

**WAC 173-303-802 Permits by rule.** (1) Purpose and applicability. This section provides for permit by rule for particular facilities and activities managing dangerous wastes, provided that certain conditions are met. These facilities, activities, and conditions are listed in this section. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit.

(2) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, will have a permit by rule if the owner or operator:

(a) Has a permit for ocean dumping issued under 40 C.F.R. Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. §1420 et seq.);

(b) Complies with the conditions of that permit; and

(c) Complies with the following dangerous waste regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste report.

(3) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection will have a permit by rule if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control, and complies with the conditions of the permit and requirements of 40 C.F.R. 144.14 and applicable state waste discharge rules. For UIC permits issued after November 8, 1984, the owner or operator must comply with WAC 173-303-64620, corrective action for solid waste management units; and where the UIC well is the only unit at a facility which requires a RCRA permit, complies with WAC 173-303-806 (4)(a)(xxiii). All underground injection wells must comply with WAC 173-303-060, notification and identification numbers. However, underground injection wells disposing of EHW are prohibited.

(4) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, will have a permit by rule if the owner or operator:

(a) Has a National Pollutant Discharge Elimination System (NPDES) permit;

(b) Complies with the conditions of that permit;

(c) Complies with the following regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-283, performance standards;

(iv) WAC 173-303-370, manifest system;

(v) WAC 173-303-380 (1)(a), operating record;

(vi) WAC 173-303-390(2), annual report;

(vii) WAC 173-303-390(1), unmanifested waste reports; and

(viii) For NPDES permits issued after November 8, 1984, WAC 173-303-64620, corrective action for solid waste management units;

(d) Accepts the waste only if it meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and

(e) Accepts no EHW for disposal at the POTW.

(5) Totally enclosed treatment facilities or elementary neutralization or wastewater treatment units.

(a) The owner or operator of a totally enclosed treatment facility or an elementary neutralization unit that treats state-only dangerous wastes generated on or off site, or federally regulated hazardous waste generated on-site, or a wastewater treatment unit that treats dangerous wastes generated on or offsite, will have a permit by rule, subject to limitations in (b) and (c) of this subsection, if they:

(i) Have an NPDES permit, state waste discharge permit, pretreatment permit (or written discharge authorization from the local sewerage authority) issued by the department, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165, and the permit or authorization covers the waste stream and constituents being discharged;

(ii) Include the wastestream as a source of wastewater in the application and provide an estimate of flow, the chemical characteristics of the wastestream, whether it is a batch vs. continuous discharge, and the treatment that it will receive;

(iii) Comply with the conditions of that permit;

(iv) Comply with the following regulations:

(A) WAC 173-303-060, notification and identification numbers;

(B) WAC 173-303-070, designation of dangerous waste;

(C) WAC 173-303-283, performance standards;

(D) WAC 173-303-300, general waste analysis;

(E) WAC 173-303-310, security;

(F) WAC 173-303-350, contingency plan and emergency procedures;

(G) WAC 173-303-360, emergencies;

(H) WAC 173-303-370, manifest system;

(I) WAC 173-303-380 (1)(d), operating record, and WAC 173-303-380

(1)(a) when the owner or operator of a wastewater treatment unit is treating federally regulated wastewaters generated offsite;

(J) WAC 173-303-390, facility reporting.

(b) The owner or operator of a wastewater treatment unit may treat dangerous wastewater received from off site provided the wastewater is generated within the same industry and the wastewaters will be effectively treated by the wastewater treatment unit, if:

The owner or operator complies with (a)(i) through (iv) of this subsection.

(c) The department may require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit subject to (a) or (b) of this subsection to apply for and obtain a final facility permit or a permit modification in accordance with WAC 173-303-800 through 173-303-840, if:

(i) The owner or operator violates the general facility or performance requirements specified in (a) of this subsection;

(ii) The owner or operator is conducting other activities which require him to obtain a final facility permit;

(iii) The department determines that the general facility or performance requirements specified in (a) of this subsection, are not sufficient to protect public health or the environment and that additional requirements under this chapter are necessary to provide such protection; or

(iv) The owner or operator does not comply with applicable local, state or federal requirements established pursuant to sections 402 or 307(b) of the Federal Clean Water Act, or chapter 90.48 RCW.

[Statutory Authority: Chapters 70.105, 70.105D, and 15.54 RCW and RCW 70.105.007. WSR 04-24-065 (Order 03-10), § 173-303-802, filed 11/30/04, effective 1/1/05. Statutory Authority: Chapters 70.105 and 70.105D RCW. WSR 98-03-018 (Order 97-03), § 173-303-802, filed 1/12/98, effective 2/12/98; WSR 95-22-008 (Order 94-30), § 173-303-802, filed 10/19/95, effective 11/19/95; WSR 94-01-060 (Order 92-33), § 173-303-802, 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), § 173-303-802, filed 3/7/91, effective 4/7/91. Statutory Authority: Chapter 70.105 RCW. WSR 88-18-083 (Order 88-29), § 173-303-802, filed 9/6/88; WSR 88-07-039 (Order 87-37), § 173-303-802, filed 3/11/88; WSR 87-14-029 (Order DE-87-4), § 173-303-802, filed 6/26/87; WSR 86-12-057 (Order DE-85-10), § 173-303-802, filed 6/3/86; WSR 84-09-088 (Order DE 83-36), § 173-303-802, filed 4/18/84.]