solid waste. (1) The purpose of this section is to identify those materials that are and are not solid wastes when recycled. Certain materials, as described in subsection (2) of this section, would not typically be considered to involve waste management and are exempt from the requirements of this chapter. All recycling processes not exempted by subsection (2) of this section are subject to the recycling requirements of WAC 173-303-120.

(2) General categories of materials that are not solid waste when recycled.

(a) Except as provided in subsection (3) of this section, materials are not solid wastes when they can be shown to be recycled by being:

(i) Used or reused as ingredients in an industrial process to make a product provided the materials are not being reclaimed; or

(ii) Used or reused as effective substitutes for commercial products; or

(iii) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on the land.

(b) Except as provided in subsection (3) of this section, the department has determined that the following materials when used as described are not solid wastes:

(i) Pulping liquors (e.g., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process;

(ii) 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;

(iii) Spent sulfuric acid used to produce virgin sulfuric acid provided it is not accumulated speculatively as defined in WAC 173-303-016 (5)(d)(ii).

(3) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (as described in subsection (2)(a) of this section):

(a) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(b) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(c) Materials accumulated speculatively as defined in WAC 173-303-016 (5)(d)(ii); or

(d) Materials listed in WAC 173-303-016(6); or

(e) Any materials that the department determines are being accumulated, used, reused or handled in a manner that poses a threat to public health or the environment.

(4) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(5) Variances from classification as a solid waste.

(a) In accordance with the standards and criteria in (b) of this subsection and the procedures in subsection (7) of this section, the department may determine on a case-by-case

basis that the following recycled materials are not solid wastes:

(i) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in WAC 173-303-016 (5)(d)(ii));

(ii) Materials that are reclaimed and then reused within the original production process in which they were generated;

(iii) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered;

(iv) Materials that are reclaimed in a continuous process;

(v) Materials that are indistinguishable in all relevant aspects from a product or intermediate; and

(vi) State-only dangerous materials (not regulated as hazardous wastes (defined in WAC 173-303-040) by EPA) which serve as an effective substitute for a commercial product or raw material.

(b) Standards and criteria for variances from classification as a solid waste.

(i) The department may grant requests for a variance from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The department's decision will be based on the following criteria:

(A) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);

(B) The reason that the applicant has accumulated the material for one or more years without recycling seventy-five percent of the volume accumulated at the beginning of the year;

(C) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(D) The extent to which the material is handled to minimize loss;

(E) Other relevant factors.

(ii) The department may grant requests for a variance from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(A) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(B) The extent to which the material is handled before reclamation to minimize loss;

(C) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

(D) The location of the reclamation operation in relation to the production process;

(E) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(F) Whether the person who generates the material also reclaims it;

(G) Other relevant factors.

(iii) The department may grant requests for a variance from classifying as a solid waste those hazardous secondary materials that have been partially reclaimed, but must be reclaimed further before recovery is completed ((if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:

(A) The degree of processing the material has undergone and the degree of further processing that is required;

(B) The value of the material after it has been reclaimed;

(C) The degree to which the reclaimed material is like an analogous raw material;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The extent to which the reclaimed material, if the partial reclamation has produced a commodity-like material. A determination that a partially reclaimed hazardous secondary material for which the variance is sought is commodity-like will be based on whether the material is legitimately recycled as specified in WAC 173-303-019 and on whether all of the following decision criteria are satisfied:

(A) Whether the degree of partial reclamation the material has undergone is substantial as demonstrated by using a partial reclamation process other than the process that generated the dangerous waste;

(B) Whether the partially reclaimed material has sufficient economic value that it will be purchased for further reclamation;

(C) Whether the partially reclaimed material is a viable substitute for a product or intermediate produced from virgin or raw materials which is used in subsequent production steps;

(D) Whether there is a market for the partially reclaimed material as demonstrated by known customer(s) who are further reclaiming the material (e.g., records of sales and/or contracts and evidence of subsequent use, such as bills of lading);

(E) Whether the partially reclaimed material is handled to minimize loss; and

(F) Other relevant factors.

(iv) The department may grant requests for a variance from classifying as a solid waste those materials that serve as an effective substitute for a commercial product or raw material, when such material is not regulated as hazardous waste (defined in WAC 173-303-040) by EPA, if the materials are recycled in a manner such that they more closely resemble products or raw materials rather than wastes. This determination will be based on the following factors:

(A) The effectiveness of the material for the claimed use;

(B) The degree to which the material is like an analogous raw material or product;

(C) The extent to which the material is handled to minimize loss or escape to the environment;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The time period between generating the material and its recycling;

(F) Other factors as appropriate.

(6) Variance to be classified as a boiler.

In accordance with the standards and criteria in WAC 173-303-040 (definition of "boiler"), and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in WAC 173-303-040, after considering the following criteria:

(a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(b) The extent to which the combustion chamber and energy recovery equipment are of integral design; and

(c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(d) The extent to which exported energy is utilized; and

(e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids, or heated gases; and

(f) Other factors, as appropriate.

(7) Procedures for variances from classification as a solid waste or to be classified as a boiler.

The department will use the following procedures in evaluating applications for variances from classification as a solid waste or applications to classify particular enclosed controlled flame combustion devices as boilers:

(a) The applicant must apply to the department for the variance. The application must address the relevant criteria contained in subsection((s)) (5)(b) or (6) of this section, as applicable.

(b) The department will evaluate the application and issue a draft public notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the recycler is located. The department will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at its discretion. The department will issue a final decision after receipt of comments and after the hearing (if any).

(c) In the event of a change in circumstances that affect how a material meets the relevant criteria contained in subsection (5) or (6) of this section, as applicable, upon which a variance has been based, the applicant must send a description of the change in circumstances to the department. The department may issue a determination that the material continues to meet the relevant criteria of the variance or may require the facility to reapply for the variance.

(d) Variances shall be effective for a fixed term not to exceed ten years. No later than six months prior to the end of this term, facilities must reapply for a variance. If a facility reapplies for a variance within six months, the facility may

continue to operate under an expired variance until receiving a decision on their reapplication from the department.

(e) Facilities receiving a variance must provide notification as required by subsection (8) of this section.

(8) Notification requirements for materials managed under variances from classification as a solid waste.

(a) Facilities managing hazardous secondary materials under WAC 173-303-017(5) must send a notification prior to operating under the regulatory provision and by March 1st of each even-numbered year thereafter to the department using ecology's site identification form that includes the following information:

(i) The name, address, and EPA/state identification number (if applicable) of the facility;

(ii) The name and telephone number of a contact person;

(iii) The NAICS code of the facility;

(iv) The regulation under which the hazardous secondary materials will be managed;

(v) When the facility began or expects to begin managing the hazardous secondary materials in accordance with the regulation;

(vi) A list of hazardous secondary materials that will be managed according to the regulation (reported as the dangerous waste numbers that would apply if the hazardous secondary materials were managed as dangerous wastes);

(vii) The quantity of each hazardous secondary material to be managed annually; and

(viii) The certification (included in ecology's site identification form) signed and dated by an authorized representative of the facility.

(b) If a facility managing hazardous secondary materials under this section has submitted a notification, but then subsequently stops managing those materials in accordance with the regulation(s) listed above, the facility must notify the department within thirty days using ecology's site identification form. For purposes of this section, a facility has stopped managing hazardous secondary materials under this section if the facility no longer generates, manages, or reclaims materials under the regulation(s) above and does not expect to manage any amount of hazardous secondary materials under this section for at least one year.

NEW SECTION

WAC 173-303-019 Legitimacy criteria for recycling of hazardous secondary materials. Recycling hazardous secondary materials for the purpose of exclusion or exemption from the dangerous waste regulations must be legitimate. Hazardous secondary material that is not legitimately recycled is discarded material and a solid waste. In determining if their recycling is legitimate, persons must address all the requirements of this section.

(1) Legitimate recycling must involve a hazardous secondary material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. The hazardous secondary material provides a useful contribution if it:

(a) Contributes valuable ingredients to a product or intermediate; or

(b) Replaces a catalyst or carrier in the recycling process; or

(c) Is the source of a valuable constituent recovered in the recycling process; or

(d) Is recovered or regenerated by the recycling process; or

(e) Is used as an effective substitute for a commercial product.

(2) The recycling process must produce a valuable product or intermediate. The product or intermediate is valuable if it is:

(a) Used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process; or

(b) Sold to a third party.

(3) The generator, recycler, or third party must manage the hazardous secondary material as a valuable commodity when it is under their control. Where there is an analogous raw material, the hazardous secondary material must be managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner. Where there is no analogous raw material, the hazardous secondary material must be contained. Hazardous secondary materials that are released to the environment and are not recovered immediately are discarded.

(4) The product of the recycling process must be comparable to a legitimate product or intermediate:

(a) Where there is an analogous product or intermediate, the product of the recycling process is comparable to a legitimate product or intermediate if:

(i) The product of the recycling process does not exhibit a dangerous waste characteristic (as defined in WAC 173-303-090) or meet any dangerous waste criteria (as found in WAC 173-303-100) that analogous products do not exhibit; and

(ii) The concentrations of any dangerous constituents found in WAC 173-303-9905 that are in the product or intermediate are at levels that are comparable to or lower than those found in analogous products, or at levels that meet widely recognized commodity standards and specifications, in the case where the commodity standards and specifications include levels that specifically address those dangerous constituents.

(b) Where there is no analogous product, the product of the recycling process is comparable to a legitimate product or intermediate if:

(i) The product of the recycling process is a commodity that meets widely recognized commodity standards and specifications (e.g., commodity specification grades for common metals); or

(ii) The hazardous secondary materials being recycled are returned to the original process or processes from which they were generated to be reused (e.g., closed loop recycling).

(c) If the product of the recycling process has levels of dangerous constituents (found in WAC 173-303-9905) that are not comparable to or unable to be compared to a legitimate product or intermediate per (a) and (b) of this subsection, the recycling still may be shown to be legitimate if it meets the following specified requirements. The person performing the recycling must conduct the necessary assessment

and prepare documentation showing why the recycling is, in fact, still legitimate.

(i) The recycling can be shown to be legitimate based on:

(A) Lack of exposure from toxics in the product;

(B) Lack of bioavailability of toxics in the product; or

(C) Other relevant considerations which show that the recycled product does not contain levels of dangerous constituents that pose a significant human health or environmental risk.

(ii) The documentation must include a certification statement that the recycling is legitimate and must be maintained on site for five years after the recycling operation has ceased.

(iii) The person performing the recycling must notify the department of this activity using ecology's site identification form.

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-030 Abbreviations. The following abbreviations are used in this regulation.

APTI - Association for Preservation Technology International

ASTM - American Society for Testing Materials

APHA - American Public Health Association

CAMU - corrective action management unit

CDC - Center for Disease Control

C.F.R. - Code of Federal Regulations

DOT - Department of Transportation

°C - degrees Celsius

DRE - destruction and removal efficiency

DW - dangerous waste

DWS - drinking water standards of the Safe Drinking Water Act

EHW - extremely hazardous waste

EP - extraction procedure

EPA - Environmental Protection Agency

°F - degrees Fahrenheit

g - gram

IARC - International Agency for Research on Cancer

IFC - International Fire Code

kg - kilogram (one thousand grams)

L - liter

lb - pound

LC₅₀ - median lethal concentration

LD₅₀ - median lethal dose

MACT - maximum achievable control technology

M - molar (gram molecular weights per liter of solution)

mg - milligram (one thousandth of a gram)

MTCA - Model Toxics Control Act

NFPA - National Fire Protection Association

NIOSH - National Institute for Occupational Safety and Health

pH - negative logarithm of the hydrogen ion concentration

PODC - principal organic dangerous constituent

POTW - publicly owned treatment works

ppm - parts per million (weight/weight)

RCRA - Resource Conservation and Recovery Act

RCW - Revised Code of Washington

TEQ - toxicity equivalence

TMC - total mass concentrate

TOM - total organic mass

TSD facility (or TSDF) - treatment, storage, or disposal facility

TU - temporary unit

UBC - Uniform Building Code

UFC - Uniform Fire Code

USCG - United States Coast Guard

USGS - United States Geological Survey

WAC - Washington Administrative Code

% - percent

- number

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-040 Definitions. When used in this chapter, the following terms have the meanings given below.

Note: The list of defined terms in this section does not contain all defined terms used in chapter 173-303 WAC.

"Aboveground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Accumulation" refers to the definition of "storage."

"Active life" of a facility means the period from the initial receipt of dangerous waste at the facility until the department receives certification of final closure.

"Active portion" means that portion of a facility which is not a closed portion, and where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after:

The effective date of the waste's designation by 40 C.F.R. Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 C.F.R. Part 261. (See also "closed portion" and "inactive portion.")

"Active range" means a military range that is currently in service and is being regularly used for range activities.

"Acute hazardous waste" means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P", including those wastes mixed with source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954. The abbreviation "AHW" will be used in this chapter to refer to those dangerous and mixed wastes which are acute hazardous wastes. Note - The terms acute and acutely are used interchangeably.

"Ampule" means an airtight vial made of glass, plastic, metal, or any combination of these materials.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of dangerous waste from its point of generation to a storage or treatment tank(s), between dangerous waste stor-

age and treatment tanks to a point of disposal (~~(on-site)) on site~~, or to a point of shipment for disposal (~~(off-site)) off site~~.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a generator site, facility, or an operational unit (e.g., plant manager, superintendent or an employee of the company of equivalent responsibility).

"Batch" means any waste which is generated less frequently than once a month.

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Berm" means the shoulder of a dike.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: Process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least seventy-five percent of the recovered energy, calculated on an annual basis. In this calculation, no credit will be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the department has determined, on a case-by-case basis, to be a boiler, after considering the standards in WAC 173-303-017(6).

"By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a coproduct that is produced for

the general public's use and is ordinarily used in the form it is produced by the process.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Carcinogenic" means a material known to contain a substance which has sufficient or limited evidence as a human or animal carcinogen as listed in both IARC and either IRIS or HEAST.

"Cathode ray tube" or "CRT" means a vacuum tube, composed primarily of glass, which is the visual or video display component of an electronic device. A used, intact CRT means a CRT whose vacuum has not been released. A used, broken CRT means glass removed from its housing or casing whose vacuum has been released.

"Central accumulation area" means any on-site dangerous waste accumulation area subject to either WAC 173-303-200 (large quantity generators) or WAC 173-303-172 (medium quantity generators). A central accumulation area at an eligible academic entity that chooses to operate under WAC 173-303-235 must also comply with WAC 173-303-235(12) when accumulating unwanted material and/or dangerous waste.

"Chemical agents and chemical munitions" are defined as in 50 U.S.C. section 1521 (j)(1).

"Cleanup-only facility" means a site, including any contiguous property owned or under the control of the owner or operator of the site, where the owner or operator is or will be treating, storing, or disposing of remediation waste, including dangerous remediation waste, and is not, has not and will not be treating, storing or disposing of dangerous waste that is not remediation waste. A cleanup-only facility is not a "facility" for purposes of corrective action under WAC 173-303-646.

"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.

"Closure" means:

- The requirements placed upon all recycling, used oil, and TSD facilities, plus some generators, and some transporters to ensure that all such facilities are closed in an acceptable manner (see also "post-closure"); and
- Once taken out of service, the proper cleaning up and/or decontaminating of a dangerous waste management unit or a recycling unit and any areas affected by releases from the unit.

"College/university" see WAC 173-303-235.

"Commercial chemical product or manufacturing chemical intermediate" refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient.

"Commercial fertilizer" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and includes, but is not limited to, limes, gypsum, and manipulated animal manures and vegetable compost. The commer-

cial fertilizer must be registered with the state or local agency regulating the fertilizer in the locale in which the fertilizer is being sold or applied.

"Compliance procedure" means any proceedings instituted pursuant to the Hazardous Waste Management Act, chapter 70.105 RCW, and Hazardous waste fees, chapter 70.105A RCW, 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 Management Act. A compliance procedure is considered to be pending from the time a notice of violation or of intent to terminate a permit 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.

"Component" means either the tank or ancillary equipment of a tank system.

"Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

"Contained" means held in a unit that meets the following criteria:

- The unit is in good condition with no leaks or other continuing or intermittent unpermitted releases of hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent releases of hazardous secondary materials to the environment. Unpermitted releases are releases that are not covered by a permit (such as a permit to discharge to water or air) and may include, but are not limited to, releases through surface transport by precipitation runoff, releases to soil and groundwater, wind-blown dust, fugitive air emissions, and catastrophic unit failures;

- The unit is properly labeled or otherwise has a system (such as a log book) to immediately identify the hazardous secondary materials in the unit; and

- The unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit and is compatible with the materials used to construct the unit and addresses any potential risks of fires or explosions.

- Hazardous secondary materials in units that meet the applicable requirements of WAC 173-303-280 through 173-303-395 or 173-303-400 are presumptively contained.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of WAC 173-303-695.

"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 or dangerous waste constituents which could threaten human health or environment.

"Contract" means the written agreement signed by the department and the state operator.

"Control" means, for the purposes of WAC 173-303-171(1)(e) and 173-303-200(15), the power to direct the policies of the generator, whether by the ownership of stock or voting rights. Contractors, consultants, and transporters who operate generator facilities on behalf of a different person, as defined in this section, shall not be deemed to "control" such generators.

"Corrosion expert" means a person who, by reason of ~~(his)~~ their knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"CRT collector" means a person who receives CRTs for recycling, repair, resale, or donation.

"CRT exporter" means any person in the United States who initiates a transaction to send used CRTs outside the United States or its territories for recycling or reuse, or any intermediary in the United States arranging for such export.

"CRT glass manufacturer" means an operation or part of an operation that uses a furnace to manufacture CRT glass.

"CRT processing" means conducting all of the following activities:

- Receiving broken or intact CRTs; and
- Intentionally breaking intact CRTs or further breaking or separating broken CRTs; and
- Sorting or otherwise managing glass removed from CRT monitors.

"Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents that have caused a waste to be a dangerous waste under this chapter.

"Dangerous waste management unit" is a contiguous area of land on or in which dangerous waste is placed, or the largest area in which there is a significant likelihood of mixing dangerous waste constituents in the same area. Examples of dangerous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

"Dangerous wastes" means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous, or extremely hazardous or mixed waste. As used in this chapter, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter. The abbreviation "DW" will refer only to that part of the regulated universe which is not extremely hazardous waste. (See also "extremely hazardous waste," "hazardous waste," and "mixed waste" definitions.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufac-

tured object; or plant or animal matter; or natural geologic material. However, the following materials are not debris: Any material for which a specific treatment standard is provided in 40 C.F.R. Part 268 Subpart D (incorporated by reference in WAC 173-303-140 (2)(a)); process residuals such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least seventy-five percent of their original volume. A mixture of debris that has not been treated to the standards provided by 40 C.F.R. 268.45 and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Department" means the department of ecology.

"Dermal Rabbit LD₅₀" 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 or more of a group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

"Designated facility" means:

- A dangerous waste treatment, storage, disposal, or recycling facility that:

- Has received a permit (or interim status) in accordance with the requirements of this chapter,

- Has received a permit (or interim status) from another state authorized in accordance with 40 C.F.R. Part 271,

- Has received a permit (or interim status) from EPA in accordance with 40 C.F.R. Part 270,

- Has a permit by rule under WAC 173-303-802(5), or is regulated under WAC 173-303-120 (4)(c) or 173-303-525 when the dangerous waste is to be recycled, and

- That has been designated on the manifest pursuant to WAC 173-303-180(1).

- "Designated facility" also means a generator site designated on the manifest to receive its waste as a return shipment from a facility that has rejected the waste in accordance with WAC 173-303-370 (5)(f).

- If a waste is destined to a facility in an authorized state that has not yet obtained authorization to regulate that particular waste as dangerous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

- The following are designated facilities only for receipt of state-only waste; they cannot receive federal hazardous waste from off-site: Facilities operating under WAC 173-303-500 (2)(c).

"Designation" is the process of determining whether a waste is regulated under the dangerous waste lists, WAC 173-303-080 through 173-303-082; or characteristics, WAC 173-303-090; or criteria, WAC 173-303-100. The procedures for designating wastes are in WAC 173-303-070. A waste that has been designated as a dangerous waste may be either DW or EHW.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in WAC 173-303-573 (9)(a), (b) and (c) and 173-303-573 (20)(a), (b) and (c). A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

"Dioxins and furans (D/F)" means tetra, penta, hexa, hepta, and octa-chlorinated dibenzo dioxins and furans.

"Director" means the director of the department of ecology or ((his)) their designee.

"Discharge" or "dangerous waste discharge" means the accidental or intentional release of hazardous substances, dangerous waste or dangerous waste constituents such that the substance, waste or a waste constituent may enter or be emitted into the environment.

"Disposal" means the discharging, 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, air, or water.

"Domestic sewage" means untreated sanitary wastes that pass through a sewer system to a publicly owned treatment works (POTW) for treatment.

"Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue or deny, 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.

"Drip pad" is an engineered structure consisting of a curbed, free-draining base, constructed of nonearthen materials and designed to convey preservative kick-back or drip-page from treated wood, precipitation, and surface water runoff to an associated collection system at wood preserving plants.

"Electronic manifest (or e-Manifest)" means the electronic format of the hazardous waste manifest that is obtained from EPA's national e-Manifest system and transmitted electronically to the system, and that is the legal equivalent of EPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

"Electronic Manifest System" (or "e-Manifest System") means EPA's national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

"Electronic signature" is defined in RCW 19.34.020.

"Elementary neutralization unit" means a device which:

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

Meets the definition of tank, tank system, container, transport vehicle, or vessel.

"Eligible academic entity" see WAC 173-303-235.

"Enforceable document" means an order, consent decree, plan or other document that meets the requirements of 40 C.F.R. 271.16(e) and is issued by the director to apply alternative requirements for closure, post-closure, groundwater monitoring, corrective action or financial assurance under WAC 173-303-610 (1)(e), 173-303-645 (1)((e)) (f), or 173-303-620 (1)(d) or, as incorporated by reference at WAC 173-

303-400, 40 C.F.R. 265.90(f), 265.110(d), or 265.140(d). Enforceable documents include, but are not limited to, closure plans and post-closure plans, permits issued under chapter 70.105 RCW, orders issued under chapter 70.105 RCW and orders and consent decrees issued under chapter 70.105D RCW.

"Environment" means any air, land, water, or groundwater.

"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 TSD facility.

"Episodic event" see WAC 173-303-173.

"Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of dangerous waste and that is in operation, or for which installation has commenced on or prior to February 3, 1989. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Existing TSD facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980, for wastes designated by 40 C.F.R. Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 C.F.R. Part 261. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state, and local statutes, regulations, and ordinances and either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligation, which cannot be canceled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and muni-

tions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include Department of Defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and DOD-certified civilian or contractor personnel; and other federal, state, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses.

"Export" means the transportation of hazardous waste from a location under the jurisdiction of the United States to another country, or a location not under the jurisdiction of any country, for the purpose of recovery, treatment, or disposal operations therein.

"Exporter," also known as primary exporter on the RCRA hazardous waste manifest, means the person domiciled in the United States who is required to originate the movement document in accordance with 40 C.F.R. Part 262.83(d) or the manifest for a shipment of hazardous waste in accordance with 40 C.F.R. Part 262, Subpart B, or equivalent state provision specifies a foreign receiving facility as the facility the hazardous wastes will be sent, or any recognized trader who proposes export of the hazardous waste to recovery, treatment, or disposal in the country of import.

"Extremely hazardous waste" means those dangerous and mixed wastes designated in WAC 173-303-100 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous and mixed wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

"Facility" means:

- All contiguous land, and structures, other appurtenances, and improvements on the land used for recycling, reusing, reclaiming, transferring, storing, treating, ((ø)) disposing of dangerous waste, or managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units (for example, one or more landfills, surface impoundments, or combination of them). Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "TSD facility," "dangerous waste facility," or "waste management facility" are used interchangeably.

- For purposes of implementing corrective action under WAC 173-303-64620 or 173-303-64630, "facility" also means all contiguous property under the control of an owner or operator seeking a permit under chapter 70.105 RCW or

chapter 173-303 WAC and includes the definition of facility at RCW 70.105D.020(8).

"Facility mailing list" means the mailing list for a facility maintained by the department in accordance with WAC 173-303-840 (3)(e)(I)(D).

"Final closure" means the closure of all dangerous waste management units at the facility in accordance with all applicable closure requirements so that dangerous waste management activities under WAC 173-303-400 and 173-303-600 through 173-303-670 are no longer conducted at the facility. Areas only subject to generator standards WAC 173-303-170 through 173-303-230 need not be included in final closure.

"Fish LC50" means the concentration that will kill fifty percent or more of the exposed fish in a specified time period. For book designation, LC50 data must be derived from an exposure period greater than or equal to twenty-four hours. A hierarchy of species LC50 data should be used that includes (in decreasing order of preference) salmonids, fathead minnows (*Pimephales promelas*), and other fish species. For the ninety-six-hour static acute fish toxicity test, described in WAC 173-303-110 (3)(b)(i), coho salmon (*Oncorhynchus kisutch*), rainbow trout (*Oncorhynchus mykiss*), or brook trout (*Salvelinus fontinalis*) must be used.

"Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

"Formal written affiliation agreement" see WAC 173-303-235.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

"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.

"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.

"Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

"Groundwater" means water which fills voids below the land surface and in the earth's crust.

"Halogenated organic compounds" (HOC) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, or iodine which is/are bonded directly to a carbon atom. This definition does not apply to the federal land disposal restrictions of 40 C.F.R. Part 268 which are incorporated by reference at WAC 173-303-140 (2)(a). Note: Additional information on HOCs may be found in *Chemical ((Testing)) Test Methods for Designating Dangerous Waste*, Ecology Publication #97-407.

"Hazardous debris" means debris that contains a hazardous waste listed in WAC 173-303-9903 or 173-303-9904, or that exhibits a characteristic of hazardous waste identified in WAC 173-303-090.

"Hazardous secondary material" means a secondary material (e.g., spent material, by-product, sludge, or commer-

cial chemical product) that, when discarded, would be identified as a dangerous waste under this chapter.

"Hazardous secondary material generator" means any person whose act or process produces hazardous secondary materials at the generating facility. For purposes of this definition, "generating facility" means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator.

"Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in WAC 173-303-090 or 173-303-100.

"Hazardous wastes" means those solid wastes designated by 40 C.F.R. Part 261, and regulated as hazardous and/or mixed waste by the United States EPA. This term will never be abbreviated in this chapter to avoid confusion with the abbreviations "DW" and "EHW." (See also "dangerous waste" and "extremely hazardous waste" definitions.)

"Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.

"Ignitable waste" means a dangerous waste that exhibits the characteristic of ignitability described in WAC 173-303-090(5).

"Inactive portion" means that portion of a facility which has not recycled, treated, stored, or disposed dangerous waste after:

The effective date of the waste's designation, for wastes designated under 40 C.F.R. Part 261; and

March 10, 1982, for wastes designated only by this chapter and not designated by 40 C.F.R. Part 261.

"Inactive range" means a military range that is not currently being used, but that is still under military control and considered by the military to be a potential range area, and that has not been put to a new use that is incompatible with range activities.

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a dangerous waste that is unsuitable for:

- Placement in a particular device or facility because it may cause corrosion or decay of containment materials (for example, container inner liners or tank walls); or

- Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

(See appendix V of 40 C.F.R. Parts 264 and 265 for examples.)

"Independent qualified registered professional engineer" means a person who is licensed by the state of Washington, or a state which has reciprocity with the state of Washington as defined in RCW 18.43.100, and who is not an employee of the owner or operator of the facility for which construction or

modification certification is required. A qualified professional engineer is an engineer with expertise in the specific area for which a certification is given.

"Industrial-furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy: Cement kilns; lime kilns; aggregate kilns; phosphate kilns; blast furnaces; smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces); titanium dioxide chloride process oxidation reactors; coke ovens; methane reforming furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; pulping liquor recovery furnaces; combustion devices used in the recovery of sulfur values from spent sulfuric acid; and halogen acid furnaces (HAFs) for the production of acid from halogenated dangerous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process, and, except for dangerous waste burned as fuel, dangerous waste fed to the furnace has a minimum halogen content of 20% as-generated. The department may decide to add devices to this list on the basis of one or more of the following factors:

The device is designed and used primarily to accomplish recovery of material products;

The device burns or reduces secondary materials as ingredients in an industrial process to make a material product;

The device burns or reduces secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

The device burns or reduces raw materials to make a material product;

The device is in common industrial use to produce a material product; and

Other factors, as appropriate.

"Infrared incinerator" means any enclosed device that uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" in this section whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"Inhalation Rat LC₅₀" means a concentration in milligrams of substance per liter of air (mg/L) which, when administered to the respiratory tract for one hour or more, kills within fourteen days half or more of a group of ten rats each weighing between 200 and 300 grams.

"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.

"Installation inspector" means a person who, by reason of ~~(his)~~ their knowledge of the physical sciences and the principles of engineering, acquired by a professional educa-

tion and related practical experience, is qualified to supervise the installation of tank systems.

"Interim status permit" means a temporary permit given to TSD facilities which qualify under WAC 173-303-805.

"Knowledge" means sufficient information about a waste to reliably substitute for direct testing of the waste. To be sufficient and reliable, the "knowledge" used must provide information necessary to manage the waste in accordance with the requirements of this chapter.

Note: "Knowledge" may be used by itself or in combination with testing to designate a waste pursuant to WAC 173-303-070 (3)((e)) (e), or to obtain a detailed chemical, physical, and/or biological analysis of a waste as required in WAC 173-303-300(2).

"Laboratory" see WAC 173-303-235 only.

"Laboratory clean-out" see WAC 173-303-235.

"Laboratory worker" see WAC 173-303-235.

"Lamp," also referred to as "universal waste lamp" means any type of high or low pressure bulb or tube portion of an electric lighting device that generates light through the discharge of electricity either directly or indirectly as radiant energy. Universal waste lamps include, but are not limited to, fluorescent, mercury vapor, metal halide, high-pressure sodium and neon. As a reference, it may be assumed that four, four-foot, one-inch diameter unbroken fluorescent tubes are equal to 2.2 pounds in weight.

"Land disposal" means placement in or on the land, except in a corrective action management unit or staging pile, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

"Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, or an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit.

"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 will remain after the facility is closed, this practice is disposal.

"Large quantity generator" means a generator who generates any of the following amounts in a calendar month:

(a) Greater than or equal to 2,200 lb (1,000 kg) of dangerous waste that is not acute hazardous waste (AHW) or WT01 extremely hazardous waste (EHW); or

(b) Greater than 2.2 lb (1 kg) of acute hazardous waste and/or WT01 EHW; or

(c) Greater than 220 lb (100 kg) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste and/or WT01 EHW.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this section) who accumulates 11,000 pounds or more total of universal waste (batteries, mercury-containing equipment, and lamps calculated collectively) or who accumulates more than 2,200 pounds of lamps at any time. This designation as a large quantity han-

dler of universal waste is retained through the end of the calendar year in which 11,000 pounds or more total of universal waste and/or 2,200 pounds of lamps is accumulated.

"Leachable inorganic waste" means solid dangerous waste (that is, passes the Paint Filter Test Method 9095B as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" EPA Publication SW-846 as incorporated by reference in WAC 173-303-110 (3)(a)) that is not an organic/carbonaceous waste and exhibits the toxicity characteristic (dangerous waste numbers D004 to D011, only) under WAC 173-303-090(8).

"Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of dangerous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of dangerous waste into the secondary containment structure.

"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.

"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 berms of a surface impoundment, waste pile, or landfill.

"Major facility" means a facility or activity classified by the department as major.

"Manifest" means the shipping document EPA Form 8700-22 (including, if necessary, EPA Form 8700-22A(;;)) or the electronic manifest originated and signed by the generator or offeror in accordance with the requirements of WAC 173-303-180 (Manifest), and the applicable requirements of WAC 173-303-170 through 173-303-692.

"Manifest tracking number" means the alphanumeric identification number (a unique three letter suffix preceded by nine numerical digits), that is preprinted in Item 4 of the Manifest by a registered source.

"Manufacturing process unit" means a unit which is an integral and inseparable portion of a manufacturing operation, processing a raw material into a manufacturing intermediate or finished product, reclaiming spent materials or reconditioning components.

"Marine terminal operator" means a person engaged in the business of furnishing wharfage, dock, pier, warehouse, covered and/or open storage spaces, cranes, forklifts, bulk loading and/or unloading structures and landings in connection with a highway or rail carrier and a water carrier. A marine terminal operator includes, but is not limited to, terminals owned by states and their political subdivisions; railroads who perform port terminal services not covered by their line haul rates; common carriers who perform port ter-

minal services; and warehousemen and stevedores who operate port terminal facilities.

"Medium quantity generator" means a generator who generates the following amounts in a calendar month:

(a) Greater than 220 lb (100 kg) but less than 2,200 lb (1,000 kg) of dangerous waste that is not AHW and/or WT01 extremely hazardous waste (EHW);

(b) Less than or equal to 2.2 lb (1 kg) of AHW and/or WT01 EHW; and

(c) Less than or equal to 220 lb (100 kg) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste and/or WT01 EHW.

"Mercury-containing equipment" means a device or part of a device (including thermostats, but excluding batteries and lamps) that contains elemental mercury integral to its function. Examples of mercury-containing equipment include thermostats, thermometers, manometers, and electrical switches.

"Micronutrient fertilizer" means a produced or imported commercial fertilizer that contains commercially valuable concentrations of micronutrients but does not contain commercially valuable concentrations of nitrogen, phosphoric acid, available phosphorous, potash, calcium, magnesium, or sulfur. Micronutrients are boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, and zinc.

"Military" means the Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE), or other parties under contract or acting as an agent for the foregoing, who handle military munitions.

"Military munitions" means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (DOE), and National Guard personnel. The term military munitions includes: Confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include nonnuclear components of nuclear devices, managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

"Military range" means designated land and water areas set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

"Miscellaneous unit" means a dangerous waste management unit where dangerous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 40 C.F.R. Part 146, containment building, corrective action management unit, temporary unit, staging pile, or unit eligible for a research, development, and demonstration permit under WAC 173-303-809.

"Mixed waste" means a dangerous, extremely hazardous, or acutely hazardous waste that contains both a non-radioactive hazardous component and, as defined by 10 C.F.R. 20.1003, source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of dangerous waste and for which installation has commenced after February 3, 1989; except, however, for purposes of WAC 173-303-640 (4)(g)(ii) and 40 C.F.R. 265.193 (g)(2) as adopted by reference in WAC 173-303-400(3), a new tank system is one for which construction commences after February 3, 1989. (See also "existing tank system.")

"New TSD facility" means a facility which began operation or for which construction commenced after November 19, 1980, for wastes designated by 40 C.F.R. Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 C.F.R. Part 261.

"NIOSH registry" means the registry of toxic effects of chemical substances which is published by the National Institute for Occupational Safety and Health.

"No free liquids" as used in WAC 173-303-071 (3)(rr) and (ss), means that solvent-contaminated wipes may not contain free liquids as determined by Method 9095B (Paint Filter Liquids Test), included in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication SW-846), which is incorporated by reference, and that there is no free liquid in the container holding the wipes.

"Nonprofit research institute" see WAC 173-303-235.

"Nonsudden accident" or "nonsudden accidental occurrence" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

"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.

"Off-specification used oil fuel" means used oil fuel that exceeds any specification level described in Table 1 in WAC 173-303-515.

"Onground tank" means a device meeting the definition of "tank" in this section and that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surface so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right of way, provided that the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along the right of way. Noncontiguous

properties owned by the same person but connected by a right of way which they control and to which the public does not have access, are also considered on-site property.

"Operator" means the person responsible for the overall operation of a facility. (See also "state operator.")

"Oral Rat LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within fourteen days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

"Organic/carbonaceous waste" means a dangerous waste that contains combined concentrations of greater than ten percent organic/carbonaceous constituents in the waste; organic/carbonaceous constituents are those substances that contain carbon-hydrogen, carbon-halogen, or carbon-carbon chemical bonding.

"Partial closure" means the closure of a dangerous waste management unit in accordance with the applicable closure requirements of WAC 173-303-400 and 173-303-600 through 173-303-695 at a facility that contains other active dangerous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other dangerous waste management unit, while other units of the same facility continue to operate.

"Permit" means an authorization 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. Permits must be issued by one of the following:

The department, pursuant to this chapter;

United States EPA, pursuant to 40 C.F.R. Part 270; or

Another state authorized by EPA, pursuant to 40 C.F.R. Part 271.

"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.

"Persistence" means the quality of a material that 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. Persistent compounds are either halogenated organic compounds (HOC) or polycyclic aromatic hydrocarbons (PAH) as defined in this section.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel or facility personnel" means all persons who work at, or oversee the operations of, a dangerous waste facility, and whose actions or failure to act may result in noncompliance with the requirements of WAC 173-303-400 or 173-303-280 through 173-303-395 and 173-303-600 through 173-303-695.

"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 desiccant; 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. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this chapter.

"Pile" means any noncontainerized accumulation of solid, nonflowing dangerous waste that is used for treatment or storage.

"Plasma arc incinerator" means any enclosed device using a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point of generation" means the point, including both the date and place, a material is first identified as a solid waste under this chapter 173-303 WAC.

"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.

"Polycyclic aromatic hydrocarbons" (PAH) means those hydrocarbon molecules composed of two or more fused benzene rings. For purposes of this chapter, the PAHs of concern for designation are: Acenaphthene, acenaphthylene, fluorene, anthracene, fluoranthene, phenanthrene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, pyrene, chrysene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-c,d)pyrene, benzo(g,h,i)perylene, dibenzo [(a,e), (a,h), (a,i), and (a,l)] pyrenes, and dibenzo(a,j) acridine.

"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.")

"Processed scrap metal" is scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (that is, sorted), and fines, drosses and related materials that have been agglomerated. Note: Shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (WAC 173-303-071 (3)(gg)).

"Prompt scrap metal" is scrap metal as generated by the metal working/fabrication industries and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap is also known as industrial or new scrap metal.

"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.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields to make sound professional judgments regarding groundwater monitoring and contaminant fate and transport. Sufficient training and experience may be demonstrated by state registration, professional certifications, or completion of accredited university courses.

"Reactive acutely hazardous unwanted material" see WAC 173-303-235.

"Reactive waste" means a dangerous waste that exhibits the characteristic of reactivity described in WAC 173-303-090(7).

"Reclaim" means to process a material in order to recover useable products, or to regenerate the material. Reclamation is the process of reclaiming.

"Recognized trader" means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of waste destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the waste.

"Recover" means extract a useable material from a solid or dangerous waste through a physical, chemical, biological, or thermal process. Recovery is the process of recovering.

"Recycle" means to use, reuse, or reclaim a material.

"Recycling unit" is a contiguous area of land, structures and equipment where materials designated as dangerous waste or used oil are placed or processed in order to recover useable products or regenerate the original materials. For the purposes of this definition, "placement" does not mean "storage" when conducted within the provisions of WAC 173-303-120(4). A container, tank, or processing equipment alone does not constitute a unit; the unit includes containers, tanks or other processing equipment, their ancillary equipment and secondary containment system, and the land upon which they are placed.

"Registration number" means the number assigned by the department of ecology to a transporter who owns or leases and operates a ten-day transfer facility within Washington state.

"Regulated unit" means any new or existing surface impoundment, landfill, land treatment area or waste pile that receives any dangerous waste after:

July 26, 1982, for wastes regulated by 40 C.F.R. Part 261;

October 31, 1984 for wastes designated only by this chapter and not regulated by 40 C.F.R. Part 261; or

The date six months after a waste is newly identified by amendments to 40 C.F.R. Part 261 or this chapter which cause the waste to be regulated.

"Release" means any intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of dangerous wastes, or dangerous constituents as defined at WAC 173-303-64610(4), into the environment and includes the abandonment or discarding of barrels, containers, and other receptacles containing dangerous wastes or

dangerous constituents and includes the definition of release at RCW 70.105D.020(32).

"Remediation waste" means all solid and dangerous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, that are managed for implementing cleanup.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and that is subsequently reused to treat, store, or dispose of dangerous waste. "Replacement unit" does not apply to a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with an approved closure plan or EPA or state approved corrective action.

"Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

"Reuse or use" means to employ a material either:

As an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

In a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

"Runoff" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

"Satellite accumulation area" means a location at or near any point of generation where (~~hazardous~~) dangerous waste is initially accumulated in containers (during routine operations) prior to consolidation at a designated (~~ninety-day~~) central accumulation area or storage area. The area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes into the satellite containers.

"Schedule of compliance" means a schedule of remedial measures in a permit including an enforceable sequence of interim requirements leading to compliance with this chapter.

"Scrap metal" means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

"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.

"Sludge dryer" means any enclosed thermal treatment device that is used to dehydrate sludge and that has a maximum total thermal input, excluding the heating value of the sludge itself, of 2,500 Btu/lb of sludge treated on a wet-weight basis.

"Small quantity generator" means a generator who generates less than or equal to the following amounts in a calendar month:

• 220 lb (100 kg) of dangerous waste that is not acute hazardous waste and/or WT01 EHW;

• 2.2 lb (1 kg) of acute hazardous waste and/or WT01 EHW; and

• 220 lb (100 kg) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste and/or WT01 EHW.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this section) who does not accumulate 11,000 pounds or more total of universal waste (batteries, mercury-containing equipment, and lamps, calculated collectively) and/or who does not accumulate more than 2,200 pounds of lamps at any time.

"Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity tests of WAC 173-303-090 (6)(a)(iii).

"Solid waste management unit" or "SWMU" means any discernible location at a facility, as defined for the purposes of corrective action, where solid wastes have been placed at any time, irrespective of whether the location was intended for the management of solid or dangerous waste. Such locations include any area at a facility at which solid wastes, including spills, have been routinely and systematically released. Such units include regulated units as defined by chapter 173-303 WAC.

"Solvent-contaminated wipe" means:

(a) A wipe that, after use or after cleaning up a spill, either:

(i) Contains one or more of the F001 through F005 solvents listed in WAC 173-303-082 or the corresponding P- or U- listed solvents found in WAC 173-303-081;

(ii) Exhibits a dangerous waste characteristic found in WAC 173-303-090 when that characteristic results from a solvent listed in WAC 173-303-080;

(iii) Exhibits only the dangerous waste characteristic of ignitability found in WAC 173-303-090(5) due to the presence of one or more solvents that are not listed in WAC 173-303-080; or

(iv) Designates only for dangerous waste criteria found in WAC 173-303-100 and is not designated by 40 C.F.R. Part 261.

(b) Solvent-contaminated wipes that contain listed dangerous waste other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at WAC 173-303-071 (3)(rr) and (ss).

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. *Sorb* means to either adsorb or absorb, or both.

"Special incinerator ash" means ash residues resulting from the operation of incineration or energy recovery facilities managing municipal solid waste from residential, commercial and industrial establishments, if the ash residues are designated as dangerous waste only by this chapter and not designated as hazardous waste by 40 C.F.R. Part 261.

"Special waste" means any state-only dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is: Corrosive waste (WAC 173-303-090 (6)(b)(ii)), toxic waste that has Category D toxicity (WAC 173-303-100(5)), PCB waste (WAC 173-303-9904 under State Sources), or persistent waste that is not EHW (WAC 173-303-100(6)). Any solid waste that is regulated by the United States EPA as hazardous waste cannot be a special waste.

"Spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

"Stabilization" and "solidification" means a technique that limits the solubility and mobility of dangerous waste constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes the waste by bonding or chemically reacting with the stabilizing material.

"Staging pile" means an accumulation of solid, nonflowing, remediation waste that is not a containment building or a corrective action management unit and that is used for temporary storage of remediation waste for implementing corrective action under WAC 173-303-646 or other clean up activities. Staging piles must be designated by the department according to the requirements of WAC 173-303-64690.

"State-only dangerous waste" means a waste designated only by this chapter, chapter 173-303 WAC, and is not regulated as a hazardous waste under 40 C.F.R. Part 261.

"State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

"Storage" means the holding of dangerous waste for a temporary period. "Accumulation" of dangerous waste, by the generator on the site of generation, ~~((is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201))~~ is storage of dangerous waste and can be managed under the applicable conditions for exemption of WAC 173-303-170 (2)(b).

"Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs/trenches connected to it that serves to collect dangerous waste for transport to dangerous waste storage, treatment, or disposal facilities; except that as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"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 materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid wastes or wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

"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.

"Tank system" means a dangerous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Teaching hospital" see WAC 173-303-235.

"Temporary unit" means a tank or container that is not an accumulation unit under WAC 173-303-200 and that is used for temporary treatment or storage of remediation waste for implementing corrective action under WAC 173-303-646 or other clean up activities.

"TEQ" means toxicity equivalence, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

"Thermal treatment" means the treatment of dangerous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the dangerous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation, and microwave discharge.

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element, and mercury-containing ampules that have been removed from these temperature control devices in compliance with the requirements of WAC 173-303-573 (9)(b)(ii) or (20)(b)(ii).

"TLM₉₆" means the same as "Aquatic LC₅₀."

"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 or dangerous waste constituents into the environment during treatment.

"Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

"Trained professional" see WAC 173-303-235.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas, buildings, piers, and other similar areas where shipments of dangerous waste or hazardous secondary materials are held, consolidated, or transferred within a period of ten days or less during the normal course of transportation.

"Transport vehicle" means a motor vehicle, water vessel, or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, steamship, etc.) is a separate transport vehicle.

"Transportation" means the movement of dangerous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of dangerous waste.

"Travel time" means the period of time necessary for a dangerous waste constituent released to the soil (either by accident or intent) to enter any on-site or off-site aquifer or water supply system.

"Treatability study" means a study in which a dangerous waste is subjected to a treatment process to determine: Whether the waste is amenable to the treatment process; what pretreatment (if any) is required; the optimal process conditions needed to achieve the desired treatment; the efficiency of a treatment process for a specific waste or wastes; or the characteristics and volumes of residuals from a particular

treatment process. Also included in this definition for the purpose of the exemptions contained in WAC 173-303-071 (3)(r) and (s), are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of dangerous waste.

"Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, with the exception of compacting, repackaging, and sorting as allowed under WAC 173-303-400(2) and 173-303-600(3).

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which dangerous wastes are degraded, transformed or immobilized.

"Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160 (2)(b), containers.

"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.

"Underground source of drinking water" (USDW) means an aquifer or its portion:

- Which supplies any public water system or contains a sufficient quantity of groundwater to supply a public water system; and currently supplies drinking water for human consumption or contains fewer than 10,000 mg/l total dissolved solids; and

- Which is not an exempted aquifer.

"USDW" means underground source of drinking water.

"Underground tank" means a device meeting the definition of "tank" in this section whose entire surface area is totally below the surface of and covered by the ground.

"Unexploded ordnance (UXO)" means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating dangerous waste without posing a threat of release of dangerous waste to the environment.

"Universal waste" means any of the following dangerous wastes that are subject to the universal waste requirements of WAC 173-303-573:

Batteries as described in WAC 173-303-573(2);

Mercury-containing equipment as described in WAC 173-303-573(3); and

Lamps as described in WAC 173-303-573(5).

"Universal waste handler":

Means:

A generator (as defined in this section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and

sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

Does not mean:

A person who treats (except under the provisions of WAC 173-303-573 (9)(a), (b), or (c) or (20)(a), (b), or (c)) disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturated zone" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geological formation nearest the natural ground surface that is capable of yielding groundwater to wells or springs. It includes lower aquifers that are hydraulically interconnected with this aquifer within the facility property boundary.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"User of the electronic manifest system" means a dangerous waste generator, a dangerous waste transporter, an owner or operator of a dangerous waste treatment, storage, recycling or disposal facility, or any other person that:

- Is required to use a manifest to comply with:

- Any federal or state requirement to track the shipment, transportation, and receipt of dangerous waste or other waste material that is shipped from the site of generation to an off-site designated facility for treatment, storage, recycling or disposal; or

- Any federal or state requirement to track the shipment, transportation, and receipt of rejected wastes or regulated container residues that are shipped from a designated facility to an alternative facility, or returned to the generator; and

- Elects to use the system to obtain, complete, and transmit an electronic manifest format supplied by the EPA electronic manifest system; or

- Elects to use the paper manifest form and submits to the system for data processing purposes a paper copy of the manifest (or data from such paper copy), in accordance with WAC 173-303-370 (2)(e). These paper copies are submitted for data exchange purposes only and are not the official copies of record for legal purposes.

"Unwanted material" see WAC 173-303-235.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Waste-derived fertilizer" means a commercial fertilizer that is derived in whole or in part from solid waste as defined in chapter 70.95 or 70.105 RCW, or rules adopted thereunder, but does not include fertilizers derived from biosolids or

biosolid products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

"Wastewater treatment unit" means a device that:

Is part of a wastewater treatment facility which is subject to regulation under either:

Section 402 or section 307(b) of the Federal Clean Water Act; or

Chapter 90.48 RCW, State Water Pollution Control Act, provided that the waste treated at the facility is a state-only dangerous waste; and

Handles dangerous waste in the following manner:

Receives and treats or stores an influent wastewater; or

Generates and accumulates or treats or stores a wastewater treatment sludge; and

Meets the definition of tank or tank system in this section.

"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.

"Weekly inspections" means at least once during the period from Sunday to Saturday.

"Wipe" means a woven or nonwoven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

"Working container" see WAC 173-303-235.

"Zone of engineering control" means an area under the control of the owner/operator that, upon detection of a dangerous waste release, can be readily cleaned up prior to the release of dangerous waste or dangerous constituents to groundwater or surface water.

Any terms used in this chapter which have not been defined in this section have either the same meaning as set forth in Title 40 C.F.R. Parts 260, 264, 270, and 124 or else 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.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-045 References to EPA's hazardous waste and permit regulations. (1) Any references in this chapter to any parts, subparts, or sections from EPA's hazardous waste regulations, including 40 C.F.R. Parts 260 through 280 and Part 124, are in reference to those rules as they existed on (~~June 30, 2013~~) July 1, 2017. Copies of the appropriate referenced federal requirements are available upon request from the department.

(2) The following sections and any cross-reference to these sections are not incorporated or adopted by reference because they are provisions that EPA cannot delegate to states:

(a) 40 C.F.R. Parts 260.1 (b)(4)-(6).

(b) 40 C.F.R. Parts 264.1 (d) and (f); 265.1 (c)(4); 264.149-150 and 265.149-150; 264.301(l); and 265.430.

(c) 40 C.F.R. Parts 268.5 and 268.6; 268 Subpart B; 268.42(b) and 268.44 (a) through (g).

(d) 40 C.F.R. Parts 270.1 (c)(1)(i); 270.3; 270.60(b); and 270.64.

(e) 40 C.F.R. Parts 124.1 (b)-(e); 124.4; 124.5(e); 124.9; 124.10 (a)(1)(iv); 124.12(e); 124.14(d); 124.15 (b)(2); 124.16; 124.17(b); 124.18; 124.19; and 124.21.

(3) The following sections and any cross-references to these citations are not incorporated or adopted by reference: 40 C.F.R. Parts 260.20-260.22.

(4) Where EPA's regulations are incorporated by reference:

(a) "Regional administrator" means "the department."

(b) "Administrator" means "director."

(c) "Director" means "department."

(d) "40 C.F.R. 260.11" means "WAC 173-303-110(3)."

(e) These substitutions should be made as appropriate.

They should not be made where noted otherwise in this chapter. They should not be made where another EPA region is referred to, where a provision cannot be delegated to the state, or where the director referred to is the director of another agency.

AMENDATORY SECTION (Amending WSR 04-24-065, filed 11/30/04, effective 1/1/05)

WAC 173-303-060 Notification (~~and~~), identification numbers, and annual reports. (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who owns or operates a dangerous waste TSD facility or a recycling facility must have a current EPA/state identification number (EPA/state ID#). An EPA/state ID# is issued to TSD facilities, recycling facilities, and generators by site. A state registration number is assigned to transfer facilities by site. Any person who offers a dangerous waste to a transporter or to a dangerous waste TSD facility or recycling facility that does not have an EPA/state ID#, or whose EPA/state ID# has been (~~cancelled~~) cancelled or withdrawn, is in violation of this regulation.

(2) Every person who must have an EPA/state ID#, and who has not already received their ID#, must notify the department by obtaining and completing a Washington State Dangerous Waste Site Identification Form according to the instructions on the form and submitting the completed form to the department. Any person already assigned an EPA/state ID# must notify the department of any changes to their company's name, mailing address, ownership, physical location, or type of dangerous waste activity, by submitting a revised form. A revised form must be submitted prior to adding or dropping any of the following activities: Permitted treating, storing and/or disposing, immediate recycling, transporting, permit by rule, and/or treatment by generator. Any change in site location will require the issuance of a new EPA/state ID# for waste generation and management facilities. An existing EPA/state ID# (~~may not be used at~~) cannot be transferred to a new company location(s). A company that has obtained an ID# as a "transporter only" (e.g., those who do not store or generate waste on site) can move to a new location and continue to use the same ID#. A revised Dangerous Waste Site Identification Form must be submitted to the department. A

Dangerous Waste Site Identification Form and instructions for its completion may be obtained by contacting the department.

(3) Any person with an EPA/state ID# may request that ~~((his))~~ their ID# be withdrawn if ~~((he))~~ they will no longer be handling dangerous waste at the site the ID# has been assigned to. Any person whose ID# has been withdrawn must notify the department before ~~((he uses))~~ they use the ID# at any later date. Notification must be in writing, except in the case of emergencies (e.g., fires, spills, etc.) such notification may be provided by telephone first, and followed within one week by a written notification. Withdrawal will only be granted when all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(4) Any person with an EPA/state ID# may request that ~~((his))~~ their ID# be ~~((cancelled if he))~~ withdrawn if they will no longer occupy the site. Notification must be in writing. An EPA/state ID# will be considered ~~((cancelled))~~ withdrawn only after all applicable requirements of this chapter and chapter 173-305 WAC have been met.

(5) Any person with a current EPA/state ID# must submit an annual report as required by WAC ~~((173-303-070(8)))~~ 173-303-170 (2)(a)(i), 173-303-220, ((and)) 173-303-120, 173-303-390, and 173-303-515. Any person who has withdrawn ~~((or cancelled))~~ their ID# must submit an annual report up to the effective date of ~~((cancellation or))~~ withdrawal. The generator should write the effective date on the Dangerous Waste Site Identification Form for the ~~((cancellation or))~~ withdrawal; it is the date by which all regulated waste activities (generation, transportation, and management) have ceased at the site.

(6) A recognized trader must not arrange for import or export of dangerous waste without having received an EPA/state ID# from the department.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-070 Designation of dangerous waste.

(1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

(b) The procedures in this section are applicable to any person who generates, or discovers on their site, a solid waste, as defined in WAC 173-303-016~~((;))~~ (including recyclable materials) that is not exempted or excluded by this chapter, or by the department, or who is directed to or must further designate waste by subsection (4) or (5) of this section. Any person who generates or discovers a solid waste on their site must ~~((determine))~~ make an accurate determination if that waste is a dangerous waste in order to ensure wastes are properly managed according to applicable dangerous waste regulations. A dangerous waste determination is made by following the designation procedures set forth in subsection (3) of this section. Any person who determines by these procedures that their waste is designated DW or EHW is subject to all applicable requirements of this chapter.

~~((e))~~ The requirements for the small quantity generator exemption are found in subsection (8) of this section.

(2)(a) Except as provided at WAC 173-303-070 (2)(c), once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:

(i) The generator has been able to accurately describe the variability or uniformity of the waste over time, and has been able to obtain demonstration samples which are representative of the waste's variability or uniformity; and

(ii)(A) It does not exhibit any of the characteristics of WAC 173-303-090; however, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of WAC 173-303-140 (2)(a), even if they no longer exhibit a characteristic at the point of land disposal; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-083, it also has been exempted pursuant to WAC 173-303-910(3); or

(iii) If originally designated only through WAC 173-303-100, it does not meet any of the criteria of WAC 173-303-100. Such solid waste will include, but not be limited to, any sludge, spill residue, ash emission control dust, leachate, or precipitation runoff. Precipitation runoff will not be considered a dangerous waste if it can be shown that the runoff has not been contaminated with the dangerous waste, or that the runoff is adequately addressed under existing state laws (e.g., chapter 90.48 RCW), or that the runoff does not exhibit any of the criteria or characteristics described in WAC 173-303-100.

(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(c)(i) A dangerous waste that is listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits one or more characteristics of ignitability as defined under WAC 173-303-090(5), corrosivity as defined under WAC 173-303-090(6), or reactivity as defined under WAC 173-303-090(7) is not a dangerous waste, if the waste no longer exhibits any characteristic of dangerous waste identified in WAC 173-303-090 or any criteria identified in WAC 173-303-100.

(ii) The exclusion described in (c)(i) of this subsection also pertains to:

(A) Any solid waste generated from treating, storing, or disposing of a dangerous waste listed in WAC 173-303-081(1) or 173-303-082(1) solely because it exhibits the characteristics of ignitability, corrosivity, or reactivity as regulated under (a) and (b) of this section.

(B) Wastes excluded under this section are subject to 40 C.F.R. Part 268, which is incorporated by reference at WAC 173-303-140 (2)(a) (as applicable), even if they no longer exhibit a characteristic at the point of land disposal.

(3) Designation procedures.

(a) The dangerous waste designation for each solid waste must begin promptly at the point of waste generation or upon the discovery of a solid waste on their site. This must be done before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that

it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the solid waste or dangerous waste classification of the waste may change.

(b) A person must determine whether the solid waste is excluded from regulation under WAC 173-303-071.

(c) A person must check each section, in the order set forth in (d) of this subsection, to determine whether the waste is designated as a dangerous waste. When the waste is determined to be a dangerous waste following the steps in (d)(i) through (iii) of this subsection, further designation is not required except as required by subsection (4) or (5) of this section. If a person has checked the waste against each section and the waste is not designated, then the waste is not subject to the requirements of this chapter 173-303 WAC.

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW must comply with the requirements of WAC 173-303-072.

(d) To determine whether or not a solid waste is designated as a dangerous waste a person must:

(i) First, determine if the waste is a listed discarded chemical product, WAC 173-303-081;

(ii) Second, determine if the waste is a listed dangerous waste source, WAC 173-303-082;

(iii) Third, ((if the waste is not listed in WAC 173-303-081 or 173-303-082, or for the purposes of compliance with the federal land disposal restrictions as adopted by reference in WAC 173-303-140;)) determine if the waste also exhibits ((~~any~~)) one or more dangerous waste characteristics, WAC 173-303-090; and

(iv) Fourth, if the waste is not listed in WAC 173-303-081 or 173-303-082, and does not exhibit a characteristic in WAC 173-303-090, determine if the waste meets ((~~any~~)) one or more dangerous waste criteria, WAC 173-303-100.

~~(((b) A person must check each section, in the order set forth, until they determine whether the waste is designated as a dangerous waste. Once the waste is determined to be a dangerous waste, further designation is not required except as required by subsection (4) or (5) of this section. If a person has checked the waste against each section and the waste is not designated, then the waste is not subject to the requirements of chapter 173-303 WAC.~~

~~Any person who wishes to seek an exemption for a waste which has been designated DW or EHW must comply with the requirements of WAC 173-303-072.~~

~~(e))~~ (e) For the purpose of determining if a solid waste is a dangerous waste as identified in WAC 173-303-080 through 173-303-100, a person must either:

(i) Test the waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110; or

(ii) Apply knowledge of the waste in light of the materials or the process used, when:

(A) Such knowledge can be demonstrated to be sufficient for determining whether or not it designated and/or designated ((~~properly~~)) accurately; and

(B) All data and records supporting this determination in accordance with WAC 173-303-210(3) are retained on-site; and

(C) When available knowledge is inadequate or absent to make an accurate designation, the generator must test the waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110.

(f) Persons testing their waste must obtain a representative sample of the waste for the testing set forth in WAC 173-303-110.

(g) Test results from properly performed test methods specified in WAC 173-303-090 and 173-303-100 are definitive for determining the designation and regulatory status of the waste.

(4) Testing required. Notwithstanding any other provisions of this chapter, the department may require any person to test a waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110 to determine whether or not the waste is designated under the dangerous waste lists, characteristics, or criteria, WAC 173-303-080 through 173-303-100. Such testing may be required if the department has reason to believe that the waste would be designated DW or EHW by the dangerous waste lists, characteristics, or criteria, or if the department has reason to believe that the waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW). If a person, pursuant to the requirements of this subsection, determines that the waste is a dangerous waste or that its designation must be changed, then they are subject to the applicable requirements of this chapter 173-303 WAC. The department will base a requirement to test a waste on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another persons' already designated DW or EHW;

(c) Evidence that the persons' waste has historically been a DW or EHW;

(d) Evidence or information about a person's manufacturing materials or processes which indicate that the wastes may be DW or EHW; or

(e) Evidence that the knowledge or test results a person has regarding a waste is not sufficient for determining whether or not it designated and/or designated ((~~properly~~)) accurately.

(5) Additional designation required. A generator must manage dangerous waste under the most stringent management standards that apply. The following subsections describe how waste that has been designated as DW under the dangerous waste lists, WAC 173-303-080 through 173-303-082, or characteristics, WAC 173-303-090, or in the case of (c) of this subsection, under the lists, characteristics, or criteria, must be further designated under the dangerous waste criteria, WAC 173-303-100. This further designation under the criteria is necessary because it may change how the waste must be managed. Additional designation is required when:

(a) The waste is designated as DW with a QEL of 220 pounds and the generator otherwise qualifies as a small quantity generator. In this case, a generator must determine if their DW is also designated as a toxic EHW, WAC 173-303-100, with a QEL of 2.2 pounds; or

(b) The waste is designated as DW and the waste is to be discharged to a POTW operating under WAC 173-303-

802(4) (Permits by rule). In this case, a generator must determine if the waste is also an EHW under WAC 173-303-100; or

(c) The waste is designated as a state-only DW and the waste is to be:

(i) Burned for energy recovery, as used oil, under the provisions of WAC 173-303-515; or

(ii) Land disposed within the state. In this case, a generator must determine if the waste is also an EHW under WAC 173-303-100.

(6) Dangerous waste numbers. When a person is designating, reporting, or keeping records on a dangerous waste, they must use all the dangerous waste numbers which they know are assignable to the waste from the dangerous waste lists, characteristics, or criteria. For example, if the waste is ignitable *and* contains more than 5 mg/l leachable lead when tested for the toxicity characteristic, they must use the dangerous waste numbers of D001 and D008. This will not be construed as requiring a person to designate their waste beyond those designation requirements set forth in subsections (2)(, (3), (4), and) through (5) of this section.

~~((7) Quantity exclusion limits; aggregated waste quantities:~~

~~(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is subject to the full requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or meets the criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to the requirements described in subsection (8) of this section.~~

~~(b) Aggregated waste quantities. A person may be generating, accumulating, or storing 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 limits for waste accumulation or the specific quantity exclusion limits (QEL) for waste generation. Waste quantities must be aggregated for all wastes 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 their aggregate waste quantity (230 pounds) exceeds their common QEL of 220 pounds. On the other hand, if a person generates one pound of a 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). (Note: In order to remain a small quantity generator, the total quantity of dangerous waste generated in one month, all DW and EHW regardless of their QELs, must not equal or exceed 220 pounds. Not more than 2.2 pounds of a waste with a 2.2 pound QEL may be part of that total.)~~

~~(c) 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:~~

~~(i) Is exempt from regulation under WAC 173-303-071; or~~

~~(ii) Is recycled under WAC 173-303-120 (2)(a), (3)(e), (e), (h) or (5); or~~

~~(iii) 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~~

~~(iv) Is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under WAC 173-303-120 (4)(a); or~~

~~(v) Is spent lead acid batteries managed under the requirements of WAC 173-303-120 (3)(f) and 173-303-520; or~~

~~(vi) Is universal waste managed under WAC 173-303-077 and 173-303-573; or~~

~~(vii) Is a dangerous waste that is an unused commercial chemical product (listed in WAC 173-303-9903 or exhibiting 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).~~

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

~~(i) Dangerous waste when it is removed from on-site storage; or~~

~~(ii) Reserve; or~~

~~(iii) 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~~

~~(iv) The container holding/containing the dangerous waste as described under WAC 173-303-160(1).~~

~~(8) Small quantity generators:~~

~~(a) A person is a small quantity generator and subject to the requirements of this subsection if:~~

~~(i) Their waste is dangerous waste under subsection (3) of this section, and the quantity of waste generated per month (or the aggregated quantity if more than one kind of waste is generated) does not equal or exceed the quantity exclusion limit (QEL) for such waste (or wastes) as described in WAC 173-303-070(7); and~~

~~(ii) The quantity accumulated or stored does not exceed 2200 pounds for wastes with a 220 pound QEL and 2.2 pounds for waste with a 2.2 pound QEL. (Exception: The accumulation limit for the acute hazardous wastes described in WAC 173-303-081 (2)(iv) and 173-303-082 (2)(b) is 220 lbs); and~~

~~(iii) The total quantity of dangerous waste generated in one month, all DW and EHW regardless of their QELs, does not equal or exceed 220 pounds. If a person generates any dangerous wastes that exceed the QEL or accumulates or stores waste that exceeds the accumulation limits, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter. A small quantity generator who generates in excess of the quantity~~

exclusion limits or, accumulates, or stores waste in excess of the accumulation limits becomes subject to the full requirements of this chapter and cannot again be a small quantity generator until after all dangerous waste on-site at the time he or she became fully regulated have been removed, treated, or disposed.

Example. If a person generates four pounds of an acute hazardous waste discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 220 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste.

(Comment: If a generator generates acute hazardous waste in a calendar month in quantities greater than the QELs, all quantities of that acute hazardous waste are subject to full regulation under this chapter. "Full regulation" means the regulations applicable to generators of 2200 pounds or greater of dangerous wastes in a calendar month.)

(b) Small quantity generators will not be subject to the requirements of this chapter if they:

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

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

(iii) Either treat or dispose of their dangerous waste in an on-site facility, or ensure delivery to an off-site facility, either of which, if located in the United States, is:

(A) Permitted (including permit by rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(B) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 C.F.R. Part 271, or by EPA under 40 C.F.R. Part 270;

(C) Permitted to manage moderate risk waste under chapter 173-350 WAC (Solid waste handling standards), operated in accordance with state and local regulations, and consistent with the applicable local hazardous waste plan that has been approved by the department;

(D) A facility that beneficially uses or reuses, or legitimately recycles or reclaims the dangerous waste, or that treats the waste prior to such recycling activities;

(E) Permitted, licensed, or registered to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to 40 C.F.R. Part 258 or chapter 173-351 WAC;

(F) Permitted, licensed, or registered by a state to manage nonmunicipal nonhazardous waste and, if managed in a nonmunicipal nonhazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 C.F.R. 257.5 through 257.30;

(G) A publicly owned treatment works (POTW): Provided, That small quantity generator(s) comply with the provisions of the domestic sewage exclusion found in WAC 173-303-071 (3)(a); or

(H) For universal waste managed under WAC 173-303-573, a universal waste handler or destination facility subject to the requirements of WAC 173-303-573; and

(iv) 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.

(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 so regulated if it is destined to be burned for energy recovery.

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

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-071 Excluded categories of waste. (1)

Purpose. Certain categories of waste have been excluded from many of the requirements of chapter 173-303 WAC((; except for WAC 173-303-050,)) because they generally are not dangerous waste, 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) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter must comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 C.F.R. Part 261.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, 173-303-145, and 173-303-960, and as otherwise specified:

(a)(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works (POTW) for treatment provided:

(A) The generator or owner/operator has obtained a state waste discharge permit issued by the department, a temporary permit obtained pursuant to RCW 90.48.200, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165;

(B) The waste discharge is specifically authorized in a state waste discharge permit, pretreatment permit or written discharge authorization, or in the case of a temporary permit the waste is accurately described in the permit application;

(C) The waste discharge is not prohibited under 40 C.F.R. Part 403.5; and

(D) The waste prior to mixing with domestic sewage must not exhibit dangerous waste characteristics for ignitability, corrosivity, reactivity, or toxicity as defined in WAC 173-303-090, and must not meet the dangerous waste criteria for toxic dangerous waste or persistent dangerous waste under WAC 173-303-100, unless the waste is treatable in the publicly owned treatment works (POTW) where it will be received. This exclusion does not apply to the generation, treatment, storage, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

(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. Owners or operators of certain wastewater treatment facilities managing dangerous wastes may qualify for a permit-by-rule pursuant to WAC 173-303-802(5);

(c) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes that are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including, but not limited to, garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste will not be deemed to be treating, storing, disposing of, or otherwise managing dangerous wastes for the purposes of regulation under this chapter, if such facility:

(i) Receives and burns only:

(A) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and

(B) Solid waste from commercial or industrial sources that does not contain dangerous waste; and

(ii) Such facility does not accept dangerous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that dangerous wastes are not received at or burned in such facility;

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) Asphaltic materials designated only for the presence of PAHs by WAC 173-303-100(6). For the purposes of this exclusion, asphaltic materials means materials that have been used for structural and construction purposes (e.g., roads, dikes, paving) that were produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Treated wood waste and wood products including:

(i) Arsenical-treated wood that fails the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D004 through D017 only) or that fails any state criteria, if the waste is generated by persons who utilize the arsenical-treated wood for the materials' intended end use. Intended end use means the wood products must have been used in typical treated wood applications (for example, fence posts, decking, poles, and timbers).

(ii) Wood treated with other preservatives provided such treated wood and wood waste (for example, sawdust and shavings) are, within one hundred eighty days after becoming waste:

(A) Disposed of at a landfill that is permitted in accordance with chapter 173-350 WAC, Solid waste handling

standards, or chapter 173-351 WAC, criteria for municipal solid waste landfills, and provided that such wood is neither a listed waste under WAC 173-303-9903 and 173-303-9904 nor a TCLP waste under WAC 173-303-090(8); or

(B) Sent to a facility that will legitimately treat or recycle the treated wood waste, and manage any residue in accordance with that state's dangerous waste regulations; or

(C) Sent off-site to a permitted TSD facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845. In addition, creosote-treated wood is excluded when burned for energy recovery in an industrial furnace or boiler that has an order of approval issued pursuant to RCW 70.94.152 by ecology or a local air pollution control authority to burn creosote treated wood.

(h) Irrigation return flows;

(i) ~~((Reserve;))~~ (Reserved);

(j) Mining overburden returned to the mining site;

(k) Polychlorinated biphenyl (PCB) wastes:

(i) PCB ~~((wastes))~~ containing dielectric fluid and electric equipment containing such fluid, and any PCB wastes meeting (k)(i)(B) of this subsection, whose disposal is regulated by EPA under 40 C.F.R. ~~((761.60))~~ Part 761 (Toxic Substances Control Act) and that are dangerous either because:

(A) They fail the test for toxicity characteristic (WAC 173-303-090(8), Dangerous waste codes D018 through D043 only); or

(B) Because they are designated only by this chapter and not designated by 40 C.F.R. Part 261, are exempt from regulation under this chapter except for WAC 173-303-505 through 173-303-525, 173-303-960, those sections specified in subsection (3) of this section, and 40 C.F.R. Part 266;

(ii) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as WPCB under WAC 173-303-9904 when such wastes are stored and disposed in a manner equivalent to the requirements of 40 C.F.R. Part 761 Subpart D for PCB concentrations of 50 ppm or greater.

(l) Samples:

(i) Except as provided in (l)(ii) and (iv) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemptions in (l)(i) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(I) Assure that the following information accompanies the sample:

(AA) The sample collector's name, mailing address, and telephone number;

(BB) The laboratory's name, mailing address, and telephone number;

(CC) The quantity of the sample;

(DD) The date of shipment;

(EE) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (I)(i) of this subsection;

(iv) In order to qualify for the exemption in (I)(i) and (ii) of this subsection, the mass of a sample that will be exported to a foreign laboratory or that will be imported to a U.S. laboratory from a foreign source must additionally not exceed 25 kg.

(m) (~~(Reserved)~~) (Reserved);

(n) Dangerous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated. This exclusion does not apply to surface impoundments, nor does it apply if the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (NAICS codes 331111 and 332111), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(vii) and (viii). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria;

(q) As of January 1, 1987, secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);

(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed;

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal; and

(v) A generator complies with the requirements of chapter 173-303 WAC for any residues (e.g., sludges, filters, etc.) produced from the collection, reclamation, and reuse of the secondary materials.

(r) Treatability study samples.

(i) Except as provided in (r)(ii) and (iv) of this subsection, persons who generate or collect samples for the purpose of conducting treatability studies as defined in WAC 173-303-040 are not subject to the requirements of WAC 173-303-180, 173-303-190, and 173-303-200 (1)(a), nor are such samples included in the quantity determinations of WAC 173-303-070 (7) and (8) and 173-303-201 when:

(A) The sample is being collected and prepared for transportation by the generator or sample collector; or

(B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or

(C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study; or

(D) The sample or waste residue is being transported back to the original generator from the laboratory or testing facility.

(ii) The exemption in (r)(i) of this subsection is applicable to samples of dangerous waste being collected and shipped for the purpose of conducting treatability studies provided that:

(A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with nonacute dangerous waste, 1000 kg of nonacute dangerous waste other than contaminated media, 1 kg of acutely hazardous waste, 2500 kg of media contaminated with acutely hazardous waste for each process being evaluated for each generated waste stream; and

(B) The mass of each sample shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with nonacute dangerous waste or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of dangerous waste, and 1 kg of acutely hazardous waste; and

(C) The sample must be packaged so that it will not leak, spill, or vaporize from its packaging during shipment and the requirements of (r)(ii)(C)(I) or (II) of this subsection are met.

(I) The transportation of each sample shipment complies with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(II) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample:

(AA) The name, mailing address, and telephone number of the originator of the sample;

(BB) The name, address, and telephone number of the laboratory or testing facility that will perform the treatability study;

(CC) The quantity of the sample;

(DD) The date of shipment; and

(EE) A description of the sample, including its dangerous waste number.

(D) The sample is shipped, within ninety days of being generated or of being taken from a stream of previously gen-

erated waste, to a laboratory or testing facility which is exempt under (s) of this subsection or has an appropriate final facility permit or interim status; and

(E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

(I) Copies of the shipping documents;

(II) A copy of the contract with the facility conducting the treatability study;

(III) Documentation showing:

(AA) The amount of waste shipped under this exemption;

(BB) The name, address, and EPA/state identification number of the laboratory or testing facility that received the waste;

(CC) The date the shipment was made; and

(DD) Whether or not unused samples and residues were returned to the generator.

(F) The generator reports the information required under (r)(ii)(E)(III) of this subsection in its annual report.

(iii) The department may grant requests, on a case-by-case basis, for up to an additional two years for treatability studies involving bioremediation. The department may grant requests on a case-by-case basis for quantity limits in excess of those specified in (r)(ii)(A) and (B) of this subsection and (s)(iv) of this subsection, for up to an additional 5000 kg of media contaminated with nonacute dangerous waste, 500 kg of nonacute dangerous waste, 1 kg of acute hazardous waste, and 2500 kg of media contaminated with acute hazardous waste or for up to an additional 10,000 kg of wastes regulated only by this chapter and not regulated by 40 C.F.R. Part 261, to conduct further treatability study evaluation:

(A) In response to requests for authorization to ship, store and conduct treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process, (e.g., batch versus continuous), size of the unit undergoing testing (particularly in relation to scale-up considerations), the time/quantity of material required to reach steady state operating conditions, or test design considerations such as mass balance calculations.

(B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies, when:

There has been an equipment or mechanical failure during the conduct of a treatability study; there is a need to verify the results of previously conducted treatability study; there is a need to study and analyze alternative techniques within a previously evaluated treatment process; or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

(C) The additional quantities and time frames allowed in (r)(iii)(A) and (B) of this subsection are subject to all the provisions in (r)(i) and (r)(ii)(C) through (F) of this subsection. The generator or sample collector must apply to the department where the sample is collected and provide in writing the following information:

(I) The reason the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;

(II) Documentation accounting for all samples of dangerous waste from the waste stream which have been sent for or undergone treatability studies including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;

(III) A description of the technical modifications or change in specifications which will be evaluated and the expected results;

(IV) If such further study is being required due to equipment or mechanical failure, the applicant must include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and

(V) Such other information that the department considers necessary.

(iv) In order to qualify for the exemption in (r)(i) and (ii) of this subsection, the mass of a sample that will be exported to a foreign laboratory or testing facility, or that will be imported to a U.S. laboratory or testing facility from a foreign source must additionally not exceed 25 kg.

(s) Samples undergoing treatability studies at laboratories and testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to chapter 70.105 RCW) are not subject to the requirements of this chapter, except WAC 173-303-050, 173-303-145, and 173-303-960 provided that the conditions of (s)(i) through (xiii) of this subsection are met. A mobile treatment unit (MTU) may qualify as a testing facility subject to (s)(i) through (xiii) of this subsection. Where a group of MTUs are located at the same site, the limitations specified in (s)(i) through (xiii) of this subsection apply to the entire group of MTUs collectively as if the group were one MTU.

(i) No less than forty-five days before conducting treatability studies the laboratory or testing facility notifies the department in writing that it intends to conduct treatability studies under this subsection.

(ii) The laboratory or testing facility conducting the treatability study has an EPA/state identification number.

(iii) No more than a total of 10,000 kg of "as received" media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste or 250 kg of other "as received" dangerous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

(iv) The quantity of "as received" dangerous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with nonacute dangerous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of nonacute dangerous wastes other than contaminated media, and 1 kg of acutely hazardous waste. This quantity limitation does not include treatment

materials (including nondangerous solid waste) added to "as received" dangerous waste.

(v) No more than ninety days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

(vi) The treatability study does not involve the placement of dangerous waste on the land or open burning of dangerous waste.

(vii) The laboratory or testing facility maintains records for three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

(A) The name, address, and EPA/state identification number of the generator or sample collector of each waste sample;

(B) The date the shipment was received;

(C) The quantity of waste accepted;

(D) The quantity of "as received" waste in storage each day;

(E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;

(F) The date the treatability study was concluded;

(G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated TSD facility, the name of the TSD facility and its EPA/state identification number.

(viii) The laboratory or testing facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

(ix) The laboratory or testing facility prepares and submits a report to the department by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

(A) The name, address, and EPA/state identification number of the laboratory or testing facility conducting the treatability studies;

(B) The types (by process) of treatability studies conducted;

(C) The names and addresses of persons for whom studies have been conducted (including their EPA/state identification numbers);

(D) The total quantity of waste in storage each day;

(E) The quantity and types of waste subjected to treatability studies;

(F) When each treatability study was conducted;

(G) The final disposition of residues and unused sample from each treatability study.

(x) The laboratory or testing facility determines whether any unused sample or residues generated by the treatability study are dangerous waste under WAC 173-303-070 and if so, are subject to the requirements of this chapter, unless the residues and unused samples are returned to the sample originator under the exemption in (r) of this subsection.

(xi) The laboratory or testing facility notifies the department by letter when it is no longer planning to conduct any treatability studies at the site.

(xii) The date the sample was received, or if the treatability study has been completed, the date of the treatability study, is marked and clearly visible for inspection on each container.

(xiii) While being held on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the ~~((major risk(s)))~~ hazard(s) associated with the waste in the container or tank for employees, emergency response personnel and the public.

((Note: If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate.))

(t) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of WAC 173-303-090(8) (dangerous waste numbers D018 through D043 only) and are subject to the corrective action regulations under 40 C.F.R. Part 280.

(u) Special incinerator ash (as defined in WAC 173-303-040).

(v) Wood ash that would designate solely for corrosivity by WAC 173-303-090 (6)(a)(iii). For the purpose of this exclusion, wood ash means ash residue and emission control dust generated from the combustion of untreated wood, wood treated solely with creosote, and untreated wood fiber materials including, but not limited to, wood chips, saw dust, tree stumps, paper, cardboard, residuals from waste fiber recycling, deinking rejects, and associated wastewater treatment solids. This exclusion allows for the use of auxiliary fuels including, but not limited to, oils, gas, coal, and other fossil fuels in the combustion process.

(w)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and

(ii) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(iii) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in (w)(i) and (ii) of this subsection, so long as they meet all of the following conditions:

(A) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;

(B) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

(C) Any unit used to manage wastewaters and/or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

(D) Any drip pad used to manage the wastewaters and/or spent wood preserving solutions prior to reuse complies with the standards in Part 265, Subpart W which is incorporated by reference at WAC 173-303-400 (3)(a), regardless of whether the plant generates a total of less than 220 pounds/month of dangerous waste; and

(E) Prior to operating pursuant to this exclusion, the plant owner or operator submits to the department a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the department for reinstatement. The department may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that violations are not likely to recur.

(F) Additional reports.

(I) Upon determination by the department that the storage of wood preserving wastewaters and spent wood preserving solutions in tanks and/or containers poses a threat to public health or the environment, the department may require the owner/operator to provide additional information regarding the integrity of structures and equipment used to store wood preserving wastewaters and spent wood preserving solutions. This authority applies to tanks and secondary containment systems used to store wood preserving wastewaters and spent wood preserving solutions in tanks and containers. The department's determination of a threat to public health or the environment may be based upon observations of factors that would contribute to spills or releases of wood preserving wastewaters and spent wood preserving solutions or the generation of hazardous by-products. Such observations may include, but are not limited to, leaks, severe corrosion, structural defects or deterioration (cracks, gaps, separation of joints), inability to completely inspect tanks or structures, or concerns about the age or design specification of tanks.

(II) When required by the department, a qualified, independent professional engineer registered to practice in Washington state must perform the assessment of the integrity of tanks or secondary containment systems.

(III) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (w)(iii)(F)(I) of this subsection, it is determined that repairs or structural improvements are necessary in order to eliminate threats, the department may require the owner/operator to discontinue the use of the tank system or container storage unit and remove the wood preserving wastewaters and spent wood preserving solutions until such repairs or

improvements are completed and approved by the department.

(x) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

(y) Used oil filters that are recycled in accordance with WAC 173-303-120, as used oil and scrap metal.

(z) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

(aa)(i) Wastes that fail the test for the toxicity characteristic in WAC 173-303-090 because chromium is present or are listed in WAC 173-303-081 or 173-303-082 due to the presence of chromium. The waste must not designate for any other characteristic under WAC 173-303-090, for any of the criteria specified in WAC 173-303-100, and must not be listed in WAC 173-303-081 or 173-303-082 due to the presence of any constituent from WAC 173-303-9905 other than chromium. The waste generator must be able to demonstrate that:

(A) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

(B) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

(C) The waste is typically and frequently managed in nonoxidizing environments.

(ii) Specific wastes which meet the standard in (aa)(i) (A), (B), and (C) of this subsection (so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other characteristic) are:

(A) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(B) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(C) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.

(D) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(E) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(F) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing

industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; and through-the-blue.

(G) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

(H) Wastewater treatment sludges from the production of TiO2 pigment using chromium-bearing ores by the chloride process.

(bb)(i) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062 or F006 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in WAC 173-303-040 - blast furnaces, smelting, melting and refining furnaces, and other devices the department may add to the list - of the definition for "industrial furnace"), that are disposed in subtitle D units, provided that these residues meet the generic exclusion levels identified in the tables in this paragraph for all constituents, and exhibit no characteristics of dangerous waste. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements.

Constituent	Maximum for any single composite sample-TCLP (mg/l)
Generic exclusion levels for K061 and K062 nonwastewater HTMR residues	
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010
Cadmium	0.050
Chromium (total)	0.33
(2)Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70
Generic exclusion levels for F006 nonwastewater HTMR residues	
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.010

Constituent	Maximum for any single composite sample-TCLP (mg/l)
Cadmium	0.050
Chromium (total)	0.33
Cyanide (total) (mg/kg)	1.8
Lead	0.15
Mercury	0.009
Nickel	1.0
Selenium	0.16
Silver	0.30
Thallium	0.020
Zinc	70

(ii) A one-time notification and certification must be placed in the facility's files and sent to the department for K061, K062 or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to subtitle D units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes and/or if the subtitle D unit receiving the waste changes. However, the generator or treater need only notify the department on an annual basis if such changes occur. Such notification and certification should be sent to the department by the end of the calendar year, but no later than December 31. The notification must include the following information: The name and address of the subtitle D unit receiving the waste shipments; the dangerous waste number(s) and treatability group(s) at the initial point of generation; and, the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of dangerous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment." These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics (WAC 173-303-090) or criteria (WAC 173-303-100).

(cc)(i) Oil-bearing hazardous secondary materials (that is, sludges, by-products, or spent materials) that are generated at a petroleum refinery (NAICS code 324110) and are inserted into the petroleum refining process (NAICS code 324110 - Including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (that is, cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph: Provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in (cc)(ii) of this subsection,

oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (that is, from sources other than petroleum refineries) are not excluded under this section. Residuals generated from processing or recycling materials excluded under this paragraph, where such materials as generated would have otherwise met a listing under WAC 173-303-081 and 173-303-082, are designated as F037 listed wastes when disposed of or intended for disposal.

(ii) Recovered oil that is recycled in the same manner and with the same conditions as described in (cc)(i) of this subsection. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (NAICS codes 211111, 211112, 213111, 213112, 541360, 237120, 238910, 324110, 486110, 486910, 486210, 221210, 488210, 488999, 424710, 454311, 454312, 424720, 425120). Recovered oil does not include oil-bearing hazardous wastes listed in WAC 173-303-081 and 173-303-082; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in WAC 173-303-040.

(dd) Dangerous waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are dangerous only because they exhibit the toxicity characteristic (TC) specified in WAC 173-303-090(8) when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

(ee) Biological treatment sludge from the treatment of one of the following wastes listed in WAC 173-303-9904 - organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K156), and wastewaters from the production of carbamates and carbamoyl oximes (Dangerous Waste No. K157) unless it exhibits one or more of the characteristics or criteria of dangerous waste.

(ff) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

(gg) Shredded circuit boards being recycled: Provided, That they are:

(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and

(ii) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

(hh) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (NAICS code 324110) along with normal petroleum refinery process streams, provided:

(i) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in WAC 173-303-090(5)

and/or toxicity for benzene (WAC 173-303-090(8), waste code D018); and

(ii) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process.

An "associated organic chemical manufacturing facility" is a facility where the primary NAICS code is 325110, 325120, 325188, 325192, 325193, or 325199, but where operations may also include NAICS codes 325211, 325212, 325110, 325132, 325192; and is physically colocated with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (that is, sludges, by-products, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

(ii) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in WAC 173-303-016(5).

(jj) Catalyst inert support media separated from one of the following wastes listed in WAC 173-303-9904 Specific Sources - Spent hydrotreating catalyst (EPA Hazardous Waste No. K171), and Spent hydrorefining catalyst (EPA Hazardous Waste No. K172). These wastes are not excluded if they exhibit one or more of the dangerous waste characteristics or criteria.

(kk) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed: Provided, That:

(i) The solid wastes disposed would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, K172, K174, K175, K176, K177, K178, and K181 if these wastes had been generated after the effective date of the listing;

(ii) The solid wastes described in (kk)(i) of this subsection were disposed prior to the effective date of the listing;

(iii) The leachate or gas condensate do not exhibit any characteristic or criteria of dangerous waste nor are derived from any other listed hazardous waste;

(iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under sections 307(b) or 402 of the Clean Water Act.

(v) As of February 13, 2001, leachate or gas condensate derived from K169 - K172 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. As of November 21, 2003, leachate or gas condensate derived from K176, K177, and K178 is no longer exempt if it is stored or managed in a surface impoundment prior to discharge. After February 26, 2007, leachate or gas condensate derived from K181 will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: If the surface impoundment is used to temporarily store leachate or gas condensate in response to an

emergency situation (for example, shutdown of wastewater treatment system): Provided, That the impoundment has a double liner, and: Provided further, That the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this paragraph after the emergency ends.

(ll) Dredged material. Dredged material as defined in 40 C.F.R. 232.2 that is subject to:

(i) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers or an approved state under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);

(ii) The requirements of a permit that has been issued by the U.S. Army Corps of Engineers under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1413); or

(iii) In the case of a U.S. Army Corps of Engineers civil works project, the administrative equivalent of the permits referred to in (ll)(i) and (ii) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 C.F.R. 336.1, 336.2 and 337.3.

(mm) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 C.F.R. 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

(nn)(i) Controlled substances, legend drugs, and over-the-counter drugs that are state-only dangerous wastes.

(A) Controlled substances as defined and regulated by chapter 69.50 RCW (Schedule I through V);

(B) Legend drugs as defined and regulated by chapter 69.41 RCW; and

(C) Over-the-counter drugs as defined and regulated by chapter 69.60 RCW.

(ii) Controlled substances, legend drugs, and over-the-counter drugs that are held in the custody of law enforcement agencies or possessed by any licensee as defined and regulated by chapter 69.50 RCW or Title 18 RCW and authorized to possess drugs within the state of Washington are excluded, provided the drugs are disposed of by incineration in a controlled combustion unit with a heat input rate greater than 250 million British thermal units/hour, a combustion zone temperature greater than 1500 degrees Fahrenheit, or a facility permitted to incinerate municipal solid waste.

(iii) For the purposes of this exclusion the term "drugs" means:

(A) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(B) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or

(C) Substances (other than food) intended to affect the structure or any function of the body of man or other animals, as defined in RCW 18.64.011(3). (Note: RCW 18.64.011(3)(d) is intentionally not included in the definition of drugs for this exclusion.)

(iv) When possessed by any licensee the term drugs used in this exclusion means finished drug products.

(oo) Cathode ray tubes (CRTs) and glass removed from CRTs:

(i) Prior to processing: These materials are not solid wastes if they are destined for recycling and if they meet the following requirements:

(A) Storage. CRTs must be either:

(I) Stored in a building with a roof, floor, and walls; or

(II) Placed in a container (that is, a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).

(B) Labeling. Each container in which the CRT is contained must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s) - contains leaded glass" or "leaded glass from televisions or computers." It must also be labeled: "Do not mix with other glass materials."

(C) Transportation. CRTs must be transported in a container meeting the requirements of (oo)(i)(A)(II) and (B) of this subsection.

(D) Speculative accumulation and use constituting disposal. CRTs are subject to the limitations on speculative accumulation as defined in WAC 173-303-016 (5)(d). If they are used in a manner constituting disposal, they must comply with the applicable requirements of WAC 173-303-505 instead of the requirements of this section.

(E) Exports. In addition to the applicable conditions specified in (oo)(i)(A) through (D) of this subsection, exporters of CRTs must comply with the following requirements:

~~(I) Notify EPA of an intended export before the CRTs are scheduled to leave the United States. A complete notification should be submitted sixty days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve month or lesser period. The notification must be in writing, signed by the exporter, and include the following information:~~

~~• Name, mailing address, telephone number and EPA/state ID number (if applicable) of the exporter of the CRTs.~~

~~• The estimated frequency or rate at which the CRTs are to be exported and the period of time over which they are to be exported.~~

~~• The estimated total quantity of CRTs specified in kilograms.~~

~~• All points of entry to and departure from each foreign country through which the CRTs will pass.~~

~~• A description of the means by which each shipment of the CRTs will be transported (for example, mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.)).~~

~~• The name and address of the recycler and any alternate recycler.~~

~~• A description of the manner in which the CRTs will be recycled in the foreign country that will be receiving the CRTs.~~

~~• The name of any transit country through which the CRTs will be sent and a description of the approximate length of time the CRTs will remain in such country and the nature of their handling while there.~~

~~(II) Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Envi-~~

Environmental Protection Agency, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 1200 Pennsylvania Ave., N.W., Washington, D.C. In both cases, the following must be prominently displayed on the front of the envelope: "Attention: Notification of intent to export CRTs."

(III) Upon request by EPA, the exporter must furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

(IV) EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of (oo)(i)(E)(I) of this subsection. Where a claim of confidentiality is asserted with respect to any notification information required by (oo)(i)(E)(I) of this subsection, EPA may find the notification not complete until any such claim is resolved in accordance with 40 C.F.R. 260.2.

(V) The export of CRTs is prohibited unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the CRTs, EPA will forward an "Acknowledgment of Consent" to export CRTs to the exporter. Where the receiving country objects to receipt of the CRTs or withdraws a prior consent, EPA will notify the exporter in writing. EPA will also notify the exporter of any responses from transit countries.

(VI) When the conditions specified on the original notification change, the exporter must provide EPA with a written renotification of the change, except for changes to the telephone number in (oo)(i)(E)(I)(first bullet) of this subsection and decreases in the quantity indicated pursuant to (oo)(i)(E)(I)(third bullet) of this subsection. The shipment cannot take place until consent of the receiving country to the changes has been obtained (except for changes to information about points of entry and departure and transit countries pursuant to (oo)(i)(E)(I)(fourth bullet) and (i)(E)(I)(eighth bullet) of this section) and the exporter of CRTs receives from EPA a copy of the "Acknowledgment of Consent" to export CRTs reflecting the receiving country's consent to the changes.

(VII) A copy of the "Acknowledgment of Consent" to export CRTs must accompany the shipment of CRTs. The shipment must conform to the terms of the Acknowledgment.

(VIII) If a shipment of CRTs cannot be delivered for any reason to the recycler or the alternate recycler, the exporter of CRTs must renotify EPA of a change in the conditions of the original notification to allow shipment to a new recycler in accordance with (oo)(i)(E)(VI) of this subsection and obtain another "Acknowledgment of Consent" to export CRTs.

(IX) Exporters must keep copies of notifications and "Acknowledgments of Consent" to export CRTs for a period of five years following receipt of the "Acknowledgment." requirements in 40 C.F.R. 261.39(a)(5)(i) through (xi), which are incorporated by reference into this chapter 173-303 WAC.

(ii) Requirements for used CRT processing: CRTs undergoing CRT processing as defined in WAC 173-303-040 are not solid wastes if they meet the following requirements:

(A) Storage. CRTs undergoing processing are subject to the requirement of (oo)(i)(D) of this subsection.

(B) Processing.

(I) All activities specified in the second and third bullets of the definition of "CRT processing" in WAC 173-303-040 must be performed within a building with a roof, floor, and walls; and

(II) No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

(iii) Processed CRT glass sent to CRT glass making or lead smelting: Glass from CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in WAC 173-303-016 (5)(d).

(iv) Use constituting disposal: Glass from used CRTs that is used in a manner constituting disposal must comply with the requirements of WAC 173-303-505.

(v) Notification and recordkeeping for cathode ray tubes (CRTs) exported for reuse.

~~((A) Persons who export CRTs for reuse must send a one-time notification to the U.S. EPA Regional Administrator. The notification must include a statement that the notifier plans to export CRTs for reuse, the notifier's name, address, and EPA/state ID number (if applicable) and the name and phone number of a contact person.~~

~~(B) Persons who export CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported CRTs will be reused. This documentation must be retained for a period of at least five years from the date the CRTs were exported.)~~ Persons who export CRTs for reuse must comply with the requirements in 40 C.F.R. 261.41, which are incorporated by reference into this chapter 173-303 WAC.

(pp) Zinc fertilizers made from hazardous wastes provided that:

(i) The fertilizers meet the following contaminant limits:
(A) For metal contaminants:

Maximum Allowable Total Concentration Constituent in Fertilizer, per Unit (1%) of Zinc (ppm)	
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

(B) For dioxin contaminants the fertilizer must contain no more than eight parts per trillion of dioxin, measured as toxic equivalent (TEQ).

(ii) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the

amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.

(iii) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with the requirements of (pp)(ii) of this subsection. Such records must at a minimum include:

(A) The dates and times product samples were taken, and the dates the samples were analyzed;

(B) The names and qualifications of the person(s) taking the samples;

(C) A description of the methods and equipment used to take the samples;

(D) The name and address of the laboratory facility at which analyses of the samples were performed;

(E) A description of the analytical methods used, including any cleanup and sample preparation methods; and

(F) All laboratory analytical results used to determine compliance with the contaminant limits specified in this subsection (3)(pp).

(qq) Debris. Provided the debris does not exhibit a characteristic identified in WAC 173-303-090, the following materials are not subject to regulation under this chapter:

(i) Hazardous debris that has been treated using one of the required extraction or destruction technologies specified in Table 1 of 40 C.F.R. section 268.45, which is incorporated by reference at WAC 173-303-140 (2)(a); persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or

(ii) Debris that the department, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

(rr) Solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that:

(i) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in nonleaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

(ii) The solvent-contaminated wipes may be accumulated by the generator for up to one hundred eighty days from the accumulation start date for each container prior to being sent for cleaning;

(iii) At the point of being sent for cleaning on site or at the point of being transported off site for cleaning, the sol-

vent-contaminated wipes must contain no free liquids as defined in WAC 173-303-040;

(iv) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this chapter if the solvent designates as a dangerous waste;

(v) Generators must maintain at their site the following documentation:

(A) Name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;

(B) Documents proving that the one hundred eighty-day accumulation time limit in (rr)(i) of this subsection is being met;

(C) Description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on site or at the point of being transported off site for laundering or dry cleaning;

(vi) The solvent-contaminated wipes are sent to a laundry or dry cleaner whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act.

(ss) Solvent-contaminated wipes, except for wipes that are dangerous waste due to the presence of trichloroethylene, that are sent for disposal are not dangerous wastes from the point of generation, provided that:

(i) The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in nonleaking, closed containers that are labeled "Excluded Solvent-Contaminated Wipes." The containers must be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container must be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;

(ii) The solvent-contaminated wipes may be accumulated by the generator for up to one hundred eighty days from the start date of accumulation for each container prior to being sent for disposal;

(iii) At the point of being transported for disposal, the solvent-contaminated wipes must contain no free liquids as defined in WAC 173-303-040;

(iv) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes must be managed according to the applicable regulations found in this chapter if the solvent designates as a dangerous waste;

(v) Generators must maintain at their site the following documentation:

(A) Name and address of the permitted treatment, storage, and disposal facility that is receiving the solvent-contaminated wipes;

(B) Documentation that the one hundred eighty-day accumulation time limit in (ss)(ii) of this subsection is being met;

(C) Description of the process the generator is using to ensure solvent-contaminated wipes contain no free liquids at the point of being transported for disposal;

(vi) The solvent-contaminated wipes are sent for disposal:

(A) To a dangerous waste landfill regulated under WAC 173-303-280 through 173-303-400; or

(B) To a dangerous waste combustor, boiler, or industrial furnace regulated under 40 C.F.R. Parts 264, 265, or 266 Subpart H.

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-082 Dangerous waste sources. (1) The dangerous waste sources list appears in WAC 173-303-9904. Any waste that is listed or is a residue from the management of a waste listed on the dangerous waste sources list must be designated a dangerous waste, and identified as DW. Dangerous waste sources codes include WPCB or codes that begin with an "F" or "K."

(2) Quantity exclusion limit. A person whose waste is listed in WAC 173-303-9904 (including residues from the management of such wastes) is a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of ~~(his)~~ their waste exceeds the following quantity exclusion limits:

(a) 2.2 lbs. (1 kg) per month or per batch for wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027. These wastes are designated DW and identified as acute hazardous wastes;

(b) 220 lbs. (100 kg) per month or per batch of any residue or contaminated soil, ~~(waste)~~ water, or other debris resulting from the cleanup of a spill, into or on any land or water of a waste listed in (a) of this subsection, or of an acute hazardous waste listed in WAC 173-303-9904 under specific sources ("K" wastes). Note: Acute hazardous K listed wastes are followed by an "H." These wastes are designated DW and identified as acute hazardous wastes; or

(c) 220 lbs. (100 kg) per month or per batch for all other wastes.

(3) Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. A mixture of a solid waste with a waste that would be designated as a dangerous waste source under this section must be designated as a dangerous waste source unless it has been excluded under WAC 173-303-070 (2)(c). The mixture has the same designation (DW), and the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

(4) 40 C.F.R. Part 261 Appendix VII *Basis for Listing Hazardous Waste* is adopted by reference.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-110 Sampling, testing methods, and ~~(analytes)~~ analyses. (1) Purpose. This section sets forth the testing methods to be used to comply with the requirements of this chapter. Quality control procedures specified by the testing method or an approved equivalent method must be followed for the analytical result to be considered valid for designation. All methods and publications listed in this section are incorporated by reference.

(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 or the most recent version of such methods for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

(i) Crushed or powdered material - ASTM Standard D346-04e1;

(ii) Extremely viscous liquid - ASTM Standard D140-01 (2007);

(iii) Fly ash-like material - ASTM Standard D2234/D2234M-03e1;

(iv) Soil-like material - ASTM Standard D1452-80 (2000);

(v) Soil or rock-like material - ASTM Standard D420-98 (2003);

(vi) Containerized liquid wastes - "COLIWASA" described in SW-846, as incorporated by reference at WAC 173-303-110 (3)(a), or the equivalent representative sampling method described in ASTM D5743-97 (2003). Per this method, the selection of an appropriate device must be best suited for the characteristics of the waste being sampled; and

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs - "Pond Sampler" described in SW-846, as incorporated by reference at WAC 173-303-110 (3)(a).

(b) Copies of these representative sampling methods are available from the department except for the ASTM standards which can be obtained by writing to:

ASTM
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

(3) Test procedures. Copies of the test procedures listed in this subsection can be obtained by writing to the appropriate address below:

For copies of Department of Ecology test methods:

Attn: Test Procedures
Hazardous Waste Section
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

For copies of SW-846, including updates, and 40 C.F.R. Part 261:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402
202-512-1800

For copies of ASTM methods:

ASTM
100 Barr Harbor Drive
West Conshohocken, PA 19428-2959

For copies of APTI methods:

APTI
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

The document titles and included test procedures are as follows:

(a) *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication, SW-846* (Third Edition (November 1986) as amended by Updates I (dated July 1992), II (dated September 1994), IIA (dated August 1993), IIB (dated January 1995), III (dated December 1996), IIIA (dated April 1998), IIIB (dated July 2005), ~~((and))~~ Update IVA and IVB (dated February 2007)), and Update V (dated August 2015) which is incorporated by reference. The Third Edition of SW-846, as amended by Final Updates I, II, IIA, IIB, III, IIIA, IIIB, IVA, ~~((and))~~ IVB, and V, is available in portable document format (PDF) on EPA's Office of Resource Conservation and Recovery web page at (~~http://www.epa.gov/SW-846~~). ~~An official printed copy of SW-846 and most of its updates can be purchased from the National Technical Information Service, U.S. Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312, 800-553-6847 or 703-605-6000 (outside the continental U.S.);~~) <http://www.epa.gov/hw-sw846>;

(b) *Biological Testing Methods for the Designation of Dangerous Waste*, Department of Ecology Publication #80-12, the latest revision, describing procedures for:

(i) Static acute fish toxicity test; and

(ii) Acute oral rat toxicity test~~((;))~~;

(c) *Chemical ~~((Testing))~~ Test Methods for Designating Dangerous Waste*, Department of Ecology Publication #97-407, revised December 2014 describing methods for testing:

(i) Ignitability;

(ii) Corrosivity;

(iii) Reactivity;

(iv) Toxicity characteristic leaching procedure;

(v) Halogenated organic compounds; and

(vi) Polycyclic aromatic hydrocarbons.

(d) ~~((Reserve;))~~ (Reserved);

(e)(i) The determination of Polychlorinated Biphenyls in Transformer Fluids and Waste Oils, EPA-600/4-81-045; and

(ii) Analysis of Polychlorinated Biphenyls in Mineral Insulating Oils by Gas Chromatography, ASTM Standard D4059-00 (2005)e1.

(f) Appropriate analytical procedures to determine whether a sample contains a given toxic constituent are specified in Chapter Two, "Choosing the Correct Procedure" found in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846*~~((;))~~;

(g) The following publications for air emission standards (in addition to (a) of this subsection)~~((;))~~;

(i) ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography, ASTM Standard D1946-90 (2006).

(ii) ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method), ASTM Standard D4809-06.

(iii) ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, ASTM Standard E169-04.

(iv) ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis, ASTM Standard E168-06.

(v) ASTM Standard Practice for Packed Column Gas Chromatography, ASTM Standard E260-96 (2006).

(vi) ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, ASTM Standard D5580-02.

(vii) ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, ASTM Standard D2879-97 (2002)e1.

(viii) "APTI Course 415: Control of Gaseous Emissions," EPA Publication EPA-450/2-81-005, December 1981.

(ix) API Manual of Petroleum Measurement Standards (MPMS) chapter 19.2 (API MPMS 19.2), Evaporative Loss from External Floating-Roof Tanks (formerly API Publications 2517 and 2519), Third Edition, American Petroleum Institute, Washington D.C., October 2012.

(h) The following publications:

(i) "NFPA 30 Flammable and Combustible Liquids Code" ~~((2012))~~ 2015, available from the National Fire Protection Association, NFPA Headquarters, 1 Batterymarch Park, Quincy, MA 02169-7471.

(ii) U.S. EPA, "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised," October 1992, EPA Publication No. EPA-450/R-92-019, Environmental Protection Agency, Research Triangle Park, NC.

(iii) "ASTM Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals," ASTM Standard E926-94, Test Method C-Bomb, Acid Digestion Method, available from American Society for Testing Materials, 1916 Race Street, Philadelphia, PA 19103.

(iv) Method 1664, Revision A, n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Nonpolar Material) by Extraction and Gravimetry. Available from NTIS, PB99-121949, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

(v) ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester, ASTM Standard D3278-96 (2004)e1, available from American Society for Testing and Materials.

(vi) ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, ASTM Standard D93-06.

(vii) API Manual of Petroleum Measurement Standards (MPMS) chapter 19.2 (API MPMS 19.2), Evaporative Loss from External Floating-Roof Tanks (formerly API Publications 2517 and 2519), Third Edition, American Petroleum Institute, Washington D.C., October 2012.

(4) Substantial changes to the testing methods described above will 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 department approval for the use of an equivalent testing method by submitting a petition, prepared in accordance with WAC 173-303-910(2), to the department.

(6) Reporting analytical results. Ecology requires that all test methods report their analytical results for solid and soil samples on a dry weight basis. Reporting on a dry weight basis compensates for variability in water content and pro-

vides a consistent procedure for all analytical results provided to ecology for designation purposes.

(7) "Ground-Water Monitoring List" Appendix IX to 40 C.F.R. Part 264 is replaced with the version in Appendix 5 of *Chemical (~~Testing~~) Test Methods for Designating Dangerous Waste*, Department of Ecology Publication #97-407, revised December 2014. The Appendix "Ground-Water Monitoring List" in *Chemical Testing Methods* includes the columns "Suggested methods" and "PQL."

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-120 Recycled, reclaimed, and recovered wastes. (1) This section describes the requirements for persons who recycle materials that are solid wastes and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2)(a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:

(i) Industrial ethyl alcohol that is reclaimed (~~((f))~~except that(~~(, unless provided otherwise in an international agreement as specified in 40 C.F.R. 262.58:)~~) exports and imports of such recyclable materials must comply with the requirements of 40 C.F.R. Part 262, Subpart H. See export requirements at 40 C.F.R. 261.6 (a)(3)(i)(A) and (B) that are incorporated by reference at WAC 173-303-230(1)(f));

(ii) (~~(Reserve:)~~) (Reserved);

(iii) ~~(Reserved);~~

(iv) Scrap metal that is not excluded under WAC 173-303-071 (3)(ff);

(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing dangerous wastes where such recovered oil is already excluded under WAC 173-303-071 (3)(cc));

(vi) (~~(Reserve:)~~) (Reserved);

(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;

(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under 40 C.F.R. 279.11 (which is incorporated by reference at WAC 173-303-515(4)) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;

(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and

transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 40 C.F.R. 279.11 (which is incorporated by reference at WAC 173-303-515(4)); and

(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 40 C.F.R. 279.11 (which is incorporated by reference at WAC 173-303-515(4)).

(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:

(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or

(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).

(3) The recyclable materials listed in (a) through (h) of this subsection are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840. The recyclable materials listed in (b), (d), (f) and (g) of this subsection are also subject to WAC 173-303-140.

In addition to these requirements, owners and operators of facilities that receive recyclable materials from off-site are subject to WAC 173-303-610 (2) and (12) and to WAC 173-303-620 (1)(e).

(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Spent CFC or HCFC refrigerants that are recycled on-site or sent to be reclaimed off-site (see WAC 173-303-506);

(d) Dangerous wastes burned (as defined in WAC 173-303-510 (1)(a)) in boilers and industrial furnaces that are not regulated under Subpart O of 40 C.F.R. Part 265 or WAC 173-303-670 (see WAC 173-303-510);

(e) ~~(Reserved);~~

(f) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

(g) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525); and

(h) Spent antifreeze that is recycled on-site or sent to be recycled off-site (see WAC 173-303-522).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling. For the purpose of this section, the department may determine on a case-by-case basis that recyclable materials received from off-site are not stored if they are moved into an active recycling process within a period of time not to exceed

seventy-two hours after being received. In making such a determination, the department will consider factors including, but not limited to, the types and volumes of wastes being recycled, operational factors of the recycling process, and the compliance history of the owner or operator. An active recycling process refers to a dynamic recycling operation that occurs within a recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities. Passive storage-like activities are not eligible for the recycling exemption under this subsection.

The recycling process itself is generally exempt from permitting unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.

Unless specified otherwise in subsections (2) and (3) of this section:

(a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

- (i) WAC 173-303-060,
- (ii) WAC 173-303-120 (4)(e),
- (iii) WAC 173-303-283 through 173-303-290,
- (iv) WAC 173-303-310 through 173-303-395,
- (v) WAC 173-303-610 (2) and (12),
- (vi) WAC 173-303-620 (1)(e),
- (vii) WAC 173-303-630 (2) through (10), and
- (viii) WAC 173-303-640 (2) through (10) except that

requirements to post-closure planning or care in WAC 173-303-640(8) will not apply to closure of recycling units. In lieu of the dates in WAC 173-303-640 (2) and (4), for existing tank systems regulated under this subsection, owners and operators must complete the assessment of the tank system's integrity by June 1, 1992, and must meet the secondary containment requirements of WAC 173-303-640(4) by January 12, 1993;

(ix) The owner or operator must obtain data, by screening-type analysis if necessary, confirming the designation of each waste stream, such that each dangerous waste received can be effectively recycled without jeopardizing human health or the environment. The owner or operator must verify the waste designation periodically, so that it is accurate and current, but at least once every six months or on a batch basis if shipments of a specific waste stream are less frequent. Copies of all analyses and data must be retained for at least five years and made available to the department upon request.

(d) Owners and operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

- (i) For all recyclers, the applicable provisions of:
 - (A) WAC 173-303-280 through 173-303-395,
 - (B) WAC 173-303-800 through 173-303-840,

(C) WAC 173-303-140 (2)(a),

(D) WAC 173-303-120 (4)(e);

(ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 C.F.R. Part 265;

(iii) For recyclers with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650, and

(B) WAC 173-303-660.

(e) Owners and operators of facilities subject to dangerous waste permitting requirements with dangerous waste management units that recycle hazardous wastes are subject to the requirements of WAC 173-303-690, 173-303-691 (Air emission standards for process vents and equipment leaks), and WAC 173-303-692 (Air emission standards for tanks, surface impoundments, and containers) for final status facilities, and 40 C.F.R. Part 265 Subparts AA, BB, and CC, incorporated by reference at WAC 173-303-400(3) for interim status facilities.

(5) Used oil that is recycled and is also a dangerous waste solely because it exhibits a dangerous waste characteristic or criteria is not subject to ~~(the requirements of)~~ this chapter except for applicable requirements of WAC 173-303-515 and the requirements of 40 C.F.R. Part 279, which is incorporated by reference at WAC 173-303-515. Used oil that is recycled includes any used oil that is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

(6) Hazardous waste that is exported to or imported from ~~((designated member countries of the Organization for Economic Cooperation and Development (OECD) (as defined in 40 C.F.R. 262.58 (a)(1)) for purpose of recovery is subject to the requirements of 40 C.F.R. Part 262, subpart H, if it is subject to either the manifesting requirements at WAC 173-303-180 or to the universal waste management standards of WAC 173-303-573))~~ any country for recovery is subject to the requirements of 40 C.F.R. Part 262, Subpart H.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-140 Land disposal restrictions. (1) Purpose.

(a) The purpose of this section is to encourage the best management practices for dangerous wastes according to the priorities of RCW 70.105.150 which are, in order of priority:

- (i) Reduction;
- (ii) Recycling;
- (iii) Physical, chemical, and biological treatment;
- (iv) Incineration;
- (v) Stabilization and solidification; and
- (vi) Landfill.

(b) This section identifies dangerous wastes that are restricted from land disposal, describes requirements for restricted wastes, and defines the circumstances under which a prohibited waste may continue to be land disposed.

(c) For the purposes of this section, the term "landfill," as stated in the priorities of RCW 70.105.150, will be the same

as the term "land disposal." Land disposal will be used in this section to identify the lowest waste management priority.

(2) Applicability.

The land disposal restrictions of this section apply to any person who owns or operates a dangerous waste treatment, storage, or disposal facility in Washington state and to any person who generates or transports dangerous waste.

(a) Land disposal restrictions for wastes designated in accordance with WAC 173-303-070 (3)(a)(i), (ii), and (iii) are the restrictions set forth by the Environmental Protection Agency in 40 C.F.R. Part 268 which are incorporated by reference into this regulation, as modified in (c) through (f) of this subsection, and the restrictions set forth in subsections (3) through (7) of this section. The words "regional administrator" (in 40 C.F.R.) will mean the "department," except for 40 C.F.R. Parts 268.5 and 268.6; 268 Subpart B; 268.42(b) and 268.44 (a) through (g). The authority for implementing these excluded C.F.R. sections remains with the U.S. Environmental Protection Agency. The word "EPA" (in 40 C.F.R.) means "Ecology" at 40 C.F.R. 268.44(m) and 268.45(a). The exemption and exception provisions of subsections (3) through (7) of this section are not applicable to the federal land disposal restrictions.

Where the federal regulations that have been incorporated by reference refer to 40 C.F.R. 260.11, data provided under this section must instead meet the requirements of WAC 173-303-110.

(b) Land disposal restrictions for state-only dangerous waste are the restrictions set forth in subsections (3) through (7) of this section.

(c) Where 40 C.F.R. 268.7 (a)(1) is incorporated by reference, delete the sentence "Alternatively, the generator must send the waste to a RCRA-permitted dangerous waste treatment facility, where the waste treatment facility must comply with the requirements of 264.13 of this chapter and 268.7(b) of this section."

(d) Where 40 C.F.R. 268.7 (a)(2) is incorporated by reference:

(i) Delete the words "or if the generator chooses not to make the determination of whether (~~his~~) their waste must be treated" from the first sentence; and

(ii) Delete the sentence "(Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the EPA Hazardous Waste Numbers and Manifest Number of the first shipment and must state 'This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination'.)"

(e) Where 40 C.F.R. 268.7 (b)(6) is incorporated by reference, replace the words "for the initial shipment of waste, prepare a one-time certification described in paragraph (b)(4) of this section, and a one-time notice which includes the information in paragraph (b)(3) of this section (except the manifest number)" with the words "submit a certification described in paragraph (b)(4) of this section, and a notice which includes the information listed in paragraph (b)(3) of this section (except for the manifest number) to the department for each shipment".

(f) Where 40 C.F.R. 268.9(d) is incorporated by reference, replace paragraph (d) with the following: Wastes that

exhibit a characteristic are also subject to Section 268.7 requirements, except that once the waste is no longer dangerous, a one-time notification and certification must be placed in the generators or treaters files and sent to the department. The notification and certification that is placed in the generators or treaters files must be updated if the process or operation generating the waste changes and/or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the department on an annual basis if such changes occur. Such notification and certification should be sent to the department by the end of the calendar year, but no later than December 31.

(i) The notification must include the following information:

(A) Name and address of the RCRA Subtitle D facility receiving the waste shipment; and

(B) A description of the waste as initially generated, including the applicable dangerous waste code(s), treatability group(s), and underlying hazardous constituents (as defined in Sec. 268.2(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.

(ii) The certification must be signed by an authorized representative and must state the language found in Section 268.7 (b)(4).

If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Sec. 268.7 (b)(4)(iv) applies.

(3) Definitions.

When used in this section the following terms have the meaning provided in this subsection. All other terms have the meanings given under WAC 173-303-040.

(a) "Dangerous waste constituents" means those constituents listed in WAC 173-303-9905 and any other constituents which have caused a waste to be a dangerous waste under this chapter.

(b) "Land disposal" means placement in a facility or on the land with the intent of leaving the dangerous waste at closure, and includes, but is not limited to, placement for disposal purposes in a: Landfill; surface impoundment; waste pile; injection well; land treatment facility; salt dome or salt bed formation; underground cave or mine; concrete vault or bunker.

(c) "Organic/carbonaceous waste" means a dangerous waste that contains combined concentrations of greater than ten percent organic/carbonaceous constituents in the waste; organic/carbonaceous constituents are those substances that contain carbon-hydrogen, carbon-halogen, or carbon-carbon chemical bonding.

(d) "Solid acid waste" means a dangerous waste that exhibits the characteristic of low pH under the corrosivity test of WAC 173-303-090 (6)(a)(iii).

(e) "Stabilization" and "solidification" mean a technique that limits the solubility and mobility of dangerous waste constituents. Solidification immobilizes a waste through physical means and stabilization immobilizes the waste by bonding or chemically reacting with the stabilizing material.

(4) Land disposal restrictions and prohibitions. The land disposal requirements of this subsection apply to land disposal in Washington state.

(a) Disposal of extremely hazardous waste (EHW). No person may land dispose of EHW, except as provided in subsection (5) of this section, at any land disposal facility in the state. No person may land dispose of EHW at the facility established under RCW 70.105.050, except as provided by subsections (5), (6), and (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(b) Disposal of liquid waste. Special requirements for bulk and containerized liquids.

(i) The placement of bulk or noncontainerized liquid dangerous waste or dangerous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

(ii) Containers holding free liquids must not be placed in a landfill unless:

(A) All free-standing liquid:

(I) Has been removed by decanting, or other methods; or

(II) Has been mixed with sorbent or stabilized (solidified) so that free-standing liquid is no longer observed; or

(III) Has been otherwise eliminated; or

(B) The container is very small, such as an ampule; or

(C) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or

(D) The container is a labpack and is disposed of in accordance with WAC 173-303-161 and this chapter.

(iii) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following tests must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" EPA Publication SW-846 as incorporated by reference in WAC 173-303-110 (3)(a).

(iv) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: Materials listed or described in (b)(iv)(A) of this subsection; materials that pass one of the tests in (b)(iv)(B) of this subsection; or materials that are determined by the department to be nonbiodegradable through WAC 173-303-910.

(A) Nonbiodegradable sorbents.

(I) Inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or

(II) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers). This does

not include polymers derived from biological material or polymers specifically designed to be degradable; or

(III) Mixtures of these nonbiodegradable materials.

(B) Tests for nonbiodegradable sorbents.

(I) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-96 (2002) - Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or

(II) The sorbent material is determined to be nonbiodegradable under OECD (Organization for Economic Cooperation and Development) test 301B: [CO₂ Evolution (Modified Sturm Test)].

(v) The placement of any liquid which is not a dangerous waste in a landfill is prohibited unless the owner or operator of such landfill demonstrates to the department, or the department determines, that:

(A) The only reasonably available alternative to the placement in such landfill is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous waste; and

(B) Placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water (as that term is defined in WAC 173-303-040).

(c) Disposal of solid acid waste. No person may land dispose solid acid waste, except as provided in subsection((s)) (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, neutralize, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter.

(d) Disposal of organic/carbonaceous waste.

(i) No person may land dispose organic/carbonaceous waste, except as provided in subsection((s)) (5), (6), or (7) of this section. A person is encouraged to reclaim, recycle, recover, treat, detoxify, or otherwise process these wastes to remove or reduce their harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter. Organic/carbonaceous wastes must be incinerated as a minimum management method according to the dangerous waste management priorities as defined in subsection (1)(a) of this section.

(ii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to black mud generated from the caustic leach recovery of cryolite at primary aluminum smelting plants.

(iii) This prohibition against the land disposal of organic/carbonaceous waste does not apply to any person who certifies to the department that recycling, treatment and incineration facilities are not available within a radius of one thousand miles from Washington state's borders. Such certification must be sent to the department by certified mail or other means that establish proof of receipt (including applicable electronic means) and must include: The name, address and telephone number of the person certifying; a brief description of the organic/carbonaceous waste covered by the certification; a discussion of the efforts undertaken to identify available recycling, treatment and incineration facilities; and the

signature of the person responsible for the certification and development of information used to support the certification. Records and information supporting the certification must be retained by the certifying person and must be made available to the department upon request.

A certification that has been properly submitted to the department will remain valid until the department determines that a recycling, treatment or incineration facility is available within a radius of one thousand miles from Washington state's borders and the person who submitted the certification is unable to demonstrate otherwise. A recycling, treatment or incineration facility will be considered by the department to be available if such facility: Is operating, and; can safely and legally recycle, treat or incinerate the organic/carbonaceous waste, and; has sufficient capacity to receive and handle significant amounts of the waste, and; agrees to accept the waste.

(5) Treatment in land disposal facilities. The land disposal restrictions in subsection (4) of this section do not apply to persons treating dangerous wastes in surface impoundments, waste piles, or land treatment facilities provided that such treatment is performed in accordance with the requirements of this subsection and this chapter.

(a) Surface impoundment treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in surface impoundments for purposes of treatment provided the owner/operator can demonstrate that effective treatment of the dangerous waste constituents will occur and at closure the owner/operator complies with the prohibitions and restrictions of subsection (4) of this section.

(b) Waste pile treatment.

Liquid waste, extremely hazardous waste (EHW), solid acid waste, and organic/carbonaceous waste may be placed in waste piles for purposes of treatment provided the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur and that at closure the owner/operator will be in compliance with the prohibitions and restrictions of subsection (4) of this section.

(c) Land treatment.

Liquid waste, extremely hazardous waste (EHW), and organic/carbonaceous waste may be land treated provided that the owner/operator can demonstrate that effective treatment of dangerous waste constituents will occur, and at the end of the post-closure care period the owner/operator will be in compliance with subsection (4) of this section.

(6) Case-by-case exemptions to a land disposal prohibition. Any person may petition the department for an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste. The procedures to submit a petition to the department are specified in WAC 173-303-910(6). The department may deny any petition if it determines that there is a potential for dangerous waste constituents to migrate from the land disposal facility where the waste is to be placed. The department will deny any petition when exemption would result in a substantial or imminent threat to public health or the environment. The department will deny any petition when exemption would result in a violation of applicable state laws.

The department may grant an exemption from the prohibitions and restrictions of subsection (4) of this section based on the demonstrations specified in (a), (b) or (c) of this subsection.

(a) Land disposal exemption for treatment residuals. Any person may request an exemption from a land disposal prohibition in subsection (4) of this section for treatment residuals by demonstrating to the department that:

(i) The person has applied the best achievable management method to the original waste; and

(ii) Application of additional management methods to the treatment residuals would prevent the person from utilizing the best achievable management methods for the original dangerous waste; and

(iii) The land disposal of the treatment residuals does not pose a greater risk to the public health and the environment than land disposal of the original dangerous waste would pose.

(b) Economic hardship exemption. Any person may request an exemption from a prohibition in subsection (4) of this section for the land disposal of a dangerous waste by demonstrating to the department that alternative management of the dangerous waste will impose an unreasonable economic burden in relation to the threat of harm to public health and the environment. It will be solely within the discretion of the department to approve or deny the requests for exemptions based on economic hardship.

(c) Organic/carbonaceous waste exemption. Any person may request an exemption from the requirements in subsection (4) of this section by demonstrating to the department that:

(i) Alternative management methods for organic/carbonaceous waste are less protective of public health and the environment than stabilization or landfilling; or

(ii)(A) The organic/carbonaceous waste has a heat content less than 3,000 BTU/LB or contains greater than sixty-five percent water or other noncombustible moisture; and

(B) Incineration is the only management method available within a radius of one thousand miles from Washington state's border (i.e., recycling or treatment are not available).

(7) Emergency cleanup provision. The department may, on a case-by-case basis, grant an exception to the land disposal restrictions in subsection (4) of this section for an emergency cleanup where an imminent threat to public health and the environment exists. Any exception will require compliance with applicable state law and will require (consistent with the nature of the emergency and imminent threat) application of the waste management priorities of RCW 70.105-150.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

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 from a cleanup of 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.
≤ 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), (e), (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.

(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.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-170 Requirements for generators of dangerous waste. ~~((1) A person is a dangerous waste generator if their solid waste is designated by the requirements of WAC 173-303-070 through 173-303-100.~~

~~(a) The generator is responsible for designating their waste as DW or EHW.~~

~~(b) The generator may request an exemption for their dangerous waste according to the procedures of WAC 173-303-072.~~

~~(2) A dangerous waste generator must notify the department and obtain an EPA/state identification number as required by WAC 173-303-060, and must comply with the requirements of WAC 173-303-170 through 173-303-230.~~

~~(3) 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:~~

~~(a) Generators who accumulate dangerous wastes for less than ninety days as allowed under WAC 173-303-200 or for less than one hundred eighty days as allowed under WAC 173-303-201 and 173-303-202;~~

~~(b) Generators who treat dangerous waste on-site in accumulation tanks, containers, and containment buildings~~

~~provided that the generator maintains a log showing the date and amount of waste treated and complies with:~~

~~(i) The applicable requirements of WAC 173-303-200, 173-303-201, and 173-303-202; and~~

~~(ii) WAC 173-303-283(3);~~

~~(c) Generators who treat special waste on-site provided:~~

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

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

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

~~(B) Endangerment of health of employees or the public;~~

~~(C) Excessive noise;~~

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

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

~~(4) The generator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.~~

~~(5)) 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 and injunctive relief 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 or injunctive relief 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 and injunctive relief 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.

~~((6))~~ (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 ~~((the countries listed in 40 C.F.R. 262.58 (a)(1)))~~ 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).

~~((7))~~ (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 ~~((173-303-200(2),))~~ the regulations in WAC 173-303-174 for large quantity generators and medium quantity generators ~~((regulated under WAC 173-303-201)),~~ except as provided in WAC 173-303-235; and

(b) The conditions of WAC ~~((173-303-070 (8)(b)))~~ 173-303-171, for small quantity generators, except as provided in WAC 173-303-235.

NEW SECTION

WAC 173-303-171 Conditions for exemption for a small quantity generator. (1) Provided that the small quantity generator meets all the conditions for exemption listed in this section, dangerous waste generated by the small quantity generator is not subject to regulation under this chapter except for WAC 173-303-050, 173-303-070, 173-303-145, 173-303-169, 173-303-170, 173-303-171 and 173-303-960. The conditions for exemption are as follows:

(a) In a calendar month the small quantity generator generates less than or equal to the amounts specified in the definition of "small quantity generator" in WAC 173-303-040;

(b) The small quantity generator complies with WAC 173-303-070;

(c) The quantity accumulated or stored at any time does not exceed 2,200 pounds for wastes with a 220 pound QEL and 2.2 pounds for waste with a 2.2 pound QEL. (Exception: The accumulation limit for the acute hazardous wastes described in WAC 173-303-081 (2)(a)(iv) and 173-303-082 (2)(b) and for extremely hazardous waste WT01 is 220 pounds);

(d) If a person accumulates or stores any dangerous wastes that exceed the accumulation limits set forth in (c) of this subsection, then all dangerous waste accumulated or stored by that person is subject to the requirements for the conditions for exemption for a large quantity generator in WAC 173-303-200.

(e) A small quantity generator that accumulates dangerous waste in amounts less than or equal to the limits in (c) of

this subsection must either treat or dispose of their dangerous waste in an on-site facility, or ensure delivery to an off-site facility, either of which, if located in the United States, is:

(i) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(ii) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 C.F.R. Part 271, or by EPA under 40 C.F.R. Part 270;

(iii) Permitted to manage moderate risk waste under chapter 173-350 WAC (Solid waste handling standards), operated in accordance with state and local regulations, and consistent with the applicable local hazardous waste plan that has been approved by the department;

(iv) A facility that beneficially uses or reuses, or legitimately recycles or reclaims the dangerous waste, or that treats the waste prior to such recycling activities;

(v) Permitted, licensed, or registered to manage municipal solid waste and, if managed in a municipal solid waste landfill, is subject to 40 C.F.R. Part 258 or chapter 173-351 WAC;

(vi) Permitted, licensed, or registered by a state to manage nonmunicipal nonhazardous waste and, if managed in a nonmunicipal nonhazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 C.F.R. 257.5 through 257.30;

(vii) A publicly owned treatment works (POTW): Provided, that small quantity generator(s) comply with the provisions of the domestic sewage exclusion found in WAC 173-303-071 (3)(a);

(viii) For universal waste managed under WAC 173-303-573, a universal waste handler or destination facility subject to the requirements of WAC 173-303-573; or

(ix) A large quantity generator under the control of the same person as the small quantity generator, provided the following conditions are met:

(A) The small quantity generator and the large quantity generator are under the control of the same person as defined in WAC 173-303-040 of this chapter. Contractors, consultants, transporters, etc., who operate generator facilities on behalf of a different person as defined in WAC 173-303-040 of this chapter shall not be deemed to "control" such generators.

(B) The small quantity generator clearly labels or marks each container(s) and tank(s) of dangerous waste with the words "dangerous waste" or "hazardous waste." Except for containers one gallon (or four liters) and under, the lettering must be legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(C) The small quantity generator clearly labels or marks each container(s) and tank(s) of dangerous waste with an indication of the hazards of the contents (examples include, but not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes). The label or marking must be:

(I) Legible and recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(II) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the con-

tainers for the public, emergency response personnel and employees; for containers one gallon (or four liters) and under the label, marking or lettering can be appropriate for the size of the container.

(2) The placement of bulk or noncontainerized liquid dangerous waste or dangerous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

(3) A small quantity generator experiencing an episodic event may generate and accumulate dangerous waste from the episodic event in accordance with WAC 173-303-173 in lieu of WAC 173-303-172 and 173-303-200.

NEW SECTION

WAC 173-303-172 Conditions for exemption for a medium quantity generator that accumulates dangerous waste. A medium quantity generator, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on site without a permit, interim status, and without complying with the requirements of WAC 173-303-600 provided that all the following conditions for exemption listed in this section are met. The special provisions of this section do not apply to acutely hazardous wastes or toxic EHW (WT01) that exceed the QEL that are being generated or accumulated by the generator.

(1) Off-site shipments. All dangerous 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 or recycled or treated on site in one hundred eighty days or less. A generator who accumulates dangerous waste for more than one hundred eighty days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless the generator has been granted an extension to the one hundred eighty-day period by the department as described in subsection (3) of this section.

(2) Generation. The generator generates in a calendar month no more than the amounts specified in the definition of "medium quantity generator" in WAC 173-303-040.

(3) Accumulation time limit. The generator accumulates dangerous waste on site for no more than one hundred eighty days unless the department has granted a maximum ninety-day extension to this one hundred eighty-day period. The department may, on a case-by-case basis, grant a maximum ninety-day extension to this one hundred eighty-day period if the generator must transport its waste, or offer its waste for transportation, over a distance of two hundred miles or more for off-site treatment, storage, or disposal and the dangerous wastes must remain on site due to unforeseen, temporary, and uncontrollable circumstances. For the purposes of this section, the one hundred eighty-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste; or

(b) The generator exceeds its satellite accumulation limits prescribed in WAC 173-303-174(1).

(4) Accumulation limit. The quantity of dangerous waste accumulated on site never exceeds the following limits at any one time:

(a) 2,200 Pounds of dangerous waste; or

(b) 2.2 Pounds of acutely hazardous waste or toxic EHW (WT01); and

(c) 220 Pounds of residues from a cleanup of acutely hazardous waste and/or toxic EHW (WT01).

(5) Accumulation of waste in containers.

(a) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe corroding or rusting or flaking or scaling, and/or apparent structural defects) or if it begins to leak or is leaking, the generator must transfer the dangerous waste to a container that is in good condition and does not leak, and continue to manage that container and waste in compliance with the conditions for exemption of this section. In addition, the owner or operator must address leaks and spills in accordance with the applicable provisions of WAC 173-303-145 and 173-303-960.

(b) Compatibility of waste with container. The generator 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.

(c) Management of containers.

(i) A container holding dangerous waste must be closed at all times, except when it is necessary to add or remove waste.

(ii) 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.

(iii) A minimum thirty-inch aisle space separation is required between rows of containers. A row of containers must be no more than two wide and allow for unobstructed inspection of each container.

(d) Inspections. The generator must conduct "weekly inspections," as defined in WAC 173-303-040, of each central accumulation area looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors. The generator must keep a written or electronic inspection log including at least the date and time of the inspection, the printed name and the handwritten or electronic signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection. The generator must take remedial action in accordance with (a) of this subsection if deterioration or leaks are detected.

(e) Secondary containment. For container accumulation the department requires that the central accumulation area(s) include secondary containment in accordance with WAC 173-303-630(7).

(f) Special requirements for ignitable or reactive waste.

(i) Containers holding reactive waste exhibiting a characteristic specified in WAC 173-303-090 (7)(a)(vi), (vii) or (viii) must be stored in a manner equivalent to separation distances for storage of explosives in the International Fire Code, 2015 edition, or the version adopted by the local fire district.

(ii) The generator must design, operate, and maintain ignitable waste and reactive waste (other than a reactive waste which must meet the requirements of (f)(i) of this subsection) container storage in a manner equivalent with the

International Fire Code. Where no specific standard or requirements are specified in the International Fire Code, or in existing state or local fire codes, applicable sections of NFPA 30 "Flammable and Combustible Liquids Code" must be used. The generator must also comply with the requirements of WAC 173-303-395 (1)(d).

(g) Special requirements for incompatible wastes.

(i) 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.

(ii) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(iii) 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 must be separate.

(h) Closure.

(i) 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.

(ii) In addition, such a generator is exempt from all the requirements in WAC 173-303-610 and 173-303-620, except for WAC 173-303-610 (2) and (5).

(6) Accumulation of dangerous waste in tanks.

(a) Operating requirements. Generators must comply with the following general operating requirements:

(i) Treatment or storage of dangerous waste in tanks must comply with WAC 173-303-395(1).

(ii) Dangerous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

(iii) Uncovered tanks must be operated to ensure at least sixty centimeters (two feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top sixty centimeters (two feet) of the tank.

(iv) Where dangerous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or bypass system to a standby tank).

Note: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).

(b) Inspections. Generators must inspect the following:

(i) Discharge control equipment (e.g., waste feed cutoff systems, bypass systems, and drainage 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 and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

(iii) The level of waste in the tank at least once each operating day to ensure compliance with (a)(iii) of this subsection;

(iv) "Weekly inspections" as defined in WAC 173-303-040, must be conducted on the construction materials of the tank to detect corrosion or leaking of fixtures or seams; and

(v) "Weekly inspections," as defined in WAC 173-303-040, must be conducted on the construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation). The generator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

(vi) A generator accumulating dangerous waste in tanks or tank systems that have full secondary containment and that either use leak detection equipment to alert personnel to leaks, or implement established workplace practices to ensure leaks are promptly identified, must conduct "weekly inspections" as defined in WAC 173-303-040, where applicable, the areas identified in (b)(i) through (v) of this subsection.

(c) Closure.

(i) Generators accumulating dangerous waste in tanks must, upon closure of the facility, remove all dangerous waste from tanks, discharge control equipment, and discharge confinement structures. At closure, as throughout the operating period, unless the generator can demonstrate, in accordance with WAC 173-303-070 (2)(a) or (b), that any solid waste removed from the tank is not a dangerous waste, then it must manage such waste in accordance with all applicable provisions of this chapter.

(ii) In addition, such a generator is exempt from all the requirements in WAC 173-303-610 and 173-303-620, except for WAC 173-303-610 (2) and (5).

(d) Special conditions for ignitable or reactive waste. Generators must comply with the following special requirements for ignitable or reactive waste:

(i) Ignitable or reactive waste must not be placed in a tank, unless:

(A) The waste is treated, rendered, or mixed before or immediately after placement in a tank 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 (5) or (7); and

(II) WAC 173-303-395(1) is complied with.

(B) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

(C) The tank is used solely for emergencies.

(ii) A generator who treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in NFPA 30, "Flammable and Combustible Liquids Code."

(e) Special requirements for incompatible waste. Generators must comply with the following special requirements for incompatible wastes:

(i) Incompatible wastes, or incompatible wastes and materials, (see 40 C.F.R. Part 265, Appendix V for examples) must not be placed in the same tank, unless WAC 173-303-395(1) is complied with.

(ii) Dangerous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless WAC 173-303-395(1) is complied with.

(7) Accumulation of dangerous waste on drip pads. If the waste is placed on drip pads, the generator must comply with the following:

(a) WAC 173-303-675;

(b) Remove all wastes from the drip pad and associated collection system at least once every ninety days;

(c) Waste removed from drips pads and associated collection systems must be sent immediately to:

(i) An off-site designated facility; or

(ii) An on-site permitted facility; or

(iii) An on-site central accumulation area where the waste is managed in compliance with the on-site central accumulation area regulations in this section for the remainder of the one hundred eighty day accumulation time limit for medium quantity generators. (Example: A generator removes waste from the drip pad at eighty days, the generator is then allowed to further accumulate that waste in its central accumulation area for up to an additional one hundred days);

(d) Maintain the following records on site and readily available for inspection:

(i) The original start date the waste was first placed on, or began to accumulate on, the drip pad;

(ii) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every ninety days; and

(iii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(8) Accumulation of dangerous waste in containment buildings. If the waste is placed in containment buildings, the generator must comply with the following:

(a) 40 C.F.R. Part 265, Subpart DD, which is incorporated by reference; and

(b) Labeling.

(i) The generator must label its containment building with the words "Dangerous Waste" or "Hazardous Waste" in a conspicuous place easily visible and legible to employees, visitors, emergency responders, waste handlers, or other persons on site. The label must be visible and legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(ii) The generator must also, in a conspicuous place easily visible and legible to employees, visitors, emergency responders, waste handlers, or other persons on site, provide its containment building with an indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes). The indication must be:

(A) Legible and/or recognizable from a distance of twenty-five feet or the lettering is a minimum of one-half inch in height; and

(B) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents.

(c) Records. The generator must also maintain the following records at the facility:

(i) The independent qualified registered professional engineer certification that the building complies with the design standards specified in 40 C.F.R. 265.1101. This certification must be placed in the generator's files no later than sixty days after the date of initial operation of the unit. Where subpart G and H are referenced in 40 C.F.R. 265.1102, replace them with WAC 173-303-610 and 173-303-620.

(ii) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the ninety-day limit, and documentation that the procedures are complied with; or

(iii) Documentation that the unit is emptied at least once every ninety days.

(iv) Inventory logs or records with the above information must be maintained on site and readily available for inspection.

(9) Labeling and marking of containers and tanks in central accumulation areas.

(a) A generator must mark or label its containers as follows:

(i) With the date upon which each period of accumulation begins is marked and clearly visible for inspection on each container.

(ii) With the words "Dangerous Waste" or "Hazardous Waste." Except for containers one gallon (or four liters) and under, the lettering must be legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(iii) With an indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes). The label or marking must be:

(A) Legible and/or recognizable from a distance of twenty-five feet or the lettering size is a minimum one-half inch in height; and

(B) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the containers for the public, emergency response personnel, and employees; for containers one gallon (or four liters) and under the label, marking or lettering can be appropriate for the size of the container.

(b) Generators accumulating dangerous waste in tanks must do the following:

(i) Clearly mark or label its tanks with the words "Dangerous Waste" or "Hazardous Waste" where the label or marking is legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in size.

(ii) Clearly mark or label its tanks with an indication of the hazards of the contents (examples include, but are not

limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes). The label or marking must be:

(A) Legible and/or recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in size; and

(B) Include descriptive word(s) and/or pictogram(s) that identifies the hazard associated with the contents of the tanks for the public, emergency response personnel, and employees.

(iii) Use inventory logs, monitoring equipment, or other records to demonstrate that dangerous waste has been emptied within one hundred eighty days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of dangerous waste entering the tank daily exit the tank within one hundred eighty days of first entering.

(iv) Keep inventory logs or records with the above information on site and readily available for inspection.

(c) The department may also require that a sign be posted at each entrance to the accumulation area, bearing the legend, "danger - unauthorized personnel keep out," or an equivalent legend, written in English, and legible from a distance of twenty-five feet or more.

(10) Land disposal restrictions. The generator complies with all the applicable requirements under 40 C.F.R. Part 268.

(11) Preparedness and prevention.

(a) Maintenance and operation of facility. The generator must design, construct, maintain, and operate its facility to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of dangerous waste or dangerous waste constituents to air, soil, surface, or groundwater which could threaten public health or the environment. This subsection describes preparations and preventive measures which help avoid or mitigate such situations.

(b) Required equipment. All areas where dangerous waste is either generated or accumulated must be equipped with the following items in (b)(i) through (iv) of this subsection, unless it can be demonstrated to the department that none of the hazards posed by the waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below. A medium quantity generator may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies:

(i) An internal communications or alarm system capable of providing immediate emergency instructions (voice or signal) instruction to facility personnel;

(ii) A device, such as a telephone (immediately available at the scene of operation) 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;

(iii) Portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as those

using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and

(iv) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

(c) Testing and maintenance of equipment. 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.

(d) Access to communications or alarms. Personnel must have immediate access to the signaling devices described in the situations below:

(i) Whenever dangerous waste is being poured, mixed, spread, or otherwise handled, all personnel involved must have immediate access (e.g., direct or unimpeded 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 (b) of this subsection;

(ii) If there is ever just one employee on the premises while the facility is operating, the employee 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 subsection (11)(b) of this section.

(e) Aisle space. The generator 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.

(f) Arrangements with local authorities.

(i) The generator must attempt to make the following arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, as appropriate for the type and quantity of waste handled at its 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) The generator attempting to make arrangements with its local fire department must determine the potential need for the service of the local police department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals;

(B) 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;

(C) 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;

(D) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(E) Where more than one party might respond to an emergency, agreements designating primary emergency authority and agreements with any others to provide support to the primary emergency authority.

(ii) The generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

(iii) A facility possessing twenty-four-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code with the facility's locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the generator's operating record.

(12) Emergency procedures and training. The generator must comply with the following conditions for those areas of the generator's facility where dangerous waste is generated and accumulated:

(a) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in (d) of this subsection. This employee is the emergency coordinator.

(b) The generator must post the following information next to all emergency communication devices (including telephones, two-way radios, etc.) or in each area directly involved in the generation and accumulation of dangerous waste:

(i) The name and telephone number of the emergency coordinator;

(ii) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(iii) The telephone number of the fire department, unless the facility has a direct alarm.

(c) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies;

(d) The emergency coordinator or their designee must respond to any emergencies that arise. The applicable responses are as follows:

(i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(ii) In the event of a spill, contain the flow of dangerous waste to the extent possible, and as soon as is practical, clean up the dangerous waste and any contaminated materials or soil;

(iii) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached waters of the state, the generator must immediately notify the department and the National Response Center (using their twenty-four-hour toll free number 1-800-424-8802). The report must include the following information:

(A) The name, address, and EPA/state identification number of the generator;

(B) Date, time, and type of incident (e.g., spill or fire);

(C) Quantity and type of dangerous waste involved in the incident;

(D) Extent of injuries, if any; and

(E) Estimated quantity and disposition of recovered materials, if any.

(13) General inspections. The generator must inspect the 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.

(a) The generator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(b) The generator must 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:

(i) The schedule must be kept at the facility;

(ii) The schedule must identify the types of problems to look for during inspections;

(iii) The generator must keep a written or electronic inspection log or summary, including at least the date and time of the inspection, the printed name and handwritten or electronic signature of the inspector, a notation of the observations made, an account of spills or discharges in accordance with WAC 173-303-145, 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 five years from the date of inspection.

(c) The generator must 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.

(14) Rejected load. A generator who sends a shipment of dangerous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load in accordance with the manifest discrepancy provisions of WAC 173-303-370(5) may accumulate the returned load on site in accordance with all of the conditions for exemption, except for subsection (15) of this section. Upon receipt of the returned shipment, the generator must sign:

(a) Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

(b) Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(15) Episodic event. A generator experiencing an episodic event may accumulate dangerous waste generated from the episodic event in accordance with WAC 173-303-173 in lieu of this section.

NEW SECTION

WAC 173-303-173 Alternative standards for episodic generation. (1) Applicability. This section is applica-

ble to small quantity generators and medium quantity generators as defined in WAC 173-303-040.

(2) Definitions for this section. The following definitions apply to this section:

(a) **Episodic event** means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of dangerous wastes that exceeds the calendar month quantity exclusion limits for the generator's usual category.

(b) **Planned episodic event** means an episodic event that the generator planned and prepared for, including tank cleanouts, short-term project, and removal of excess chemical inventory.

(c) **Unplanned episodic event** means an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spill, or "acts of nature," such as a tornado, hurricane, earthquake, or flood.

(3) Conditions for a small quantity generator. A small quantity generator may maintain its existing generator category for dangerous waste generated during an episodic event provided that the generator complies with all the following conditions:

(a) Number of events. The small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under subsection (5) of this section.

(b) Notification. The small quantity generator must notify the Department's Hazardous Waste & Toxics Reduction Program's applicable regional office no later than thirty calendar days prior to initiating a planned episodic event using and completing a Washington State Dangerous Waste Site Identification Form, according to the directions on that form. In the event of an unplanned episodic event, the generator must notify the Department's Hazardous Waste & Toxics Reduction Program's appropriate regional office within seventy-two hours of the unplanned event via email or fax and subsequently submit to the department within thirty days of the notification a completed Washington State Dangerous Waste Site Identification Form, according to the directions on that form. The generator shall include the start date and end date of the episodic event, the reason(s) for the event, types and estimated quantities of dangerous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with twenty-four-hour telephone access to discuss the notification submitted or respond to any emergency in compliance with WAC 173-303-172 (12)(a) and 173-303-145(3).

(c) EPA/state identification number. The small quantity generator must have an EPA/state identification number or obtain an identification number using and completing a Washington State Dangerous Waste Site Identification Form.

(d) Annual report. The small quantity generator must submit an annual report in accordance with WAC 173-303-220 covering all dangerous waste generated during the episodic event.

(e) Pollution prevention. Dangerous waste generated from an episodic event is subject to pollution prevention planning and fees as required in chapters 173-307 and 173-305 WAC, respectively.

(f) Accumulation. A small quantity generator is prohibited from accumulating dangerous waste generated from an episodic event on drip pads and in containment buildings. The accumulating of dangerous waste generated from an episodic event shall only occur in containers or tanks and the generator comply with the following:

(i) Containers. The small quantity generator accumulating in containers must mark or label its containers as follows:

(A) With the date upon which the episodic event began, clearly visible for inspection on each container.

(B) With the words "Episodic Dangerous Waste" or "Episodic Hazardous Waste." Except for containers one gallon (or four liters) and under, the lettering must be legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(C) With an indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic). The indication label or marking must be:

(I) Legible and recognizable from a distance of twenty-five feet or the lettering size is one-half inch in height; and

(II) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the containers for the public, emergency response personnel, and employees; for containers one gallon (or four liters) and under the label, marking or lettering can be appropriate for the size of the container.

(ii) Tanks. The small quantity generator accumulating episodic dangerous waste in tanks must do the following:

(A) Clearly mark or label the tanks with the words "Episodic Dangerous Waste" or "Episodic Hazardous Waste" where the label or marking is legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(B) Clearly mark or label its tanks with an indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic). The indication label or marking must be:

(I) Legible and recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(II) Include descriptive word(s) and/or pictogram(s) that identifies the hazard associated with the contents of the tank for the public, emergency response personnel, and employees.

(C) Use inventory logs, monitoring equipment or other records to identify the date upon which each episodic event begins.

(D) Keep inventory logs or records with the above information on site and readily available for inspection upon request.

(iii) Dangerous waste must be managed in a manner that minimizes the possibility of a fire, explosion, or release of dangerous waste or hazardous substance or dangerous waste constituent to the air and environment.

(iv) Containers must be in good condition and compatible with the dangerous waste being accumulated therein.

(v) Containers must be kept closed except to add or remove waste.

(vi) Tanks must be in good condition and compatible with the dangerous waste accumulated therein.

(vii) Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when dangerous waste is continuously fed into the tank).

(viii) Inspections. Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure the tank is operated according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

(g) Manifest. The small quantity generator must comply with the hazardous waste manifest provision of WAC 173-303-180 when it sends its dangerous waste generated from the episodic event off site to a designated facility as defined in WAC 173-303-040.

(h) Treatment. The small quantity generator is prohibited from treating dangerous waste generated from an episodic event.

(i) Off-site shipments. The small quantity generator has up to sixty calendar days from the start of the episodic event to manifest and send its dangerous waste generated from the episodic event to a designated facility as defined in WAC 173-303-040.

(j) Recordkeeping. Small quantity generators must maintain the following records for five years from the end date of the episodic event:

- (i) Beginning and end dates of the episodic event;
- (ii) A description of the episodic event;
- (iii) A description of the types and quantities of dangerous wastes generated during the event;
- (iv) A description of how the dangerous waste was managed as well as the name of the designated facility, as defined in WAC 173-303-040, that received the dangerous waste;
- (v) Name(s) of dangerous waste transporters; and
- (vi) An approval letter from the department if the generator petitioned to conduct one additional episodic event per calendar year.

(4) Conditions for medium quantity generators. A medium quantity generator may maintain its existing generator category for dangerous waste generated during an episodic event provided that the generator complies with all the following conditions:

(a) Number of events. The medium quantity generator is limited to one episodic event per calendar year, unless a petition is granted under subsection (5) of this section.

(b) Notification. The medium quantity generator must notify the Department's Hazardous Waste & Toxics Reduction Program's applicable regional office no later than thirty calendar days prior to initiating a planned episodic event using and completing a Washington State Dangerous Waste Site Identification Form, according to the directions on that form. In the event of an unplanned episodic event, the generator must notify the Department's Hazardous Waste & Toxics Reduction Program's appropriate regional office within sev-

enty-two hours of the unplanned event via email or fax and subsequently submit to the department within thirty days of the notification a completed Washington State Dangerous Waste Site Identification Form, according to the directions on that form. The generator shall include the start date and end date of the episodic event, the reason(s) for the event, types and estimated quantities of dangerous waste expected to be generated as a result of the episodic event, and shall identify a facility contact and emergency coordinator with twenty-four-hour telephone access to discuss the notification submittal or respond to any emergency in compliance with WAC 173-303-172 (12)(a) and 173-303-145(3).

(c) EPA/state identification number. The medium quantity generator must have an EPA/state identification number or obtain an identification number using and completing a Washington State Dangerous Waste Site Identification Form.

(d) Annual report. The medium quantity generator must submit an annual report in accordance with WAC 173-303-220 covering all dangerous waste generated during the calendar year of the episodic event.

(e) Pollution prevention. Dangerous waste generated from an episodic event is subject to pollution prevention planning and fees as required in chapters 173-307 and 173-305 WAC, respectively.

(f) Accumulation. A medium quantity generator is prohibited from accumulating dangerous waste generated from an episodic event on drip pads and in containment buildings. The accumulating of dangerous waste generated from an episodic event shall only occur in containers or tanks and the generator comply with the following:

(i) Containers. The medium quantity generator accumulating episodic dangerous waste in containers must meet the standards in WAC 173-303-172(5) and must mark or label its containers as follows:

(A) With the date upon which the episodic event began, clearly visible for inspection on each container.

(B) With the words "Episodic Dangerous Waste" or "Episodic Hazardous Waste" where the label or marking is legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(C) With an indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic). The indication label or marking must be:

(I) Legible and recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(II) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the containers for the public, emergency response personnel, and employees.

(ii) Tanks. The medium quantity generator accumulating episodic dangerous waste in tanks must meet the standards in WAC 173-303-172(6) and must do the following:

(A) Clearly mark or label its tanks with the words "Episodic Dangerous Waste" or "Episodic Hazardous Waste" where the label or marking is legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(B) Clearly mark or label its tanks with an indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic). The indication label or marking must be:

(I) Legible and recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(II) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the tanks for the public, emergency response personnel, and employees.

(C) Use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends.

(D) Keep inventory logs or records with the above information on site and readily available for inspection upon request.

(g) The medium quantity generator must treat dangerous waste generated from an episodic event on site or manifest and ship such dangerous waste off site to a designated facility (as defined by WAC 173-303-040) within sixty calendar days from the start of the episodic event.

(h) Recordkeeping. The medium quantity generator must maintain the following records for five years from the end date of the episodic event:

- (i) Beginning and end dates of the episodic event;
- (ii) A description of the episodic event;
- (iii) A description of the types and quantities of dangerous wastes generated during the event;
- (iv) A description of how the dangerous waste was managed as well as the name of the designated facility, as defined in WAC 173-303-040, that received the dangerous waste;
- (v) Name(s) of dangerous waste transporters; and
- (vi) An approval letter from the department if the generator petitioned to conduct one additional episodic event per calendar year.

(5) Petition to manage one additional episodic event per calendar year.

(a) A generator may petition the department for a second episodic event in a calendar year without impacting its generator category under the following conditions:

(i) If a small quantity generator or a medium quantity generator has already held a planned episodic event in a calendar year, the generator may petition the department for an additional unplanned episodic event in that calendar year within seventy-two hours of the unplanned event.

(ii) If a small quantity generator or medium quantity generator has already held an unplanned episodic event in a calendar year, the generator may petition the department for an additional planned episodic event in that calendar year.

(b) The petition must include the following:

- (i) The reason(s) why an additional episodic event is needed and the nature of the episodic event;
- (ii) The estimated amount and type(s) of dangerous waste to be managed from the event;
- (iii) How the dangerous waste is to be managed;
- (iv) The estimated length of time needed to complete management of the dangerous waste generated from the episodic event not to exceed sixty days; and

(v) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

(c) The petition must be sent to the Department's Hazardous Waste & Toxics Reduction Program's appropriate regional office for review and approval.

NEW SECTION

WAC 173-303-174 Satellite accumulation area regulations for medium quantity generators and large quantity generators.

(1) A generator may accumulate as much as fifty-five gallons of dangerous waste or either one quart of liquid acutely hazardous waste or 2.2 lbs. of solid acutely hazardous waste (as defined in WAC 173-303-040) in containers at or near any point of generation where waste initially accumulates (defined as a satellite accumulation area in WAC 173-303-040). The satellite accumulation area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes to a satellite container. A generator may accumulate waste without a permit, or without complying with WAC 173-303-400, 173-303-600, 173-303-692, and 173-303-800, provided that all the conditions for exemption in this section are met. A generator may comply with the conditions for exemption in this section instead of complying with the conditions for exemption in WAC 173-303-172 and 173-303-200, except as required by (h) and (i) of this subsection. The conditions for exemption for satellite accumulation are:

(a) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe corroding or rusting or flaking or scaling, and/or apparent structural defects) or if it begins to leak, the generator must transfer the dangerous waste to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated in compliance with WAC 173-303-172 or 173-303-200, as applicable. In addition, the owner or operator must address leaks and spills in accordance with the applicable provisions of WAC 173-303-145 and 173-303-360.

(b) Compatibility of waste with containers. The generator 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.

(c) Management of containers.

(i) A container holding dangerous waste must be closed at all times, except:

(A) When it is necessary to add or remove waste; or

(B) When temporary venting of a container is necessary, such as:

(I) For the proper operation of equipment; or

(II) To prevent dangerous situations, such as build-up of extreme pressure.

(ii) 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.

(d) Special requirements for ignitable or reactive waste. Containers holding reactive waste exhibiting a characteristic

specified in WAC 173-303-090 (7)(a)(vi) through (viii) must be stored in a manner equivalent to the separation distances for storage of explosives in the International Fire Code, 2015 edition, or the version adopted by the local fire district.

(e) Special requirements for incompatible wastes.

(i) 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.

(ii) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(iii) 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 must be separate.

(f) Container labeling or marking. A generator must clearly label or mark each container of dangerous waste with the following:

(i) The words "Dangerous Waste" or "Hazardous Waste." Except for containers one gallon (or four liters) and under, the lettering must be legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes). The label or marking must be:

(A) Legible and/or recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(B) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the containers for the public, emergency response personnel, and employees; for containers one gallon (or four liters) and under the label, marking or lettering can be appropriate for the size of the container.

(g) Accumulation limits. When the accumulation limits listed in this subsection are met:

(i) The container(s) must be marked immediately with the accumulation start date; and

(ii) Moved within three consecutive calendar days to a permitted on-site designated storage area or an on-site central accumulation area or to a permitted off-site designated facility; and

(iii) During the three consecutive calendar day period the generator must continue to comply with all the conditions for exemption for satellite accumulation in this section.

(h) All satellite accumulation areas operated by medium quantity generators must meet the preparedness and prevention regulations and the emergency procedures in WAC 173-303-172.

(i) All satellite accumulation areas operated by large quantity generators must meet the preparedness, prevention and contingency regulations and emergency procedures in WAC 173-303-201.

(2) On a case-by-case basis the department may require the satellite accumulation area to be managed in accordance with all or some of the requirements under WAC 173-303-172 or 173-303-200 and secondary containment requirements of WAC 173-303-630(7), if the nature of the wastes being accumulated, a history of spills or releases from accumulated containers, or other factors are determined by the department to be a threat or potential threat to human health or the environment.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-180 Manifest. A generator who transports, or offers for transport a dangerous waste for off-site treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected dangerous waste load, must follow all applicable procedures described in this section.

(1) Form and contents of dangerous waste manifests. 40 C.F.R. Part 262 Appendix - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions) is incorporated by reference. The manifest must be EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. The manifest must be prepared in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 C.F.R. Part 262.

(a) A generator must designate on the manifest one facility that is permitted to handle the waste described on the manifest.

(b) A generator may also designate on the manifest one alternate facility that is permitted to handle ~~((his or her))~~ their waste in the event an emergency prevents delivery of the waste to a primary designated facility.

(c) If the transporter is unable to deliver the dangerous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.

(2) The manifest must consist of enough copies to provide the generator, each transporter, and the designated facility owner/operator with a copy for their records, and another copy to be returned to the generator.

(3) Manifest procedures.

(a) The generator must:

(i) Sign and date the manifest certification by hand;

(ii) Obtain the handwritten 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 must 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.

(e) For shipments of federally regulated hazardous waste to a designated facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.

(f) For rejected shipments of dangerous waste or container residues contained in nonempty containers that are returned to the generator by the designated facility (following the procedures of WAC 173-303-370 (5)(f)), the generator must:

(i) Sign either:

(A) Item 20 of the new manifest if a new manifest is used for the returned shipment; or

(B) Item 18c of the original manifest if the original manifest is used for the returned shipment.

(ii) Provide the transporter a copy of the manifest;

(iii) Within thirty days of delivery of the rejected shipment or container residues contained in nonempty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and

(iv) Retain at the generator's site a copy of each manifest for at least three years from the date of delivery.

(4) Special requirements for shipments to the Washington EHW facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford must notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator must 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.

(5) The requirements of this section and WAC 173-303-190(2) do not apply to the transport of dangerous wastes on a public or private right of way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right of way: Provided, That ecology has approved an alternative paper tracking system that serves the purpose of a manifest. Notwithstanding WAC 173-303-240(2), the generator or transporter must comply with the requirements for transporters set forth in WAC 173-303-270 and 173-303-145 in the event of a discharge of dangerous waste on a public or private right of way.

(6) Special instructions for state-only dangerous waste that designates only by the criteria under WAC 173-303-100

and is not regulated as a hazardous waste under 40 C.F.R. Part 261 or as a hazardous material under the 49 C.F.R. hazardous material regulations. For purposes of completing the uniform hazardous waste manifest, Item 9b, and Item 28 if continuation sheet 8700-22A is used, or to describe a state-only dangerous waste on a shipping paper, the shipping description must include the following in sequence with no additional information interspersed:

(a) Material Not Regulated by DOT;

(b) Washington State Dangerous Waste Only followed by the appropriate criteria designation of the waste that is either toxic, persistent, solid corrosive or a combination of these entered in parentheses;

(c) Shipping description examples: Material Not Regulated by DOT (Washington State Dangerous Waste Only, Toxic); Material Not Regulated by DOT (Washington State Dangerous Waste Only, Toxic, Persistent); Material Not Regulated by DOT (Washington State Dangerous Waste Only, Solid Corrosive).

(7) Manifest tracking numbers, manifest printing, and obtaining manifests.

(a) 40 C.F.R. 262.21 (a) through (f) and (h) through (m) is incorporated by reference. EPA requirements for printing manifests for use or distribution are included in this section.

(b) A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under paragraphs (c) and (e) of 40 C.F.R. 262.21. A registered source may be a:

(i) State agency;

(ii) Commercial printer;

(iii) Dangerous waste generator, transporter or TSDf; or

(iv) Dangerous waste broker or other preparer who prepares or arranges shipments of dangerous waste for transportation.

(c) A generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under these states' authorized programs. Generators also must determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.

(8) Waste minimization certification. A generator who initiates a shipment of dangerous waste must certify to one of the following statements in Item 15 of the uniform hazardous waste manifest:

(a) "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment"; or

(b) "I am a medium quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford." Note that a Washington state medium quantity generator regulated under WAC ((173-303-202))

173-303-172 is the type of generator referred to where the manifest states "(b) if I am a small quantity generator", due to the different term used by EPA.

(9) Use of electronic manifest. In lieu of using the manifest form specified in subsection (1) of this section, a person may prepare and use an electronic manifest, provided that the person:

(a) Complies with the requirements of 40 C.F.R. Part 3.10 for the reporting of electronic documents to EPA; and

(b) Complies with the requirements in subsections (10) and (11) of this section.

(10) Legal equivalence to paper manifests.

(a) Electronic manifests that are obtained, completed, and transmitted in accordance with subsection (9) of this section and used in accordance with this section are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in this section to obtain, complete, sign, provide, use or retain a manifest.

(i) Any requirement in this section to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of subsection (11) of this section.

(ii) Any requirement in this section to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the e-Manifest system.

(iii) Any requirement in this section for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-Manifest system, provided that such copies are readily available for viewing and production upon request.

(iv) A generator may not be held liable for the inability to produce an electronic manifest for inspection under this section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.

(b) A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the dangerous waste shipment from the generator for off-site transportation.

(c) Restriction on use of electronic manifests. A generator may prepare an electronic manifest for the tracking of dangerous waste shipments involving any dangerous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the electronic manifest system.

(d) Requirement for one printed copy. To the extent the hazardous materials regulation on shipping papers for carriage by public highway requires shippers of hazardous material to supply a paper document for compliance with 49 C.F.R. Part 177.817, a generator originating an electronic manifest must also provide the initial transporter with one printed copy of the electronic manifest. In addition, the one printed copy of the electronic manifest must provide the

information required in subsection (6) of this section for state-only dangerous waste that designates only by the criteria under WAC 173-303-100 and as state listed WPCB and WSC2.

(e) Special procedures when electronic manifest is unavailable. If a generator has prepared an electronic manifest for a dangerous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the dangerous waste from the generator, then the generator must obtain and complete a paper manifest (EPA form 8700-22) and if necessary, a continuation sheet (EPA form 8700-22A) in accordance with the manifest instructions and comply with subsections (1) through (8) of this section from this point forward.

(f) Special procedures for electronic signature methods undergoing tests. If a generator has prepared an electronic manifest for a dangerous waste shipment, and signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of this signature method, then the generator shall also sign with an ink signature the generator/offeror certification on the printed copy of the manifest provided under (d) of this subsection.

(g) Imposition of user fee. A generator who is a user of the electronic manifest may be assessed a user fee by EPA for the origination of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees will be published by EPA as an appendix to 40 C.F.R. Part 262.

(11) Electronic manifest signatures. Electronic signature methods for the e-Manifest system shall:

(a) Be a legally valid and enforceable signature applicable under state, EPA and other federal requirements pertaining to electronic signatures; and

(b) Be a method that is designed and implemented in a manner that EPA considers to be as cost-effective and practical as possible for the users of the manifest.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-190 Preparing dangerous waste for transport. The generator must fulfill the following requirements before transporting off-site or offering for off-site transport any dangerous waste.

(1) Packaging. The generator must package all dangerous waste for transport in accordance with United States DOT regulations on packaging, 49 C.F.R. Parts 173, 178, and 179.

(2) Labeling. The generator must label each package in accordance with United States DOT regulations, 49 C.F.R. Part 172.

(3) Marking. The generator must:

(a) Mark each package of dangerous waste in accordance with the applicable United States DOT regulations on hazardous materials under 49 C.F.R. Part 172; and

(b) Mark each container of one hundred nineteen gallons or less of dangerous waste used in such transportation with the following, or equivalent words and information in accordance with 49 C.F.R. 172.304:

HAZARDOUS 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

.....
.....
.....

Generator's EPA Identification Number

Manifest Tracking Number

Dangerous Waste Number(s)

.....

(4) Placarding. The generator must placard, or offer the initial transporter the appropriate placards according to United States DOT regulations for hazardous materials under 49 C.F.R. Part 172, Subpart F.

(5) State-only dangerous waste that is not regulated as a hazardous waste under 40 C.F.R. Part 261 or as a hazardous material under 49 C.F.R. must fulfill the following requirements before transport:

(a) Package in a nonleaking, nonsievable container or in a package that is equivalent to the manufacturing and testing specifications for packagings and containers of 49 C.F.R. Parts 173, 178 and 179.

(b) Mark each package containing one thousand gallons or less with the following:

(i) Washington State Dangerous Waste-State law prohibits improper disposal. If found, contact the nearest police or public safety authority, and the Washington State Department of Ecology. The generator's name and address and manifest number must also be included; and

(ii) The state shipping description as described in WAC 173-303-180(6).

(c) Use of any other markings for a state-only dangerous waste is prohibited.

(6) State-only dangerous waste that is also regulated as a hazardous material under 49 C.F.R. must be packaged, labeled and marked in accordance with WAC 173-303-190 (1), (2), (3) and (5)(b)(i).

(7) A generator may use a nationally recognized electronic system, such as bar coding, to identify the dangerous waste number(s) as required in subsections (3)(b) and (8) of this section.

(8) Lab packs that will be incinerated in compliance with 40 C.F.R. Part 268.42(c) as incorporated by reference in WAC 173-303-140(2) are not required to be marked with dangerous waste number(s), except D004, D005, D006, D007, D008, D010, and D011, where applicable.

(9) Liquids in landfills prohibition. The placement of bulk or noncontainerized liquid dangerous waste or dangerous waste containing free liquids (whether or not sorbents

have been added) in any landfill is prohibited. Prior to disposal liquids must meet additional requirements of WAC 173-303-140 (4)(b).

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-200 ((Accumulating) Conditions for exemption for a large quantity generator that accumulates dangerous waste ((on-site)). ~~((1) A generator, not to include transporters as referenced in WAC 173-303-240(2), may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:~~

~~(a) 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 or recycled or treated on-site in ninety days or less. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless he has been granted an extension to the ninety day period allowed pursuant to this subsection;~~

~~(b) The waste is placed:~~

~~(i) In containers and the generator complies with WAC 173-303-630 (2), (3), (4), (5), (6), (8), (9), (10), and 40 C.F.R. Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a). For container accumulation (including satellite areas as described in subsection (2) of this section), the department may require that the accumulation area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, or due to a history of spills or releases from accumulated containers. In addition, any new container accumulation areas (but not including new satellite areas, unless required by the department) constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7); and/or~~

~~(ii) In tanks and the generator complies with 40 C.F.R. Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a) and 173-303-640 (2) through (10), except WAC 173-303-640 (8)(e) and the second sentence of WAC 173-303-640 (8)(a). (Note: A generator, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section.) Such a generator is exempt from the requirements of WAC 173-303-620 and 173-303-610, except for WAC 173-303-610 (2) and (5); and/or~~

~~(iii) On drip pads and the generator complies with WAC 173-303-675 and maintains the following records at the facility:~~

~~(A) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and~~

(B) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

(iv) In containment buildings and the generator complies with 40 C.F.R. Part 265 Subpart DD, which is incorporated by reference, and the generator has placed its independent qualified registered professional engineer certification that the building complies with the design standards specified in 40 C.F.R. 265.1101 in the facility's operating record no later than sixty days after the date of initial operation of the unit. Where subpart G and H are referenced in 40 C.F.R. 265.1102, replace them with WAC 173-303-610 and 173-303-620. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator must maintain the following records at the facility:

(A) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the ninety-day limit, and documentation that the procedures are complied with; or

(B) Documentation that the unit is emptied at least once every ninety days;

(c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public (note: If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate). The department may also require that a sign be posted at each entrance to the accumulation area, bearing the legend, "danger—unauthorized personnel keep out," or an equivalent legend, written in English, and legible from a distance of twenty-five feet or more; and

(e) The generator complies with the requirements for facility operators contained in:

(i) WAC 173-303-330 through 173-303-360 (personnel training, preparedness and prevention, contingency plan and emergency procedures, and emergencies) except for WAC 173-303-335 (Construction quality assurance program) and WAC 173-303-355 (SARA Title III coordination); and

(ii) WAC 173-303-320 (1), (2)(a), (b), (d), and (3) (general inspection); and

(f) The generator complies with all applicable requirements under 40 C.F.R. Part 268.

(g) In addition, such a generator is exempt from all the requirements in WAC 173-303-610 and 173-303-620, except for WAC 173-303-610 (2) and (5).

(2) Satellite accumulation.

(a) A generator may accumulate as much as fifty-five gallons of dangerous waste or one quart of acutely hazardous waste (as defined in WAC 173-303-040) in containers at or near any point of generation where waste initially accumulates (defined as a satellite accumulation area in WAC 173-

303-040). The satellite area must be under the control of the operator of the process generating the waste or secured at all times to prevent improper additions of wastes to a satellite container. Satellite accumulation is allowed without a permit provided the generator:

(i) Complies with WAC 173-303-630 (2), (4), (5) (a) and (b), (8)(a), and (9) (a) and (b); and

(ii) Complies with subsection (1)(d) of this section.

(b) When fifty-five gallons of dangerous waste or one quart of acutely hazardous waste (as defined in WAC 173-303-040) is accumulated, the container(s) must be marked immediately with the accumulation date and moved within three days to a designated storage or accumulation area.

(c) On a case-by-case basis the department may require the satellite area to be managed in accordance with all or some of the requirements under subsection (1) of this section; if the nature of the wastes being accumulated, a history of spills or releases from accumulated containers, or other factors are determined by the department to be a threat or potential threat to human health or the environment.

(3) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste; or

(b) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the accumulation limit for such waste (or wastes); or

(c) Fifty-five gallons of dangerous waste or one quart of acutely hazardous waste (as defined in WAC 173-303-040) is accumulated in a satellite accumulation area.

(4)(a) A generator who generates 2200 pounds or greater of dangerous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the dangerous waste code F006, may accumulate F006 waste on-site for more than ninety days, but not more than one hundred eighty days without a permit or without having interim status provided that:

(i) The generator has implemented pollution prevention practices that reduce the amount of any dangerous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;

(ii) The F006 waste is legitimately recycled through metals recovery;

(iii) No more than 44,000 pounds of F006 waste is accumulated on-site at any one time; and

(iv) The F006 waste is managed in accordance with the following:

(A) The F006 waste is placed:

(I) In containers and the generator complies with the applicable requirements of WAC 173-303-630 (2), (3), (4), (5), (6), (8), (9), (10), and 40 C.F.R. Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a); and/or

(II) In tanks and the generator complies with the applicable requirements of 40 C.F.R. Part 265 Subparts AA, BB, and CC incorporated by reference at WAC 173-303-400 (3)(a) and 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a); and/or

(III) In containment buildings and the generator complies with subpart DD of 40 C.F.R. Part 265 which is incor-

porated by reference at WAC 173-303-400(3), and has placed its independent qualified registered professional engineer certification that the building complies with the design standards specified in 40 C.F.R. 265.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:

- A written description of procedures to ensure that the F006 waste remains in the unit for no more than one hundred eighty days, a written description of the waste generation and management practices for the facility showing that they are consistent with the one hundred eighty day limit, and documentation that the generator is complying with the procedures; or

- Documentation that the unit is emptied at least once every one hundred eighty days.

(B) In addition, such a generator is exempt from all the requirements in subparts G and H of 40 C.F.R. Part 265, except for 265.111 and 265.114 which are incorporated by reference at WAC 173-303-400(3).

(C) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(D) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Dangerous Waste"; and

(E) The generator complies with the requirements for owners or operators in WAC 173-303-330, 173-303-340, and 173-303-350, and with 40 C.F.R. 268.7 (a)(5) which is incorporated by reference at WAC 173-303-140 (2)(a).

(b) A generator who generates 2200 pounds or greater of dangerous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the dangerous waste code F006, and who must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than ninety days, but not more than two hundred seventy days without a permit or without having interim status if the generator complies with the requirements of (a)(i) through (iv) of this subsection.

(c) A generator accumulating F006 in accordance with (a) and (b) of this subsection who accumulates F006 waste on-site for more than one hundred eighty days (or for more than two hundred seventy days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than 44,000 pounds of F006 waste on-site is an operator of a storage facility and is subject to the facility and permit requirements of this chapter unless the generator has been granted an extension to the one hundred eighty day (or two hundred seventy day if applicable) period or an exception to the 44,000 pound accumulation limit. Such extensions and exceptions may be granted by the department if F006 waste must remain on-site for longer than one hundred eighty days (or two hundred seventy days if applicable) or if more than 44,000 pounds of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days or an exception to the accumulation limit may be granted at the discretion of the department on a case-by-case basis.

(5) A generator who sends a shipment of dangerous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of WAC 173-303-370(5) may accumulate the returned waste on-site in accordance with subsection (1) of this section or WAC 173-303-201, depending on the amount of dangerous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:

(a) Sign Item 18e of the manifest, if the transporter returned the shipment using the original manifest; or

(b) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.) Large quantity generators, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on site without a permit or interim status, and without complying with the requirements of WAC 173-303-600 provided that all of the following conditions for exemption listed in this section are met.

(1) Off-site shipments. All dangerous 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 or recycled or treated on site in ninety days or less. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless they have been granted an extension to the ninety-day period allowed pursuant to subsection (2) of this section;

(2) Accumulation time limit.

(a) The generator accumulates dangerous waste on site for no more than ninety days unless;

(i) The department has granted a maximum thirty-day extension to this ninety-day period. The department may, on a case-by-case basis, grant a maximum thirty-day extension to this ninety-day period if dangerous waste must remain on site due to unforeseen, temporary and uncontrollable circumstances; or

(ii) The F006 accumulation conditions for exemption in subsection (13) of this section are met.

(b) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(i) The generator first generates a dangerous waste; or

(ii) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the accumulation limit for such waste (or wastes); or

(iii) The generator exceeds its satellite accumulation limits prescribed in WAC 173-303-174(1).

(3) Accumulation of waste in containers.

(a) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe corroding or rusting or flaking or scaling, and/or apparent structural defects) or if it begins to leak or is leaking, the generator must transfer the dangerous waste from this container to a container that is in good condition and does not leak and continue to manage that container and waste in compliance with the conditions for exemption in this section. In addition, the owner or operator must address leaks and spills in accordance

with the applicable provisions of WAC 173-303-145 and 173-303-360.

(b) Compatibility of waste with container. The generator 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.

(c) Management of containers.

(i) A container holding dangerous waste must be closed at all times, except when it is necessary to add or remove waste.

(ii) 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.

(iii) A minimum thirty-inch aisle space separation is required between rows of containers. A row of containers must be no more than two wide and allow for unobstructed inspection of each container.

(d) Inspections. The generator must conduct "weekly inspections," as defined in WAC 173-303-040, of each central accumulation area looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors. The generator must keep a written or electronic inspection log including at least the date and time of the inspection, the printed name and the handwritten or electronic signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection. See subsection (5)(a) of this section for remedial action required if deterioration or leaks are detected.

(e) Secondary containment. For container accumulation the department requires that the central accumulation area(s) must include secondary containment in accordance with WAC 173-303-630(7).

(f) Special requirements for ignitable or reactive waste.

(i) Containers holding reactive waste exhibiting a characteristic specified in WAC 173-303-090 (7)(a)(vi), (vii) or (viii) must be stored in a manner equivalent to the separation distance for storage of explosives in the International Fire Code, 2015 edition, or the version adopted by the local fire district.

(ii) The generator must design, operate, and maintain ignitable waste and reactive waste (other than a reactive waste which must meet (f)(i) of this subsection) container storage in a manner equivalent with the International Fire Code. Where no specific standard or requirements are specified in the International Fire Code, or in existing state or local fire codes, applicable sections of NFPA 30 "Flammable and Combustible Liquids Code," must be used. The generator must also comply with the requirements of WAC 173-303-395 (1)(d).

(iii) The generator 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, the following: Frictional heat, sparks (static, electrical, or mechanical), and radiant heat. While ignitable or reactive waste is being handled, the generator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be

conspicuously place wherever there is a hazard from ignitable or reactive waste.

(g) Special requirements for incompatible wastes.

(i) Incompatible waste, or incompatible wastes and materials must not be placed in the same container, unless WAC 173-303-395 (1)(b) is complied with.

(ii) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(iii) 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 must be separate.

(h) Closure.

(i) At closure, all dangerous waste and dangerous waste residues must be removed from the containment system. Remaining containers, liners, base, and soil containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

(ii) In addition, such a generator is exempt from all the requirements in WAC 173-303-610 and 173-303-620, except for WAC 173-303-610 (2) and (5).

(i) Air emission standards. The generator must comply with the applicable requirements of 40 C.F.R. Part 265, Subparts AA, BB, and CC incorporated by reference in WAC 173-303-400 (3)(a).

(4) Accumulation of dangerous waste in tanks. The generator must comply with:

(a) Applicable air emission standards of 40 C.F.R. Part 265, Subparts AA, BB, and CC incorporated by reference in WAC 173-303-400 (3)(a); and

(b) Tank standards of WAC 173-303-640 (2) through (10), except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a). (Note: A generator, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility of their tank system to satisfy the requirement of this section.) Such a generator is exempt from the requirements of WAC 173-303-620 and 173-303-610, except for WAC 173-303-610 (2) and (5).

(5) Accumulation of dangerous waste on drip pads. If the waste is placed on drip pads, the generator must comply with the following:

(a) WAC 173-303-675; and

(b) Remove all wastes from the drip pad and associated collection systems at least once every ninety days; and

(c) Waste removed from drip pads and associated collection systems must be sent immediately to:

(i) An off-site designated facility; or

(ii) An on-site permitted facility; or

(iii) To an on-site central accumulation area where the waste is managed in compliance with the on-site central accumulation area regulations in this section for the remainder of the ninety-day accumulation time limit for large quantity generators. (Example: A generator removes waste from the drip pad at fifty days, and the generator is then allowed to

further accumulate that waste in its central accumulation area for up to an additional forty days.;

(d) Maintain the following records on site and readily available for inspection:

(i) The original start date waste was first placed on, or began to accumulate on, the drip pad;

(ii) A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection systems at least once every ninety days; and

(iii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(6) Accumulation of waste in containment buildings. If the waste is placed in containment buildings, the generator must comply with the following:

(a) 40 C.F.R. Part 265, Subpart DD, which is incorporated by reference; and

(b) Labeling.

(i) The generator must label its containment building with the words "Dangerous Waste" or "Hazardous Waste" in a conspicuous place easily visible and legible to employees, visitors, emergency responders, waste handlers, or other persons on site. The label must be visible and legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(ii) The generator must also, in a conspicuous place easily visible and legible to employees, visitors, emergency responders, waste handlers, or other persons on site, provide its containment building with an indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous waste). The indication must be:

(A) Legible and/or recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(B) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents.

(c) The generator must also maintain the following records at the facility:

(i) The independent qualified registered professional engineer certification that the building complies with the design standards specified in 40 C.F.R. 265.1101 in the facility's operating record no later than sixty days after the date of initial operation of the unit. Where Subpart G and H are referenced in 40 C.F.R. 265.1102, replace them with WAC 173-303-610 and 173-303-620. After February 18, 1993, PE certification will be required prior to operation of the unit.

(ii) A written description of procedures to ensure that each waste volume remains in the unit for no more than ninety days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the ninety-day limit, and documentation that the procedures are complied with; or

(iii) Documentation that the unit is emptied at least once every ninety days.

(iv) Inventory logs or records with the above information must be maintained on site and readily available for inspection.

(7) Labeling and marking of containers and tanks.

(a) A generator must clearly mark or label its containers as follows:

(i) With the date upon which each period of accumulation begins is marked and clearly visible for inspection on each container.

(ii) With the words "Dangerous Waste" or "Hazardous Waste." Except for containers one gallon (or four liters) and under, the lettering must be legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(iii) With an indication of the hazards of the contents (examples include, but are not limited to, applicable dangerous waste characteristic(s) or criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes). The label or marking must be:

(A) Legible and/or recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(B) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the containers for the public, emergency response personnel, and employees; for containers one gallon (or four liters) and under the label, marking or lettering can be appropriate for the size of the container.

(b) Generators accumulating dangerous waste in tanks must do the following:

(i) Clearly mark or label its tanks with the words "Dangerous Waste" or "Hazardous Waste" where the label or marking is legible from a distance of fifty feet. For underground tank systems, the marking or labels must either be placed on aboveground postings at each underground tank system or at each entrance to the active portion (area where the underground tank/tank system is located).

(ii) Clearly mark or label its tanks with an indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes). For underground tank systems, the hazardous marking or labels must either be placed on aboveground postings at each underground tank system or at each entrance to the active portion (area where the underground tank/tank system is located). The label or marking must be:

(A) Legible and/or recognizable from a distance of at least fifty feet.

(B) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the tanks for the public, emergency response personnel, and employees.

(iii) Use inventory logs, monitoring equipment, or other records to demonstrate that dangerous waste has been emptied within ninety days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of dangerous waste entering the tank daily exit the tank within ninety days of first entering.

(iv) Keep inventory logs or records with the above information on site and readily available for inspection.

(c) The department may also require that a sign be posted at each entrance to the accumulation area, bearing the legend, "danger - unauthorized personnel keep out," or an equivalent legend, written in English, and legible from a distance twenty-five feet or more.

(8) Emergency procedures. The generator complies with the standards of WAC 173-303-201.

(9) Personnel training.

(a) Training program. The generator must 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, must teach facility personnel dangerous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed, must ensure that facility personnel are able to respond effectively to emergencies, and must include those elements set forth in the training plan required in (b) of this subsection. In addition:

(i) The training program must 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;

(ii) Facility personnel must participate in an annual review of the training provided in the training program;

(iii) This program must be successfully completed by the facility personnel:

(A) Within six months after these regulations become effective; or

(B) Within six months after their employment at or assignment to the facility, or to a new position at the facility, whichever is later.

(iv) Employees hired after the effective date of these regulations must be supervised until they complete the training program; and

(v) At a minimum, the training program must familiarize facility personnel with emergency equipment and systems, and emergency procedures. The program must include other parameters as set forth by the department, but at a minimum must include, where applicable:

(A) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(B) Key parameters for automatic waste feed cut-off systems;

(C) Communications or alarm systems;

(D) Response to fires or explosions;

(E) Response to ground-water contamination incidents; and

(F) Shutdown of operations.

(b) Written training plan. The generator must develop a written training plan which must be kept at the facility and which must include the following documents and records:

(i) 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;

(ii) A written description of the type and amount of both introductory and continuing training required for each position; and

(iii) Records documenting that facility personnel have received and completed the training required by this section. The department may require, on a case-by-case basis, that training records include employee initials or signature to verify that training was received.

(c) 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.

(10) General inspections.

(a) The generator must inspect the 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 generator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(b) The generator must 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:

(i) The schedule must be kept at the facility;

(ii) The schedule must identify the types of problems which are to be looked for during inspections;

(iii) The generator must keep a written or electronic inspection log or summary, including at least the date and time of the inspection, the printed name and the handwritten or electronic signature of the inspector, a notation of the observations made, an account of spills or discharges in accordance with WAC 173-303-145, 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 five years from the date of inspection.

(c) The generator must 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.

(11) Land disposal restrictions. The generator complies with all applicable requirements under 40 C.F.R. 268.

(12) Closure. A generator accumulating dangerous waste in containers, tanks, drip pads and containment buildings, prior to closing a unit at the facility, or prior to closing the facility, must meet the following conditions:

(a) Notification for closure of a waste accumulation unit. The generator must perform one of the following when closing a waste accumulation unit:

(i) Place a notice in the operating record within thirty days after closure identifying the location of the unit within the facility; or

(ii) Meet the closure performance standards of (c) of this subsection for container, tank, and containment building waste accumulation units or (d) of this subsection for drip pads and notify the department following the procedures of

(b)(ii) of this subsection for the waste accumulation unit. If the waste accumulation unit is subsequently reopened, the generator may remove the notice from the operating record.

(b) Notification of closure of the facility.

(i) Notify the department using the Washington State Dangerous Waste Site Identification Form no later than thirty days prior to closing the facility.

(ii) Notify the department using the Washington State Dangerous Waste Site Identification Form within ninety days after closing the facility that it has complied with the closure performance standards of (c) or (d) of this subsection, respectively. If the facility cannot meet the closure performance standards of (c) or (d) of this subsection, notify the department using the Washington State Dangerous Waste Site Identification Form that it will close as a landfill under WAC 173-303-665 in the case of a container, tank or containment building unit(s), or for a facility with drip pads, notify using the Washington State Dangerous Waste Site Identification Form that it will close under the drip pad standards of WAC 173-303-675.

(iii) A generator may request additional time to clean at closure (i.e., to meet the closure performance standards of (c) or (d) of this subsection, respectively), but it must notify the department using the Washington State Dangerous Waste Site Identification Form within seventy-five days after the date provided in (b)(i) of this subsection to request an extension and provide an explanation as to why the additional time is required.

(c) Closure performance standard for container, tank systems and containment building waste accumulation units. At closure the generator must close the accumulation unit or facility in a manner that:

(i)(A) Minimizes the need for further maintenance;

(B) Controls, minimizes or eliminates to the extent necessary to protect human health and the environment, post-closure escape of dangerous waste, dangerous waste constituents, leachate, contaminated runoff, or dangerous waste decomposition products to the ground, surface water, groundwater, or the atmosphere; and

(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.

(ii) Remove or decontaminate all contaminated equipment, bases, structures and soil and any remaining dangerous waste residues from waste accumulation units including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment. Such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed:

(A) For soils, groundwater, surface water, and air, the numeric cleanup levels calculated using unrestricted use exposure assumptions according to the Model Toxics Control Act regulations, chapter 173-340 WAC as of the effective date or hereafter amended. Primarily, these will be numeric cleanup levels calculated according to MTCA Method B, although MTCA Method A may be used as appropriate, see WAC 173-340-700 through 173-340-760, excluding WAC 173-340-745; and

(B) For all structures, equipment, bases, liners, etc., clean closure standards will be set by the department on a case-by-case basis in accordance with the closure performance standards of (c) of this subsection and in a manner that minimizes or eliminates post-closure escape of dangerous waste constituents.

(ii) Any dangerous waste and all contaminated equipment, structures and soils generated in the process of closing either the generator's facility or unit(s) accumulating dangerous waste must be managed in accordance with all applicable standards of this chapter, including removing any dangerous waste contained in these units within ninety days of generating it and managing these wastes in a permitted designated facility.

(iv) If the generator demonstrates that any contaminated soils, equipment, structures, and wastes cannot be practicably removed or decontaminated as required in (c)(i) of this subsection, then the waste accumulation unit is considered to be a landfill and the generator must close the waste accumulation unit and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (WAC 173-303-665). In addition, for the purposes of closure, post-closure, and financial responsibility, such a waste accumulation unit is then considered to be a landfill, and the generator must meet all of the requirements for landfills specified in WAC 173-303-665.

(d) Closure performance standards for drip pad waste accumulation units. At closure, the generator must comply with the closure requirements of (b), (c)(i) and (iii) of this subsection, and WAC 173-303-675.

(e) The closure requirements of this subsection do not apply to satellite accumulation areas.

(13) Accumulation of F006.

(a) A large quantity generator who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the dangerous waste code F006, may accumulate F006 waste on site for more than ninety days, but not more than one hundred eighty days without a permit or without having interim status provided that:

(i) The generator has implemented pollution prevention practices that reduce the amount of any dangerous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;

(ii) The F006 waste is legitimately recycled through metals recovery;

(iii) No more than 44,000 pounds of F006 waste is accumulated on site at any one time; and

(iv) The F006 waste is managed in accordance with the following:

(A) The F006 waste is placed:

(I) In containers and the generator complies with the applicable requirements of WAC 173-303-200(3), 173-303-690 through 173-303-692; and/or

(II) In tanks and the generator complies with the applicable requirements of WAC 173-303-690 through 173-303-692 and 173-303-200(4); and/or

(III) In containment buildings and the generator complies with Subpart DD of 40 C.F.R. Part 265 which is incorporated by reference at WAC 173-303-400(3), and has placed its independent qualified registered professional engineer

certification that the building complies with the design standards specified in 40 C.F.R. 265.1101 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:

- A written description of procedures to ensure that the F006 waste remains in the unit for no more than one hundred eighty days, a written description of the waste generation and management practices for the facility showing that they are consistent with the one hundred eighty-day limit, and documentation that the generator is complying with the procedures; or

- Documentation that the unit is emptied at least once every one hundred eighty days.

(B) In addition, such a generator is exempt from all the requirements in Subparts G and H of 40 C.F.R. Part 265, except for 265.111 and 265.114 which are incorporated by reference in WAC 173-303-400(3).

(C) Labeling and marking of containers and tanks. While being accumulated on site, each container and tank is clearly labeled or marked with:

(I) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;

(II) While being accumulated on site, each container and tank is labeled or marked clearly with the words "Dangerous Waste" or "Hazardous Waste." For containers the label or marking is legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height. For tanks the label or markings is legible from fifty feet. For underground tank systems, the label or markings, must either be placed on aboveground postings at each underground tank system or at each entrance to the active portion (area where the underground tank/tank system is located); and

(III) With an indication of the hazards of the contents (examples include, but are not limited to, applicable dangerous waste characteristic(s) or criteria of ignitable, corrosive, reactive and toxic). The label or marking must be:

- For containers, legible and/or recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

- For tanks, legible and/or recognizable from fifty feet.

- A descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the containers or tanks for the public, emergency response personnel, and employees.

(D) The generator complies with the requirements for owners or operators in WAC 173-303-200(9), 173-303-201 and with 40 C.F.R. 268.7(a)(5) which is incorporated by reference in WAC 173-303-140 (2)(a).

(b) F006 transportation over two hundred miles. A generator who generates 2,200 pounds or greater of dangerous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the dangerous waste code F006, and who must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more for off-site metals recovery, may accumulate F006 waste on site for more than ninety days, but not more than two hundred seventy days without a permit or without having interim sta-

tus if the generator complies with the requirements of (a)(i) through (iv) of this subsection.

(c) F006 accumulation time extension. A generator accumulating F006 in accordance with (a) and (b) of this subsection who accumulates F006 waste on site for more than one hundred eighty days (or for more than two hundred seventy days if the generator must transport this waste, or offer this waste for transportation, over a distance of two hundred miles or more), or who accumulates more than 44,000 pounds of F006 waste on site is an operator of a storage facility and is subject to the facility and permit requirements of this chapter unless the generator has been granted an extension to the one hundred eighty-day (or two hundred seventy-day, if applicable) period or an exception to the 44,000 pound accumulation limit. Such extensions and exceptions may be granted by the department if F006 waste must remain on site for longer than one hundred eighty days (or two hundred seventy days, if applicable) or if more than 44,000 pounds of F006 waste must remain on site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to thirty days or an exception to the accumulation limit may be granted at the discretion of the department on a case-by-case basis.

(14) Rejected load. A generator who sends a shipment of dangerous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of WAC 173-303-370(5) may accumulate the returned waste on site in accordance with subsections (1) through (12) of this section. Upon receipt of the returned shipment, the generator must:

(a) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

(b) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(15) Consolidation of dangerous waste received from small quantity generators. Large quantity generators may accumulate on-site dangerous waste received from small quantity generators under the control of the same person (as defined in WAC 173-303-040), without a storage permit or interim status and without complying with the final facility standards of WAC 173-303-600, provided that they comply with the following conditions:

(a) Definitions. The definition of "control" as it applies to this section is found in WAC 173-303-040.

(b)(i) The large quantity generator must notify the department using Washington State Dangerous Waste Identification Form according to the instructions on the form at least thirty days prior to receiving the first shipment from a small quantity generator(s); and

(ii) Identifies on the form the name(s) and site address(es) for the small quantity generator(s) as well as the name and business telephone number for a contact person for the small quantity generator(s); and

(iii) Submits an updated Washington State Dangerous Waste Identification Form according to the instructions on the form within thirty days after a change in the name or site address for the small quantity generator.

(c) The large quantity generator maintains records of shipments for five years from the date the dangerous waste was received from the small quantity generator. These records must identify the name, site address, and contact information for the small quantity generator and include a description of the dangerous waste received, including the quantity and the date the waste was received.

(d) The large quantity generator complies with the independent requirements identified in WAC 173-303-170 (2)(a)(iii) and the conditions for exemption in this section.

(e) For the purpose of complying with the labeling and marking regulations in subsection (7) of this section, the large quantity generator must label the container or unit with the date accumulation started (i.e., the date the dangerous waste was received from the small quantity generator). If the large quantity generator consolidates incoming dangerous waste from a small quantity generator with either its own dangerous waste or with dangerous waste from other small quantity generators, the large quantity generator must label each container or unit with the earliest date any dangerous waste in the container was accumulated on site.

AMENDATORY SECTION (Amending WSR 04-24-065, filed 11/30/04, effective 1/1/05)

WAC 173-303-201 ((Special accumulation standards-)) Preparedness, prevention, emergency procedures and contingency plans for large quantity generators. ((1) This section applies to persons who generate more than 220 pounds but less than 2200 pounds per calendar month and do not accumulate on-site more than 2200 pounds of dangerous waste. The special provisions of this section do not apply to acutely hazardous wastes or Toxic EHW (WT01) that exceed the QEL that are being generated or accumulated by the generator.

(2) For purposes of accumulating dangerous waste on-site, persons who generate no more than 2200 pounds per month or who accumulate on-site no more than 2200 pounds of dangerous waste at any one time are subject to all applicable provisions of WAC 173-303-200 except as follows:

(a) In lieu of the ninety day accumulation period, dangerous wastes may be accumulated for one hundred eighty days or less. The department may, on a case-by-case basis, grant a maximum ninety day extension to this one hundred eighty day period if the generator must transport his waste, or offer his waste for transportation, over a distance of two hundred miles or more for offsite treatment, storage, or disposal, and the dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances;

(b) The generator need not comply with WAC 173-303-330 (Personnel training);-

(c) In lieu of the contingency plan and emergency procedures required by WAC 173-303-350 and 173-303-360, the generator must comply with the following:

(i) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in (c)(iv) of this subsection. This employee is the emergency coordinator.

(ii) The generator must post the following information next to all emergency communication devices (including telephones, two-way radios, etc.):

(A) The name and telephone number of the emergency coordinator;

(B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and

(C) The telephone number of the fire department, unless the facility has a direct alarm.

(iii) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

(iv) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:

(A) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;

(B) In the event of a spill, contain the flow of dangerous waste to the extent possible, and as soon as is practicable, clean up the dangerous waste and any contaminated materials or soil;

(C) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached waters of the state, the generator must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their twenty four hour toll free number 800/424-8802). The report must include the following information:

(I) The name, address, and EPA/state identification number of the generator;

(II) Date, time, and type of incident (e.g., spill or fire);

(III) Quantity and type of hazardous waste involved in the incident;

(IV) Extent of injuries, if any; and

(V) Estimated quantity and disposition of recovered materials, if any;

(d) For waste that is placed in tanks, generators must comply with WAC 173-303-202 in lieu of WAC 173-303-200 (1)(b);

(e) The generator does not need to comply with 40 C.F.R. Part 265.176 and 40 C.F.R. Subparts AA, BB, and CC, which have been incorporated by reference at WAC 173-303-400 (3)(a-).) (1) Applicability. The regulations of this section apply to those areas of a large quantity generator's facility where dangerous waste is generated or accumulated on site.

(2) A large quantity generator facility must be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or nonsudden release of dangerous waste, hazardous substance or dangerous waste constituents to air, soil, or surface or groundwater which could threaten the public health or the environment. This section describes preparations and preventive measures which help avoid or mitigate such situations.

(3) Required equipment. All areas deemed applicable by subsection (1) of this section must be equipped with the following, unless it can be demonstrated to the department that none of the hazards posed by waste or hazardous substance

handled at the facility could require a particular kind of equipment specified below. A large quantity generator may determine the most appropriate locations within its facility to locate equipment necessary to prepare for and respond to emergencies:

(a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

(b) A device, such as a telephone (immediately available at the scene of operations) 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 (including special extinguishing equipment, such as those using foam, inert gas, or dry chemicals), 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.

(4) Testing and maintenance of equipment. 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.

(5) Access to communications or alarms. Personnel must have immediate access to the signaling 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 (e.g., direct or unimpeded 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 subsection (3) of this section;

(b) If there is ever just one employee on the premises while the facility is operating, they must have immediate access (e.g., direct or unimpeded access) to a device, such as a telephone (immediately available at the scene of operation) or a hand-held, two-way radio, capable of summoning external emergency assistance, unless such a device is not required in subsection (3) of this section.

(6) Aisle space. The generator 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.

(7) Arrangements with local authorities. The large quantity generator must attempt to make the following arrangements, as appropriate for the type of waste handled at its 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;

(d) Where more than one party might respond to an emergency, agreements designating primary emergency authority and agreements with any others to provide support to the primary emergency authority;

(e) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record; and

(f) A facility possessing twenty-four-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code with the facility's locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the generator's operating record.

(8) Contingency plan purpose and implementation.

(a) The large quantity generator must have a contingency plan for the facility. The purpose of a contingency plan and emergency procedures is to lessen the potential impact on the public health and the environment due to any emergency event such as, but not limited to, a fire, natural disaster, explosion, or any unplanned sudden or nonsudden release of dangerous waste, hazardous substance or dangerous waste constituents to air, soil, surface water, or groundwater.

(b) A contingency plan must be developed to lessen the potential impacts of such emergency events, and the plan must be implemented immediately when such emergency events occur.

(9) Contents of a contingency plan.

(a) Each large quantity generator must have a contingency plan at their facility for use in emergencies or any sudden or nonsudden releases which threaten human health and the environment. If the generator has already prepared a spill prevention control and countermeasures (SPCC) plan in accordance with 40 C.F.R. Part 112, or some other emergency or contingency plan, they need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of this section. The large quantity generator may develop one contingency plan that meets all regulatory requirements. Ecology recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan").

(b) The contingency plan must contain the following:

(i) A description of the actions which facility personnel must take to comply with this section and WAC 173-303-145;

(ii) A description of the actions which will 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 large quantity generator, but cannot be transported, pursuant to the requirements of WAC 173-303-370(6), manifest system, reasons for not accepting dangerous waste shipments;

(iii) 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 as required in subsection (7) of this section;

(iv) A current list of names and emergency telephone numbers of all persons qualified to act as the emergency coordinator required in this section and this list must be kept up to date. 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. In situations where the large quantity generator facility has an emergency coordinator continuously on duty because it operates twenty-four hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times;

(v) 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

(vi) 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 (in cases where the primary routes could be blocked by releases of materials or fires).

(10) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan must be:

(a) Maintained at the large quantity generator's facility; and

(b) Submitted by the large quantity generator to all local emergency responders (i.e., police departments, fire departments, hospitals, and state and local emergency response teams) that may be called upon to provide emergency services.

(11) Quick reference guide.

(a) A large quantity generator who first becomes subject to these provisions and any current large quantity generator who is amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified in subsection (10) of this section.

(b) Contents of the quick reference guide. This quick reference guide must include the following elements:

(i) The types and names of dangerous waste in layman's terms and the associated hazards associated with each dangerous waste present at any one time (e.g., toxic paint waste, spent ignitable solvent, corrosive acid);

(ii) The estimated maximum amount of each dangerous waste that may be present at any one time;

(iii) The identification of any dangerous waste where exposure would require unique or special treatment by medical or hospital staff;

(iv) A map of the facility showing where dangerous wastes are generated, accumulated, recycled and treated and routes for accessing these wastes;

(v) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;

(vi) The locations of water supply (e.g., fire hydrant and its flow rate);

(vii) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and

(viii) The name of the emergency coordinator(s) and seven days/twenty-four-hours emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

(c) Generators must update, if necessary, their quick reference guides, whenever the contingency plan is amended and submit these documents to the local emergency responders identified in this section.

(12) Amendments of a contingency plan. The large quantity generator must review and immediately amend the contingency plan, if necessary, whenever:

(a) Applicable regulations are revised;

(b) The plan fails in an emergency;

(c) The generator's 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 dangerous waste constituents, 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.

(13) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility within a short period of time) 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 subsection (9) of this section, all operations and activities at the facility, the location and properties of all wastes handled, 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 and to implement the necessary emergency procedures outlined in subsection (14) of this section.

(14) Emergency procedures. The following procedures must be implemented in the event of an emergency:

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or 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 char-

acter, exact source, amount, and areal extent of any released materials.

(c) Concurrently, the emergency coordinator must 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, they must report their findings as follows:

(i) If their assessment indicates that evacuation of local areas may be advisable, they must immediately notify appropriate local authorities. They must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) They must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their twenty-four-hour toll free number 1-800-424-8802).

(e) Their 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. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(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 large quantity generator must notify the department, and appropriate local authorities, that the facility is in compliance with this subsection (14)(i) of this section before operations are resumed in the affected area(s) of the facility.

(k) The large quantity generator 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, they 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;

(vii) Estimated quantity and disposition of recovered material that resulted from the incident;

(viii) Cause of incident; and

(ix) Description of corrective action taken to prevent reoccurrence of the incident.

AMENDATORY SECTION (Amending WSR 94-01-060, filed 12/8/93, effective 1/8/94)

WAC 173-303-202 ((Special requirements for generators of between two hundred twenty and two thousand two hundred pounds per month that accumulate dangerous waste in tanks.)) Reserved. ((1) This section applies to generators of more than two hundred twenty pounds but less than two thousand two hundred pounds of dangerous waste in a calendar month, that accumulate dangerous waste in tanks for less than one hundred eighty days (or two hundred seventy days if the generator must ship the waste greater than two hundred miles), and do not accumulate over two thousand two hundred pounds on-site at any time.

(2) Generators of between two hundred twenty and two thousand two hundred pounds per month of dangerous waste must comply with the following general operating requirements:

(a) Treatment or storage of dangerous waste in tanks must comply with WAC 173-303-395(1).

(b) Dangerous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.

(c) Uncovered tanks must be operated to ensure at least sixty centimeters (two feet) of freeboard, unless the tank is equipped with a containment structure (e.g., dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top sixty centimeters (two feet) of the tank.

(d) Where dangerous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a standby tank).

Note: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).

(3) Generators of between two hundred twenty and two thousand two hundred pounds per month accumulating dangerous waste in tanks must inspect, where present:

(a) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;

(b) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;

(c) The level of waste in the tank at least once each operating day to ensure compliance with subsection (2)(c) of this section;

(d) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and

(e) The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes,) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

Note: As required by WAC 173-303-320(3), the owner or operator must remedy any deterioration or malfunction he finds.

~~(4) Generators of between two hundred twenty and two thousand two hundred pounds per month accumulating dangerous waste in tanks must, upon closure of the facility, remove all dangerous waste from tanks, discharge control equipment, and discharge confinement structures.~~

Note: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with WAC 173-303-070 (2)(a) or (b), that any solid waste removed from his tank is not a dangerous waste, the owner or operator becomes a generator of dangerous waste and must manage it in accordance with all applicable requirements of this chapter.

~~(5) Generators of between two hundred twenty and two thousand two hundred pounds per month must comply with the following special requirements for ignitable or reactive waste:~~

~~(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 a tank so that:~~

~~(A) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090 (5) or (7) of this chapter; and~~

~~(B) WAC 173-303-395(1) is complied with; or~~

~~(ii) The waste is stored or treated in such a way that it is protected from any material or conditions that 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 comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," (1977 or 1981).~~

~~(6) Generators of between two hundred twenty and two thousand two hundred pounds per month must comply with the following special requirements for incompatible wastes:~~

~~(a) Incompatible wastes, or incompatible wastes and materials, (see 40 C.F.R. Part 265 Appendix V for examples) must not be placed in the same tank, unless WAC 173-303-395(1) 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) is complied with.)~~

AMENDATORY SECTION (Amending WSR 04-24-065, filed 11/30/04, effective 1/1/05)

WAC 173-303-210 Generator recordkeeping. (1) The generator must 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))~~ they receive~~((s))~~ a signed copy from the designated facility which received the waste. The signed facility copy must be retained for at least five years from the date the waste was accepted by the initial transporter.

(2) The generator must keep a copy of each annual report and exception report as required by WAC 173-303-220 for a period of at least five years from the due date of each report. The generator must keep a copy of ~~((his))~~ their most recent Dangerous Waste Site Identification Form until ~~((he is))~~ they are no longer defined as a generator under this chapter.

(3) Waste designation records.

(a) The generator must keep records of any test results, waste analyses, or other determinations made in accordance with WAC 173-303-170~~((4))~~ for designating dangerous waste, including records that identify whether a solid waste is a dangerous waste, for at least five years from the date that the waste was last transferred for on-site or off-site treatment, storage, or disposal.

(b) At a minimum, test results must include:

(i) The sample source, sampling date, and sampling procedure used;

(ii) The laboratory performing the test;

(iii) The testing date, and testing method used;

(iv) The analytical result, or the quantitative range of the testing method for analytes not detected.

(c) For knowledge based designations, records must explain the knowledge basis for the generator's designation.

(4) Any other records required for generators accumulating wastes on-site as described in WAC 173-303-172 or 173-303-200 ~~((or 173-303-201))~~ must be retained for at least five years~~((;))~~ including, but not limited to, such items as inspection logs.

(5) The periods of retention for any records described in this section will be automatically extended during the course of any unresolved enforcement action requiring those records or upon request by the director.

(6) All generator records, including plans required by this chapter, will be made available and furnished upon request by the director.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-220 Generator reporting. The generator must 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 or any person who has obtained an EPA/state identification number pursuant to WAC 173-303-060 must submit an annual report to the department if the number has been active any time during the reporting year, on the Dangerous Waste Annual Report according to the instructions on the form (copies are available from the

department), no later than March 1 for the preceding calendar year.

(b) ~~((In addition,))~~ Any generator who is a large quantity generator or a medium quantity generator for at least one month of the calendar year who ships any dangerous waste off site to a treatment, storage, disposal or recycling facility must comply with the annual reporting requirements of WAC 173-303-060 covering those wastes and generator activities for that reporting year.

(c) Any generator who is a large quantity generator or a medium quantity generator for at least one month of the calendar year who stores, treats, recycles or disposes of dangerous waste on-site must comply with the annual reporting requirements of WAC 173-303-390((5)) Facility reporting, covering those wastes and activities for that reporting year.

(d) Any large quantity generator that receives dangerous waste from small quantity generators pursuant to WAC 173-303-200(15) must comply with the annual reporting requirements of WAC 173-303-390 Facility reporting.

(e) Reporting for exports of hazardous waste is required on the annual report form. In addition, a separate annual report requirement is set forth at 40 C.F.R. ~~((262.56))~~ 262.83(g), which is incorporated by reference at WAC 173-303-230(1).

(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))~~ they have 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))~~ their 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.

(e) For rejected shipments of dangerous waste or container residues contained in nonempty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedures of WAC 173-303-370 (5)(e)), the generator must comply with the requirements of (a) through (d) of this subsection, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of (a) through (d) of this subsection for a shipment forwarding such waste to an alternate facility by a designated facility:

(i) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator

of the alternate facility in place of the signature of the owner or operator of the designated facility; and

(ii) The thirty-five ~~((to))~~ and forty-five day time frames begin the date the waste was accepted by the initial transporter forwarding the ~~((hazardous))~~ dangerous waste shipment from the designated facility to the alternate facility.

Note: The submission to the department need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.

(3) Additional reports. The director, as ~~((he))~~ they deem ~~((s))~~ necessary under chapter 70.105 RCW, may require a generator to furnish additional reports (including engineering reports, plans, and specifications) concerning the quantities and disposition of the generator's dangerous waste.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-230 Special conditions. (1) Exporting dangerous waste.

Federal export requirements, administered by EPA, are set forth at 40 C.F.R. 262 ~~((Subparts E and))~~ Subpart H and 40 C.F.R. 261.6 (a)(3)(i)(A) and (B), and specify the procedures applicable to generators and transporters of hazardous waste (as defined in WAC 173-303-040). These requirements are incorporated by reference. Copies of any forms or reports submitted to the administrator of United States EPA as required by 40 C.F.R. 262 Subpart ~~((E))~~ H must also be submitted to the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer must comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180, 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 must be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or ~~((his))~~ their agent must sign and date the certification and obtain the signature of the initial transporter.

(c) A person who imports dangerous waste may obtain the manifest form from any source that is registered with the U.S. EPA as a supplier of manifests (for example, states, waste handlers, and/or commercial forms printers).

(d) In the international shipments block, the importer must check the import box and enter the point of entry (city and state) into the United States.

(e) The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U.S. EPA in accordance with WAC 173-303-370(3).

(3) Empty containers. 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))~~ their own use will not be treated as a generator or as a facility owner/operator if the containers are empty as defined in WAC 173-303-160(2), and either:

(a) The rinsate is not a dangerous waste under this chapter; or

(b) ~~((He))~~ They reuse~~((s))~~ the rinsate in a manner consistent with the original product or, if ~~((he is))~~ they are a farmer and the rinsate contains pesticide residues, ~~((he))~~ they reuse~~((s))~~ or manage~~((s))~~ the rinsate in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars must handle the rinsate according to this chapter, and according to chapter 90.48 RCW, Water pollution control.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-235 Alternative requirements for eligible academic laboratories. (1) The following definitions apply to this section:

(a) ~~("Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.~~

~~(b) "Central accumulation area" means an on-site dangerous waste accumulation area subject to either WAC 173-303-200 (large quantity generators) or 173-303-201 (persons who generate more than two hundred twenty pounds but less than two thousand two hundred pounds per calendar month of dangerous waste). A central accumulation area at an eligible academic entity that chooses to be subject to this section must also comply with subsection (12) of this section when accumulating unwanted material and/or dangerous waste.~~

~~((e))~~ "College/university" means a private or public, postsecondary, degree-granting, academic institution, that is accredited by an accrediting agency listed annually by the U.S. Department of Education.

~~((f))~~ (b) "Eligible academic entity" means a college or university, or a nonprofit research institute that is owned by or has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or has a formal written affiliation agreement with a college or university.

~~((g))~~ (c) "Formal written affiliation agreement" for a nonprofit research institute means a written document that establishes a relationship between institutions for the purposes of research and/or education and is signed by authorized representatives from each institution. A relationship on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. A formal written affiliation agreement for a teaching hospital means a master affiliation agreement and program letter of agreement, as defined by the Accreditation Council for Graduate Medical Education, with an accredited medical program or medical school.

~~((h))~~ (d) "Laboratory" means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a nonproduction basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that

are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are considered laboratories. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also considered laboratories.

~~((i))~~ (e) "Laboratory clean-out" means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or that have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor/occupant. A regularly scheduled removal of unwanted material as required by subsection (9) of this section does not qualify as a laboratory clean-out.

~~((j))~~ (f) "Laboratory worker" means a person who handles chemicals and/or unwanted material in a laboratory and may include, but is not limited to, faculty, staff, postdoctoral fellows, interns, researchers, technicians, supervisors/managers, and principal investigators. A person does not need to be paid or otherwise compensated for ~~((his/her))~~ their work in the laboratory to be considered a laboratory worker. Undergraduate and graduate students in a supervised classroom setting are not laboratory workers.

~~((k))~~ (g) "Nonprofit research institute" means an organization that conducts research as its primary function and files as a nonprofit organization under the tax code of 26 U.S.C. 501(c)(3).

~~((l))~~ (h) "Reactive acutely hazardous unwanted material" means an unwanted material that is one of the acutely hazardous commercial chemical products listed in WAC 173-303-9903 for reactivity.

~~((m))~~ (i) "Teaching hospital" means a hospital that trains students to become physicians, nurses, or other health or laboratory personnel.

~~((n))~~ (j) "Trained professional" means a person who has completed the applicable dangerous waste training requirements of WAC 173-303-200 (1)(e)(i) for large quantity generators, or is knowledgeable about normal operations and emergencies in accordance with WAC ~~((173-303-201))~~ 173-303-172 (12)(c) for generators regulated under WAC ~~((173-303-201))~~ 173-303-172 and small quantity generators. A trained professional may be an employee of the eligible academic entity or may be a contractor or vendor who meets the requisite training requirements.

~~((o))~~ (k) "Unwanted material" means any chemical, mixtures of chemicals, products of experiments or other material from a laboratory that is no longer needed, wanted or usable in the laboratory and that is destined for dangerous waste determination by a trained professional. Unwanted materials include reactive acutely hazardous unwanted materials and materials that may eventually be determined not to be solid waste pursuant to WAC 173-303-016, or a dangerous waste pursuant to WAC 173-303-070~~((2))~~. If an eligible academic entity elects to use another equally effective term in lieu of unwanted material, as allowed by subsection (7)(a)(i) (A) of this section, the equally effective term has the same

meaning and is subject to the same requirements as unwanted material under this section.

~~((#))~~ (1) "Working container" means a small container (i.e., two gallons or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.

(2) Purpose and applicability.

(a) Large quantity generators and medium quantity generators (~~(regulated under WAC 173-303-201)~~). This section provides alternative requirements to the requirements in WAC 173-303-070(3) and (~~(173-303-200(2))~~) 173-303-174 for the dangerous waste determination and accumulation of dangerous waste in laboratories owned by eligible academic entities that choose to be subject to this section, provided that they complete the notification requirements in subsection (4) of this section.

(b) Small quantity generators. This section provides alternative requirements to the conditional exemption in WAC (~~(173-303-070(8)(b))~~) 173-303-171 for the accumulation of dangerous waste in laboratories owned by eligible academic entities that choose to be subject to this section, provided that they complete the notification requirements of subsection (4) of this section.

(3) This section is optional.

(a) Large quantity generators and medium quantity generators (~~(regulated under WAC 173-303-201)~~): Eligible academic entities have the option of complying with this section with respect to its laboratories, as an alternative to complying with the requirements of WAC 173-303-070(3) and (~~(173-303-200(2))~~) 173-303-174.

(b) Small quantity generators: Eligible academic entities have the option of complying with this section with respect to its laboratories, as an alternative to complying with the conditional exemption of WAC (~~(173-303-070(8)(b))~~) 173-303-171.

(4) How an eligible academic entity indicates it will be subject to the requirements of this section.

(a) An eligible academic entity must notify the department in writing, using the Washington State Dangerous Waste Site Identification form, that it is electing to be subject to the requirements of this section for all the laboratories owned by the eligible academic entity under the same EPA/state identification number. An eligible academic entity that is a small quantity generator must notify that it is electing to be subject to the requirements of this section for all the laboratories owned by the eligible academic entities that are on-site. An eligible academic entity must submit a separate notification (Washington State Dangerous Waste Site Identification form) for each EPA/state identification number that is electing to be subject to the requirements of this section, and must submit the Washington State Dangerous Waste Site Identification form before it begins operating under this section.

(b) When submitting the Washington State Dangerous Waste Site Identification form, the eligible academic entity must completely fill out the form according to the form instructions including, but not limited to, the following fields:

- (i) Reason for submittal;
- (ii) Site EPA/state identification number;
- (iii) Site name;

(iv) Site location information;

(v) Site land type;

(vi) North American Industry Classification System (NAICS) code(s) for the site;

(vii) Site mailing address;

(viii) Site contact person;

(ix) Operator and legal owner of the site;

(x) Type of regulated waste activity;

(xi) Certification.

(c) An eligible academic entity must keep a copy of the notification on file at the eligible academic entity for as long as its laboratories are subject to this section.

(d) A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this section.

(e) A nonprofit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the nonprofit research institute for as long as its laboratories are subject to this section.

(5) How an eligible academic entity indicates it will withdraw from the requirements of this section.

(a) An eligible academic entity must notify in writing, using the Washington State Dangerous Waste Site Identification form, that it is electing to no longer be subject to the requirements of this section for all the laboratories owned by the eligible academic entity under the same EPA/state identification number and that it will comply with the requirements of WAC 173-303-070(3) and (~~(173-303-200(2))~~) 173-303-174 for large quantity generators and for medium quantity generators (~~(regulated under WAC 173-303-201)~~). An eligible academic entity that is a small quantity generator must also notify that it is withdrawing from the requirements of this section for all the laboratories owned by the eligible academic entity that are on site under the same EPA/state identification number and that it will comply with the conditional exemption in WAC (~~(173-303-070(8))~~) 173-303-171. An eligible academic entity must submit a separate notification (Washington State Dangerous Waste Site Identification form) for each EPA/state identification number that is withdrawing from the requirements of this section and must submit the Washington State Dangerous Waste Site Identification form before it begins operating under the requirements of WAC 173-303-070(3) and (~~(173-303-200(2))~~) 173-303-174 for large quantity generators and for medium quantity generators (~~(regulated under WAC 173-303-201 or 173-303-070(8))~~) and WAC 173-303-171 for small quantity generators.

(b) When submitting the Washington State Dangerous Waste Site Identification form, the eligible academic entity must completely fill out the form according to the form instructions including, but not limited to, the following fields:

- (i) Reason for submittal;
- (ii) Site EPA/state identification number;
- (iii) Site name;
- (iv) Site location information;
- (v) Site land type;

- (vi) North American Industry Classification System (NAICS) code(s) for the site;
- (vii) Site mailing address;
- (viii) Site contact person;
- (ix) Operator and legal owner of the site;
- (x) Type of regulated waste activity;
- (xi) Certification.

(c) An eligible academic entity must keep a copy of the withdrawal notice on file at the eligible academic entity for three years from the date of the notification.

(6) Summary of the requirements of this section. An eligible academic entity that chooses to be subject to this section is not required to have interim status or a final facility Part B permit for the accumulation of unwanted material and dangerous waste in its laboratories, provided the laboratories comply with the provisions of this section and the eligible academic entity has a laboratory management plan (LMP) in accordance with subsection (15) of this section that describes how the laboratories owned by the eligible academic entity will comply with the requirements of this section.

(7) Labeling and management standards for containers of unwanted material in the laboratory. An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this section.

(a) Labeling: Label unwanted material as follows:

(i) The following information must be affixed or attached to the container:

(A) The words "unwanted material" or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the laboratory management plan;

(B) The date that the unwanted material first began accumulating in the container; and

(C) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to alert emergency responders to the contents of the container include, but are not limited to:

(I) The name of the chemical(s);

(II) The type or class of chemical, such as organic solvents or halogenated organic solvents;

(III) The risk(s) associated with the unwanted material.

(ii) The following information may be affixed or attached to the container, but must at a minimum be associated with the container.

This includes information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid and dangerous waste and to assign the proper dangerous waste code(s), pursuant to WAC 173-303-070(3). Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid or dangerous waste include, but are not limited to:

(A) The name and/or description of the chemical contents or composition of the unwanted material, or, if known, the product of the chemical reaction;

(B) Whether the unwanted material has been used or is unused;

(C) A description of the manner in which the chemical was produced or processed, if applicable.

(b) Management of containers in the laboratory: An eligible academic entity must properly manage containers of unwanted material in the laboratory to assure safe storage of the unwanted material, to prevent leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following:

(i) Containers are maintained and kept in good condition and damaged containers are replaced, overpacked, or repaired;

(ii) Containers are compatible with their contents to avoid reactions between the contents and the container and are made of, or lined with, material that is compatible with the unwanted material so that the container's integrity is not impaired; and

(iii) Containers must be kept closed at all times, except:

(A) When adding, removing or bulking unwanted material;

(B) A working container may be open until the end of the procedure or work shift, or until it is full, whichever comes first, at which time the working container must either be closed or the contents emptied into a separate container that is then closed; or

(C) When venting of a container is necessary.

(I) For the proper operation of laboratory equipment, such as with in-line collection of unwanted materials from high performance liquid chromatographs; or

(II) To prevent dangerous situations, such as build-up of extreme pressure.

(8) Training. An eligible academic entity must provide training to all individuals working in a laboratory at the eligible academic entity, as follows:

(a) Training for laboratory workers and students must be commensurate with their duties so they understand the requirements in this section and can implement them.

(b) An eligible academic entity can provide training for laboratory workers and students in a variety of ways including, but not limited to:

(i) Instruction by the professor or laboratory manager before or during an experiment;

(ii) Formal classroom training;

(iii) Electronic/written training;

(iv) On-the-job training; or

(v) Written or oral exams.

(c) An eligible academic entity that is a large quantity generator must maintain documentation for the durations specified in WAC 173-303-330(3) demonstrating training for all laboratory workers that is sufficient to determine whether laboratory workers have been trained. Examples of documentation demonstrating training can include, but are not limited to, the following:

(i) Sign-in/attendance sheet(s) for training session(s);

(ii) Syllabus for training session;

(iii) Certificate of training completion; or

(iv) Test results.

(d) A trained professional must:

(i) Accompany the transfer of unwanted material and dangerous waste when the unwanted material and dangerous waste is removed from the laboratory; and

(ii) Make the dangerous waste determination, pursuant to WAC 173-303-070(3), for unwanted material.

(9) Removing containers of unwanted material from the laboratory.

(a) Removing containers of unwanted material on a regular schedule. An eligible academic entity must either:

(i) Remove all containers of unwanted material from each laboratory on a regular interval, not to exceed six months; or

(ii) Remove containers of unwanted material from each laboratory within six months of each container's accumulation start date.

(b) The eligible academic entity must specify in Part I of its laboratory management plan whether it will comply with (a)(i) or (ii) of this subsection for the regular removal of unwanted material from its laboratories.

(c) The eligible academic entity must specify in Part II of its laboratory management plan how it will comply with (a)(i) or (ii) of this subsection and develop a schedule for regular removals of unwanted material from its laboratories.

(d) Removing containers of unwanted material when volumes are exceeded.

(i) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of fifty-five gallons before the regularly scheduled removal, the eligible academic entity must ensure that all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):

(A) Are marked on the label that is affixed or attached to the container with the date that fifty-five gallons is exceeded; and

(B) Are removed from the laboratory within ten calendar days of the date that fifty-five gallons was exceeded, or at the next regularly scheduled removal, whichever comes first.

(ii) If a laboratory accumulates more than one quart (or 2.2 pounds) of reactive acutely hazardous unwanted material before the regularly scheduled removal, the eligible academic entity must ensure that all containers of reactive acutely hazardous unwanted material:

(A) Are marked on the label that is affixed or attached to the container with the date that one quart (or 2.2 pounds) is exceeded; and

(B) Are removed from the laboratory within ten calendar days of the date that one quart (or 2.2 pounds) was exceeded, or at the next regularly scheduled removal, whichever comes first.

(10) Where and when to make the dangerous waste determination and where to send containers of unwanted material upon removal from the laboratory.

(a) Large quantity generators and medium quantity generators (~~(regulated under WAC 173-303-201)~~) - An eligible academic entity must ensure that a trained professional makes a dangerous waste determination, pursuant to WAC 173-303-070(3), for unwanted material in any of the following areas:

(i) In the laboratory before the unwanted material is removed from the laboratory, in accordance with subsection (11) of this section;

(ii) Within four calendar days of arriving at an on-site central accumulation area, in accordance with subsection (12) of this section; and

(iii) Within four calendar days of arriving at an on-site interim status or permitted treatment, storage or disposal facility, in accordance with subsection (13) of this section.

(b) Small quantity generators - An eligible academic entity must ensure that a trained professional makes a dangerous waste determination, pursuant to WAC 173-303-070(3), for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with subsection (11) of this section.

(11) Making the dangerous waste determination in the laboratory before the unwanted material is removed from the laboratory. If an eligible academic entity makes the dangerous waste determination, pursuant to WAC 173-303-070(3), for unwanted material in the laboratory, it must comply with the following:

(a) A trained professional must make the dangerous waste determination, pursuant to WAC 173-303-070(3), before the unwanted material is removed from the laboratory.

(b) If an unwanted material is a dangerous waste, the eligible academic entity must:

(i) Write the words "hazardous waste" or "dangerous wastes" on the container label that is affixed or attached to the container, before the dangerous waste may be removed from the laboratory; and

(ii) Write the appropriate dangerous waste code(s) on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the dangerous waste is transported off-site; and

(iii) Count the dangerous waste toward the eligible academic entity's generator status, pursuant to WAC (~~(173-303-070(7)(c) and (d))~~) 173-303-169, in the calendar month that the dangerous waste determination was made.

(c) A trained professional must accompany all dangerous waste that is transferred from the laboratory(ies) to an on-site central accumulation area or on-site interim status or permitted treatment, storage or disposal facility.

(d) When dangerous hazardous waste is removed from the laboratory:

(i) Large quantity generators and medium quantity generators (~~(regulated under WAC 173-303-201)~~) must ensure it is taken directly from the laboratory(ies) to an on-site central accumulation area, or on-site interim status or permitted treatment, storage or disposal facility, or transported off-site.

(ii) Small quantity generators must ensure it is taken directly from the laboratory(ies) to any of the types of facilities listed in WAC (~~(173-303-070(8)(b))~~) 173-303-171 (1)(c) for dangerous waste.

(e) An unwanted material that is a dangerous waste is subject to all applicable dangerous waste regulations when it is removed from the laboratory.

(12) Making the dangerous waste determination at an on-site central accumulation area. If an eligible academic entity makes the dangerous waste determination, pursuant to WAC 173-303-070(3), for unwanted material at an on-site central accumulation area, it must comply with the following:

(a) A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site central accumulation area.

(b) All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site central accumulation area.

(c) The unwanted material becomes subject to the generator accumulation regulations of WAC 173-303-200 (~~((1)(b)(i))~~) for large quantity generators or WAC (~~(173-303-201 and 173-303-202 for)~~) 173-303-172 for medium quantity generators (~~(regulated under WAC 173-303-201)~~) as soon as it arrives in the central accumulation area.

(d) A trained professional must determine, pursuant to WAC 173-303-070(3), if the unwanted material is a dangerous waste within four calendar days of the unwanted materials' arrival at the on-site central accumulation area.

(e) If the unwanted material is a dangerous waste, the eligible academic entity must:

(i) Write the words "hazardous waste" or "dangerous waste" on the container label that is affixed or attached to the container, within four calendar days of arriving at the on-site central accumulation area and before the dangerous waste may be removed from the on-site central accumulation area;

(ii) Write the appropriate dangerous waste code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the dangerous waste may be treated or disposed of on-site or transported off-site;

(iii) Count the dangerous waste toward the eligible academic entity's generator status, pursuant to WAC (~~(173-303-070 (7)(e) and (d))~~) 173-303-169 in the calendar month that the dangerous waste determination was made; and

(iv) Manage the dangerous waste according to all applicable dangerous waste regulations.

(13) Making the dangerous waste determination at an on-site interim status or permitted treatment, storage or disposal facility.

If an eligible academic entity makes the dangerous waste determination, pursuant to WAC 173-303-070(3), for unwanted material at an on-site interim status or permitted treatment, storage or disposal facility, it must comply with the following:

(a) A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site interim status or permitted treatment, storage or disposal facility.

(b) All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site interim status or permitted treatment, storage or disposal facility.

(c) The unwanted material becomes subject to the terms of the eligible academic entity's dangerous waste permit or interim status as soon as it arrives in the on-site treatment, storage or disposal facility.

(d) A trained professional must determine, pursuant to WAC 173-303-070(3), if the unwanted material is a dangerous waste within four calendar days of the unwanted materials' arrival at an on-site interim status or permitted treatment, storage or disposal facility.

(e) If the unwanted material is a dangerous waste, the eligible academic entity must:

(i) Write the words "hazardous waste" or "dangerous waste" on the container label that is affixed or attached to the container within four calendar days of arriving at the on-site interim status or permitted treatment, storage or disposal facility and before the dangerous waste may be removed from the on-site interim status or permitted treatment, storage or disposal facility; and

(ii) Write the appropriate dangerous waste code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the dangerous waste may be treated or disposed on-site or transported off-site; and

(iii) Count the dangerous waste toward the eligible academic entity's generator status, pursuant to WAC (~~(173-303-070 (7)(e) and (d))~~) 173-303-169 in the calendar month that the dangerous waste determination was made; and

(iv) Manage the dangerous waste according to all applicable dangerous waste regulations.

(14) Laboratory clean-outs.

(a) One time per twelve-month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this section, except that:

(i) If the volume of unwanted material in the laboratory exceeds fifty-five gallons (or one quart of liquid or 2.2 pounds of solid reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within ten calendar days of exceeding fifty-five gallons (or one quart of liquid or 2.2 pounds of solid reactive acutely hazardous unwanted material), as required by subsection (9) of this section. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within thirty calendar days from the start of the laboratory clean-out; and

(ii) For the purposes of on-site accumulation, an eligible academic entity is not required to count a dangerous waste that is an unused commercial chemical product (listed in WAC 173-303-9903, or exhibiting one or more characteristics in WAC 173-303-090 or exhibits a state criteria in WAC 173-303-100) generated solely during the laboratory clean-out toward its dangerous waste generator status, pursuant to WAC (~~(173-303-070 (7)(e) and (d))~~) 173-303-169. An unwanted material that is generated prior to the beginning of the laboratory clean-out and is still in the laboratory at the time the laboratory clean-out commences must be counted toward dangerous waste generator status, pursuant to WAC (~~(173-303-070 (7)(e) and (d))~~) 173-303-169, if it is determined to be dangerous waste;

(iii) For the purposes of off-site management, an eligible academic entity must count all its dangerous waste, regardless of whether the dangerous waste was counted toward generator status under (a)(i) of this subsection, and if it generates more than 2.2 pounds/month of acute hazardous waste, more than 2.2 pounds of WT01 EHW or more than two hundred twenty pounds/month of dangerous waste, the dangerous waste is subject to all applicable dangerous waste regulations when it is transported off-site; and

(iv) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out begins and ends, and the volume of dangerous waste generated during the laboratory clean-out. The eligible academic entity must maintain the records for a period of five years from the date the clean-out ends; and

(b) For all other laboratory clean-outs conducted during the same twelve-month period, an eligible academic entity is subject to all the applicable requirements of this section including, but not limited to:

(i) The requirement to remove all unwanted materials from the laboratory within ten calendar days of exceeding fifty-five gallons (or one quart of reactive acutely hazardous unwanted material), as required by subsection (9) of this section; and

(ii) The requirement to count all dangerous waste, including unused dangerous waste, generated during the laboratory clean-out toward its dangerous waste generator status, pursuant to WAC (~~(173-303-070 (7)(c) and (d))~~) 173-303-169.

(15) Laboratory management plan. An eligible academic entity must develop and retain a written laboratory management plan, or revise an existing written plan. The laboratory management plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this section. An eligible academic entity may write one laboratory management plan for all the laboratories owned by the eligible academic entity that have opted into this section, even if the laboratories are located at sites with different EPA/state identification numbers. The laboratory management plan must contain two parts with a total of nine elements identified in (a) and (b) of this subsection. In Part I of its laboratory management plan, an eligible academic entity must describe its procedures for each of the elements listed in (a) of this subsection. An eligible academic entity must implement and comply with the specific provisions that it develops to address the elements in Part I of the laboratory management plan. In Part II of its laboratory management plan, an eligible academic entity must describe its best management practices for each of the elements listed in (b) of this subsection. The specific actions taken by an eligible academic entity to implement each element in Part II of its laboratory management plan may vary from the procedures described in the eligible academic entity's laboratory management plan, without constituting a violation of this section. An eligible academic entity may include additional elements and best management practices in Part II of its laboratory management plan if it chooses.

(a) The eligible academic entity must implement and comply with the specific provisions of Part I of its laboratory management plan. In Part I of its laboratory management plan, an eligible academic entity must:

(i) Describe procedures for container labeling in accordance with subsection (7)(a) of this section, as follows:

(A) Identifying whether the eligible academic entity will use the term "unwanted material" on the containers in the laboratory. If not, identify an equally effective term that will be used in lieu of "unwanted material" and consistently by the

eligible academic entity. The equally effective term, if used, has the same meaning and is subject to the same requirements as "unwanted material."

(B) Identifying the manner in which information that is "associated with the container" will be imparted.

(ii) Identify whether the eligible academic entity will comply with subsection (9)(a)(i) or (ii) of this section for regularly scheduled removals of unwanted material from the laboratory.

(b) In Part II of its laboratory management plan, an eligible academic entity must:

(i) Describe its intended best practices for container labeling and management (see the required standards in subsection (7) of this section).

(ii) Describe its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards in subsection (8)(a) of this section).

(iii) Describe its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards in subsection (8)(d)(i) of this section).

(iv) Describe its intended best practices for removing unwanted material from the laboratory, including:

(A) For regularly scheduled removals - Develop a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards in subsection (9)(a)(i) and (ii) of this section).

(B) For removals when maximum volumes are exceeded:

(I) Describe its intended best practices for removing unwanted materials from the laboratory within ten calendar days when unwanted materials have exceeded their maximum volumes (see the required standards in subsection (9)(d) of this section).

(II) Describe its intended best practices for communicating that unwanted materials have exceeded their maximum volumes.

(v) Describe its intended best practices for making dangerous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards in WAC ~~173-303-070((7))~~) (3) and subsections (10) through (13) of this section).

(vi) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in subsection (14) of this section, including:

(A) Procedures for conducting laboratory clean-outs (see the required standards in subsection (14)(a)(i) through (iii) of this section); and

(B) Procedures for documenting laboratory clean-outs (see the required standards in subsection (14)(a)(iv) of this section).

(vii) Describe its intended best practices for emergency prevention, including:

(A) Procedures for emergency prevention, notification, and response, appropriate to the hazards in the laboratory;

(B) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date and/or as they degrade;

(C) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date and/or as they degrade; and

(D) Procedures for the timely designation of unknown chemicals.

(c) An eligible academic entity must make its laboratory management plan available to laboratory workers, students, or any others at the eligible academic entity who request it.

(d) An eligible academic entity must review and revise its laboratory management plan, as needed.

(16) Unwanted material that is not solid or dangerous waste.

(a) If an unwanted material does not meet the definition of solid waste in WAC 173-303-016, it is no longer subject to this section or to the dangerous waste regulations.

(b) If an unwanted material does not meet the definition of dangerous waste in WAC 173-303-070(~~(2)~~), it is no longer subject to this subsection or to the dangerous waste regulations, but must be managed in compliance with any other applicable regulations and/or conditions.

(17) Nonlaboratory dangerous waste generated at an eligible academic entity. An eligible academic entity that generates dangerous waste outside of a laboratory is not eligible to manage that dangerous waste under this section; and

(a) Remains subject to the generator requirements of WAC 173-303-070(3), 173-303-170, 173-303-172 for medium quantity generators, and 173-303-200(~~(d)~~) through 173-303-201 for large quantity generators and (~~generators regulated under WAC 173-303-201 and~~) all other applicable generator requirements of chapter 173-303 WAC, with respect to that dangerous waste; or

(b) Remains subject to the conditional exemption of WAC (~~173-303-070(8)~~) 173-303-171 for small quantity generators, with respect to that dangerous waste.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-240 Requirements for transporters of dangerous waste. (1) Applicability. This section establishes standards that apply to persons transporting dangerous waste and transporters who own or lease and operate a transfer facility.

(2) A transporter must have a current EPA/state ID#. Transporters must comply with the notification and identification requirements of WAC 173-303-060. A transporter who has previously obtained an EPA/state ID# in another state is not required to obtain a new ID# when operating in Washington state. Transporters who must comply with the generator requirements as a result of a spill at a transfer facility or during transport must obtain a separate generator EPA/state ID# for the spill.

(3) Any person who transports a dangerous waste must comply with the requirements of WAC 173-303-240 through 173-303-270, when the dangerous waste must be manifested in accordance with WAC 173-303-180.

(4) Any person who transports a dangerous waste must also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if (~~he~~) they:

(a) Transport(~~s~~) dangerous waste into the state from another country; or

(b) (~~Mixes~~) Mix dangerous waste of different United States DOT shipping descriptions by mixing them into a single container.

(5) These requirements do not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or by owners or operators of permitted TSD facilities.

(6) Transfer facility. The requirements of this subsection apply to a transporter or marine terminal operator who owns or leases and operates a transfer facility. Transfer of a shipment of dangerous waste from one transport vehicle to another transport vehicle, from one container to another container, and from one transporter to another transporter and any ten-day storage activities may only occur at a transfer facility that is registered with the department. A transporter may store manifested shipments of dangerous waste in containers meeting the requirements of WAC 173-303-190 (1), (2), (3), and (5) for ten days or less at a transfer facility, without complying with the final facility requirements of WAC 173-303-600 and without obtaining a storage permit under WAC 173-303-800, provided that (~~he or she complies~~) they comply with the following:

(a) A transporter who owns or leases and operates a transfer facility within Washington that is related to their dangerous waste transportation activities must register with the department. Washington registration is not required for a transporter whose activities are limited to passing through Washington with shipments of dangerous waste or picking up shipments from Washington generators or delivering shipments to designated treatment, storage or disposal facilities. In order to obtain registration, a transporter must complete a Dangerous Waste Site Identification Form according to the instructions and submit it to the department;

(b) Maintains ten-day storage records that include the dates that a manifested shipment of dangerous waste entered the facility and departed the facility. The ten-day records must be retained for a period of three years from the date the shipment was transported from the transfer facility;

(c) WAC 173-303-310 (1) and (2)(~~1~~) (Security). Instead of WAC 173-303-310(2) for an enclosed or an open flatbed transport vehicle parked at a transfer facility that has no twenty-four-hour surveillance system or natural or artificial barrier, the transport vehicle must meet the placarding requirements of 49 C.F.R. Part 172 and be secured (that is, locked) or the shipment must be transferred to a secured area of the facility to prevent unknowing entry and minimize unauthorized entry;

(d) WAC 173-303-320(~~1~~) General inspection. Instead of keeping inspection records for a period of five years from the date of inspection in WAC 173-303-320 (2)(d), inspection records must be kept at the transfer facility for one year from the date of inspection;

(e) WAC 173-303-330(~~1~~) Personnel training;

(f) WAC 173-303-340(~~1~~) Preparedness and prevention except WAC 173-303-340(3)(~~1~~) (Aisle space);

(g) WAC 173-303-350(~~1~~) Contingency plan and emergency procedures;

(h) WAC 173-303-360(~~1~~) Emergencies;

(i) WAC 173-303-630 (2), (3), (4), (5)(a) and (b), (8), (9)(a) and (b) and (10)(c) (Use and management of containers). In addition, when consolidating the contents of two or more containers with the same dangerous waste into a container, or when combining and consolidating two different dangerous wastes that are compatible with each other, the transporter must label or mark each container in accordance with WAC 173-303-630(3) and with the applicable dangerous waste number(s) (dangerous waste codes);

(j) WAC 173-303-630(7) in areas where waste is transferred from container to container and in areas where containers are stored outside in the weather. The secondary containment system must be completed by October 15, 2001. The department may, on a case-by-case basis, grant an extension to the required completion date if the transporter has a design and has entered into binding financial or other agreements for construction prior to October 15, 2001;

(k) The requirements of WAC 173-303-630(7) may be required in areas other than those described in WAC 173-303-240 (6)(j) if the department determines that there is a potential threat to public health and the environment due to the nature of the wastes being stored or due to a history of spills or releases from waste stored in containers.

(7) Transporter exemptions. A transporter will not be required to comply with the following:

(a) The requirements of WAC 173-303-240(6) in the event of an emergency or other unforeseen event beyond the reasonable control of the transporter during transit over public highway, rail track or water route and the waste shipment is loaded, reloaded or transferred to another transport vehicle or container to facilitate transportation;

(b) The requirements of WAC 173-303-240 (6)(i) and (j) for dangerous waste that is stored in a secured, enclosed transport vehicle, intermodal container or portable tank during the time it is parked at a transfer facility;

(c) The requirements of WAC 173-303-240 (6)(i) and (j) for a transfer facility that is located at a pier, dock or barge unloading facility and associated with the loading and unloading of water vessels: Provided, That the dangerous waste shipment is stored within a transport unit, as defined under 49 C.F.R. Part 176, and accepted by the approval authority of the United States Coast Guard;

(d) The requirements of WAC 173-303-240 (6)(j) for dangerous waste that is stored within a building: Provided, That the floor is compatible with and sufficiently impervious to the waste stored and is designed and operated so that any release or spill will be captured within the building and will prevent any waste from migrating to the soil, groundwater or surface water.

(8) A transporter who accumulates or stores manifested shipments of dangerous waste for more than ten days at a transfer facility is subject to the dangerous waste management facility general requirements and permit requirements of this chapter with respect to the storage of those wastes.

(9) Reference to WAC 173-303-200 in 173-303-240(4) does not constitute authority for storage in excess of ten days for a transporter who owns or leases and operates a transfer facility.

(10) The regulations in WAC 173-303-250 through 173-303-260 do not apply to transportation during an explosives

or munitions emergency response, conducted in accordance with WAC 173-303-400 (2)(c)(xiii)(A)(IV) or (xiii)(D) or WAC 173-303-600 (3)(p)(i)(D) or (3)(p)(iv), and WAC 173-303-800 (7)(c)(i)(C) or (D).

(11) A transporter of hazardous waste subject to the manifesting requirements of WAC 173-303-180 or to the universal waste management standards of WAC 173-303-573, that is being imported from or exported to any ~~((of the countries listed in 40 C.F.R. 262.58 (a)(1)))~~ other country for purposes of recovery or disposal is subject to this section and to all other relevant requirements of 40 C.F.R. Subpart H of Part 262(c) including, but not limited to, 40 C.F.R. 262.83 and 262.84 for movement documents. 40 C.F.R. Subpart H is incorporated by reference at WAC 173-303-230(1).

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-250 Dangerous waste acceptance, transport, and delivery. (1)(a) A transporter may not accept dangerous waste from a generator unless the transporter is also provided with a manifest signed in accordance with WAC 173-303-180(3)(c) (Manifest procedures) or is provided with an electronic manifest that is obtained, completed, and transmitted in accordance with WAC 173-303-180(9) and signed with a valid and enforceable electronic signature as described in WAC 173-303-180(11).

(b) ~~((In the case of exports other than those))~~ Exports. For exports of dangerous waste subject to 40 C.F.R. 262 Subpart H ((part 262)) (which is incorporated by reference at WAC 173-303-230(1)), a transporter may not accept such waste ~~((from a primary exporter or other person if he knows the shipment does not conform to the EPA Acknowledgment of Consent; and unless, in addition to a manifest signed by the generator as provided in this section, the transporter must also be provided with an EPA Acknowledgment of Consent which, except for shipment by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)). For exports of hazardous waste subject to the requirements of 40 C.F.R. subpart H part 262, a transporter may not accept hazardous waste without a tracking document that includes all information required by 40 C.F.R. 262.84))~~ without a manifest signed by the generator in accordance with this section, as appropriate, and for exports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 C.F.R. Part 262.83(d).

(2) Before transporting a dangerous waste shipment, the transporter must sign and date the manifest, acknowledging acceptance of the dangerous waste. The transporter must return a signed copy to the generator before commencing transport.

(3) The transporter must insure that the manifest accompanies the dangerous waste shipment. In the case of exports occurring under the terms of a consent issued by EPA to the exporter on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 40 C.F.R. Part 262.83(d) also accompanies the dangerous waste. In the case of imports occurring under the terms of a consent issued by EPA to the country of export

or the importer on or after December 31, 2016, the transporter must ensure that a movement document that includes all information required by 40 C.F.R. Part 262.84(d) also accompanies the dangerous waste.

(4) A transporter who delivers a dangerous waste to another transporter, or to the designated facility must:

(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 must deliver the entire quantity of dangerous waste which ~~((he has))~~ they have 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 because an emergency prevents delivery; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(6)(a) If the dangerous waste cannot be delivered in accordance with subsection (5) of this section because of an emergency condition other than rejection of the waste by the designated facility, then the transporter must contact the generator for further directions and must revise the manifest according to the generator's instructions.

(b) If dangerous waste is rejected by the designated facility while the transporter is on the facility's premises, then the transporter must obtain the following:

(i) For a partial load rejection or for regulated quantities of container residues, a copy of the original manifest that includes the facility's date and signature, and the manifest tracking number of the new manifest that will accompany the shipment, and a description of the partial rejection or container residue in the discrepancy block of the original manifest. The transporter must retain a copy of this manifest in accordance with WAC 173-303-260, and give the remaining copies of the original manifest to the rejecting designated facility. If the transporter is forwarding the rejected part of the shipment or a regulated container residue to an alternate facility or returning it to the generator, the transporter must obtain a new manifest to accompany the shipment, and the new manifest must include all of the information required in WAC 173-303-370 (5)(e)(i) through (vi) or 173-303-370 (5)(f)(i) through (vi).

(ii) For a full load rejection that will be taken back by the transporter, a copy of the original manifest that includes the rejecting facility's signature and date attesting to the rejection, the description of the rejection in the discrepancy block of the manifest, and the name, address, phone number, and identification number for the alternate facility or generator to whom the shipment must be delivered. The transporter must retain a copy of the manifest in accordance with WAC 173-303-260, and give a copy of the manifest containing this information to the rejecting designated facility. If the original manifest is not used, then the transporter must obtain a new

manifest for the shipment and comply with WAC 173-303-370 (5)(e)(i) through (vi).

(7) The requirements of subsections (3), (4), and (8) of this section do not apply to water (bulk shipment) transporters if:

(a) The dangerous waste is delivered by water (bulk shipment) to the designated facility; and

(b) A shipping paper containing all the information required on the manifest (excluding the EPA/state identification numbers, generator certification, and signatures) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 C.F.R. part 262.83(d) or 262.84(d) accompanies the dangerous waste; and

(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; and

(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).

(8) For shipments involving rail transportation, the requirements of subsections (3), (4), and (7) of this section 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) and, for exports or imports occurring under the terms of a consent issued by EPA on or after December 31, 2016, a movement document that includes all information required by 40 C.F.R. Part 262.83(d) or 262.84(d) accompanies the dangerous waste at all times. (Note: Intermediate rail transporters are not required to sign the manifest, movement document, or shipping paper.)

(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 must:

(a) Sign and date the manifest in the international shipments block to indicate the date that the shipment left the United States;

(b) Retain one copy in accordance with WAC 173-303-260(3), Transporter recordkeeping;

(c) Return a signed copy of the manifest to the generator; and

(d) For paper manifest only:

(i) Send a copy of the manifest to the e-Manifest system in accordance with the allowable methods specified in WAC 173-303-370 (2)(e); and

(ii) For shipments initiated prior to the automated export system (AES) filing compliance date, when instructed by the exporter to do so, give a copy of the manifest to a U.S. Customs official at the point of departure from the United States.

(10) Use of electronic manifest.

(a) Legal equivalence to paper forms for participating transporters. Electronic manifests that are obtained, completed, and transmitted in accordance with WAC 173-303-180(9) and used in accordance with this section are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in this section to obtain, complete, sign, provide, give, use or retain a manifest.

(i) Any requirement in this section to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of WAC 173-303-180(11).

(ii) Any requirement in this section to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the e-Manifest system.

(iii) Any requirement in this section for a manifest to accompany a dangerous waste shipment is satisfied when a copy of an electronic manifest is accessible during transportation and forwarded to the person or persons who are scheduled to receive delivery of the waste shipment, except that to the extent that the hazardous materials regulation on shipping papers for carriage by public highway requires transporters of hazardous materials to carry a paper document to comply with 40 C.F.R. Part 177.817, a dangerous waste transporter must carry one printed copy of the electronic manifest on the transport vehicle. In addition, the one printed copy of the electronic manifest must provide the information required in WAC 173-303-180(6) for state-only dangerous waste that designates only by the criteria under WAC 173-303-100.

(iv) Any requirement in this section for a transporter to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the transporter's account on the national e-Manifest system, provided that such copies are readily available for viewing and production upon request.

(v) A transporter may not be held liable for the inability to produce an electronic manifest for inspection under this section if the transporter can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the EPA's electronic manifest system for which the transporter bears no responsibility.

(b) A transporter may participate in the electronic manifest system either by accessing the electronic manifest system from the transporter's own electronic equipment, or by accessing the electronic manifest system from the equipment provided by a participating generator, by another transporter, or by a designated facility.

(c) Special procedures when electronic manifest is not available. If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system should become unavailable for any reason, then:

(i) The transporter in possession of the dangerous waste when the electronic manifest becomes unavailable shall reproduce sufficient copies of the printed manifest that is carried on the transport vehicle pursuant to (a)(iii) of this subsection, or obtain and complete another paper manifest for this purpose. The transporter shall reproduce sufficient copies to provide the transporter and all subsequent waste handlers with a copy for their files, plus two additional copies that will be delivered to the designated facility with the dangerous waste.

(ii) On each printed copy, the transporter shall include a notation in the special handling and additional description space (Item 14) that the paper manifest is a replacement manifest for the manifest originated in the electronic manifest system, shall include (if not preprinted on the replacement manifest) the manifest tracking number of the electronic manifest that is replaced by the paper manifest, and shall also include a brief explanation why the electronic manifest was not available for completing the tracking of the shipment electronically.

(iii) A transporter signing a replacement manifest to acknowledge receipt of the dangerous waste must ensure that each paper copy is individually signed and that a legible handwritten ink signature appears on each copy.

(iv) From the point at which the electronic manifest is no longer available for tracking the waste shipment, the paper replacement manifest copies shall be carried, signed, retained as records, and given to a subsequent transporter or to the designated facility, following the instructions, procedures, and requirements that apply to the use of all other paper manifests.

(d) Special procedures for electronic signature methods undergoing tests. If a transporter using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of this signature method, then the transporter shall sign the electronic manifest electronically and also sign with an ink

signature the transporter acknowledgment of receipt of materials on the printed copy of the manifest that is carried on the vehicle in accordance with (a)(iii) of this subsection. This printed copy bearing the generator's and transporter's ink signatures shall also be presented by the transporter to the designated facility to sign in ink to indicate the receipt of the waste materials or to indicate discrepancies. After the owner/operator of the designated facility has signed this printed manifest copy with its ink signature, the printed manifest copy shall be delivered to the designated facility with the waste materials.

(e) Imposition of user fee. A transporter who is a user of the electronic manifest may be assessed a user fee by EPA for the origination or processing of each electronic manifest. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees will be published as an appendix to 40 C.F.R. Part 262, by EPA.

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-270 Discharges during transport. In the event of a spill or discharge of dangerous waste during transportation, the transporter must comply with the requirements of WAC 173-303-145, Spills and discharges into the environment. In addition to the notices required by WAC 173-303-145, the transporter must 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)) 202-267-2675 or online at <http://www.nrc.uscg.mil>), if required by 49 C.F.R. 171.15;

(3) Submit a written Hazardous Materials Incident Report as required by 49 C.F.R. 171.16 to the Information Systems Manager, ((PHH-63)) PHH-60, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, East Building, 1200 New Jersey Ave. S.E., Washington D.C., 20590-0001, or an electronic Hazardous Material Incident Report to the Information System Manager, ((DHM-63, Research and Special Programs Administration,)) PHH-60, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington D.C., 20590-0001 at <http://hazmat.dot.gov>; and,

(4) For a water (bulk shipment) transporter, give the same notice as required by 33 C.F.R. 153.203 for oil and hazardous substances.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-290 Required notices. (1)(a) The facility owner or operator who is arranging to receive, or has arranged to receive, or is receiving dangerous waste from sources outside the United States must notify the appropriate regional office of the department annually, and in writing at least four weeks in advance of the date the first shipment of waste is expected to arrive at the facility. The notification

must be in writing, signed by the importer and operator of the receiving facility, and include the following information:

(i) Name, street address, mailing address, and telephone number of the exporter.

(ii) Name, street address, mailing address, telephone number, and EPA/state ID number of the importer and receiving facility.

(iii) A description of the dangerous waste and the EPA/state waste numbers, U.S. DOT proper shipping name, hazard class and ID number (UN\NA) for each hazardous waste as identified in 49 C.F.R. Parts 171 through 177.

(iv) The estimated frequency or rate at which such waste is to be imported and the period of time over which such waste is to be imported.

(v) The estimated total quantity of the dangerous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22).

(vi) A description of the manner by which the dangerous waste will be treated, stored, disposed of, or recycled by the receiving facility.

Upon request by the department, the importer and/or receiving facility must furnish to the department any additional information regarding the importation of dangerous waste.

(b) The owner or operator of a ((recovery)) facility that is arranging to receive, or has arranged to receive ((hazardous)), or is receiving dangerous waste subject to 40 C.F.R. Part 262, Subpart H (incorporated by reference at WAC 173-303-230(1)) ((must provide a copy of the movement document bearing all required signatures to the foreign exporter; to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed movement document must be maintained at the facility for at least three years. In addition, such owner or operator shall, as soon as possible, but no later than thirty days after the completion of recovery and no later than one calendar year following the receipt of the hazardous waste, send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to EPA's Office of Enforcement and Compliance Assurance at the above address by mail, email without a digital signature followed by mail, or fax followed by mail-)) from a foreign source must submit the following required notices:

(i) As per 40 C.F.R. 262.84(b), for imports where the competent authority of the country of export does not require the foreign exporter to submit to it a notification proposing export and obtain consent from EPA and the competent authorities for the countries of transit, such owner or operator of the facility, if acting as the importer, must provide notification of the proposed transboundary movement in English to EPA using the allowable methods listed in 40 C.F.R. 262.84 (b)(1) at least sixty days before the first shipment is expected to depart the country of export. The notification may cover up to one year of shipments of wastes having similar physical and chemical characteristics, the same United Nations classi-

fication, the same RCRA waste codes and OECD waste codes, and being sent from the same foreign exporter.

(ii) As per 40 C.F.R. 262.84(d)(2)(xv), a copy of the movement document bearing all required signatures within three working days of receipt of the shipment to the foreign exporter; to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively; and on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The original of the signed movement document must be maintained at the facility for at least three years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the owner or operator of a facility bears no responsibility.

(iii) As per 40 C.F.R. 262.84(f)(4), if the facility has physical control of the waste and it must be sent to an alternate facility or returned to the country of export, such owner or operator of the facility must inform EPA, using the allowable methods listed in 40 C.F.R. 262.84(b)(1) of the need to return or arrange alternate management of the shipment.

(iv) As per 40 C.F.R. 262.84(g), such owner or operator shall:

(A) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system.

(B) If the facility performed any of recovery operations R12, R13, or RC16, or disposal operations D13 through D15, or DC17, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC16, or one of disposal operations D1 through D12, or DC15 to DC16, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The recovery and disposal operations in this paragraph are defined in 40 C.F.R. 262.81.

(2) Before transferring ownership or operation of a facility during its active life or post-closure care period, the owner or operator must 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))~~ they have 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).

AMENDATORY SECTION (Amending WSR 04-24-065, filed 11/30/04, effective 1/1/05)

WAC 173-303-320 General inspection. (1) The owner or operator must inspect ~~((his))~~ their 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 must 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) The schedule must be kept at the facility;
- (b) The schedule must identify the types of problems which are to be looked for during inspections;
- (c) The schedule must 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, such as loading and unloading areas, must be inspected daily when in use. At a minimum the inspection schedule must also include the applicable items and frequencies required for the specific waste management methods described in 40 C.F.R. Part 265 Subparts F through R, 265.1033, 265.1052, 265.1053, 265.1058 and 265.1084 through 265.1090, for interim status facilities and in WAC 173-303-630 through 173-303-680, and 40 C.F.R. 264.1033, 264.1052, 264.1053, 264.1058 and 264.1083 through 264.1089 for final status facilities and be submitted with Part B of the permit application. The department will evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of the review, the department may modify or amend the schedule as may be necessary; and

(d) The owner or operator must keep ~~((an))~~ a written or electronic inspection log or summary, including at least the date and time of the inspection, the printed name and the handwritten or electronic signature of the inspector, a notation of the observations made, an account of spills or discharges in accordance with WAC 173-303-145, 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 five years from the date of inspection.

(3) The owner or operator must 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.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-350 Contingency plan and emergency procedures. (1) Purpose. The purpose of this section and WAC 173-303-360 is to lessen the potential impact on the public health and the environment in the event of ~~((an))~~ any emergency ~~((circumstance))~~ event, including, but not limited to, a fire, natural disaster, explosion, or unplanned sudden or nonsudden release of dangerous waste, hazardous substance, or dangerous waste constituents to air, soil, surface water, or groundwater by a facility. A contingency plan must be developed to lessen the potential impacts of such emergency ~~((circumstances))~~ event, and the plan must be implemented immediately ~~((in))~~ whenever such an emergency ~~((circumstances))~~ event occurs.

(2) Contingency plan. Each owner or operator must have a contingency plan at ~~((his))~~ their facility for use in emergencies or any sudden or nonsudden releases which threaten human 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 C.F.R., or some other emergency or contingency plan, they need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of this section and WAC 173-303-360. The owner or operator may develop one contingency plan that meets all regulatory requirements. Ecology recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan") ~~((as found at www.nrt.org))~~. When modifications are made to nondangerous waste (non-Hazardous Waste Management Act or non-dangerous waste regulation) provisions in an integrated contingency plan, the changes do not trigger the need for a dangerous waste permit modification.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with this section and WAC 173-303-360;

(b) A description of the actions which will 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(6), 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 as required in WAC 173-303-340(4);

(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. For new facilities only, this list may be provided to the department at the time of facility certification (as required by WAC 173-303-810 (14)(a)(i)), rather than as part of the permit application;

(e) 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 must 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 must 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 dangerous waste constituents, 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.

AMENDATORY SECTION (Amending WSR 00-11-040, filed 5/10/00, effective 6/10/00)

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 (that is, available to respond to an emergency by reaching the facility within a short period of time) 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 and properties of all wastes handled, 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 must be implemented in ~~((the event of an))~~ any emergency event identified in WAC 173-303-350.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or ~~((his))~~ their 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 areal extent of any released materials.

(c) Concurrently, the emergency coordinator must 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, ~~((he))~~ they must report ~~((his))~~ their findings as follows:

(i) If ~~((his))~~ their assessment indicates that evacuation of local areas may be advisable, ~~((he))~~ they must immediately notify appropriate local authorities. ~~((He))~~ They must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) ~~((He))~~ They 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))~~ Their 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. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(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 (i) of this subsection 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))~~ they 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;

(vii) Estimated quantity and disposition of recovered material that resulted from the incident;

(viii) Cause of incident; and

(ix) Description of corrective action taken to prevent reoccurrence of the incident.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-370 Manifest system. (1) Applicability.

The requirements of this section apply to owners and operators of permitted treatment, storage, and disposal facilities and of dangerous waste recycling facilities operating under the requirements of this chapter who receive dangerous waste from off-site sources or who initiates a shipment of dangerous waste off-site. If a facility receives dangerous waste accompanied by a manifest, the owner, operator, or ~~((his/ her))~~ their agent must sign and date the manifest as indicated in subsection (2) of this section to certify that the dangerous waste covered by the manifest was received, that the dangerous waste was received except as noted in the discrepancy space of the manifest, or that the dangerous waste was rejected as noted in the manifest discrepancy space.

(2) If a facility receives dangerous waste shipment accompanied by a manifest, the owner, operator, or their agent, must:

(a) Sign and date, by hand, each copy of the manifest;

(b) Note any discrepancies (as defined in subsection (5)(a) of this section) on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the manifest;

(d) Within thirty days of delivery, send a copy of the manifest to the generator; ~~((and))~~

(e) Within thirty days of delivery, send the top copy (Page 1) of the manifest to the electronic manifest system for purposes of data entry and processing. In lieu of mailing this

paper copy to the electronic manifest system operator, the owner or operator may transmit to the system operator an image file of Page 1 of the manifest, or both a data string file and the image file corresponding to Page 1 of the manifest. Any data or image files transmitted to EPA under this subsection must be submitted in data file and image file formats that are acceptable to EPA and that are supported by EPA's electronic reporting requirements and by the electronic manifest system; and

(f) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) ((If a facility receives hazardous waste imported from a foreign source, the receiving facility must mail a copy of the manifest and documentation confirming EPA's consent to the import of hazardous waste to the following address within thirty days of delivery: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-)) The owner or operator of a facility receiving dangerous waste subject to 40 C.F.R. Part 262, Subpart H (as incorporated by reference at WAC 173-303-230(1)) from a foreign source must:

(a) Additionally list the relevant consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest, matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use a Continuation Sheet(s) (EPA Form 8700-22A); and

(b) Send a copy of the manifest within thirty days of delivery to EPA using the addresses listed in 40 C.F.R. 262.82(e) until the facility can submit such a copy to the e-Manifest system per subsection (2)(e) of this section.

(4) If a facility receives, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a manifest or 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 or her)) their agent, must:

(a) Sign and date each copy of the manifest or shipping paper to certify that the dangerous waste covered by the manifest or shipping paper was received;

(b) Note any significant discrepancies in the manifest or shipping paper, as described in subsection (5) of this section, on each copy of the manifest or shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper;

(d) Within thirty days after the delivery, send a copy of the signed and dated manifest or a signed and dated copy of the shipping paper (if the manifest has not been received within thirty days after delivery) to the generator; and

(e) Retain at the facility a copy of each shipping paper and manifest for at least three years from the date of delivery.

(5) Manifest discrepancies.

(a) Manifest discrepancies are:

(i) Significant differences (as defined in (b) of this subsection) between the quantity or type of dangerous waste designated on the manifest or shipping paper, and the quantity and type of dangerous waste a facility actually receives;

(ii) Rejected wastes, which may be a full or partial shipment of dangerous waste that the TSDF cannot accept; or

(iii) Container residues, which are residues that exceed the quantity limits for "empty" containers set forth in WAC 173-303-160(2).

(b) Significant differences in quantity are: For bulk waste, variations greater than ten percent in weight (for example, tanker trucks, railroad tank cars, etc.); for batch waste, any variations in piece count, such as a discrepancy of one drum in a truckload. Significant differences in type are obvious differences which can be discovered by inspection or waste analysis such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper.

(c) Upon discovering a significant difference in quantity or type, 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.

(d)(i) Upon rejecting waste or identifying a container residue that exceeds the quantity limits for "empty" containers set forth in WAC 173-303-160(2), the facility must consult with the generator prior to forwarding the waste to another facility that can manage the waste. If it is impossible to locate an alternative facility that can receive the waste, the facility may return the rejected waste or residue to the generator. The facility must send the waste to the alternative facility or to the generator within sixty days of the rejection or the container residue identification.

(ii) While the facility is making arrangements for forwarding rejected wastes or residues to another facility under this section, it must ensure that either the delivering transporter retains custody of the waste, or the facility must provide for secure, temporary custody of the waste, pending delivery of the waste to the first transporter designated on the manifest prepared under (e) or (f) of this subsection.

(e) Except as provided in (e)(vii) of this ((section)) subsection, for full or partial load rejections and residues that are to be sent off-site to an alternate facility, the facility is required to prepare a new manifest in accordance with WAC 173-303-180 and the following instructions:

(i) Write the generator's ((U.S.)) EPA/state ID ((number))# in Item 1 of the new manifest. Write the generator's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the generator's site address, then write the generator's site address in the designated space for Item 5.

(ii) Write the name of the alternate designated facility and the facility's ((U.S. EPA ID number)) EPA/state ID# in the designated facility block (Item 8) of the new manifest.

(iii) Copy the manifest tracking number found in Item 4 of the old manifest to the special handling and additional information block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(iv) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the discrepancy block of the old manifest (Item 18a).

(v) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(vi) Sign the generator's/offeror's certification to certify, as the offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation and mail a signed copy of the manifest to the generator identified in Item 5 of the new manifest.

(vii) For full load rejections that are made while the transporter remains present at the facility, the facility may forward the rejected shipment to the alternate facility by completing Item 18b of the original manifest and supplying the information on the next destination facility in the alternate facility space. The facility must retain a copy of this manifest for its records, and then give the remaining copies of the manifest to the transporter to accompany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with (e)(i), (ii), (iii), (iv), (v), and (vi) of this subsection.

(f) Except as provided in (f)(vii) of this subsection, for rejected wastes and residues that must be sent back to the generator, the facility is required to prepare a new manifest in accordance with WAC 173-303-180 and the following instructions:

(i) Write the facility's (~~(U.S. EPA ID number)~~) EPA/state ID# in Item 1 of the new manifest. Write the facility's name and mailing address in Item 5 of the new manifest. If the mailing address is different from the facility's site address, then write the facility's site address in the designated space for Item 5 of the new manifest.

(ii) Write the name of the initial generator and the generator's (~~(U.S. EPA ID number)~~) EPA/state ID# in the designated facility block (Item 8) of the new manifest.

(iii) Copy the manifest tracking number found in Item 4 of the old manifest to the special handling and additional information block of the new manifest, and indicate that the shipment is a residue or rejected waste from the previous shipment.

(iv) Copy the manifest tracking number found in Item 4 of the new manifest to the manifest reference number line in the discrepancy block of the old manifest (Item 18a).

(v) Write the DOT description for the rejected load or the residue in Item 9 (U.S. DOT Description) of the new manifest and write the container types, quantity, and volume(s) of waste.

(vi) Sign the generator's/offeror's certification to certify, as offeror of the shipment, that the waste has been properly packaged, marked and labeled and is in proper condition for transportation.

(vii) For full load rejections that are made while the transporter remains at the facility, the facility may return the shipment to the generator with the original manifest by completing Item 18a and 18b of the manifest and supplying the generator's information in the alternate facility space. The facility must retain a copy for its records and then give the remaining copies of the manifest to the transporter to accom-

pany the shipment. If the original manifest is not used, then the facility must use a new manifest and comply with (f)(i), (ii), (iii), (iv), (v), (vi), and (viii) of this subsection.

(viii) For full or partial load rejections and container residues contained in nonempty containers that are returned to the generator, the facility must also comply with the exception reporting requirements in WAC 173-303-220(2).

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for "empty" containers set forth in WAC 173-303-160(2) after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to the discrepancy space of the amended manifest, and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years from the date of amendment, and must within thirty days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended.

(6) Reasons for not accepting dangerous waste shipments. The owner or operator may decide that a dangerous shipment should not be accepted by (~~his~~) their facility.

(a) The following are 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 subsection (5) of this section) 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 send the shipment on to the alternate facility designated on the manifest or shipping paper, or contact the generator to identify another facility capable of handling the waste and provide for its delivery to that other facility, 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 (b) of this subsection, then the owner or operator must take those actions described in the contingency plan, WAC 173-303-350 (3)(b).

(7) Within three working days of the receipt of a shipment subject to 40 C.F.R. Part 262, Subpart H (which is incorporated by reference at WAC 173-303-230(1)), the owner or operator of the facility must provide a copy of the movement document bearing all required signatures to the (~~(exporter, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, D.C. 20460, and to competent authorities of all other concerned countries)~~) foreign exporter; to the competent author-

ities of the countries of export and transit that control the shipment as an export and transit of dangerous waste respectively; and on or after the electronic import-export reporting compliance date, to EPA electronically using EPA's Waste Import Export Tracking System (WIETS), or its successor system. The original copy of the movement document must be maintained at the facility for at least three years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on EPA's WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized state inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with EPA's WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

(8) A facility must determine whether the consignment state for a shipment regulates any additional wastes (beyond those regulated federally) as hazardous wastes under its state hazardous waste program. Facilities must also determine whether the consignment state or generator state requires the facility to submit any copies of the manifest to these states.

(9) Whenever a shipment of dangerous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of this chapter. The provisions of WAC 173-303-172, 173-303-174, and 173-303-200 through 173-303-201 of this chapter are applicable to the on-site accumulation of dangerous waste by generators. Therefore, the provisions of WAC 173-303-170, 173-303-172, 173-303-174, and 173-303-200 through 173-303-201 of this chapter only apply to owners or operators who are shipping dangerous waste which they generated at that facility or operating as a large quantity generator consolidating dangerous waste from small quantity generators under WAC 173-303-200(15).

(10) Use of electronic manifest.

(a) Legal equivalence to paper manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with WAC 173-303-180(9) and used in accordance with this section in lieu of the paper manifest form are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in this section to obtain, complete, sign, provide, use or retain a manifest.

(i) Any requirement in this section for the owner or operator of a facility to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of WAC 173-303-180(11).

(ii) Any requirement in this section to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the e-Manifest system.

(iii) Any requirement in this section for a manifest to accompany a dangerous waste shipment is satisfied when a copy of an electronic manifest is accessible during transpor-

ation and forwarded to the person or persons who are scheduled to receive delivery of the dangerous waste shipment.

(iv) Any requirement in this section for an owner or operator of a facility to keep or retain a copy of each manifest is satisfied by retention of the facility's electronic manifest copies in its account on the national e-Manifest system, provided that such copies are readily available for viewing and production upon request.

(v) An owner or operator of a facility may not be held liable for the inability to produce an electronic manifest for inspection under this section if the owner or operator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the EPA's electronic manifest system for which the owner or operator bears no responsibility.

(b) An owner or operator may participate in the electronic manifest system either by accessing the electronic manifest system from the owner's or operator's electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the owner's or operator's site by the transporter who delivers the waste shipment to the facility.

(c) Special procedures applicable to replacement manifests. If a facility receives dangerous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the following procedures apply to the delivery of the dangerous waste by the final transporter:

(i) Upon delivery of the dangerous waste to the designated facility, the owner or operator must sign and date each copy of the paper replacement manifest by hand in Item 20 (Designated Facility Certification or Receipt) and note any discrepancies in Item 18 (Discrepancy Indication Space) of the replacement manifest;

(ii) The owner or operator of the facility must give back to the final transporter one copy of the paper replacement manifest;

(iii) Within thirty days of delivery of the dangerous waste to the designated facility, the owner or operator of the facility must send one signed and dated copy of the paper replacement manifest to the generator, and send an additional signed and dated copy of the paper replacement manifest to the EPA e-Manifest system; and

(iv) The owner or operator of the facility must retain at the facility one copy of the paper replacement manifest for at least five years from the date of delivery.

(d) Special procedures for electronic signature methods undergoing tests. If an owner or operator using an electronic manifest signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of this signature method, then the owner or operator shall also sign with an ink signature the facility's certification of receipt or discrepancies on the printed copy of the manifest provided by the transporter. Upon executing its ink signature on this printed copy, the owner or operator shall retain this original copy for at least five years from the date of delivery of the waste.

(e) Imposition of user fee. An owner or operator who is a user of the electronic manifest may be assessed a user fee by EPA for the origination and processing of each electronic

manifest. An owner or operator may also be assessed a user fee by EPA for the collection and processing of paper manifest copies that owners or operators must submit to the electronic manifest system operator under subsection (2)(e) of this section. EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees will be published as an appendix to 40 C.F.R. Part 262, by EPA.

(f) Electronic manifest signatures. Electronic manifest signatures shall meet the criteria described in WAC 173-303-180(11).

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-380 Facility recordkeeping. (1) Operating record. The owner or operator of a facility must keep a written operating record at their facility. The following information must 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 or managed on-site, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by subsection (2) of this section, 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, waste determinations (as required by 40 C.F.R. Parts 264 and 265, Subpart CC), and trial tests required by WAC 173-303-300, General waste analysis, and by 40 C.F.R. sections 264.1034, 264.1063, 264.1083, 265.1034, 265.1063, 265.1084, 268.4(a), and 268.7. Note that data from laboratory analyses for 40 C.F.R. 268.4(a) and 268.7 must meet the requirements of WAC 173-303-110;

(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 five years);

(f) Monitoring, testing, or analytical data, and corrective action where required by 40 C.F.R. Part 265 Subparts F through R and sections 265.1034 (c) through (f), 265.1035, 265.1063 (d) through (i), 265.1064, and 265.1083 through 265.1090 for interim status facilities (incorporated by reference at WAC 173-303-400(3)), and by WAC 173-303-630 through 173-303-695 and 40 C.F.R. sections 264.1034 (c) through (f), 264.1035, 264.1063 (d) through (i), 264.1064, and 264.1082 through 264.1090 for final status facilities (incorporated by reference at WAC 173-303-690, 173-303-691, and 173-303-692). Note that data provided from labora-

tory analyses for WAC 173-303-400(3) which incorporates by reference 40 C.F.R. Part 265 Subparts F through R, WAC 173-303-140 (4)(b), 173-303-395(1), 173-303-630 through 173-303-680, 173-303-693 and 173-303-695, 40 C.F.R. 268.4(a) and 268.7 must meet the requirements of WAC 173-303-110;

(g) All closure and post-closure cost estimates required for the facility;

(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;

(i) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension to the effective date of any land disposal restriction granted pursuant to 40 C.F.R. 268.5, a petition pursuant to 40 C.F.R. 268.6, and the applicable notice required by a generator under 40 C.F.R. 268.7(a);

(j) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required by the generator or the owner or operator under 40 C.F.R. 268.7;

(k) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 C.F.R. 268.7;

(l) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator of a treatment facility under 40 C.F.R. 268.7;

(m) For an on-site land disposal facility, the information contained in the notice required by the generator or owner or operator of a treatment facility under 40 C.F.R. 268.7, except for the manifest number;

(n) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 C.F.R. 268.7;

(o) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required by the generator or the owner or operator under 40 C.F.R. 268.7;

(p) Any records required under WAC 173-303-280(6);

(q) A certification by the permittee no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that they generate to the degree determined by the permittee to be economically practicable; and the proposed method of treatment, storage or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment; and

(r) Certifications of major repairs to tank systems as required by WAC 173-303-640 (7)(f).

(2) Recordkeeping instructions. This subsection 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 must be recorded, as it becomes available, and maintained in the operating record until closure of the facility, as follows:

(a) Each dangerous waste received, treated, stored, or disposed of at the facility must be described by its common name and by its dangerous waste number(s) from WAC 173-303-080 through 173-303-104. Each listed, characteristic, and criteria waste has its own four-digit dangerous waste number. 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 in WAC 173-303-9903 or 173-303-9904, the waste description must include the process which generated the waste;

(b) The waste description must include the waste's physical form (i.e., liquid, solid, sludge, or contained gas);

(c) The estimated or manifest-reported weight, or volume and density, where applicable, of the dangerous waste must be recorded, using one of the units of measure specified in Table 1, below; and

Table 1

Unit of Measure	Code ¹
Gallons	G
Gallons per Hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short tons (2000 lbs)	T
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds	P
Pounds per Hour	J
Kilograms	K
Kilograms per Hour	R
Cubic yards	Y
Cubic meters	C
Acres	B
Acres-feet	A
Hectares	Q
Hectare-meter	F
Btus per Hour	I
Tons (2000 lbs)	M

Footnote: ¹Single-digit symbols are used here for data processing purposes.

(d) The method(s) (by handling code(s)) of management for each dangerous waste received or managed, and the date(s) of treatment, recycling, storage, or disposal must be recorded, using the handling code(s) specified in Table 2, below.

Table 2

Handling Codes for Treatment, Storage, and Disposal Methods

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of dangerous waste received.

1. Storage
 - S01 Container (barrel, drum, etc.)
 - S02 Tank
 - S03 Waste pile
 - S04 Surface impoundment
 - S05 Drip Pad
 - S06 Containment Building (Storage)
 - S99 Other storage (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
 - 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 tank
 - T71 Composting
 - T72 Septic tank
 - T73 Spray irrigation
 - T74 Thickening filter
 - T75 Trickling filter
 - T76 Waste stabilization pond
 - T77 Other (specify)
 - T78-79 (Reserved)
- (e) Boilers and industrial furnaces
 - T80 Boiler
 - T81 Cement kiln
 - T82 Lime kiln
 - T83 Aggregate kiln
 - T84 Phosphate kiln
 - T85 Coke oven
 - T86 Blast furnace
 - T87 Smelting, melting, or refining furnace
 - T88 Titanium dioxide chloride process oxidation reactor
 - T89 Methane reforming furnace
 - T90 Pulping liquor recovery furnace
 - T91 Combustion device used in the recovery of sulfur values from spent sulfuric acid
 - T92 Halogen acid furnaces
 - T93 Other industrial furnaces listed in WAC 173-303-040 (specify)
- (f) Other treatment
 - T94 Containment building (treatment)
- 3. Disposal
 - D79 Underground injection
 - D80 Landfill
 - D81 Land treatment
 - D82 Ocean disposal
 - D83 Surface impoundment
(to be closed as a landfill)

D99 Other disposal (specify)

- 4. Miscellaneous (Subpart X)
 - X01 Open burning/open detonation
 - X02 Mechanical processing
 - X03 Thermal unit
 - X04 Geologic repository
 - X99 Other Subpart X (specify)

(3) Availability, retention and disposition of records.

(a) All facility records, including plans, 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.

AMENDATORY SECTION (Amending WSR 04-24-065, filed 11/30/04, effective 1/1/05)

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 (a) and (b) of this subsection, 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 must inspect those areas of ~~((his))~~ their facility where ignitable or reactive wastes are stored. This inspection must be performed in the presence of a professional person who is familiar with the International Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator must enter the following information in ~~((his))~~ their 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 must design, maintain and operate ~~((his))~~ their 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) ~~((Reserve-))~~ (Reserved.)

(4) Loading and unloading areas. TSD facilities which receive or ship manifested shipments of liquid dangerous waste for treatment, storage or disposal must provide for and use an area (or areas) for loading and unloading waste shipments. The loading and unloading area(s) must be designed, constructed, operated and maintained to:

- (a) Contain spills and leaks that might occur during loading or unloading;
- (b) Prevent release of dangerous waste or dangerous waste constituents to ground or surface waters;
- (c) Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and
- (d) Allow for removal, as soon as possible, of collected wastes resulting from spills, leaks and equipment cleaning (if any) in a manner which assures compliance with (b) of this subsection.

(5) Storage time limit for impoundments and piles.

(a) Except as provided in (b) or (c) of this subsection, dangerous waste may not be stored in a surface impoundment or waste pile for more than five years after the waste was first placed in the impoundment or pile. For the purposes of this requirement, the five-year limit, for waste regulated under this chapter and being stored in impoundments or piles on the effective date of this requirement, will begin on August 1, 1984. The age of stored wastes must be determined on a monthly basis.

The owner/operator of a surface impoundment or waste pile used for storing dangerous waste must develop a written plan, to be kept at the facility, for complying with the five-year storage limit. The plan must describe the operating conditions, waste identification procedures (for keeping track of

the age of the wastes), and a waste removal schedule, and at a minimum the plan must include the following elements:

(i) Methods for identifying the age of dangerous wastes placed in the impoundment or pile;

(ii) Where practical, procedures for segregating wastes of different ages. If the wastes cannot be practically segregated, then the age of all wastes placed in the impoundment or pile must be deemed the same age as the oldest waste in the impoundment or pile;

(iii) A schedule for removing dangerous waste from the impoundment or pile, or for disposing of them in a timely manner to assure compliance with the five-year limit;

(iv) A description of the actions to be taken according to the schedule required by (a)(iii) of this subsection;

(v) Procedures for noting in the operating record required by WAC 173-303-380(1) that the requirements of this subsection have been satisfied; and

(vi) Such other requirements as the department specifies.

(b) If the owner/operator of a surface impoundment or waste pile can develop a written plan and schedule for developing and implementing a recycling or treatment process for the wastes stored in ~~((his))~~ their impoundment or pile, then the department may grant an extension to the storage time limit required in (a) of this subsection. Such extension will be granted only once, will only apply to those dangerous wastes covered by the recycling or treatment plan and which are less than five years old on the date that the plan is approved by the department, and will not exceed five years: Provided, That on a case-by-case basis the department may grant an extension of longer than five years, but in no case will any extension be granted for longer than ten years, if the owner/operator of the impoundment or pile can demonstrate to the department's satisfaction that an extension of more than five years will not pose a threat to public health or the environment, and is necessary because: Other treatment or recycling options of shorter durations are not available; the treatment or recycling plan developed by the owner/operator cannot be implemented within five years due to technological circumstances; or, such other reasons as are determined acceptable by the department. Until the department grants the extension by approving the recycling or treatment plan, the owner/operator must continue to comply with the requirements of (a) of this subsection. The recycling or treatment plan and schedule, at a minimum, must:

(i) Specify the wastes which will be recycled or treated in accordance with the plan;

(ii) Describe in detail the recycling or treatment which the owner/operator intends to perform. If the recycling or treatment will involve physical changes to the owner's/operator's facility, the plan must include descriptions of all necessary equipment, processes to be used, site plans, and maps to show any new structures, pipes, channels, waste handling areas, roads, etc.;

(iii) Discuss any permit actions (including issuance or modification) necessary under this chapter, and any other permits which will be required under other federal, state or local laws;

(iv) Establish a schedule for complying with the plan. The schedule must, at a minimum, cover:

(A) The rate at which wastes will be recycled or treated in order to comply with the extension granted by the department;

(B) Construction and equipment installation times as appropriate;

(C) Timing for complying with all required permit actions; and

(D) Such other elements as the department might require;

(v) Describe how the owner/operator will continue to comply with the requirements of (a) of this subsection for all wastes not specified in (b)(i) of this subsection;

(vi) Identify any future occurrences or situations which the owner/operator could reasonably expect to occur and which might cause ~~((him))~~ them to fail to comply with ~~((his))~~ their recycling or treatment plan. The owner/operator must also describe what actions ~~((he))~~ they would take in the event that such occurrences or situations happen;

(vii) Be approved by the department. The plan may not be implemented until it is approved by the department including, if necessary, issuance or modification of a facility permit as required by this chapter. Any extension granted by the department will begin on the date that the plan is approved, or the date five years after the effective date of this subsection, whichever is later; and

(viii) Include any other elements that the department might require.

(c) The owner/operator of a surface impoundment or waste pile is exempted from the requirements of (a) and (b) of this subsection if:

(i) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that the impoundment or pile is not used primarily for storage, but that it is primarily used to actively and effectively neutralize, detoxify, or otherwise treat dangerous waste; or

(ii) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that dangerous waste is removed on a frequent basis (at least four times a year) for treatment, recycling or disposal, provided that the amount of waste removed during any five-year period must equal or exceed the amount of waste placed in the impoundment or pile during that five-year period. However, this exemption does not apply to waste removal which is being performed pursuant to a recycling or treatment plan developed and approved under (b) of this subsection; or

(iii) The owner/operator of a surface impoundment or waste pile has demonstrated, through ~~((his))~~ their permit, closure plan or other instrument, that the impoundment or pile is being operated as a land disposal unit and that it will be closed as a landfill.

(6) Labeling for containers and tanks. The owner or operator must label containers and tanks in a manner which adequately identifies the ~~((major risk(s)))~~ hazard(s) associated with the contents for employees, emergency response personnel and the public ~~((Note— If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate)))~~. The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320. For tanks,

the label or sign must be legible at a distance of at least fifty feet. For containers, the owner or operator must affix labels upon transfer of dangerous waste from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

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 and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(2) Applicability.

(a) Except as provided in 40 C.F.R. 265.1080(b), the interim status standards apply to owners and operators of facilities that treat, store, transfer, and/or dispose of dangerous waste. For purposes of this section, interim status applies to all facilities that comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-805. The interim status standards also apply to those owners and operators of facilities in existence on November 19, 1980, for RCRA wastes and those facilities in existence on August 9, 1982, for state only wastes who have failed to provide the required notification pursuant to WAC 173-303-060 or failed to file Part A of the permit application pursuant to WAC 173-303-805 (4) and (5). Interim status will end after final administrative disposition of the Part B permit application is completed, or may be terminated for the causes described in WAC 173-303-805(8).

(b) Interim status facilities must meet the interim status standards by November 19, 1980, except that:

(i) Interim status facilities which handle only state designated wastes (that is, not designated by 40 C.F.R. Part 261) must meet the interim status standards by August 9, 1982; and

(ii) Interim status facilities must comply with the additional state interim status requirements specified in subsection (3)(c)(ii), (iii) and (v), of this section, by August 9, 1982.

(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) The owner or operator of a facility managing recyclable materials described in WAC 173-303-120 (2), (3), and (5) (except to the extent that they are referred to in WAC 173-303-515 or 173-303-505, 173-303-520, 173-303-525, or 40 C.F.R. Part 266, Subpart H);

(iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes, provided that ~~((he has))~~ they have a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(iv) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment units as defined in WAC 173-303-040, provided that ~~((he has))~~ they have a permit by rule pursuant to the requirements of WAC 173-303-802(5);

(v) Generators accumulating waste ~~((for less than ninety days except to the extent WAC 173-303-200 provides otherwise))~~ on site in compliance with applicable conditions of WAC 173-303-171, 173-303-172, 173-303-174, 173-303-200 and 173-303-201;

(vi) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers or, in the case of repackaging of previously containerized waste into new containers, at the time the waste is first placed into the new containers and the generator complies with WAC 173-303-200 ~~((+(b)))~~ and 173-303-201 for large quantity generators or WAC 173-303-172 for medium quantity generators, and 173-303-395 (1)(a) and (b);

(vii) The compaction or sorting, by a generator, of miscellaneous waste forms such as cans, rags, and bottles in a container, so long as the activity is solely for the purpose of reducing waste void space, and so long as these activities are conducted in a manner that protects human health and prevents any release to the environment and the generator complies with WAC 173-303-200 ~~((+(b)))~~ and 173-303-201 for large quantity generators or WAC 173-303-172 for medium quantity generators and WAC 173-303-395 (1)(a) and (b);

(viii) Generators treating dangerous waste on-site in tanks, containers, or containment buildings that are used for accumulation of such wastes provided the generator complies with ~~((the))~~ WAC 173-303-170 ~~((+(3)))~~ (2)(b);

(ix) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 C.F.R. section 268.40, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in WAC 173-303-395 (1)(a); and

(x) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance.

(xi) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) handling the wastes listed below. These handlers are subject to regulation under WAC 173-303-573, when handling the below listed universal wastes.

(A) Batteries as described in WAC 173-303-573(2);

(B) Mercury-containing equipment as described in WAC 173-303-573(3); and

(C) Lamps as described in WAC 173-303-573(5).

(xii) WAC 173-303-578 identifies when the requirements of this section apply to the storage of military munitions classified as solid waste under WAC 173-303-578(2). The treatment and disposal of dangerous waste military

munitions are subject to the applicable permitting, procedural, and technical standards in this chapter.

(xiii)(A) Except as provided in (c)(xiii)(B) of this subsection, a person engaged in treatment or containment activities during immediate response to any of the following situations:

(I) A discharge of a dangerous waste;

(II) An imminent and substantial threat of a discharge of dangerous waste;

(III) A discharge of a material that, when discharged, becomes a dangerous waste;

(IV) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in WAC 173-303-040.

(B) An owner or operator of a facility otherwise regulated by WAC 173-303-600 must comply with all applicable requirements of WAC 173-303-340 and 173-303-350.

(C) Any person who is covered by (c)(xiii)(A) of this section and who continues or initiates dangerous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

(D) In the case of an explosives or munitions emergency response, if a federal, state, tribal or local official acting within the scope of ~~((his or her))~~ their official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA/state identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

(xiv) The owner or operator of a facility that is permitted to manage solid waste pursuant to chapter 173-350 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC ~~((+173-303-070(8)))~~ 173-303-171.

(xv) A farmer disposing of waste pesticides from ~~((his))~~ their own use provided ~~((he complies))~~ they comply with WAC 173-303-160 (2)(b).

(3) Standards.

(a) Interim status standards are the standards set forth by the Environmental Protection Agency in 40 C.F.R. Part 265 Section 265.19 of Subpart B, Subparts F through R, Subpart W, Subparts AA, BB, CC (including references to 40 C.F.R. Parts 60, 61, and 63), DD, EE, and Appendix VI, which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter), and:

(i) The land disposal restrictions of WAC 173-303-140; the facility requirements of WAC 173-303-280 through 173-

303-440 except WAC 173-303-335; and the corrective action requirements of WAC 173-303-646;

(ii) WAC 173-303-630(3), for containers. In addition, for container storage, the department may require that the storage area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being stored, or due to a history of spills or releases from stored containers. Any new container storage areas constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7)(-);

(iii) WAC 173-303-640 (5)(d), for tanks; (~~and~~)

(iv) WAC 173-303-805;

(v) WAC 173-303-060;

(vi) WAC 173-303-320; and

(vii) WAC 173-303-370.

(b) For purposes of applying the interim status standards of 40 C.F.R. Part 265 Subparts F through R, Subpart W, and Subparts AA, BB, CC, DD, and EE to the state of Washington facilities, the federal terms have (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, must be replaced with) the following state of Washington meanings:

(i) "Regional administrator" means the "department" except for 40 C.F.R. Parts 270.2; 270.3; 270.5; 270.10 (e)(1), (2) and (4); 270.10 (f) and (g); 270.11 (a)(3); 270.14 (b)(20); 270.32 (b)(2); and 270.51;

(ii) "Hazardous" means "dangerous" except for Subparts AA, BB, CC, and DD. These subparts apply only to hazardous waste as defined in WAC 173-303-040;

(iii) "Compliance procedure" has the meaning set forth in WAC 173-303-040, Definitions;

(iv) "EPA hazardous waste numbers" mean "dangerous waste numbers(-)";

(v) "At least weekly, owners and operators must inspect" means "weekly inspections" as defined in WAC 173-303-040.

(c) In addition to the changes described in (b) of this subsection, the following modifications are made to interim status standards of 40 C.F.R. Part 265 Subparts F through R, Subpart W, and Subparts AA, BB, CC, DD, and EE:

(i) The words "the effective date of these regulations" means:

(A) November 19, 1980, for facilities which manage any wastes designated by 40 C.F.R. Part 261;

(B) For wastes which become designated by 40 C.F.R. Part 261 subsequent to November 19, 1980, the effective date is the date on which the wastes become regulated;

(C) March 12, 1982, for facilities which manage wastes designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 C.F.R. Part 261;

(D) For wastes which become designated only by WAC 173-303-080 through 173-303-100 and not designated by 40 C.F.R. Part 261 subsequent to March 12, 1982, the effective date is the date on which the wastes become regulated.

(ii) The following sections and any cross-reference to these sections are not incorporated or adopted by reference:

(A) 40 C.F.R. Parts 260.1 (b)(4)-(6) and 260.20-22.

(B) 40 C.F.R. Parts 264.1 (d) and (f); 265.1 (c)(4); 264.149-150 and 265.149-150; 264.301(k); and 265.430.

(C) 40 C.F.R. Parts 268.5 and 6; 268 Subpart B; 268.42(b); and 268.44 (a) through (g).

(D) 40 C.F.R. Parts 270.1 (c)(1)(i); 270.60(b); and 270.64.

(E) 40 C.F.R. Parts 124.1 (b)-(e); 124.4; 124.5(e); 124.9; 124.10 (a)(1)(iv); 124.12(e); 124.14(d); 124.15 (b)(2); 124.16; 124.17(b); 124.18; 124.19; and 124.21.

(F) 40 C.F.R. Parts 2.106(b); 2.202(b); 2.205(i); 2.209 (b)-(c); 2.212-213; and 2.301-311.

(G) 40 C.F.R. 265.1080 (e) and (f).

(iii) Where 40 C.F.R. 265 Subparts F through R, W, DD, and EE have been incorporated by reference refer to 40 C.F.R. 260.11, data provided under this section must instead meet the requirements of WAC 173-303-110.

(iv) "Subpart B - general facility standards." References to "EPA" in 40 C.F.R. 265.19, means the "department." Additionally, references to "administrator" means the "director."

(v) "Subpart F - groundwater monitoring."

(A) Section 265.90 (d)(1) is modified by adding the following sentence. "A copy of the plan must be submitted to the department,"

(B) Section 265.90 (d)(3) is modified by adding the following sentence. "A copy of the plan must be submitted to the department,"

(C) Section 265.91(c) includes the requirement that: "Groundwater monitoring wells must be designed, constructed, and operated so as to prevent groundwater contamination. Chapter 173-160 WAC may be used as guidance in the installation of wells",

(D) Section 265.93 (d)(2) is modified by adding the following sentence. "A copy of the plan must be submitted to the department," and

(E) Section 265.93 (d)(5) is modified by adding the following sentence. "A copy of the report must be submitted to the department within 15 days."

(vi) "Subpart G - closure and post-closure."

(A) The third sentence in section 265.112 (d)(1) is modified to read "The owner or operator must submit the closure plan to the department at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit, or final closure of a facility with only such units."

(B) The sixth sentence of section 265.112 (d)(1) is modified to read "Owners or operators with approved closure plans must notify the department in writing at least 45 days prior to the date on which they expect to begin closure of a tank, container storage, or incinerator unit, or final closure of a facility with only such units." The first sentence of section 265.115 is modified to read "Within 60 days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas) and within 60 days of completion of final closure, the owner or operator must submit to the department, by registered mail or other means that establish proof of receipt (including appropriate electronic means), a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure

plan." In addition, the cleanup levels for removal or decontamination set forth at WAC 173-303-610 (2)(b) apply.

(C) Section 265.113 (e)(5) is modified by changing "annual reports" to "semi-annual reports."

(D) Section 265.115 is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(E) Section 265.120 is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(vii) "Subpart H - financial requirements."

(A) An additional sentence that reads: "Any owner or operator who can provide financial assurances and instruments which satisfy the requirements of WAC 173-303-620 will be deemed to be in compliance with 40 C.F.R. Part 265 Subpart H."

(B) In 40 C.F.R. Parts 265.143(g) and 265.145(g) the following sentence does not apply to the state: "If the facilities covered by the mechanisms are in more than one Region, identical evidence of financial assurance must be submitted to, and maintained with the Regional Administrators of all such Regions." Instead, the following sentence applies: "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained with the state agency regulating hazardous waste or with the appropriate regional administrator if the facility is located in an unauthorized state."

(C) Section 265.143(h) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(D) Section 265.145(h) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(E) Section 265.147(e) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(F) The following sections and any cross-reference to these sections are not incorporated by reference: 40 C.F.R. Parts 265.149 and 265.150;

(viii) "Subpart I use and management of containers."

Section 265.174 is modified by replacing the paragraph with the following. "The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors."

(ix) "Subpart J - tank systems."

(A) Section 265.191(a) is modified so that the date by which an assessment of a tank system's integrity must be completed is January 12, 1990.

(B) Section 265.191(a) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(C) Section 265.191 (b)(5)(ii) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(D) Section 265.192(a) introductory text is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(E) Section 265.192(b) introductory text is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(F) Section 265.193(a) is modified so that the dates by which secondary containment (which meets the requirements of that section) must be provided are the same as the dates in WAC 173-303-640 (4)(a).

(G) Section 265.193 (i)(2) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(H) Section 265.195(b) is modified by deleting the words "Except as noted under the paragraph (c) of this section."

(I) Section 265.195 is modified by deleting paragraphs (c) and (d).

(J) Section 265.196(f) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer" and by adding the following sentence. "A copy of the plan must be submitted to the department within seven days after returning the tank system to use."

(K) Section 265.201(c) is modified by deleting the words "Except as noted in paragraph (d) of this section."

(L) Section 265.201 is modified by deleting paragraphs (d) and (e).

(x) "Subpart K surface impoundments." Section 265.224(a) is modified by adding the following sentence. "A copy of the plan must be submitted to the department when submitting the proposed action leakage rate under section 265.222."

(xi) "Subpart L waste piles." Section 265.259(a) is modified by adding the following sentence. "A copy of the response action plan must be submitted to the department when submitting the proposed action leakage rate under section 265.255."

(xii) "Subpart M land treatment."

(A) Section 265.273(b) is modified by replacing the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080";

(B) Section 265.280(e) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(xiii) "Subpart N - landfills."

(A) An additional sentence reads: "An owner/operator must not landfill an organic/carbonaceous waste or an EHW, as defined by WAC 173-303-080 through 173-303-100, except at the EHW facility at Hanford" as allowed under WAC 173-303-700 or as allowed under WAC 173-303-140(4).

(B) Section 265.303(a). "A copy of the response action plan must be submitted to the department when submitting the proposed action leakage rate under section 265.302."

(xiv) "Subpart O incinerators."

(xv) "Subpart P thermal treatment."

(xvi) "Subpart Q chemical, physical and biological treatment."

(xvii) "Subpart R - underground injection." An additional sentence reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-100."

(xviii) "Subpart W drip pads."

(A) Section 265.441(a) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(B) Section 265.441(b) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(C) Section 265.441(c) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(D) Section 265.443 (a)(4)(ii) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(E) Section 265.443(g) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(F) 265.444(a) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(xix) "Subpart AA air emission standards for process vents."

(xx) "Subpart BB air emission standards for equipment leaks."

(A) Section 265.1061 is modified by adding (d) "If an owner or operator decides no longer to comply with this section, the owner or operator must notify the department in writing that the work practice standard described in 265.1057 (a) through (e) will be followed."

(B) Section 265.1061(b) is modified by adding (b)(3) "An owner or operator must notify the department that the owner or operator has elected to comply with the requirements of this section."

(C) Section 265.1062(a) is modified by adding the sentence "An owner or operator must notify the department before implementing one of the alternative work practices."

(xxi) "Subpart CC air emission standards for tanks, surface impoundments, and containers."

(xxii) "Subpart DD containment buildings."

(A) Section 265.1101 (c)(2) is modified by changing "qualified Professional Engineer" to "independent qualified registered professional engineer."

(B) Section 265.1101 (c)(3)(iii) is modified by changing "qualified registered professional engineer" to "independent qualified registered professional engineer."

(xxiii) "Subpart EE - hazardous waste munitions and explosives storage."

The first sentence at 40 C.F.R. 265.1202 is modified to exclude the exception for hazardous wastes managed under 261.3(d).

(4) The requirements of this section apply to owners or operators of all facilities that treat, store or dispose of hazardous waste referred to in 40 C.F.R. Part 268, and the 40 C.F.R. Part 268 standards are considered material conditions or requirements of the interim status standards incorporated by reference in subsection (3) of this section.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-505 Special requirements for recyclable materials used in a manner constituting disposal. (1) Applicability. (Also, see WAC 173-303-120(3).)

(a) This section applies to recyclable materials that are applied to or placed on the land:

(i) Without mixing with any other substance(s); or

(ii) After mixing or combining with any other substance(s). These materials will be referred to as "materials used in a manner that constitutes disposal."

(b)(i) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in 40 C.F.R. Part 268 Subpart D (or applicable prohibition levels in 268.32 or RCRA section 3004(d), where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that they contain, and the recycler complies with 40 C.F.R. 268.7 (b)(6) as modified in WAC 173-303-140 (2)(c).

(ii) Antiskid/deicing uses of slags, which are generated from high temperature metals recovery (HTMR) processing of dangerous waste K061, K062, and F006, in a manner constituting disposal are not covered by the exemption in (b)(i) of this subsection and remain subject to regulation.

(iii) Fertilizers that contain recyclable materials are not subject to regulation provided that:

(A) They are zinc fertilizers excluded according to WAC 173-303-071 (3)(pp); or

(B) They meet the applicable treatment standards in subpart D of Part 268, which is incorporated by reference at WAC 173-303-140 (2)(a) for each hazardous waste that they contain.

(Note: Fertilizers that contain recyclable material derived from state-only waste must also meet the treatment standards in WAC 173-303-140 (2)(a) that apply to the characteristics of dangerous waste that the state-only waste exhibits.)

(iv) The department may recommend registration under chapter 15.54 RCW for a waste-derived fertilizer (including fertilizers that contain recyclable material) or micronutrient fertilizer: Provided, That the registrant submits the information described in (b)(iv)(A) or (B) of this subsection. However, the information requirements in (b)(iv)(A) of this subsection may not be required if: The registrant provides documentation that the fertilizer has been previously registered in Washington state two or more times using the information in (b)(iv)(A) of this subsection, and the source materials used to manufacture the product have not changed.

(A) Initial criteria.

(I) The applicable Land Disposal Restriction (LDR) Certification as described in 40 C.F.R. Part 268, or toxicity characteristic leaching procedure (TCLP) data that indicate the product contains less than the maximum concentrations for TCLP metals described in WAC 173-303-090(8); and

(II) Total Halogenated Organic Compounds (HOC) test data that indicate the product contains less than 1% total HOC.

(B) Secondary criteria.

(I) A complete description of the fertilizer manufacturing process, including the location of the manufacturing facility; and

(II) A complete list of all ingredients used in manufacturing the fertilizer and a complete description of the sources of those ingredients, including a description of the original process and location for each of those ingredients; and

(III) Evidence that any waste(s) used in manufacturing the product does not designate as dangerous waste according to procedures described in WAC 173-303-070; and

(IV) Other information as required by the department.

(2) Recyclable materials used in a manner that constitutes disposal as dangerous wastes and are subject to the following requirements:

(a) For generators, WAC 173-303-170 through 173-303-230;

(b) For transporters, WAC 173-303-240 through 173-303-270; and

(c) For facilities that store or use dangerous wastes in a manner constituting disposal, the applicable requirements of 40 C.F.R. Part 268 (incorporated by reference in WAC 173-303-140 (2)(a)) and 173-303-280 through 173-303-840 (except that users of such products are not subject to these standards if the products meet the requirements of subsection (1)(b) of this section).

(d) The use of waste oil, used oil, or other material that is contaminated with dioxin or any other dangerous waste for dust suppression or road treatment is prohibited.

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-510 Special requirements for dangerous wastes burned for energy recovery. (1) Applicability. (Also, see WAC 173-303-120(3).)

(a) This section applies to generators, marketers, transporters, blenders, and burners of dangerous waste fuels that are to be burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 C.F.R. Part 265 or WAC 173-303-670, except as provided by (b) of this subsection. These regulations do not apply to gas recovered from dangerous waste management activities when such gas is burned for energy recovery. Note: (This note is a reminder that all generators, transporters, and burners of federally regulated hazardous waste fuels that are to be burned for energy recovery, and all storage facility owners and operators of facilities that store dangerous waste that is burned in a boiler or industrial furnace must comply with the requirements of 40 C.F.R. Part 266 Subpart H.) In addition, the following are incorporated by reference for boilers and industrial furnaces that burn hazardous waste: 40 C.F.R. 266.100 (b)(1), 266.100 (b)(2), 266.100 (b)(3), 266.100 (d)(1), 266.100 (d)(3) intro, and 266.100(h)(3).

(b) The following dangerous wastes are not subject to regulation under this section:

(i) Used oil burned for energy recovery if it is a dangerous waste because it:

(A) Exhibits a characteristic of dangerous waste identified in WAC 173-303-090; or

(B) Is designated as DW only (and not EHW) through the criteria of WAC 173-303-100.

Such used oil is subject to regulation under WAC 173-303-515 rather than this section.

Note: Used oil burned for energy recovery containing a listed waste or a waste designated as EHW through the criteria of WAC 173-303-100 (6)(b) and (c) is subject to this section.

(ii) (Reserved.)

(2) Definitions. Any terms used in this section that are not defined below have the meanings provided in WAC 173-303-040. For the purposes of this section, the following terms have the described meanings:

(a) "Dangerous waste fuel" means dangerous waste burned or to be burned for energy recovery. Fuel produced from dangerous waste by processing, blending, or other treatment is also dangerous waste fuel.

(b) "Distributor" means persons who distribute but do not process or blend dangerous waste fuel. Distributors may broker fuel by arranging for the final disposition of the fuel. Distributors are regulated under subsection (6) of this section.

(c) "Blender" means persons who produce, process, or blend fuel from dangerous wastes. Blenders are regulated under subsection (7) of this section.

(d) "Marketer" means persons who are:

(i) Generators who market dangerous waste fuel directly to a burner. Generators are regulated under subsection (4) of this section;

(ii) Distributors, regulated under subsection (6) of this section;

(iii) Blenders, regulated under subsection (7) of this section.

(3) Prohibitions.

(a) A person may market dangerous waste fuel only:

(i) To persons, in state, who have notified the department of their dangerous waste fuel activities under WAC 173-303-060 and have an EPA/state identification number or to out-of-state marketers or burners who have notified the EPA or authorized state agency and who have an EPA/state identification number; and

(ii) When marketed to a burner, to persons who burn the fuel in boilers or industrial furnaces identified in (b) of this subsection.

(b) Dangerous waste fuel may be burned for energy recovery in the following devices only;

(i) Industrial furnaces identified in WAC 173-303-040;

(ii) Boilers, as defined in WAC 173-303-040, that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any dangerous waste may be burned in any cement kiln which is located within the bound-

aries of any incorporated municipality with a population greater than five hundred thousand (based on the most recent census statistics) unless such kiln fully complies with regulations under this chapter that are applicable to incinerators.

(4) Standards applicable to generators of dangerous waste fuel.

(a) All generators of dangerous waste that is used as a fuel or used to produce a fuel are subject to WAC 173-303-170 through 173-303-230.

(b) Generators who are marketers. Generators are marketers if they send their waste fuel directly to a burner. Generators who are marketers must:

(i) Prohibitions. Comply with the prohibitions under subsection (3) of this subsection.

(ii) Notification. Comply with the notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Generators who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(iii) Accumulation. Comply with applicable accumulation requirements of WAC ~~((173-303-200 or))~~ 173-303-172, 173-303-200, and 173-303-201.

(iv) Storage. For generators who have interim or final status and exceed the accumulation time frames referenced in (b)(iii) of this subsection, comply with the storage provisions of:

(A) WAC 173-303-280 through 173-303-395; and

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities.

(v) Required notice. Obtain, prior to initiating the first shipment of dangerous waste fuel, a one time written and signed certification notice from the burner certifying that:

(A) The burner has notified as described under subsection (3) of this subsection; and

(B) The burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this subsection.

(vi) Recordkeeping. Keep a copy of each certification notice received for at least five years from the date of the last dangerous waste fuel shipment to the burner who sent such notice.

(c) Generators who are burners also are subject to subsection (8) of this section.

(5) Standards applicable to transporters of dangerous waste fuel. Transporters of dangerous waste fuel (and dangerous waste that is used to produce a fuel) are subject to the requirements of WAC 173-303-240 through 173-303-270.

(6) Standards applicable to distributors of dangerous waste fuel.

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Distributors who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Storage. Distributors who store dangerous waste fuels must comply with the applicable storage provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities;

(iv) The standards for generators in WAC 173-303-170 through 173-303-230.

(d) Off-site shipment. A distributor must meet the standards for generators in WAC 173-303-170 through 173-303-230 when the distributor initiates a shipment of dangerous waste fuel. Except that a distributor may not accumulate dangerous waste fuels under the accumulation provisions of WAC ~~((173-303-200 or))~~ 173-303-172, 173-303-200, and 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another distributor, a blender, or a burner, a distributor must obtain a one-time written and signed certification notice from the distributor, blender, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another distributor or blender, the distributor must provide the other distributor or blender with a one-time written and signed certification that the distributor has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A distributor must keep a copy of each certification notice received or sent for at least five years from the date the distributor last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(7) Standards applicable to blenders of dangerous waste fuels.

(a) Prohibitions. The prohibitions under subsection (3) of this section.

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Blenders who have previously notified the department of their dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify their dangerous waste fuel activities.

(c) Facility. For tanks, containers, or other units used to hold dangerous waste prior to blending or processing; for blending or processing tanks, containers, or other units; and for tanks, containers, or other units, used to hold blended or processed fuel, blenders must comply with the applicable provisions of:

(i) WAC 173-303-280 through 173-303-395; and

(ii) WAC 173-303-800 through 173-303-840; and

(iii) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities;

(d) Off-site shipment. The standards for generators in WAC 173-303-170 through 173-303-230 when a blender initiates a shipment of dangerous waste fuel, except that a blender may not accumulate dangerous waste fuels under the accumulation provisions of WAC (~~(173-303-200 or)~~ 173-303-172, 173-303-200, and 173-303-201;

(e) Required notices.

(i) Before initiating the first shipment of dangerous waste fuel to another blender, a distributor, or a burner, a blender must obtain a one-time written and signed certification notice from the blender, distributor, or burner certifying that:

(A) The burner, distributor, or blender has notified as described under subsection (3) of this section; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(ii) Before accepting the first shipment of dangerous waste fuel from another blender or distributor, the blender must provide the other blender or distributor with a one-time written and signed certification that the blender has complied with the notification requirements described in subsection (3) of this section; and

(f) Recordkeeping. A blender must keep a copy of each certification notice received or sent for at least five years from the date the blender last engaged in a dangerous waste fuel marketing transaction with the person who sent or received the certification notice.

(8) Standards applicable to burners of dangerous waste fuel.

Owners and operators of industrial furnaces and boilers identified in subsection (3)(b) of this section must comply with:

(a) Prohibitions. The prohibitions under subsection (3) of this section;

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. A burner who has previously notified the department of dangerous waste management activities and obtained an EPA/state identification number, must renotify to identify the dangerous waste fuel activities;

(c) Storage.

(i) For short term accumulation by generators who burn their dangerous waste fuel on-site, the applicable provisions of WAC (~~(173-303-200 or)~~ 173-303-172, 173-303-200, and 173-303-201).

(ii) For all burners who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-800 through 173-303-840; and

(C) WAC 173-303-400 for interim status facilities or WAC 173-303-600 through 173-303-692 for final status facilities (the air emission requirements do not apply to burners that meet the small quantity burner exemption at 40 C.F.R. 266.101);

(d) Required notices. Before a burner accepts the first shipment of dangerous waste fuel from a distributor, or a blender, or a generator the burner must provide the distributor, or the blender, or the generator a one-time written and signed notice certifying that:

(i) The burner has notified as described under subsection (3) of this section; and

(ii) The dangerous waste fuel will only be burned in an industrial furnace or boiler identified in subsection (3)(b) of this section.

(e) Recordkeeping. In addition to the applicable record-keeping requirements of WAC 173-303-380, a burner must keep a copy of each certification notice sent for at least five years from the date the burner last receives dangerous waste fuel from the person who received the certification notice.

(f) Local requirements. Any person who burns dangerous waste for energy recovery must comply with air emission requirements of the local air pollution control authority (or department of ecology if no local authority with jurisdiction exists).

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-515 Standards for the management of used oil. (1) **Purpose.** The purpose of this section is to provide used oil management standards for generators, transporters, collection centers, aggregation points, transfer facilities, processors, and re-refiners, burners, and marketers of used oil.

(2) **Definitions.** In addition to the terms used in this chapter, the definitions of 40 C.F.R. Part 279 are incorporated by reference when managing used oil under this section. The term "hazardous waste" used in 40 C.F.R. Part 279 means "dangerous waste" as defined in WAC 173-303-040.

(3) **Applicability.** This section identifies those materials subject to regulation as used oil. For the purpose of this section, the applicability statements of 40 C.F.R. Part 279.10 are incorporated by reference, except 40 C.F.R. Part 279.10 (b)(2) and (3), and as modified below. In addition, the test methods at WAC 173-303-110(3) must be used.

Materials containing or otherwise contaminated with or derived from used oil: The term "materials" used in 40 C.F.R. Part 279.10 does not include dangerous waste.

(4) **Used oil specifications.** For the purpose of managing materials under this section, 40 C.F.R. Part 279.11 and 40 C.F.R. Part 261.3 (a)(2)(v) (rebuttable presumption) are incorporated by reference except that the test methods at WAC 173-303-110(3) must be used.

The table is included below for the reader's convenience.

Table 1—Used Oil Exceeding any Specification Level is Subject to this Section When Burned for Energy Recovery

Constituent/property	Allowable level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash point	100° F minimum
Total halogens	4,000 ppm maximum\1\

Note: Applicable standards for the burning of used oil containing PCBs are imposed by 40 C.F.R. 761.20(e).

VI Used oil containing more than 1,000 ppm total halogens is presumed to be a dangerous waste under the rebuttable presumption provided under 40 C.F.R. 279.10(b)(1). Such used oil is subject to 40 C.F.R. Subpart H of Part 266 rather than this section when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

(5) **Prohibitions.** The prohibitions of 40 C.F.R. Part 279.12 are incorporated by reference. The prohibitions for managing materials under this section include those listed in 40 C.F.R. Part 279.12 and the following:

(a) Materials designating as EHW or WPCB cannot be managed under this section when burned for energy recovery. Note: Materials managed under this section containing 2 ppm or greater PCBs are subject to applicable requirements of 40 C.F.R. Part 761.20(e).

(b) Metal working fluids that are formulated with chlorinated compounds such as chlorinated paraffins or chlorinated alkene polymers cannot be managed under this section when burned for energy recovery.

(c) Ethylene glycol based fluids cannot be managed under this section. These fluids are subject to section WAC 173-303-522 when recycled.

(d) The use of used oil or other materials managed under this section as a dust suppressant is prohibited.

(e) Materials to be managed under this section are prohibited from being mixed with any dangerous waste. If any material managed under this section is mixed with dangerous waste, the resultant mixture is dangerous waste and must be managed as such.

(6) **Standards for used oil generators.** This subsection applies to all used oil generators and persons managing materials under this section. The standards for used oil generators of 40 C.F.R. Parts 279.20 through 279.24 are incorporated by reference except 40 C.F.R. Part 279.21. Used oil generators and persons managing materials under this subsection are subject to the federal regulations listed above and the following:

(a) Storage requirements for containers and tanks.

(i) Containers must be closed at all times, except when adding or removing materials managed under this section.

(ii) Containers and tanks must not be opened, handled, managed or stored in a manner that may cause the container or tank to leak or rupture.

(b) Secondary containment requirements for storage of material managed under this section in tanks and containers.

The department may require secondary containment, on a case-by-case basis, in accordance with some or all of the requirements in WAC 173-303-630(7) and 173-303-640(4) if the department determines that a potential for spills and discharges, mismanagement, or other factors pose a threat to human health or the environment.

(c) Self-transport to approved collection centers. In addition to 40 C.F.R. Part 279.24(a), generators may self-transport quantities greater than 55 gallons to a used oil collection center: Provided, That the owner/operator of the center records the name, address, telephone number, date of delivery and quantity of used oil being delivered to the site by the generator.

(7) **Standards for used oil collection centers and aggregation points.** For the purpose of managing materials under this section, 40 C.F.R. Parts 279.30 through 279.32 are incorporated by reference. The standards for used oil collection centers under this subsection are those federal regulations listed above and the following modifications:

In addition to the requirements of 40 C.F.R. Part 279.31, the owner or operator of a used oil collection center may accept greater than 55 gallons of used oil from generators: Provided, That:

(a) The requirements for a used oil transfer facility (40 C.F.R. Parts 279.40 through 279.47) are complied with while that used oil is on site; and

(b) The owner/operator of the collection center records the name, address, telephone number, date of delivery and quantity of used oil being delivered to the site by the generator of the used oil; and

(c) Such records are kept on site for a period of three years.

(8) **Standards for used oil transporters and transfer facilities.** For the purpose of managing materials under this section, 40 C.F.R. Parts 279.40 through 279.47 are incorporated by reference except that the test methods at WAC 173-303-110(3) must be used and the annual reporting requirements of WAC 173-303-060 must be complied with. The standards for used oil transfer facilities under this subsection are those federal regulations listed above and the following modifications:

Additional reports. Upon determination by the department that the storage of used oil in tanks and/or containers poses a threat to public health or the environment, the department may require the owner/operator to provide additional information regarding the integrity of structures and equipment used to store used oil. This authority applies to tanks and secondary containment systems used to store used oil in tanks and containers. The department's determination of a threat to public health or the environment may be based upon observations of factors that would contribute to spills or releases of used oil or the generation of hazardous by-products (e.g., hydrogen sulfide gas). Those observations may include, but are not limited to, leaks, severe corrosion, structural defects or deterioration (cracks, gaps, separation of joints), inability to completely inspect tanks or structures, or concerns about the age or design specification of tanks.

(a) When required by the department, a qualified, independent professional engineer registered to practice in Washington state must perform the assessment of the integrity of tanks or secondary containment systems.

(b) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (a) of this subsection, it is determined that repairs or structural improvements are necessary in order to eliminate threats, the department may require the owner/operator to discontinue the use of the tank system or container storage unit and remove the used oil until the repairs or improvements are completed and approved by the department.

(9) **Standards for used oil processors and rerefiners.** For the purpose of managing materials under this section, 40 C.F.R. Parts 279.50 through 279.59 are incorporated by reference except that the test methods at WAC 173-303-110(3)

must be used and the annual reporting requirements of WAC 173-303-060 must be complied with. The standards for used oil processors and rerefiners under this subsection are those federal regulations listed above and the following:

(a) In addition to the general facility standards of 40 C.F.R. Part 279.52, owners and operators of used oil processing and/or rerefining facilities regulated under this subsection are subject to the following:

(i) Used oil and other materials managed under the standards for management of used oil may be stored on-site without a permit for ninety days prior to entering an active recycling process. An active recycling process refers to a dynamic recycling operation that occurs within the recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities;

(ii) Facility closure standards of WAC 173-303-610 (2) and (12); and

(iii) Financial requirements of WAC 173-303-620 (1)(e).

(b) Additional reports. Upon determination by the department that the storage of used oil in tanks and/or containers poses a threat to public health or the environment, the department may require the owner/operator to provide additional information regarding the integrity of structures and equipment used to store used oil. This authority applies to tanks and secondary containment systems used to store used oil in tanks and containers. The department's determination of a threat to public health or the environment may be based upon observations of factors that would contribute to spills or releases of used oil or the generation of hazardous by-products (for example, hydrogen sulfide gas). Those observations may include, but are not limited to, leaks, severe corrosion, structural defects or deterioration (cracks, gaps, separation of joints), inability to completely inspect tanks or structures, or concerns about the age or design specification of tanks.

(i) When required by the department, a qualified, independent professional engineer registered to practice in Washington state must perform the assessment of the integrity of tanks or secondary containment systems.

(ii) Requirement for facility repairs and improvements. If, upon evaluation of information obtained by the department under (b) of this subsection, it is determined that repairs or structural improvements are necessary in order to eliminate threats, the department may require the owner/operator to discontinue the use of the tank system or container storage unit and remove the used oil until such repairs or improvements are completed and approved by the department.

(10) Standards for used oil burners who burn off-specification. For the purpose of managing materials under this subsection, 40 C.F.R. Parts 279.60 through 279.67 are incorporated by reference except that the test methods at WAC 173-303-110(3) must be used and the annual reporting requirements of WAC 173-303-060 must be complied with.

(11) Standards for used oil fuel marketers. For the purpose of managing materials under this subsection, 40 C.F.R. Parts 279.70 through 279.75 are incorporated by reference. In addition, the annual reporting requirements of WAC 173-303-060 must be met.

(12) Standards for disposal of used oil. For the purpose of managing materials under this subsection, 40 C.F.R. Parts 279.80 through 279.82(a) are incorporated by reference.

(13) Testing required.

(a) Notwithstanding any other provisions of this section, the department may require any person to test their used oil according to the methods set forth in *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication, SW-846* to either determine if the used oil is on-specification as described in WAC 173-303-515(4), determine whether the used oil contains a listed hazardous waste, or determine if the used oil is prohibited from being managed as used oil in WAC 173-303-515(5).

(b) Where the federal regulations that have been incorporated by reference refer to 40 C.F.R. 260.11, data provided under this section must instead meet the requirements of WAC 173-303-110(3).

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-520 Special requirements for reclaiming spent lead acid battery wastes. This section applies to persons who reclaim (including regeneration) spent lead-acid batteries that are recyclable materials ("spent batteries"). (Also, see WAC 173-303-120(3).)

(1) Persons who generate, transport, or collect spent batteries, who regenerate spent batteries, or who store spent batteries but do not reclaim them (other than spent batteries that are to be regenerated) are subject only to the requirements of WAC 173-303-016 through ~~((473-303-164))~~ 173-303-169 except for 173-303-060, and WAC 173-303-960 if such spent batteries are going to a battery reclaimer. Persons who reclaim spent batteries through regeneration (such as by electrolyte replacement) are not subject to 40 C.F.R. Part 268, which is incorporated by reference at WAC 173-303-140 (2)(a).

(a) Exporters who send spent batteries to a foreign destination ~~((other than to those OECD countries specified in 40 C.F.R. 262.58 (a)(1) which is incorporated by reference in WAC 173-303-230(1) (in which case the exporter is subject to the))~~ must:

(i) Comply with the requirements of 40 C.F.R. Part 262, Subpart H which is incorporated by reference in WAC 173-303-230(1)(i) must:

~~(i) Comply with the requirements applicable to a primary exporter in 40 C.F.R. 262.53, 262.56 (a)(1) through (4), (6), and (b) and 262.57 which are incorporated by reference in WAC 173-303-230(1);~~

~~(ii) Export such spent batteries only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 40 C.F.R. 262 Subpart E which is incorporated by reference in WAC 173-303-230(1);~~

~~((iii)); and~~

~~(ii) Provide a copy of the ((EPA Acknowledgment of Consent))~~ applicable movement documents for the shipment to the transporter transporting the shipment for export.

(b) ~~((A spent battery))~~ Transporters transporting a shipment of spent batteries to a foreign destination ~~((other than to~~

those OECD countries specified in 40 C.F.R. 262.58 (a)(1) (in which case the transporter is subject to) must comply with the requirements of 40 C.F.R. Part 262, Subpart H which is incorporated by reference in WAC 173-303-230(1)(i) and and may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must ensure that:

(i) A copy of the ~~((EPA Acknowledgment of Consent))~~ applicable movement documents accompanies the shipment; and

(ii) The shipment is delivered to the facility designated by the person initiating the shipment.

(2) Owners and operators of battery reclaiming facilities that store spent lead acid batteries prior to reclaiming (other than spent batteries that are to be regenerated) them are subject to the following requirements:

(a) For all reclaimers, the applicable storage provisions of:

- (i) WAC 173-303-280 (2) and (3);
- (ii) WAC 173-303-282;
- (iii) WAC 173-303-283;
- (iv) WAC 173-303-290;
- (v) WAC 173-303-310 through 173-303-360;
- (vi) WAC 173-303-380;
- (vii) WAC 173-303-390 (2) and (3);
- (viii) WAC 173-303-395; and
- (ix) WAC 173-303-800 through 173-303-840.

(b) For reclaimers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 C.F.R. Part 265;

(c) For reclaimers with final facility permits, the applicable storage provisions of:

- (i) WAC 173-303-600 through 173-303-650; and
- (ii) WAC 173-303-660.

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-522 Special requirements for recycling spent antifreeze. (1) Applicability. This section applies to the recycling of spent antifreeze. Antifreeze means ethylene glycol based coolant used as a heat exchange medium in motor vehicle radiators, motorized equipment, or in other industrial processes. For the purposes of this section recycling means reclamation and reuse, but not burning for energy recovery. (Also, see WAC 173-303-120(3).)

(2) Standards. Persons who generate, transport, or store spent antifreeze but do not reclaim or recycle it are subject to the requirements of WAC 173-303-050, 173-303-145, and 173-303-960 if their spent antifreeze is going to a recycler. Any discharge of spent antifreeze to the environment constitutes disposal and is subject to full regulation under this chapter.

(a) Generator requirements:

(i) Persons who reclaim or recycle their spent antifreeze on-site, or send their antifreeze off-site to be reclaimed or recycled, must keep records for a period of five years from the date of reclamation/recycling.

Proof of reclamation/recycling is either a log for on-site reclamation/recycling or an invoice or bill of lading for off-site reclamation/recycling.

(ii) Containers and tanks used to accumulate spent antifreeze must be labeled "spent antifreeze."

(iii) Spent antifreeze that is to be reclaimed can be accumulated on-site for any length of time, and in any amount.

(iv) During accumulation, spent antifreeze must be stored in a manner to prevent releases to the environment. This includes, but is not limited to, storing wastes in compatible containers, on impermeable surfaces, or in secondary containment structures.

(b) If spent antifreeze is mixed with another dangerous waste, generators are subject to the generator requirements, WAC 173-303-170 through 173-303-230.

(c) Persons who generate spent antifreeze that is not reclaimed/recycled, but is otherwise disposed, are subject to all applicable requirements of this chapter.

(3) Transporters and transfer facility requirements:

(a) Persons engaged in routine off-site transportation of spent antifreeze are required to obtain ~~((a state/EPA ID number))~~ an EPA/state ID#, WAC 173-303-060, and to comply with the transporter requirements, WAC 173-303-240.

(b) If spent antifreeze is mixed with another dangerous waste, transporters are subject to the generator requirements, WAC 173-303-170 through 173-303-230.

(c) Transporters who store spent antifreeze at a transfer facility are allowed to use tanks or containers as defined in WAC 173-303-040, and store such waste for up to ten days, WAC 173-303-240(6).

Transporters may store spent antifreeze at a transfer facility for longer than ten days if they meet the requirements for tank and/or container management, including secondary containment in WAC 173-303-630 through 173-303-640.

(4) Reclamation/recycling facility requirements: Owners and operators of antifreeze reclaiming/recycling facilities are subject to the conditions of WAC 173-303-120 (4)(c). These conditions apply equally to facilities whether or not ecology approved case-by-case seventy-two hour storage of spent antifreeze occurs prior to reclamation.

AMENDATORY SECTION (Amending WSR 04-24-065, filed 11/30/04, effective 1/1/05)

WAC 173-303-525 Special requirements for recyclable material utilized for precious metal recovery. (1) Applicability and requirements. (Also, see WAC 173-303-120(3).)

(a) This section applies to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport, or store recyclable materials that are regulated under this section are subject to the following requirements:

- (i) Notification requirements under WAC 173-303-060;
- (ii) WAC 173-303-180 (for generators), 173-303-250 (for transporters), and 173-303-370 (for persons who store); and

(iii) For precious metals exported to or imported from ~~((designated OECD member))~~ other countries for recovery, 40 C.F.R. subpart H of part 262 (incorporated by reference at WAC 173-303-230(1)) ~~((and 173-303-290 (1)(b). For precious metals exported to or imported from non-OECD countries for recovery, 40 C.F.R. subpart E (incorporated by reference at WAC 173-303-230(1)) and 173-303-230(2))~~).

(c) Persons who store recycled materials that are regulated under this section must keep the following records to document that they are not accumulating these materials speculatively (as defined in WAC 173-303-016 (5)(d)(ii));

(i) Records showing the volume of these materials stored at the beginning of the calendar year;

(ii) The amount of these materials generated or received during the calendar year; and

(iii) The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under this section that are accumulated speculatively (as defined in WAC 173-303-016 (5)(d)(ii)) are dangerous wastes and are subject to all applicable provisions of this chapter.

(2) Additional regulation of recyclable materials utilized for precious metal recovery on a case-by-case basis.

The department may decide on a case-by-case basis that persons accumulating or storing recyclable materials utilized for precious metal recovery should be regulated under WAC 173-303-120(4). The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the department will consider the following factors:

(a) The types of materials accumulated or stored and the amounts accumulated or stored;

(b) The method of accumulation or storage;

(c) The length of time the materials have been accumulated or stored before being reclaimed;

(d) Whether any contaminants are being released into the environment, or are likely to be so released; and

(e) Other relevant factors.

The procedures for this decision are set forth in subsection (3) of this section.

(3) Procedures for case-by-case regulation of recyclable materials utilized for precious metal recovery.

The department will use the following procedures when determining whether to regulate recyclable materials utilized for precious metal recovery under the provisions of WAC 173-303-120(4), rather than under the provisions of subsection (1) of this section.

(a) If a generator is accumulating the waste, the department will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of WAC 173-303-170 and 173-303-190 through 173-303-230. The notice will become final within thirty days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the department will hold a public hearing. The department will provide notice of the hearing to the public and allow public participation at the hearing. The department

will issue a final order after the hearing stating whether or not compliance with WAC 173-303-170 and 173-303-190 through 173-303-230 is required. The order becomes effective thirty days after service of the decision unless the department specifies a later date or unless review by the department is requested. The order may be appealed to the pollution control hearings board, in accordance with WAC 173-303-845, by any person who participated in the public hearing.

(b) If the person is accumulating the recyclable material as a storage facility, the notice will state that the person must obtain a permit in accordance with all applicable provisions of WAC 173-303-800 through 173-303-840. The owner or operator of the facility must apply for a permit within no less than sixty days and no more than six months of notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the department's decision ~~((he))~~ they may do so in ~~((his))~~ their permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the department's determination. The question of whether the department's decision was proper will remain open for consideration during the public comment period discussed under WAC 173-303-840 (4)(d) and in any subsequent hearing.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-573 Standards for universal waste management. (1) Scope.

(a) This section establishes requirements for managing the following:

(i) Batteries as described in subsection (2) of this section;

(ii) Mercury-containing equipment as described in subsection (3) of this section; and

(iii) Lamps as described in subsection (5) of this section.

(b) This section provides an alternative set of management standards in lieu of regulation under the rest of this chapter except for WAC 173-303-050, 173-303-145, and 173-303-960.

(2) Applicability - Batteries.

(a) Batteries covered under this section.

(i) The requirements of this section apply to persons managing batteries, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(ii) Spent lead-acid batteries which are not managed under WAC 173-303-120 (3)(f) and 173-303-520, are subject to management under this section.

(b) Batteries not covered under this section. The requirements of this section do not apply to persons managing the following batteries:

(i) Spent lead-acid batteries that are managed under WAC 173-303-120(3) and 173-303-520.

(ii) Batteries, as described in WAC 173-303-040, that are not yet wastes under WAC 173-303-016, 173-303-017, or 173-303-070, including those that do not meet the criteria for waste generation in (c) of this subsection.

(iii) Batteries, as described in WAC 173-303-040, that are not dangerous waste. A battery is a dangerous waste if it

exhibits one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100.

(c) Generation of waste batteries.

(i) A used battery becomes a waste on the date it is discarded (for example, when sent for reclamation).

(ii) An unused battery becomes a waste on the date the handler decides to discard it.

(3) **Applicability - Mercury-containing equipment.**

(a) Mercury-containing equipment covered under this section. The requirements of this section apply to persons managing mercury-containing equipment, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(b) Mercury-containing equipment not covered under this section. The requirements of this section do not apply to persons managing the following mercury-containing equipment:

(i) Mercury-containing equipment that is not yet a waste under WAC 173-303-016, 173-303-017, or 173-303-070. Paragraph (c) of this subsection describes when mercury-containing equipment becomes a waste;

(ii) Mercury-containing equipment that is not a dangerous waste. Mercury-containing equipment is a dangerous waste if it exhibits one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100; and

(iii) Equipment and devices from which the mercury-containing components have been removed.

(c) Generation of waste mercury-containing equipment.

(i) Used mercury-containing equipment becomes a waste on the date it is discarded.

(ii) Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

(4) (~~Reserve.~~) (Reserved.)

(5) **Applicability - Lamps.**

(a) Lamps covered under this section. The requirements of this section apply to persons managing lamps, as described in WAC 173-303-040, except those listed in (b) of this subsection.

(b) Lamps not covered under this section. The requirements of this section do not apply to persons managing the following lamps:

(i) Lamps that are not yet wastes under WAC 173-303-016, 173-303-017, or 173-303-070. Paragraph (c) of this subsection describes when lamps become wastes.

(ii) Lamps that are not dangerous waste. Lamps that do not exhibit one or more of the characteristics or criteria identified in WAC 173-303-090 or 173-303-100 are not dangerous waste.

(c) Generation of waste lamps.

(i) A used lamp becomes a waste on the date it is discarded.

(ii) An unused lamp becomes a waste on the date the handler decides to discard it.

(6) **Applicability - Small quantity handlers of universal waste.** Subsections (6) through (16) of this section apply to small quantity handlers of universal waste (as defined in WAC 173-303-040).

(7) **Prohibitions.**

A small quantity handler of universal waste is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in subsection (13) of this section; or by managing specific wastes as provided in subsection (9) of this section.

(8) **Notification.**

A small quantity handler of universal waste is not required to notify the department of universal waste handling activities.

(9) **Waste management.**

(a) Universal waste batteries. A small quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A small quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

(A) Sorting batteries by type;

(B) Mixing battery types in one container;

(C) Discharging batteries so as to remove the electric charge;

(D) Regenerating used batteries;

(E) Disassembling batteries or battery packs into individual batteries or cells;

(F) Removing batteries from consumer products; or

(G) Removing electrolyte from batteries.

(ii) A small quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (for example, battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100.

(A) If the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it is subject to all applicable requirements of this chapter. The handler is considered the generator of the dangerous electrolyte and/or other waste and is subject to WAC 173-303-170 through 173-303-230.

(B) If the electrolyte or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste mercury-containing equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A small quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with noncontained elemental mercury or that

shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

(ii) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:

(A) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes the ampules only over or in a containment device (for example, tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury cleanup system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that meets the requirements of WAC 173-303-200;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of WAC 173-303-200;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, nonleaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; and

(iii) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

(A) Immediately seals the original housing holding the mercury with an airtight seal to prevent the release of any mercury to the environment; and

(B) Follows all requirements for removing ampules and managing removed ampules under (b)(ii) of this subsection; and

(iv)(A) A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100:

(I) Mercury or cleanup residues resulting from spills or leaks; and/or

(II) Other solid waste generated as a result of the removal of mercury-containing ampules or housings (for example, the remaining mercury-containing device).

(B) If the mercury, residues, and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it must be managed in compliance with all applicable requirements of this chapter. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it subject to WAC 173-303-170 through 173-303-230.

(C) If the mercury, residues, and/or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Universal waste lamps. A small quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A small quantity handler of universal waste must immediately clean up and place in a container any universal waste lamps that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(ii) A small quantity handler of universal waste must minimize lamp breakage by accumulating lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. The containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(iii) A small quantity handler of universal waste must store lamps accumulated in cardboard or fiber containers indoors, meaning in a structure that prevents the container from being exposed to the elements.

(10) Labeling/markings.

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (that is, each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

(b)(i) Universal waste mercury-containing equipment (that is, each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste Mercury-Containing Equipment," "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

(ii) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases "Universal Waste-Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Universal waste lamps (that is, each lamp), or a container in which the lamps are accumulated, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

(11) Accumulation time limits.

(a) A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of (b) of this subsection are met.

(b) A small quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(ii) Marking or labeling each individual item of universal waste (for example, each battery, thermostat, mercury-containing equipment, or lamp) with the date it became a waste or was received;

(iii) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;

(iv) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(12) Employee training.

A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

(13) Response to releases.

(a) A small quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A small quantity handler of universal waste must determine whether any material resulting from the release is dangerous waste, and if so, must manage the dangerous waste in compliance with all applicable requirements of this chapter. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with WAC 173-303-170 through 173-303-230.

(14) Off-site shipments.

(a) A small quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a small quantity handler of universal waste self-transport universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of subsections (28) through (34) of this section while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 C.F.R. Parts 171 through 180, a small quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 C.F.R. Parts 172 through 180.

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

(e) If a small quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:

(i) Receive the waste back when notified that the shipment has been rejected, or

(ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A small quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that ~~((he has))~~ they have received from another handler. If a handler rejects a shipment or a portion of a shipment, ~~((he))~~ they must contact the originating handler to notify ~~((him))~~ them of the rejection and to discuss reshipment of the load. The handler must:

(i) Send the shipment back to the originating handler; or

(ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a small quantity handler of universal waste receives a shipment containing dangerous waste that is not a universal waste, the handler must immediately notify the department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The department will provide instructions for managing the dangerous waste.

(h) If a small quantity handler of universal waste receives a shipment of nondangerous, nonuniversal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(15) Tracking universal waste shipments.

A small quantity handler of universal waste is not required to keep records of shipments of universal waste.

(16) Exports.

A small quantity handler of universal waste who sends universal waste to a foreign destination ~~((other than to those OECD countries specified in 40 C.F.R. 262.58 (a)(1) (in~~

which case the handler)) is subject to the requirements of 40 C.F.R. Part 262, Subpart H which is incorporated by reference at WAC 173-303-230(~~) must:~~

~~(a) Comply with the requirements applicable to a primary exporter in 40 C.F.R. 262.53, 262.56 (a)(1) through (4), (6), and (b) and 262.57 which are incorporated by reference at WAC 173-303-230(1);~~

~~(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 40 C.F.R. Subpart E of Part 262 which is incorporated by reference at WAC 173-303-230(1); and~~

~~(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export)).~~

(17) Applicability - Large quantity handlers of universal waste.

Subsections (17) through (27) of this section apply to large quantity handlers of universal waste (as defined in WAC 173-303-040).

(18) Prohibitions.

A large quantity handler of universal waste is:

- (a) Prohibited from disposing of universal waste; and
- (b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in subsection (24) of this section; or by managing specific wastes as provided in subsection (20) of this section.

(19) Notification.

(a)(i) Except as provided in (a)(ii) of this subsection, a large quantity handler of universal waste must have sent written notification of universal waste management to the department, and received an EPA Identification Number, before meeting or exceeding the 11,000 pound storage limit and/or before meeting or exceeding the 2,200 pound storage limit for lamps.

(ii) A large quantity handler of universal waste who has already notified the department of their dangerous waste management activities and has received an EPA Identification Number is not required to renotify under this section.

(b) This notification must include:

- (i) The universal waste handler's name and mailing address;
- (ii) The name and business telephone number of the person at the universal waste handler's site who should be contacted regarding universal waste management activities;
- (iii) The address or physical location of the universal waste management activities;

(iv) A list of all of the types of universal waste managed by the handler (for example, batteries, mercury-containing equipment, and lamps); and

(v) A statement indicating that the handler is accumulating more than 11,000 pounds of universal waste at one time, and/or a statement indicating that the handler is accumulating more than 2,200 pounds of lamps at one time. (For example, if a handler is accumulating 6,000 pounds of batteries, 4,500 pounds of mercury-containing equipment and 600 pounds of universal waste lamps, they would notify for having 11,100 pounds of universal waste at one time - Likewise, if a handler is accumulating 6,000 pounds of batteries, 2,000 pounds of mercury-containing equipment and 2,400 pounds of univer-

sal waste lamps, they would also need to notify for exceeding the 2,200 pound limit for universal waste lamps.)

(20) Waste management.

(a) Universal waste batteries. A large quantity handler of universal waste must manage universal waste batteries in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A large quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

(ii) A large quantity handler of universal waste may conduct the following activities as long as the casing of each individual battery cell is not breached and remains intact and closed (except that cells may be opened to remove electrolyte but must be immediately closed after removal):

- (A) Sorting batteries by type;
- (B) Mixing battery types in one container;
- (C) Discharging batteries so as to remove the electric charge;
- (D) Regenerating used batteries;
- (E) Disassembling batteries or battery packs into individual batteries or cells;
- (F) Removing batteries from consumer products; or
- (G) Removing electrolyte from batteries.

(iii) A large quantity handler of universal waste who removes electrolyte from batteries, or who generates other solid waste (for example, battery pack materials, discarded consumer products) as a result of the activities listed above, must determine whether the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100.

(A) If the electrolyte and/or other solid waste exhibit a characteristic or criteria of dangerous waste, it must be managed in compliance with all applicable requirements of this chapter. The handler is considered the generator of the dangerous electrolyte and/or other waste and is subject to WAC 173-303-170 through 173-303-230.

(B) If the electrolyte or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(b) Universal waste mercury-containing equipment. A large quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A large quantity handler of universal waste must place in a container any universal waste mercury-containing equipment with noncontained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed

to prevent the escape of mercury into the environment by volatilization or any other means.

(ii) A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:

(A) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;

(B) Removes ampules only over or in a containment device (for example, tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);

(C) Ensures that a mercury (~~(clean-up)~~) cleanup system is readily available to immediately transfer any mercury resulting from spills or leaks of broken ampules, from that containment device to a container that meets the requirements of WAC 173-303-200;

(D) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of WAC 173-303-200;

(E) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;

(F) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;

(G) Stores removed ampules in closed, nonleaking containers that are in good condition;

(H) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation;

(iii) A large quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler:

(A) Immediately seals the original housing holding the mercury with an airtight seal to prevent the release of any mercury to the environment; and

(B) Follows all requirements for removing ampules and managing removed ampules under (b)(ii) of this subsection; and

(iv)(A) A large quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100:

(I) Mercury or (~~(clean-up)~~) cleanup residues resulting from spills or leaks; and/or

(II) Other solid waste generated as a result of the removal of mercury-containing ampules or housings (for example, the remaining mercury-containing device).

(B) If the mercury, residues, and/or other solid waste exhibits a characteristic or criteria of dangerous waste, it must be managed in compliance with all applicable requirements of this chapter. The handler is considered the generator of the mercury, residues, and/or other waste and must man-

age it in compliance with WAC 173-303-170 through 173-303-230.

(C) If the mercury, residues, and/or other solid waste is not dangerous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(c) Universal waste lamps. A large quantity handler of universal waste must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

(i) A large quantity handler of universal waste must immediately clean up and place in a container any universal waste lamps that show evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the lamps, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(ii) A large quantity handler of universal waste must minimize lamp breakage by accumulating lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. The containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

(iii) A large quantity handler of universal waste must store lamps accumulated in cardboard or fiber containers indoors, meaning in a structure that prevents a container from being exposed to the elements.

(21) Labeling/markings.

A large quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

(a) Universal waste batteries (that is, each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste-Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

(b)(i) Mercury-containing equipment (that is, each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury-Containing Equipment," or "Waste Mercury-Containing Equipment," or "Used Mercury-Containing Equipment."

(ii) A universal waste mercury-containing thermostat or container containing only universal waste mercury-containing thermostats may be labeled or marked clearly with any of the following phrases: "Universal Waste-Mercury Thermostat(s)," "Waste Mercury Thermostat(s)," or "Used Mercury Thermostat(s)."

(c) Universal waste lamp (that is, each lamp), or a container in which the lamps are accumulated, must be labeled or marked clearly with any one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

(22) Accumulation time limits.

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from

another handler, unless the requirements of (b) of this subsection are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

(i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;

(ii) Marking or labeling the individual item of universal waste (for example, each battery, thermostat, mercury-containing equipment, or lamp) with the date it became a waste or was received;

(iii) Maintaining an inventory system on site that identifies the date the universal waste being accumulated became a waste or was received;

(iv) Maintaining an inventory system on site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;

(v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

(vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(23) Employee training.

A large quantity handler of universal waste must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relative to their responsibilities during normal facility operations and emergencies.

(24) Response to releases.

(a) A large quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A large quantity handler of universal waste must determine whether any material resulting from the release is dangerous waste, and if so, must manage the dangerous waste in compliance with all applicable requirements of this chapter. The handler is considered the generator of the material resulting from the release, and is subject to WAC 173-303-145 and 173-303-170 through 173-303-230.

(25) Off-site shipments.

(a) A large quantity handler of universal waste is prohibited from sending or taking universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a large quantity handler of universal waste self-transport universal waste off site, the handler becomes a uni-

versal waste transporter for those self-transportation activities and must comply with the transporter requirements of subsections (28) through (34) of this section while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 C.F.R. 171 through 180, a large quantity handler of universal waste must package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable Department of Transportation regulations under 49 C.F.R. Parts 172 through 180;

(d) Prior to sending a shipment of universal waste to another universal waste handler, the originating handler must ensure that the receiving handler agrees to receive the shipment.

(e) If a large quantity handler of universal waste sends a shipment of universal waste to another handler or to a destination facility and the shipment is rejected by the receiving handler or destination facility, the originating handler must either:

(i) Receive the waste back when notified that the shipment has been rejected; or

(ii) Agree with the receiving handler on a destination facility to which the shipment will be sent.

(f) A large quantity handler of universal waste may reject a shipment containing universal waste, or a portion of a shipment containing universal waste that ~~((he has))~~ they have received from another handler. If a handler rejects a shipment or a portion of a shipment, ~~((he))~~ they must contact the originating handler to notify ~~((him))~~ them of the rejection and to discuss reshipment of the load. The handler must:

(i) Send the shipment back to the originating handler; or

(ii) If agreed to by both the originating and receiving handler, send the shipment to a destination facility.

(g) If a large quantity handler of universal waste receives a shipment containing dangerous waste that is not a universal waste, the handler must immediately notify the department of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The department will provide instructions for managing the dangerous waste.

(h) If a large quantity handler of universal waste receives a shipment of nondangerous, nonuniversal waste, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations.

(26) Tracking universal waste shipments.

(a) Receipt of shipments. A large quantity handler of universal waste must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:

(i) The name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent;

(ii) The quantity of each type of universal waste received (for example, batteries, thermostats, mercury-containing equipment, or lamps);

(iii) The date of receipt of the shipment of universal waste.

(b) Shipments off site. A large quantity handler of universal waste must keep a record of each shipment of universal waste sent from the handler to other facilities. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste sent must include the following information:

(i) The name and address of the universal waste handler, destination facility, or foreign destination to whom the universal waste was sent;

(ii) The quantity of each type of universal waste sent (for example, batteries, thermostats, mercury-containing equipment, or lamps);

(iii) The date the shipment of universal waste left the facility.

(c) Record retention.

(i) A large quantity handler of universal waste must retain the records described in (a) of this subsection for at least three years from the date of receipt of a shipment of universal waste.

(ii) A large quantity handler of universal waste must retain the records described in (b) of this subsection for at least three years from the date a shipment of universal waste left the facility.

(27) Exports.

A large quantity handler of universal waste who sends universal waste to a foreign destination (~~other than to those OECD countries specified in 40 C.F.R. 262.58 (a)(1) (in which case the handler)~~) is subject to the requirements of 40 C.F.R. Part 262, Subpart H which is incorporated by reference at WAC 173-303-230(~~) must:~~

~~(a) Comply with the requirements applicable to a primary exporter in 40 C.F.R. 262.53, 262.56 (a)(1) through (4), (6), and (b) and 262.57 which are incorporated by reference at WAC 173-303-230(1);~~

~~(b) Export such universal waste only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in 40 C.F.R. 262 Subpart E which is incorporated by reference at WAC 173-303-230(1); and~~

~~(c) Provide a copy of the EPA Acknowledgment of Consent for the shipment to the transporter transporting the shipment for export).~~

(28) Applicability - Universal waste transporters. Subsections (28) through (34) of this section apply to universal waste transporters (as defined in WAC 173-303-040).

(29) Prohibitions.

A universal waste transporter is:

(a) Prohibited from disposing of universal waste; and

(b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in subsection (32) of this section.

(30) Waste management.

(a) A universal waste transporter must comply with all applicable U.S. Department of Transportation regulations in 49 C.F.R. Part 171 through 180 for transport of any universal waste that meets the definition of hazardous material in 49 C.F.R. 171.8. For purposes of the Department of Transportation regulations, a material is considered a dangerous waste if it is subject to the Hazardous Waste Manifest Requirements

of the U.S. Environmental Protection Agency specified in WAC 173-303-180. Because universal waste does not require a dangerous waste manifest, it is not considered hazardous waste under the Department of Transportation regulations.

(b) Some universal waste materials are regulated by the Department of Transportation as hazardous materials because they meet the criteria for one or more hazard classes specified in 49 C.F.R. 173.2. As universal waste shipments do not require a manifest under WAC 173-303-180, they may not be described by the DOT proper shipping name "hazardous waste, (l) or (s), n.o.s.," nor may the hazardous material's proper shipping name be modified by adding the word "waste."

(31) Storage time limits.

(a) A universal waste transporter may only store the universal waste at a universal waste transfer facility for ten days or less.

(b) If a universal waste transporter stores universal waste for more than ten days, the transporter becomes a universal waste handler and must comply with the applicable requirements for small or large quantity handlers (subsections (6) through (27) of this section) while storing the universal waste.

(32) Response to releases.

(a) A universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes.

(b) A universal waste transporter must determine whether any material resulting from the release is dangerous waste, and if so, it is subject to all applicable requirements of this chapter. If the waste is determined to be a dangerous waste, the transporter is subject to WAC 173-303-145 and 173-303-170 through 173-303-230.

(33) Off-site shipments.

(a) A universal waste transporter is prohibited from transporting the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

(b) If the universal waste being shipped off site meets the Department of Transportation's definition of hazardous materials under 49 C.F.R. 171.8, the shipment must be properly described on a shipping paper in accordance with the applicable Department of Transportation regulations under 49 C.F.R. Part 172.

(34) Exports.

A universal waste transporter transporting a shipment of universal waste to a foreign destination (~~other than to those OECD countries specified in 40 C.F.R. 262.58 (a)(1) (in which case the handler)~~) is subject to the requirements of 40 C.F.R. Part 262, Subpart H which is incorporated by reference at WAC 173-303-230(~~) may not accept a shipment if the transporter knows the shipment does not conform to the EPA Acknowledgment of Consent. In addition the transporter must ensure that:~~

~~(a) A copy of the EPA Acknowledgment of Consent accompanies the shipment; and~~

~~(b) The shipment is delivered to the facility designated by the person initiating the shipment).~~

(35) **Applicability - Destination facilities.** Subsections (35) through (37) of this section apply to destination facilities.

(a) The owner or operator of a destination facility (as defined in WAC 173-303-040) is subject to all applicable requirements of WAC 173-303-140 and 173-303-141, 173-303-280 through 173-303-525, 173-303-600 through 173-303-695, 173-303-800 through 173-303-840, and the notification requirement at WAC 173-303-060(+) or

(b) The owner or operator of a destination facility that recycles a particular universal waste without storing that universal waste before it is recycled must comply with WAC 173-303-120 (4)(c).

(36) Off-site shipments.

(a) The owner or operator of a destination facility is prohibited from sending or taking universal waste to a place other than a universal waste handler, another destination facility or foreign destination.

(b) The owner or operator of a destination facility may reject a shipment containing universal waste, or a portion of a shipment containing universal waste. If the owner or operator of the destination facility rejects a shipment or a portion of a shipment, ~~((he))~~ they must contact the shipper to notify ~~((him))~~ them of the rejection and to discuss reshipment of the load. The owner or operator of the destination facility must:

(i) Send the shipment back to the original shipper; or

(ii) If agreed to by both the shipper and the owner or operator of the destination facility, send the shipment to another destination facility.

(c) If the owner or operator of a destination facility receives a shipment containing dangerous waste that is not a universal waste, the owner or operator of the destination facility must immediately notify the department of the illegal shipment, and provide the name, address, and phone number of the shipper. The department will provide instructions for managing the dangerous waste.

(d) If the owner or operator of a destination facility receives a shipment of nondangerous, nonuniversal waste, the owner or operator may manage the waste in any way that is in compliance with applicable federal or state solid waste regulations.

(37) Tracking universal waste shipments.

(a) The owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document. The record for each shipment of universal waste received must include the following information:

(i) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;

(ii) The quantity of each type of universal waste received (for example, batteries, thermostats, mercury-containing equipment, or lamps);

(iii) The date of receipt of the shipment of universal waste.

(b) The owner or operator of a destination facility must retain the records described in (a) of this subsection for at least three years from the date of receipt of a shipment of universal waste.

(38) Imports.

Persons managing universal waste that is imported from a foreign country into the United States are subject to the applicable requirements of 40 C.F.R. Part 262, Subpart H (as incorporated by reference at WAC 173-303-230) and of this section, immediately after the waste enters the United States, as indicated in (a) through (c) of this subsection:

(a) A universal waste transporter is subject to the universal waste transporter requirements of subsections (28) through (34) of this section.

(b) A universal waste handler is subject to the small or large quantity handler of universal waste requirements of subsections (6) through (27) of this section, as applicable.

(c) An owner or operator of a destination facility is subject to the destination facility requirements of subsections (35) through (37) of this section.

~~((d) Persons managing universal waste that is imported from an OECD country as specified at 40 C.F.R. 262.58(a)(1), which is incorporated by reference at WAC 173-303-230(1), are subject to (a) through (c) of this subsection, in addition to the requirements of 40 C.F.R. Part 262 subpart H, which is incorporated by reference at WAC 173-303-230(1).))~~

(39) General - Petitions. Subsections (39) and (40) of this section address petitions to include other wastes under this section.

(a) Any person seeking to add a dangerous waste or a category of dangerous waste to this section may petition for a regulatory amendment under subsections (39) and (40) of this section and WAC 173-303-910 (1) and (7).

(b) To be successful, the petitioner must demonstrate to the satisfaction of the department that regulation under the universal waste regulations of this section is: Appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the dangerous waste program. The petition must include the information required by WAC 173-303-910 (1)(b). The petition should also address as many of the factors listed in subsection (40) of this section as are appropriate for the waste or waste category addressed in the petition.

(c) The department will evaluate petitions using the factors listed in subsection (40) of this section. The department will grant or deny a petition using the factors listed in subsection (40) of this section. The decision will be based on the weight of evidence showing that regulation under this section is appropriate for the waste or category of waste, will improve management practices for the waste or category of waste, and will improve implementation of the dangerous waste program.

(40) Factors for petitions to include other wastes under this section.

(a) The waste or category of waste, as generated by a wide variety of generators, is listed in WAC 173-303-081 or 173-303-082, or (if not listed) a proportion of the waste stream exhibits one or more characteristics or criteria of dangerous waste identified in WAC 173-303-090 or 173-303-100. (When a characteristic waste is added to the universal waste regulations of this section by using a generic name to identify the waste category (for example, batteries), the defi-

inition of universal waste in WAC 173-303-040 will be amended to include only the dangerous waste portion of the waste category (for example, dangerous waste batteries.) Thus, only the portion of the waste stream that does exhibit one or more characteristics or criteria (that is, is dangerous waste) is subject to the universal waste regulations of this section;

(b) The waste or category of waste is not exclusive to a specific industry or group of industries, is commonly generated by a wide variety of types of establishments (including, for example, households, retail and commercial businesses, office complexes, conditionally exempt small quantity generators, small businesses, government organizations, as well as large industrial facilities);

(c) The waste or category of waste is generated by a large number of generators (for example, more than 1,000 nationally) and is frequently generated in relatively small quantities by each generator;

(d) Systems to be used for collecting the waste or category of waste (including packaging, marking, and labeling practices) would ensure close stewardship of the waste;

(e) The risk posed by the waste or category of waste during accumulation and transport is relatively low compared to other dangerous wastes, and specific management standards proposed or referenced by the petitioner (for example, waste management requirements appropriate to be added to subsections (9), (20), and (30) of this section; and/or applicable Department of Transportation requirements) would be protective of human health and the environment during accumulation and transport;

(f) Regulation of the waste or category of waste under this section will increase the likelihood that the waste will be diverted from nondangerous waste management systems (for example, the municipal waste stream, nondangerous industrial or commercial waste stream, municipal sewer or storm-water systems) to recycling, treatment, or disposal in compliance with the Hazardous Waste Management Act chapter 70.105 RCW, this chapter, and RCRA Subtitle C.

(g) Regulation of the waste or category of waste under this section will improve implementation of and compliance with the dangerous waste regulatory program; and/or

(h) Such other factors as may be appropriate.

(41) Applicability - Household and conditionally exempt small quantity generator waste.

(a) Persons managing the wastes listed below may, at their option, manage them under the requirements of this section:

(i) Household wastes that are exempt under WAC 173-303-071 (3)(c) and are also of the same type as the universal wastes defined at WAC 173-303-040; and/or

(ii) Small quantity generator wastes that are conditionally exempt under WAC (~~(173-303-070(8))~~) 173-303-171 and are also of the same type as the universal wastes defined at WAC 173-303-040.

(b) Persons who commingle the wastes described in (a)(i) and (ii) of this subsection together with universal waste regulated under this section must manage the commingled waste under the requirements of this section.

AMENDATORY SECTION (Amending WSR 03-07-049, filed 3/13/03, effective 4/13/03)

WAC 173-303-578 Military munitions. (1) Applicability.

(a) The rules in this section identify when military munitions become a solid waste, and, if these wastes are also dangerous under this section or WAC 173-303-016 through 173-303-100, the management standards that apply to these wastes.

(b) Unless otherwise specified in this section, all applicable requirements in this chapter apply to waste military munitions.

(2) Definition of solid waste.

(a) A military munition is not a solid waste when:

(i) Used for its intended purpose, including:

(A) Use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions); or

(B) Use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or

(C) Recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, "use for intended purpose" does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use.

(ii) An unused munition, or component thereof, is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless such activities involve use constituting disposal as defined in WAC 173-303-016 (5)(a), or burning for energy recovery as defined in WAC 173-303-016 (5)(b).

(b) An unused military munition is a solid waste when any of the following occurs:

(i) The munition is abandoned by being disposed of, burned, detonated (except during intended use as specified in (a) of this subsection), incinerated, or treated prior to disposal; or

(ii) The munition is removed from storage in a military magazine or other storage area for the purpose of being disposed of, burned, or incinerated, or treated prior to disposal; or

(iii) The munition is deteriorated or damaged (for example, the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or

(iv) The munition has been declared a solid waste by an authorized military official.

(c) A used or fired military munition is a solid waste:

(i) When transported off range or from the site of use, where the site of use is not a range, for the purposes of storage, reclamation, treatment, disposal, or treatment prior to disposal; or

(ii) If recovered, collected, and then disposed of by burial, or landfilling either on or off a range.

(d) A used or fired military munition is a solid waste, and, therefore, is potentially subject to corrective action under WAC 173-303-646 or imminent and substantial endan-

germent authorities under WAC 173-303-960, if the munition lands off-range and is not promptly rendered safe and/or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range must maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).

(e) Military munitions at closed or transferred ranges. Munitions discharged during military activities are discarded material (and therefore solid waste) for purposes of WAC 173-303-646 under the following circumstance:

The munition is left in place at the firing range at the time the range is closed or when the range is transferred from military control, whichever occurs first.

(3) Standards applicable to emergency responses.

Explosives and munitions emergencies involving military munitions or explosives are subject to WAC 173-303-170((~~(5)~~)) (6), 173-303-240(10), 173-303-400 (2)(c)(xiii), 173-303-600 (3)(p), and 173-303-800 (7)(c), or alternatively to WAC 173-303-804.

(4) Standards applicable to the storage of solid waste military munitions.

(a) Criteria for dangerous waste regulation of waste non-chemical military munitions in storage.

(i) Waste military munitions in storage that exhibit a dangerous waste characteristic, criteria, or are listed as dangerous waste under WAC 173-303-070 are listed or identified as a dangerous waste (and thus are subject to regulation under this chapter), unless all the following conditions are met:

(A) The waste military munitions are not chemical agents or chemical munitions.

(B) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB).

(C) The waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions.

(D) Within ninety days of August 12, 1997, or within ninety days of when a storage unit is first used to store waste military munitions, whichever is later, the owner or operator must notify the department of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in (a)(i) of this subsection is claimed.

(E) The owner or operator must provide oral notice to the department within twenty-four hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions, or any failure to meet a condition of (a)(i) of this subsection that may endanger health or the environment. In addition, a written submission describing the circumstances must be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of (a)(i) of this subsection.

(F) The owner or operator must inventory the waste military munitions at least annually, must inspect the waste military munitions at least quarterly for compliance with the conditions of (a)(i) of this subsection, and must maintain

records of the findings of these inventories and inspections for at least three years.

(G) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

(ii) The conditional exemption in (a)(i) of this subsection from regulation as dangerous waste applies only to the storage of nonchemical waste military munitions. It does not affect the regulatory status of waste military munitions as dangerous wastes with regard to transportation, treatment or disposal.

(iii) The conditional exemption in (a)(i) of this subsection applies only so long as all of the conditions in (a)(i) of this subsection are met.

(b) Notice of termination of waste storage. The owner or operator must notify the department when a storage unit identified in (a)(i)(D) of this subsection will no longer be used to store waste military munitions.

(c) Reinstatement of conditional exemption. If any waste military munition loses its conditional exemption under (a)(i) of this subsection, an application may be filed with the department for reinstatement of the conditional exemption from dangerous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of (a)(i) of this subsection. If the department finds that reinstatement of the conditional exemption is appropriate based on factors such as the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation, or a demonstration that the violations are not likely to recur, the department may reinstate the conditional exemption under (a)(i) of this subsection. If the director does not take action on the reinstatement application within sixty days after receipt of the application, then reinstatement will be deemed granted, retroactive to the date of the application. However, the department may terminate a conditional exemption reinstated by default in the preceding sentence if it finds that reinstatement is inappropriate based on factors such as the owner's or operator's failure to provide a satisfactory explanation of the circumstances of the violation, or failure to demonstrate that the violations are not likely to recur. In reinstating the conditional exemption under (a)(i) of this subsection, the department may specify additional conditions as are necessary to ensure and document proper storage to protect human health and the environment.

(d) Waste chemical munitions.

(i) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under WAC 173-303-070, are listed or identified as a hazardous waste and are subject to the applicable regulatory requirements of RCRA subtitle C and the Hazardous Waste Management Act.

(ii) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under WAC 173-303-070, are not subject to the storage prohibition in RCRA section 3004(j), codified at 40 C.F.R. 268.50 (which is incorporated by reference at WAC 173-303-140 (2)(a)).

(e) Amendments to DDESB storage standards. The DDESB storage standards applicable to waste military munitions, referenced in subsection (4)(a)(i) of this section, are DOD 6055.9-STD ("DOD Ammunition and Explosive

Safety Standards"), in effect on November 8, 1995, except as provided in the following sentence. Any amendments to the DDESB storage standards will become effective for purposes of subsection (4)(a)(i) of this section on the date the Department of Defense publishes notice in the Federal Register that the DDESB standards referenced in subsection (4)(a)(i) of this section have been amended.

(5) Standards applicable to the treatment and disposal of waste military munitions.

The treatment and disposal of dangerous waste military munitions are subject to the applicable permitting, procedural, and technical standards of this chapter.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-600 Final facility standards. Purpose, scope, and applicability.

(1) Final facility standards are established in WAC 173-303-600 through 173-303-695, and also include WAC 173-303-280 through 173-303-395. Final facility standards are minimum statewide standards which describe the acceptable management of dangerous waste.

(2) The final facility standards apply to owners and operators of all facilities which treat, store or dispose of dangerous waste, and which are not exempted by subsection (3) of this section. Only permitted facilities which treat, store or dispose of dangerous waste and owners or operators of a facility which recycles dangerous waste in compliance with subsection (5) of this section can receive dangerous waste from off-site sources, unless exempted by subsection (3) of this section.

(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) The owner or operator of a POTW which treats, stores, or disposes of dangerous waste provided ~~((he has))~~ they have a permit by rule pursuant to the requirements of WAC 173-303-802(4);

(d) A generator accumulating waste on site in compliance with all applicable requirements in WAC 173-303-171, 173-303-172, 173-303-174, and 173-303-200 and 173-303-201;

(e) The owner or operator of a facility which is permitted to manage solid waste pursuant to chapter 173-350 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC ~~((173-303-070(8)))~~ 173-303-171;

(f) A farmer disposing of waste pesticides from ~~((his))~~ their own use provided ~~((he complies))~~ they comply with WAC 173-303-160 (2)(b);

(g) A transporter storing a manifested shipment of dangerous waste for ten days or less in accordance with WAC 173-303-240(6);

(h) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance;

(i) The owner or operator of a facility which is in compliance with the interim status requirements of WAC 173-303-400 and 173-303-805, until final administrative disposition of ~~((his))~~ their final facility permit;

(j) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment unit as defined in WAC 173-303-040, provided that ~~((he has))~~ they have a permit by rule pursuant to the requirements of WAC 173-303-802(5);

(k) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers or, in the case of repackaging of previously containerized waste into new containers, at the time the waste is first placed into the new containers and the generator complies with all applicable requirements of WAC 173-303-200 ~~((1)(b))~~ and 173-303-201 for large quantity generators, WAC 173-303-172 for medium quantity generators, and WAC 173-303-395 (1)(a) and (b);

(l) The compaction or sorting of miscellaneous waste forms such as cans, rags, and bottles in a container, so long as the activity is solely for the purpose of reducing waste void space, and so long as these activities are conducted in a manner that protects human health and prevents any release to the environment and the generator complies with all applicable requirements of WAC 173-303-200 ~~((1)(b))~~ and 173-303-201 for large quantity generators, WAC 173-303-172 for medium quantity generators, and WAC 173-303-395 (1)(a) and (b);

(m) Generators treating dangerous waste on-site in tanks, containers, or containment buildings that are used for accumulation of such wastes provided the generator complies with the WAC 173-303-170~~((3))~~ (2)(b);

(n) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 40 C.F.R. section 268.40, Table Treatment Standards for Hazardous Wastes), or reactive (D003) waste, to remove the characteristic before land disposal, the owner/operator must comply with the requirements set out in WAC 173-303-395 (1)(a);

(o) Universal waste handlers and universal waste transporters (as defined in WAC 173-303-040) handling the wastes listed below. These handlers are subject to regulation under WAC 173-303-573, when handling the below listed universal wastes.

(i) Batteries as described in WAC 173-303-573(2);

(ii) Mercury-containing equipment as described in WAC 173-303-573(3); and

(iii) Lamps as described in WAC 173-303-573(5);

(p)(i) Except as provided in (p)(ii) of this subsection, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- (A) A discharge of a dangerous waste;
- (B) An imminent and substantial threat of a discharge of dangerous waste;
- (C) A discharge of a material that, when discharged, becomes a dangerous waste;
- (D) An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in WAC 173-303-040.

(ii) An owner or operator of a facility otherwise regulated by WAC 173-303-600 must comply with all applicable requirements of WAC 173-303-340 and 173-303-350.

(iii) Any person who is covered by (p)(i) of this subsection and who continues or initiates dangerous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter for those activities.

(iv) In the case of an explosives or munitions emergency response, if a federal, state, tribal or local official acting within the scope of ~~((his or her))~~ their official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA/state identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition;

(q) WAC 173-303-578 identifies when the requirements of WAC 173-303-600 apply to the storage of military munitions classified as solid waste under WAC 173-303-578(2). The treatment and disposal of dangerous waste military munitions are subject to the applicable permitting, procedural, and technical standards in this chapter.

(4) ~~((Reserve.))~~ (Reserved.)

(5) The owner or operator of a facility which recycles dangerous waste may, for such recycled wastes only, comply with the applicable recycling standards specified in WAC 173-303-120 and 173-303-500 through 173-303-525 in lieu of the final facility standards.

(6) The owner or operator must comply with the special land disposal restrictions for certain dangerous wastes in WAC 173-303-140.

(7) The final facility requirements apply to owners or operators of all facilities that treat, store, or dispose of hazardous wastes referred to in 40 C.F.R. Part 268, which is incorporated by reference at WAC 173-303-140(2).

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-610 Closure and post-closure. (1) Applicability.

(a) Subsections (2) through (6) of this section, (which concern closure), apply to the owners and operators of all dangerous waste facilities.

(b) Subsections (7) through (11) of this section, (which concern post-closure care), apply to the owners and operators of all regulated units (as defined in WAC 173-303-040) at which dangerous waste will remain after closure, to tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills, to surface impoundments, waste piles, and miscellaneous units as specified in WAC 173-303-650(6), 173-303-660(9), and 173-303-680(4), respectively; to containment buildings that are required under 40 C.F.R. 264.1102 (incorporated by reference at WAC 173-303-695) to meet the requirements for landfills; and, unless otherwise authorized by the department, to the owners and operators of all facilities which, at closure, cannot meet the removal or decontamination limits specified in subsection (2)(b) of this section.

(c) Owners and operators of off-site recycling facilities subject to WAC 173-303-120 (3) or (4), and off-site used oil processors subject to regulation under WAC 173-303-515(9) are subject to:

(i) WAC 173-303-610(2) Closure performance standard; and

(ii) WAC 173-303-610(12) Off-site recycling and used oil processor closure plans.

(d) For the purposes of the closure and post-closure requirements, any portion of a facility which closes is subject to the applicable closure and post-closure standards even if the rest of the facility does not close and continues to operate.

(e) Except for subsection (2)(a) of this section, the director may, in an enforceable document, replace all or part of the requirements of this section and the unit-specific requirements referenced in subsection (2)(b) of this section with alternative requirements when ~~((he or she))~~ they determine~~((s))~~:

(i) A dangerous waste unit is situated among other solid waste management units or areas of concern, a release has occurred, and both the dangerous waste unit and one or more of the solid waste management units or areas of concern are likely to have contributed to the release; and

(ii) It is not necessary to apply the requirements of this section (or the unit-specific requirements referenced in subsection (2)(b) of this section) because the alternative requirements will protect human health and the environment.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a)(i) Minimizes the need for further maintenance;

(ii) Controls, minimizes or eliminates to the extent necessary to protect human health and the environment, post-closure escape of dangerous waste, dangerous constituents, leachate, contaminated runoff, or dangerous waste decomposition products to the ground, surface water, groundwater, or the atmosphere; and

(iii) 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.

(b) Where the closure requirements of this section, or of WAC 173-303-630(10), 173-303-640(8), 173-303-650(6), 173-303-655(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680 (2) through (4), or 40 C.F.R. 264.1102 (incorporated by reference at WAC 173-303-695) call for the removal or decontamination of dangerous wastes, waste residues, or equipment, bases, liners, soils or other materials containing or contaminated with dangerous wastes or waste residue, then such removal or decontamination must assure that the levels of dangerous waste or dangerous waste constituents or residues do not exceed:

(i) For soils, groundwater, surface water, and air, the numeric cleanup levels calculated using unrestricted use exposure assumptions according to the Model Toxics Control Act Regulations, chapter 173-340 WAC as of the effective date or hereafter amended. Primarily, these will be numeric cleanup levels calculated according to MTCA Method B, although MTCA Method A may be used as appropriate, see WAC 173-340-700 through 173-340-760, excluding WAC 173-340-745; and

(ii) For all structures, equipment, bases, liners, etc., clean closure standards will be set by the department on a case-by-case basis in accordance with the closure performance standards of WAC 173-303-610 (2)(a)(ii) and in a manner that minimizes or eliminates post-closure escape of dangerous waste constituents.

(3) Closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the dangerous waste at partial or final closure are required by WAC 173-303-650(6) and 173-303-660(9) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with WAC 173-303-806(4), and approved by the department as part of the permit issuance procedures 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 subsections (2), (3), (4), (5), and (6) of this section, and the applicable requirements of WAC 173-303-630(10), 173-303-640(8), 173-303-645, 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680(2), and 40 C.F.R. 264.1102 (incorporated by reference at WAC 173-303-695). A copy of the approved plan and all revisions to the plan must be furnished to the department upon request, including request by mail until final closure is completed and certified in accordance with subsection (6) of this section. The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include at least:

(i) A description of how each dangerous waste management unit at the facility will be closed in accordance with subsection (2) of this section;

(ii) A description of how final closure of the facility will be conducted in accordance with subsection (2) of this section.

The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility;

(iii) An estimate of the maximum inventory of dangerous wastes ever on-site over the active life of the facility. (Any change in this estimate is a Class 1 modification with prior approval under WAC 173-303-830(4));

(iv) A detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing, or disposing of all dangerous wastes, and identification of the type(s) of the off-site dangerous waste management units to be used, if applicable;

(v) A detailed description of the steps needed to remove or decontaminate all dangerous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard;

(vi) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and runoff control;

(vii) A schedule for closure of each dangerous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each dangerous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all dangerous waste inventory and of the time required to place a final cover must be included.); and

(viii) For facilities that use trust funds to establish financial assurance under WAC 173-303-620 (4) or (6) and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure.

(ix) For facilities where the director has applied alternative requirements under subsection (1)(e) of this section, WAC 173-303-645 (1)(~~e~~) (f), or 173-303-620 (1)(d), the closure plan must include either the alternative requirements or a reference to the enforceable document that contains the alternative requirements.

(b) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in WAC 173-303-800 through 173-303-840. The written notification or request must include a copy of the amended closure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

(ii) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved closure plan whenever:

(A) Changes in operating plans or facility design affect the closure plan; or

(B) There is a change in the expected year of closure, if applicable; or

(C) In conducting partial or final closure activities, unexpected events require a modification of the approved closure plan; or

(D) The owner/operator requests the director apply alternative requirements under subsection (1)(e) of this section, WAC 173-303-645 (1)(~~e~~) (f), or 173-303-620 (1)(d).

(iii) The owner or operator must submit a written request for a permit modification including a copy of the amended closure plan for approval at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than thirty days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to prepare a contingent closure plan under WAC 173-303-650(6) or 173-303-660(9), must submit an amended closure plan to the department no later than sixty days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665, or no later than thirty days from that date if the determination is made during partial or final closure. The department will approve, disapprove, or modify this amended plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved closure plan will become a condition of any permit issued.

(iv) The department may request modifications to the plan under the conditions described in (b)(ii) of this subsection. The owner or operator must submit the modified plan within sixty days of the department's request, or within thirty days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the department will be approved in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(c) Notification of partial closure and final closure.

(i) The owner or operator must notify the department in writing at least sixty days prior to the date on which they expect to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the department in writing at least forty-five days prior to the date on which they expect to begin closure of a treatment or storage tank, container storage, or incinerator unit, or final closure of a facility with only such units.

(ii) The date when (~~he~~) they "expect(~~s~~) to begin closure" must be either:

(A) No later than thirty days after the date on which any dangerous waste management unit receives the known final volume of dangerous wastes or, if there is a reasonable possibility that the dangerous waste management unit will receive

additional dangerous wastes, no later than one year after the date on which the unit received the most recent volume of dangerous waste. If the owner or operator of a dangerous waste management unit can demonstrate to the department that the dangerous waste management unit or facility has the capacity to receive additional dangerous wastes and (~~he has~~) they have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit; or

(B) For units meeting the requirements of subsection (4)(d) of this section, no later than thirty days after the date on which the dangerous waste management unit receives the known final volume of nondangerous wastes, or if there is a reasonable possibility that the dangerous waste management unit will receive additional nondangerous wastes, no later than one year after the date on which the unit received the most recent volume of nondangerous wastes. If the owner or operator can demonstrate to the department that the dangerous waste management unit has the capacity to receive additional nondangerous wastes and (~~he has~~) they have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the department may approve an extension to this one-year limit.

(ii) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or final order to cease receiving dangerous wastes or to close, then the requirements of (c) of this subsection do not apply. However, the owner or operator must close the facility in accordance with the deadlines established in subsection (4) of this section.

(iv) Removal of wastes and decontamination or dismantling of equipment. Nothing in this subsection will preclude the owner or operator from removing dangerous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(4) Closure; time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at a dangerous waste management unit or facility, the owner or operator must treat, remove from the unit or facility, 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 complies with all applicable requirements for requesting a modification to the permit and demonstrates that (~~he has~~) they have taken and will continue to take all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, and either:

(i) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is a reasonable likelihood that ~~((he))~~ they or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(b) The owner or operator must complete partial and final closure activities in accordance with the approved closure plan and within one hundred eighty days after receiving the final volume of dangerous wastes, or the final volume of nondangerous wastes if the owner or operator complies with all applicable requirements in (d) and (e) of this subsection, at the dangerous waste management unit or facility. The department may approve an extension to the closure period if the owner or operator complies with all applicable requirements for requesting a modification to the permit and demonstrates that ~~((he has))~~ they have taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but not operating dangerous waste management unit or facility, including compliance with all applicable permit requirements, and either:

(i) The partial or final closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii)(A) The dangerous waste management unit or facility has the capacity to receive additional dangerous wastes, or has the capacity to receive nondangerous wastes if the owner or operator complies with (d) and (e) of this subsection;

(B) There is reasonable likelihood that ~~((he))~~ they or another person will recommence operation of the dangerous waste management unit or the facility within one year; and

(C) Closure of the dangerous waste management unit or facility would be incompatible with continued operation of the site.

(c) The demonstrations referred to in (a)(i) and (ii) and (b)(i) and (ii) of this subsection must be made as follows: The demonstrations in (a)(i) and (ii) of this subsection must be made at least thirty days prior to the expiration of the specified ninety-day period; and the demonstration in (b)(i) and (ii) of this subsection must be made at least thirty days prior to the expiration of the specified one hundred eighty-day period unless the owner or operator is otherwise subject to the deadlines in (d) of this subsection.

(d) The department may allow an owner or operator to receive only nondangerous wastes in a landfill, land treatment, or surface impoundment unit after the final receipt of dangerous wastes at that unit if:

(i) The owner or operator requests a permit modification in compliance with all applicable requirements in WAC 173-303-830 and 40 C.F.R. Part 124 and in the permit modification request demonstrates that:

(A) The unit has the existing design capacity as indicated on the part A application to receive nondangerous wastes; and

(B) There is a reasonable likelihood that the owner or operator or another person will receive nondangerous wastes in the unit within one year after the final receipt of dangerous wastes; and

(C) The nondangerous wastes will not be incompatible with any remaining wastes in the unit, or with the facility

design and operating requirements of the unit or facility under this part; and

(D) Closure of the dangerous waste management unit would be incompatible with continued operation of the unit or facility; and

(E) The owner or operator is operating and will continue to operate in compliance with all applicable permit requirements; and

(ii) The request to modify the permit includes an amended wastes analysis plan, groundwater monitoring and response program, human exposure assessment required under RCRA section 3019, and closure and post-closure plan, and updated cost estimates and demonstrations of financial assurance for closure and post-closure care as necessary and appropriate, to reflect any changes due to the presence of dangerous constituents in the nondangerous wastes, and changes in closure activities, including the expected year of closure if applicable under subsection (3)(a)(viii) of this section, as a result of the receipt of nondangerous wastes following the final receipt of dangerous wastes; and

(iii) The request to modify the permit includes revisions, as necessary and appropriate, to affected conditions of the permit to account for the receipt of nondangerous wastes following receipt of the final volume of dangerous wastes; and

(iv) The request to modify the permit and the demonstration referred to in (d)(i) and (ii) of this subsection are submitted to the department no later than one hundred twenty days prior to the date on which the owner or operator of the facility receives the known final volume of dangerous wastes at the unit, or no later than ninety days after the effective date of this rule in the state in which the unit is located, whichever is later.

(e) In addition to the requirements in (d) of this subsection, an owner or operator of a dangerous wastes surface impoundment that is not in compliance with the liner and leachate collection system requirements in 42 U.S.C. 3004 (o)(1) and 3005 (j)(1) or 42 U.S.C. 3004 (o)(2) or (3) or 3005 (j)(2), (3), (4) or (13) must:

(i) Submit with the request to modify the permit:

(A) A contingent corrective measures plan, unless a corrective action plan has already been submitted under WAC 173-303-645(10); and

(B) A plan for removing dangerous wastes in compliance with (e)(ii) of this subsection; and

(ii) Remove all dangerous wastes from the unit by removing all dangerous liquids, and removing all dangerous sludges to the extent practicable without impairing the integrity of the liner(s), if any.

(iii) Removal of dangerous wastes must be completed no later than ninety days after the final receipt of dangerous wastes. The department may approve an extension to this deadline if the owner or operator demonstrates that the removal of dangerous wastes will, of necessity, take longer than the allotted period to complete and that an extension will not pose a threat to human health and the environment.

(iv) If a release that is a statistically significant increase (or decrease in the case of pH) over background values for detection monitoring parameters of constituents specified in the permit or that exceeds the facility's groundwater protection standard at the point of compliance, if applicable, is

detected in accordance with the requirements in WAC 173-303-645, the owner or operator of the unit:

(A) Must implement corrective measures in accordance with the approved contingent corrective measures plan required by (e)(i) of this subsection no later than one year after detection of the release, or approval of the contingent corrective measures plan, whichever is later;

(B) May continue to receive wastes at the unit following detection of the release only if the approved corrective measures plan includes a demonstration that continued receipt of wastes will not impede corrective action; and

(C) May be required by the department to implement corrective measures in less than one year or to cease the receipt of wastes until corrective measures have been implemented if necessary to protect human health and the environment.

(v) During the period of corrective action, the owner or operator must provide semiannual reports to the department that describe the progress of the corrective action program, compile all groundwater monitoring data, and evaluate the effect of the continued receipt of nondangerous wastes on the effectiveness of the corrective action.

(vi) The department may require the owner or operator to commence closure of the unit if the owner or operator fails to implement corrective action measures in accordance with the approved contingent corrective measures plan within one year as required in (e)(iv) of this subsection, or fails to make substantial progress in implementing corrective action and achieving the facility's groundwater protection standard or background levels if the facility has not yet established a groundwater protection standard.

(vii) If the owner or operator fails to implement corrective measures as required in (e)(iv) of this subsection or if the department determines that substantial progress has not been made pursuant to (e)(vi) of this subsection the department will:

(A) Notify the owner or operator in writing that the owner or operator must begin closure in accordance with the deadline in (a) and (b) of this subsection and provide a detailed statement of reasons for this determination; and

(B) Provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the decision no later than twenty days after the date of the notice.

(C) If the department receives no written comments, the decision will become final five days after the close of the comment period. The department will notify the owner or operator that the decision is final, and that a revised closure plan, if necessary, must be submitted within fifteen days of the final notice and that closure must begin in accordance with the deadlines in (a) and (b) of this subsection.

(D) If the department receives written comments on the decision, it will make a final decision within thirty days after the end of the comment period, and provide the owner or operator in writing and the public through a newspaper notice, a detailed statement of reasons for the final decision. If the department determines that substantial progress has not been made, closure must be initiated in accordance with the deadlines in (a) and (b) of this subsection.

(E) The final determinations made by the department under (e)(vii)(C) and (D) of this subsection are not subject to administrative appeal.

(5) Disposal or decontamination of equipment, structures and soils. During the partial and final closure periods, all contaminated equipment, structures and soils must be properly disposed of or decontaminated unless otherwise specified in WAC 173-303-640(8), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), or under the authority of WAC 173-303-680 (2) and (4). By removing any dangerous wastes or dangerous constituents during partial and final closure, the owner or operator may become a generator of dangerous waste and must handle that waste in accordance with all applicable requirements of WAC 173-303-170 through 173-303-230.

(6) Certification of closure. Within sixty days of completion of closure of each dangerous waste management unit (including tank systems and container storage areas), and within sixty days of the completion of final closure, the owner or operator must submit to the department by registered mail or other means that establish proof of receipt (including applicable electronic means), a certification that the dangerous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent qualified registered professional engineer. Documentation supporting the independent qualified registered professional engineer's certification must be furnished to the department upon request until it releases the owner or operator from the financial assurance requirements for closure under WAC 173-303-620(4).

(7) Post-closure care and use of property.

(a) Post-closure care for each dangerous waste management unit subject to post-closure requirements must begin after completion of closure of the unit and continue for thirty years after that date and must consist of at least the following:

(i) Groundwater monitoring and reporting as required by WAC 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680; and

(ii) Maintenance and monitoring of waste containment systems as applicable.

(b) Any time preceding partial closure of a dangerous waste management unit subject to post-closure care requirements or final closure, or any time during the post-closure period for a particular unit, the department may, in accordance with the permit modification procedures in WAC 173-303-800 through 173-303-840:

(i) Shorten the post-closure care period applicable to the dangerous waste management unit, or facility, if all disposal units have been closed, if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or groundwater monitoring results, characteristics of the dangerous waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the dangerous waste management unit or facility is secure); or

(ii) Extend the post-closure care period applicable to the dangerous waste management unit or facility if it finds that the extended period is necessary to protect human health and

the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of dangerous waste at levels which may be harmful to human health and the environment).

(c) The department may require, at partial or final closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the post-closure period when:

(i) Dangerous wastes may remain exposed after completion of partial or final closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health.

(d) Post-closure use of property on or in which dangerous wastes remain after partial or final 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 subsection (8) of this section.

(8) Post-closure plan; amendment of plan.

(a) The owner or operator of a dangerous waste disposal unit must have a written post-closure plan. In addition, certain surface impoundments and certain piles from which the owner or operator intends to remove or decontaminate the dangerous wastes at partial or final closure are required by WAC 173-303-650 and 173-303-660, respectively, to have written contingent post-closure plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure plans under WAC 173-303-650 or 173-303-660 must submit a post-closure plan to the department within ninety days from the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the post-closure requirements. The plan must be submitted with the permit application, in accordance with WAC 173-303-806, and approved by the department as part of the permit issuance procedures under WAC 173-303-840. The approved post-closure plan will become a condition of any permit issued.

(b) For each dangerous waste management unit subject to the requirements of this subsection, the post-closure 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 groundwater 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 comply with WAC 173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680 during the post-closure care period, to ensure:

(A) The integrity of the cap and final cover or other containment structures in accordance with the requirements of

173-303-645, 173-303-650, 173-303-655, 173-303-660, 173-303-665, and 173-303-680; and

(B) The function of the facility monitoring equipment;

(iii) The name, address, and phone number of the person or office to contact about the dangerous waste disposal unit or facility during the post-closure care period;

(iv) And, for facilities where the director has applied alternative requirements under subsection (1) (e) of this section, WAC 173-303-645 (1)((e)) (f) or 173-303-620 ((8)) (1)(d), the post-closure plan must include either the alternative requirements or a reference to the enforceable document that contains the alternative requirements.

(c) Until final closure of the facility, a copy of the approved post-closure plan must be furnished to the department upon request, including request by mail. After final closure has been certified, the person or office specified in (b)(iii) of this subsection must keep the approved post-closure plan during the remainder of the post-closure period.

(d) Amendment of plan. The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements of WAC 173-303-800 through 173-303-840. The written notification or request must include a copy of the amended post-closure plan for review or approval by the department.

(i) The owner or operator may submit a written notification or request to the department for a permit modification to amend the post-closure plan at any time during the active life of the facility or during the post-closure care period.

(ii) The owner or operator must submit a written notification of or request for a permit modification to authorize a change in the approved post-closure plan whenever:

(A) Changes in operating plans or facility design affect the approved post-closure plan; or

(B) There is a change in the expected year of final closure, if applicable; or

(C) Events which occur during the active life of the facility, including partial and final closures, affect the approved post-closure plan; or

(D) The owner/operator requests the director to apply alternative requirements under subsection (1)(e) of this section, WAC 173-303-645 (1)((e)) (f), or 173-303-620 (1)(d).

(iii) The owner or operator must submit a written request for a permit modification at least sixty days prior to the proposed change in facility design or operation, or no later than sixty days after an unexpected event has occurred which has affected the post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all dangerous waste at closure and is not otherwise required to submit a contingent post-closure plan under WAC 173-303-650 or 173-303-660 must submit a post-closure plan to the department no later than ninety days after the date that the owner or operator or department determines that the dangerous waste management unit must be closed as a landfill, subject to the requirements of WAC 173-303-665. The department will approve, disapprove, or modify this plan in accordance with the procedures in WAC 173-303-800 through 173-303-840. The approved post-closure plan will become a permit condition.

(iv) The department may request modifications to the plan under the conditions described in (d)(ii) of this subsection. The owner or operator must submit the modified plan no later than sixty days after the department's request, or no later than ninety days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure plan. Any modifications requested by the department will be approved, disapproved, or modified in accordance with the procedures in WAC 173-303-800 through 173-303-840.

(9) Notice to local land authority. No later than the submission of the certification of closure of each dangerous waste disposal unit, 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 dangerous waste disposal units 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 dangerous waste disposal unit in accordance with the applicable requirements of this section. In addition, no later than sixty days after certification of closure of each dangerous waste disposal unit, 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 other disposal unit of the facility. For wastes disposed of before November 19, 1980 (March 12, 1982, for facilities subject to this chapter but not subject to 40 C.F.R. Part 264), the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of ~~((his))~~ their knowledge and in accordance with any records ~~((he has))~~ they have kept.

(10) Notice in deed to property.

(a) No later than sixty days after certification of closure of each dangerous waste disposal unit, 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 other disposal unit of the facility. For hazardous wastes (as defined in WAC 173-303-040) disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the dangerous wastes to the best of ~~((his))~~ their knowledge and in accordance with any records ~~((he has))~~ they have kept.

(b) Within sixty days of certification of closure of the first dangerous waste disposal unit and within sixty days of certification of closure of the last dangerous waste disposal unit, the owner or operator must:

(i) 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:

- (A) The land has been used to manage dangerous wastes;
- (B) Its use is restricted under this section; and

(C) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or

other dangerous waste disposal unit of the facility required in subsection (9) of this section have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department; and

(ii) Submit a certification, signed by the owner or operator, that ~~((he has))~~ they have recorded the notation specified in (b)(i) of this subsection, including a copy of the document in which the notation has been placed, to the department.

(c) If the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located wishes to remove dangerous wastes and dangerous waste residues, the liner, if any, or contaminated soils, ~~((he))~~ they must request a modification to the post-closure permit in accordance with the applicable requirements in WAC 173-303-800 through 173-303-840. The owner or operator must demonstrate that the removal of dangerous wastes will satisfy the criteria of subsection (7)(d) of this section. By removing dangerous waste, the owner or operator may become a generator of dangerous waste and must manage it in accordance with all applicable requirements of this chapter. If ~~((he is))~~ they are granted a permit modification or otherwise granted approval to conduct such removal activities, the owner or operator may request that the department approve either:

(i) The removal of the notation on the deed to the facility property or other instrument normally examined during title search; or

(ii) The addition of a notation to the deed or instrument indicating the removal of the dangerous waste.

(11) Certification of completion of post-closure care. No later than sixty days after completion of the established post-closure care period for each dangerous waste disposal unit, the owner or operator must submit to the department, by registered mail or other means that establish proof of receipt (including applicable electronic means), a certification that the post-closure care period for the dangerous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent qualified registered professional engineer. Documentation supporting the independent qualified registered professional engineer's certification must be furnished to the department upon request until ~~((he))~~ they release~~((s))~~ the owner or operator from the financial assurance requirements for post-closure care under WAC 173-303-620(6).

(12) Off-site recycling and used oil processor closure plans. The owner or operator of an off-site recycling facility subject to regulation under WAC 173-303-120 (3), (4), or used oil processor or rerefiner subject to WAC 173-303-515(9) must have a written closure plan.

(a) Submittal. For new facilities, the closure plan must be submitted with the notification required under WAC 173-303-060. For existing facilities, the closure plan must be submitted within one hundred eighty days of the effective date of this regulation. For closure plans denied under (b) of this subsection that will be resubmitted, the amended plan must be resubmitted within ninety days after the owner or operator receives the denial.

(b) Review by department. Decision to approve or deny. Closure plans must be submitted to department for review, comment, approval or denial. The department decision to

approve a closure plan must assure it is consistent with requirements in subsections (2) and (12) of this section. The department decision to deny a closure plan must be justified on the inability or unwillingness of the owner and operator to meet requirements in subsections (2) and (12) of this section or WAC 173-303-620 (1)(e). The department's decision may be appealed under the provisions of WAC 173-303-845.

(c) Availability. A copy of the approved closure plan and all updates to the plan must be maintained at the facility and furnished to the department upon request, including request by mail, until final closure is completed and certified in accordance with subsection (6) of this section.

(d) Contents of plan. The closure plan must identify steps necessary to perform final closure of recycling units at any point during its active life. The closure plan must include at least:

(i) An estimate of the maximum inventory of dangerous wastes or used oil ever on-site over the active life of the facility;

(ii) Descriptions, schedules, and disposal or decontamination procedures in subsections (3), (4), (5), (6) of this section, except any provisions dealing with permits, permit applications, modifications or approvals. The term "recycling unit" will replace the terms "dangerous waste management unit" or "regulated unit" in these subsections. Any references to permits or permit modifications in these subsections do not apply.

(e) Obligation to amend. At least sixty days prior to a major change at an off-site recycling or used oil processor/rerefining facility, the owners/operator of that facility must submit an amended closure plan. A major change may include the addition of a recycling or recovery process that is subject to WAC 173-303-120 (3) or (4), any increase in the maximum inventory of dangerous waste or used oil described in the previously approved closure plan, the closure of an existing recycling unit, or a change in ownership or operational control. The department must approve or deny, with justification, the revised closure plan. Refer to (a) of this subsection when a closure plan is denied if the closure plan needs to be resubmitted. Alternatively, the owner or operator may challenge the denial pursuant to WAC 173-303-845.

(f) Notification of closure. At least forty-five days prior to closure, an owner/operator must provide written notice to the department of intent to close.

(g) Relationship to closure plans for permitted facilities. A facility owner/operator that is subject to permitting and closure planning requirements for storage, treatment or disposal that is also required to prepare a closure plan for off-site recycling or used oil processing/rerefining, may satisfy the requirements of this subsection by combining all closure requirements in a single closure plan.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-620 Financial requirements. (1) Applicability.

(a) The requirements of subsections (3), (4), (7), (8), (9), and (10) of this section, apply to owners and operators of all

dangerous waste facilities, except as provided otherwise in this section.

(b) The requirements of subsections (5) and (6) of this section apply to owners and operators of:

(i) Dangerous waste disposal facilities;

(ii) Tank systems that are required under WAC 173-303-640(8) to meet the requirements of landfills;

(iii) Miscellaneous units as specified in WAC 173-303-680(4);

(iv) Waste piles and surface impoundments to the extent that WAC 173-303-650 and 173-303-660, respectively, require that such facilities comply with this section; and

(v) Containment buildings that are required under WAC 173-303-695 to meet the requirements for landfills.

(c) States and the federal government are exempt from the requirements of this section.

(i) Operators of state or federally owned facilities are exempt from the requirements of this section, except subsections (3) and (5) of this section.

(ii) Operators of facilities (~~who are under contract with (but not owned by) the state or federal government~~) that are not state or federally owned must meet all of the requirements of this section, even if the facility is leased by or otherwise under contract with the state or federal government.

(d) The director may, in an enforceable document, replace all or part of the requirements of this section with alternative requirements for financial assurance when (~~he or she~~) they:

(i) (~~Applies~~) Apply alternative requirements for groundwater monitoring, closure or post-closure under WAC 173-303-610 (1)(e) or 173-303-645 (1)(~~e~~) (f); and

(ii) Determine(~~s~~) that it is not necessary to apply the requirements of this section because the alternative requirements will protect human health and the environment.

(e) Except as provided in (c) of this subsection, the requirements of subsections (3), (4), (8), (9) and (10) of this section apply to owners and operators of off-site recycling facilities and processors/rerefiners of used oil, except the term "recycling unit" will replace the terms "dangerous waste management unit" or "regulated unit."

(i) If the closure plan for an off-site recycling or used oil processing/rerefining facility has not been approved by the department within one year of submittal to the department, the department may determine the closure cost estimate and direct the facility to establish financial assurance in that amount. Note that the schedule for partially funded trust funds for existing facilities of WAC 173-303-620 (4)(c)(i) may apply.

(ii) Relationship to closure cost estimates and financial responsibility for permitted facilities. A facility owner/operator that is subject to closure cost estimating and financial responsibility requirements for dangerous waste management units and recycling unit may choose to consolidate those requirements into a single mechanism for submittal to the department.

(2) Definitions. As used in this section, the following listed or referenced terms have the meanings given below:

(a) "Closure plan" means the plan for closure prepared in accordance with the requirements of WAC 173-303-610(3),

or for off-site recycling or used oil processing facilities prepared in accordance with WAC 173-303-610(12);

(b) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (3) of this section;

(c) "Current post-closure cost estimate" means the most recent of the estimates prepared in accordance with subsection (5) of this section;

(d) "Parent corporation" means a corporation which directly owns at least fifty percent of the voting stock of the corporation which is the facility owner or operator; the latter corporation is deemed a "subsidiary" of the parent corporation;

(e) "Post-closure plan" means the plan for post-closure care prepared in accordance with the requirements of WAC 173-303-610 (7), (8), (9), and (10);

(f) "Regional administrator" means the department;

(g) "Hazardous waste" means dangerous waste; and

(h) The additional terms listed and defined in 40 C.F.R. 264.141 (f), (g), and (h) are incorporated by reference.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a detailed written estimate, in current dollars, 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(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), 173-303-670(8), 173-303-680 (2) through (4) and 173-303-695. The closure cost estimate:

(i) 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));

(ii) Must be based on the costs to the owner or operator of hiring a third party to close the facility. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. On a case-by-case basis, the department may determine that a party that shares common ownership, a common parent corporation, or other higher-tier corporate ownership, may not qualify as a third party. (See definition of parent corporation in subsection (2)(d) of this section.) The owner or operator may use costs for on-site disposal if the guarantor can demonstrate that on-site disposal capacity will exist at all times over the life of the facility;

(iii) May not incorporate any salvage value that may be realized with the sale of dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), facility structures or equipment, land, or other assets associated with the facility at the time of partial or final closure;

Except that, off-site recyclers subject to WAC 173-303-120 (3) or (4), or off-site used oil processors subject to WAC 173-303-515(9) may exclude the estimated value for certain types of recyclable materials from the estimated cost of closing a recycling unit. This exclusion may include dangerous wastes or used oil held in tanks or containers that are dedicated solely to the management of recyclable materials that will require only incidental processing prior to producing a product that may be sold to the general public. Incidental processing may include simple screening or filtering to remove

minor amounts of foreign material or removal of less than five percent water by volume;

(iv) May not incorporate a zero cost for dangerous wastes, or nondangerous wastes if applicable under WAC 173-303-610 (4)(d), that might have economic value; and

(v) May not be reduced for "net present value," "present discounted value," or other adjustments.

(b) During the active life of the facility, the owner or operator must revise the closure cost estimate no later than thirty days after the department has approved the request to modify the closure plan, if the change in the closure plan increases the cost of closure. The revised closure cost estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with this section. For owners and operators using the financial test or corporate guarantee, the closure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before submission of updated information to the department as specified in subsection (4) of this section. The adjustment may be made by recalculating the maximum costs of closure in current dollars, or by using an inflation factor derived from the most recent *Implicit Price Deflator for Gross National Product or Gross Domestic Product* as published by the United States Department of Commerce in its survey of current business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the closure cost estimate by the inflation factor. The result is the adjusted closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted closure cost estimate.

(4) Financial assurance for facility closure.

(a) An owner or operator of a TSD, or off-site recycling or used oil processing/refining facility must establish financial assurance for closure of the facility. The owner or operator must choose from the following options or combination of options:

(i) Closure trust fund;

(ii) Surety bond guaranteeing payment into a closure trust fund;

(iii) Surety bond guaranteeing performance of closure;

(iv) Closure letter of credit;

(v) Closure insurance; or

(vi) Financial test and/or corporate guarantee for closure.

(b) In satisfying the requirements of financial assurance for facility closure in this subsection, the owner or operator must meet all the requirements for the mechanisms listed above as set forth in 40 C.F.R. 264.143 which are incorpo-

rated by reference. If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained with the state agency regulating hazardous waste or with the appropriate regional administrator if the facility is located in an unauthorized state.

(c) An owner or operator of an off-site recycling or used oil processing/rerefining facility may also meet the requirements of this subsection through the use of an assigned security deposit held in a Washington state bank. This mechanism is not available to an owner or operator of a TSD.

(i) The department will establish minimum standards for the assigned security deposit mechanism. These standards will include, but are not limited to, the language to be used in the assignment form. Copies of the assignment forms will be available from the department.

(ii) The department is not required to accept an assigned security deposit that does not meet the established minimum standards.

(d) 40 C.F.R. 264.143 is modified by the following requirements:

(i) Partially funded trust funds of 264.143 (a)(3) may not be accepted as a mechanism for a closure trust fund for TSDs. Owners and operators of existing used oil and recycling units that become subject to this section may establish a partially funded closure trust fund with a pay-in period of five years. The fund must be fully funded no later than five years (and the first, second, third, fourth, and fifth payments due no later than one, two, three, four, and five year(s) respectively) after the date of the department's approval of the closure plan under WAC 173-303-610 (12)(b);

(ii) Insurance companies providing closure coverage must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, B++, B+ as rated by A.M. Best;

(iii) Ecology must be named as secondary beneficiary on an insurance policy;

(iv) Facility owners/operators and corporate guarantors requesting the use of the financial test or corporate guarantee must meet a minimum tangible net worth criterion of twenty-five million dollars;

(v) Facility owners/operators and corporate guarantors requesting the use of the financial test or corporate guarantee are not required to submit a "negative assurance" report, such as the one detailed in 40 C.F.R. 264.143 (f)(3)(iii). A financial test or corporate guarantee submission must instead include a CPA report based on an "Agreed Upon Procedures" engagement that complies with the American Institute of Certified Public Accountants' "Statement on Auditing Standards No. 75, Engagements to apply Agreed-Upon Procedures to Specific Elements, Accounts or Items of a Financial Statement" or any subsequent equivalent document from AICPA. This report must describe the procedures performed and related findings, including whether or not there were discrepancies found in the comparison.

(e) Owners and operators of off-site recycling facilities regulated under WAC 173-303-120 (3) or (4), or used oil processing/rerefining facilities regulated under WAC 173-303-

515(9), must demonstrate financial assurance for closure of the facility or recycling units. In addition to the requirements of 40 C.F.R. 264.143, as amended by this subsection, the financial assurance must meet the following requirements:

(i) For existing facilities choosing a surety bond guaranteeing payment, surety bond guaranteeing performance, letter of credit, insurance, financial test, corporate guarantee, or assigned security deposit, the mechanism must be established within thirty-six months of the effective date of this section;

(ii) Owners and operators of existing facilities choosing a partially funded trust fund mechanism must establish a fully funded trust fund within sixty months of approval of the closure plan by the department (see (c)(i) of this subsection);

(iii) For new facilities, financial assurance must be established and submitted to the department at least sixty days prior to the acceptance of the first shipment of wastes.

(f) Owners and operators of off-site recycling facilities regulated under WAC 173-303-120 (3) or (4), or used oil processing/rerefining facilities regulated under WAC 173-303-515(9) may request an alternative mechanism for financing the closure of recycling units that is determined by the department to be equivalent to one of the methods listed in (a) of this subsection. This may include any alternative mechanism as may be established through action by the Washington state legislature. An assigned security deposit that meets the department's standards is an equivalent alternative mechanism within the meaning of this section.

(g) The amount of financial assurance for closure must not be less than the facility's current closure cost estimate. Financial assurance amounts, regardless of mechanism, may not be reduced for "net present value," "present discounted value," or other adjustments.

(5) Cost estimate for post-closure monitoring and maintenance.

(a) The owner or operator of a facility subject to post-closure monitoring or maintenance requirements must have a detailed written estimate, in current dollars, 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), 173-303-650(6), 173-303-655(8), 173-303-660(9), 173-303-665(6), and 173-303-680(4). The post-closure cost estimate must be based on the costs to the owner or operator of hiring a third party to conduct post-closure care activities. A third party is a party who is neither a parent nor a subsidiary of the owner or operator. On a case-by-case basis, the department may determine that a party that shares common ownership, a common parent corporation, or other higher-tier corporate ownership may not qualify as a third party. (See definition of parent corporation in subsection (2)(d) of this section.) The post-closure cost estimate is calculated by multiplying the annual post-closure cost estimate by the number of years of post-closure care required by WAC 173-303-610.

(b) During the active life of the facility, the owner or operator must revise the post-closure cost estimate within thirty days after the department has approved the request to modify the post-closure plan, if the change in the post-closure plan increases the cost of post-closure care. The revised post-closure cost estimate must be adjusted for inflation as specified in (c)(i) and (ii) of this subsection.

(c) During the active life of the facility, the owner or operator must adjust the post-closure cost estimate for inflation within sixty days prior to the anniversary date of the establishment of the financial instrument(s) used to comply with subsection (6) of this section. For owners or operators using the financial test or corporate guarantee, the post-closure cost estimate must be updated for inflation within thirty days after the close of the firm's fiscal year and before the submission of updated information to the department as specified in subsection (6) of this section. The adjustment may be made by recalculating the post-closure cost estimate in current dollars or by using an inflation factor derived from the most recent *Implicit Price Deflator for Gross National Product* or *Gross Domestic Product* as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor is the result of dividing the latest published annual deflator by the deflator for the previous year.

(i) The first adjustment is made by multiplying the post-closure cost estimate by the inflation factor. The result is the adjusted post-closure cost estimate.

(ii) Subsequent adjustments are made by multiplying the latest adjusted post-closure cost estimate by the latest inflation factor.

(d) During the operating life of the facility, the owner or operator must keep at the facility the latest post-closure cost estimate prepared in accordance with (a) and (b) of this subsection, and, when this estimate has been adjusted in accordance with (c) of this subsection, the latest adjusted post-closure cost estimate.

(6) Financial assurance for post-closure monitoring and maintenance.

(a) An owner or operator of a facility subject to post-closure monitoring or maintenance requirements must establish financial assurance for post-closure care in accordance with the approved post-closure care plan. The owner or operator must choose from the following options or combination of options:

(i) Post-closure trust fund, except that the use of partially funded trust funds, as provided in 40 C.F.R. 264.145(a), will not be allowed by the department;

(ii) Surety bond guaranteeing payment into a post-closure trust fund;

(iii) Surety bond guaranteeing performance of post-closure care;

(iv) Post-closure letter of credit;

(v) Post-closure insurance; however, financial or insurance institutions providing such insurance must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, B++, B+ as rated by A.M. Best; or

(vi) Financial test and/or corporate guarantee for post-closure care, except that the criterion for minimum tangible net worth in 40 C.F.R. 264.145(f) must be in an amount of at least twenty-five million dollars;

(vii) Facility owners/operators and corporate guarantors requesting the use of the financial test or corporate guarantee are not required to submit a "negative assurance" report, such

as the one detailed in 40 C.F.R. 264.145 (f)(3)(iii). A financial test or corporate guarantee submission must instead include a CPA report based on an "Agreed Upon Procedures" engagement that complies with the American Institute of Certified Public Accountants' "Statement on Auditing Standards No. 75, Engagements to apply Agreed-Upon Procedures to Specific Elements, Accounts or Items of a Financial Statement" or any subsequent equivalent document from AICPA. This report must describe the procedures performed and related findings, including whether or not there were discrepancies found in the comparison.

(b) In satisfying the requirements of financial assurance for facility post-closure care in this subsection, the owner or operator must meet all the requirements set forth in 40 C.F.R. 264.145 which are incorporated by reference. If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance must be submitted to and maintained with the state agency regulating hazardous waste or with the appropriate regional administrator if the facility is located in an unauthorized state.

(c) The amount of financial assurance for post-closure must not be less than the facility's current post-closure cost estimate. Financial assurance amounts, regardless of mechanism, may not be reduced for "net present value," "present discounted value," or other adjustments.

(7) Use of a mechanism for financial assurance of both closure and post-closure care. An owner or operator may satisfy the requirements for financial assurance for both closure and post-closure care for one or more facilities by using a trust fund, surety bond, letter of credit, insurance, financial test, or corporate guarantee that meets the specifications for the mechanism in both 40 C.F.R. 264.143 and 264.145 which are incorporated by reference. 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 financial assurance of closure and of post-closure care.

(8) Liability requirements.

(a) An owner or operator of a TSD facility, off-site recycling or used oil processing/refining facility, or a group of such facilities must demonstrate financial responsibility for bodily injury and property damages to third parties caused by sudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 C.F.R. 264.147(a), which is incorporated by reference, with the following additional requirements:

(i) The owner or operator must have and maintain liability coverage for sudden accidental occurrences in the amount of at least two million dollars per occurrence with an annual aggregate of at least four million dollars, exclusive of legal defense costs. For facilities that meet the criteria listed in 40 C.F.R. 264.147(b), the owner or operator must have and maintain liability coverage for nonsudden accidental occurrences in the amount of five million dollars per occurrence with an annual aggregate of ten million dollars, exclusive of legal defense costs.

(ii) Insurance companies providing liability coverage must have a current rating of financial strength of:

(A) AAA, AA+, AA, AA-, A+, A as rated by Standard and Poor's;

(B) Aaa, Aa1, Aa2, Aa3, A1, A2 as rated by Moody's; or

(C) A++, A+, A, A-, B++, B+ as rated by A.M. Best;

(iii) The department may file claims against liability insurance when contamination occurs as a result of releases or discharges of dangerous wastes or used oil from recycling units subject to regulation under this section to waters of the state as defined under chapter 90.48 RCW;

(iv) Facility owners/operators and corporate guarantors requesting the use of the financial test and corporate guarantee must meet a minimum tangible net worth criterion of twenty-five million dollars.

(b) An owner or operator of a facility with a regulated unit or units (as defined in WAC 173-303-040) or a disposal miscellaneous unit or units used to manage dangerous waste or a group of such facilities must demonstrate financial responsibility for bodily injury and property damage to third parties caused by nonsudden accidental occurrences arising from operations of the facility or group of facilities. The owner or operator must meet the requirements of 40 C.F.R. 264.147(b), 264.147 (f), (g), (h), (i), and (j) which are incorporated by reference.

(c) Request for variance. If an owner or operator can demonstrate to the satisfaction of the department that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the owner or operator may obtain a variance from the department. The request for a variance must be submitted to the department as part of the application under WAC 173-303-806(4) for a facility that does not have a permit, or pursuant to the procedures for permit modification under WAC 173-303-830 for a facility that has a permit. If granted, the variance will take the form of an adjusted level of required liability coverage, such level to be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. The department may require an owner or operator who requests a variance to provide such technical and engineering information as is deemed necessary by the department to determine a level of financial responsibility other than that required by (a) or (b) of this subsection. Any request for a variance for a permitted facility will be treated as a request for a permit modification under WAC 173-303-830.

(d) Adjustments by the department. If the department determines that the levels of financial responsibility required by (a) or (b) of this subsection are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the department may adjust the level of financial responsibility required under (a) or (b) of this subsection as may be necessary to protect human health and the environment. This adjusted level will be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the department determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from the operations of a

facility that has no regulated units (as defined in WAC 173-303-040), it may require that the owner or operator of the facility comply with (b) of this subsection. An owner or operator must furnish to the department within a reasonable time, any information which the department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustments of level or type of coverage for a facility that has a permit will be treated as a permit modification under WAC 173-303-830.

(e) Period of coverage. An owner or operator must continuously provide liability coverage for a facility as required by this subsection until certifications of closure of the facility, as specified in WAC 173-303-610(6), are received by the department.

(f) The following subsections are incorporated by reference: 40 C.F.R. section 264.147(f), Financial test for liability coverage, (g) Guarantee for liability coverage, (h) Letter of credit for liability coverage, (i) Surety bond for liability coverage, and (j) Trust fund for liability coverage.

(9) Incapacity of owners or operators, guarantor or financial institutions.

(a) An owner or operator must notify the department by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), United States Code, naming the owner or operator as debtor, within ten days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in 40 C.F.R. 264.143(f) and 264.145(f) must make such a notification if the guarantor is named as debtor, as required under the terms of the corporate guarantee (40 C.F.R. 264.151(h)).

(b) An owner or operator who fulfills the requirements of 40 C.F.R. 264.143, 264.145, or 264.147 (a) or (b) by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The owner or operator must establish other financial assurance or liability coverage within sixty days after such an event.

(10) Wording of the instruments. The financial instruments required by this section must contain the wording specified by 40 C.F.R. 264.151 which is incorporated by reference, except that:

(a) The words "regional administrator" and "environmental protection agency" must be replaced with the words Washington state department of ecology;

(b) The words "hazardous waste" must be replaced with the words "dangerous waste";

(c) Any other words specified by the department must be changed as necessary to assure financial responsibility of the facility in accordance with the requirements of this section; and

(d) Whenever 40 C.F.R. 264.151 requires that owners and operators notify several regional administrators of their financial obligations, the owner or operator must notify both the department and all regional administrators of regions that are affected by the owner or operator's financial assurance mechanisms.

Copies of the financial instruments with the appropriate word changes will be available from the department by June 30, 1984.

(11) Financial assurance requirements for corrective action sites are detailed in WAC 173-303-64620(5).

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-630 Use and management of containers. (1) Applicability. The regulations in this section apply to owners and operators of all dangerous waste facilities that store dangerous waste in containers ~~((of dangerous waste))~~.

(2) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe corroding or rusting((;)) or flaking or scaling, and/or 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. In addition, the owner or operator must address leaks and spills in accordance with the applicable provisions of WAC 173-303-145 and 173-303-360.

(3) Identification of containers. The owner or operator ~~((must))~~ storing dangerous waste in containers must do the following:

(a) Clearly label or mark containers ((in a manner which adequately identifies the major risk(s))) with the words "Dangerous Waste" or "Hazardous Waste." Except for containers one gallon (or four liters) and under, the lettering must be legible from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height.

(b) Clearly label or mark containers with an indication of the hazards of the contents (examples include, but are not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes). The label or marking must be:

(i) Legible and/or recognizable from a distance of twenty-five feet or the lettering size is a minimum of one-half inch in height; and

(ii) Include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the contents of the containers for employees, emergency response personnel, waste handlers, and the public ((note: If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must); for containers one gallon (or four liters) and under the label, marking or lettering can be appropriate for the size of the container.

(c) Affix labels upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility. ((The owner or operator must))

(d) Ensure that labels are not obscured, removed, or otherwise 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.

(c) A minimum thirty-inch ~~((separation is required between aisles of containers holding dangerous waste(s). A row of drums must be no more than two drums wide))~~ aisle space separation is required between rows of containers. A row of containers must be no more than two wide and allow for unobstructed inspection of each container.

(6) Inspections. ~~((At least weekly;))~~ The owner or operator must ~~((inspect))~~ conduct "weekly inspections" (as defined in WAC 173-303-040), of 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. The owner or operator must keep ~~((an))~~ a written or electronic inspection log including at least the date and time of the inspection, the printed name and the handwritten or electronic signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

(7) Containment.

(a) Container storage areas must have a containment system that is capable of collecting and holding spills and leaks. In addition to the necessary leak containment capacity, uncovered storage areas must be capable of holding the additional volume that would result from the precipitation of a maximum twenty-five year storm of twenty-four 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. The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(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. Spilled or leaked waste and accumulated precipitation must be removed from the containment system in as timely a manner as is necessary to prevent overflow; and

(iii) Have sufficient capacity to contain ten percent of the volume of all containers or the volume of the largest container, whichever is greater. Only containers holding free liquids, or holding wastes designated as F020, F021, F022, F023, F026, or F027 need to be considered in this determination.

(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 (a)(iii) of

this subsection to accommodate any run-on which might enter the system.

(c) Storage areas that store containers holding only wastes that do not contain free liquids, do not exhibit either the characteristic of ignitability or reactivity as described in WAC 173-303-090 (5) or (7), and are not designated as F020, F021, F022, F023, F026, or F027, need not have a containment system as described in this subsection: Provided, That:

(i) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

(ii) The containers are elevated or are otherwise protected from contact with accumulated liquids.

(d) The department may require owners and operators to protect their containers from the elements by means of a building or other protective covering if the department determines that such protection is necessary to prevent a release of waste or waste constituents due to the nature of the waste or design of the container. The building or other protective covering must allow adequate inspection under subsection (6) of this section.

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste exhibiting a characteristic specified in WAC 173-303-090 (7)(a)(vi), (vii) or (viii) must be stored in a manner equivalent to the separation distances for storage of explosives in the International Fire Code's "American Table of Distances for Storage of Explosives" Table 3304.5.2(2) or "Table of Separation Distances for Low Explosives" Table 3304.5.2(3), 2003) Code, 2015 edition, or the version adopted by the local fire district.

(b) The owner or operator must design, operate, and maintain ignitable waste and reactive waste (other than a reactive waste which must meet (a) of this subsection) container storage in a manner equivalent with the International Fire Code. Where no specific standard or requirements are specified in the International Fire Code, or in existing state or local fire codes, applicable sections of the NFPA ((~~Pamphlet~~ #)30((~~7~~))) "Flammable and Combustible Liquids Code," must be used. The owner/operator must also comply with the requirements of WAC 173-303-395 (1)(d).

(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 must 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.

(11) Air emission standards. The owner or operator must manage all hazardous waste placed in a container in accordance with the applicable requirements of 40 C.F.R. Subparts AA, BB, and CC, which are incorporated by reference at WAC 173-303-690 through 173-303-692.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-640 Tank systems. (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tank systems to treat or store dangerous waste, except as (b), (c), and (d) of this subsection provides otherwise.

(b) Tank systems that are used to store or treat dangerous waste which contain no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in subsection (4) of this section. To demonstrate the absence or presence of free liquids in the stored/treated waste, the Paint Filter Liquids Test Method 9095B described in "*Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods*" EPA Publication SW-846 as incorporated by reference at WAC 173-303-110 (3)(a) must be used.

(c) Tank systems, including sumps, as defined in WAC 173-303-040, that serve as part of a secondary containment system to collect or contain releases of dangerous wastes are exempted from the requirements in subsection (4)(a) of this section.

(d) Tanks, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in WAC 173-303-040 and regulated under WAC 173-303-675, must meet the requirements of this section.

(2) Assessment of existing tank system's integrity.

(a) For each existing tank system, the owner or operator must determine that the tank system is not leaking or is ((~~unfit~~) fit) for use. Except as provided in (b) of this subsection, the owner or operator must obtain and keep on file at the facility a written assessment reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that attests to the tank system's integrity by January 12, 1988, for underground tanks that do not meet the requirements of subsection (4) of this section and that cannot be entered for inspection, or by January 12, 1990, for all other tank systems.

(b) Tank systems that store or treat materials that become dangerous wastes subsequent to January 12, 1989, must conduct this assessment within twelve months after the date that the waste becomes a dangerous waste.

(c) This assessment must determine that the tank system is adequately designed and has sufficient structural strength and compatibility with the waste(s) to be stored or treated, to ensure that it will not collapse, rupture, or fail. At a minimum, this assessment must consider the following:

(i) Design standard(s), if available, according to which the tank system was constructed;

(ii) Dangerous characteristics of the waste(s) that have been and will be handled;

(iii) Existing corrosion protection measures;

(iv) Documented age of the tank system, if available (otherwise, an estimate of the age); and

(v) Results of a leak test, internal inspection, or other tank system integrity examination such that:

(A) For nonenterable underground tanks, the assessment must include a leak test that is capable of taking into account the effects of temperature variations, tank end deflection, vapor pockets, and high water table effects; and

(B) For other than nonenterable underground tanks and for ancillary equipment, this assessment must include either a leak test, as described above, or other integrity examination, that is certified by an independent, qualified, registered professional engineer, in accordance with WAC 173-303-810 (13)(a), that addresses cracks, leaks, corrosion, and erosion.

Note: Three publications may be used, where applicable, as guidelines in conducting other than a leak test: *Tank Inspection, Repair, Alteration, and Reconstruction*, API Standard 653, Fourth Edition, April 2009; *Guidance for Assessing and Certifying Tank Systems that Store and Treat Dangerous Waste*, Ecology Publication No. 94-114; and *Steel Tank Institute publication #SP001-05 Standard for the Inspection of Aboveground Storage Tanks* 5th Edition, revised September 2011.

(d) If, as a result of the assessment conducted in accordance with (a) of this subsection, a tank system is found to be leaking or unfit for use, the owner or operator must comply with the requirements of subsection (7) of this section.

(e) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to ensure that the tank retains its structural integrity and will not collapse, rupture, or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(3) Design and installation of new tank systems or components.

(a) Owners or operators of new tank systems or components must obtain (and for facilities that are pursuing or have obtained a final status permit, submit to the department, at time of submittal of Part B information) a written assessment, reviewed and certified by an independent, qualified registered professional engineer, in accordance with WAC 173-303-810 (13)(a), attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of dangerous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. This assessment (which will be used by the department to review and approve or disapprove the acceptability of the tank system design at facilities which are pursuing or have obtained a final status permit) must include, at a minimum, the following information:

(i) Design standard(s) according to which tank system(s) are constructed;

(ii) Dangerous characteristics of the waste(s) to be handled;

(iii) For new tank systems or components in which the external shell of a metal tank or any external metal compo-

nent of the tank system will be in contact with the soil or with water, a determination by a corrosion expert of:

(A) Factors affecting the potential for corrosion, including but not limited to:

(I) Soil moisture content;

(II) Soil pH;

(III) Soil sulfides level;

(IV) Soil resistivity;

(V) Structure to soil potential;

(VI) Influence of nearby underground metal structures (e.g., piping);

(VII) Existence of stray electric current;

(VIII) Existing corrosion-protection measures (e.g., coating, cathodic protection); and

(B) The type and degree of external corrosion protection that are needed to ensure the integrity of the tank system during the use of the tank system or component, consisting of one or more of the following:

(I) Corrosion-resistant materials of construction such as special alloys, fiberglass reinforced plastic, etc.;

(II) Corrosion-resistant coating (such as epoxy, fiberglass, etc.) with cathodic protection (e.g., impressed current or sacrificial anodes); and

(III) Electrical isolation devices such as insulating joints, flanges, etc.

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in providing corrosion protection for tank systems.

(iv) For underground tank system components that are likely to be adversely affected by vehicular traffic, a determination of design or operational measures that will protect the tank system against potential damage; and

(v) Design considerations to ensure that:

(A) Tank foundations will maintain the load of a full tank;

(B) Tank systems will be anchored to prevent flotation or dislodgment where the tank system is either placed in a saturated zone, or is located less than five hundred feet from a fault which has had displacement in Holocene times; and

(C) Tank systems will withstand the effects of frost heave.

(b) The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank to ensure that the tank retains its structural integrity and will not collapse, rupture or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.

(c) The owner or operator of a new tank system must ensure that proper handling procedures are adhered to in order to prevent damage to the system during installation. Prior to covering, enclosing, or placing a new tank system or component in use, an independent, qualified installation inspector or an independent, qualified, registered professional engineer, either of whom is trained and experienced in

the proper installation of tank systems or components, must inspect the system for the presence of any of the following items:

- (i) Weld breaks;
- (ii) Punctures;
- (iii) Scrapes of protective coatings;
- (iv) Cracks;
- (v) Corrosion;
- (vi) Other structural damage or inadequate construction/installation.

All discrepancies must be remedied before the tank system is covered, enclosed, or placed in use.

(d) New tank systems or components that are placed underground and that are backfilled must be provided with a backfill material that is a noncorrosive, porous, homogeneous substance and that is installed so that the backfill is placed completely around the tank and compacted to ensure that the tank and piping are fully and uniformly supported.

(e) All new tanks and ancillary equipment must be tested for tightness prior to being covered, enclosed, or placed in use. If a tank system is found not to be tight, all repairs necessary to remedy the leak(s) in the system must be performed prior to the tank system being covered, enclosed, or placed into use.

(f) Ancillary equipment must be supported and protected against physical damage and excessive stress due to settlement, vibration, expansion, or contraction.

Note: The piping system installation procedures described in American Petroleum Institute (API) Publication 1615 (November 1979), "Installation of Underground Petroleum Storage Systems," or ANSI Standard B31.3, "Petroleum Refinery Piping," and ANSI Standard B31.4 "Liquid Petroleum Transportation Piping System," may be used, where applicable, as guidelines for proper installation of piping systems.

(g) The owner or operator must provide the type and degree of corrosion protection recommended by an independent corrosion expert, based on the information provided under (a)(iii) of this subsection, or other corrosion protection if the department believes other corrosion protection is necessary to ensure the integrity of the tank system during use of the tank system. The installation of a corrosion protection system that is field fabricated must be supervised by an independent corrosion expert to ensure proper installation.

(h) The owner or operator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of (b) through (g) of this subsection, that attest that the tank system was properly designed and installed and that repairs, pursuant to (c) and (e) of this subsection, were performed. These written statements must also include the certification statement as required in WAC 173-303-810 (13)(a).

(4) Containment and detection of releases.

(a) In order to prevent the release of dangerous waste or dangerous constituents to the environment, secondary containment that meets the requirements of this subsection must be provided (except as provided in (f) and (g) of this subsection):

(i) For all new and existing tank systems or components, prior to their being put into service.

(ii) For tank systems that store or treat materials that become dangerous wastes, within two years of the dangerous waste listing, or when the tank system has reached fifteen years of age, whichever comes later.

(b) Secondary containment systems must be:

(i) Designed, installed, and operated to prevent any migration of wastes or accumulated liquid out of the system to the soil, groundwater, or surface water at any time during the use of the tank system; and

(ii) Capable of detecting and collecting releases and accumulated liquids until the collected material is removed.

(c) To meet the requirements of (b) of this subsection, secondary containment systems must be at a minimum:

(i) Constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure owing to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which it is exposed, climatic conditions, stress of installation, and the stress of daily operations (including stresses from nearby vehicular traffic);

(ii) Placed on a foundation or base capable of providing support to the secondary containment system, resistance to pressure gradients above and below the system, and capable of preventing failure due to settlement, compression, or uplift;

(iii) Provided with a leak-detection system that is designed and operated so that it will detect the failure of either the primary or secondary containment structure or the presence of any release of dangerous waste or accumulated liquid in the secondary containment system within twenty-four hours, or at the earliest practicable time if the owner or operator can demonstrate to the department that existing detection technologies or site conditions will not allow detection of a release within twenty-four hours; and

(iv) Sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within twenty-four hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator can demonstrate to the department that removal of the released waste or accumulated precipitation cannot be accomplished within twenty-four hours.

Note: If the collected material is a dangerous waste under WAC 173-303-070, it is subject to management as a dangerous waste in accordance with all applicable requirements of WAC 173-303-170 through 173-303-400 and WAC 173-303-600 through 173-303-695. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of sections 301, 304, and 402 of the Clean Water Act, as amended. If discharged to a publicly owned treatment works (POTW), it is subject to the requirements of section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 C.F.R. Part 302.

(d) Secondary containment for tanks must include one or more of the following devices:

- (i) A liner (external to the tank);
- (ii) A vault;
- (iii) A double-walled tank; or

(iv) An equivalent device as approved by the department.

(e) In addition to the requirements of (b), (c), and (d) of this subsection, secondary containment systems must satisfy the following requirements:

(i) External liner systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event.

(C) Free of cracks or gaps; and

(D) Designed and installed to surround the tank completely and to cover all surrounding earth likely to come into contact with the waste if the waste is released from the tank(s) (i.e., capable of preventing lateral as well as vertical migration of the waste).

(ii) Vault systems must be:

(A) Designed or operated to contain one hundred percent of the capacity of the largest tank within its boundary;

(B) Designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a twenty-five-year, twenty-four-hour rainfall event;

(C) Constructed with chemical-resistant water stops in place at all joints (if any);

(D) Provided with an impermeable interior coating or lining that is compatible with the stored waste and that will prevent migration of waste into the concrete;

(E) Provided with a means to protect against the formation of and ignition of vapors within the vault, if the waste being stored or treated:

(I) Meets the definition of ignitable waste under WAC 173-303-090(5); or

(II) Meets the definition of reactive waste under WAC 173-303-090(7), and may form an ignitable or explosive vapor; and

(F) Provided with an exterior moisture barrier or be otherwise designed or operated to prevent migration of moisture into the vault if the vault is subject to hydraulic pressure.

(iii) Double-walled tanks must be:

(A) Designed as an integral structure (i.e., an inner tank completely enveloped within an outer shell) so that any release from the inner tank is contained by the outer shell;

(B) Protected, if constructed of metal, from both corrosion of the primary tank interior and of the external surface of the outer shell; and

(C) Provided with a built-in continuous leak detection system capable of detecting a release within twenty-four hours, or at the earliest practicable time, if the owner or operator can demonstrate to the department, and the department concludes, that the existing detection technology or site conditions would not allow detection of a release within twenty-four hours.

Note: The provisions outlined in the Steel Tank Institute's (STI) "Standard for Dual Wall Underground Steel Storage Tanks" may be used as guidelines for aspects of the design of underground steel double-walled tanks.

(f) Ancillary equipment must be provided with secondary containment (e.g., trench, jacketing, double-walled piping) that meets the requirements of (b) and (c) of this subsection except for:

(i) Aboveground piping (exclusive of flanges, joints, valves, and other connections) that are visually inspected for leaks on a daily basis;

(ii) Welded flanges, welded joints, and welded connections, that are visually inspected for leaks on a daily basis;

(iii) Sealless or magnetic coupling pumps and sealless valves, that are visually inspected for leaks on a daily basis; and

(iv) Pressurized aboveground piping systems with automatic shutoff devices (e.g., excess flow check valves, flow metering shutdown devices, loss of pressure actuated shutoff devices) that are visually inspected for leaks on a daily basis.

(g) The owner or operator may obtain a variance from the requirements of this subsection if the department finds, as a result of a demonstration by the owner or operator that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous waste or dangerous constituents into the groundwater, or surface water at least as effectively as secondary containment during the active life of the tank system or that in the event of a release that does migrate to groundwater or surface water, no substantial present or potential hazard will be posed to human health or the environment. New underground tank systems may not, per a demonstration in accordance with (g)(ii) of this subsection, be exempted from the secondary containment requirements of this section.

(i) In deciding whether to grant a variance based on a demonstration of equivalent protection of groundwater and surface water, the department will consider:

(A) The nature and quantity of the wastes;

(B) The proposed alternate design and operation;

(C) The hydrogeologic setting of the facility, including the thickness of soils present between the tank system and groundwater; and

(D) All other factors that would influence the quality and mobility of the dangerous constituents and the potential for them to migrate to groundwater or surface water.

(ii) In deciding whether to grant a variance based on a demonstration of no substantial present or potential hazard, the department will consider:

(A) The potential adverse effects on groundwater, surface water, and land quality taking into account:

(I) The physical and chemical characteristics of the waste in the tank system, including its potential for migration;

(II) The hydrogeological characteristics of the facility and surrounding land;

(III) The potential for health risks caused by human exposure to waste constituents;

(IV) The potential for damage to wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents; and

(V) The persistence and permanence of the potential adverse effects.

(B) The potential adverse effects of a release on groundwater quality, taking into account:

(I) The quantity and quality of groundwater and the direction of groundwater flow;

(II) The proximity and withdrawal rates of groundwater users;

(III) The current and future uses of groundwater in the area; and

(IV) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater quality.

(C) The potential adverse effects of a release on surface water quality, taking into account:

(I) The quantity and quality of groundwater and the direction of groundwater flow;

(II) The patterns of rainfall in the region;

(III) The proximity of the tank system to surface waters;

(IV) The current and future uses of surface waters in the area and any water quality standards established for those surface waters; and

(V) The existing quality of surface water, including other sources of contamination and the cumulative impact on surface-water quality.

(D) The potential adverse effects of a release on the land surrounding the tank system, taking into account:

(I) The patterns of rainfall in the region; and

(II) The current and future uses of the surrounding land.

(iii) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system but has not migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7) of this section, except subsection (7)(d) of this section; and

(B) Decontaminate or remove contaminated soil to the extent necessary to:

(I) Enable the tank system for which the variance was granted to resume operation with the capability for the detection of releases at least equivalent to the capability it had prior to the release; and

(II) Prevent the migration of dangerous waste or dangerous constituents to groundwater or surface water.

(C) If contaminated soil cannot be removed or decontaminated in accordance with (g)(iii)(B) of this subsection, comply with the requirements of subsection (8) of this section.

(iv) The owner or operator of a tank system, for which a variance from secondary containment had been granted in accordance with the requirements of (g)(i) of this subsection, at which a release of dangerous waste has occurred from the primary tank system and has migrated beyond the zone of engineering control (as established in the variance), must:

(A) Comply with the requirements of subsection (7)(a), (b), (c), and (d) of this section; and

(B) Prevent the migration of dangerous waste or dangerous constituents to groundwater or surface water, if possible, and decontaminate or remove contaminated soil. If contami-

nated soil cannot be decontaminated or removed or if groundwater has been contaminated, the owner or operator must comply with the requirements of subsection (8)(b) of this section; and

(C) If repairing, replacing, or reinstalling the tank system, provide secondary containment in accordance with the requirements of (a) through (f) of this subsection or reapply for a variance from secondary containment and meet the requirements for new tank systems in subsection (3) of this section if the tank system is replaced. The owner or operator must comply with these requirements even if contaminated soil can be decontaminated or removed and groundwater or surface water has not been contaminated.

(h) The following procedures must be followed in order to request a variance from secondary containment:

(i) The department must be notified in writing by the owner or operator that ~~(he)~~ they intend~~(s)~~ to conduct and submit a demonstration for a variance from secondary containment as allowed in (g) of this subsection according to the following schedule:

(A) For existing tank systems, at least twenty-four months prior to the date that secondary containment must be provided in accordance with (a) of this subsection.

(B) For new tank systems, at least thirty days prior to entering into a contract for installation.

(ii) As part of the notification, the owner or operator must also submit to the department a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in (g)(i) or (ii) of this subsection;

(iii) The demonstration for a variance must be completed within one hundred eighty days after notifying the department of an intent to conduct the demonstration; and

(iv) If a variance is granted under this subsection, the department will require the permittee to construct and operate the tank system in the manner that was demonstrated to meet the requirements for the variance.

(i) All tank systems, until such time as secondary containment that meets the requirements of this section is provided, must comply with the following:

(i) For nonenterable underground tanks, a leak test that meets the requirements of subsection (2)(c)(v) of this section or other tank integrity method, as approved or required by the department, must be conducted at least annually.

(ii) For other than nonenterable underground tanks, the owner or operator must either conduct a leak test as in (i)(i) of this subsection or develop a schedule and procedure for an assessment of the overall condition of the tank system by an independent, qualified registered professional engineer. The schedule and procedure must be adequate to detect obvious cracks, leaks, and corrosion or erosion that may lead to cracks and leaks. The owner or operator must remove the stored waste from the tank, if necessary, to allow the condition of all internal tank surfaces to be assessed. The frequency of these assessments must be based on the material of construction of the tank and its ancillary equipment, the age of the system, the type of corrosion or erosion protection used, the rate of corrosion or erosion observed during the previous inspection, and the characteristics of the waste being stored or treated.

(iii) For ancillary equipment, a leak test or other integrity assessment as approved by the department must be conducted at least annually.

Note: Three publications may be used, where applicable, as guidelines for assessing the overall condition of the tank system: *Tank Inspection, Repair, Alteration, and Reconstruction*, API Standard 653, Fourth Edition, April 2009; *Guidance for Assessing and Certifying Tank Systems that Store and Treat Dangerous Waste*, Ecology Publication No. 94-114; and *Steel Tank Institute publication #SP001-05 Standard for the Inspection of Aboveground Storage Tanks* 5th Edition, revised September 2011.

(iv) The owner or operator must maintain on file at the facility a record of the results of the assessments conducted in accordance with (i)(i) through (iii) of this subsection.

(v) If a tank system or component is found to be leaking or unfit for use as a result of the leak test or assessment in (i)(i) through (iii) of this subsection, the owner or operator must comply with the requirements of subsection (7) of this section.

(5) General operating requirements.

(a) Dangerous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment, or the containment system to rupture, leak, corrode, or otherwise fail.

(b) The owner or operator must use appropriate controls and practices to prevent spills and overflows from tank or containment systems. These include at a minimum:

(i) Spill prevention controls (e.g., check valves, dry disconnect couplings);

(ii) Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff, or bypass to a standby tank); and

(iii) Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.

(c) The owner or operator must comply with the requirements of subsection (7) of this section if a leak or spill occurs in the tank system.

(d) All tank systems holding dangerous waste must be:

(i) Marked with labels or signs to identify the waste contained in the tank (The label or sign must be) legible at a distance of at least fifty feet (and must bear a legend which identifies the waste in a manner which adequately warns). For underground tank systems, labels or signs must be either placed on aboveground postings above each underground tank system or at each entrance to the active portion (area where the underground tank system is located).

(ii) Clearly marked or labeled with the words "Dangerous Waste" or "Hazardous Waste" legible at a distance of at least fifty feet, and for underground tank systems, the markings or labels must either be placed on aboveground postings above each underground tank system or at each entrance to the active portion (area where the underground tank/tank system is located).

(iii) Clearly marked or labeled with an indication of the hazards of the contents (example includes, but is not limited to, the applicable dangerous waste characteristic(s) and criteria of ignitable, corrosive, reactive and toxic and the applicable hazard(s) identified for listed dangerous wastes) legible at

a distance of at least fifty feet. All hazard labels must include descriptive word(s) and/or pictogram(s) that identifies the hazards associated with the waste being stored or treated in the tank system(s) for the public, employees, emergency response personnel, and ((the public of the major risk(s) associated with the waste being stored or treated in the tank system(s)). (Note— If there already is a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate.)) waste handlers. For underground tank systems, markings or labels of the hazards of the contents of the tank system must either be placed on above-ground postings above each underground tank system, or at each entrance to the active portion (area where the underground tank system is located).

(e) All tank systems holding dangerous wastes which are acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air.

(6) Inspections.

(a) The owner or operator must develop and follow a schedule and procedure for inspecting overfill controls.

(b) The owner or operator must inspect at least once each operating day:

(i) Aboveground portions of the tank system, if any, to detect corrosion or releases of waste;

(ii) Data gathered from monitoring ((any)) and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells) to ensure that the tank system is being operated according to its design; and

(iii) The construction materials and the area immediately surrounding the externally accessible portion of the tank system, including the secondary containment system (e.g., dikes) to detect erosion or signs of releases of dangerous waste (e.g., wet spots, dead vegetation).

Note: WAC 173-303-320 requires the owner or operator to remedy any deterioration or malfunction ((he)) they find((s)). Subsection (7) of this section requires the owner or operator to notify the department within twenty-four hours of confirming a leak. Also, 40 C.F.R. Part 302 may require the owner or operator to notify the National Response Center of a release.

(c) The owner or operator must inspect cathodic protection systems, if present, according to, at a minimum, the following schedule to ensure that they are functioning properly:

(i) The proper operation of the cathodic protection system must be confirmed within six months after initial installation and annually thereafter; and

(ii) All sources of impressed current must be inspected and/or tested, as appropriate, at least bimonthly (i.e., every other month).

Note: The practices described in the National Association of Corrosion Engineers (NACE) standard, "Recommended Practice (RP-02-85)—Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and the American Petroleum Institute (API) Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems," may be used, where applicable, as guidelines in maintaining and inspecting cathodic protection systems.

(d) The owner or operator must document in the operating record of the facility an inspection of those items in (a)

through (c) of this subsection. The owner or operator must keep ~~((a))~~ a written or electronic inspection log including at least the date and time of the inspection, the printed name and the handwritten or electronic signature of the inspector, a notation of the observations made and the date and nature of any repairs or remedial actions taken. The log must be kept at the facility for at least five years from the date of inspection.

(7) Response to leaks or spills and disposition of leaking or unfit-for-use tank systems.

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements:

(a) Cessation of use; prevent flow or addition of wastes. The owner or operator must immediately stop the flow of dangerous waste into the tank system or secondary containment system and inspect the system to determine the cause of the release.

(b) Removal of waste from tank system or secondary containment system.

(i) If the release was from the tank system, the owner/operator must, within twenty-four hours after detection of the leak or, if the owner/operator demonstrates that it is not possible, at the earliest practicable time, remove as much of the waste as is necessary to prevent further release of dangerous waste to the environment and to allow inspection and repair of the tank system to be performed.

(ii) If the material released was to a secondary containment system, all released materials must be removed within twenty-four hours or in as timely a manner as is possible to prevent harm to human health and the environment.

(c) Containment of visible releases to the environment. The owner/operator must immediately conduct a visual inspection of the release and, based upon that inspection:

(i) Prevent further migration of the leak or spill to soils or surface water; and

(ii) Remove, and properly dispose of, any visible contamination of the soil or surface water.

(d) Notifications, reports.

(i) Any release to the environment must be reported to the department and other authorities immediately in accordance with WAC 173-303-145. Any release above the "reportable quantity" must also be reported to the National Response Center pursuant to 40 C.F.R. Part 302.

(ii) Within thirty days (or fifteen days if classified as an emergency) of detection of a release to the environment, a report containing the following information must be submitted to the department:

(A) Likely route of migration of the release;

(B) Characteristics of the surrounding soil (soil composition, geology, hydrogeology, climate);

(C) Results of any monitoring or sampling conducted in connection with the release (if available). If sampling or monitoring data relating to the release are not available within thirty days, these data must be submitted to the department as soon as they become available;

(D) Proximity to downgradient drinking water, surface water, and populated areas; and

(E) Description of response actions taken or planned.

(F) In the event of an emergency, additional information as required by WAC 173-303-360.

(e) Provision of secondary containment, repair, or closure.

(i) Unless the owner/operator satisfies the requirements of (e)(ii) through (iv) of this subsection, the tank system must be closed in accordance with subsection (8) of this section.

(ii) If the cause of the release was a spill that has not damaged the integrity of the system, the owner/operator may return the system to service as soon as the released waste is removed and repairs, if necessary, are made.

(iii) If the cause of the release was a leak from the primary tank system into the secondary containment system, the system must be repaired prior to returning the tank system to service.

(iv) If the source of the release was a leak to the environment from a component of a tank system without secondary containment, the owner/operator must provide the component of the system from which the leak occurred with secondary containment that satisfies the requirements of subsection (4) of this section before it can be returned to service, unless the source of the leak is an aboveground portion of a tank system that can be inspected visually. If the source is an aboveground component that can be inspected visually, the component must be repaired and may be returned to service without secondary containment as long as the requirements of (f) of this subsection are satisfied. If a component is replaced to comply with the requirements of this subitem, that component must satisfy the requirements for new tank systems or components in subsections (3) and (4) of this section. Additionally, if a leak has occurred in any portion of a tank system component that is not readily accessible for visual inspection (e.g., the bottom of an inground or onground tank), the entire component must be provided with secondary containment in accordance with subsection (4) of this section prior to being returned to use.

(f) Certification of major repairs. If the owner/operator has repaired a tank system in accordance with (e) of this subsection, and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, registered, professional engineer in accordance with WAC 173-303-810 (13)(a) that the repaired system is capable of handling dangerous wastes without release for the intended life of the system. This certification must be submitted to the department within seven days after returning the tank system to use.

Note: See WAC 173-303-320 for the requirements necessary to remedy a failure. Also, 40 C.F.R. Part 302 may require the owner or operator to notify the National Response Center of certain releases.

(8) Closure and post-closure care.

(a) At closure of a tank system, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated soils, and structures and equipment contaminated with waste, and manage them as dangerous waste, unless WAC 173-303-070 (2)(a) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility

for tank systems must meet all of the requirements specified in WAC 173-303-610 and 173-303-620.

(b) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in (a) of this subsection, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (see WAC 173-303-665(6)). In addition, for the purposes of closure, post-closure, and financial responsibility, such a tank system is then considered to be a landfill, and the owner or operator must meet all of the requirements for landfills specified in WAC 173-303-610 and 173-303-620.

(c) If an owner or operator has a tank system that does not have secondary containment that meets the requirements of subsection (4)(b) through (f) of this section and is not exempt from the secondary containment requirements in accordance with subsection (4)(g) of this section, then:

(i) The closure plan for the tank system must include both a plan for complying with (a) of this subsection and a contingent plan for complying with (b) of this subsection.

(ii) A contingent post-closure plan for complying with (b) of this subsection must be prepared and submitted as part of the permit application.

(iii) The cost estimates calculated for closure and post-closure care must reflect the costs of complying with the contingent closure plan and the contingent post-closure plan, if those costs are greater than the costs of complying with the closure plan prepared for the expected closure under (a) of this subsection.

(iv) Financial assurance must be based on the cost estimates in (c)(iii) of this subsection.

(v) For the purposes of the contingent closure and post-closure plans, such a tank system is considered to be a landfill, and the contingent plans must meet all of the closure, post-closure, and financial responsibility requirements for landfills under this chapter (WAC 173-303-610 and 173-303-620).

(9) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in tank systems unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank system 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 system is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in tanks must locate the tanks in a manner equivalent to the National Fire Protection Association's buffer zone requirements for tanks, contained in ~~((the publication NFPA-30))~~ NFPA 30 "Flammable and Combustible Liquids Code(~~(-2012))~~", or as required by state and local fire codes when such codes are more stringent. The owner or operator must also comply with the requirements of WAC 173-303-395 (1)(d).

(10) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank system, unless WAC 173-303-395 (1)(b) is complied with.

(b) Dangerous waste must not be placed in a tank system that has not been decontaminated and that previously held an incompatible waste or material, unless WAC 173-303-395 (1)(b) is complied with.

(11) Air emission standards. The owner or operator must manage all hazardous waste placed in a tank in accordance with the applicable requirements of 40 C.F.R. Subparts AA, BB, and CC, which are incorporated by reference at WAC 173-303-690 through 173-303-692.

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-64610 Purpose and applicability. (1)

The provisions of this section, and WAC 173-303-64620 and 173-303-64630, establish requirements for corrective action for releases of dangerous wastes and dangerous constituents including releases from solid waste management units.

(2) The provisions of this section apply to facilities seeking or required to have a permit to treat, store, recycle or dispose of dangerous waste.

(3) The provisions of this section do not apply to cleanup-only facilities.

(4) For purposes of this section, dangerous constituent means any constituent identified in WAC 173-303-9905 or Appendix "Ground-Water Monitoring List" in *Chemical (~~(Testing))~~ Test Methods for Designating Dangerous Waste* which is incorporated at WAC 173-303-110 (3)(c), any constituent that caused a waste to be listed as a dangerous waste or to exhibit a dangerous characteristic under this chapter or to meet a dangerous waste criteria under this chapter, and any constituent that is within the meaning of "hazardous substance" under RCW 70.105D.020(~~(7))~~) (13).

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-64620 Requirements. (1) The owner or operator of a facility must institute corrective action as necessary to protect human health and the environment for all releases of dangerous wastes and dangerous constituents, including releases from all solid waste management units at the facility. Corrective action is required regardless of the time at which waste was managed at the facility or placed in such units and regardless of whether such facilities or units were intended for the management of solid or dangerous waste. Assurances of financial responsibility for such corrective action must be provided.

(2) The owner/operator must implement corrective actions beyond the facility property boundary, where necessary to protect human health and the environment. Additionally, as necessary to protect human health and the environment, the department may require the owner/operator to implement on site measures to address releases which have migrated beyond the facility boundary. Assurances of financial responsibility for such corrective action must be provided.

(3) In the case of a facility seeking or required to have a permit under the provisions of chapter 173-303 WAC, corrective action must be specified in the permit. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completion of such corrective action.

(4) At a minimum, corrective actions must be consistent with the following requirements of chapter 173-340 WAC.

(a) As necessary to select a cleanup action consistent with WAC 173-340-360, 173-340-350, state remedial investigation and feasibility study. Information that is adequate to support selection of a cleanup action consistent with WAC 173-340-360 but was developed under a different authority (for example, as part of closure under WAC 173-303-610 or as part of a federally overseen cleanup) may be used.

(b) WAC 173-340-360, selection of cleanup actions.

(c) WAC 173-340-400, implementation of the cleanup action.

(d) WAC 173-340-410, compliance monitoring requirements.

(e) WAC 173-340-420, periodic review.

(f) WAC 173-340-440, institutional controls.

(g) WAC 173-340-700 through 173-340-760, cleanup standards.

(5) At a minimum, financial assurance for corrective actions as required in subsections (1) and (2) of this section must be consistent with the following requirements:

(a) States and the federal government are exempt from the requirements of this section.

(i) Operators of state or federally owned facilities are exempt from the requirements of this section, except (c), (f), and (g) of this subsection.

(ii) Operators of facilities (~~who are under contract with, but not owned by, the state or federal government~~) that are not state or federally owned must meet all of the requirements of this section, even if the facility is leased by or otherwise under contract with the state or federal government.

(b) Unless otherwise specified, the definitions and requirements for allowable financial assurance mechanisms as set forth in the current financial assurance rules covering closure and post-closure in this section and as incorporated by reference in 40 C.F.R. 264.141, 264.143, 264.145, and 264.151 will be the definitions and requirements for allowable financial assurance for corrective action purposes. The words "corrective action" are to be substituted for the words "closure," "post closure," "post-closure," or "postclosure" in the above listed regulations as needed to produce this result.

(c) Within thirty days from the effective date of a permit, agreed order or consent decree, the owner or operator shall submit to the department for review and approval a written cost estimate to cover the activities listed in the applicable Scope of Work and Schedule document(s). If the department rejects the cost estimate as submitted, the department shall provide to the owner or operator a revised cost estimate amount that will be the approved cost estimate.

(d) Within thirty days after the department's final approval of the owner or operator's cost estimate amount or the owner or operator's receipt of the department's approved cost estimate amount, the owner or operator shall establish

and maintain continuous coverage of financial assurance in the amount of the approved cost estimate and submit the applicable financial assurance documentation. If the department does not accept, reject, or revise the owner or operator's cost estimate within sixty days after submittal, the cost estimate will be deemed approved for purposes of this section.

(e) Adjustments by the department. If the department determines that the timing or content of submission of cost estimates and financial assurance documents are not consistent with the degree and duration of risk associated with the corrective action activities, the department may adjust the level of financial assurance or timing of document submission required under this section as may be necessary to protect human health and the environment. This adjusted level or timing will be based on the department's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the department determines that there is a significant risk to human health and the environment from nonsudden accidental occurrences resulting from corrective action activities, it may require that the owner or operator of the facility comply with this section. An owner or operator must furnish to the department within a reasonable time, any information which the department requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustments of level or type of coverage for a facility that has a permit will be treated as a permit modification under WAC 173-303-830.

(f) If during the course of the corrective action activities the owner or operator is required to submit an additional work plan(s) under the applicable permit, agreed order or consent decree, or to conduct activities related to corrective action not previously part of the original cost estimate, the process outlined in (b) of this subsection shall apply in the submission process of an additional work plan(s) and the resulting additional cost estimate(s).

(g) All cost estimates must be based on the costs to the owner or operator of hiring a third party to complete the work and shall be in accordance with the requirements of WAC 173-303-620.

(h) The owner or operator shall annually adjust all cost estimates for inflation using the procedure outlined in WAC 173-303-620 (3)(c). However, the department may also allow a reduction in the owner or operator's cost estimate for corrective action work actually performed during the previous year.

(i) Acceptable financial assurance mechanisms are trust funds, surety bonds, letters of credit, insurance, the financial test, and the corporate guarantee, consistent with WAC 173-303-620. The department may allow other financial assurance mechanisms if they are consistent with the laws of Washington and if the owner or operator demonstrates to the satisfaction of the department that those mechanisms provide adequate financial assurance.

(j) If the owner or operator is using the financial test or corporate guarantee to meet its financial assurance obligation, the annual inflationary adjustment shall occur within ninety days after the close of the owner's or operator's fiscal year. If the owner or operator is using any mechanism other than the financial test or corporate guarantee, this adjustment

shall occur each year within thirty days after the anniversary of the effective date of the permit, agreed order, consent decree, or alternative effective date pursuant to (d) of this subsection.

(k) If the owner or operator seeks to establish financial assurance by using a letter of credit or a surety bond, the owner or operator shall at the same time establish and thereafter maintain a standby trust fund acceptable to the department into which funds from the other financial assurance instrument can be deposited, if the financial assurance provider is directed to do so by the department pursuant to regulation.

(l) The owner or operator shall notify the department's site manager or project coordinator and the financial assurance officer by certified mail of the commencement of a voluntary or involuntary bankruptcy proceeding, naming the owner or operator as debtor, within ten days after commencement of the proceeding. A guarantor of a corporate guarantee must make such a notification if it is named as debtor as required under the terms of the corporate guarantee.

(m) Once the owner or operator has established financial assurance with an acceptable mechanism as described above, the facility will be deemed to be without the required financial assurance:

(i) In the event of bankruptcy of the trustee or issuing institution; or

(ii) If the authority of the trustee institution to act as trustee has been suspended or revoked; or

(iii) If the authority of the institution issuing the surety bond, letter of credit, or insurance policy has been suspended or revoked.

In the event of bankruptcy of the trustee or a suspension or revocation of the authority of the trustee institution to act as a trustee, the owner or operator must establish a replacement financial assurance mechanism by any means specified in WAC 173-303-620 or other financial instrument as approved by the department within sixty days after such an event.

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-690 Air emission standards for process vents. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.

(b) Except for 40 C.F.R. 264.1034 (d) and (e), this section applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw, if these operations are conducted in one of the following:

(i) A unit that is subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(ii) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of WAC 173-303-200((+)) (i.e., a hazardous waste recycling unit that is not a ninety-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(iii) A unit that is exempt from permitting under the provisions of WAC 173-303-200((+)) (that is, a "ninety-day" tank or container) and is not a recycling unit under the provisions of WAC 173-303-120.

(c) For the owner and operator of a facility subject to this section and who received a final hazardous waste permit prior to December 6, 1996, the requirements of this section must be incorporated into the permit when the permit is reissued in accordance with the requirements of WAC 173-303-840(8) or reviewed in accordance with the requirements of WAC 173-303-806(11). Until such date when the owner and operator receive a final permit incorporating the requirements of this section, the owner and operator are subject to the requirements of 40 C.F.R. 265 Subpart AA.

Note: The requirements of 40 C.F.R. Parts 264.1032 through 264.1036 apply to process vents on hazardous waste recycling units previously exempt under WAC 173-303-120 (4)(d). Other exemptions under WAC 173-303-071 and 173-303-600(2) are not affected by these requirements.

(d) The requirements of this section do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that would otherwise be subject to this section are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable Clean Air Act regulation codified under 40 C.F.R. Part 60, Part 61, or Part 63. The documentation of compliance under regulations at 40 C.F.R. Part 60, Part 61, or Part 63 must be kept with, or made readily available with, the facility operating record.

(2) 40 C.F.R. 264.1031 through 1036 (Subpart AA) is incorporated by reference.

Note: Where the incorporated language refers to 264.1030, refer to subsection (1) of this section. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

AMENDATORY SECTION (Amending WSR 09-14-105, filed 6/30/09, effective 7/31/09)

WAC 173-303-691 Air emission standards for equipment leaks. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes.

(b) Except as provided in 40 C.F.R. 264.1064(k), this section applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

(i) A unit that is subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(ii) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of WAC 173-303-200((+)) (i.e., a hazardous waste recycling unit that is not a "ninety-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of WAC 173-303-800 through 173-303-840; or

(iii) A unit that is exempt from permitting under the provisions of WAC 173-303-200((+)) (i.e., a "ninety-day" tank or container) and is not a recycling unit under the provisions of WAC 173-303-120.

(c) For the owner or operator of a facility subject to the requirements of 40 C.F.R. 264.1052 through 264.1065 and who received a final permit under section 3005 of RCRA prior to December 6, 1996, the requirements of 40 C.F.R. 264.1052 through 264.1065 must be incorporated into the permit when the permit is reissued under WAC 173-303-840(8) or reviewed under WAC 173-303-806(11). Until such date when the owner or operator receives a final permit incorporating the requirements of 40 C.F.R. 264.1052 through 264.1065, the owner or operator is subject to the requirements of 40 C.F.R. 265, Subpart BB, which is incorporated by reference at WAC 173-303-400 (3)(a).

(d) Each piece of equipment to which this section applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

(e) Equipment that is in vacuum service is excluded from the requirements of 40 C.F.R. 264.1052 to 264.1060 if it is identified as required in 40 C.F.R. 264.1064 (g)(5).

(f) Equipment that contains or contacts hazardous waste with an organic concentration of at least ten percent by weight for less than three hundred hours per calendar year is excluded from the requirements of 40 C.F.R. Parts 264.1052 through 264.1060 if it is identified, as required in 40 C.F.R. Part 264.1064 (g)(6).

(g) Purged coatings and solvents from surface coating operations subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the surface coating of automobiles and light-duty trucks at 40 C.F.R. Part 63, Subpart IIII, are not subject to the requirements of this section.

Note: The requirements of 40 C.F.R. Parts 264.1052 through 264.1065 apply to equipment associated with hazardous waste recycling units previously exempt under WAC 173-303-120 (4)(d). Other exemptions under WAC 173-303-071 and 173-303-600(2) are not affected by these requirements.

(2) 40 C.F.R. 264.1051 through 1065 (Subpart BB) is incorporated by reference.

Note: Where the incorporated language refers to 264.1050, refer to WAC 173-303-691. Where the incorporated language refers to Part 270, refer to WAC 173-303-800 through 173-303-840.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-9903 Discarded chemical products list.

Discarded Chemical Products List
"P" Chemical Products

Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). Absence of a letter indicates that the compound is only listed for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Dangerous Waste Number.

The "P" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H ₃ AsO ₄
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl-
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzeneethanamine, alpha,alpha-dimethyl-

The "P" wastes and their corresponding Dangerous Waste Numbers are:**Alphabetical List**

Dangerous Waste No.	Chemical Abstracts No.	Substance
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	181-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl] oxime
P021	592-01-8	Calcium cyanide
P189	55285-14-8	Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl- 7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]- 5-methyl- 1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-ylester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P022	75-15-0	Carbon disulfide
P189	55285-14-8	Carbosulfan
P095	75-44-5	Carbonic dichloride
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P202	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine

The "P" wastes and their corresponding Dangerous Waste Numbers are:**Alphabetical List**

Dangerous Waste No.	Chemical Abstracts No.	Substance
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4beta,5alpha,8alpha,8beta)-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4beta,5beta,8beta,8beta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2alpha,3beta,6beta,6aalpha,7beta, 7aalpha)-
P051	172-20-8	2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2alpha,3alpha,6alpha,6beta,7beta, 7aalpha)-, & metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P047	1534-52-1	4,6-Dinitro-o-cresol, & salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramidate, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O- [(methylamino)-carbonyl]oxime
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-[[[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester
P066	16752-77-5	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetanate hydrochloride

The "P" wastes and their corresponding Dangerous Waste Numbers are:**Alphabetical List**

Dangerous Waste No.	Chemical Abstracts No.	Substance
P197	17702-57-7	Formparanate
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P192	119-38-0	Isolan
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese,bis(dimethylcarbamodithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato-O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl]oxy]phenyl]-
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis[chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P199	2032-65-7	Methiocarb
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methylactonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P128	315-18-4	Mexacarbate
P072	86-88-4	alpha-Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) ₂
P075	154-11-5	Nicotine, & salts
P076	10102-43-9	Nitric oxide

The "P" wastes and their corresponding Dangerous Waste Numbers are:**Alphabetical List**

Dangerous Waste No.	Chemical Abstracts No.	Substance
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO ₂
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramidate
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P048	51-28-5	Phenol, 2,4-dinitro-
P047	1534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester
P043	55-91-4	Phosphorofluoric acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine

The "P" wastes and their corresponding Dangerous Waste Numbers are:**Alphabetical List**

Dangerous Waste No.	Chemical Abstracts No.	Substance
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	¹ 54-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-, & salts
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methylcarbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium(1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	¹ 57-24-9	Strychnidin-10-one, & salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	¹ 57-24-9	Strychnine, & salts
P115	7446-18-6	Sulfuric acid, dithallium(1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl ₂ O ₃
P114	12039-52-0	Thallium(I) selenite
P115	7446-18-6	Thallium(I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox

The "P" wastes and their corresponding Dangerous Waste Numbers are:**Alphabetical List**

Dangerous Waste No.	Chemical Abstracts No.	Substance
P049	541-53-7	Thioimidodicarbonic diamide [(H ₂ N)C(S)] ₂ NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P185	26419-73-8	Tirpate
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V ₂ O ₅
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	¹ 81-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN) ₂
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10% (R,T)
P205	137-30-4	Ziram

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P001	¹ 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P001	¹ 81-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P002	591-08-2	Acetamide, -(aminothioxomethyl)-
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P003	107-02-8	2-Propenal
P004	309-00-2	Aldrin
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4beta,5alpha,8alpha,8beta)-
P005	107-18-6	Allyl alcohol
P005	107-18-6	2-Propen-1-ol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P008	504-24-5	4-Aminopyridine
P008	504-24-5	4-Pyridinamine
P009	131-74-8	Ammonium picrate (R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P010	7778-39-4	Arsenic acid H ₃ AsO ₄

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P012	1327-53-3	Arsenic trioxide
P013	542-62-1	Barium cyanide
P014	108-98-5	Benzenethiol
P014	108-98-5	Thiophenol
P015	7440-41-7	Beryllium powder
P016	542-88-1	Dichloromethyl ether
P016	542-88-1	Methane, oxybis[chloro-
P017	598-31-2	Bromoacetone
P017	598-31-2	2-Propanone, 1-bromo-
P018	357-57-3	Brucine
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P020	88-85-7	Dinoseb
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P022	75-15-0	Carbon disulfide
P023	107-20-0	Acetaldehyde, chloro-
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	Benzenamine, 4-chloro-
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6- dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2alpha,3beta,6beta,6aalpha,7beta, 7aalpha)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl]ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoric acid, bis(1-methylethyl) ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methyl amino)-2-oxoethyl] ester
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl]oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, alpha, alpha-dimethyl-
P046	122-09-8	alpha, alpha-Dimethylphenethylamine
P047	534-52-1	4,6-Dinitro-o-cresol, & salts
P047	534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret
P049	541-53-7	Thioimidodicarbonic diamide[(H ₂ N)C(S)] ₂ NH
P050	115-29-7	Endosulfan
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P051	172-20-8	2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2alpha,3alpha,6alpha,6beta,7beta,7aalpha)-, & metabolites
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P054	151-56-4	Aziridine
P054	151-56-4	Ethyleneimine
P056	7782-41-4	Fluorine
P057	640-19-7	Acetamide, 2-fluoro-
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P058	62-74-8	Fluoroacetic acid, sodium salt
P059	76-44-8	Heptachlor
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexa-chloro-1,4,4a,5,8,8a-hexahydro-, (1alpha,4alpha,4beta,5beta,8beta,8beta)-

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P060	465-73-6	Isodrin
P062	757-58-4	Hexaethyl tetraphosphate
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P064	624-83-9	Methane, isocyanato-
P064	624-83-9	Methyl isocyanate
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)
P065	628-86-4	Mercury fulminate (R,T)
P066	16752-77-5	Ethanimidithioic acid, N-[[[(methyl-amino)carbonyl]oxy]-, methyl ester
P066	16752-77-5	Methomyl
P067	75-55-8	Aziridine, 2-methyl-
P067	75-55-8	1,2-Propylenimine
P068	60-34-4	Hydrazine, methyl-
P068	60-34-4	Methyl hydrazine
P069	75-86-5	2-Methylactonitrile
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P070	116-06-3	Aldicarb
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime
P071	298-00-0	Methyl parathion
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl)ester
P072	86-88-4	alpha-Naphthylthiourea
P072	86-88-4	Thiourea, 1-naphthalenyl-
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) ₂
P075	54-11-5	Nicotine, & salts
P075	¹ 54-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-,(S)-, & salts
P076	10102-43-9	Nitric oxide
P076	10102-43-9	Nitrogen oxide NO
P077	100-01-6	Benzenamine, 4-nitro-
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P078	10102-44-0	Nitrogen oxide NO ₂
P081	55-63-0	Nitroglycerine (R)
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P082	62-75-9	Methanamine, -methyl-N-nitroso-
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P084	4549-40-0	Vinylamine, -methyl-N-nitroso-
P085	152-16-9	Diphosphoramidate, octamethyl-
P085	152-16-9	Octamethylpyrophosphoramidate
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	Endothall

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P089	56-38-2	Parathion
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl)ester
P092	62-38-4	Mercury, (acetato-O)phenyl-
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P093	103-85-5	Thiourea, phenyl-
P094	298-02-2	Phorate
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl]ester
P095	75-44-5	Carbonic dichloride
P095	75-44-5	Phosgene
P096	7803-51-2	Hydrogen phosphide
P096	7803-51-2	Phosphine
P097	52-85-7	Famphur
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethyl-amino)sulfonyl]phenyl]O,O-dimethyl ester
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Argentate(1-), bis(cyano-C)-,potassium
P099	506-61-6	Potassium silver cyanide
P101	107-12-0	Ethyl cyanide
P101	107-12-0	Propanenitrile
P102	107-19-7	Propargyl alcohol
P102	107-19-7	2-Propyn-1-ol
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	¹ 57-24-9	Strychnidin-10-one, & salts
P108	¹ 57-24-9	Strychnine, & salts
P109	3689-24-5	Tetraethyldithiopyrophosphate
P109	3689-24-5	Thiodiphosphoric acid,tetraethyl ester
P110	78-00-2	Plumbane, tetraethyl-
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Diphosphoric acid, tetraethylester
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Methane, tetranitro-(R)
P112	509-14-8	Tetranitromethane (R)
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl ₂ O ₃
P114	12039-52-0	Selenious acid,dithallium(1+) salt
P114	12039-52-0	Thallium(I) selenite
P115	7446-18-6	Sulfuric acid, dithallium(1+) salt
P115	7446-18-6	Thallium(I) sulfate
P116	79-19-6	Hydrazinecarbothioamide

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P116	79-19-6	Thiosemicarbazide
P118	75-70-7	Methanethiol, trichloro-
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Ammonium vanadate
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V2O5
P120	1314-62-1	Vanadium pentoxide
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN)2
P122	1314-84-7	Zinc phosphide Zn3 P2, when present at concentrations greater than 10% (R,T)
P123	8001-35-2	Toxaphene
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P127	1563-66-2	Carbofuran
P128	315-18-4	Mexacarbate
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate(ester)
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]oxime
P185	26419-73-8	Tirpate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P188	57-64-7	Physostigmine salicylate
P189	55285-14-8	Carbamic acid,[(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	55285-14-8	Carbosulfan
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P190	1129-41-5	Metolcarb
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidthioic acid, 2-(dimethylamino)-N-[[[(methylamino)carbonyl]oxy]-2-oxo-, methylester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese,bis(dimethylcarbamodithioato-S,S')-,
P196	15339-36-3	Manganesedimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl]oxy]phenyl]-
P198	23422-53-9	Formetanate hydrochloride

Permanent

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)-carbonyl]oxy]phenyl]-monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-,methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methylcarbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-,methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl]oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol,1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-,methylcarbamate (ester),(3aS-cis)-
P205	137-30-4	Zinc, bis (dimethylcarbamodithioato-S,S')-,
P205	137-30-4	Ziram

FOOTNOTE: ¹ CAS Number given for parent compound only.

"U" Chemical Products

Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability) and C (Corrosivity). Absence of a letter indicates that the compound is only listed for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by Dangerous Waste Number.

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U394	30558-43-1	A2213
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240	194-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts & esters
U112	141-78-6	Acetic acid ethyl ester (I)
U144	301-04-2	Acetic acid, lead(2+) salt
U214	563-68-8	Acetic acid, thallium(1+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[aminocarbonyl oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1alpha, 8beta,8aalpha,8balpha)]-
U280	101-27-9	Barban
U278	22781-23-3	Bendiocarb
U364	22961-82-6	Bendiocarb phenol
U271	17804-35-2	Benomyl
U157	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz[c]acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3	Benz[a]anthracene
U094	57-97-6	Benz[a]anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I,T)
U038	510-15-6	Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenobutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid,bis(2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-(R,T)
U239	1330-20-7	Benzene, dimethyl- (I)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro- (I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U367	1563-38-8	7-Benzofurano[1,2,3-dihydro-2,2-dimethyl-
U064	189-55-9	Benzo[rs]pentaphene
U248	181-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less
U022	50-32-8	Benzo[a]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzotrichloride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine,3,3'-dichloro-

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine,3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	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-ylester, [1S-[1alpha(Z), 7(2S*,3R*), 7aalpha]]-
U031	71-36-3	n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-,ethyl ester
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U271	17804-35-2	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis(imino-carbonothioyl)]bis-, dimethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
U114	111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U279	63-25-2	Carbaryl
U372	10605-21-7	Carbendazim
U367	1563-38-8	Carbofuran phenol
U215	6533-73-9	Carbonic acid, dithallium(1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U036	57-74-9	Chlordane, alpha & gammaisomers
U026	494-03-1	Chlornaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine,hydrochloride
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U050	218-01-9	Chrysene
U051		Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide (CN)Br
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	194-75-7	2,4-D, salts & esters
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U395	5952-26-1	Diethylene glycol, dicarbamate
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbesterol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha, alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbonyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U404	121-44-8	Ethanamine, N,N-diethyl-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis-(I)
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U410	59669-26-0	Ethanimidothioic acid, N,N'-[thio-bis[(methylimino) carbonyloxy]]bis-, dimethyl ester
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino) - N-hydroxy-2-oxo-, methyl ester
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U004	98-86-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether (I)
U114	111-54-6	Ethylenebisdithiocarbamic acid, salts & esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether
U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro-(I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitroso-ureido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino)-carbonyl]amino]-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H ₂ S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-(R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpine
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I, T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I, T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I, T)
U225	75-25-2	Methane, tribromo-

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methyl chloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-3	5,12-Naphthacenedione, 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-, (8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium(1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol

The "U" wastes and their corresponding Dangerous Waste Numbers are:**Alphabetical List**

Dangerous Waste No.	Chemical Abstracts No.	Substance
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxyaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U145	7446-27-7	Phosphoric acid, lead(2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorus sulfide (R)
U190	85-44-9	Phthalic anhydride

The "U" wastes and their corresponding Dangerous Waste Numbers are:**Alphabetical List**

Dangerous Waste No.	Chemical Abstracts No.	Substance
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U193	1120-71-4	1,3-Propane sultone
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U235	126-72-7	1-Propanol, 2,3-dibromo-,phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-1	2-Propenamamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-,methyl ester (I,T)
U373	122-42-9	Propham
U411	114-26-1	Propoxur
U387	52888-80-9	Prosulfocarb
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS ₂ (R,T)
U015	115-02-6	L-Serine, diazoacetate (ester)

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
See F027	93-72-1	Silvex (2,4,5-TP)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U226	71-55-6	1,1,1-Trichloroethane
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl)phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride

The "U" wastes and their corresponding Dangerous Waste Numbers are:

Alphabetical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U248	181-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyloxy)-methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10% or less

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U001	75-07-0	Acetaldehyde (I)
U001	75-07-0	Ethanal (I)
U002	67-64-1	Acetone (I)
U002	67-64-1	2-Propanone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U004	98-86-2	Ethanone, 1-phenyl-
U005	53-96-3	Acetamide, -9H-fluorene-2-yl-
U005	53-96-3	2-Acetylamino fluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U007	79-06-1	2-Propenamamide
U008	79-10-7	Acrylic acid (I)
U008	79-10-7	2-Propenoic acid (I)
U009	107-13-1	Acrylonitrile
U009	107-13-1	2-Propenenitrile
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[aminocarbonyloxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1alpha,8beta,8alpha,8beta)]-
U010	50-07-7	Mitomycin C
U011	61-82-5	Amitrole
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U012	62-53-3	Aniline (I,T)
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Auramine
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N-dimethyl-
U015	115-02-6	Azaserine
U015	115-02-6	L-Serine, diazoacetate(ester)
U016	225-51-4	Benz[c]acridine
U017	98-87-3	Benzal chloride
U017	98-87-3	Benzene, (dichloromethyl)-
U018	56-55-3	Benz[a]anthracene
U019	71-43-2	((Benzenesulfonic acid chloride(C,R))) Benzene (I,T)

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride(C,R)
U021	92-87-5	Benzidine
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U022	50-32-8	Benzo[a]pyrene
U023	98-07-7	Benzene, (trichloromethyl)-
U023	98-07-7	Benzotrichloride (C,R,T)
U024	111-91-1	Dichloromethoxy ethane
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U025	111-44-4	Dichloroethyl ether
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U026	494-03-1	Chlornaphazin
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U027	108-60-1	Dichloroisopropyl ether
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U028	117-81-7	1,2-Benzenedicarboxylic acid,bis(2-ethyl-hexyl) ester
U028	117-81-7	Diethylhexyl phthalate
U029	74-83-9	Methane, bromo-
U029	74-83-9	Methyl bromide
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U030	101-55-3	4-Bromophenyl phenyl ether
U031	71-36-3	1-Butanol (I)
U031	71-36-3	n-Butyl alcohol (I)
U032	13765-19-0	Calcium chromate
U032	13765-19-0	Chromic acid H2 CrO4, calcium salt
U033	353-50-4	Carbonic difluoride
U033	353-50-4	Carbon oxyfluoride (R,T)
U034	75-87-6	Acetaldehyde, trichloro-
U034	75-87-6	Chloral
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloro-ethyl)amino]-
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha & gamma isomers
U036	57-74-9	4,7-Methano-1H-indene,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U037	108-90-7	Benzene, chloro-
U037	108-90-7	Chlorobenzene
U038	510-15-6	Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U041	106-89-8	Epichlorohydrin
U041	106-89-8	Oxirane, (chloromethyl)-
U042	110-75-8	2-Chloroethyl vinyl ether
U042	110-75-8	Ethene, (2-chloroethoxy)-
U043	75-01-4	Ethene, chloro-
U043	75-01-4	Vinyl chloride

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U044	67-66-3	Chloroform
U044	67-66-3	Methane, trichloro-
U045	74-87-3	Methane, chloro- (I,T)
U045	74-87-3	Methyl chloride (I,T)
U046	107-30-2	Chloromethyl methyl ether
U046	107-30-2	Methane, chloromethoxy-
U047	91-58-7	beta-Chloronaphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U048	95-57-8	o-Chlorophenol
U048	95-57-8	Phenol, 2-chloro-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U050	218-01-9	Chrysene
U051	Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U052	1319-77-3	Phenol, methyl-
U053	4170-30-3	2-Butenal
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Benzene, (1-methylethyl)-(I)
U055	98-82-8	Cumene (I)
U056	110-82-7	Benzene, hexahydro-(I)
U056	110-82-7	Cyclohexane (I)
U057	108-94-1	Cyclohexanone (I)
U058	50-18-0	Cyclophosphamide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U059	20830-81-3	Daunomycin
U059	20830-81-3	5,12-Naphthacenedione, 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-, (8S-cis)-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)bis[4-chloro-
U060	72-54-8	DDD
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-chloro-
U061	50-29-3	DDT
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Benzo[rs]pentaphene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U067	106-93-4	Ethane, 1,2-dibromo-
U067	106-93-4	Ethylene dibromide
U068	74-95-3	Methane, dibromo-
U068	74-95-3	Methylene bromide
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	Benzene, 1,2-dichloro-
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	Benzene, 1,3-dichloro-
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	Benzene, 1,4-dichloro-
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	2-Butene, 1,4-dichloro-(I,T)
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U075	75-71-8	Methane, dichlorodifluoro-
U076	75-34-3	Ethane, 1,1-dichloro-
U076	75-34-3	Ethylidene dichloride
U077	107-06-2	Ethane, 1,2-dichloro-
U077	107-06-2	Ethylene dichloride
U078	75-35-4	1,1-Dichloroethylene
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	1,2-Dichloroethylene
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U080	75-09-2	Methane, dichloro-
U080	75-09-2	Methylene chloride
U081	120-83-2	2,4-Dichlorophenol
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	2,6-Dichlorophenol
U082	87-65-0	Phenol, 2,6-dichloro-
U083	78-87-5	Propane, 1,2-dichloro-
U083	78-87-5	Propylene dichloride
U084	542-75-6	1,3-Dichloropropene
U084	542-75-6	1-Propene, 1,3-dichloro-
U085	1464-53-5	2,2'-Bioxirane
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U086	1615-80-1	N,N'-Diethylhydrazine
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U087	3288-58-2	O,O-Diethyl S-methyldithiophosphate
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbesterol
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U090	94-58-6	Dihydrosafrole
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U092	124-40-3	Methanamine, -methyl-(I)

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	Benz[a]anthracene, 7,12-dimethyl-
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha, alpha-Dimethylbenzylhydroperoxide (R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-(R)
U097	79-44-7	Carbamic chloride, dimethyl-
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	1,2-Dimethylhydrazine
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U101	105-67-9	2,4-Dimethylphenol
U101	105-67-9	Phenol, 2,4-dimethyl-
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U103	77-78-1	Sulfuric acid, dimethyl ester
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Diethyleneoxide
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U110	142-84-7	Dipropylamine (I)
U110	142-84-7	1-Propanamine, N-propyl-(I)
U111	621-64-7	Di-n-propylnitrosamine
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U112	141-78-6	Acetic acid ethyl ester (I)
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U114	111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters
U114	111-54-6	Ethylenebisdithiocarbamic acid, salts & esters
U115	75-21-8	Ethylene oxide (I,T)
U115	75-21-8	Oxirane (I,T)
U116	96-45-7	Ethylenethiourea
U116	96-45-7	2-Imidazolidinethione

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U117	60-29-7	Ethane, 1,1'-oxybis-(I)
U117	60-29-7	Ethyl ether (I)
U118	97-63-2	Ethyl methacrylate
U118	97-63-2	2-Propenoic acid, 2-methyl-,ethyl ester
U119	62-50-0	Ethyl methanesulfonate
U119	62-50-0	Methanesulfonic acid, ethyl ester
U120	206-44-0	Fluoranthene
U121	75-69-4	Methane, trichlorofluoro-
U121	75-69-4	Trichloromonofluoromethane
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U124	110-00-9	Furfuran (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U125	98-01-1	Furfural (I)
U126	765-34-4	Glycidylaldehyde
U126	765-34-4	Oxiranecarboxyaldehyde
U127	118-74-1	Benzene, hexachloro-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U128	87-68-3	Hexachlorobutadiene
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U129	58-89-9	Lindane
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Ethane, hexachloro-
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U133	302-01-2	Hydrazine (R,T)
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H2S
U136	75-60-5	Arsinic acid, dimethyl-
U136	75-60-5	Cacodylic acid
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U138	74-88-4	Methane, iodo-
U138	74-88-4	Methyl iodide
U140	78-83-1	Isobutyl alcohol (I,T)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U143	303-34-4	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, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]-
U143	303-34-4	Lasiocarpine
U144	301-04-2	Acetic acid, lead(2+) salt
U144	301-04-2	Lead acetate
U145	7446-27-7	Lead phosphate
U145	7446-27-7	Phosphoric acid, lead(2+)salt (2:3)
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U146	1335-32-6	Lead subacetate
U147	108-31-6	2,5-Furandione
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U149	109-77-3	Malononitrile
U149	109-77-3	Propanedinitrile
U150	148-82-3	Melphalan
U150	148-82-3	L-Phenylalanine, 4-[[bis(2-chloroethyl)amino]-
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U153	74-93-1	Methanethiol (I,T)
U153	74-93-1	Thiomethanol (I,T)
U154	67-56-1	Methanol (I)
U154	67-56-1	Methyl alcohol (I)
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U155	91-80-5	Methapyrilene
U156	79-22-1	Carbonochloridic acid, methylester (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U157	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U159	78-93-3	2-Butanone (I,T)
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U161	108-10-1	Methyl isobutyl ketone (I)
U161	108-10-1	4-Methyl-2-pentanone (I)
U161	108-10-1	Pentanol, 4-methyl-
U162	80-62-6	Methyl methacrylate (I,T)
U162	80-62-6	2-Propenoic acid, 2-methyl-,methyl ester (I,T)
U163	70-25-7	Guanidine, -methyl-N'-nitro-N-nitroso-
U163	70-25-7	MNNG
U164	56-04-2	Methylthiouracil

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U164	56-04-2	4(IH)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U165	91-20-3	Naphthalene
U166	130-15-4	1,4-Naphthalenedione
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	1-Naphthalenamine
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	2-Naphthalenamine
U168	91-59-8	beta-Naphthylamine
U169	98-95-3	Benzene, nitro-
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U170	100-02-7	Phenol, 4-nitro-
U171	79-46-9	2-Nitropropane (I,T)
U171	79-46-9	Propane, 2-nitro- (I,T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	Ethanol, 2,2'- (nitrosoimino)bis-
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	Ethanamine, -ethyl-N-nitroso-
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	N-Nitroso-N-methylurea
U177	684-93-5	Urea, N-methyl-N-nitroso-
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U179	100-75-4	Piperidine, 1-nitroso-
U180	930-55-2	N-Nitrosopyrrolidine
U180	930-55-2	Pyrrolidine, 1-nitroso-
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U181	99-55-8	5-Nitro-o-toluidine
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U182	123-63-7	Paraldehyde
U183	608-93-5	Benzene, pentachloro-
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Ethane, pentachloro-
U184	76-01-7	Pentachloroethane
U185	82-68-8	Benzene, pentachloronitro-
U185	82-68-8	Pentachloronitrobenzene (PCNB)
U186	504-60-9	1-Methylbutadiene (I)
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Acetamide, -(4-ethoxyphenyl)-
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U189	1314-80-3	Phosphorus sulfide (R)
U189	1314-80-3	Sulfur phosphide (R)
U190	85-44-9	1,3-Isobenzofurandione

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U191	109-06-8	Pyridine, 2-methyl-
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U192	23950-58-5	Pronamide
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U193	1120-71-4	1,3-Propane sultone
U194	107-10-8	1-Propanamine (I,T)
U194	107-10-8	n-Propylamine (I,T)
U196	110-86-1	Pyridine
U197	106-51-4	p-Benzoquinone
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U200	50-55-5	Reserpine
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methylester,(3beta,16beta,17alpha,18beta,20alpha)-
U201	108-46-3	1,3-Benzenediol
U201	108-46-3	Resorcinol
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS2 (R,T)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino)-carbonyl]amino]-
U206	18883-66-4	Streptozotocin
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Ethene, tetrachloro-
U210	127-18-4	Tetrachloroethylene
U211	56-23-5	Carbon tetrachloride
U211	56-23-5	Methane, tetrachloro-
U213	109-99-9	Furan, tetrahydro-(I)
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Acetic acid, thallium(1+)salt
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Carbonic acid, dithallium(1+) salt
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Nitric acid, thallium(1+) salt

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Ethanethioamide
U218	62-55-5	Thioacetamide
U219	62-56-6	Thiourea
U220	108-88-3	Benzene, methyl-
U220	108-88-3	Toluene
U221	25376-45-8	Benzenediamine, ar-methyl-
U221	25376-45-8	Toluenediamine
U222	636-21-5	Benzenamine, 2-methyl-,hydrochloride
U222	636-21-5	o-Toluidine hydrochloride
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl-(R,T)
U223	26471-62-5	Toluene diisocyanate (R,T)
U225	75-25-2	Bromoform
U225	75-25-2	Methane, tribromo-
U226	71-55-6	Ethane, 1,1,1-trichloro-
U226	71-55-6	Methyl chloroform
U226	71-55-6	1,1,1-Trichloroethane
U227	79-00-5	Ethane, 1,1,2-trichloro-
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Ethene, trichloro-
U228	79-01-6	Trichloroethylene
U234	99-35-4	Benzene, 1,3,5-trinitro-
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U235	126-72-7	1-Propanol, 2,3-dibromo-,phosphate (3:1)
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	2,7-Naphthalenedisulfonicacid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo) bis[5-amino-4-hydroxy]-, tetrasodium salt
U236	72-57-1	Trypan blue
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U237	66-75-1	Uracil mustard
U238	51-79-6	Carbamic acid, ethyl ester
U238	51-79-6	Ethyl carbamate (urethane)
U239	1330-20-7	Benzene, dimethyl- (I)
U239	1330-20-7	Xylene (I)
U240	194-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts & esters
U240	194-75-7	2,4-D, salts & esters
U243	1888-71-7	Hexachloropropene
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U244	137-26-8	Thioperoxydicarbonic diamide [(H2N)C(S)]2 S2, tetramethyl-
U244	137-26-8	Thiram
U246	506-68-3	Cyanogen bromide (CN)Br
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-methoxy-
U247	72-43-5	Methoxychlor
U248	181-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, & salts, when present at concentrations of 0.3% or less

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U248	181-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less
U249	1314-84-7	Zinc phosphide Zn3 P2, when present at concentrations of 10% or less
U271	17804-35-2	Benomyl
U271	17804-35-2	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methylester
U278	22781-23-3	Bendiocarb
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol, 2-ethoxy-
U359	110-80-5	Ethylene glycol monoethylether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-,
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methylester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-,dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis(imino-carbonothioyl)]bis-,dimethyl ester
U409	23564-05-8	Thiophanate-methyl
U410	59669-26-0	Ethanimidothioic acid, N,N'-[thio-bis(methylimino)carbonyloxy]]bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate

Numerical List

Dangerous Waste No.	Chemical Abstracts No.	Substance
U411	114-26-1	Propoxur
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
See F027	87-86-5	Pentachlorophenol
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
See F027	93-72-1	Silvex (2,4,5-TP)
See F027	93-76-5	2,4,5-T
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol

FOOTNOTE: ¹CAS Number given for parent compound only.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending WSR 15-01-123, filed 12/18/14, effective 1/18/15)

WAC 173-303-9904 Dangerous waste sources list.

The following Hazard Codes are used to indicate the basis EPA used for listing the classes or types of wastes listed in this section:

Ignitable Waste	(I)
Corrosive Waste	(C)
Reactive Waste	(R)
Toxicity Characteristic Waste	(E)
Acute Hazardous Waste	(H)
Toxic Waste	(T)

DANGEROUS WASTE SOURCES LIST

(1)

Dangerous Waste No.	Sources
---------------------	---------

Nonspecific Sources

Generic:

F001 The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms

(1)

Dangerous Waste No.	Sources
---------------------	---------

from the recovery of these spent solvents and spent solvent mixtures. (T)

F002

The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2 trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)

F003

The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent nonhalogenated solvents; and all spent solvent mixtures/blends containing, before use, one or more of the above nonhalogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I)

F004

The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (T)

F005

The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above nonhalogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures. (I,T)

(1) Dangerous Waste No.	Sources	(1) Dangerous Waste No.	Sources
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. (T)	F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (See footnote 1, below.) (H)
F007	Spent cyanide plating bath solutions from electroplating operations. (R,T)	F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (See footnote 1, below.) (H)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process. (R,T)	F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (See footnote 1, below.) (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (H)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process. (R,T)	F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in this section.) (T)
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process. (R,T)	F025	Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations. (R,T)		
F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process. (T)		
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. (T)		
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (See footnote 1, below.) (H)		

(1) Dangerous Waste No.	Sources	(1) Dangerous Waste No.	Sources
F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (See footnote 1, below.) (H)	F035	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (See footnote 1, below.) (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.) (H)	F037	Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: Oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling (wastewaters) <u>waters</u> , sludges generated in aggressive biological treatment units as defined in footnote 2, below (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing. This listing does include residuals generated from processing or recycling oil-bearing hazardous secondary materials excluded under WAC 173-303-071 (3)(cc)(i), if those residuals are to be disposed of. (See footnote 2, below.) (T)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with nonspecific sources wastes F020, F021, F022, F023, F026 and F027. (T)		
F032	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with WAC 173-303-083 or potentially cross-contaminated wastes that are otherwise currently regulated as dangerous wastes (i.e., F034 or F035), and where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)		
F034	Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drip-page, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol. (T)	F038	Petroleum refinery secondary (emulsified) oil/water/solids separation sludge-Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: Induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in

(1) Dangerous Waste No.	Sources
	stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in footnote 2, below (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing. (See footnote 2, below.) (T)
F039	Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as dangerous under WAC 173-303-9903, 173-303-9904, and 173-303-9905. (Leachate resulting from the disposal of one or more of the following dangerous wastes, and no other dangerous wastes, retains its Dangerous Waste Number(s): F020, F021, F022, F026, F027, and/or F028.) (T)

*(I,T) should be used to specify mixtures that are ignitable and contain toxic constituents.

Specific Sources

Wood Preservation:

K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (T)
------	---

Inorganic Pigments:

K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments. (T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments. (T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments. (T)
K005	Wastewater treatment sludge from the production of chrome green pigments. (T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated). (T)
K007	Wastewater treatment sludge from the production of iron blue pigments. (T)

(1) Dangerous Waste No.	Sources
K008	Oven residue from the production of chrome oxide green pigments. (T)
Organic Chemicals:	
K009	Distillation bottoms from the production of acetaldehyde from ethylene. (T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene. (T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile. (R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile. (R,T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile. (T)
K015	Still bottoms from the distillation of benzyl chloride. (T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride. (T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (T)
K018	Heavy ends from the fractionation column in ethyl chloride production. (T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production. (T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene. (T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene. (T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene. (T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene. (T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene. (T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene. (T)
K026	Stripping still tails from the production of methyl ethyl pyridines. (T)
K027	Centrifuge and distillation residues from toluene diisocyanate production. (R,T)

(1) Dangerous Waste No.	Sources	(1) Dangerous Waste No.	Sources
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (T)	K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (T)	K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane. (T)	K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (T)	K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (T)	K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. (T)
K083	Distillation bottoms from aniline production. (T)	K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
K103	Process residues from aniline extraction from the production of aniline. (T)	K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. (T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production. (T)	K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.) (T)
K085	Distillation of fractionation column bottoms from the production of chlorobenzenes. (T)	K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha-(or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (T)	K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha-(or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (C,T)		
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from the carboxylic acid hydrazides. (I,T)		
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)		
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. (T)		
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene. (C,T)		
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. (T)		

(1)	Dangerous Waste No.	Sources	(1)	Dangerous Waste No.	Sources
	K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)			wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, demonstrate that they meet the terms of the exclusion set forth above. In doing so, they must provide appropriate documentation (e.g., contracts between the generator and the landfill owner/operator, invoices documenting delivery of waste to landfill, etc.) that the terms of the exclusion were met. (T)
	K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)		K175	Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)
	K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.) (T)		K181	Nonwastewaters from the production of dyes and/or pigments (including nonwastewaters commingled at the point of generation with nonwastewaters from other processes) that, at the point of generation, contain mass loadings of any of the constituents identified in subsection (3) of this section that are equal to or greater than the corresponding subsection (3) of this section levels, as determined on a calendar year basis. These wastes will not be hazardous if the nonwastewaters are: <ul style="list-style-type: none"> (i) Disposed in a municipal solid waste landfill unit subject to the design criteria in 40 C.F.R. 258.40; (ii) Disposed in a dangerous waste landfill unit subject to either WAC 173-303-665(2) or 40 C.F.R. 265.301 (incorporated by reference at WAC 173-303-400 (3)(a)); (iii) Disposed in other municipal solid waste landfill units that meet the design criteria in 40 C.F.R. 258.40, WAC 173-303-665(2) or 40 C.F.R. 265.301 (incorporated by reference at WAC 173-303-400 (3)(a)); or (iv) Treated in a combustion unit that is permitted under the Hazardous Waste Management Act and the dangerous waste regulations, or an on-site combustion unit that is permitted under the Clean Air Act. For the purposes of this listing, dyes and/or pigments production is defined in subsection (2) of this section.
	K159	Organics from the treatment of thiocarbamate wastes. (T)			
	K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (R,T)			
	K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: <ul style="list-style-type: none"> (i) They are disposed of in a hazardous waste or nonhazardous landfill licensed or permitted by the state or federal government; (ii) They are not otherwise placed on the land prior to final disposal; and (iii) The generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off site landfill. <p>Respondents in any action brought to enforce the requirements of the Hazardous Waste Management Act or dangerous waste regulations must, upon a showing by the government that the respondent managed</p>			

(1) Dangerous Waste No.	Sources	(1) Dangerous Waste No.	Sources
	Subsection (4) of this section describes the process for demonstrating that a facility's nonwastewaters are not K181. This listing does not apply to wastes that are otherwise identified as dangerous under WAC 173-303-090 (5) through (8), 173-303-100 (5) through (6), 173-303-9903, and 173-303-9904 at the point of generation. Also, the listing does not apply to wastes generated before any annual mass loading limit is met. (T)	K049	Slop oil emulsion solids from the petroleum refining industry. (T)
		K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry. (T)
		K051	API separator sludge from the petroleum refining industry. (T)
		K052	Tank bottoms (leaded) from the petroleum refining industry. (T)
		K169	Crude oil storage tank sediment from petroleum refining operations. (T)
		K170	Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations. (T)
		K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)
		K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors (this listing does not include inert support media). (I,T)
Explosives:		Iron and Steel:	
K044	Wastewater treatment sludges from the manufacturing and processing of explosives. (R)	K061	Emission control dust/sludge from the primary production of steel in electric furnaces. (T)
K045	Spent carbon from the treatment of wastewater containing explosives. (R)	K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (NAICS codes 331111 and 332111). (C,T)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds. (T)	Pesticides:	
K047	Pink/red water from TNT operations. (R)	K031	Byproduct salts generated in the production of MSMA and cacodylic acid. (T)
Inorganic Chemicals:		K032	Wastewater treatment sludge from the production of chlordane. (T)
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used. (T)	K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (T)	K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production. (T)	K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (T)
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates (e.g., antimony metal or crude antimony oxide). (E)	K035	Wastewater treatment sludges generated in the production of creosote. (T)
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates (e.g., antimony metal or crude antimony oxide). (T)		
K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process. (T)		
Petroleum Refining:			
K048	Dissolved air flotation (DAF) float from the petroleum refining industry. (T)		

(1) Dangerous Waste No.	Sources
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton. (T)
K037	Wastewater treatment sludges from the production of disulfoton. (T)
K038	Wastewater from the washing and stripping of phorate production. (T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (T)
K040	Wastewater treatment sludge from the production of phorate. (T)
K041	Wastewater treatment sludge from the production of toxaphene. (T)
K098	Untreated process wastewater from the production of toxaphene. (T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D. (T)
K099	Untreated wastewater from the production of 2,4-D. (T)
K123	Process wastewater (including supernates, filtrates, and wastewaters) from the production of ethylenebisdithiocarbamic acid and its salts. (T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts. (C,T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts. (T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts. (T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide. (C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide. (T)
Primary Aluminum:	
K088	Spent potliners from primary aluminum reduction. (T)

(1) Dangerous Waste No.	Sources
Secondary Lead:	
K069	Emission control dust/sludge from secondary lead smelting. (Note: This listing is stayed administratively for sludge generated from secondary acid scrubber systems. The stay will remain in effect until further administrative action is taken. If EPA takes further action affecting this stay, EPA will publish a notice of the action in the <i>Federal Register</i> .) (T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (T)
Veterinary Pharmaceuticals:	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds. (T)
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. (T)
Coking:	
K060	Ammonia still-lime sludge from coking operations. (T)
K087	Decanter tank tar sludge from coking operations. (T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

(1) Dangerous Waste No.	Sources	
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recover of coke by-products produced from coal.	
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	c(i)
K147	Tar storage tank residues from coal tar refining.	
K148	Residues from coal tar distillation, including but not limited to, still bottoms.	(ii) (A)
Footnotes		
1	For wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027 the quantity exclusion limit is 2.2 lbs. (1 kg) per month or per batch.	(B)
2	Listing Specific Definitions:	
a	For the purposes of the F037 and F038 listings, oil/water/solids is defined as oil and/or water and/or solids.	WPCB
b(i)	For the purposes of the F037 and F038 listings, aggressive biological treatment units are defined as units which employ one of the following four treatment methods: Activated sludge; trickling filter; rotating biological contactor for the continuous accelerated biological oxidation of wastewaters; or high-rate aeration. High-rate aeration is a system of surface impoundments or tanks, in which intense mechanical aeration is used to completely mix the wastes, enhance biological activity, and (A) the units employs a minimum of 6 hp per million gallons of treatment volume; and either (B) the hydraulic retention time of the unit is no longer than 5 days; or (C) the hydraulic retention time is no longer than 30 days and the unit does not generate a sludge that is a dangerous waste by the Toxicity Characteristic.	
		(ii) (A) (B)
		Generators and treatment, storage and disposal facilities have the burden of proving that their sludges are exempt from listing as F037 and F038 wastes under this definition. Generators and treatment, storage and disposal facilities must maintain, in their operating or other on-site records, documents and data sufficient to prove that: (A) The unit is an aggressive biological treatment unit as defined in this subsection; and (B) the sludges sought to be exempted from the definitions of F037 and/or F038 were actually treated in the aggressive biological treatment unit.
		For the purposes of the F037 listing, sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement.
		For the purposes of the F038 listing, Sludges are considered to be generated at the moment of deposition in the unit, where deposition is defined as at least a temporary cessation of lateral particle movement and Floats are considered to be generated at the moment they are formed in the top of the unit.
		State Sources
		Discarded transformers, capacitors or bushings containing polychlorinated biphenyls (PCB) at concentrations of 2 parts per million or greater (except when drained of all free flowing liquid) and the following wastes generated from the salvaging, rebuilding, or discarding of transformers, capacitors or bushings containing polychlorinated biphenyls (PCB) at concentrations of 2 parts per million or greater: Cooling and insulating fluids and cores, including core papers. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-071 (3)(k). The generator should check that section to determine if their PCB waste is excluded from the requirements of chapter 173-303 WAC.)

(2) *Listing Specific Definitions:* For the purposes of the K181 listing, dyes and/or pigments production is defined to include manufacture of the following product classes: Dyes, pigments, or FDA certified colors that are classified as azo, triarylmethane, perylene or anthraquinone classes. Azo products include azo, monoazo, diazo, triazo, polyazo, azoic, benzidine, and pyrazolone products.

Triarylmethane products include both triarylmethane and triphenylmethane products. Wastes that are not generated at a dyes and/or pigments manufacturing site, such as wastes from the off site use, formulation, and packaging of dyes and/or pigments, are not included in the K181 listing.

(3) *K181 Listing Levels.* Nonwastewaters containing constituents in amounts equal to or exceeding the following levels during any calendar year are subject to the K181 listing, unless the conditions in the K181 listing are met.

Constituent	Chemical Abstracts No.	Mass Levels (kg/yr)
Aniline	62-53-3	9,300
o-Anisidine	90-04-0	110
4-Chloroaniline	106-47-8	4,800
p-Cresidine	120-71-8	660
2,4-Dimethylaniline	95-68-1	100
1,2-Phenylenediamine	95-54-5	710
1,3-Phenylenediamine	108-45-2	1,200

(4) *Procedures for demonstrating that dyes and/or pigment nonwastewaters are not K181.* The procedures described in (a) through (c) and (e) of this subsection establish when nonwastewaters from the production of dyes/pigments would not be hazardous (these procedures apply to wastes that are not disposed in landfill units or treated in combustion units as specified in subsection (1) - the K181 listing - of this section). If the nonwastewaters are disposed in landfill units or treated in combustion units as described in subsection (1) of this section, then the nonwastewaters are not hazardous. In order to demonstrate that it is meeting the landfill disposal or combustion conditions contained in the K181 listing description, the generator must maintain documentation as described in (d) of this subsection.

(a) *Determination based on no K181 constituents.* Generators that have knowledge (for example, knowledge of constituents in wastes based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed) that their wastes contain none of the K181 constituents (see subsection (3) of this section) can use their knowledge to determine that their waste is not K181. The generator must document the basis for all such determinations on an annual basis and keep each annual documentation for three years.

(b) *Determination for generated quantities of 1,000 MT/yr or less for wastes that contain K181 constituents.* If the total annual quantity of dyes and/or pigment nonwastewaters generated is 1,000 metric tons or less, the generator can use knowledge of the wastes (for example, knowledge of constituents in wastes based on prior analytical data and/or information about raw materials used, production processes used, and reaction and degradation products formed) to conclude that annual mass loadings for the K181 constituents are below the listing levels of subsection (3) of this section. To make this determination, the generator must:

(i) Each year document the basis for determining that the annual quantity of nonwastewaters expected to be generated will be less than 1,000 metric tons.

(ii) Track the actual quantity of nonwastewaters generated from January 1 through December 31 of each year. If, at any time within the year, the actual waste quantity exceeds 1,000 metric tons, the generator must comply with the requirements of (c) of this subsection for the remainder of the year.

(iii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.

(iv) Keep the following records on-site for the three most recent calendar years in which the hazardous waste determinations are made:

(A) The quantity of dyes and/or pigment nonwastewaters generated.

(B) The relevant process information used.

(C) The calculations performed to determine annual total mass loadings for each K181 constituent in the nonwastewaters during the year.

- (c) *Determination for generated quantities greater than 1,000 MT/yr for wastes that contain K181 constituents.* If the total annual quantity of dyes and/or pigment nonwastewaters generated is greater than 1,000 metric tons, the generator must perform all of the steps described in (c)(i) through (xi) of this subsection in order to make a determination that its waste is not K181.
 - (i) Determine which K181 constituents (see subsection (3) of this section) are reasonably expected to be present in the wastes based on knowledge of the wastes (for example, based on prior sampling and analysis data and/or information about raw materials used, production processes used, and reaction and degradation products formed).
 - (ii) If 1,2-phenylenediamine is present in the wastes, the generator can use either knowledge or sampling and analysis procedures to determine the level of this constituent in the wastes. For determinations based on use of knowledge, the generator must comply with the procedures for using knowledge described in (b) of this subsection and keep the records described in (b)(iv) of this subsection. For determinations based on sampling and analysis, the generator must comply with the sampling and analysis and recordkeeping requirements described below in this subsection.
 - (iii) Develop a waste sampling and analysis plan (or modify an existing plan) to collect and analyze representative waste samples for the K181 constituents reasonably expected to be present in the wastes. At a minimum, the plan must include:
 - (A) A discussion of the number of samples needed to characterize the wastes fully;
 - (B) The planned sample collection method to obtain representative waste samples;
 - (C) A discussion of how the sampling plan accounts for potential temporal and spatial variability of the wastes;
 - (D) A detailed description of the test methods to be used, including sample preparation, clean up (if necessary), and determinative methods.
 - (iv) Collect and analyze samples in accordance with the waste sampling and analysis plan.
 - (A) The sampling and analysis must be unbiased, precise, and representative of the wastes;
 - (B) The analytical measurements must be sufficiently sensitive, accurate and precise to support any claim that the constituent mass loadings are below the listing levels of subsection (3) of this section.
 - (v) Record the analytical results.
 - (vi) Record the waste quantity represented by the sampling and analysis results.
 - (vii) Calculate constituent-specific mass loadings (product of concentrations and waste quantity).
 - (viii) Keep a running total of the K181 constituent mass loadings over the course of the calendar year.
 - (ix) Determine whether the mass of any of the K181 constituents listed in subsection (3) of this section generated between January 1 and December 31 of any year is below the K181 listing levels.
 - (x) Keep the following records on-site for the three most recent calendar years in which the hazardous waste determinations are made:
 - (A) The sampling and analysis plan.
 - (B) The sampling and analysis results (including QA/QC data).
 - (C) The quantity of dyes and/or pigment nonwastewaters generated.
 - (D) The calculations performed to determine annual mass loadings.
 - (xi) Nonhazardous waste determinations must be conducted annually to verify that the wastes remain nonhazardous.
 - (A) The annual testing requirements are suspended after three consecutive successful annual demonstrations that the wastes are nonhazardous. The generator can then use knowledge of the wastes to support subsequent annual determinations.
 - (B) The annual testing requirements are reinstated if the manufacturing or waste treatment processes generating the wastes are significantly altered, resulting in an increase of the potential for the wastes to exceed the listing levels.
 - (C) If the annual testing requirements are suspended, the generator must keep records of the process knowledge information used to support a nonhazardous determination. If testing is reinstated, a description of the process change must be retained.

- (d) *Recordkeeping for the landfill disposal and combustion exemptions.* For the purposes of meeting the landfill disposal and combustion condition set out in the K181 listing description, the generator must maintain on-site for three years documentation demonstrating that each shipment of waste was received by a landfill unit that is subject to or meets the landfill design standards set out in the listing description, or was treated in combustion units as specified in the listing description.
- (e) *Waste holding and handling.* During the interim period, from the point of generation to completion of the hazardous waste determination, the generator is responsible for storing the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the Hazardous Waste Management Act and the dangerous waste regulation requirements during the interim period, the generator could be subject to an enforcement action for improper management.

WSR 19-04-042**PERMANENT RULES****DEPARTMENT OF HEALTH**

[Filed January 29, 2019, 9:33 a.m., effective March 1, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-247-035 National standards adopted by reference for sources of radionuclide emissions and 246-247-075 Monitoring, testing, and quality assurance, this rule making makes technical corrections to request full delegation of the radionuclide air emissions program from the United States Environmental Protection Agency.

Citation of Rules Affected by this Order: Amending WAC 246-247-035 and 246-247-075.

Statutory Authority for Adoption: RCW 70.98.050 and 70.98.080(5).

Other Authority: 40 C.F.R. 63.91.

Adopted under notice filed as WSR 18-24-020 on November 27, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: January 29, 2019.

Clark Halvorson
Assistant Secretary

AMENDATORY SECTION (Amending WSR 18-12-075, filed 6/1/18, effective 7/2/18)

WAC 246-247-035 National standards adopted by reference for sources of radionuclide emissions. (1) In addition to other requirements of this chapter, the following federal standards, as in effect on July 1, 2018, are adopted by reference except as provided in subsection ((s(2) and (3))) (2) of this section.

~~((These standards apply in addition to other requirements of this chapter.))~~

(a) For federal facilities:

(i) 40 C.F.R. Part 61, Subpart A - General Provisions.

(ii) 40 C.F.R. Part 61, Subpart H - National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities.

(iii) 40 C.F.R. Part 61, Subpart I - National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.

(iv) 40 C.F.R. Part 61, Subpart Q - National Emission Standards for Radon Emissions From Department of Energy Facilities.

(b) For nonfederal facilities:

(i) 40 C.F.R. Part 61, Subpart A - General Provisions.

(ii) 40 C.F.R. Part 61, Subpart B - National Emission Standards for Radon Emissions From Underground Uranium Mines.

(iii) 40 C.F.R. Part 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants.

(iv) 40 C.F.R. Part 61, Subpart R - National Emissions Standards for Radon from Phosphogypsum Stacks.

(v) 40 C.F.R. Part 61, Subpart T - National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings.

(vi) 40 C.F.R. Part 61, Subpart W - National Emission Standards for Radon Emissions From Operating Mill Tailings.

(2) References to "Administrator" or "EPA" in 40 C.F.R. Part 61 include the department of health except in any section of 40 C.F.R. Part 61 for which a federal rule or delegation indicates that the authority will not be delegated to the state.

~~((3) Any change or alternative to standards, emission monitoring and test procedures, compliance and reporting requirements, or recordkeeping requirements must be approved by EPA.))~~

AMENDATORY SECTION (Amending WSR 12-01-071, filed 12/19/11, effective 1/19/12)

WAC 246-247-075 Monitoring, testing, and quality assurance. (1) The department may, upon request by a non-federal licensee, authorize provisions specific to that non-federal licensee, other than those already set forth in WAC 246-247-075 for nonfederal emission unit monitoring, testing, or quality assurance, so long as the department finds reasonable assurance of compliance with the performance objectives of this chapter.

(2) Equipment and procedures used for the continuous monitoring of radioactive air emissions shall conform, as applicable, to the guidance contained in ANSI N13.1, ANSI N42.18, ANSI N323, ANSI N317, reference methods 1, 1A, 2, 2A, 2C, 2D, 4, 5, and 17 of 40 C.F.R. Part 60, Appendix A, 40 C.F.R. Part 52, Appendix E, and any other methods approved by the department.

(3) The operator of an emission unit with a potential-to-emit of less than 0.1 mrem/yr TEDE to the MEI may estimate those radionuclide emissions, in lieu of monitoring, in accordance with 40 C.F.R. 61 Appendix D, or other procedure approved by the department. The department may require periodic confirmatory measurements (e.g., grab samples) during routine operations to verify the low emissions. Methods to implement periodic confirmatory monitoring shall be approved by the department.

(4) The department may allow a nonfederal facility to use alternative monitoring procedures or methods if continuous monitoring is not a feasible or reasonable requirement.

(5) The following types of facilities shall determine radionuclide emissions in accordance with either a methodology referenced in subsections (1) through (4) of this section or the respective document referenced below:

(a) Nuclear power reactors licensed by the NRC: Offsite Dose Calculation Manual;

(b) Fuel fabrication plants licensed by the NRC: NRC's Regulatory Guide 4.16, dated December 1985;

(c) Uranium mills that are processing material: NRC's Regulatory Guide 4.14, dated April 1980.

(6) Licensed facilities shall conduct and document a quality assurance program. Except for those types of facilities specified in subsection (5) of this section, the quality assurance program shall be compatible with applicable national standards such as ANSI/ASME NQA-1-1988, ANSI/ASME NQA-2-1986, QA/R-2, and QA/R-5.

(7) Those types of facilities specified in subsection (5) of this section shall conduct and document a quality assurance program compatible with either the applicable national standards referenced in subsection (6) of this section or the NRC's Regulatory Guide 4.15, dated February 1979.

(8) Facilities shall monitor nonpoint and fugitive emissions of radioactive material.

(9) The department may conduct an environmental surveillance program to ensure that radiation doses to the public from emission units are in compliance with applicable standards. The department may require the operator of any emission unit to conduct stack sampling, ambient air monitoring, or other testing as necessary to demonstrate compliance with the standards in WAC 246-247-040.

(10) The department may require the owner or operator of an emission unit to make provision, at existing emission unit sampling stations, for the department to take split or collocated samples of the emissions.

(11) The planning for any proposed new construction or significant modification of the emission unit must address accidental releases with a probability of occurrence during the expected life of the emission unit of greater than one percent.

(12) All facilities must be able to demonstrate that appropriate supervisors and workers are adequately trained in the use and maintenance of emission control and monitoring systems, and in the performance of associated test and emergency response procedures.

(13) All facilities must be able to demonstrate the reliability and accuracy of the radioactive air emissions monitoring data.

(14) A facility owner or operator, or any other person may not render inaccurate any monitoring device or method required under chapter 70.98 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

WSR 19-04-047
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed January 29, 2019, 2:40 p.m., effective March 1, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The county road administration board finds that amending WAC 136-130-020 will better define priorities by project type for the rural arterial program and amending WAC 136-161-080 will better define project eligibility for RATA funding.

Citation of Rules Affected by this Order: Amending WAC 136-130-020 and 136-161-080.

Statutory Authority for Adoption: Chapter 36.78 RCW.

Adopted under notice filed as WSR 18-22-110 on November 6, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 24, 2019.

John M. Koster
Executive Director

AMENDATORY SECTION (Amending WSR 11-05-005, filed 2/3/11, effective 3/6/11)

WAC 136-130-020 Priorities by project type. The county road administration board has determined that the interests of the counties in the several regions will be best served by encouraging development of distinct project priority rating systems for each region.

There shall be five project types eligible for RATA funding, with each having separate rating systems for project ranking and selection. The five project types include:

(1) Reconstruction - Emphasis on alignment and grade changes on fifty percent or more of the project length, and may include additional travel lanes and right of way costs.

(2) 3R - Resurfacing, restoration, and rehabilitation - Primary focus on extending the service life of existing facility involving less than fifty percent vertical or horizontal changes, and on safety improvements. Right of way costs are eligible for RATA reimbursement as a part of this project type.

(3) 2R - Resurfacing and restoration - Primary focus on restoration of the pavement structure on the existing vertical and horizontal alignment and spot safety improvements. Minor widening costs are allowed as a part of this project type. Right of way costs are not eligible for RATA reimbursement in this project type.

(4) Intersection - 3R or reconstruction work limited to the vicinity of an existing intersection, and may include additional travel lanes and right of way costs.

(5) Bridge and drainage structures - Replacement or major rehabilitation of an existing bridge or other drainage structure, and may include additional travel lanes and right of way costs. ~~((The county road administration board has determined that the interests of the counties in the several regions will be best served by encouraging development of a distinct project priority rating systems for each region.))~~

(a) All National Bridge Inventory (NBI) listed structures are eligible for replacement or rehabilitation. Rehabilitation is the major work required to restore the structural integrity of a bridge as well as work necessary to correct major safety defects.

(b) All non-NBI structures are eligible for replacement of the existing structure.

In consultation with the individual regions, the executive director shall approve the various forms and procedures necessary to allocate available RATA funding, consistent with RCW 36.79.080.

AMENDATORY SECTION (Amending WSR 11-05-005, filed 2/3/11, effective 3/6/11)

WAC 136-161-080 Limitations on allocations of RATA funds to counties. For any project program period, no county shall receive a RATA fund allocation greater than the following maximum project RATA contribution, or percentage of the forecasted regional apportionment amount:

(1) PSR: No maximum project RATA contribution; 40% limit on percentage of the forecasted regional apportionment amount;

(2) NWR: No maximum project RATA contribution; twenty percent limit on percentage of the forecasted regional apportionment amount;

(3) NER: No maximum project RATA contribution; maximum RATA contribution to each county for 2R projects is seven hundred fifty thousand dollars; twelve and one-half percent limit on percentage of the forecasted regional apportionment amount;

(4) SWR: No maximum project RATA contribution; fifteen percent limit on percentage of the forecasted regional apportionment amount;

(5) SER: No maximum project RATA contribution; percentage varies by county as follows:

(a) Asotin County	ten percent
(b) Benton County	fourteen percent
(c) Columbia County	eleven percent
(d) Franklin County	thirteen percent
(e) Garfield County	ten percent
(f) Kittitas County	thirteen percent
(g) Klickitat County	fourteen percent
(h) Walla Walla County	fourteen percent
(i) Yakima County	twenty percent

(6) The county limits for all eligible and applying counties in each region will be adjusted to include by equal share the funding limit of any ineligible or nonapplying county.

(7) Projects must have a total estimated cost of two hundred fifty thousand dollars or greater to be eligible for RATA funding.

WSR 19-04-048
PERMANENT RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed January 29, 2019, 2:40 p.m., effective March 1, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The county road administration board finds that amending WAC 136-12-020, 136-12-030, 136-12-045, 136-12-060, 136-12-070, 136-12-080, 136-14-010, 136-14-020, 136-14-030 and 136-14-040 and adding new WAC 136-15-055 Modification of program, will better clarify this chapter.

Citation of Rules Affected by this Order: New 1; and amending 10.

Statutory Authority for Adoption: Chapter 36.78 RCW.

Adopted under notice filed as WSR 18-22-109 on November 6, 2018.

Changes Other than Editing from Proposed to Adopted Version: The word "adopting" was added before the word resolution in the last sentence of new WAC 136-15-055.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 10, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 24, 2019.

John M. Koster
[Executive Director]

AMENDATORY SECTION (Amending WSR 17-11-037, filed 5/11/17, effective 6/11/17)

WAC 136-12-020 Procedure during vacancy or change. When a vacancy or change occurs in the office of county engineer (~~(due to resignation, retirement, death or for any other)~~) for any reason, the county legislative authority shall take immediate steps to find a replacement (~~(, either by promotion from within the organization if a competent and eligible person is available, or by advertisement for, and interview of, qualified applicants)~~). The county legislative authority or county executive shall (~~(, in writing)~~), by electronic email or official letter, within five (~~(working)~~) business days, notify the county road administration board of the vacancy or change, the effective date of the vacancy or change and of the procedure to be followed during the period of vacancy. The notice to the county road administration board shall state that the legislative authority or county executive has reviewed the requirements within (~~(this)~~) chapter 136-12 WAC.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-12-030 Acting county engineer. If for any reason(~~(s)~~) it is impossible to employ a new county engineer immediately, the county legislative authority shall designate, by resolution, an acting county engineer for an interim period(~~(s)~~) not to exceed six months(~~(s)~~) except as provided in WAC 136-12-060. A copy of such resolution shall be forwarded to the county road administration board within five business days of the effective date of the vacancy.

If the acting county engineer is not a licensed professional civil engineer, the legislative authority shall designate a licensed professional civil engineer to perform all professional civil engineering (~~(services)~~) functions during the interim period as required by chapter 18.43 RCW, and the unlicensed acting county engineer shall perform only those functions of the office not requiring a professional civil engineer's license.

AMENDATORY SECTION (Amending WSR 17-11-037, filed 5/11/17, effective 6/11/17)

WAC 136-12-045 Notification of hiring. When final arrangements for the employment of a new county engineer have been made, the county legislative authority or the county executive shall, within five (~~(working)~~) business days, notify the county road administration board in writing and shall include the following information: Name of new county engineer, Washington professional civil engineer registration number, start date, and contact information, including an email address when available. In addition, the notification shall include a copy of the organization chart detailing the responsibilities of the county engineer if there is an adopted change, WAC 136-50-051, and a copy of the appointment resolution, letter of appointment, or copy of the meeting minutes of the legislative authority recording the appointment.

AMENDATORY SECTION (Amending WSR 17-11-037, filed 5/11/17, effective 6/11/17)

WAC 136-12-060 Failure to comply. In the case of vacancy or change, if (~~(notification is not received within the time frame established in WAC 136-12-045, the matter of the vacancy)~~) a county fails to comply with any portion of chapter 136-12 WAC, the matter will be considered at the next regular meeting of the county road administration board. The county road administration board may (~~(require that all construction by county forces projects be shut down and/or that all distribution of gas tax funds to the county cease)~~) take any action regarding county forces construction, the county's motor vehicle fuel tax distribution, county arterial preservation program eligibility or rural arterial program eligibility it deems appropriate: Provided however, that it may continue to grant reasonable extensions in the event the affected county can give adequate proof or demonstrate at the next regularly scheduled board meeting that a diligent effort has been made to secure the services of a qualified professional civil engineer.

AMENDATORY SECTION (Amending WSR 02-18-018, filed 8/22/02, effective 9/22/02)

WAC 136-12-070 County engineer in counties that choose to employ a part-time county engineer or a contract county engineer. When the county legislative authority chooses to employ a county engineer on a part-time basis the terms of such employment shall be set forth in a contract adopted by resolution of the legislative authority. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship with regular employees. A copy of such resolution and contract shall be forwarded to the office of the county road administration board within five business days of adoption.

When the legislative authority chooses to contract with another county for services such contract shall be approved by resolution of both legislative authorities. Such contract shall specify, but need not be limited to: Statement of legal responsibility, salary or wage arrangements, meetings with the legislative authority, travel expenses and relationship

with regular employees. A copy of the contract and both resolutions shall be forwarded to the office of the county road administration board within five business days of adoption by both counties. Any such contract shall be in accordance with the procedures of the Interlocal Cooperation Act, chapter 39.34 RCW.

AMENDATORY SECTION (Amending WSR 02-18-018, filed 8/22/02, effective 9/22/02)

WAC 136-12-080 ((Assistant county engineer) Supervision of nonengineering county engineer duties in counties with a part-time county engineer or a contract county engineer. When a legislative authority of a county chooses to employ a ~~((licensed professional civil))~~ county engineer on a part-time basis or contract with another county for the services of its ~~((licensed professional civil))~~ county engineer, it shall designate by resolution a full-time employee ~~((as assistant county engineer. In such cases, the designated assistant county engineer shall))~~ to perform the day-to-day supervision of the ~~((road department under the))~~ county engineer duties not requiring a professional civil engineering license in accordance with policies established by the legislative authority.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-14-010 Purpose and authority. The requirement to develop and adopt both long range and short range programs as a prerequisite to road construction is established in RCW 36.79.080, 36.81.121 and 36.81.130. Numerous studies have shown that road construction needs far exceed available revenue. Priority programming is the development and application of techniques designed to rank any array of potential projects in order of importance to serve as a guide in assisting a county legislative authority in the formulation of road programs and distribution of limited resources. Priority programming procedures for counties must be adaptable to a wide variety of situations.

AMENDATORY SECTION (Amending WSR 90-07-075, filed 3/21/90, effective 4/21/90)

WAC 136-14-020 Application. Priority programming techniques shall be applied in the ranking of all potential projects on the ~~((arterial))~~ road system of each county. They may be applied to all ~~((arterial))~~ road and bridge projects combined in a single group, or may be applied to individual functional classes of ~~((arterials))~~ roads and further subdivided into rural and urban systems if desired. Priority programming will not be required, but is recommended, for the local access road system. However, bridges on the local access road system must be included in priority programming.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-14-030 Process. Each county engineer will be required to develop a priority programming process tailored to meet the overall roadway system development policy

determined by his or her county legislative authority. Items to be included and considered in the technique for roads shall include, but need not be limited to the following:

- (1) Traffic volumes;
- (2) Roadway condition;
- (3) Geometrics;
- (4) Safety and accident history; and
- (5) Matters of significant local importance.

The manner in which these various items are treated may vary from county to county.

Bridge priorities shall be established in accordance with WAC 136-20-060. ~~((Accident records may be considered where their use will make a legitimate contribution.))~~ A description of the priority programming technique to be used shall be submitted by each county engineer to the county road administration board.

The county road administration board, upon request, will provide assistance to counties in the development, evaluation or modification of their priority programming process in order to meet the requirements of this rule.

AMENDATORY SECTION (Amending WSR 99-01-021, filed 12/7/98, effective 1/7/99)

WAC 136-14-040 Application of process. The priority programming process for roads shall be applied by the county engineer to all potential arterial, collector and bridge projects in the county, and to local access road projects if directed by the legislative authority. The resulting priority array shall be updated not later than ~~((June 1st of each odd-numbered year))~~ the first Monday in October and shall be consulted together with bridge priorities by the county legislative authority and county engineer during the preparation of the proposed six-year transportation program as described in chapter 136-15 WAC.

NEW SECTION

WAC 136-15-055 Modification of program. The adopted six-year program may not be revised except by a majority vote of the members of the legislative authority who are present when the vote is taken. Such revisions shall be by resolution of the legislative authority and only after a public hearing thereon. A copy of such adopting resolution shall be forwarded to the county road administration board as part of the annual certification for that calendar year.

WSR 19-04-071
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Optometry)

[Filed February 1, 2019, 12:52 p.m., effective March 4, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-851-580 and 246-851-590, the board of optometry (board) is adopting an amendment to the drug list in WAC 246-851-580 and drug guidelines in WAC 246-851-590 to clarify the use of adjuvant analgesics, such as gabapentin and pregabalin, for the practice of optometry.

This rule making is in response to a question from a Washington-licensed optometrist, who asked the board if adjuvant analgesics were included under the category "analgesics" in WAC 246-851-580 (1)(j).

These drugs were originally classified as antiepileptic medications, but are now more commonly prescribed to enhance treatment of pain. Adding adjuvant analgesics to the optometry drug list gives optometrists additional, safer pain treatments for addressing painful eye conditions, such as herpes zoster. Optometrists are currently authorized to prescribe hydrocodone combination products, which are potentially addictive opioids. Adjuvant analgesics by themselves do not carry the same risks for addiction.

Citation of Rules Affected by this Order: Amending WAC 246-851-580 and 246-851-590.

Statutory Authority for Adoption: RCW 18.54.070(2).

Other Authority: RCW 18.53.010(4).

Adopted under notice filed as WSR 18-22-071 on November 1, 2018.

A final cost-benefit analysis is available by contacting Lorelei Walker, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4947, fax 360-236-2901, TTY 360-833-6388 or 711, email loralei.walker@doh.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 2, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 14, 2018.

Dale Heaston, OD, Chair
Board of Optometry

AMENDATORY SECTION (Amending WSR 16-16-017, filed 7/21/16, effective 8/21/16)

WAC 246-851-580 Drug list. Pursuant to RCW 18.53.010(4), the optometry board adopts the following drug formulary of oral Schedule II hydrocodone combination products, Schedule III through V controlled substances, and legend drugs for diagnostic and therapeutic purposes in the practice of optometry. No licensed optometrist may use, prescribe, dispense, purchase, possess, or administer these drugs except as authorized and to the extent permitted by the board. This section includes the approved oral drug formulary. Optometrists must consult WAC 246-851-590 for specific guidelines on these drugs or drug categories.

(1) Approved nonscheduled oral drugs include:

(a) Antibiotic agents excluding those listed in WAC 246-851-590(1).

- (b) Antiviral agents.
- (c) Antifungal agents listed under WAC 246-851-590(2).
- (d) Antihistamine agents.
- (e) Decongestant agents.
- (f) Dry eye agents.
- (g) Anti-emetic agents listed under WAC 246-851-590(3).
- (h) Diuretic agents listed under WAC 246-851-590(4).
- (i) Nonsteroidal anti-inflammatory agents excluding those listed in WAC 246-851-590(5).
- (j) Analgesics and adjuvant analgesics.
- (2) Approved controlled substances limited to Schedule II hydrocodone combination products and Schedules III, IV, and V.
 - (a) Schedule II hydrocodone combination products.
 - (b) Schedule III controlled substances.
 - (c) Schedule IV controlled substances.
 - (d) Schedule IV anti-anxiety/sedative agents.
 - (e) Schedule V controlled substances.
- (3) Approved injectable substances.
 - Administration of epinephrine by injection for the treatment of anaphylactic shock.

AMENDATORY SECTION (Amending WSR 16-16-017, filed 7/21/16, effective 8/21/16)

WAC 246-851-590 Guidelines for the use of oral Schedule II hydrocodone combination products and Schedule III through V controlled substances and legend drugs. Nothing in these guidelines should be construed to restrict the recommendation of over-the-counter medications, vitamins, or supplements, nor restrict the ordering of any radiologic or laboratory testing necessary to the diagnosis of any eye related disease that is within the scope of practice of optometry.

(1) All oral forms and dosages of antibiotic agents will be available for use excluding: Vancomycin.

(2) Antifungal agents used in eye care shall fall into the following categories:

- (a) All oral forms and dosages of polyene antifungals.
- (b) All oral forms and dosages of imidazole antifungals.
- (c) All oral forms and dosages of triazole antifungals.

(3) Anti-emetic agents used in eye care shall be the following medications:

- (a) All oral forms and dosages of prochlorperazine.
- (b) All oral forms and dosages of metoclopramide.
- (c) All oral forms and dosages of promethazine.

(4) Diuretic agents used in eye care shall fall into the following categories:

(a) All oral forms and dosages of carbonic anhydrase inhibitors.

(b) All oral forms and dosages of osmotic diuretics. Osmotic diuretics shall be used only in the case of acute angle closure glaucoma administered in-office, outpatient, and/or ambulatory procedures only.

(5) All oral forms and dosages of nonsteroidal anti-inflammatory agents will be available for use excluding: Ketorolac tromethamine.

(6) Benzodiazepines prescribed, as anti-anxiety agents, shall be used for in-office, outpatient, and/or ambulatory procedures. This family of medications will be utilized as one dosage unit per prescription.

(7) Schedule II controlled substance will only include hydrocodone combination products.

(8) Schedules III and IV controlled substances will have a maximum quantity count of thirty dosage units per prescription.

(9) Specific dosage for use and appropriate duration of treatment of oral medications listed in WAC 246-851-580(1) will be consistent with ~~((guidelines established by the))~~ Food and Drug Administration on- and off-label indications.

(10) Notation of purpose shall be included on all prescriptions.

(11) An optometrist may not:

(a) Use, prescribe, dispense, or administer oral corticosteroids; or

(b) Prescribe, dispense, or administer a controlled substance for more than seven days in treating a particular patient for a single trauma, episode, or condition or for pain associated with or related to the trauma, episode, or condition; or

(c) Prescribe an oral drug within ninety days following ophthalmic surgery unless the optometrist consults with the treating ophthalmologist. If treatment exceeding the limitation is indicated, the patient must be referred to a physician licensed under chapter 18.71 RCW.

(12) The prescription or administration of drugs as authorized in this section is specifically limited to those drugs appropriate to treatment of diseases or conditions of the human eye and the adnexa that are within the scope of practice of optometry. The prescription or administration of drugs for any other purpose is not authorized.

(13) Nothing in this chapter may be construed to authorize the use, prescription, dispensing, purchase, possession, or administration of any Schedule I or II controlled substance with the exception of Schedule II hydrocodone combination products.

WSR 19-04-075
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed February 1, 2019, 2:38 p.m., effective March 4, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: State parks' staff proposed to the Washington state parks and recreation commission to approve revisions to several chapters of the WAC, including chapters 352-12, 352-20, 352-32, and 352-37 WAC. The changes included language clarifications, a repeal, and new definitions. These changes provide staff and the public a clearer understanding of the rules.

Citation of Rules Affected by this Order: Repealing WAC 352-12-060; and amending WAC 352-12-005, 352-20-020, 352-32-050, 352-32-090, 352-32-125, 352-32-130, 352-32-251, 352-32-252, 352-32-253, 352-37-020, 352-37-070,

352-37-105, 352-37-140, 352-37-170, 352-37-200, and 352-37-250.

Statutory Authority for Adoption: Chapter 79A.05 RCW.

Adopted under notice filed as WSR 19-01-107 on December 18, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 16, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 16, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 1, 2019.

Valeria Veasley
Management Analyst

AMENDATORY SECTION (Amending WSR 04-01-068, filed 12/12/03, effective 1/12/04)

WAC 352-12-005 Definitions. As used in this chapter, the ~~((following words and terms have the meanings indicated))~~ terms below mean the following, unless the context clearly requires otherwise:

(1) "Commercial vessel" ~~((shall))~~ means a vessel ~~((which))~~ that is used, rigged, or licensed for any commercial use or purpose, but ~~((shall))~~ does not include vessels operated within the terms of a concession lease or agreement with the commission.

(2) "Commission" ~~((shall))~~ means the Washington state parks and recreation commission.

(3) "Designated fee facility" ~~((shall))~~ means any facility designated as a fee facility by the director or designee.

(4) "Director" ~~((shall))~~ means the director of the Washington state parks and recreation commission.

(5) "Facility" ~~((shall))~~ means state watercraft launches, park floats, piers, mooring buoys, docks, pilings, and linear moorage facilities.

(6) "Length" ~~((shall))~~ means the overall length of a vessel as measured in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, not including bowsprit or bumkin or as shown on vessel's state or coast guard registration certificate.

(7) "Manager or ranger" ~~((shall))~~ means a duly appointed Washington state parks ranger, or agent of the commission, who is vested with police powers under RCW 79A.05.160.

(8) "Night" ~~((shall))~~ means the period between 1 p.m. and 8 a.m.

(9) "Vessel" ~~((shall))~~ means watercraft of every description, used or capable of being used as a means of transportation on the water.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 352-12-060 Penalties.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-20-020 Motor vehicles on roads and trails.

(1) No person shall operate any motor vehicle on a trail in any state park area unless such trail has been specifically designated and posted for such use.

(2) Subject to the provisions of subsection (1) of this section, no person shall operate a motor vehicle within the boundaries of a state park area except on roads, streets, highways, parking lots, parking areas, ATV areas or snowmobile trails and areas authorized for such use.

(3) No person shall operate a motor vehicle on any identified winter recreation groomed or ungroomed trail during official winter closures except snowmobiles on authorized snowmobile trails.

(4) Except as provided in WAC 352-20-070, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 13-17-037, filed 8/13/13, effective 9/13/13)

WAC 352-32-050 Park periods. (1) The director or designee (~~shall establish~~) establishes for each state park area, according to existing conditions, times, and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the state park area affected and at the park office. No person (~~shall~~) may enter or be present in a state park area after the posted closing time except:

- (a) Currently registered campers who are camping in a designated campsite or camping area;
- (b) Guests of a currently registered camper who may enter and remain until 10:00 p.m.;
- (c) Guests of a state park employee;
- (d) Technical rock climbers who bivouac on vertical climbing routes not otherwise closed to public use;
- (e) When granted prior authorization by the director or designee;
- (f) When attending or participating in approved special events or activities that are scheduled outside of posted operating hours.

(2) The director or designee may, for a specified period or periods of time, close any state park area to public access if the director or designee concludes that such a closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources.

(3) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 04-01-067, filed 12/12/03, effective 1/12/04)

WAC 352-32-090 (~~Games or~~) Damaging or injurious activities. (~~Playing games and/or~~) Engaging in activities in a manner (~~and/or location which~~) or at a location that subjects people or personal property, (~~the park resource or~~) park resources, or park facilities to (~~risk of~~) injury or damage (~~shall be~~) is prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 12-22-031, filed 10/31/12, effective 12/1/12)

WAC 352-32-125 Fires and campfires. All fires, except campfires, fires for stoves, candles, torches, barbecues and charcoal, are prohibited in state parks. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet. On ocean beaches, (~~campfires~~) recreational fires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No (~~campfires~~) fires are allowed on any shellfish bed. Park rangers may impose additional restrictions on fires for the protection of the health, safety, and welfare of the public, park visitors or staff, or for the protection of park resources.

At Crystal Springs and Easton Reload sno-parks all campfires must be restricted to portable fire receptacles not to exceed three feet in diameter and must be at least six inches off the ground, and are only permitted when the sno-parks are open for winter recreation access.

Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 17-15-082, filed 7/17/17, effective 8/17/17)

WAC 352-32-130 Aircraft. (1) No aircraft shall land on or take off from any body of water or land area in a state park area not specifically designated for landing aircraft. This provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations or fire-fighting activities. It also does not apply in cases where the director or designee specifically authorizes such landings or take offs, in writing, associated with the operational, or administrative needs of the agency or state.

(2) Individuals who have complied with the registration process provided or who have obtained a special recreation event permit pursuant to WAC 352-32-047 may launch and land paragliders and hang gliders in state park areas specifically designated by the director or designee as available for paragliding and hang gliding. Prior to any such designation, the director or designee shall advertise and conduct a public meeting in the region where the park is located. The director or designee shall consider the potential impacts of paragliding and hang gliding in the proposed area including, but not limited to the following factors: The degree of conflict paragliding and hang gliding may have with other park uses, public safety issues, and any potential damage to park resources/

facilities. Any park designated for paragliding and hang gliding shall be conspicuously posted as such by the agency.

(3) Individuals paragliding and hang gliding in state parks must:

(a) Comply with the registration process provided for such purposes;

(b) Observe all applicable laws and regulations;

(c) Never destroy or disturb park facilities, natural features, or historical or archaeological resources;

(d) Conduct themselves with thoughtfulness, courtesy and consideration for others, and not interfere with other recreational activities;

(e) Conduct themselves in compliance with the following basic safety regulations:

(i) Comply with specific site operational restrictions that are posted;

(ii) Fly in a manner consistent with the pilot rating held;

(iii) Preplanned landings should be made in areas no smaller than forty feet wide by one hundred feet long;

(iv) Make preflight checks of weather, equipment and site conditions;

(v) Observe all published traffic and right of way flight guidelines, including yielding right of way to all aircraft;

(vi) Wear protective clothing, headgear, Coast Guard approved flotation gear, reserve parachute, supplemental oxygen and communication equipment as appropriate for conditions;

(vii) Fly in a manner that does not create a hazard for other persons or property;

(viii) Fly only during daylight hours, or hours otherwise specified by posting at the site;

(ix) Do not fly over congested areas of parks or open air assembly of persons;

(x) Fly only in designated areas of parks;

(xi) Fly with visual reference to the ground surface at all times;

(xii) Do not tether paragliders or hang gliders to the ground or other stable (~~nonmovable~~) immovable object.

(f) Not fly while under the influence of alcohol or drugs.

(4) Except as provided in subsection (5) of this section, individuals flying remote controlled aircraft may do so only within flying areas designated by the director or designee and only when following the remote controlled aircraft management plan approved by the director or designee and posted for that designated area.

(a) Prior to designating any remote controlled aircraft flying area, the director or designee shall advise and conduct a public meeting in the region where the park is located. The director or designee shall consider the potential impacts of remote controlled aircraft flying in the proposed area including, but not limited to, the following factors: The degree of conflict remote controlled aircraft flying may have with other park uses, public safety issues, and any potential damage to park resources/facilities. Any park area designated for remote controlled aircraft flying shall be conspicuously posted as such by the director or designee.

(b) The director or designee shall establish a committee to advise park staff on park management issues related to remote controlled aircraft flying for each state park area designated as a remote controlled aircraft flying area.

(c) Each state park area with an established advisory committee, which includes remote controlled aircraft flyers will have an approved management plan which will specify remote controlled aircraft flying restrictions concerning types of aircraft, flying hours, identified approved flying zones, identified runways for take-offs and landings, engine muffler requirements, use of and posting of radio frequency, fuel spills and cleanup. The director or designee shall ensure that any remote controlled aircraft flying restrictions contained in the remote controlled aircraft flying management plan are conspicuously posted at the entrance of the affected park area.

(d) The director or designee may permanently, or for a specified period or periods of time, close any designated flying area to remote controlled aircraft flying if the director or designee concludes that a remote controlled aircraft flying closure is necessary for the protection of the health, safety, and welfare of the public, park visitors or staff, or park resources. Prior to closing any designated flying area to remote controlled aircraft flying, the director or designee shall hold a public meeting near the state park area to be closed to remote controlled aircraft flying. Prior notice of the meeting shall be published in a newspaper of general circulation in the area and at the park at least thirty days prior to the meeting. In the event that the director or designee or park manager determines that it is necessary to close a designated flying area immediately to protect against an imminent and substantial threat to the health, safety, and welfare of the public, park visitors or staff, or park resources, the director or designee or park manager may take emergency action to close a state park area to remote controlled aircraft flying without first complying with the publication and meeting requirements of this subsection. Such emergency closure may be effective for only so long as is necessary for the director or designee to comply with the publication and meeting requirements of this subsection. The director or designee shall ensure that any designated flying area closed to remote controlled aircraft flying is conspicuously posted as such at the entrance of the affected park area.

(5) Remote controlled aircraft may be flown in any state park area only pursuant to (~~written permission from~~) issuance of permit by the director or designee. A remote controlled aircraft is flown in a state park area when the operator is within the state park area while flying the remote controlled aircraft or where the remote controlled aircraft takes off from or lands on the state park area.

(a) In granting such (~~permission~~) permit, the director or designee may specify time, geographic, and elevation restrictions, and any other restrictions necessary to protect the public, park visitors or staff, or park resources. While operating a remote controlled aircraft (~~pursuant to written permission under this subsection~~), the operator (~~shall~~) must be in possession of a copy of the written permission and (~~shall~~) will produce it upon request by parks staff. Permission granted by the director or designee to fly a remote controlled aircraft (~~is subject to rescission as necessary~~) may be rescinded at any time for permittee's failure to comply, to protect the public, park visitors or staff, or park resources.

(b) Permit applications must be submitted at least sixty days in advance of the proposed activity to allow for staff

review, agency coordination, and to comply with SEPA review requirements. The sixty-day application filing requirement may be waived in extenuating circumstances.

(c) The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee will determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance must be provided prior to the issuance of the permit.

(6) Any violation of this section, including any failure to abide by a conspicuously posted remote controlled aircraft flying restriction or failure to abide by the terms of written permission to fly remote controlled aircraft, is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 11-17-067, filed 8/16/11, effective 9/16/11)

WAC 352-32-251 Limited income senior citizen, disability, and disabled veteran passes. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past three consecutive months ~~((shall)) will~~, upon application to the Washington state parks and recreation commission accompanied by either a copy of a federal income tax return filed for the previous calendar year, or a senior citizen property tax exemption pursuant to RCW 84.36.381, or ~~((a notarized affidavit of income on a form provided by the commission))~~ Social Security Administration form SSA-1099, receive a five-year limited income senior citizen pass at no charge, which entitles the holder's camping party to free use of trailer dump stations, watercraft launch sites, day-use vehicle access to state parks and to a 50 percent reduction in the campsite fee, or moorage fee as published by state parks. ~~((Limited income senior citizen passes shall remain valid so long as the pass holder meets eligibility requirements.))~~

(b) Proof submitted to the commission for the return of a senior citizen pass surrendered upon request to a commission employee who has reason to believe the user does not meet the eligibility criteria ~~((shall)) will~~ be the same as listed in subsections (1) and (5) of this section for original pass issuance.

(2) Persons who are:

(a) Permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past three consecutive months ~~((shall)) will~~, upon application to the commission, receive a five-year disability pass at no charge;

(b) Temporarily disabled and who meet the eligibility requirements of RCW 79A.05.065 and have been residents of Washington state for at least the past three consecutive months ~~((shall)) will~~, upon application to the commission, receive a one-year disability pass at no charge; and

(c) Residents of Washington who have been issued a ~~((card, decal (placard)))~~ disabled parking ID card, or special

license plate for a permanent disability under RCW 46.16.381 ~~((shall)) will~~ be entitled, along with the members of their camping party to free use of trailer dump stations, watercraft launch sites, day-use vehicle access to parks and to a 50 percent reduction in the campsite fee, or moorage fee as published by state parks.

(3) Persons who are veterans, meet the eligibility requirements of RCW 79A.05.065, and have been residents of Washington state for at least the past three consecutive months ~~((shall)) will~~, upon application to the commission, receive a lifetime disabled veteran pass at no charge. Pass holders must provide proof of continued residency as determined by the state parks director or director's designee. The pass entitles the holder's camping party to free use of a state park campsite, day-use vehicle access to state parks, trailer dump station, watercraft launch site, moorage facility, and reservation service.

(4) Applications for limited income senior citizen, disability, and disabled veteran passes ~~((shall)) will~~ be made on forms prescribed by the commission.

(5) Verification of age ~~((shall)) will~~ be by original or copy of a birth certificate, notarized affidavit of age, witnessed statement of age, baptismal certificate, ~~((or driver's))~~ ID card, or driver license. Verification of residency shall be by original or copy of a Washington state ~~((driver's))~~ driver license, ~~((voter's))~~ voter registration card, or senior citizen property tax exemption, or other proof of continued residency as determined by the state parks director or director's designee.

(6) Pass holders must be present and show their valid pass and identification upon registration or when requested by any commission employee or representative.

(7) Pass holders that violate or abuse the privileges of their pass, as listed below, may be subject to suspension of their pass and assessed other fees.

(a) Duplicate or multiple reservations for the same night - Thirty-day suspension.

(b) Use of pass by unauthorized person - Sixty-day suspension and/or a fee equal to two times the campsite fee.

(c) Two or more no-shows (failure to use or cancel reservation) ~~((for reservations between May 1 and November 1))~~ - Ninety-day suspension.

(d) Repeated park rule violations - Minimum ninety-day suspension.

The pass will be confiscated by the ~~((ranger on duty or their))~~ on-duty ranger or the on-duty ranger's designee and sent to the ~~((Olympia))~~ state parks headquarters office in Olympia. At the end of the suspension, the pass will be returned to the authorized pass holder at no cost.

(8) The commission may deny or revoke any Washington state parks pass issued under this section for cause as stated in RCW 79A.05.065.

(9) Pass holders may appeal a suspension or revocation of their pass by ~~((providing written justification/explanation))~~ mailing a written statement of the basis for appeal to the state parks director ~~((or designee at P.O. Box 42650, Olympia, WA 98504))~~ within ten days of receipt of the notice of suspension or revocation. The appeal may be decided as a brief adjudicative appeal under RCW 34.05.482 through 34.05.494 and will be decided by the state parks director or

director's designee. Unless the suspension period expires, the suspension will remain in effect during the pendency of appeal.

~~((9))~~ (10) Pass holder discounts shall apply only to those fees listed in subsections (1), (2), and (3) of this section. Pass holder discounts will not apply to all other fees as published by state parks, including but not limited to, extra vehicles, vacation housing, yurts, and cabins.

~~((10))~~ (11) If the conditions of a pass holder change or the pass holder changes residency to a place outside Washington state during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 79A.05.065 and WAC 352-32-251, the pass becomes invalid, and the pass holder ~~((shall))~~ will return the pass to the commission or surrender the pass to a state parks representative.

~~((11))~~ (12) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 11-17-067, filed 8/16/11, effective 9/16/11)

WAC 352-32-252 Off-season senior citizen pass—Fee. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least the past three consecutive months ~~((shall))~~ will, upon application to the commission, receive an off-season senior citizen pass which entitles the holder's camping party to camp at any camping areas made available by the state parks commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, effective October 1st through March 31st, and Sunday through Thursday nights in April as determined by the state parks director and posted. Each such pass ~~((shall))~~ will be valid only during one off-season period.

(2) Applications for off-season senior citizen passes ~~((shall))~~ will be made on forms prescribed by the commission and shall be accepted only after ~~((August 1))~~ September 1st for the following off-season period.

(3) There ~~((shall))~~ will be a fee for each off-season senior citizen pass. Limited income senior citizen pass holders may purchase the off-season pass at a 50 percent discount. A surcharge equal to the fee for an electrical hookup published by state parks shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) Pass holders must be present and show their valid pass and identification upon registration or when requested by any commission employee or representative.

(5) Pass holder discounts shall apply only to those fees in subsections (1) and (3) of this section. Pass holder discounts will not apply to other fees as published by state parks, including but not limited to, extra vehicles, vacation housing, yurts, and cabins.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass becomes invalid and the pass holder shall return the pass to the commission or surrender the pass to a state parks representative.

(7) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 08-24-006, filed 11/20/08, effective 12/21/08)

WAC 352-32-253 Foster parent program. (1) Any Washington state resident who provides out-of-home care to a child as either a current licensed foster family home or a person related to the child is entitled to day-use vehicle access to parks and free camping. To use a campsite, the qualified resident shall:

(a) If the park is subject to the state parks reservation system, foster parents will make reservations through the reservation services call center, pay the reservation fee, and show their foster home license or foster parent ID card along with their Washington state driver~~((s))~~ license or photo ID upon arrival at the park~~((s))~~.

(b) For nonreservation parks, the foster parents upon arrival at the park will show their foster home license or foster parent ID card along with their Washington state drivers license or photo ID.

~~((The commission shall negotiate payment and costs, to allow holders of a foster home pass free access and usage of park campsites, with the following nonoperated, nonstate-owned parks: Central Ferry, Chief Timothy, Crow Butte and Lyons Ferry.))~~

(2) The foster parent or relative to the child and the child must be present for the duration of the stay.

(3) Violations or abuse of these privileges, including but not limited to the list below, may be subject to revocation, suspension of their privileges and/or assessed other fees.

(a) Duplicate or multiple reservations for the same night - Thirty-day suspension.

(b) Use of privileges by unauthorized person - Sixty-day suspension and/or a fee equal to two times the campsite fee.

(c) Two or more no-shows (failure to use or cancel reservation) for reservations ~~((between May 1 and November 1))~~ - Ninety-day suspension.

(d) Repeated park rule violations - Minimum ninety-day suspension.

(4) Foster parents may appeal a suspension or revocation ~~((of privileges by providing written justification/explanation to the state parks director or designee at P.O. Box 42650, Olympia, WA 98504))~~ to the state parks director by mailing a written statement of the basis for appeal to the director within ten days of receipt of the notice of suspension or revocation. The appeal may be decided as a brief adjudicative appeal under RCW 34.05.482 through 34.05.494, and will be decided by the director or designee. Unless the suspension period expires, the suspension will remain in effect during the pendency of an appeal.

AMENDATORY SECTION (Amending WSR 16-14-020, filed 6/24/16, effective 7/25/16)

WAC 352-37-020 Definitions. Whenever used in this chapter the ~~((following terms shall have the meanings herein defined))~~ terms below mean the following, unless the context clearly indicates otherwise:

"Access road" means a road designated by a city, county, or the state for the purpose of accessing the ocean beaches.

"Aggregate" ((shall)) means a mixture of minerals separable by mechanical or physical means.

"Aircraft" ((shall)) means any machine designed to travel through the air, whether heavier or lighter than air; airplane, dirigible, balloon, helicopter, etc. The term aircraft ((shall)) does not include paraglider ((or remote controlled aircraft)).

"Campfires" ((shall)) means any open flame from a wood source.

"Camping" ((shall)) means erecting a tent or shelter or arranging bedding, or both, between the hours of 11:00 p.m. and 6:00 a.m.; or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Commission" ((shall)) means the Washington state parks and recreation commission.

"Concentrate" ((shall)) means the valuable mineral content separated from aggregate.

"Concentrator" ((shall)) means a device used to physically or mechanically separate the valuable mineral content from aggregate.

"Director" ((shall)) means the director of the Washington state parks and recreation commission or the director's designee.

"Driveable beach" ((shall)) means that area of the ocean beaches lying between the upper or landward limit of the hard sand area and the clam beds.

"Dry sand area" ((shall)) means that area lying above and to the landward side of the hard sand area as defined in this section.

"Excavation site" ((shall)) means the pit, furrow, or hole from which aggregate is removed to process and recover minerals or into which wastewater is discharged to settle out sediments.

"Fire" ((shall)) means any open flame from any source or device including, but not limited to, recreational fires, campfires, stoves, candles, torches, barbeques and charcoal.

"Fishtailing" means to swerve or skid from side to side.

"Ganged equipment" ((shall)) means two or more pieces of mineral prospecting equipment coupled together to increase efficiency. An example is adding a second sluice to a high-banker.

"Geocache" means geocaches, letterboxes, and related activities. Geocaching is an outdoor treasure hunting game in which participants (called geocachers) use a Global Positioning System receiver or other navigational techniques to hide and seek containers (called "geocaches" or "caches").

"Hand-held mineral prospecting tools" ((shall)) means tools that are held by hand and are not powered by internal combustion, hydraulic, or pneumatics. Examples include metal detectors, shovels, picks, trowels, hammers, pry bars, hand-operated winches, and battery-operated pumps specific to prospecting; and vac-pacs.

"Hard sand area" ((shall)) means that area over which the tide ebbs and flows on a daily basis; and which is sufficiently hard or firm to support the weight of, and to provide unhindered traction for, an ordinary passenger vehicle.

"High-banker" ((shall)) means a stationary concentrator that can be operated outside the wetted perimeter of the body

of water from which the water is removed, using water supplied by hand or by pumping. A high-banker consists of a sluice box, hopper, and water supply. Aggregate is supplied to the high-banker by means other than suction dredging. This definition excludes rocker boxes.

"Hovercraft" ((shall)) means a powered vehicle supported by a cushion of air capable of transporting persons.

"Intimidate" means to engage in conduct which would make a reasonable person fearful.

"Long Beach Peninsula" ((shall)) means that area of the ocean beaches as defined in this section lying between Cape Disappointment on the south and Leadbetter Point on the north.

"Mineral prospecting equipment" ((shall)) means any natural or manufactured device, implement, or animal (other than the human body) that can be used in any aspect of prospecting for or recovering minerals.

"Motor vehicle" ((shall)) means every vehicle that is self-propelled. For the purposes of this chapter, a motor vehicle must be approved for highway use in accordance with Title 46 RCW.

"North Beach" ((shall)) means that area of the ocean beaches as defined in this section lying between Damon Point on the south and Cape Flattery on the north.

"Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to WAC 352-32-165 ((shall)) does not constitute obstruction of pedestrian or vehicular traffic.

"Ocean beaches" ((shall)) means all lands fronting on the Pacific Ocean between Cape Disappointment and Leadbetter Point; between Toke Point and the south jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation, and occupying the area between the line of ordinary high tide and the line of extreme low tide, as these lines now are or may hereafter be located, and, where applicable, between the Seashore Conservation Line, as established by survey of the commission and the line of extreme low tide, as these lines now are or may hereafter be located, or as defined in RCW 79A.05.605, provided, that the ocean beaches ((shall)) does not include any lands within the established boundaries of any Indian reservation.

"Pan" ((shall)) means an open metal or plastic dish that can be operated by hand to separate gold or other minerals from aggregate by washing the aggregate.

"Parasail" ((shall)) means a parachute-type device attached to a rope pulled by a motor vehicle, resulting in the participant being lifted from the ground by the force of the wind.

"Person" ((shall)) means all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Placer" ((shall)) means a glacial or alluvial deposit of gravel or sand containing eroded particles of minerals.

"Power sluice" ((shall)) means high-banker.

"Power sluice/suction dredge combination" (~~(shall)~~) means a machine that can be used as a power sluice, or with minor modifications as a suction dredge.

"Prospecting" (~~(shall)~~) means the exploration for minerals and mineral deposits.

"Riffle" (~~(shall)~~) means the bottom of a concentrator containing a series of interstices or grooves to catch and retain a mineral such as gold.

"Rocker box" (~~(shall)~~) means a nonmotorized concentrator consisting of a hopper attached to a cradle and a sluice box that can be operated with a rocking motion.

"Seashore conservation area" (~~(shall)~~) means all lands now or hereafter under state ownership or control as defined in RCW 79A.05.605.

"Sluice" (~~(shall)~~) means a trough equipped with riffles across its bottom which can be used to recover gold and other minerals with the use of flowing water.

"South Beach" (~~(shall)~~) means that area of the ocean beaches as defined in this section lying between Toke Point on the south and the south jetty on Point Chehalis on the north.

"Spiral wheel" (~~(shall)~~) means a hand-operated or battery-powered rotating pan that is used to recover gold and minerals with the use of water.

"Suction dredge" (~~(shall)~~) means a machine that is used to move submerged aggregate via hydraulic suction. Aggregate is processed through an attached sluice box for the recovery of gold and other minerals.

"Wetted perimeter" (~~(shall)~~) means the areas of a watercourse covered with flowing or nonflowing water.

"Wind/sand sailer" (~~(shall)~~) means a wheeled, wind-driven recreational conveyance.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-37-070 Conditions under which motor vehicles may be used in the exclusive pedestrian/nonmotorized use areas. Unless specifically accepted in the description of the times during which motor vehicles are not allowed for each exclusive pedestrian/nonmotorized vehicle use area, motor vehicles may be used in the pedestrian/nonmotorized vehicle use areas under the following circumstances:

(1) Motor vehicles may be used in the areas during any recreational razor clam digging seasons designated by the department of ~~(fisheries which)~~ fish and wildlife that take place partially or entirely during the period when motor vehicles are otherwise not allowed to use the area.

(2) Motor vehicles may also be used in the areas ~~(during special events)~~ for designated activities approved by the (commission as set forth in WAC 352-37-200 Special group recreation event permit, which specifically allows the use of motorized vehicles. The vehicle may be used for access or in the event) director or designee.

(3) As provided by RCW 79A.05.660, public vehicles operated in the performance of official duties and vehicles responding to an emergency ~~(can)~~ may use the areas at any time.

(4)(a) Motor vehicles may be used to remove sand from ~~(a beach access)~~ an access road, gap road, or other area provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula pursuant to RCW ~~(4.24.210, 79A.05.035(5), and)~~ 79A.05.655(3), the Pacific County planning department and the city of Long Beach may issue permits for wood debris removal during any period of closure to vehicular traffic, in their respective jurisdictions, if in the opinion of said jurisdiction the amount, size, and location of such wood debris is determined to constitute a hazard to the general public and/or impede the movement of public vehicles on the ocean beach. Said permits shall be valid for twenty-four hours only. Persons seeking permits for removal of wood debris within the seashore conservation area must apply to the director or designee for a wood debris removal permit.

(5)(a) Motor vehicles may be used to remove wood debris under RCW ~~(4.24.210 and)~~ 79A.05.035(5) provided that all required permits have been obtained and the removal complies with all applicable requirements.

(b) On the Long Beach Peninsula in accordance with RCW 79A.05.655(4), the Pacific County planning department and the city of Long Beach may issue permits, on their respective jurisdictions, for the removal of sand on the ocean beach during periods of closure to vehicular traffic. Said sand removal shall occur only on beach access roads and private property under the terms of a covenant, easement, or deed that allows such activity. The local jurisdictions shall exercise good judgment in setting the terms of such sand removal permits. Such terms should prohibit sand removal during weekends, holidays, festivals, and other occasions when and where there is increased use of the ocean beach by the public. The hours of sand removal shall also be specified and shall prohibit this activity from occurring too early or too late in the day in order to minimize disturbance of nearby businesses, residents, and visitors.

(6) In case of an emergency, motor vehicles may be used to maintain and construct erosion control devices, including bulkheads, provided that all required permits have been obtained and the operation of the vehicles and the construction complies with all applicable requirements.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-37-105 ~~(Fires and campfires.)~~ Recreational fires. ~~(All fires, except campfires, fires for stoves, candles, torches, barbecues and charcoal, are prohibited in state parks. Campfires are restricted to within the designated campfire pit, ring or other provided campfire enclosure and the flame must be no higher than two feet.)~~ On ocean beaches, ~~(campfires)~~ recreational fires must be at least one hundred feet from the dunes, no more than four feet in diameter and no more than four feet high. No ~~(campfires)~~ fires are allowed on any shellfish bed. Park rangers may impose additional restrictions on fires for the protection of the health, safety and welfare of the public, park visitors or staff, or for the protection of park resources.

Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-37-140 Certain practices prohibited. The following practices while operating any motor vehicle on or along the ocean beaches are specifically prohibited:

- (1) ~~((Squirreling;))~~ Fishtailing;
- (2) Circling;
- (3) Cutting figure eights;
- (4) Racing;
- (5) Driving in the surf;

(6) The operation of any motor vehicle in such a manner as to constitute a threat to the operator thereof, his or her passengers, pedestrians or equestrians using the beaches, animals or any other vehicle or other property((-

(6));

(7) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-37-170 Aircraft. (1) ~~((On the North Beach airplanes may land and take off on the ocean beach in the area commencing at the Copalis River north to the "rocks."~~

(2)) The use of the beach by aircraft ~~((shall be))~~ is subject to the jurisdiction of the aeronautics commission and all state and federal laws applicable to aircraft and pilots. Except as specified in subsection ~~((4))~~ (2) of this section, airplanes ~~((shall only be))~~ are only allowed to make emergency landings on the ocean beaches. ~~((3))~~ The provision does not apply to official aircraft used in the performance of search and rescue missions, medical emergencies, law enforcement activities, emergency evacuations, or firefighting activities. It also does not apply in cases where the director or designee specifically authorizes such landings or take offs, in writing, associated with the operational or administrative needs of the agency or state.

(2) On the North Beach airplanes may land and take off on the ocean beach in the area commencing at the Copalis River north of the "rocks."

(3) Remote controlled aircraft may be flown from the ocean beach only pursuant to issuance permit by the director or designee. A remote controlled aircraft is flown from an ocean beach when the operator is on the ocean beach while flying the remote controlled aircraft or where the remote controlled aircraft takes off from or lands on the ocean beach.

(a) In granting such a permit, the director or designee may specify time, geographic, and elevation restrictions, and any other restrictions necessary to protect the public, park visitors or staff, or park resources. While operating a remote controlled aircraft the operator must be in possession of a copy of the permit and will produce it upon request by parks staff. Permits granted by the director or designee to fly a remote controlled aircraft may be rescinded at any time for permittee's failure to comply, to protect the public, park visitors or staff, or park resources.

(b) Permit applications must be submitted at least sixty days in advance of the proposed activity to allow for staff review, agency coordination, and to comply with SEPA review requirements. The sixty day application filing requirement may be waived in extenuating circumstances.

(c) The permittee must pay any fees published by state parks for the use of the park lands or facilities. The director or designee will determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance must be provided prior to the issuance of the permit.

(4) Any violation of this section, including any failure to abide by a conspicuously posted remote controlled aircraft flying restriction or failure to abide by the terms of permission permit to fly remote controlled aircraft, is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 07-03-121, filed 1/22/07, effective 2/22/07)

WAC 352-37-200 Special ((group)) recreation event permit. (1) Any person ~~((or group))~~ desiring to make use of a portion of the ocean beaches for a ~~((group))~~ recreation event ~~((which))~~ that will require the closure of the area to certain conflicting recreational uses, may apply to the director for a special ~~((group))~~ recreation event permit. The director, or designee, may issue such a permit after consultation with the appropriate local government, if the event does not unduly interfere with normal public recreation. Such authorization shall include the closure of the specified area to recreational activities, including motor vehicle traffic, which are determined to have the potential to interfere with the event or which could risk the safety of the recreating public or the special event participants. However, no such authorization may result in the unreasonable exclusion of pedestrian recreationists from the specified portion of the ocean beach; all events authorized under this permit shall be open to public participation and/or observation.

(2) In determining whether to issue the permit, the director or designee will review the proposal for consistency with established approval criteria developed by the agency, which are designed to ensure the appropriateness of the event to the ocean beaches, and the basis for any associated public recreation restrictions. The criteria are available upon request from the agency.

(3) A special ~~((group))~~ recreation event permit shall be issued only for recreational events where there is a reasonable expectation that a minimum of twenty persons will participate. The event must be oriented towards a recreational pursuit. Not more than three permits will be issued to a given applicant for the same event during a one-year period. The ~~((group))~~ recreation activity must be consistent with the sea-shore conservation area (RCW 79A.05.600 through 79A.05.630), and may include an activity otherwise excluded under this chapter. Special ~~((group))~~ recreation events shall not exceed three days or seventy-two hours.

(4) Persons or organizations that desire to conduct a special (~~group~~) recreation event on the ocean beaches shall submit a permit application provided by the director and appropriate fees to the(~~:~~

~~Washington State Parks and
Recreation Commission
7150 Cleanwater Drive
P.O. Box 42650
Olympia, WA 98504-2650~~

~~Such application shall be submitted at least fifteen days in advance of the proposed date of the event, to allow for necessary internal review and analysis, consultation with local governments, public notice, establishment of permit conditions, and required agency preparations and coordination. The director or designee shall approve or disapprove a permit application and establish the conditions for an approved application)) park where the event is proposed to take place.~~

(5) If the agency determines it is necessary, the applicant must submit a completed environmental checklist along with the application. Upon request, the agency may assist the applicant in completing the environmental checklist and may request compensation in accordance with agency State Environmental Policy Act (SEPA) rules, chapter 352-11 WAC.

(6) Permit applications must be submitted at least sixty days in advance of the proposed activity to allow for staff review, agency coordination, and to comply with SEPA review requirements. The sixty day application filing requirements may be waived in extenuating circumstances.

(a) The permittee must pay any fees published by state parks for the use of park lands or facilities. The director or designee shall determine the need for any fees necessary to cover costs incurred by the agency, as well as the need for any bond, damage deposit, or liability insurance arising from any potential hazards associated with the character of the event. Any such fees, bond, damage deposit, or liability insurance shall be provided prior to the issuance of the permit.

~~((5)) (b) If additional costs are incurred by the commission resulting from the event, the applicant shall reimburse the commission for such costs in a timely manner. If the additional costs are not paid, the director or designee may recover such costs from the bond or damage deposits provided if previously required. Any funds remaining from the bond or damage deposit shall be returned to the applicant.~~

(7) Any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending WSR 05-24-030, filed 11/30/05, effective 12/31/05)

WAC 352-37-250 ((Games or)) **Damaging or injurious activities.** ((Playing games and/or)) Engaging in activities in a manner ((and/or location which)) or at a location that subjects people or personal property, park resources, or park facilities in the seashore conservation area to ((risk of)) injury or damage ((shall be)) is prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

**WSR 19-04-083
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS**

[Filed February 4, 2019, 12:43 p.m., effective March 7, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department of financial institutions hereby amends WAC 460-16A-205 to update its adoption of various statements of policy promulgated by the North American Securities Administrators Association (NASAA) that are applied to securities offerings sought to be registered under RCW 21.20.180 or 21.20.210. These statements of policy do not apply to offerings of federal covered securities or offerings that are exempt from registration under the Securities Act of Washington, chapter 21.20 RCW. The amendments make the following changes:

- Adopt updated versions of the following statements of policy: Corporate securities definitions; loans and other material transactions; preferred stock; promoters' equity investment; specificity in use of proceed; underwriting and selling expenses, underwriter's warrants and selling security holders; unsound financial condition; voting rights, registration of asset-backed securities; registration of commodity pool programs; registration of equipment programs; and registration of oil and gas programs;
- Adopt the new statement of policy regarding use of electronic offering documents and electronic signatures; and
- Repeal the adoption of the statement of policy regarding health care facility offerings, which was repealed by NASAA when it became obsolete as a result of the fact that health care facility offerings are now structured as municipal bonds and exemptions from registration apply.

Citation of Rules Affected by this Order: Amending WAC 460-16A-205.

Statutory Authority for Adoption: RCW 21.20.450.

Adopted under notice filed as WSR 19-01-088 on December 18, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 4, 2019.

Gloria Papiez
Director

AMENDATORY SECTION (Amending WSR 11-13-036, filed 6/8/11, effective 7/9/11)

WAC 460-16A-205 Adoption of NASAA statements of policy. (1) In order to promote uniform regulation, the administrator adopts the following North American Securities Administrators Association (NASAA) statements of policy for offerings registering pursuant to RCW 21.20.180 or 21.20.210:

(a) Registration of publicly offered cattle feeding programs, as adopted September 17, 1980;

(b) Registration of commodity pool programs, as adopted with amendments through May ~~((7, 2007))~~ 6, 2012;

(c) Equipment programs, as adopted with amendments through May ~~((7, 2007))~~ 6, 2012;

(d) Registration of oil and gas programs, as adopted with amendments through May ~~((7, 2007))~~ 6, 2012;

(e) Real estate investment trusts, as adopted with amendments through May 7, 2007;

(f) Real estate programs, as adopted with amendments through May 7, 2007;

(g) Loans and other material affiliated transactions, as adopted with amendments through ~~((March 31, 2008))~~ May 6, 2018;

(h) Options and warrants, as adopted with amendments through March 31, 2008;

(i) Registration of direct participation programs - omnibus guidelines, as adopted with amendments through May 7, 2007;

(j) Mortgage program guidelines, as adopted with amendments through May 7, 2007;

(k) Church bonds, as adopted April 14, 2002;

(l) ~~((Health care facility offerings, pertaining to the offering of nonprofit health care facility bonds, as adopted April 5, 1985;~~

~~((m))~~ Corporate securities definitions, as adopted with amendments through ~~((March 31, 2008))~~ May 6, 2018;

~~((n))~~ (m) Impoundment of proceeds, as adopted with amendments through March 31, 2008;

~~((o))~~ (n) Preferred stock, as adopted with amendments through ~~((March 31, 2008))~~ September 11, 2016;

~~((p))~~ (o) Promotional shares, as adopted with amendments through March 31, 2008, except that the term promotional shares shall be limited to those equity securities which were issued within the last three years and that all promotional shares in excess of twenty-five percent of the shares to be outstanding upon completion of the offering may be required to be deposited in escrow absent adequate justification that escrow of such shares is not in the public interest and not necessary for the protection of investors;

~~((q))~~ (p) Registration of asset-backed securities, as adopted with amendments through ~~((May 7, 2007))~~ May 6, 2012, except for offerings registering or required to register pursuant to chapter 460-33A WAC or RCW 21.20.705 through 21.20.855;

~~((r))~~ (q) Promoters' equity investment, as adopted with amendments through ~~((March 31, 2008))~~ September 11, 2016;

~~((s))~~ (r) Specificity in use of proceeds, as adopted with amendments through ~~((March 31, 2008))~~ September 11, 2016;

~~((t))~~ (s) Underwriting expenses, underwriter's warrants, selling expenses, and selling security holders, as adopted with amendments through ~~((March 31, 2008))~~ May 6, 2018;

~~((u))~~ (t) Unsound financial condition, as adopted with amendments through ~~((March 31, 2008))~~ May 6, 2018;

~~((v))~~ (u) Unequal voting rights, as adopted with amendments through ~~((March 31, 2008))~~ September 11, 2016;

~~((w))~~ (v) Guidelines for general obligation financing by religious denominations, as adopted April 17, 1994;

~~((x))~~ (w) Risk disclosure guidelines, as adopted September 9, 2001;

~~((y))~~ (x) Church extension fund securities, as adopted with amendments through April 18, 2004; and

~~((z))~~ (y) Guidelines for cover legends, as adopted October 2, 2004.

(z) Electronic offering documents and electronic signatures, as adopted May 8, 2017.

(2) An offering registering pursuant to RCW 21.20.180 or 21.20.210 that falls within one or more of the statements of policy listed in subsection (1) of this section must comply with the requirements of said statement of policy or policies.

(3) The statements of policy referred to in subsection (1) of this section are found in *CCH NASAA Reports* published by Commerce Clearing House. Copies are also available at the office of the securities administrator.

WSR 19-04-084
PERMANENT RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

[Filed February 4, 2019, 12:47 p.m., effective March 7, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department of financial institutions hereby amends WAC 460-44A-300, 460-44A-503, and 460-44A-504 to make ministerial updates in light of changes in federal law. WAC 460-44A-300 follows North American Securities Administrators Association's model accredited investor exemption and exempts from securities registration offerings made pursuant to Section 3(b) of the Securities Act of 1933. It has not been updated since Section 3(b) was amended by the JOBS Act of 2012 and the Securities and Exchange Commission (SEC) amended its rules thereunder in Regulation A. The amendments correct the reference in the exemption to Section 3 (b)(1) of the amended Securities Act of 1933. In addition, WAC 460-44A-504 exempts small offerings that are made pursuant to SEC Rules 147 or 504 and has not been updated since SEC created a new intrastate offering exemption in Rule 147A. The amendments add references to Rule 147A in the exemption. Finally, while SEC repealed Rule 505 of Regulation D in 2017 and the division previously repealed its own corresponding exemption in WAC 460-44A-505, the filing requirements set forth in WAC 460-44A-503 and the disqualification provision in WAC 460-44A-504 continue to reference WAC 460-44A-505. The updates remove all references to Rule 505 and WAC 460-44A-505.

Citation of Rules Affected by this Order: Amending WAC 460-44A-300, 460-44A-503, and 460-44A-504.

Statutory Authority for Adoption: RCW 21.20.320 (9), (17), 21.20.450.

Adopted under notice filed as WSR 19-01-089 on December 18, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 3, Repealed 0; Federal Rules or Standards: New 0, Amended 3, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 4, 2019.

Gloria Papiez
Director

AMENDATORY SECTION (Amending WSR 97-16-121, filed 8/6/97, effective 9/6/97)

WAC 460-44A-300 Exemption for offers and sales to accredited investors pursuant to a public solicitation. (1) Any offer or sale of a security by an issuer in a transaction that meets the requirements of this rule and any exemption adopted by the Securities and Exchange Commission pursuant to Section 3 (b)(1) of the Securities Act of 1933 which provides for public solicitation of accredited investors, shall be exempt under RCW 21.20.320(17).

(2) Sales of securities shall be made only to persons who are or the issuer reasonably believes are accredited investors. "Accredited investor" shall have the meaning indicated in WAC 460-44A-501(1).

(3) The exemption is not available to an issuer that is in the development stage that either has no specific business plan or purpose or has indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies, or other entity or person.

(4) The issuer reasonably believes that all purchasers are purchasing for investment and not with the view to or for sale in connection with a distribution of the security. Any resale of a security sold in reliance on this exemption within twelve months of sale shall be presumed to be with a view to distribution and not for investment, except a resale pursuant to a registration statement effective under RCW 21.20.190 or 21.20.230 or to an accredited investor pursuant to an exemption available under the Securities Act of Washington, chapter 21.20 RCW. Securities issued under this exemption may only be resold pursuant to registration or an exemption under the Securities Act of Washington, chapter 21.20 RCW.

(5)(a) The exemption is not available to an issuer if the issuer, any of the issuer's predecessors, any affiliated issuer, any of the issuer's directors, officers, general partners, beneficial owners of ten percent or more of any class of its equity

securities, any of the issuer's promoters presently connected with the issuer in any capacity, any underwriter of the securities to be offered, or any partner, director or officer of such underwriter:

(i) Within the last five years, has filed a registration statement which is the subject of a currently effective registration stop order entered by any state securities administrator or the United States Securities and Exchange Commission;

(ii) Within the last five years, has been convicted of any criminal offense in connection with the offer, purchase or sale of any security, or involving fraud or deceit;

(iii) Is currently subject to any state or federal administrative enforcement order or judgment, entered within the last five years, finding fraud or deceit in connection with the purchase or sale of any security; or

(iv) Is currently subject to any order, judgment or decree of any court of competent jurisdiction, entered (~~with~~ ~~within~~) within the last five years, temporarily, preliminarily or permanently restraining or enjoining such party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security.

(b) Subsection (5)(a) of this section shall not apply if:

(i) The party subject to the disqualification is licensed or registered to conduct securities related business in the state in which the order, judgment or decree creating the disqualification was entered against such party;

(ii) Before the first offer under this exemption, the state securities administrator, or the court or regulatory authority that entered the order, judgment or decree, waives the disqualification; or

(iii) The issuer establishes that it did not know and in the exercise of reasonable care, based on a factual inquiry, could not have known that a disqualification existed under (~~subsection (5)~~)(a) of this subsection.

(6)(a) A general announcement of the proposed offering may be made by any means.

(b) The general announcement shall include only the following information, unless additional information is specifically permitted by the securities administrator:

(i) The name, address and telephone number of the issuer of the securities;

(ii) The name, a brief description and price (if known) of any security to be issued;

(iii) A brief description of the business of the issuer in twenty-five words or less;

(iv) The type, number and aggregate amount of securities being offered;

(v) The name, address and telephone number of the person to contact for additional information; and

(vi) A statement that:

(A) Sales will only be made to accredited investors;

(B) No money or other consideration is being solicited or will be accepted by way of this general announcement; and

(C) The securities have not been registered with or approved by any state securities agency or the U.S. Securities and Exchange Commission and are being offered and sold pursuant to an exemption from registration.

(7) The issuer, in connection with an offer, may provide information in addition to the general announcement under subsection (6) of this section, if such information:

(a) Is delivered through an electronic database that is restricted to persons who have been prequalified as accredited investors; or

(b) Is delivered after the issuer reasonably believes that the prospective purchaser is an accredited investor.

(8) No telephone solicitation shall be permitted unless prior to placing the call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited investor.

(9) Dissemination of the general announcement of the proposed offering to persons who are not accredited investors shall not disqualify the issuer from claiming the exemption under this rule.

(10) The issuer shall file with the administrator a notice of transaction, a consent to service of process, a copy of the general announcement, and a fee of three hundred dollars within fifteen days after the first sale in this state.

AMENDATORY SECTION (Amending WSR 14-11-005, filed 5/7/14, effective 6/7/14)

WAC 460-44A-503 Filing of notice and payment of fee. (1) An issuer offering or selling securities in reliance on WAC 460-44A-504(~~, 460-44A-505,~~) or 460-44A-506 shall file with the administrator of securities of the department of financial institutions or his or her designee a notice and pay a filing fee as follows:

(a)(i)(A) For an offering of a security in reliance upon the Securities Act of 1933, Regulation D, Rule 230.506(b) and RCW 21.20.327(2) and 21.20.320(1), the issuer shall file a notice on Securities and Exchange Commission Form D marking Rule 506(b) and pay a filing fee of three hundred dollars no later than fifteen days after the first sale of such securities in the state of Washington, unless the end of that period falls on a Saturday, Sunday or holiday, in which case the due date would be the first business day following.

(B) For an offering of a security in reliance upon the Securities Act of 1933, Regulation D, Rule 230.506(c) and RCW 21.20.327(2), the issuer shall file a notice on Securities and Exchange Commission Form D marking Rule 506(c) and pay a filing fee of three hundred dollars no later than fifteen days after the first sale of such securities in the state of Washington, unless the end of that period falls on a Saturday, Sunday or holiday, in which case the due date would be the first business day following.

(C) ~~((For an offering in reliance on Securities and Exchange Commission Rule 505 and WAC 460-44A-505, the issuer shall file the initial notice on Securities and Exchange Commission Form D marking Rule 505 and pay a filing fee of three hundred dollars no later than fifteen days after the first sale of securities in the state of Washington which results from an offer being made in reliance upon WAC 460-44A-505, unless the end of that period falls on a Saturday, Sunday or holiday, in which case the due date would be the first business day following;~~

~~(D))~~ For an offering in reliance on Securities and Exchange Commission Rule 504 and WAC 460-44A-504,

the issuer shall file the initial notice on Securities and Exchange Commission Form D marking Rule 504 and pay a filing fee of fifty dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance upon WAC 460-44A-504;

~~((E))~~ (D) For an offering in reliance on Securities and Exchange Commission Rule 147 or 147A and WAC 460-44A-504, the issuer shall file the initial notice on Washington Securities Division Form WAC 460-44A-504/Rule 147/Rule 147A and pay a filing fee of fifty dollars no later than ten business days (or such lesser period as the administrator may allow) prior to receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-504;

(ii) The issuer shall include with the initial notice a statement indicating:

(A) The date of first sale of securities in the state of Washington; or

(B) That sales have yet to occur in the state of Washington.

(b) The issuer shall file with the administrator or his or her designee such other notices on Form D as are required to be filed with the Securities and Exchange Commission. For purposes of this section, the initial notice on Securities and Exchange Commission Form D shall consist of the notice of sales on Form D filed in paper or electronic format with the Securities and Exchange Commission through the Electronic Data Gathering, Analysis, and Retrieval System (EDGAR) in accordance with EDGAR rules set forth in Regulation S-T (17 C.F.R. Part 232).

(c) If the issuer files a notice of sales on Temporary Form D or a copy of the notice of sales on Form D filed in electronic format with the Securities and Exchange Commission, it shall either be manually signed by a person duly authorized by the issuer or a photocopy of a manually signed copy.

(d) By filing for the exemption of WAC 460-44A-504 (~~or 460-44A-505~~), the issuer undertakes to furnish to the administrator, upon request, the information to be furnished or furnished by the issuer under WAC 460-44A-502 (2)(b) or otherwise to any purchaser that is not an accredited investor. Failure to submit the information in a timely manner will be a ground for denial or revocation of the exemption of WAC 460-44A-504 (~~or 460-44A-505~~).

(2) An issuer may file an amendment to a previously filed notice of sales on Form D at any time.

(3) An issuer must file an amendment to a previously filed notice of sales on Form D for an offering:

(a) To correct a material mistake of fact or error in the previously filed notice of sales on Form D, as soon as practicable after discovery of the mistake or error;

(b) To reflect a change in the information provided in the previously filed notice of sales on Form D, as soon as practicable after the change, except that no amendment is required to reflect a change that occurs after the offering terminates or a change that occurs solely in the following information:

(i) The address or relationship of the issuer of a related person identified in response to Item 3 of the notice of sales on Form D;

(ii) An issuer's revenues or aggregate net asset value;

(iii) The minimum investment amount, if the change is an increase, or if the change, together with all other changes in that amount since the previously filed notice of sales on Form D, does not result in a decrease of more than ten percent;

(iv) Any address or state(s) of solicitation shown in response to Item 12 of the notice of sales on Form D;

(v) The total offering amount, if the change is a decrease, or if the change, together with all other changes in that amount since the previously filed notice of sales on Form D, does not result in an increase of more than ten percent;

(vi) The amount of securities sold in the offering or the amount remaining to be sold;

(vii) The number of nonaccredited investors who have invested in the offering, as long as the change does not increase the number to more than thirty-five;

(viii) The total number of investors who have invested in the offering;

(ix) The amount of sales commissions, finders' fees or use of proceeds for payments to executive officers, directors or promoters, if the change is a decrease, or if the change, together with all other changes in that amount since the previously filed notice of sales on Form D, does not result in an increase of more than ten percent; and

(c) Annually, on or before the first anniversary of the filing of the notice of sales on Form D or the filing of the most recent amendment to the notice of sales on Form D, if the offering is continuing at that time.

(4) An issuer that files an amendment to a previously filed notice of sales on Form D must provide current information in response to all requirements of the notice of sales on Form D regardless of why the amendment is filed.

AMENDATORY SECTION (Amending WSR 08-16-072, filed 7/31/08, effective 9/15/08)

WAC 460-44A-504 Exemption for limited offers and sales of securities not exceeding \$1,000,000 to not more than twenty purchasers. (1) Exemption. Offers and sales of securities by an issuer in compliance with the Securities Act of 1933, Regulation D, Rules 230.501 through 230.504 and 230.508 as made effective in Release No. 33-6389, and as amended in Release Nos. 33-6437, 33-6663, 33-6758, 33-6825, 33-6863, 33-6949, 33-6996, 33-7300, 33-7644, and 33-8891, or in compliance with the Securities Act of 1933, Rule 230.147 as made effective in Release No. 33-5450, or in compliance with Securities Act of 1933, Rule 230.147A as made effective in Release Nos. 33-10238 and 34-79161, that satisfy the conditions in subsections (2) and (3) of this section shall be exempt under RCW 21.20.320(9).

(2) General conditions to be met. To qualify for exemption under this section, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through 460-44A-503 and 460-44A-508.

(3) Specific conditions to be met.

(a) Limitation on aggregate offering price. The aggregate offering price for an offering of securities under this section, as defined in WAC 460-44A-501(3), shall not exceed \$1,000,000, within or without this state, less the aggregate offering price for all securities sold within the twelve months before the start of and during the offering of securities under this section in reliance on any exemption under RCW 21.20.320(9) or sections 3 (a)(11) or 3(b) of the Securities Act of 1933 or in violation of RCW 21.20.140 or section 5(a) of the Securities Act of 1933.

(b) No commissions. No commission, fee, or other remuneration shall be paid or given, directly or indirectly, to any person for soliciting any prospective purchaser in the state of Washington.

(c) Limitation on number of purchasers. There are no more than or the issuer reasonably believes that there are no more than twenty purchasers of securities in this state from the issuer in any offering in reliance on this section.

(d) In all sales to nonaccredited investors in this state under this section the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that, as to each purchaser, one of the following conditions, (i) or (ii) of this subsection, is satisfied:

(i) The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed ten percent of the purchaser's net worth, it is suitable. This presumption is rebuttable; or

(ii) The purchaser either alone or with his purchaser representative(s) has such knowledge and experience in financial and business matters that he is or they are capable of evaluating the merits and risks of the prospective investment.

(e) Disqualifications. No exemption under this section shall be available for the securities of any issuer if any of the parties described in the Securities Act of 1933, Regulation A, Rule 230.262 is disqualified for any of the reasons listed in ~~((WAC 460-44A-505 (2)(d) unless inapplicable or waived as set forth in WAC 460-44A-505 (2)(d)(vi) and (vii)))~~ Securities Act of 1933, Regulation D, Rule 230.506(d) or WAC 460-17A-040.

(f) Notice filing. The issuer shall file a notice, with a consent to service of process, and pay a filing fee as set forth in WAC 460-44A-503.

(g) Advice about the limitations on resale.

The issuer, at a reasonable time prior to the sale of securities, shall advise each purchaser of the limitations on resale in the manner contained in WAC 460-44A-502 (4)(b).

(4) Transactions which are exempt under this section may not be combined with offers and sales exempt under any other rule or section of the Securities Act of Washington, however, nothing in this limitation shall act as an election. Should for any reason the offer and sale fail to comply with all of the conditions for the exemption of this section, the issuer may claim the availability of any other applicable exemption.

(5) WAC 460-44A-504 is not the exclusive method by which issuers may make offerings under Securities and Exchange Commission Rules 504 (~~(and)~~), 147 or 147A. For example, offers and sales of an issuer in compliance with Securities and Exchange Commission Rule 504 or Rule 147 or 147A may also be registered by qualification under chapter 21.20 RCW. An issuer that qualifies may elect to register an offering pursuant to the Small Company Offering Registration (SCOR) program as set out in chapter 460-17A WAC.

(6) Issuers are reminded that nothing in these rules alters their obligation under RCW 21.20.010. RCW 21.20.010(2) renders it unlawful "to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading..." In addition, issuers must otherwise comply with the anti-fraud provisions of the federal and state securities laws. No format for disclosure is prescribed. However, issuers may wish to consider the question and answer disclosure format of the SCOR Form of chapter 460-17A WAC in determining the disclosure they make. If the SCOR form is used, the issuer should indicate that the form is being used for an exempt offering under this section rather than in an offering registered under chapter 21.20 RCW and chapter 460-17A WAC.

WSR 19-04-090

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed February 5, 2019, 9:27 a.m., effective March 8, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-845-1615 Who may be qualified providers of respite care?, to require home care agencies to contract with area agencies on aging. This requirement was approved by the Centers for Medicare and Medicaid Services and must be enacted in rule to be implemented.

Citation of Rules Affected by this Order: Amending WAC 388-845-1615.

Statutory Authority for Adoption: RCW 71A.12.030.

Other Authority: RCW 71A.12.120, 42 C.F.R. 302 (a)(2).

Adopted under notice filed as WSR 18-24-117 on December 5, 2018.

Changes Other than Editing from Proposed to Adopted Version: The department replaced references to chapter 170-295 WAC with references to chapter 110-300A WAC. Rules under Title 170 WAC were recodified under Title 110 WAC when the children's administration within the department of social and health services became the department of children, youth, and families. This is a nonsubstantive change.

A final cost-benefit analysis is available by contacting Chantelle Diaz, P.O. Box 45310, Olympia, WA 98504-5310, phone 360-407-1589, fax 360-407-0955, TTY 1-800-833-6388, email Chantelle.Diaz@dshs.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: February 4, 2019.

Cheryl Strange
Secretary

AMENDATORY SECTION (Amending WSR 18-14-001, filed 6/20/18, effective 7/21/18)

WAC 388-845-1615 Who may be qualified providers of respite care? Providers of respite care may be any of the following individuals or agencies contracted with the developmental disabilities administration (DDA) for respite care:

(1) Individuals who meet the provider qualifications under chapter 388-825 WAC;

(2) (~~(Homecare and)~~) Home health agencies licensed under chapter 246-335 WAC, Part 1;

(3) Homecare agencies licensed under chapter 246-335 WAC, Part 1 and contracted with the area agencies on aging (AAA);

(4) Licensed and contracted group homes, foster homes, child placing agencies, staffed residential homes, and foster group care homes;

~~((4))~~ (5) Licensed and contracted adult family homes;

~~((5))~~ (6) Licensed and contracted adult residential care facilities;

~~((6))~~ (7) Licensed and contracted adult residential treatment facilities under chapter 246-337 WAC;

~~((7))~~ (8) Licensed child care centers under chapter ~~((470-295))~~ 110-300A WAC;

~~((8))~~ (9) Licensed child day care centers under chapter ~~((470-295))~~ 110-300A WAC;

~~((9))~~ (10) Adult day care providers under chapter 388-71 WAC contracted with DDA;

~~((10))~~ (11) Certified providers under chapter 388-101 WAC when respite is provided within the DDA contract for certified residential services;

~~((11))~~ (12) A licensed practical nurse (LPN) or registered nurse (RN) acting within the scope of the standards of nursing conduct or practice under chapter 246-700 WAC and contracted with DDA to provide this service; or

~~((12))~~ (13) Other DDA contracted providers such as a community center, senior center, parks and recreation, and summer programs.

WSR 19-04-095
PERMANENT RULES
HEALTH CARE AUTHORITY

[Filed February 5, 2019, 12:11 p.m., effective March 8, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Purpose: The agency is revising chapter 182-537 WAC, School-based health care services, to clarify eligibility, coverage, and provider requirements for school-based health care services, and adding a definition of core provider

agreement to WAC 182-500-0020 and a definition of electronic signature to WAC 182-500-0030.

Citation of Rules Affected by this Order: Amending chapter 182-537 WAC; WAC 182-500-0020, 182-500-0030. Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 19-01-071 on December 17, 2018.

Changes Other than Editing from Proposed to Adopted Version:

Proposed/ Adopted	WAC Subsection	Reason
Original WAC 182-537-0100		
Proposed	" <u>early intervention and</u> special education services ..."	Clarification of eligibility criteria.
Adopted	" <u>early intervention and</u> or special education services ..."	
Original WAC 182-537-0200		
Proposed	"Individualized education program (IEP) - A written educational program for a child who is age three through twenty and eligible ..."	Although the agency reimburses SBHS services for students through age twenty only, students who turn twenty-one after the beginning of a school year can still have an IEP. This change to the definition of IEP reflects this distinction.
Adopted	"Individualized education program (IEP) - A written educational program for a child who is age three through twenty <u>one</u> and eligible ..."	
Proposed	"Evaluation - Procedures used to determine whether a child has a disability, and the nature and extent of the <u>early intervention and</u> special education and related services needed."	Clarification of eligibility criteria.
Adopted	"Evaluation - Procedures used to determine whether a child has a disability, and the nature and extent of the <u>early intervention and</u> or special education and related services needed."	
Proposed	"'School-based health care services program' or 'SBHS' - <u>Is an agency-administered program that pays contracted school districts, educational service districts (ESDs), charter schools, and tribal schools for providing early intervention services and special education health-related services ...</u> "	Clarification of eligibility criteria.
Adopted	"'School-based health care services program' or 'SBHS' - <u>Is an agency-administered program that pays contracted school districts, educational service districts (ESDs), charter schools, and tribal schools for providing early intervention services and or special education health-related services ...</u> "	

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 11, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 11, Repealed 0.

Date Adopted: February 5, 2019.

Wendy Barcus
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-23-040, filed 11/8/17, effective 12/9/17)

WAC 182-500-0020 Definitions—C. "Caretaker relative" means a relative of a dependent child by blood, adoption, or marriage with whom the child is living, who assumes primary responsibility for the child's care, and who is one of the following:

((+)) (a) The child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece.

((2)) (b) The spouse of such parent or relative (including same sex marriage or domestic partner), even after the marriage is terminated by death or divorce.

((3)) (c) Other relatives including relatives of half-blood, first cousins once removed, people of earlier generations (as shown by the prefixes of great, great-great, or great-great-great), and natural parents whose parental rights were terminated by a court order.

"Carrier" means an organization that contracts with the federal government to process claims under medicare Part B.

"Categorically needy (CN) or categorically needy program (CNP)" is the state and federally funded health care program established under Title XIX of the Social Security Act for people within medicaid-eligible categories, whose income and/or resources are at or below set standards.

"Categorically needy income level (CNIL)" is the standard used by the agency to determine eligibility under a categorically needy program.

"Categorically needy (CN) scope of care" is the range of health care services included within the scope of service categories described in WAC 182-501-0060 available to people eligible to receive benefits under a CN program. Some state-funded health care programs provide CN scope of care.

"Center of excellence" - A hospital, medical center, or other health care provider that meets or exceeds standards set by the agency for specific treatments or specialty care.

"Centers for Medicare and Medicaid Services (CMS)" - The federal agency that runs the medicare, medicaid, and children's health insurance programs, and the federally facilitated marketplace.

"Children's health program or children's health care programs" See "Apple health for kids."

"Client" means a person who is an applicant for, or recipient of, any Washington apple health program, including managed care and long-term care. See definitions for "applicant" and "recipient" in RCW 74.09.741.

"Community spouse." See "spouse" in WAC 182-500-0100.

"Core provider agreement" is a written contract whose terms and conditions bind each provider in the fee-for-service program to applicable federal laws, state laws, and the agency's rules, provider alerts, billing guides, and other sub-regulatory guidance. See WAC 182-502-0005. The core provider agreement is a unilateral contract.

"Cost-sharing" means any expenditure required by or on behalf of an enrollee with respect to essential health benefits; such term includes deductibles, coinsurance, copayments, or similar charges, but excludes premiums, balance billing amounts for nonnetwork providers, and spending for noncovered services.

"Cost-sharing reductions" means reductions in cost-sharing for an eligible person enrolled in a silver level plan in the health benefit exchange or for a person who is an American Indian or Alaska native enrolled in a qualified health plan (QHP) in the exchange.

"Couple." See "spouse" in WAC 182-500-0100.

"Covered service" is a health care service contained within a "service category" that is included in a Washington apple health (WAH) benefits package described in WAC 182-501-0060. For conditions of payment, see WAC 182-

501-0050(5). A noncovered service is a specific health care service (for example, cosmetic surgery), contained within a service category that is included in a WAH benefits package, for which the agency or the agency's designee requires an approved exception to rule (ETR) (see WAC 182-501-0160). A noncovered service is not an excluded service (see WAC 182-501-0060).

"Creditable coverage" means most types of public and private health coverage, except Indian health services, that provide access to physicians, hospitals, laboratory services, and radiology services. This term applies to the coverage whether or not the coverage is equivalent to that offered under premium-based programs included in Washington apple health (WAH). Creditable coverage is described in 42 U.S.C. 300gg-3 (c)(1).

AMENDATORY SECTION (Amending WSR 15-24-021, filed 11/19/15, effective 1/1/16)

WAC 182-500-0030 (~~Medical assistance~~) Definitions—E. "Early and periodic screening, diagnosis and treatment (EPSDT)" is a comprehensive child health program that entitles infants, children, and youth to preventive care and treatment services. EPSDT is available to people age twenty and younger who are eligible for any agency health care program. Access and services for EPSDT are governed by federal rules at 42 C.F.R., Part 441, Subpart B. See chapter 182-534 WAC.

"Early elective delivery" means any nonmedically necessary induction or cesarean section before thirty-nine weeks of gestation. Thirty-nine weeks of gestation is greater than thirty-eight weeks and six days.

"Electronic signature" means a signature in electronic form attached to or associated with an electronic record including, but not limited to, a digital signature.

"Emergency medical condition" means the sudden onset of a medical condition (including labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

((+)) (a) Placing the patient's health in serious jeopardy;

((2)) (b) Serious impairment to bodily functions; or

((3)) (c) Serious dysfunction of any bodily organ or part.

"Employer-sponsored dependent coverage" means creditable health coverage for dependents offered by a family member's employer or union, for which the employer or union may contribute in whole or in part towards the premium. Extensions of such coverage (e.g., COBRA extensions) also qualify as employer-sponsored dependent coverage as long as there remains a contribution toward the premiums by the employer or union.

"Evidence-based medicine (EBM)" means the application of a set of principles and a method for the review of well-designed studies and objective clinical data to determine the level of evidence that proves to the greatest extent possible, that a health care service is safe, effective, and beneficial when making:

~~((1))~~ (a) Population-based health care coverage policies (WAC 182-501-0055 describes how the agency or its designee determines coverage of services for its health care programs by using evidence and criteria based on health technology assessments); and

~~((2))~~ (b) Individual medical necessity decisions (WAC 182-501-0165 describes how the agency or its designee uses the best evidence available to determine if a service is medically necessary as defined in WAC 182-500-0030).

"Exception to rule." See WAC 182-501-0160 for exceptions to noncovered health care services, supplies, and equipment. See WAC 182-503-0090 for exceptions to program eligibility.

"Expedited prior authorization (EPA)" means the process for obtaining authorization for selected health care services in which providers use a set of numeric codes to indicate to the agency or the agency's designee which acceptable indications, conditions, or agency or agency's designee-defined criteria are applicable to a particular request for authorization. EPA is a form of "prior authorization."

"Extended care services" means nursing and rehabilitative care in a skilled nursing facility provided to a recently hospitalized medicare patient.

AMENDATORY SECTION (Amending WSR 16-07-141, filed 3/23/16, effective 4/23/16)

WAC 182-537-0100 Purpose. The medicaid agency pays contracted school districts, educational service districts, charter schools, and tribal schools for school-based health care services provided to medicaid-eligible children who require early intervention or special education services consistent with Sections 1903(c) and 1905(a) of the Social Security Act. The agency pays school districts through fee-for-service. Covered services must:

(1) Identify, treat, and manage the ~~((education-related))~~ disabilities ~~((i.e., mental, emotional, and physical))~~ of a child who requires early intervention or special education services;

(2) Be prescribed or recommended by licensed physicians or other licensed health care providers within their scope of practice under state law;

(3) Be medically necessary;

(4) ~~((Be diagnostic, evaluative, habilitative, or rehabilitative in nature;~~

~~(5))~~ Be included in the child's current individualized education program (IEP) or individualized family service plan (IFSP); and

~~((6))~~ (5) Be provided in a school setting or by telemedicine.

AMENDATORY SECTION (Amending WSR 16-07-141, filed 3/23/16, effective 4/23/16)

WAC 182-537-0200 Definitions. The following definitions and those found in chapter 182-500 WAC apply to this chapter:

"Agency" - See WAC 182-500-0010.

"Assessment" - For the purposes of this chapter, an assessment is made-up of medically necessary tests given to an individual child by a licensed ~~((professional))~~ health care

provider to evaluate whether a child ~~((is determined to be a child))~~ with a disability ~~((, and))~~ is in need of early intervention services or special education and related services. Assessments are a part of the individualized education program (IEP) and individualized family service plan (IFSP) evaluation and ~~((re-evaluation))~~ reevaluation processes ~~((and must accompany the individualized education program (IEP) or individualized family service plan (IFSP))).~~

"Child with a disability" - For purposes of this chapter, a child with a disability is a child evaluated and determined to need early intervention services or special education and related services because of a disability in one or more of the following eligibility categories:

- Autism;
- Deaf-blindness;
- Developmental delay for children ages three through nine, with an adverse educational impact, the results of which require special education and related direct services;
- Hearing loss (including deafness);
- Intellectual disability;
- Multiple disabilities;
- Orthopedic impairment;
- Other health impairment;
- Serious emotional disturbance (emotional behavioral disturbance);
- Specific learning disability;
- Speech or language impairment;
- Traumatic brain injury; and
- Visual impairment (including blindness).

"Core provider agreement" - See WAC 182-500-0020.

"Early intervention services" - ~~((Services designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant's or toddler's development, as identified in the infant or toddler's individualized family service plan (IFSP), in any one or more of the following areas, including:~~

- ~~Physical development;~~
- ~~Cognitive development;~~
- ~~Communication development;~~
- ~~Social or emotional development; or~~
- ~~Adaptive development.))~~ Means developmental services provided to children ages birth through two. For the purposes of this chapter, early intervention services include:

• Audiology services;

• Nursing services;

• Occupational therapy;

• Physical therapy;

• Psychological services; and

• Speech-language pathology.

"Electronic signature" - ~~((A signature in electronic form attached to or associated with an electronic record including, but not limited to, a digital signature.))~~ See WAC 182-500-0030.

"Evaluation" - Procedures used to determine whether a child has a disability, and the nature and extent of the early intervention or special education and related services needed. (See WAC 392-172A-01070 and 34 C.F.R. Sec. 303.321.)

~~(("Evaluation report" - See WAC 392-172A-03035.))~~

"Fee-for-service" - See WAC 182-500-0035.

"Handwritten signature" - A scripted name or legal mark of an individual on a document to signify knowledge, approval, acceptance, or responsibility of the document.

"Health care-related services" - For the purposes of this chapter, means developmental, corrective, and other supportive services required to assist ((an eligible child to benefit from special education. For the purposes of the school-based health care services program, related services)) a student eligible for special education and include:

- Audiology;
- Counseling;
- ~~((Nursing))~~ School health services and school nurse services;
- Occupational therapy;
- Physical therapy;
- Psychological assessments and services; and
- Speech-language therapy.

"Individualized education program (IEP)" - A written educational program for a child who is age three through ~~((twenty))~~ twenty-one and eligible for special education. An IEP is developed, reviewed and revised ~~((under))~~ according to WAC 392-172A-03090 through ((392-172A-03135)) 392-172A-03115.

"Individualized family service plan (IFSP)" - A plan for providing early intervention services to a child birth through age two, with a disability or developmental delay and the child's family. The IFSP:

- Is based on the evaluation and assessment described in 34 C.F.R. Sec. 303.321;
- Includes the content specified in 34 C.F.R. Sec. 303.344~~((;~~
- ~~Is implemented as soon as possible after parental consent is obtained for the early intervention services in the IFSP (consistent with 34 C.F.R. Sec. 303.420)); and~~
- Is developed under the IFSP procedures in 34 C.F.R. Secs. 303.342, 303.343, and 303.345.

"Interagency agreement" - Is a contract that describes and defines the relationship between the agency, the school-based health care services program, and the school district.

"Medically necessary" - See WAC 182-500-0070.

"National provider identifier (NPI)" - See WAC 182-500-0075.

~~((**"Qualified health care provider"** - See WAC 182-537-0350.))~~

"Reevaluation" - Procedures used to determine whether a child continues to ~~((be in need of))~~ need early intervention services or special education and related services. (See WAC 392-172A-03015 and 34 C.F.R. Secs. 303.342 and 303.343.)

"Related services" - See WAC 392-172A-01155.

"School-based health care services program" or "SBHS" - ~~((School-based health care services for infants and toddlers receiving early intervention services and children who require special education services, which are diagnostic, evaluative, habilitative, and rehabilitative in nature; are based on the child's medical needs; and are included in the child's IEP or IFSP. The agency pays school districts for school-based health care services delivered to Medicaid-eligible children who require special education services under Section 1903(e) of the Social Security Act, and to people under the Individuals with Disabilities Education Act (IDEA) Part B~~

~~and Part C.))~~ Is an agency-administered program that pays contracted school districts, educational service districts (ESDs), charter schools, and tribal schools for providing early intervention services or special education health-related services to children ages birth through twenty who have an IEP or IFSP. Services must be provided by department of health (DOH)-licensed providers who are enrolled under the school district's ProviderOne account.

"Signature log" - A typed list that verifies a licensed provider's identity by associating each provider's signature with their name, handwritten initials, credentials, license and national provider ~~((identification (NPI) numbers))~~ identifier (NPI).

"Special education" - ~~((Specially designed instruction, at no cost to the parents, to meet the unique needs of a student eligible for special education, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, and instruction in physical education. Refer to))~~ See WAC 392-172A-01175.

"Supervision" - Means supervision ((that is)) provided by a licensed health care provider either directly or indirectly ((in order)) to assist the supervisee in the administration of health care-related services outlined in the IEP or IFSP.

"Telemedicine" - See WAC 182-531-1730.

AMENDATORY SECTION (Amending WSR 16-07-141, filed 3/23/16, effective 4/23/16)

WAC 182-537-0300 ((Client)) Student eligibility. ~~((Children who require special education services must be receiving Title XIX Medicaid under a Washington apple health (WAH) categorically needy program (CNP) or WAH medically needy program (MNP) to be eligible for school-based health care services. Eligible children enrolled in a managed care organization (MCO) receive school-based health care services on a fee-for-service basis.))~~ (1) Contracted school districts may receive Medicaid payment for students ages birth through twenty who:

(a) Have an active individualized family service plan (IFSP) or individualized education program (IEP); and

(b) Who are receiving Title XIX Medicaid under a Washington apple health categorically needy program (CNP) or medically needy program (MNP).

(2) Eligible students enrolled in an agency-contracted managed care organization (MCO) are eligible to receive school-based health care services through fee-for-service.

AMENDATORY SECTION (Amending WSR 16-07-141, filed 3/23/16, effective 4/23/16)

WAC 182-537-0350 Provider qualifications. (1) School-based health care services (SBHS) must be delivered by ~~((qualified))~~ health care providers who are enrolled with the Medicaid agency and who meet state licensure ((and certification)) requirements, including active, unrestricted department of health (DOH) licensure. The following people may provide SBHS:

(a) Audiologists who meet the requirements ((of)) described in chapters 246-828 WAC and 18.35 RCW;

(b) Licensed advanced social workers (LiACSW) who meet the requirements ((~~of~~) described in chapters 246-809 WAC and 18.225 RCW;

(c) Licensed independent clinical social workers (LiCSW) who meet the requirements described in chapters 246-809 WAC and 18.225 RCW;

(d) Licensed mental health counselors (LMHC) who meet the requirements ((~~of~~) described in chapters 246-809 WAC and 18.225 RCW;

(e) Licensed mental health counselor associates (LMHCA) who meet the requirements ((~~of~~) described in chapters 246-809 WAC and 18.225 RCW and are under the direction and supervision of a qualified LiACSW, LiCSW, or LMHC;

(f) Licensed registered nurses (RN) who meet the requirements ((~~of~~) described in chapters 246-840 WAC and 18.79 RCW;

(g) Licensed practical nurses (LPN) who meet the requirements ((~~of~~) described in chapters 246-840 WAC and 18.79 RCW and are under the direction and supervision of a ((qualified)) licensed RN;

(h) ~~((Noncredentialed))~~ Nonlicensed school employees who are delegated certain limited health care tasks by an RN and are supervised according to professional practice standards in RCW 18.79.260, 18.79.290, and 28A.210.275;

(i) Licensed occupational therapists (OT) who meet the requirements ((~~of~~) described in chapters 246-847 WAC and 18.59 RCW;

(j) Licensed occupational therapist assistants (OTA) who meet the requirements ((~~of~~) described in chapters 246-847 WAC and 18.59 RCW and are under the direction and supervision of a ((qualified)) licensed OT;

(k) Licensed physical therapists (PT) who meet the requirements ((~~of~~) described in chapters ((246-924 WAC and 18.83)) 246-915 WAC and 18.74 RCW;

(l) Licensed physical therapist assistants (PTA) who meet the requirements ((~~of~~) described in chapters 246-915 WAC and 18.74 RCW and are under the direction and supervision of a licensed PT;

(m) Licensed psychologists who meet the requirements ((~~of~~) described in chapters 246-924 WAC and 18.83 RCW;

(n) Licensed speech-language pathologists (SLP) who meet the requirements ((~~of~~) described in chapters 246-828 WAC and 18.35 RCW; and

(o) Speech-language pathology assistants (SLPA) who meet the requirements ((~~of~~) described in chapters 246-828 WAC and 18.35 RCW and who are under the direction and supervision of a licensed SLP.

(2) For services provided under the supervision of a PT, OT, SLP, nurse, counselor, or social worker, the supervising provider must:

(a) Ensure the child receives quality therapy services by providing supervision in accordance with professional practice standards; and

(b) ~~((See the child face to face when services begin and at least once more during the school year;~~

~~((~~e~~))~~ Approve and cosign all treatment notes written by the supervisee before submitting claims for payment~~((~~and~~~~

~~((~~d~~))~~ Record supervisory activities and provide the documents to the agency or its designee upon request)).

(3) The school district must ensure providers meet the professional licensing ~~((and certification))~~ requirements described in the agency's SBHS billing guide and in this chapter.

(4) The licensing exemptions found in the following regulations do not apply to federal medicaid reimbursement:

(a) Counseling under RCW 18.225.030;

(b) Psychology under RCW 18.83.200;

(c) Social work under RCW 18.320.010; and

(d) Speech therapy under RCW 18.35.195.

(5) People not specifically listed in subsection (1) of this section may not participate in the SBHS program including, but not limited to:

(a) Interim permit holders;

(b) Limited permit holders; and

(c) People completing education required for DOH licensure.

AMENDATORY SECTION (Amending WSR 16-07-141, filed 3/23/16, effective 4/23/16)

WAC 182-537-0400 Covered services. All services covered under this section may be provided through telemedicine as described in WAC 182-531-1730 and in the agency's school-based health care services (SBHS) billing guide. Covered services include:

(1) Evaluations when the child is determined to have a disability, and is in need of early intervention services or special education and health care-related services that result in an individualized education program (IEP) or individualized family service plan (IFSP);

(2) Health care-related services ~~((including))~~ authorized in an IEP or IFSP limited to:

(a) Audiology;

(b) Counseling;

(c) School health services and school nursing services;

(d) Occupational therapy;

(e) Physical therapy;

(f) Psychological assessments and services; and

(g) Speech-language therapy.

(3) Reevaluations, to determine whether a child continues to need early intervention services or special education and health care-related services.

AMENDATORY SECTION (Amending WSR 16-07-141, filed 3/23/16, effective 4/23/16)

WAC 182-537-0500 Noncovered services. Noncovered services include, but are not limited to the following:

(1) Applied behavior analysis (ABA);

(2) Attending meetings;

(3) Charting;

(4) ~~((Equipment preparation;~~

~~((5) Evaluations that do not result in an IEP or IFSP;~~

~~((6))~~ Instructional assistant contact;

~~((7))~~ (5) Observation not provided directly after service delivery;

~~((8))~~ (6) Parent consultation;

~~((9))~~ (7) Parent contact;

~~((10))~~ (8) Planning;

- ~~((11))~~ (9) Preparing and sending correspondence to parents or other professionals;
- ~~((12))~~ (10) Professional consultation;
- ~~((13))~~ (11) Report writing;
- ~~((14))~~ (12) Review of records;
- ~~((15))~~ (13) School district staff accompanying a child who requires special education services to and from school on the bus when direct services are not provided;
- (14) Supervision;
- ~~((16))~~ (15) Teacher contact;
- ~~((17))~~ (16) Test interpretation; and
- ~~((18))~~ (17) Travel and transporting.

AMENDATORY SECTION (Amending WSR 16-07-141, filed 3/23/16, effective 4/23/16)

WAC 182-537-0600 School district requirements for billing and payment. To receive payment from the medicaid agency for providing school-based health care services (SBHS) to eligible children, a school district must:

- (1) Enroll as a billing provider in ProviderOne and have a current, signed core provider agreement (CPA) with the agency.
- (2) Have a current, signed, and executed interagency agreement with the agency.
- (3) Meet the applicable requirements in chapter 182-502 WAC.
- (4) Comply with the agency's current, published ProviderOne billing and resource guide.
- (5) Bill according to the agency's current ~~((school-based health care services provider guide, the school-based health care services))~~ SBHS billing guide and the SBHS fee schedule~~((, and))~~.
- (6) Comply with the intergovernmental transfer (IGT) process. ~~((After a school district receives its invoice from the agency,))~~ The school district must provide its local match to the agency within one hundred twenty days of the invoice date.
- (a) If local match is not received within one hundred twenty days of the invoice date, the agency will deny claims.
- (b) School districts may resubmit denied claims within twenty-four months from the date of service under WAC 182-502-0150.
- ~~((6))~~ (7) Provide only health care-related services identified through a current individualized education program (IEP) or individualized family service plan (IFSP).
- ~~((7))~~ (8) Use only licensed health care ~~((professionals qualified))~~ providers under WAC 182-537-0350.
- ~~((8))~~ (9) Enroll licensed health care providers as servicing providers under the school district's ~~((national provider identifier (NPI) number))~~ ProviderOne account, and ensure providers have their own national provider identifier (NPI) number.
- ~~((9))~~ (10) Meet documentation requirements described in WAC 182-537-0700.

AMENDATORY SECTION (Amending WSR 16-07-141, filed 3/23/16, effective 4/23/16)

WAC 182-537-0700 School district documentation requirements. (1) Providers must document all school-based

health care services ~~((SBHS))~~ as required in this section ~~((WAC 182-502-0020,))~~ and the medicaid agency's school-based health care services ~~((provider))~~ (SBHS) billing guide.

(2) ~~((All required documentation must include the provider's printed name, handwritten or electronic signature, and title. Assistants practicing under WAC 182-537-0350 must have a licensed supervisor cosign all documents as required by this subsection.~~

(3) The following documentation must be maintained for each client for a minimum of six years:

(a) Professional) Documentation to justify billed claims must be maintained for at least six years from the date of service.

(3) Records for each student must include, but are not limited to:

(a) A referral or prescription for services by a physician or other licensed health care provider within their scope of practice;

(b) Assessment reports;

~~((b))~~ (c) Evaluation and reevaluation reports;

~~((e) IEP or IFSP; and)~~

(d) Individualized education program (IEP) or individualized family service plan (IFSP);

(e) Attendance records; and

(f) Treatment notes. ~~((4))~~ Treatment notes must include the:

~~((a))~~ (i) Child's name;

~~((b))~~ (ii) Child's ProviderOne client ID;

~~((e))~~ (iii) Child's date of birth;

~~((d))~~ (iv) Date of service, and for each date of service:

~~((i))~~ (A) Time-in;

~~((ii))~~ (B) Time-out;

~~((iii))~~ (C) A procedure code for and description of each service provided;

~~((iv))~~ (D) The child's progress related to each service;

~~((v) Number of units billed for the service; and~~

~~((vi))~~ (E) Whether the ~~((treatment))~~ occupational therapy, speech-language therapy, physical therapy or counseling service described in the note was individual or group therapy;

(F) The licensed provider's printed name, handwritten or electronic signature, and title; and

(G) Assistants, as defined in WAC 182-537-0350, who provide health care-related services, must have their supervising provider cosign all treatment notes in accordance with the supervisory requirements for the provider type.

~~((5))~~ (4) The agency accepts electronic records and signatures. Maintaining the records in an electronic format is acceptable only if the original records are available to the agency for program integrity activities for up to six years after the date of service. Each school district is responsible for determining what standards are consistent with state and federal electronic record and signature requirements.

~~((6))~~ (5) For a signature to be valid, it must be handwritten or electronic. Signature by stamp is acceptable only if the provider is unable to sign by hand due to a physical disability.

~~((7))~~ (6) School districts must maintain a signature log to support the provider's signature identity.

~~((8))~~ (7) The signature log must include the provider's:

(a) Printed name;

- (b) Handwritten signature;
- (c) Initials;
- (d) Credentials;
- (e) License number; and
- (f) National provider identifier (NPI) (~~(number)~~).

~~((9))~~ (8) Each school district must establish policies and procedures to ensure complete, accurate, and authentic records. These policies and procedures must include:

(a) Security provisions to prevent the use of an electronic signature by anyone other than the licensed provider to ~~((which))~~ whom the electronic signature belongs;

(b) Procedures that correspond to recognized standards and laws and protect against modifications;

(c) Protection of the privacy and integrity of the documentation;

(d) A list of which documents will be maintained and signed electronically; and

(e) Verification of the signer's identity at the time the signature was generated.

AMENDATORY SECTION (Amending WSR 16-07-141, filed 3/23/16, effective 4/23/16)

WAC 182-537-0800 Program integrity. (1) To ensure compliance with program rules, the medicaid agency conducts program integrity activities under chapters 182-502 and 182-502A WAC.

(2) School districts must participate in all program integrity activities.

(3) School districts are responsible for the accuracy, compliance, and completeness of all claims submitted for medicaid ~~((reimbursement))~~ payment.

(4) The agency conducts reviews and recovers overpayments if a school district does not comply with agency requirements according to agency rules.

WSR 19-04-097

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed February 5, 2019, 12:37 p.m., effective March 8, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order modifies the office of superintendent of public instruction (OSPI) processes related to the apportionment of state funding to high poverty schools to ensure districts, charter schools, and tribal compact schools receive the appropriate state funding under the biennial operating budget. The rule amends the process OSPI uses to calculate the state learning assistance program (LAP) allocations under WAC 392-122-605 by specifying that LAP funding is calculated based on a school district's prior school year's October headcount enrollment for free and reduced price lunch as reported in the comprehensive education data and research system as of March 31 of the prior school year. The rule also clarifies the process that OSPI uses to determine school district compliance with new K-3 class size requirements under the law. Finally, the rule aligns OSPI's K-3 class size rules in chapter 392-140 WAC with the 2017-19 biennial

budget by striking language related to enhanced funding for K-3 high poverty schools.

Citation of Rules Affected by this Order: Repealing WAC 392-140-915, 392-140-936, 392-140-942 and 392-140-945; and amending WAC 392-122-605, 392-140-916, 392-140-923, 392-140-932, 392-140-934, and 392-140-939.

Statutory Authority for Adoption: RCW 28A.150.290, 28A.155.075.

Adopted under notice filed as WSR 19-01-068 on December 17, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 4.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 4, 2019.

Chris P. S. Reykdal
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 18-02-082, filed 1/2/18, effective 2/2/18)

WAC 392-122-605 Apportionment of state moneys for the state learning assistance program. (1) State learning assistance program moneys shall be allocated as provided in the state Operating Appropriations Act in effect at the time the apportionment is due. The superintendent of public instruction may withhold the monthly learning assistance program apportionment payment to a school district, public charter school, or school operated pursuant to a state-tribe education compact if the school district, charter school, or compact school fails to submit its annual report for the prior school year to the superintendent of public instruction by the established due date. The first learning assistance program apportionment payment of the school year and subsequent allocations may be withheld until the annual reports are completed in approvable form.

(2) Learning assistance program moneys include two allocations: A district learning assistance program base allocation and a learning assistance program high-poverty based school allocation for eligible schools.

(a) A school district's funded students for the learning assistance program base allocation shall be the sum of the district's annual average full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount

enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system as of March 31st of the prior school year.

(b)(i) A school is eligible for the learning assistance program high-poverty based school allocation if it is funded through the prototypical model and has at least fifty percent of its students eligible for free and reduced-price meals in the prior school year. The percentage is determined by the school's percentage of October headcount enrollment in grades K-12 for free and reduced-price lunch (~~(--The prior school year's October headcount enrollment for free and reduced-price lunch shall be)~~) as reported in the comprehensive education data and research system as of March 31st of the prior school year.

(ii) An eligible school's funded students for the learning assistance high-poverty based allocation shall be the sum of the school's annual average full-time enrollment in grades K-12 for the prior year.

AMENDATORY SECTION (Amending WSR 16-10-117, filed 5/4/16, effective 6/4/16)

WAC 392-140-916 K-3 class size funding. Elementary teacher allocations based on the prototypical schools formula provided in RCW 28A.150.260 and the Omnibus Appropriations Act for grades K-3 (~~(at nonhigh poverty and high poverty schools)~~) will be based upon budgeted K-3 enrollment (~~(at both nonhigh poverty and high poverty schools)~~) as stated in the (~~(district's)~~) F-203 revenue estimate from September through December for the year budgeted. Districts, charter schools, and tribal compact schools will also input their estimated K-3 (~~(and K-3 high poverty weighted average)~~) class size for purposes of funding from September through December. K-3 enrollment will not include student full-time equivalent (FTE) enrolled in alternative learning experience programs (~~(--Funding based on actual average annual FTE enrollment reported in the P-223 will begin in January and will continue through August)~~) that meet the requirements of WAC 392-121-182. Funded class size starting with January apportionment will be based on the actual average annual FTE enrollment reported in the P-223. Districts, charter schools, and tribal compact schools must meet the legislative compliance requirements of (~~(both K-3 and K-3 high poverty)~~) K-3 class size funding in order to generate the full allotment.

AMENDATORY SECTION (Amending WSR 16-10-117, filed 5/4/16, effective 6/4/16)

WAC 392-140-923 K-3 class size compliance—Enrollment. Grade level K-3 (~~(high poverty and nonhigh poverty enrollment from a district's P-223 reporting)~~) enrollment reported on the P-223 will be considered in the compliance calculations for the months of January, March, and June. All students in ALE programs that meet the requirements of WAC 392-121-182 will be excluded from the compliance calculation.

AMENDATORY SECTION (Amending WSR 16-10-117, filed 5/4/16, effective 6/4/16)

WAC 392-140-932 K-3 class size compliance—Teachers. The superintendent of public instruction shall include in the calculation of (~~(high poverty)~~) K-3 class size compliance those teachers reported on the S-275 (~~(at the eligible schools)~~) that are coded in programs 01 to grade group K, 1, 2, or 3, and are reported in one of the following duty roots:

- Duty Root 31 - Elementary homeroom teacher;
- Duty Root 33 - Other teacher;
- Duty Root 34 - Elementary specialist teacher;
- Duty Root 52 - Substitute teacher;
- Duty Root 63 - Contractor teacher.

S-275 data as of the published apportionment cutoff dates in January, March, and June will be considered in the calculation.

Program 21 special education teachers coded to grade K, 1, 2, or 3 multiplied by the annual percentage of students in special education instruction used in determination of a district's, tribal compact school's, or charter school's 3121 revenue will be included.

Teachers coded to program 02 alternative learning experience shall be excluded.

AMENDATORY SECTION (Amending WSR 16-10-117, filed 5/4/16, effective 6/4/16)

WAC 392-140-934 K-3 class size compliance—Supplemental FTE teachers. As used in this chapter, "supplemental full-time equivalent teachers" means the net change in full-time equivalent teachers after October 1st of the school year not reflected in report S-275. Teachers, for the purpose of this section, are defined in WAC 392-140-932. Supplemental full-time equivalent teachers are determined as follows:

(1) Determine the teacher FTE that would be reported for each employee for the school year on report S-275 if the current data were submitted for the October 1st snapshot as required in the S-275 instructions and subtract the teacher FTE as of October 1st actually reported for the employee on the (~~(school district's)~~) most current report S-275.

(2) Include decreases as well as increases in staff after October 1st and not reflected in report S-275. Decreases include terminations, retirements, unpaid leave, and reassignment of staff.

Supplemental teacher FTE must be reported to the office of superintendent of public instruction prior to the published S-275 apportionment cutoff dates in January, March, and June to be considered. Supplemental teacher FTE must be reported by individual grade level K, 1, 2, and 3 (~~(--as well as separately for nonhigh poverty and high poverty schools)~~).

AMENDATORY SECTION (Amending WSR 16-10-117, filed 5/4/16, effective 6/4/16)

WAC 392-140-939 K-3 ((demonstrated)) funded class size((--Nonhigh poverty schools)). ((Demonstrated)) Funded class size (~~(across all nonhigh poverty eligible~~

~~schools)) will be calculated by dividing the total teachers and supplemental teacher FTE ((for the individual grade levels of K, 1, 2, or 3,)) across all grades K-3 collectively, as described in WAC 392-140-932 into the calculated combined total enrollment ((across all nonhigh poverty schools in the individual)) in grade levels of K, 1, 2, or 3.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-140-915 High poverty funding—Process and definition of eligible schools.
- WAC 392-140-936 K-3 demonstrated class size—High poverty schools.
- WAC 392-140-942 Weighted average class size—High poverty schools.
- WAC 392-140-945 Weighted average class size—Nonhigh poverty schools.

WSR 19-04-099
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 5, 2019, 2:14 p.m., effective March 8, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule adoption adds two nonmandatory appendices to chapter 296-840 WAC, Respirable crystalline silica. The department adopted rules for occupational exposure to respirable silica on March 20, 2018. These rules, adopted in response to the Occupational Safety and Health Administration's (OSHA) 2016 final rules for respirable crystalline silica, include requirements for medical surveillance.

These appendices are medical resources to aid physicians and other licensed health care professionals (PLHCP) regarding compliance with the medical surveillance provisions of the rule. The first, a medical surveillance guideline, is included in Appendix B. The second, a tuberculosis screening tool designed as an adjunct to the clinical evaluation, is included in Appendix C. Under chapter 296-840 WAC, final decisions about medical recommendations rest with PLHCP.

Citation of Rules Affected by this Order: WAC 296-840-170 Appendix B—Medical surveillance guidelines—Nonmandatory and 296-840-175 Appendix C—Adult tuberculosis screening tool for workers exposed to respirable crystalline silica—Nonmandatory.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050.

Adopted under notice filed as WSR 18-20-105 on October 2, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 5, 2019.

Joel Sacks
Director

NEW SECTION

WAC 296-840-170 Appendix B—Medical surveillance guidelines—Nonmandatory.

Introduction.

The purpose of this Appendix is to provide medical information and recommendations to aid physicians and other licensed health care professionals (PLHCPs) regarding compliance with the medical surveillance provisions of the respirable crystalline silica standard (chapter 296-840 WAC, Respirable crystalline silica). Appendix B is for informational and guidance purposes only and none of the statements in Appendix B should be construed as imposing a mandatory requirement on employers that is not otherwise imposed by the standard.

Medical screening and surveillance allow for early identification of exposure-related health effects in individual employee and groups of employees, so that actions can be taken to both avoid further exposure and prevent or address adverse health outcomes. Silica-related diseases can be fatal, encompass a variety of target organs, and may have public health consequences when considering the increased risk of a latent tuberculosis (TB) infection becoming active. Thus, medical surveillance of silica-exposed employees requires that PLHCPs have a thorough knowledge of silica-related health effects.

This Appendix is divided into eight sections. Section 1 reviews silica-related diseases, medical responses, and public health responses. Section 2 outlines the components of the medical surveillance program for employees exposed to silica. Section 3 describes the roles and responsibilities of the PLHCP implementing the program and of other medical specialists and public health professionals. Section 4 provides a discussion of considerations, including confidentiality. Section 5 provides a list of additional resources and Section 6 lists references.

Section 7 provides sample forms for the written medical report for the employee, the written medical opinion for the employer and the written authorization. Section 8 provides information regarding Washington state reporting requirements for tuberculosis.

1. Recognition of Silica-related Diseases.

1.1. Overview. The term "silica" refers specifically to the compound silicon dioxide (SiO₂). Silica is a major component of sand, rock, and mineral ores. Exposure to fine (respirable size) particles of crystalline forms of silica is associated with adverse health effects, such as silicosis, lung cancer, chronic obstructive pulmonary disease (COPD), and activation of latent TB infections. Exposure to respirable crystalline silica can occur in industry settings such as foundries, abrasive blasting operations, paint manufacturing, glass and concrete product manufacturing, brick making, china and pottery manufacturing, manufacturing of plumbing fixtures, and many construction activities including highway repair, masonry, concrete work, rock drilling, and tuck-pointing. New uses of silica continue to emerge. These include countertop manufacturing, finishing, and installation (Kramer et al. 2012; OSHA 2015) and hydraulic fracturing in the oil and gas industry (OSHA 2012).

Silicosis is an irreversible, often disabling, and sometimes fatal fibrotic lung disease. Progression of silicosis can occur despite removal from further exposure. Diagnosis of silicosis requires a history of exposure to silica and radiologic findings characteristic of silica exposure. Three different presentations of silicosis (chronic, accelerated, and acute) have been defined. Accelerated and acute silicosis are much less common than chronic silicosis. However, it is critical to recognize all cases of accelerated and acute silicosis because these are life-threatening illnesses and because they are caused by substantial overexposures to respirable crystalline silica. Although any case of silicosis indicates a breakdown in prevention, a case of acute or accelerated silicosis implies current high exposure and a very marked breakdown in prevention.

In addition to silicosis, employees exposed to respirable crystalline silica, especially those with accelerated or acute silicosis, are at increased risks of contracting active TB and other infections (ATS 1997; Rees and Murray 2007). Exposure to respirable crystalline silica also increases an employee's risk of developing lung cancer, and the higher the cumulative exposure, the higher the risk (Steenland et al. 2001; Steenland and Ward 2014). Symptoms for these diseases and other respirable crystalline silica-related diseases are discussed below.

1.2. Chronic Silicosis. Chronic silicosis is the most common presentation of silicosis and usually occurs after at least 10 years of exposure to respirable crystalline silica. The clinical presentation of chronic silicosis is:

1.2.1. Symptoms - shortness of breath and cough, although employees may not notice any symptoms early in the disease. Constitutional symptoms, such as fever, loss of appetite and fatigue, may indicate other diseases associated with silica exposure, such as TB infection or lung cancer. Employees with these symptoms should immediately receive further evaluation and treatment.

1.2.2. Physical Examination - may be normal or disclose dry rales or rhonchi on lung auscultation.

1.2.3. Spirometry - may be normal or may show only a mild restrictive or obstructive pattern.

1.2.4. Chest X-ray - classic findings are small, rounded opacities in the upper lung fields bilaterally. However, small irregular opacities and opacities in other lung areas can also occur. Rarely, "eggshell calcifications" in the hilar and mediastinal lymph nodes are seen.

1.2.5. Clinical Course - chronic silicosis in most cases is a slowly progressive disease. Under the respirable crystalline silica standard, the PLHCP is to recommend that employees with a 1/0 category X-ray be referred to an American Board Certified Specialist in Pulmonary Disease or Occupational Medicine. The PLHCP and/or Specialist should counsel employees regarding work practices and personal habits that could affect employees' respiratory health.

1.3. Accelerated Silicosis. Accelerated silicosis generally occurs within 5-10 years of exposure and results from high levels of exposure to respirable crystalline silica. The clinical presentation of accelerated silicosis is:

1.3.1. Symptoms - shortness of breath, cough, and sometimes sputum production. Employees with exposure to respirable crystalline silica, and especially those with accelerated silicosis, are at high risk for activation of TB infections, atypical mycobacterial infections, and fungal superinfections. Constitutional symptoms, such as fever, weight loss, hemoptysis (coughing up blood), and fatigue may herald one of these infections or the onset of lung cancer.

1.3.2. Physical Examination - rales, rhonchi, or other abnormal lung findings in relation to illnesses present. Clubbing of the digits, signs of heart failure, and cor pulmonale may be present in severe lung disease.

1.3.3. Spirometry - restrictive or mixed restrictive/obstructive pattern.

1.3.4. Chest X-ray - small rounded and/or irregular opacities bilaterally. Large opacities and lung abscesses may indicate infections, lung cancer, or progression to complicated silicosis, also termed progressive massive fibrosis.

1.3.5. Clinical Course - accelerated silicosis has a rapid, severe course. Under the respirable crystalline silica standard, the PLHCP can recommend referral to a Board Certified Specialist in either Pulmonary Disease or Occupational Medicine, as deemed appropriate, and referral to a Specialist is recommended whenever the diagnosis of accelerated silicosis is being considered.

1.4. Acute Silicosis. Acute silicosis is a rare disease caused by inhalation of extremely high levels of respirable crystalline silica particles. The pathology is similar to alveolar proteinosis with lipoproteinaceous material accumulating in the alveoli. Acute silicosis develops rapidly, often, within a few months to less than 2 years of exposure, and is almost always fatal. The clinical presentation of acute silicosis is as follows:

1.4.1. Symptoms - sudden, progressive, and severe shortness of breath. Constitutional symptoms are frequently present and include fever, weight loss, fatigue, productive cough, hemoptysis (coughing up blood), and pleuritic chest pain.

1.4.2. Physical Examination - dyspnea at rest, cyanosis, decreased breath sounds, inspiratory rales, clubbing of the digits, and fever.

1.4.3. Spirometry - restrictive or mixed restrictive/obstructive pattern.

1.4.4. Chest X-ray - diffuse haziness of the lungs bilaterally early in the disease. As the disease progresses, the "ground glass" appearance of interstitial fibrosis will appear.

1.4.5. Clinical Course - employees with acute silicosis are at especially high risk of TB activation, nontuberculous mycobacterial infections, and fungal superinfections. Acute silicosis is immediately life-threatening. The employee should be urgently referred to a Board Certified Specialist in Pulmonary Disease or Occupational Medicine for evaluation and treatment. Although any case of silicosis indicates a breakdown in prevention, a case of acute or accelerated silicosis implies a profoundly high level of silica exposure and may mean that other employees are currently exposed to dangerous levels of silica.

1.5. COPD. COPD, including chronic bronchitis and emphysema, has been documented in silica-exposed employees, including those who do not develop silicosis. Periodic spirometry tests are performed to evaluate each employee for progressive changes consistent with the development of COPD. In addition to evaluating spirometry results of individual employees over time, PLHCPs may want to be aware of general trends in spirometry results for groups of employees from the same workplace to identify possible problems that might exist at that workplace. (See Section 2 of this Appendix on Medical Surveillance for further discussion.) Heart disease may develop secondary to lung diseases such as COPD. A recent study by Liu et al. 2014 noted a significant exposure-response trend between cumulative silica exposure and heart disease deaths, primarily due to pulmonary heart disease, such as cor pulmonale.

1.6. Renal and Immune System. Silica exposure has been associated with several types of kidney disease, including glomerulonephritis, nephrotic syndrome, and end stage renal disease requiring dialysis. Silica exposure has also been associated with other autoimmune conditions, including progressive systemic sclerosis, systemic lupus erythematosus, and rheumatoid arthritis. Studies note an association between employees with silicosis and serologic markers for autoimmune diseases, including antinuclear antibodies, rheumatoid factor, and immune complexes (Jalloul and Banks 2007; Shtraichman et al. 2015).

1.7. TB and Other Infections. Silica-exposed employees with latent TB are 3 to 30 times as likely to develop active pulmonary TB infection (ATS 1997; Rees and Murray 2007). Although respirable crystalline silica exposure does not cause TB infection, individuals with latent TB infection are at increased risk for activation of disease if they have higher levels of respirable crystalline silica exposure, greater profusion of radiographic abnormalities, or a diagnosis of silicosis. Demographic characteristics, such as immigration from some countries, are associated with increased rates of latent TB infection. PLHCPs can review the latest Centers for Disease Control and Prevention (CDC) information on TB incidence rates and high risk populations online. (See Section 5 of this Appendix.) Additionally, silica-exposed employees are at increased risk for contracting nontuberculous mycobacterial infections, including *Mycobacterium avium-intracellulare* and *Mycobacterium kansasii*.

1.8. Lung Cancer. The National Toxicology Program has listed respirable crystalline silica as a known human carcino-

gen since 2000 (NTP 2014). The International Agency for Research on Cancer (2012) has also classified silica as Group 1 (carcinogenic to humans). Several studies have indicated that the risk of lung cancer from exposure to respirable crystalline silica and smoking is greater than additive (Brown 2009; Liu et al. 2013). Employees should be counseled on smoking cessation.

2. Medical Surveillance.

PLHCPs who manage silica medical surveillance programs should have a thorough understanding of the many silica-related diseases and health effects outlined in Section 1 of this Appendix. At each clinical encounter, the PLHCP should consider silica-related health outcomes, with particular vigilance for acute and accelerated silicosis. In this Section, the required components of medical surveillance under the respirable crystalline silica standard are reviewed, along with additional guidance and recommendations for PLHCPs performing medical surveillance examinations for silica-exposed employees.

2.1. History.

2.1.1. The respirable crystalline silica standard requires the following: A medical and work history, with emphasis on: past, present, and anticipated exposure to respirable crystalline silica, dust, and other agents affecting the respiratory system; any history of respiratory system dysfunction, including signs and symptoms of respiratory disease (e.g., shortness of breath, cough, wheezing); smoking status and history; and history of tuberculosis. The history of tuberculosis should include completion of the Washington State Department of Labor and Industries form F252-113-000, Adult Tuberculosis Screening Tool for Workers Exposed to Respirable Crystalline Silica, located in WAC 296-840-175, Appendix C.

2.1.2. Further, the employer must provide the PLHCP with the following information:

2.1.2.1. A description of the employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to respirable crystalline silica;

2.1.2.2. The employee's former, current, and anticipated levels of occupational exposure to respirable crystalline silica;

2.1.2.3. A description of any personal protective equipment used or to be used by the employee, including when and for how long the employee has used or will use that equipment; and

2.1.2.4. Information from records of employment-related medical examinations previously provided to the employee and currently within the control of the employer.

2.1.3. Additional guidance and recommendations: A history is particularly important both in the initial evaluation and in periodic examinations. Information on past and current medical conditions (particularly a history of kidney disease, cardiac disease, connective tissue disease, and other immune diseases), medications, hospitalizations and surgeries may uncover health risks, such as immune suppression, that could put an employee at increased health risk from exposure to silica. This information is important when counseling the employee on risks and safe work practices related to silica exposure.

2.2. Physical Examination.

2.2.1. The respirable crystalline silica standard requires the following: A physical examination, with special emphasis on the respiratory system. The physical examination must be performed at the initial examination and every three years thereafter.

2.2.2. Additional guidance and recommendations: Elements of the physical examination that can assist the PHLCP include: an examination of the cardiac system, an extremity examination (for clubbing, cyanosis, edema, or joint abnormalities), and an examination of other pertinent organ systems identified during the history.

2.3. TB Testing.

2.3.1. The respirable crystalline silica standard requires the following: Baseline testing for TB on initial examination.

2.3.2. Additional guidance and recommendations:

2.3.2.1. To assist the PLHCP with screening for tuberculosis, a tool is included in Appendix C: The Washington State Department of Labor and Industries form F252-113-000, Adult Tuberculosis Screening Tool for Workers Exposed to Respirable Crystalline Silica.

2.3.2.2. Current CDC guidelines (See Section 5 of this Appendix) should be followed for the application and interpretation of Tuberculin skin tests (TST). The interpretation and documentation of TST reactions should be performed within 48 to 72 hours of administration by trained PLHCPs.

2.3.2.3. PLHCPs may use alternative TB tests, such as interferon- γ release assays (IGRAs), if sensitivity and specificity are comparable to TST (Mazurek et al. 2010; Slater et al. 2013). PLHCPs can consult the current CDC guidelines for acceptable tests for latent TB infection or refer to Appendix C: The Washington State Department of Labor and Industries form F252-113-000, Adult Tuberculosis Screening Tool for Workers Exposed to Respirable Crystalline Silica.

2.3.2.4. The silica standard allows the PLHCP to order additional tests or test at a greater frequency than required by the standard, if deemed appropriate. Therefore, PLHCPs might perform periodic (e.g., annual) TB testing as appropriate, based on employees' risk factors. For example, according to the American Thoracic Society (ATS), the diagnosis of silicosis or exposure to silica for 25 years or more are indications for annual TB testing (ATS 1997). PLHCPs should consult the current CDC guidance on risk factors for TB (See Section 5 of this Appendix), and refer to Appendix C: The Washington State Department of Labor and Industries form F252-113-000, Adult Tuberculosis Screening Tool for Workers Exposed to Respirable Crystalline Silica.

2.3.2.5. Employees with positive TB tests and those with indeterminate test results should be referred to the appropriate agency or specialist, depending on the test results and clinical picture. Agencies, such as local public health departments, and the Washington State Department of Health or specialists, such as a pulmonary or infectious disease specialist, may be the appropriate referral. Active TB is a nationally notifiable disease. PLHCPs should be aware of the reporting requirements for their region. All States have TB Control Offices that can be contacted for further information. (See Section 5 of this Appendix for links to CDC's TB resources and State TB Control Offices.)

2.3.2.6. The following public health principles are key to TB control in the U.S. (ATS-CDC-IDSA 2005):

(1) Prompt detection and reporting of persons who have contracted active TB;

(2) Prevention of TB spread to close contacts of active TB cases;

(3) Prevention of active TB in people with latent TB through targeted testing and treatment; and

(4) Identification of settings at high risk for TB transmission so that appropriate infection-control measures can be implemented.

2.4. Pulmonary Function Testing.

2.4.1. The respirable crystalline silica standard requires the following: Pulmonary function testing must be performed on the initial examination and every three years thereafter. The required pulmonary function test is spirometry and must include forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and FEV1/FVC ratio. Testing must be administered by a spirometry technician with a current certificate from a National Institute for Occupational Health and Safety (NIOSH)-approved spirometry course.

2.4.2. Additional guidance and recommendations: Spirometry provides information about individual respiratory status and can be used to track an employee's respiratory status over time or as a surveillance tool to follow individual and group respiratory function. For quality results, the ATS and the American College of Occupational and Environmental Medicine (ACOEM) recommend use of the third National Health and Nutrition Examination Survey (NHANES III) values, and ATS publishes recommendations for spirometry equipment (Miller et al. 2005; Townsend 2011; Redlich et al. 2014). OSHA's publication, Spirometry Testing in Occupational Health Programs: Best Practices for Healthcare Professionals provides helpful guidance (See Section 5 of this Appendix). Abnormal spirometry results may warrant further clinical evaluation and possible recommendations for limitations on the employee's exposure to respirable crystalline silica.

2.5. Chest X-ray.

2.5.1. The respirable crystalline silica standard requires the following: A single posteroanterior (PA) radiographic projection or radiograph of the chest at full inspiration recorded on either film (no less than 14 x 17 inches and no more than 16 x 17 inches) or digital radiography systems. A chest X-ray must be performed on the initial examination and every three years thereafter. The chest X-ray must be interpreted and classified according to the International Labour Office (ILO) International Classification of Radiographs of Pneumoconioses by a NIOSH-certified B Reader. Chest radiography is necessary to diagnose silicosis, monitor the progression of silicosis, and identify associated conditions such as TB. If the B reading indicates small opacities in a profusion of 1/0 or higher, the employee is to receive a recommendation for referral to a Board Certified Specialist in Pulmonary Disease or Occupational Medicine.

2.5.2. Additional guidance and recommendations: Medical imaging has largely transitioned from conventional film-based radiography to digital radiography systems. The ILO Guidelines for the Classification of Pneumoconioses has historically provided film-based chest radiography as a referent

standard for comparison to individual exams. However, in 2011, the ILO revised the guidelines to include a digital set of referent standards that were derived from the prior film-based standards. To assist in assuring that digitally-acquired radiographs are at least as safe and effective as film radiographs, NIOSH has prepared guidelines, based upon accepted contemporary professional recommendations (See Section 5 of this Appendix). Current research from Laney et al. 2011 and Halldin et al. 2014 validate the use of the ILO digital referent images. Both studies conclude that the results of pneumoconiosis classification using digital references are comparable to film-based ILO classifications. Current ILO guidance on radiography for pneumoconioses and B-reading should be reviewed by the PLHCP periodically, as needed, on the ILO or NIOSH websites (See Section 5 of this Appendix).

2.6. Other Testing.

Under the respirable crystalline silica standards, the PLHCP has the option of ordering additional testing he or she deems appropriate. Additional tests can be ordered on a case-by-case basis depending on individual signs or symptoms and clinical judgment. For example, if an employee reports a history of abnormal kidney function tests, the PLHCP may want to order a baseline renal function tests (e.g., serum creatinine and urinalysis). As indicated above, the PLHCP may order annual TB testing for silica-exposed employees who are at high risk of developing active TB infections. Additional tests that PLHCPs may order based on findings of medical examinations include, but is not limited to, chest computerized tomography (CT) scan for lung cancer or COPD, testing for immunologic diseases, and cardiac testing for pulmonary-related heart disease, such as cor pulmonale.

3. Roles and Responsibilities.

3.1. PLHCP. The PLHCP designation refers to "an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide some or all of the particular health care services required" by the respirable crystalline silica standard. The legally permitted scope of practice for the PLHCP is determined by each State. PLHCPs who perform clinical services for a silica medical surveillance program should have a thorough knowledge of respirable crystalline silica-related diseases and symptoms. Suspected cases of silicosis, advanced COPD, or other respiratory conditions causing impairment should be promptly referred to a Board Certified Specialist in Pulmonary Disease or Occupational Medicine.

The medical surveillance program in this chapter is not intended to reduce a worker's legal rights or to limit a physician's obligations under Title 51 RCW.

Once the medical surveillance examination is completed, the employer must ensure that the PLHCP explains to the employee the results of the medical examination and provides the employee with a written medical report within 30 days of the examination. The written medical report must contain a statement indicating the results of the medical examination, including any medical condition(s) that would place the employee at increased risk of material impairment to health from exposure to respirable crystalline silica and any medical conditions that require further evaluation or

treatment. In addition, the PLHCP's written medical report must include any recommended limitations on the employee's use of respirators, any recommended limitations on the employee's exposure to respirable crystalline silica, and a statement that the employee should be examined by a Board Certified Specialist in Pulmonary Disease or Occupational Medicine if the chest X-ray is classified as 1/0 or higher by the B Reader, or if referral to a Specialist is otherwise deemed appropriate by the PLHCP.

The PLHCP should discuss all findings and test results and any recommendations regarding the employee's health, worksite safety and health practices, and medical referrals for further evaluation, if indicated. In addition, it is suggested that the PLHCP offer to provide the employee with a complete copy of their examination and test results, as some employees may want this information for their own records or to provide to their personal physician or a future PLHCP. Employees are entitled to access their medical records.

Under the respirable crystalline silica standard, the employer must ensure that the PLHCP provides the employer with a written medical opinion within 30 days of the employee examination, and that the employee also gets a copy of the written medical opinion for the employer within 30 days. The PLHCP may choose to directly provide the employee a copy of the written medical opinion. This can be particularly helpful to employees, such as construction employees, who may change employers frequently. The written medical opinion can be used by the employee as proof of up-to-date medical surveillance. The following lists the elements of the written medical report for the employee and written medical opinion for the employer. (Sample forms for the written medical report for the employee, the written medical opinion for the employer, and the written authorization are provided in Section 7 of this Appendix.)

3.1.1. The written medical report for the employee must include the following information:

3.1.1.1. A statement indicating the results of the medical examination, including any medical condition(s) that would place the employee at increased risk of material impairment to health from exposure to respirable crystalline silica and any medical conditions that require further evaluation or treatment;

3.1.1.2. Any recommended limitations upon the employee's use of a respirator;

3.1.1.3. Any recommended limitations on the employee's exposure to respirable crystalline silica; and

3.1.1.4. A statement that the employee should be examined by a Board Certified Specialist in Pulmonary Disease or Occupational Medicine, where the standard requires or where the PLHCP has determined such a referral is necessary. The standard requires referral to a Board Certified Specialist in Pulmonary Disease or Occupational Medicine for a chest X-ray B reading indicating small opacities in a profusion of 1/0 or higher, or if the PLHCP determines that referral to a Specialist is necessary for other silica-related findings.

3.1.2. The PLHCP's written medical opinion for the employer must include only the following information:

3.1.2.1. The date of the examination;

3.1.2.2. A statement that the examination has met the requirements of this chapter; and

3.1.2.3. Any recommended limitations on the employee's use of respirators.

3.1.2.4. If the employee provides the PLHCP with written authorization, the written opinion for the employer shall also contain either or both of the following:

(1) Any recommended limitations on the employee's exposure to respirable crystalline silica; and

(2) A statement that the employee should be examined by a Board Certified Specialist in Pulmonary Disease or Occupational Medicine if the chest X-ray provided in accordance with this chapter is classified as 1/0 or higher by the B Reader, or if referral to a Specialist is otherwise deemed appropriate.

3.1.2.5. In addition to the above referral for abnormal chest X-ray, the PLHCP may refer an employee to a Board Certified Specialist in Pulmonary Disease or Occupational Medicine for other findings of concern during the medical surveillance examination if these findings are potentially related to silica exposure.

3.1.2.6. Although the respirable crystalline silica standard requires the employer to ensure that the PLHCP explains the results of the medical examination to the employee, the standard does not mandate how this should be done. The written medical opinion for the employer could contain a statement that the PLHCP has explained the results of the medical examination to the employee.

3.2. Medical Specialists. The silica standard requires that all employees with chest X-ray B readings of 1/0 or higher be referred to a Board Certified Specialist in Pulmonary Disease or Occupational Medicine. If the employee has given written authorization for the employer to be informed, then the employer shall make available a medical examination by a Specialist within 30 days after receiving the PLHCP's written medical opinion.

3.2.1. The employer must provide the following information to the Board Certified Specialist in Pulmonary Disease or Occupational Medicine:

3.2.1.1. A description of the employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to respirable crystalline silica;

3.2.1.2. The employee's former, current, and anticipated levels of occupational exposure to respirable crystalline silica;

3.2.1.3. A description of any personal protective equipment used or to be used by the employee, including when and for how long the employee has used or will use that equipment; and

3.2.1.4. Information from records of employment-related medical examinations previously provided to the employee and currently within the control of the employer.

3.2.2. The PLHCP should make certain that, with written authorization from the employee, the Board Certified Specialist in Pulmonary Disease or Occupational Medicine has any other pertinent medical and occupational information necessary for the specialist's evaluation of the employee's condition.

3.2.3. Once the Board Certified Specialist in Pulmonary Disease or Occupational Medicine has evaluated the employee, the employer must ensure that the Specialist explains to the employee the results of the medical examina-

tion and provides the employee with a written medical report within 30 days of the examination. The employer must also ensure that the Specialist provides the employer with a written medical opinion within 30 days of the employee examination. (Sample forms for the written medical report for the employee, the written medical opinion for the employer and the written authorization are provided in Section 7 of this Appendix.)

3.2.4. The Specialist's written medical report for the employee must include the following information:

3.2.4.1. A statement indicating the results of the medical examination, including any medical condition(s) that would place the employee at increased risk of material impairment to health from exposure to respirable crystalline silica and any medical conditions that require further evaluation or treatment;

3.2.4.2. Any recommended limitations upon the employee's use of a respirator; and

3.2.4.3. Any recommended limitations on the employee's exposure to respirable crystalline silica.

3.2.5. The Specialist's written medical opinion for the employer must include the following information:

3.2.5.1. The date of the examination; and

3.2.5.2. Any recommended limitations on the employee's use of respirators.

3.2.5.3. If the employee provides the Board Certified Specialist in Pulmonary Disease or Occupational Medicine with written authorization, the written medical opinion for the employer shall also contain any recommended limitations on the employee's exposure to respirable crystalline silica.

3.2.5.4. Although the respirable crystalline silica standard requires the employer to ensure that the Board Certified Specialist in Pulmonary Disease or Occupational Medicine explains the results of the medical examination to the employee, the standard does not mandate how this should be done. The written medical opinion for the employer could contain a statement that the Specialist has explained the results of the medical examination to the employee.

3.2.6. After evaluating the employee, the Board Certified Specialist in Pulmonary Disease or Occupational Medicine should provide feedback to the PLHCP as appropriate, depending on the reason for the referral. OSHA believes that because the PLHCP has the primary relationship with the employer and employee, the Specialist may want to communicate his or her findings to the PLHCP and have the PLHCP simply update the original medical report for the employee and medical opinion for the employer. This is permitted under the standard, so long as all requirements and time deadlines are met.

3.3. Public Health Professionals. PLHCPs might refer employees or consult with public health professionals as a result of silica medical surveillance. For instance, if individual cases of active TB are identified, public health professionals from the Washington State Department of Health or local health departments may assist in diagnosis and treatment of individual cases and may evaluate other potentially affected persons, including coworkers. Because silica-exposed employees are at increased risk of progression from latent to active TB, treatment of latent infection is recommended. The diagnosis of active TB, acute or accelerated sil-

icosis, or other silica-related diseases and infections should serve as sentinel events suggesting high levels of exposure to silica and may require consultation with the appropriate public health agencies to investigate potentially similarly exposed coworkers to assess for disease clusters. These agencies include local or state health departments or OSHA. In addition, NIOSH can provide assistance upon request through their Health Hazard Evaluation program. (See Section 5 of this Appendix.)

4. Confidentiality and Other Considerations.

The information that is provided from the PLHCP to the employee and employer under the medical surveillance section of DOSH's respirable crystalline silica standard differs from that of medical surveillance requirements in previous DOSH standards. The standard requires two separate written communications, a written medical report for the employee and a written medical opinion for the employer. The confidentiality requirements for the written medical opinion are more stringent than in past standards. For example, the information the PLHCP can (and must) include in his or her written medical opinion for the employer is limited to: the date of the examination, a statement that the examination has met the requirements of this chapter, and any recommended limitations on the employee's use of respirators. If the employee provides written authorization for the disclosure of any limitations on the employee's exposure to respirable crystalline silica, then the PLHCP can (and must) include that information in the written medical opinion for the employer as well. Likewise, with the employee's written authorization, the PLHCP can (and must) disclose the PLHCP's referral recommendation (if any) as part of the written medical opinion for the employer. However, the opinion to the employer must not include information regarding recommended limitations on the employee's exposure to respirable crystalline silica or any referral recommendations without the employee's written authorization. Nor can the opinion for the employer include the confidential medical information gathered using the Adult Tuberculosis Screening Tool for Workers Exposed to Respirable Crystalline Silica, found in Appendix C (WAC 296-840-175) of this standard.

The standard also places limitations on the information that the Board Certified Specialist in Pulmonary Disease or Occupational Medicine can provide to the employer without the employee's written authorization. The Specialist's written medical opinion for the employer, like the PLHCP's opinion, is limited to (and must contain): the date of the examination and any recommended limitations on the employee's use of respirators. If the employee provides written authorization, the written medical opinion can (and must) also contain any limitations on the employee's exposure to respirable crystalline silica.

The PLHCP should discuss the implication of signing or not signing the authorization with the employee (in a manner and language that he or she understands) so that the employee can make an informed decision regarding the written authorization and its consequences. The discussion should include the risk of ongoing silica exposure, personal risk factors, risk of disease progression, and possible health and economic consequences. For instance, written authorization is required

for a PLHCP to advise an employer that an employee should be referred to a Board Certified Specialist in Pulmonary Disease or Occupational Medicine for evaluation of an abnormal chest X-ray (B-reading 1/0 or greater). If an employee does not sign an authorization, then the employer will not know and cannot facilitate the referral to a Specialist and is not required to pay for the Specialist's examination. In the rare case where an employee is diagnosed with acute or accelerated silicosis, co-workers are likely to be at significant risk of developing those diseases as a result of inadequate controls in the workplace. In this case, the PLHCP and/or Specialist should explain this concern to the affected employee and make a determined effort to obtain written authorization from the employee so that the PLHCP and/or Specialist can contact the employer.

Finally, without written authorization from the employee, the PLHCP and/or Board Certified Specialist in Pulmonary Disease or Occupational Medicine cannot provide feedback to an employer regarding control of workplace silica exposure, at least in relation to an individual employee. However, the regulation does not prohibit a PLHCP and/or Specialist from providing an employer with general recommendations regarding exposure controls and prevention programs in relation to silica exposure and silica-related illnesses, based on the information that the PLHCP receives from the employer such as employees' duties and exposure levels.

Recommendations may include increased frequency of medical surveillance examinations, additional medical surveillance components, engineering and work practice controls, exposure monitoring and personal protective equipment. For instance, more frequent medical surveillance examinations may be a recommendation to employers for employees who do abrasive blasting with silica because of the high exposures associated with that operation.

ACOEM's Code of Ethics and discussion is a good resource to guide PLHCPs regarding the issues discussed in this chapter. (See Section 5 of this Appendix.)

5. Resources.

5.1. American College of Occupational and Environmental Medicine (ACOEM): ACOEM Code of Ethics. Accessed at: <http://www.acoem.org/codeofconduct.aspx> Raymond, L.W. and Wintermeyer, S. (2006) ACOEM evidenced-based statement on medical surveillance of silica-exposed workers: medical surveillance of workers exposed to crystalline silica. *J Occup Environ Med*, 48, 95-101.

5.2. Center for Disease Control and Prevention (CDC) Tuberculosis web page: <http://www.cdc.gov/tb/default.htm>

State TB Control Offices web page: <http://www.cdc.gov/tb/links/tboffices.htm>

Tuberculosis Laws and Policies web page: <http://www.cdc.gov/tb/programs/laws/default.htm> CDC. (2013). Latent Tuberculosis Infection: A Guide for Primary Health Care Providers. Accessed at: <http://www.cdc.gov/tb/publications/tbi/pdf/targetedtbi.pdf>

5.3. International Labour Organization. International Labour Office (ILO). (2011) Guidelines for the use of the ILO International Classification of Radio-

graphs of Pneumoconioses, Revised edition 2011. Occupational Safety and Health Series No. 22: http://www.ilo.org/safework/info/publications/WCMS_168260/lang--en/index.htm

5.4. National Institute of Occupational Safety and Health (NIOSH) NIOSH B Reader Program web page. (Information on interpretation of X-rays for silicosis and a list of certified B-readers.) Accessed at: <http://www.cdc.gov/niosh/topics/chestradiography/breader-info.html> NIOSH Guideline (2011). Application of Digital Radiography for the Detection and Classification of Pneumoconiosis. NIOSH publication number 2011-198. Accessed at: [http://www.cdc.gov/niosh/docs/2011-198/NIOSH Hazard Review \(2002\), Health Effects of Occupational Exposure to Respirable Crystalline Silica. NIOSH publication number 2002-129](http://www.cdc.gov/niosh/docs/2011-198/NIOSH_Hazard_Review_(2002),_Health_Effects_of_Occupational_Exposure_to_Respirable_Crystalline_Silica._NIOSH_publication_number_2002-129): Accessed at [http://www.cdc.gov/niosh/docs/2002-129/NIOSH Health Hazard Evaluations Programs. \(Information on the NIOSH Health Hazard Evaluation \(HHE\) program, how to request an HHE and how to look up an HHE report.\)](http://www.cdc.gov/niosh/docs/2002-129/NIOSH_Health_Hazard_Evaluations_Programs._(Information_on_the_NIOSH_Health_Hazard_Evaluation_(HHE)_program,_how_to_request_an_HHE_and_how_to_look_up_an_HHE_report.)) Accessed at: <http://www.cdc.gov/niosh/hhe/>

5.5. National Industrial Sand Association:

Occupational Health Program for Exposure to Crystalline Silica in the Industrial Sand Industry. National Industrial Sand Association, 2nd ed. 2010. Can be ordered at: <http://www.sand.org/silica-occupational-health-program>

5.6. Occupational Safety and Health Administration (OSHA)

Contacting OSHA: http://www.osha.gov/html/Feed_Back.html

OSHA's Clinicians web page. (OSHA resources, regulations and links to help clinicians navigate OSHA's web site and aid clinicians in caring for workers.) Accessed at: <http://www.osha.gov/dts/oom/clinicians/index.html>

OSHA's Safety and Health Topics webpage on Silica. Accessed at: <http://www.osha.gov/dsg/topics/silica/crystalline/index.html>

OSHA (2013). Spirometry Testing in Occupational Health Programs: Best Practices for Healthcare Professionals. (OSHA 3637-03 2013.) Accessed at: <http://www.osha.gov/Publications/OSHA3637.pdf>

OSHA/NIOSH (2011). Spirometry: OSHA/NIOSH Spirometry InfoSheet (OSHA 3415-1-11). (Provides guidance to employers.) Accessed at <http://www.osha.gov/Publications/osha3415.pdf>

OSHA/NIOSH (2011) Spirometry: OSHA/NIOSH Spirometry Worker Info. (OSHA 3418-3-11). Accessed at <http://www.osha.gov/Publications/osha3418.pdf>

5.7. Other.

Steenland, K. and Ward E. (2014). Silica: A lung carcinogen. *CA Cancer J Clin*, 64, 63-69. (This article reviews not only silica and lung cancer but also all the known silica-related health effects. Further, the authors provide guidance to clinicians on medical surveillance of silica-exposed workers and worker counseling on safety practices to minimize silica exposure.)

6. References.

American Thoracic Society (ATS). Medical Section of the American Lung Association (1997). Adverse effects of

crystalline silica exposure. *Am J Respir Crit Care Med*, 155, 761-765.

American Thoracic Society (ATS), Centers for Disease Control (CDC), Infectious Diseases Society of America (IDSA) (2005). Controlling Tuberculosis in the United States. *Morbidity and Mortality Weekly Report (MMWR)*, 54(RR12), 1-81. Accessed at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5412a1.htm>

Brown, T. (2009). Silica exposure, smoking, silicosis and lung cancer - complex interactions. *Occupational Medicine*, 59, 89-95.

Halldin, C. N., Petsonk, E. L., and Laney, A. S. (2014). Validation of the International Labour Office digitized standard images for recognition and classification of radiographs of pneumoconiosis. *Acad Radiol*, 21,305-311.

International Agency for Research on Cancer. (2012). Monographs on the evaluation of carcinogenic risks to humans: Arsenic, Metals, Fibers, and Dusts Silica Dust, Crystalline, in the Form of Quartz or Cristobalite. A Review of Human Carcinogens. Volume 100 C. Geneva, Switzerland: World Health Organization.

Jalloul, A. S. and Banks D. E. (2007). Chapter 23. The health effects of silica exposure. In: Rom, W. N. and Markowitz, S. B. (Eds). *Environmental and Occupational Medicine*, 4th edition. Lippincott, Williams and Wilkins, Philadelphia, 365-387.

Kramer, M. R., Blanc, P. D., Fireman, E., Amital, A., Guber, A., Rahman, N. A., and Shitrit, D. (2012). Artificial stone silicosis: disease resurgence among artificial stone workers. *Chest*, 142, 419-424.

Laney, A. S., Petsonk, E. L., and Attfield, M. D. (2011). Intramodality and intermodality comparisons of storage phosphor computed radiography and conventional film-screen radiography in the recognition of small pneumoconiotic opacities. *Chest*, 140,1574-1580.

Liu, Y., Steenland, K., Rong, Y., Hnizdo, E., Huang, X., Zhang, H., Shi, T., Sun, Y., Wu, T., and Chen, W. (2013). Exposure-response analysis and risk assessment for lung cancer in relationship to silica exposure: a 44-year cohort study of 34,018 workers. *Am J Epi*, 178,1424-1433.

Liu, Y., Rong, Y., Steenland, K., Christiani, D. C., Huang, X., Wu, T., and Chen, W. (2014). Long-term exposure to crystalline silica and risk of heart disease mortality. *Epidemiology*, 25, 689-696.

Mazurek, G. H., Jereb, J., Vernon, A., LoBue, P., Goldberg, S., Castro, K. (2010). Updated guidelines for using interferon gamma release assays to detect Mycobacterium tuberculosis infection - United States. *Morbidity and Mortality Weekly Report (MMWR)*, 59(RR05), 1-25.

Miller, M. R., Hankinson, J., Brusasco, V., Burgos, F., Casaburi, R., Coates, A., Crapo, R., Enright, P., van der Grinten, C. P., Gustafsson, P., Jensen, R., Johnson, D. C., MacIntyre, N., McKay, R., Navajas, D., Pedersen, O. F., Pellegrino, R., Viegi, G., and Wanger, J. (2005).

American Thoracic Society/European Respiratory Society (ATS/ERS) Task Force: Standardisation of Spirometry. *Eur Respir J*, 26, 319-338.

National Toxicology Program (NTP) (2014). Report on Carcinogens, Thirteenth Edition. Silica, Crystalline (respirable Size). Research Triangle Park, NC: U.S. Department of

Health and Human Services, Public Health Service.
<http://ntp.niehs.nih.gov/ntp/roc/content/profiles/silica.pdf>

Occupational Safety and Health Administration/
 National Institute for Occupational Safety and Health
 (OSHA/NIOSH) (2012). Hazard Alert. Worker exposure to
 silica during hydraulic fracturing.

Occupational Safety and Health Administration/
 National Institute for Occupational Safety and Health
 (OSHA/NIOSH) (2015). Hazard alert. Worker exposure to
 silica during countertop manufacturing, finishing, and instal-
 lation. (OSHA-HA-3768-2015.)

Redlich, C. A., Tarlo, S. M., Hankinson, J. L.,
 Townsend, M. C, Eschenbacher, W. L., Von Essen, S. G.,
 Sigsgaard, T., Weissman, D. N. (2014). Official American
 Thoracic Society technical standards: spirometry in the occu-
 pational setting. *Am J Respir Crit Care Med*; 189, 984-994.

Rees, D. and Murray, J. (2007). Silica, silicosis and
 tuberculosis. *Int J Tuberc Lung Dis*, 11(5), 474-484.

Shtraichman, O., Blanc, P. D., Ollech, J. E., Fridel, L.,
 Fuks, L., Fireman, E., and Kramer, M. R. (2015). Outbreak of
 autoimmune disease in silicosis linked to artificial stone.
Occup Med, 65, 444-450.

Slater, M. L., Welland, G., Pai, M., Parsonnet, J., and
 Banaei, N. (2013). Challenges with QuantiFERON-TB gold
 assay for large-scale, routine screening of U.S. healthcare
 workers. *AmJ Respir Crit Care Med*, 188, 1005-1010.

Steenland, K., Mannetje, A., Boffetta, P., Stayner, L.,
 Attfield, M., Chen, J., Dosemeci, M., DeKlerk, N., Hnizdo,
 E., Koskela, R., and Checkoway, H. (2001). International
 Agency for Research on Cancer. Pooled exposure-response
 analyses and risk assessment for lung cancer in 10 cohorts of
 silica-exposed workers: an IARC multicentre study. *Cancer
 Causes Control*, 12(9):773-84.

Steenland, K. and Ward E. (2014). Silica: A lung carcin-
 ogen. *CA Cancer J Clin*, 64, 63-69. Townsend, M. C.
 ACOEM Guidance Statement. (2011). Spirometry in the
 occupational health setting - 2011 Update. *J Occup Environ
 Med*, 53, 569-584.

7. Sample Forms.

Three sample forms are provided. The first is a sample
 written medical report for the employee. The second is a sam-
 ple written medical opinion for the employer. And the third is
 a sample written authorization form that employees sign to
 clarify what information the employee is authorizing to be
 released to the employer.

8. Washington State Reporting Requirements for Tuberculosis.

Active TB disease is a reportable condition in all Wash-
 ington state counties. Current statewide requirements for
 notifiable conditions are found in WAC 246-101-101. Con-
 tact your local health department immediately to report or
 obtain assistance regarding any confirmed or suspected cases
 of active TB disease.

Latent TB infection may be a reportable condition in
 your Washington state county. Contact your local health
 department for more information on local reporting require-
 ments, or to obtain assistance with the evaluation and man-
 agement of latent TB infection.

WRITTEN MEDICAL REPORT FOR EMPLOYEE

EMPLOYEE NAME: _____ DATE OF EXAMINATION: _____

TYPE OF EXAMINATION:

[] Initial examination [] Periodic examination [] Specialist examination
[] Other: _____

RESULTS OF MEDICAL EXAMINATION:

Physical Examination - [] Normal [] Abnormal (see below) [] Not performed
Chest X-Ray - [] Normal [] Abnormal (see below) [] Not performed
Breathing Test (Spirometry) - [] Normal [] Abnormal (see below) [] Not performed
Test for Tuberculosis - [] Normal [] Abnormal (see below) [] Not performed
Other: _____ [] Normal [] Abnormal (see below) [] Not performed

Results reported as abnormal: _____

[] Your health may be at increased risk from exposure to respirable crystalline silica due to the following:

RECOMMENDATIONS:

[] No limitations on respirator use
[] Recommended limitations on use of respirator: _____
[] Recommended limitations on exposure to respirable crystalline silica: _____

Dates for recommended limitations, if applicable: _____ to _____
MM/DD/YYYY MM/DD/YYYY

[] I recommend that you be examined by a Board Certified Specialist in Pulmonary Disease or Occupational Medicine

[] Other recommendations*: _____

Your next periodic examination for silica exposure should be in: [] 3 years [] Other: _____

Examining Provider: _____ Date: _____
(signature) MM/DD/YYYY

Provider Name: _____ Office Phone: _____
Office Address: _____

*These findings may not be related to respirable crystalline silica exposure or may not be work-related, and therefore may not be covered by the employer. These findings may necessitate follow-up and treatment by your personal physician.

Respirable Crystalline Silica standard, chapter 296-840 WAC.

WRITTEN MEDICAL OPINION FOR EMPLOYER

EMPLOYER: _____

EMPLOYEE NAME: _____ DATE OF EXAMINATION: _____

TYPE OF EXAMINATION:

[] Initial examination [] Periodic examination [] Specialist examination
[] Other: _____

USE OF RESPIRATOR:

[] No limitations on respirator use
[] Recommended limitations on use of respirator: _____

Dates for recommended limitations, if applicable: _____ to _____
MM/DD/YYYY MM/DD/YYYY

The employee has provided written authorization for disclosure of the following to the employer (if applicable):

[] This employee should be examined by an American Board Certified Specialist in Pulmonary Disease or Occupational
Medicine
[] Recommended limitations on exposure to respirable crystalline silica: _____

Dates for exposure limitations noted above: _____ to _____
MM/DD/YYYY MM/DD/YYYY

NEXT PERIODIC EVALUATION: [] 3 years [] Other: _____
MM/DD/YYYY

Examining Provider: _____ Date: _____
(signature)

Provider Name: _____ Provider's Specialty: _____

Office Address: _____ Office Phone: _____

[] I attest that the results have been explained to the employee.

The following is required to be checked by the Physician or other Licensed Health Care Professional (PLHCP):

[] I attest that this medical examination has met the requirements of the medical surveillance section of the DOSH
Respirable Crystalline Silica standard, WAC 296-840-145.

AUTHORIZATION FOR CRYSTALLINE SILICA OPINION TO EMPLOYER

This medical examination for exposure to crystalline silica could reveal a medical condition that results in recommendations for (1) limitations on respirator use, (2) limitations on exposure to crystalline silica, or (3) examination by a specialist in pulmonary disease or occupational medicine. Recommended limitations on respirator use will be included in the written opinion to the employer. If you want your employer to know about limitations on crystalline silica exposure or recommendations for a specialist examination, you will need to give authorization for the written opinion to the employer to include one or both of those recommendations.

I hereby authorize the opinion to the employer to contain the following information, if relevant (please check all that apply):

Recommendations for limitations on crystalline silica exposure

Recommendation for a specialist examination

OR

I do not authorize the opinion to the employer to contain anything other than recommended limitations on respirator use.

Please read and initial:

_____ I understand that if I do not authorize my employer to receive the recommendation for specialist examination, the employer will not be responsible for arranging and covering costs of a specialist examination.

Name (printed)

Signature

Date

NEW SECTION**WAC 296-840-175 Appendix C—Adult tuberculosis screening tool for workers exposed to respirable crystalline silica—Nonmandatory.**

Screening is the identification of those individuals—among a group with unknown disease status— who are likely to have a given medical condition. Because exposure to respirable crystalline silica increases the risk of developing active tuberculosis (TB) disease in workers who have latent TB infection, this standard requires that the physician or other licensed health care professional (PLHCP) conduct TB screening as part of both initial (baseline) and periodic examinations.

Persons undergoing TB screening do not necessarily require testing for latent TB infection:

- The PLHCP must offer testing for latent TB infection as part of initial (baseline) examinations.
- The PLHCP has discretion whether to offer testing for latent TB infection as part of periodic examinations.

The following TB screening tool is designed to help the PLHCP identify:

- workers who should undergo comprehensive evaluation for active TB disease (**section 1 of this form in this appendix**); and
- workers who should receive testing for latent TB infection (**section 2 of this form in this appendix**.)

Active TB disease is a reportable condition in all Washington State counties. Current statewide requirements for notifiable conditions are found at WAC 246-101-101. Contact your local health department immediately to report or obtain assistance regarding any confirmed or suspected cases of active TB disease.

Latent TB infection may be a reportable condition in your Washington State county. Contact your local health department for more information on local reporting requirements, or to obtain assistance with the evaluation and management of latent TB infection.

As a decision aid for the PLHCP, this tool does not supersede the PLHCP's determination of which additional tests are offered to an employee under the medical surveillance section of Chapter 296-840 WAC, beyond those tests the standard requires. The employee medical information gathered using the screening tool is confidential and cannot be included in the written medical opinion for employers. Section 4 of Appendix B (WAC 296-840-170) contains additional considerations on confidentiality under the medical surveillance section of Chapter 296-840 WAC.

The complete medical surveillance requirements for examinations and procedures under this chapter are described at WAC 296-840-145.



Adult Tuberculosis Screening Tool for Workers Exposed to Respirable Crystalline Silica

Provider's Name
Assessment Date

Patient's Name
Date of Birth

For use in meeting medical surveillance requirements per WAC 296-840-145.

This tool is designed to help providers identify:

- Adult workers who should undergo comprehensive evaluation for active tuberculosis (TB) disease (Section 1), AND
Adult workers who should receive testing for latent TB infection (Section 2).

Section 1 — Symptom Screen for Active TB Disease
Workers who have any of the following symptoms may require further evaluation for active TB disease. This tool is intended to be an adjunct to clinical evaluation and is not a substitute for exercising sound clinical judgement. Responses should be considered in clinical context and should not automatically result in a comprehensive evaluation for active TB disease, unless indicated.
Signs and symptoms consistent with active TB disease in the lung, pleura, airways, or larynx.
Cough (longer than 3 weeks), Coughing Up Blood, Fever, Night Sweats, Unusual Fatigue, Weight Loss (without trying), Loss of Appetite, Shortness of Breath, Chest Pain, Hoarseness.
For patients with clinical circumstances that require additional evaluation for active TB disease, consider the following: chest x-ray if not already obtained, sputum AFB smears, cultures and nucleic acid amplification.
A negative tuberculin skin test (TST) or interferon gamma release assay (IGRA) does not rule out active TB disease, but these tests can be useful for making the diagnosis and should be considered.

Continue to Page 2 to Begin Evaluation for Latent TB infection Testing

Adapted from the Washington State Department of Health Adult Tuberculosis Risk Assessment and Symptoms Screening

Centers for Disease Control and Prevention. Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings, 2005. MMWR 2005, 54 (No.RR-17): 16.

Provider's Name	Patient's Name
Assessment Date	Date of Birth

Section 2 — Risk Assessment for <i>Latent TB Infection</i>
Latent Tuberculosis Infection (LTBI) Testing is recommended if any of the eight boxes in the following Risk Assessment are checked.
If LTBI test result is positive and active TB disease is ruled out, LTBI treatment is recommended.
Retesting should generally only be done in persons with a previous negative test who have new risk factors since the last assessment.
Risk Assessment: Check appropriate risk factor boxes below. ⁱⁱ
<input type="checkbox"/> Worker is undergoing initial (baseline) medical examination per WAC 296-840-145.
<input type="checkbox"/> Foreign-born person from a country with an elevated TB rate. <ul style="list-style-type: none"> • Includes any country other than the United States, Canada, Australia, New Zealand, or a country in western or northern Europe. • Interferon gamma release assay (IGRA) is preferred over tuberculin skin test (TST) for foreign-born persons.
<input type="checkbox"/> Immunosuppression — current or planned. <ul style="list-style-type: none"> • HIV infection, organ transplant recipient, treated with TNF-alpha antagonist (e.g. infliximab, etanercept, others), steroids (equivalent of prednisone ≥ 15 mg/day for ≥ 1 month), or other immunosuppressive medication.
<input type="checkbox"/> Close contact to someone with infectious TB disease at any time.
<input type="checkbox"/> Certain foreign travel. <ul style="list-style-type: none"> • Travel to countries with an elevated TB rate may be a risk for TB exposure in certain circumstances (e.g. extended duration, likely contact with infectious TB cases, high prevalence of TB in travel location, non-tourist travel).
<input type="checkbox"/> Diagnosis of silicosis.
<input type="checkbox"/> Exposure to respirable crystalline silica for 25 years or more.
<input type="checkbox"/> Other risk factor: _____
Latent Tuberculosis Infection (LTBI) Testing is recommended if any of the eight boxes in the Risk Assessment are checked.
IGRA testing for LTBI is preferred in BCG vaccinated persons: because IGRA has increased specificity of TB infection in persons vaccinated with BCG, IGRA is preferred over the TST in these persons. Most persons born outside the United States have been vaccinated with BCG.

Continue to Page 4 to Complete Risk Assessment for *Latent TB Infection Testing*

ⁱⁱ This list is not exhaustive. For additional information, see the Washington State Department of Health Adult TB Risk Assessment User Guide (www.doh.wa.gov).

If LTBI test result is positive and active TB disease is ruled out, LTBI treatment is recommended.

In persons at low risk for tuberculosis infection and disease progression, **confirmatory testing is recommended if the initial test for LTBI is positive:**ⁱⁱⁱ

- Either a TST or an IGRA may be used for the second (confirmatory) test,
 - but if the TST is the initial positive test, it should not be used as the confirmatory test due to potential side-effects.
- Persons at low risk are only considered to have LTBI if both tests are positive.
 - Discordant testing is likely due to false positive results in persons at low risk.

As used by this tool, low risk refers to patients who have no identified risk factors for either 1. having acquired TB infection (e.g. foreign-born person from a country with an elevated TB rate), or 2. having excess risk of disease progression (e.g., current or planned immunosuppression).^{iv,v}

ⁱⁱⁱ Lewinsohn et al. 2017. *Official American Thoracic Society/Infectious Diseases Society of America/Centers for Disease Control and Prevention Clinical Practice Guidelines: Diagnosis of Tuberculosis in Adults and Children*. Clin Infect Dis 64(2): e1-e33.

^{iv} Ibid.

^v See *DOH Adult TB Risk Assessment User Guide*. Please request from the Washington State Department of Health.

WSR 19-04-100
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed February 5, 2019, 2:40 p.m., effective March 8, 2019]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department intended to create two classes of clients with guardians: Class (1) - those who had the most recent guardianship-related court order signed before June 1, 2018; and class (2) - those with the order signed on or after June 1, 2018. Language in WAC 388-79A-005 could be read to create a third class of clients with guardians, along with the intended two: Those who had their guardianship established prior to June 1, 2018, but had the most recent guardianship-related order signed on or after June 1, 2018. Under this reading, inconsistent with the rest of chapters 388-79A and 182-513 WAC, this third class of clients would have no enumerated limits on fees or costs under chapter 388-79A WAC, and therefore no deductions would be allowed under WAC 388-79A-015, RCW 11.92.180, and 43.20B.460.

The department is clarifying that there is no third class, and that these clients fall under class (2), and therefore fee and costs deductions would be allowed under WAC 182-513-1530.

Citation of Rules Affected by this Order: Amending WAC 388-79A-005.

Statutory Authority for Adoption: RCW 43.20B.460, 11.92.180, 74.08.090.

Adopted under notice filed as WSR 19-01-048 on December 13, 2018.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: February 5, 2019.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-10-067, filed 4/30/18, effective 6/1/18)

WAC 388-79A-005 Maximum amount of guardianship fees and related costs for a long-term care medicaid eligible client. (1) As mandated by RCW 43.20B.460 and in accordance with RCW 11.92.180, the maximum amount of

guardianship fees and related costs must not exceed the limits of this section when the person under guardianship is:

(a) A medicaid eligible client, residing in:

(i) A medical institution, as defined under WAC 182-500-0050;

(ii) An alternate living facility (ALF), as defined under WAC 182-513-1100; or

(iii) An at-home setting; and

(b) Required under chapter 182-513 WAC or chapter 182-515 WAC to participate towards the cost of long-term care.

(2) The maximum amount of guardianship fees and related costs must not exceed the limits of ((chapter 388-79A)) WAC 388-79A-010 when:

(a) The most recent court order establishing or continuing a guardianship was entered before June 1, 2018; and

(b) The client under guardianship was receiving medicaid-funded long-term care before June 1, 2018.

(3) For all other clients not described under subsection (2) of this section, the maximum amount of guardianship fees and related costs must not exceed the limits under WAC 182-513-1530.