

**From:** Isner, Robert <Robert.Isner@ct.gov>

**Sent:** Monday, March 23, 2020 1:50 PM

**Cc:** Bunnell, Ross <Ross.Bunnell@ct.gov>; Sullivan, Kevin T <Kevin.T.Sullivan@ct.gov>; Latham, Mark <Mark.Latham@ct.gov>; Patel, Nisha <Nisha.Patel@ct.gov>; Gagliardo, Frank P <Frank.P.Gagliardo@ct.gov>; Barrett, Kevin <Kevin.Barrett@ct.gov>; Mark Barnes <MBarnes@redtechllc.com>; Odonnell.Maryjane@epa.gov

**To:** Brooks Parker <bparker@redtechllc.com>; Christopher Windnagle <CWindnagle@redtechllc.com>

**Subject:** Re: (resend - Notification received) Coronavirus question

(Resent with full message)

Chris,

Thank you for the update and for reaching out to DEEP in advance with this 10-day time limit issue.

DEEP will use its enforcement discretion on this matter in light of the unprecedented and uncertainty of impacts stemming from COVID-19 impacts on all business operations. Please keep DEEP informed as to when the subject hazardous waste shipment leaves your CT facility, and when it is received at the TSDF.

Please understand that DEEP's authority to waive or modify the federal RCRA requirements are very limited. Therefore, if you foresee or experience any additional hazardous waste management related issues stemming from COVID-19 impacts, please keep an open dialog with DEEP. DEEP is in communication with USEPA and there may be some interim guidance for RCRA generators, transporters and/or TSDF forthcoming on storage times and transportation logistics. Should DEEP receive such guidance from USEPA, we will send it out through our listervs and post to the DEEP webpage.

I have copied Maryjane O'Donnell at USEPA as she is also monitoring some of these issues for USEPA.

Be well,

Sincerely,  
Robert Isner  
DEEP

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**From:** Christopher Windnagle <[CWindnagle@redtechllc.com](mailto:CWindnagle@redtechllc.com)>

**Sent:** Monday, March 23, 2020 11:41 AM

**To:** Isner, Robert

**Cc:** Bunnell, Ross; Sullivan, Kevin T; Latham, Mark; Patel, Nisha; Gagliardo, Frank P; Barrett, Kevin; Mark Barnes; Brooks Parker

**Subject:** RE: Coronavirus question

Good morning – in follow up to conversations held with Ross and David last week, the load scheduled to leave RED Tech yesterday (day 10) was delayed due to the announcements of closings in Ohio yesterday afternoon until clarification was obtained from Chemtron Corporation as to their operating status. The load has been rescheduled to leave tonight and will be delivered on Friday (March 27 at 2 PM). Rather than a RED Tech truck and driver the load will be leaving with Clear Trucking (EPA ID NYR000237966).

Should you have any questions or if we need to make any formal or additional requests or notifications with respect to this load please let us know as soon as possible. Thank you.

Chris

**Chris Windnagle**  
Technical Service  
Office: 860.894.4606 | Email: [cwindnagle@redtechllc.com](mailto:cwindnagle@redtechllc.com) |  
Fax: 860.342.1042



**RED Technologies, LLC**  
173 Pickering Street, Portland, Connecticut 06480  
Tel: 860-342-1022 | Fax: 860.342.1042 | Web:  
[www.redtechllc.com](http://www.redtechllc.com)

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**From:** Bunnell, Ross <[Ross.Bunnell@ct.gov](mailto:Ross.Bunnell@ct.gov)>  
**Sent:** Friday, March 20, 2020 3:02 PM  
**To:** Christopher Windnagle <[CWindnagle@redtechllc.com](mailto:CWindnagle@redtechllc.com)>  
**Cc:** Isner, Robert <[Robert.Isner@ct.gov](mailto:Robert.Isner@ct.gov)>; Sullivan, Kevin T <[Kevin.T.Sullivan@ct.gov](mailto:Kevin.T.Sullivan@ct.gov)>; Latham, Mark <[Mark.Latham@ct.gov](mailto:Mark.Latham@ct.gov)>; Patel, Nisha <[Nisha.Patel@ct.gov](mailto:Nisha.Patel@ct.gov)>; Gagliardo, Frank P <[Frank.P.Gagliardo@ct.gov](mailto:Frank.P.Gagliardo@ct.gov)>; Barrett, Kevin <[Kevin.Barrett@ct.gov](mailto:Kevin.Barrett@ct.gov)>  
**Subject:** Coronavirus question

Chris:

Your email was forwarded to me for response. I am hopeful that the issues you have raised in your email are now moot. As we discussed on the phone today, you expect your shipment to Chemtron to occur as originally scheduled. In addition, you indicated that you have received confirmation from the federal government that the closing of the U.S./Canada border is limited to crossings by individual persons, and does not affect commercial traffic, such as your shipments to Stalex.

Nevertheless, should circumstances change and you end up in a situation where you cannot ship hazardous waste off-site within the 10-day storage timeframe specified in your hazardous waste transfer facility permit, you currently have several options available to you. In particular, you may:

- 1.) Return the waste to the generator on a hazardous waste manifest; or,

- 2.) Transfer the waste to a fully-permitted TSD for storage until it can be shipped to its final destination; or,
- 3.) Obtain an emergency permit under the provisions of RCSA Section 22a-449(c)-110(a)(1), incorporating [40 CFR 270.61](#) to allow you to store hazardous waste for greater than 10 days. You should submit any such request by email to our Division Director, Robert Isner, at [robert.isner@ct.gov](mailto:robert.isner@ct.gov). The request should include the expected timeframe that the emergency permit would be needed, and explain in detail why the emergency permit is necessary.

In addition to the above options, more options may become available as the response to the COVID-19 outbreak continues. DEEP is coordinating with staff at EPA Headquarters and at EPA Region 1 on a number of issues presented by this outbreak. This coordination may result in the formulation of some sort of temporary relief from the storage time requirements at both generator sites and 10-day transfer facilities. If so, we will get back to you and advise you accordingly. DEEP understands the challenges arising from COVID-19, and is working with EPA and other states on appropriate relief that further the objective of protecting human health and the environment.

Feel free to get back to me if you have any further questions.

Ross Bunnell  
Senior Sanitary Engineer  
Waste Engineering & Enforcement Division  
Bureau of Materials Management and Compliance Assurance  
Connecticut Department of Energy and Environmental Protection  
79 Elm Street, Hartford, CT 06105-5127  
P: 860.424.3274 | F: 860.424-4059 | E: [ross.bunnell@ct.gov](mailto:ross.bunnell@ct.gov)



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[www.ct.gov/deep](http://www.ct.gov/deep)

***Conserving, improving and protecting our natural resources and environment;  
Ensuring a clean, affordable, reliable, and sustainable energy supply.***

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**From:** Christopher Windnagle <[CWindnagle@redtechllc.com](mailto:CWindnagle@redtechllc.com)>  
**Sent:** Tuesday, March 17, 2020 2:23 PM  
**To:** Frigon, Gabrielle <[Gabrielle.Frigon@ct.gov](mailto:Gabrielle.Frigon@ct.gov)>; Stokes, David <[David.Stokes@ct.gov](mailto:David.Stokes@ct.gov)>  
**Cc:** Mark Barnes <[MBarnes@redtechllc.com](mailto:MBarnes@redtechllc.com)>  
**Subject:** Coronavirus question

Good afternoon – We have a coronavirus related questions with respect to the 10 limits for RCRA waste. We picked up waste last Friday and are scheduled to leave outbound Sunday with delivery to

Chemtron on Monday. As of today that is still the case, so there is no issue, but can you please provide us guidance if Chemtron were to temporary close or be ordered to shut down or commerce is curtailed in a way that restricts or prevents us from making that schedule? Will it need to be returned to the generator or will we need to submit special requests to keep the material secure here while/if any shutdown occurs.

We are also putting together an LTL for material to bring to Stablex in Canada. As of now it is business as usual at the border and we have verified that as far as they can foresee that will not change. If after we start that LTL pick up the Canadian border becomes restricted or limited for crossings, how does DEEP foresee us needing to handle the waste with respect to the 10 day limit?

Thank you

**Chris Windnagle**

**Office: 860.894.4606 | Email: [cwindnagle@redtechllc.com](mailto:cwindnagle@redtechllc.com) |**

**Fax:860.342.1042**



**RED Technologies, LLC**

173 Pickering Street, Portland, Connecticut 06480

**Tel:** 860-342-1022 | **Fax:** 860.342.1042 | **Web:**

[www.redtechllc.com](http://www.redtechllc.com)