

WAC 173-303-173 Alternative standards for episodic generation.

(1) Applicability. This section is applicable 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 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 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 ac-

ording 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 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 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.

[Statutory Authority: Chapters 70.105, 70.105D RCW and RCRA. WSR 19-04-038 (Order 16-03), § 173-303-173, filed 1/28/19, effective 4/28/19.]