

WAC 173-307-030 Plan requirements. This section establishes the specific elements required to be included in a plan. The purpose of a plan is to require serious consideration of ways in which processes and procedures may be modified to reduce dependence upon hazardous substances and/or the generation of hazardous wastes. All plans must consider opportunities based on the following priorities: Hazardous substance use reduction and hazardous waste reduction, recycling, and treatment. The plans shall consist of the following parts:

(1) Part one. Part one shall include:

(a) A written policy expressing management and corporate support for the plan and a commitment to implement planned activities and achieve established goals.

(b) The plan scope and objectives.

(c) A description of the facility type, a description of products made and/or services provided, and a statement or listing of the current levels of production or service activity in units of measure appropriate to the industry or activity;

(d) A general overview of the processes used in production or service activities (a schematic drawing may be included);

(e) A statement providing, for the last calendar year, the total pounds of extremely hazardous waste and total pounds of dangerous waste reported on Form 4, Dangerous Waste Annual Report, and, if applicable, the total pounds of toxic releases reported on Form R under SARA Title III, Section 313; and

(f) A description of current reduction, recycling, and treatment activities and documentation of hazardous substance use reduction and hazardous waste reduction efforts that were completed before the first plan due date specified in WAC 173-307-050. Clearly separate the explanations of reduction activities from recycling and other management activities.

(2) Part two. Part two shall include an identification of hazardous substances used and hazardous wastes generated by the facility; a description of the facility processes; an identification of reduction, recycling, and treatment opportunities; an evaluation of those opportunities; a selection of proposed options; a policy to prevent shifting of risks; performance goals; and an implementation schedule. Specifically, Part two shall include:

(a) An identification of products containing hazardous substances used and hazardous wastes generated. This must be based on actual usage and generation during the most recent calendar year for which records are available. This task can be accomplished by choosing one of two approaches. The approaches are identified as the "pounds approach" and the "percentage approach." Look at the following descriptions and requirements of each of these and determine which one you wish to use.

(i) "Pounds approach."

This approach requires you to identify the types and amounts, in either weight or volume, of hazardous waste generated and products containing hazardous substances used up to these threshold levels:

(A) All dangerous waste streams five hundred pounds or greater, any smaller dangerous waste streams that individually represent ten percent or more of the total annual hazardous wastes, and all extremely hazardous waste streams subject to regulation by the department. If this combination equals less than ninety percent of the total hazardous wastes generated, then additional dangerous wastes generated at the facility must be included until ninety percent of the total is reached; and

(B) Each product used that contains a total of fifty percent or more of any combination of hazardous substances if one thousand pounds or more was used; each product used that contains a total of between twenty-five percent and forty-nine percent of hazardous substances if four thousand pounds or more was used; and each product used that contains a total of between ten and twenty-four percent of hazardous substances if ten thousand pounds or more was used. Any product that contains less than ten percent of any hazardous substances is not required to be included in the list regardless of the amount of the product used.

(C) Office products and products that are used at the facility for nonprocess routine janitorial or grounds maintenance related activities may be excluded from this list.

(D) Hazardous substances used and hazardous wastes generated in laboratory research need not be listed. Note: See (2)(k) of this subsection for discussion on this issue.

(ii) "Percentage approach."

This approach requires you to identify the types and amounts, in either weight or volume, of hazardous waste generated and products containing hazardous substances used up to these threshold levels;

(A) All extremely hazardous waste and enough additional dangerous waste to reach ninety percent of all the hazardous waste generated; and

(B) Ninety percent of all the products used that contain hazardous substances. The person making this list should attempt to include those products which contain the highest concentrations of hazardous substances and the most toxic hazardous substances.

(C) Office products and products that are used at the facility for nonprocess routine janitorial or grounds maintenance related activities may be excluded from this list.

(D) Hazardous substances used and hazardous wastes generated in laboratory research are not required to be listed. Note: See (2)(k) of this subsection for discussion on this issue.

(iii) Determinations of whether these quantities are met or exceeded for either approach must be based on the best available information. This information may be included or referenced in the plan. Available information may include any or all of the following as necessary to determine quantities of hazardous substances contained in products: Information available from material safety data sheets, information furnished upon request from manufacturers or suppliers of hazardous substances or products containing hazardous substances, information obtained from the department, and information otherwise known by the facility owner or operator.

An explanation of the procedures used to determine that the thresholds were met or exceeded must be included in this section of the plan.

(iv) The above thresholds must only be used for plans required to be completed before September 2, 1996. Plans or plan updates completed from that date on shall identify the types and amounts, in either weight or volume, of hazardous waste generated and hazardous substances used up to the following threshold levels;

(A) The "pounds approach" may only be used for identifying hazardous waste after September 2, 1996. This approach may not be used for products containing hazardous substances. The thresholds for hazardous waste are:

All dangerous waste streams five hundred pounds or greater, any smaller dangerous waste streams that individually represent ten per-

cent or more of the total annual hazardous wastes, and all extremely hazardous waste streams subject to regulation by the department. If this combination equals less than ninety-five percent of the total hazardous wastes generated, then additional dangerous wastes generated at the facility must be included until ninety-five percent of the total is reached.

(B) The "percentage approach" remains an optional approach for hazardous waste, but it is the only approach that may be used for products. The thresholds for this approach are:

All extremely hazardous waste and enough additional dangerous waste to reach ninety-five percent of all the hazardous waste generated; and

Ninety-five percent of all the products used that contain hazardous substances.

(C) The exemptions in (ii)(C) and (D) of this subsection remain in effect.

(b) A detailed description of each process in the facility that generates hazardous waste or uses products containing hazardous substances as identified in the chosen approach in (a) of this subsection. This description may include a schematic drawing.

(c) For the hazardous waste and products containing hazardous substances identified in (a) of this subsection within each of the processes identified in (b) of this subsection, an identification, based on thorough research, of all reasonable opportunities for further hazardous substance use reduction, hazardous waste reduction, recycling, and treatment. Thorough research shall include, at a minimum, a review of literature commonly available to that industry or trade. The full range of potentially feasible opportunities must be identified without regard to possible impediments to implementing the opportunities. In identifying opportunities, consideration must be given to alternative approaches which, in the judgment of the facility management, satisfy the same demand for end products or services but use substantially less hazardous substances or result in the generation of substantially less hazardous waste;

(d) An evaluation of the identified opportunities. Opportunities must be grouped by priority and evaluated according to these priorities. The priorities are, in descending order: Hazardous substance use and hazardous waste reduction; recycling; and, treatment. Opportunities of a lower priority must be given consideration only after a determination is made that the higher priority opportunities are inappropriate due to impediments to their implementation. Impediments that are considered acceptable include, but are not limited to:

(i) Adverse impacts on product quality, legal or contractual obligations;

(ii) Economic and technical practicality;

(iii) Safety considerations; and

(iv) The creation of substantial new risks to human health or the environment.

Except with respect to the use and distribution of fertilizers or pesticides intended for commercial agricultural applications, the evaluation of hazardous waste reduction opportunities must include an evaluation of hazardous substance use reduction opportunities for those hazardous substances which subsequently result in hazardous waste streams as well as an evaluation of other opportunities for the reduction of hazardous waste.

The evaluation required under this subsection shall include:

(A) An economic analysis;

(B) A technical evaluation;

(C) An identification of whether, and if so how, the identified opportunity would result in a shifting of risk from one part of a process, environmental medium, or product to another; and

(D) An identification of all impediments to implementing the opportunities.

The economic analysis shall seek to identify the total costs associated with the current hazardous substance use and hazardous waste generation, management and disposal, compared with comparable costs associated with implementing the alternatives.

Evaluation of each opportunity may be considered complete when enough information is available to select or reject the opportunity for implementation. For opportunities rejected, the reason or reasons for rejecting them must be stated.

(e) A selection of opportunities to be implemented in accordance with the evaluation conducted in (d) of this subsection. For each selected opportunity, the process it affects must be identified, and estimates of the amount, by weight, of the reduction of hazardous substances or products containing hazardous substances and hazardous waste reduction that would be achieved through implementation must be stated, and the amount of hazardous wastes recycled or treated as a result of implementation must be included;

(f) A written policy stating that in implementing the selected options whenever technically and economically practicable, risks will not be shifted from one part of a process, environmental medium, or product to another;

(g) Specific performance goals in each of the following categories, expressed in numeric terms:

(i) Hazardous substances or products containing hazardous substances to be reduced or eliminated from use;

(ii) Hazardous wastes to be reduced or eliminated through hazardous waste reduction techniques;

(iii) Materials or hazardous wastes to be recycled; and

(iv) Hazardous wastes to be treated.

If the establishment of numeric performance goals is not practicable, the performance goals shall include a clearly stated list of objectives designed to lead to the establishment of numeric goals as soon as is practicable. Goals must be set for a five-year period from the first reporting date (see (h) of this subsection regarding implementation activities that will take longer than five years);

(h) A five-year implementation schedule, which shall display planned implementation activities for each of the five calendar years following completion of the plan. Information to be provided shall include, but is not limited to, the opportunities (or phases of opportunities) being implemented and related milestones. Where complete implementation of a selected opportunity will take longer than five years, the schedule shall contain relevant milestones within a five-year period and an estimated date of completion. The schedule may be in table form and organized by opportunities within processes, if desired.

(i) A description of how those hazardous wastes that are not recycled or treated and the residues from recycling and treatment processes are managed may be included in the plan.

(j) Documentation of any research conducted in fulfillment of any of the above subdivisions of this subsection must be available to the department upon request.

(k) For research laboratories, the plan may include, in lieu of all the detailed requirements of this subsection, a description of policies and procedures to be followed by laboratory personnel regarding the use of hazardous substances and the generation of hazardous wastes through laboratory research. These policies and procedures must be consistent with the waste reduction priorities as defined in this chapter.

(3) Part three. Part three shall provide a financial description of the plan, which shall identify costs and benefits realized from implementing selected opportunities to the extent reasonably possible. Part three shall also include a description of accounting systems that will be used to identify hazardous substance use and hazardous waste management costs. Liability, compliance, and oversight costs must be components of these accounting systems.

(4) Part four. Part four of the plan shall include a description of personnel training and employee involvement programs. Each facility required to write a plan is encouraged to advise its employees of the planning process and solicit comments or suggestions from its employees on hazardous substance use and waste reduction opportunities.

[Statutory Authority: Chapter 70.95C RCW. WSR 00-15-020 (Order 00-08), § 173-307-030, filed 7/11/00, effective 8/11/00; WSR 91-20-131 (Order 91-35), § 173-307-030, filed 10/1/91, effective 11/1/91; WSR 91-08-041 (Order 90-57), § 173-307-030, filed 4/1/91, effective 5/2/91.]