



Rulemaking Webinar

Hazardous Waste Planning Fee

Chapter 173-305-220

May 2023



Our team

- Sheila Coughlan: Facilitator
- Joshua Kinne: Technical support
- Megan Hillyard: Rulemaking Lead
- Vanessa O'Daniel: Pollution Prevention Coordinator
- Myles Perkins: Toxics Reduction Supervisor, PE



Overview

Who pays?

The Hazardous Waste Planning Fee applies to those who:

- Generate $\geq 2,640$ lbs. of hazardous waste annually
 - Toxics releases reported under Section 313 of EPCRA (the Toxics Release Inventory Report) may apply to your fee.

This fee supports Ecology's:

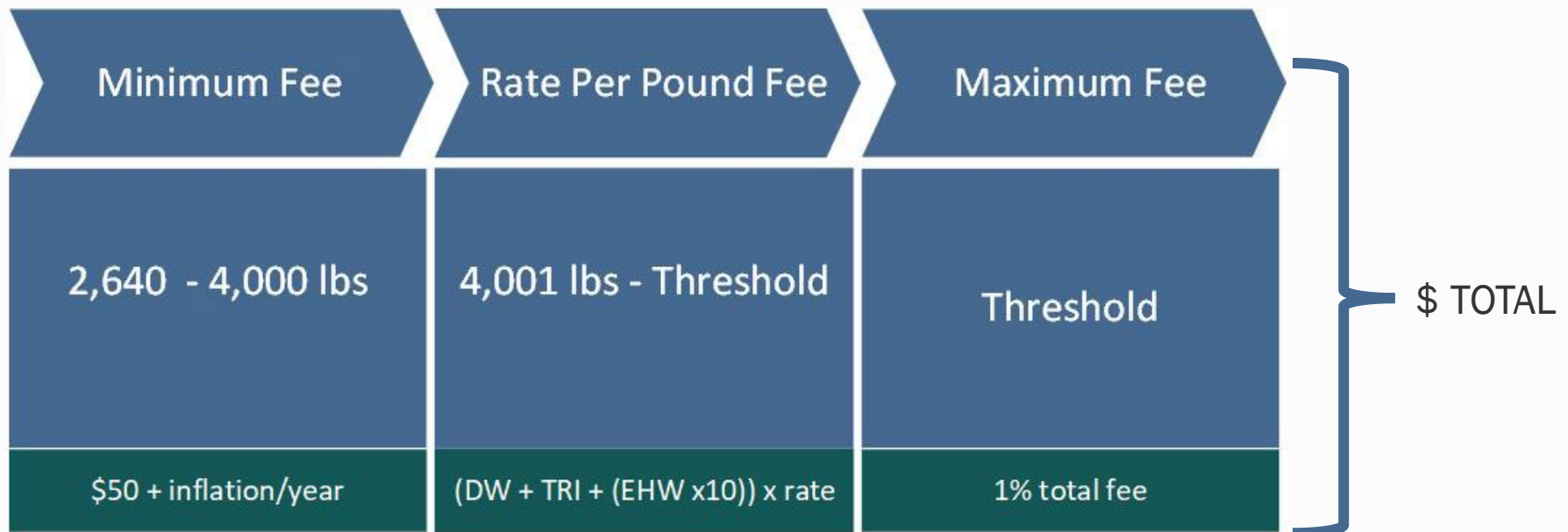
- P2 Plan program.
- Technical assistance to facilities required to prepare P2 plans.
- Other activities related to P2 plan development and implementation.
- Associated indirect costs.

Overview

Hazardous Waste Planning Fee: WAC 173-305-220

Calculated using a “per pound” payment structure based on:

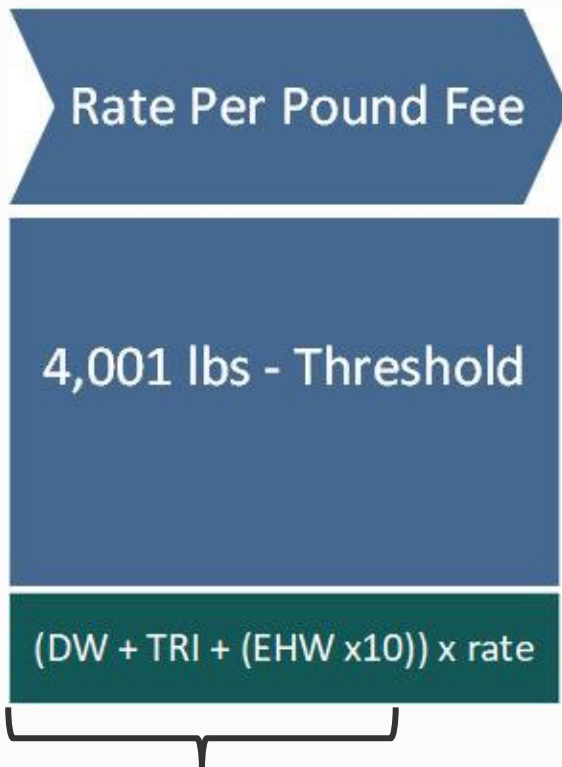
- Maximum total fees.
- Minimum and maximum fees.
- Pounds of qualifying dangerous waste generated.
- TRI emissions.
- Type of dangerous waste generated.



Overview

Why do a rulemaking?

Rate Per Pound Fee



Total risk pounds

Multiplication factors

Establishes the following multiplication factors for an individual waste stream:

- Dangerous Waste (DW) = 1
 - D, F, K, P, or U codes
- Extremely Hazardous Waste (EHW) = 10
 - WT01, WP01, WP03

Currently, WAC 173-305-220 does not state which multiplication factor applies to an individual waste stream that designates as both DW and EHW.

Overview

The Dangerous Waste Regulations: WAC 173-303-070

Designate your waste

If it's RCRA Hazardous Waste (D, F, K, U, or P codes)

- HW Planning Fee Payers (MQGs and LQGs) aren't required to designate further.
- The waste is fully regulated HW.

If RCRA Hazardous Waste Codes Don't Apply

- Continue designation steps.
- Evaluate for state-only criteria in accordance with WAC 173-303-100.

Overview

The fee disparity

Businesses that generated and reported a waste stream that they designate as both DW and EHW pay a higher fee than businesses that generate a similar waste stream but only report the DW codes.

Example

Business A and **Business B** both generate:

- 5,000 lbs. of qualified DW
- 50 lbs. of waste that designates as both DW & EHW
- 40 lbs. of TRI emissions

Rate per pound fee payers (5,000 lbs. of DW)

[DW +TRI +(EHW X 10)] x rate = total fee

Overview

Example

Rate per pound = \$0.10

Business A: Reports both the DW and EHW codes

HW Planning Fee calculation:

$$[5,000 + 40 + (50 \times 10)] \times \$0.10 = \mathbf{\$554}$$

Business B: Only reports the DW code

HW Planning Fee calculation:

$$[5,000 + 40 + (0 \times 10)] \times \$0.10 = \mathbf{\$504}$$

Business A pays \$50 more in fees when they generated the same amount and similar type of waste as **Business B**.

Overview

Interim Policy

Ecology implemented the [Interim Policy](#) for the Hazardous Waste Planning Fee in April 2020.

“Ecology staff may apply a risk factor of 1 to an individual waste stream that designates as both dangerous waste and extremely hazardous waste, instead of applying a risk factor of 10.”

Currently in effect until Ecology revises WAC 173-305.

Rulemaking

Goals

- Prevent an inequitable financial impact to businesses that report both DW and EHW codes for an individual waste stream without changing how they manage their waste.
- Increase transparency by clarifying how Ecology calculates the hazardous waste planning fee.
- Codify the practice outlined in the Interim Policy.

Rulemaking

Phases

Announce
(CR-101)

Develop
Rule

Propose
(CR-102)

Public
Comment
Period

Adopt
(CR-103)

Rulemaking

Timeline

Fall 2022

- Announce rulemaking
- File CR-101

Summer 2023

- Draft rule language
- Preliminary regulatory analysis

Fall 2023

- Propose rule
- Public hearings
- File CR-102

Winter 2024

- Adopt rule
- File CR-103

Next steps

Now until **June 12**, share feedback by:

- Commenting during this webinar
- Using our [online comment form](#)
- Emailing our team: hwfeerule@ecy.wa.gov
- Requesting a meeting with our team

Oct. 2023 – Nov. 2023, share feedback by:

- Submitting formal comments
- Attending public hearings



Thank you!



Email: hwfeerule@ecy.wa.gov

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Webpage: ecology.wa.gov/Rulemaking/WAC-173-305

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