

WAC 173-303-201 Preparedness, prevention, emergency procedures and contingency plans for large quantity generators. (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 generator 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 subsections (8) and (14) of 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 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, 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 generator;
- (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 recurrence of the incident.

[Statutory Authority: Chapter 70.105, 70.105D RCW and Subtitle C of RCRA. WSR 20-20-045 (Order 19-07), § 173-303-201, filed 9/30/20, effective 10/31/20. Statutory Authority: Chapters 70.105, 70.105D RCW and RCRA. WSR 19-04-038 (Order 16-03), § 173-303-201, filed 1/28/19, effective 4/28/19. Statutory Authority: Chapters 70.105, 70.105D, and 15.54 RCW and RCW 70.105.007. WSR 04-24-065 (Order 03-10), § 173-303-201, filed 11/30/04, effective 1/1/05; WSR 00-11-040 (Order 99-01), § 173-303-201, filed 5/10/00, effective 6/10/00. Statutory Authority: Chapters 70.105 and 70.105D RCW. WSR 98-03-018 (Order 97-03), § 173-303-201, filed 1/12/98, effective 2/12/98; WSR 95-22-008 (Order 94-30), § 173-303-201, filed 10/19/95, effective 11/19/95; WSR 94-01-060 (Order 92-33), § 173-303-201, filed 12/8/93, effective 1/8/94. Statutory Authority: Chapters 70.105 and 70.105D RCW, 40 C.F.R. Part 271.3 and RCRA § 3006 (42 U.S.C. 3251). WSR 91-07-005 (Order 90-42), § 173-303-201, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. WSR 87-14-029 (Order DE-87-4), § 173-303-201, filed 6/26/87; WSR 86-12-057 (Order DE-85-10), § 173-303-201, filed 6/3/86.]