

December 19, 2017

WASHINGTON STATE DEPARTMENT OF ECOLOGY  
HAZARDOUS WASTE AND TOXICS REDUCTION  
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### Comments on the Preliminary Draft Dangerous Waste Regulations 173-303 WAC

#### General Comment:

Ecology's unprecedented change to make designation procedures apply to "any person... who discovers an unknown material" is unfairly vague and could be counterproductive for public spaces and rights of way. It could encourage persons to abandon products or substances in public areas, or not clean them up, and then expose other members of the general public, any land owner, or public entities, like Seattle City Light, to the regulatory claim that they "discovered" and therefore must manage these materials as dangerous wastes under complex and stringent law and risk of penalty. It is unclear what constitutes "discovery" under the proposal, or how or if it is related to the point of generation or the generation of waste; there seems to be no relation. City Light recommends the quoted section and all similar sections of the regulation be deleted. Examples for "unknown material": Ecology draft WAC 173-303-070(1)(b) and -070(3).

#### General Comment:

The newly added definition for "Authorized Representative" as taken from the updated federal regulations (but without the "person of equivalent responsibility" text) appears to limit the reporting and notification requirements solely to high level operations manager at individual facilities. For large operations that have internal environmental personnel, it is unclear whether trained environmental professionals can complete the reporting requirements for sites where they manage the waste. It is recommended that Ecology clarify what internal personnel they expect to represent the company and, if higher level personnel are the representative, the process for delegating their authority to other internal employees.

#### General Comment:

It is unclear why Washington State has proposed significantly more stringent labeling requirements, particularly banning the use of USDOT, OSHA, and NFPA labels as risk identification. The elimination of commonly used risk labeling systems that already perform the function in accordance with federal regulations generates a potential burden on facilities to change the labeling of containers at multiple points in the handling process. Additionally, commonly-used markings may perform the function better. Employees, first responders, and the public may be more familiar with the commonly used markings than risk words and gain more specific safety information from them than risk words, especially if English is not their first language.

In the definition section the medium quantity generation and small quantity generation definitions do not include the waste accumulation limits in addition to monthly generation limits. This could cause confusion as regards generator status.

**General Comment:**

The requirements for storage of ignitable or reactive waste do not incorporate the input of local fire departments and require the use of the International Fire Code in preference to local fire codes. City Light believes the regulation should rely first on local fire codes or decisions by local fire departments. Only in the unlikely absence of clear local fire codes or local fire jurisdiction decisions should Ecology rely on the International Fire code, as written in the federal regulation.