

The Boeing Company

Please find attached comments from The Boeing Company.

May 26, 2020

Mr. Robert Rieck
Rulemaking Lead
Department of Ecology
Hazardous Waste and Toxics Reduction Program
PO Box 47600
Olympia, WA 98504-7600

Re: Chapter 173-303 Washington Administrative Code, Dangerous Waste Regulations

Dear Mr. Rieck:

Thank you for the opportunity to submit comments on the proposed updates to Chapter 173-303 Washington Administrative Code, Dangerous Waste Regulations, issued by Washington State Department of Ecology.

Boeing appreciates Ecology's intent to clarify requirements, streamline compliance, and ensure that state dangerous wastes are properly and safely managed. Boeing is committed to working with Ecology and other stakeholders to ensure that meaningful progress is made in developing effective, efficient, and sustainable means for achieving a cleaner environment and improved levels of human and environmental health.

We have identified below several concerns with the proposed updates and offer our recommendations to address those concerns.

WAC 173-303-070 Designation of Dangerous Waste

Section 4 of the proposed update to WAC 173-303-070 states, "The department may require persons to submit a waste analysis plan to, and receive written approval from, the department prior to testing a waste."

The proposed addition is unnecessary for the following reasons:

- Ecology already has the authority, per WAC 173-303-070(4), to "require any person to test a waste according to the methods, or an approved equivalent method, set forth in WAC 173-303-110."
- Waste analysis planning is typically required only for TSD facilities or generators treating waste onsite. See WAC 173-303-300(5).
- There is no need to add a formal waste analysis planning requirement to the waste designation process. Current designation requirement provides flexibility to the generator to obtain representative samples and a waste analysis planning requirement such as that required of TSD facilities is unnecessary and burdensome.



WAC 173-303-640 Tank systems

Section (2)(e) of WAC 173-303-640 states, “The owner or operator must develop a schedule for conducting integrity assessments over the life of the tank system to ensure that the tank system retains its structural integrity and will not collapse, rupture, or fail. The schedule must be based on the results of past integrity assessments, age of the tank system, materials of construction, characteristics of the waste, and any other relevant factors.”

The proposed addition of “system” is problematic for the following reasons:

- The phrase “tank system” could be interpreted to incorporate additional components and piping not currently required in integrity assessments. Industry standard inspection and assessment publications are limited to tanks.
- Secondary containment and inspection requirements already in place adequately ensure structural integrity and the prevention of collapse, rupture, failure, or release to the environment.
- To include components beyond the tank in the integrity assessment could add a significant cost and burden to the generator. The impact to generators and costs associated with this change were not considered during the rule making process.

WAC 173-303-220 Generator reporting

Section (3) of 173-303-220 states, “The ((director, as they)) department, as it deems necessary under chapter 70.105 RCW, may require a generator to furnish additional reports (including, but not limited to, engineering reports, nonengineering reports, plans, and specifications) concerning the quantities and disposition of the generator's dangerous waste and the generator's compliance with this chapter.”

The term “nonengineering reports” introduces regulatory uncertainty and the authority to request such documents is redundant.

- “Nonengineering reports” may imply that the generator create and retain reports not required by existing regulation.
- This creates regulatory uncertainty about what reports to retain and for how long.
- Existing language already gives Ecology the authority to request relevant documents regarding the quantities and dispositions of dangerous waste and the generator’s compliance with the regulations.
- There is no need to change the existing language.

Technical edits

Boeing recommends the following practical edits:

- Section (6)(b)(vi) of 173-303-172, should be revised to read: “This documentation must include a description of the established workplace practices to ensure leaks are promptly identified at the generator facility.”
- Section (3)(a) of 173-303-200, should be revised to read, “... in accordance with the applicable provisions of WAC 173-303-145 and 173-303-201(14).”
- Section (9)(b)(i) of 173-303-201, should be revised to read, “: . . . comply with subsection 14 of this section and WAC 173-303-145.” Only section 14 describes required emergency procedures.

We encourage Ecology to adopt language that is concise, defined, and aligns with existing federal and state regulations and requirements. We look forward to providing any needed additional clarification or engagement on these issues, and appreciate the opportunity to share our concerns regarding the proposed updates. Please contact our focal, Heather Sheffer, at (206) 658-5618 or Heather.L.Sheffer@Boeing.com for any follow-up needs.

Sincerely,

A handwritten signature in blue ink that reads "Steve Shestog". The signature is stylized and includes a long horizontal line extending to the right.

Steve Shestog
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