

**WAC 173-350-360 Moderate risk waste handling. (1) Moderate risk waste handling - Applicability.**

(a) These standards apply to:

(i) Any facility that accepts segregated solid waste categorized as moderate risk waste (MRW), as defined in WAC 173-350-100;

(ii) Persons transporting MRW who store MRW for more than ten days at a single location; and

(iii) Mobile systems and collection events, as defined in WAC 173-350-100.

(b) These standards do not apply to:

(i) Persons transporting MRW managed in compliance with the requirements for shipments of manifested dangerous waste under WAC 173-303-240;

(ii) Universal waste regulated under chapter 173-303 WAC, Dangerous waste regulations; and

(iii) Conditionally exempt small quantity generators managing their own wastes in compliance with the performance standards of WAC 173-350-040 and 173-303-070 (8)(b).

(2) **Moderate risk waste handling - Permit exemptions.** In accordance with RCW 70.95.305, the operation of mobile systems, collection events, limited MRW facilities and product take-back centers managed in accordance with the terms and conditions in Table 360-A of this section are exempt from solid waste handling permitting. If a facility does not operate in compliance with the terms and conditions established for an exemption under this subsection, the facility may be subject to the permitting requirements for solid waste handling under this chapter. In addition, violations of the terms and conditions of Table 360-A and this subsection may be subject to the enforcement provisions of RCW 70.95.315.

**Table 360-A  
Terms and Conditions for Solid Waste Permit Exemptions**

<b>Terms and Conditions for Permit Exemption</b>	<b>Mobile System</b>	<b>Collection Event</b>	<b>Limited MRW Facility</b>	<b>Product Take-Back Center</b>
(a) Notify the department and jurisdictional health department of the intent to operate at least thirty days prior to commencing operations. The notification must include a description of the types and quantities of MRW to be handled;	X	X	X	
(b) Manage MRW in compliance with the performance standards of WAC 173-350-040;	X	X	X	X
(c) Maintain records of the amount and type of MRW received, number of households and/or conditionally exempt small quantity generators served, and the type of final disposition (e.g., reuse, recycled, treatment, energy recovery, incineration, or landfilling). Records must be maintained for five years and must be made available to the department or jurisdictional health department on request;	X	X	X*	
(d) Ensure MRW is handled in a manner that: (i) Prevents a spill or release of hazardous substances to the environment; (ii) Prevents exposure of the public to hazardous substances; and (iii) Results in delivery to a facility that meets the performance standards of WAC 173-350-040;	X	X	X	X

Terms and Conditions for Permit Exemption	Mobile System	Collection Event	Limited MRW Facility	Product Take-Back Center
(e) Ensure that incompatible wastes are not allowed to come into contact with each other;	X	X		X
(f) Ensure that containers holding MRW remain closed except when adding or removing waste in order to prevent a release of MRW through evaporation or spillage if overturned;	X	X	X	
(g) Ensure that containers holding MRW have legible labels and markings that identify the waste type;	X	X	X	X
(h) Ensure that containers holding MRW are maintained in good condition (e.g., no severe rusting or apparent structural defects);	X	X	X	X
(i) Ensure that designated personnel are familiar with the chemical nature of the materials and the appropriate mitigating action necessary in the event of fire, leak, or spill;	X	X		X
(j) Control public access and prevent unauthorized entry;	X	X	X	X
(k) Prepare and submit an annual report to the department and the jurisdictional health department by April 1st on forms supplied by the department. The annual report must detail the collection activities during the previous calendar year and must include the following: (i) Name and addresses of all collection sites; (ii) Calendar year covered by the report; (iii) Annual quantity and type of MRW collected, in pounds or gallons, by waste type; (iv) Number of households and CESQGs served annually; (v) Type of final disposition (for example, reuse, recycled, treatment, energy recovery, incineration, or landfilling) by waste type of MRW; and (vi) Any additional information required by the department;	X	X	X*	
(l) Allow inspections by the department or jurisdictional health department at reasonable times;	X	X	X	X
(m) Notify the jurisdictional health department and the department of any spills or discharges of MRW to the environment within twenty-four hours of knowledge of an incident;	X	X	X	X
(n) Mobile collection systems using trucks or trailers with concealed construction, permanently attached to a chassis may require a commercial coach insignia if subject to chapter 296-150C WAC, Commercial coaches, administered by the department of labor and industries; and	X	X		
(o) Provide secondary containment for containers and tanks capable of storing fifty-five gallons or more of liquid MRW.	X	X	X	X

\* Limited MRW facilities are NOT required to keep track of number of households and CESQGs served annually.

(3) **Moderate risk waste facilities - Permit requirements - Location.** There are no specific location standards for moderate risk waste facilities subject to this chapter; however, moderate risk waste facilities must meet the performance standards of WAC 173-350-040.

(4) **Moderate risk waste facilities - Permit requirements - Design.** Moderate risk waste facilities (MRW) must be designed and constructed so that the facility can be operated to meet the performance standards of WAC 173-350-040, and the following design standards:

(a) All MRW facilities regulated under this subsection must be designed and constructed to meet the following requirements:

(i) Be surrounded by a fence, walls, or natural features and provided with a lockable door or gate to control public and animal access;

(ii) Be constructed of materials that are chemically compatible with the MRW handled;

(iii) Provide secondary containment to capture and contain releases and spills, and facilitate timely cleanup in areas where MRW is handled. All secondary containment must:

(A) Have sufficient capacity to:

(I) Contain ten percent of the volume of all containers or tanks holding liquid or the total volume of the largest container holding liquids in the area, whichever is greater;

(II) Provide additional capacity to hold the precipitation from a twenty-five-year storm, in uncovered areas; and

(III) Provide additional capacity to hold twenty minutes of flow from an automatic fire suppression system in areas of the facility as required by state and local fire or building codes.

(B) Be segregated to prevent incompatible wastes from coming into contact with one another; and

(C) For a floor or other structure that serves as the secondary containment, be free of cracks or gaps and sufficiently impervious to contain leaks, spills, accumulated precipitation, or fire suppression materials until the collected material is detected and removed. The floor must be sloped or the containment system must otherwise be designed and operated to drain and remove liquids resulting from leaks, spills, precipitation, or fire suppression unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(iv) Be accessible by all-weather roads;

(v) Prevent run-on and control runoff from a twenty-five-year storm;

(vi) Provide a sign at the site entrance that identifies the facility and shows at a minimum the name of the site;

(vii) Provide sufficient ventilation to remove toxic vapors and dust from the breathing zone of workers and prevent the accumulation of flammable or combustible gases or fumes that could present a threat of fire or explosion;

(viii) Be constructed with explosion-proof electrical wiring, fixtures, lights, motors, switches and other electrical components as required by local fire code or the department of labor and industries;

(ix) Provide electrical grounding in areas where flammable and combustible liquids are consolidated to allow for bonding to consolidation equipment; and

(x) Provide protection of MRW from wind and precipitation through structural or operational measures.

(b) The owner or operator of a tank used to store or treat MRW must address the following design standards:

(i) Tanks and ancillary equipment must be tested for tightness using a method acceptable to the jurisdictional health department prior to being covered, enclosed or placed in use. If a tank is found not to be tight, all repairs necessary to remedy the leak(s) in the system

must be performed and verified to the satisfaction of the jurisdictional health department prior to the tank being covered or placed in use;

(ii) Below ground tanks must be designed to resist buoyant forces in areas of high groundwater and must either be:

(A) Retested for tightness at a minimum of once every two years; or

(B) Equipped with a leak detection system capable of detecting a release from the tank.

(iii) For tanks or components in which the external shell of a metal tank or any metal component will be in contact with the soil or water, a determination must be made by a corrosion expert of the type and degree of external corrosion protection that is needed to ensure the integrity of the tank during its operating life. This determination must be included with design information submitted with the permit application;

(iv) Areas used to load or unload tanks must be designed to contain spills, drips and accidental releases during loading and unloading of vessels;

(v) Tanks and piping must be protected from impact by vehicles or equipment through use of curbing, grade separation, bollards, or other appropriate means;

(vi) Tanks must be structurally suited for the proposed use; and

(vii) Tanks, valves, fittings and ancillary piping must be protected from failure caused by freezing.

(c) Prefabricated structures with concealed construction must meet the requirements of chapter 296-150F WAC, Factory-built housing and commercial structures, administered by the department of labor and industries.

**(5) Moderate risk waste facilities - Permit requirements - Documentation.**

(a) The owner or operator must submit construction documents for, at a minimum, any proposed addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The construction documents for proposed construction of engineered features must be prepared by a professional engineer registered in the state of Washington and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features of moderate risk waste facilities and tank systems, secondary containments areas, ventilation systems, stormwater management features, and emission control features as required by the permitting air authority where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of this chapter;

(ii) Scale drawings of the facility including the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation;

(iii) Design specifications for the engineered features of the facility including any tank systems, run-on/runoff controls, stormwater management features, and aeration and emission management features as required by a permitting air authority where applicable; and

(iv) A construction quality assurance plan that describes monitoring, testing, and documentation procedures that will be performed

during construction of the facility to ensure the facility is constructed in accordance with the approved design.

(b) The owner or operator must provide copies of the construction record drawings for engineered features at the facility and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the jurisdictional health department and the department. The owner or operator must not commence operation in a newly constructed portion of the facility until the jurisdictional health department has determined that the construction was completed in accordance with the approved engineering report/plans and specifications and has approved the construction documentation in writing.

(6) **Moderate risk waste facilities - Permit requirements - Operating.** The owner or operator of an MRW facility must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must develop, keep, and follow a plan of operation approved as part of the permitting process. The plan must describe the facility's operation and convey to site operating personnel the concept of operation intended by the designer. The plan of operation must be available on-site for inspection at the request of the jurisdictional health department. If necessary, the plan may be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of solid wastes to be handled at the facility;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how MRW will be handled on-site during the active life of the facility including:

(A) Methods for managing and/or identifying unknown wastes;

(B) Procedures for managing wastes that arrive in corroded or leaking containers or when MRW is left at the gate when the facility is unattended;

(C) Protocol for sorting, processing, and packaging MRW;

(D) Maximum quantities of MRW to be safely stored in each area at any time;

(E) Waste acceptance protocol to preclude and redirect fully regulated dangerous waste and any unacceptable waste types, such as explosives and/or radioactive waste; and

(F) For facilities that offer material exchanges, a procedure for determining what MRW is suitable for exchange and how the materials exchange will be operated.

(iv) A description of how the owner or operator will ensure MRW handling activities and facilities will be managed so that:

(A) Each storage area is marked with signs to clearly show the type of MRW to be stored in that area;

(B) Incompatible MRW and materials are not be mixed together or allowed to come into contact with each other;

(C) MRW is compatible with the containment system;

(D) Unless otherwise approved by the jurisdictional health department, containers or tanks are closed except when actively adding or removing MRW in order to prevent a release of MRW through evaporation or spillage if overturned;

(E) All containers or tanks have visible and legible labels or markings that identify the MRW type and are visible for inspection;

(F) Containers of MRW are stored in a manner that allows for easy access and inspection. Drums containing MRW must have at least one side with a minimum of thirty inches clear aisle space;

(G) Containers holding MRW are maintained in good condition including, but not limited to, no severe rusting or apparent structural defects;

(H) A shipment of MRW transported is documented on a shipping paper in accordance with 49 C.F.R. Subpart C, Shipping Paper, Parts 172.200 through 172.204, except shipping papers are not required for:

(I) Transportation of HHW in a private motor vehicle or vessel including a leased or rented motor vehicle or vessel by a homeowner for noncommercial purposes to an MRW facility;

(II) Transportation of MRW or HHW in a motor vehicle, aircraft, or vessel operated by a federal, state, or local government employee solely for noncommercial federal, state, or local government purposes.

(I) Public access is restricted to areas identified in the plan of operation and unauthorized entry is prevented;

(J) Communication capabilities are provided to summon fire, police, or emergency service personnel;

(K) Flammable or explosive gases do not exceed ten percent of the lower explosive limit in the area where flammable liquid MRW is consolidated. An explosive gas monitoring alarm system must be implemented to ensure that this standard is achieved;

(L) Electrical grounding is provided and bonding occurs in areas where flammable and combustible liquids are consolidated;

(M) Personnel trained to manage MRW in accordance with this section and the plan of operation approved during the permitting process are present at all times when MRW is accepted and handled; and

(N) The jurisdictional health department and the department are notified of any spills or discharges of MRW to the environment within twenty-four hours of knowledge of an incident.

(v) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspection and inspection logs. The operator must ensure that routine and annual inspections are conducted as follows:

(A) Routine inspections must be conducted at least weekly or once each operating day, whichever is more frequent, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. Routine inspections must be performed for:

(I) Operating hazards;

(II) Presence of operable safety equipment;

(III) Container integrity; and

(IV) General facility condition.

(B) Annual inspections must be conducted to determine the condition of:

(I) Secondary containment systems including all readily accessible below floor space, sumps, and tanks for deterioration and evidence of containment failure; and

(II) All ventilation and flammable vapor monitoring systems.

(vi) A description of how operators will maintain operating records on the amounts (weight or volume) and the types of waste received and removed from the facility, including the form or computer printout used to record this information. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed re-

pairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years, and must be available upon request by the jurisdictional health department;

(vii) Safety and emergency plans including:

(A) A list of all on-site emergency equipment with its capability, purpose, and training requirements;

(B) A description of actions to take if leaks in containers, tanks, or containment structures are suspected or detected and for other releases (e.g., failure of runoff containment system, gases generated due to chemical reactions or rapid volatilizations).

(viii) A description of employee training requirements; and

(ix) Other details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

(i) Name and address of the facility and locations of all collection sites;

(ii) Calendar year covered by the report;

(iii) Annual quantities and types of MRW, in pounds or gallons;

(iv) Number of households and CESQGs served;

(v) Type of final disposition (for example, reuse, recycled, treatment, energy recovery, incineration, or landfilling) by waste type of MRW;

(vi) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and

(vii) Any additional information required by the jurisdictional health department as a condition of the permit.

(7) **Moderate risk waste facilities - Permit requirements - Groundwater monitoring** . There are no specific groundwater monitoring requirements for MRW facilities subject to this chapter; however, moderate risk waste facilities must meet the performance standards of WAC 173-350-040.

(8) **Moderate risk waste facilities - Permit requirements - Closure** .

(a) The owner or operator of a moderate risk waste facility must develop, keep, and follow a closure plan that includes:

(i) Notification to the jurisdictional health department, and where applicable, the financial assurance instrument provider, no later than one hundred eighty days prior to the projected date of the final receipt of MRW, of the intent to close the facility in part or whole;

(ii) Removal of all MRW to a facility that conforms with the applicable regulations for handling the waste;

(iii) Decontamination of all areas where MRW has been handled, including, but not limited to, secondary containment, buildings, tanks, equipment, and property;

(iv) Commencement of closure activities in part or whole within thirty days following the receipt of the final volume of MRW;

(v) Submittal of a certification by the owner or operator, and a professional engineer registered in the state of Washington that the site has been closed in accordance with closure procedures;

(vi) Submittal of a closure report signed by the facility owner or operator and the certifying engineer that describes:

(A) Actions taken to determine if there has been a release to the environment; and

(B) The results of all inspections conducted as part of the closure procedure.

(vii) An estimate of the maximum volume of MRW on-site at any time during the active life of the facility; and

(viii) Closure cost estimates and projected fund withdrawal intervals from the financial assurance instrument, if an instrument is required by subsection (9) of this section.

(b) The jurisdictional health department will notify the owner or operator, the department, and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility has been closed in accordance with the specifications of the approved closure plan.

**(9) Moderate risk waste facilities - Permit requirements - Financial assurance.**

(a) The owner or operator of any fixed moderate risk waste facility that stores more than nine thousand gallons of MRW on-site, excluding used oil, is required to establish financial assurance in accordance with WAC 173-350-600.

(b) Proof of financial assurance must be provided to the jurisdictional health department prior to the acceptance of any MRW. The financial assurance instrument must provide sufficient funds to guarantee that all closure requirements are met. In the event that hazardous substances are released to the environment and site remediation is necessary, additional financial assurance must be provided so site remediation can be accomplished.

(c) Nothing in this section prevents an owner or operator from including the cost of MRW facility financial assurance in an instrument established for a colocated permitted solid waste facility so long as there are adequate funds available for both closure activities and the instrument identifies the commitment of funds for both activities.

**(10) Moderate risk waste facilities - Permit application contents.** The owner or operator of an MRW facility must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be submitted in accordance with the requirements established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit must contain:

(a) Engineering reports/plans and specifications that address the design standards of subsections (4) and (5) of this section;

(b) A construction quality assurance plan that addresses the requirements of subsection (5) of this section;

(c) A plan of operation meeting the requirements of subsection (6) of this section;

(d) A closure plan meeting the requirements of subsection (8) of this section; and

(e) Documentation as needed to meet the financial assurance requirements of subsection (9) of this section.

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-360, filed 8/1/18, effective

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