



STATE OF CONNECTICUT
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF WASTE MANAGEMENT
 ENGINEERING & ENFORCEMENT DIVISION

79 ELM STREET, HARTFORD CT 06106-5127
 TEL. (860) 424-3023 TOLL-FREE: 1-888-424-4193 www.dep.state.ct.us

Environmental Program Fact Sheet

DEP ISSUES NEW HAZARDOUS WASTE REGULATIONS*

On October 31, 2001, DEP issued new hazardous waste regulations that replaced the state hazardous waste regulations issued on July 17, 1990. These new rules mainly served to incorporate numerous federal rules issued by EPA between 1989 and 1995 (with certain changes to be consistent with state law, or for appropriate technical reasons). This fact sheet summarizes many of the changes contained in these regulations. Please note that these regulations were later revised on June 27 and September 10, 2002. A separate fact sheet summarizes these revisions to the new regulations.

What Are Some of the Changes in the New Regulations?

The following table lists many of the changes in the October 31, 2001 regulations. At the end of each entry in the table is the state or federal citation for the new requirement. For new **state** rules, this citation identifies where in Section 22a-449(c) of the Regulations of Connecticut State Agencies (“RCSA”) the rule is located. Please note that the beginning part of this citation (i.e., “22a-449(c)-”) has been omitted to save space. For the new **federal** rules that are incorporated by the new state rules, the citation uses the federal numbering system (i.e., “40 CFR” followed by the section number). Please note that this table is only a **partial listing** of the changes in the new rules. Readers must refer to the actual rules in order to determine the precise impact on their operations.

SUBJECT/TOPIC	SOME MAJOR CHANGES IN THE RULES
<p>Hazardous Waste Identification</p>	<ul style="list-style-type: none"> • TCLP. The Toxicity Characteristic Leaching Procedure (“TCLP”) is now officially required when determining if a waste is toxic. 40 CFR 261.24 • Waste code changes. Numerous EPA waste codes were added, removed, or modified. 40 CFR 261.32 & 261.33 • Hazardous waste determinations must be done annually or whenever there is a process or raw material change, and generators that use knowledge of process for their waste determinations must document the basis for their claim. 102(a)(2)(A) • New exemptions. Adopted federal exemptions for petroleum-contaminated media and debris from underground tank cleanups, used chlorofluorocarbons (CFCs) being reclaimed, and non-terne-plated used oil filters. 40 CFR 261.4(b)(10), (12), & (13) • Precipitation run-off is included in the definition of “derived-from” wastes, unless such precipitation is subject to DEP’s stormwater general permit. 101(a)(2)(H) • Domestic sewage. Clarified that wastes exempt under the “domestic sewage” exclusion of 40 CFR 261.4(a)(1)(ii) are still subject to certain notification requirements. 101(a)(2)(I)

* **Note:** This fact sheet contains numerous revisions and supersedes the earlier versions of this fact sheet dated December 2001 and January 2002.

SUBJECT/TOPIC	SOME MAJOR CHANGES IN THE RULES
Conditionally Exempt Small Quantity Generators (CESQGs)	<ul style="list-style-type: none"> • <u>Allowed destination facilities.</u> CESQGs may send their hazardous waste to facilities licensed by DEP to accept household hazardous waste, and may send their universal waste to universal waste handlers and destination facilities. 101(a)(2)(S) & (U) • <u>Applicable requirements.</u> Clarified that CESQGs are only subject to the requirements of 40 CFR 261.5 and section 101(b) of the state regulations. 101(b) • <u>Storage over 1000 kg.</u> Clarified that CESQGs storing more than 1000 kg of hazardous waste are subject to large quantity generator requirements. 101(a)(2)(T)
Small Quantity Generators (SQGs)	<ul style="list-style-type: none"> • <u>Allowed storage units.</u> Clarified that SQGs may only store waste in tanks or containers (and not in any other type of unit). 102(c) • <u>Applicable requirements.</u> Clarified that SQGs must comply with requirements concerning hazardous waste determinations, notification, use of manifest, pre-transport requirements, satellite containers, secondary containment, generator closure, inspection schedule and log, and 40 CFR 262 subparts E - G. 102(c) & 102(b)(2) • <u>Transporters.</u> Clarified that SQGs must use transporters that are permitted by DEP. 102(c) & 102(b)(1) • <u>Spill response.</u> Clarified that SQGs must report spills to DEP's 24-hour spill response line in addition to the National Response Center, and must comply with CGS Section 22a-450 spill response requirements. 102(a)(2)(P)
Large Quantity Generators (LQGs)	<ul style="list-style-type: none"> • <u>Air emissions.</u> LQGs must comply with the requirements for the control of organic emissions from process vents and equipment leaks in 40 CFR 265 subparts AA and BB. 40 CFR 262.34(a)(1)(i) & (ii) • <u>Tank closure.</u> LQGs must comply with the tank closure requirements of 40 CFR 265.197(c). NOTE: this provision was removed effective June 27, 2002.
Treatment Storage and Disposal Facilities (TSDFs)	<ul style="list-style-type: none"> • <u>Use of sorbents.</u> Disposal of liquids that are contained in biodegradable sorbents or in sorbents that release liquids when managed in landfills is prohibited. 40 CFR 265.314(f) • <u>Air emissions.</u> Adopted federal requirements for the control of organic emissions from process vents and equipment leaks. 40 CFR 264 & 265, Subparts AA & BB • <u>Recordkeeping.</u> Eliminated the requirement that a copy of the manifest be maintained with waste analysis records. 104(a)(1), 105(a)(1), 40 CFR 264.13(a)(4) & 265.13(a)(4) • <u>Reporting.</u> Reporting frequency reduced from annual to biennial. 104(a)(1), 105(a)(1); 40 CFR 264.75 & 265.75 • <u>Spill response.</u> Clarified that TSDFs must report tank spills to DEP's 24-hour hotline in addition to National Response Center, and must comply with CGS Section 22a-450 spill response requirements. 104(a)(2)(Z) & 105(a)(2)(V) • <u>Groundwater monitoring:</u> (1) Allowed demonstration of an alternate downgradient monitoring well - 40 CFR 265.91(a)(3); (2) Allowed DEP to waive groundwater monitoring requirements (while imposing appropriate conditions) - 105(a)(2)(N); (3) Allowed DEP to reduce frequency of groundwater monitoring from quarterly to semi-annual (while imposing appropriate conditions) - 105(c)(2)(B); (4) Groundwater reporting is now annual, not quarterly (unless specifically requested by DEP) - 105(c)(3)(A) & (B). • <u>Liability requirements.</u> Required that third-party claims against liability coverage be reported. 40 CFR 264.147(a)(7) & (b)(7); 40 CFR 265.147(a)(7) & (b)(7) • <u>Closure and post-closure requirements.</u> Clarified that facilities that lose their permit or interim status must comply with closure, post-closure, and financial assurance requirements. 110(a)(2)(T), 110(a)(2)(SS) • <u>Public meetings.</u> Permit process modified to require a public informational meeting, while making a formal, adjudicated hearing discretionary. 110(a)(2)(III) • <u>Fees.</u> Established fees for hazardous waste permit modifications and transfers. 110(b)

SUBJECT/TOPIC	SOME MAJOR CHANGES IN THE RULES
Storage Requirements	<ul style="list-style-type: none"> • <u>Containment Buildings and Drip Pads</u> were added as allowable types of storage and treatment units for LQGs and TSDFs. 40 CFR 262.34(a)(1)(iii) & (iv); 40 CFR 264 & 265 subparts W & DD • <u>Marking requirements.</u> SQGs, LQGs, and TSDFs must mark containers and tanks with words describing the contents, such as “flammable,” “acid,” “alkaline,” “cyanide,” “reactive,” “explosive,” “halogenated solvent,” or the chemical name. SQGs and LQGs storing waste in containers that are one gallon or less in size may mark this information on the storage unit in which the container is stored, rather than the container itself. 102(a)(2)(J) & (N), 104(c), 104(e), 105(e), & 105(g) • <u>Satellite storage requirements.</u> Added the following requirements to the list of requirements that apply to satellite storage areas: (1) 40 CFR 265.31, maintenance and operations of facilities; (2) 40 CFR 265.173(b), management of containers; and, (3) 40 CFR 265.177, incompatible wastes. 102(a)(2)(M)
Inspection Requirements	<ul style="list-style-type: none"> • <u>Safety and emergency equipment.</u> SQGs, LQGs, and TSDFs must inspect safety and emergency equipment at least once per month. 105(a)(2)(G)
Land Disposal Restrictions (LDRs)	<ul style="list-style-type: none"> • <u>Updated state rules</u> to be consistent with federal changes through July 1, 1995. 108(a)(1) • <u>Treatment standards.</u> Updated tables of “Treatment Standards for Hazardous Wastes” and “Universal Treatment Standards.” 40 CFR 268.40 & 268.48 • <u>Adopted special treatment standards</u> for hazardous debris and HTMR residues. 40 CFR 268.45 & 268.46 • <u>LDR notices.</u> Generators may send LDR notices and certifications to their TSDF on a one-time basis instead of with each shipment (unless the waste or receiving facility changes, in which case a new notice or certification must be sent). 40 CFR 268.7 • <u>Materials used in a manner constituting disposal</u> are subject to LDRs. 40 CFR 266.23 • <u>Definition of “wastewater”</u> was modified to eliminate the special definitions for certain “F” and “K” listed wastes. 40 CFR 268.2(f) • <u>One-time notification requirements for generators of hazardous debris</u> were listed and clarified. 108(a)(2)(R)
Requirements for Recyclable Materials	<ul style="list-style-type: none"> • <u>Recycling registration and reporting.</u> Clarified which materials are subject to DEP’s recyclable material registration and reporting requirements, and clarified that generators are subject to these requirements. 101(c)(2) • <u>Exempt units.</u> The following units are exempt from recycling registration and reporting requirements: (1) units which are an integral part of an industrial production process; (2) wastewater treatment units; (3) recycling equipment used by CESQGs to recycle their own waste; and, (4) storage facilities subject to permitting requirements. 101(c)(3) • <u>“Case-by-case” recycling requirements.</u> Clarified the “case-by-case” recycling provisions (i.e., what materials and what facilities they apply to). 101(c)(4) • <u>Marking requirements.</u> Tanks and containers used to store characteristically hazardous sludges and byproducts, and commercial chemical products being reclaimed must be marked to identify the contents and the date of accumulation. 101(a)(2)(D) Tanks and containers used to store materials which are used or reused in accordance with 40 CFR 261.2(e) must be marked to identify the contents and the date of accumulation. 101(a)(2)(F) • <u>Clarification of requirements for recycling units.</u> Clarified that recycling units exempt from regulation under 40 CFR 261.6(c) are still subject to CGS Section 22a-454 and section 101(c) of the state regulations. 101(a)(2)(Z)

SUBJECT/TOPIC	SOME MAJOR CHANGES IN THE RULES
Requirements for Recyclable Materials (Continued)	<ul style="list-style-type: none"> • Precious metal recycling. New section added for recyclable materials utilized for precious metal recovery: (1) clarified that containers and tanks storing these materials must be marked so as to identify the contents and the date of accumulation; (2) accumulation start date for wastes stored in tanks may be in a log rather than on the tank itself; and, (3) clarified that the recyclable material registration and reporting requirements of section 101(c) of the state regulations apply. 106(b)
Universal Waste Rule	<ul style="list-style-type: none"> • Federal rule adopted. EPA’s Universal Waste Rule adopted in Connecticut for batteries, pesticides, thermostats, and lamps. 113 • Clarifications for universal waste lamps. Clarified: (1) which lamps are subject to regulation as universal waste lamps; (2) when lamps are considered to be “generated;” and, (3) lamps that are not managed as universal waste are subject to hazardous waste requirements. 40 CFR 273.5; 113(a)(2)(C) • Non-hazardous mercury-containing lamps must be managed in accordance with the same standards as hazardous lamps. 209-17 • Large quantity handlers of universal waste pesticides are not exempt from notification requirements (as provided in the federal rules). 113(a)(1) • NOTE: universal waste transporters and destination facilities may still be subject to certain permitting requirements under CGS Sections 22a-209(e) and/or 22a-454.
Lead-Acid Batteries	<ul style="list-style-type: none"> • Must document weekly storage area inspections in an inspection log. 106(c)(1) • “Regeneration” of spent lead acid batteries defined. 106(c)(6) • May be managed under Universal Waste Rule (see above). 106(c)(1), 113
Hazardous Wastes Burned in BIFs	<ul style="list-style-type: none"> • Adopted federal requirements for the burning of hazardous waste in Boilers and Industrial Furnaces (BIFs). 40 CFR 266 subpart H
Used Oil - General	<ul style="list-style-type: none"> • Adopted 40 CFR 279 federal used oil rules (more details below). 119(a)(1) • Mixing hazardous waste with used oil is prohibited, unless such mixing is for legitimate recycling purposes. 119(a)(2)(D) • Definition of “used oil” includes waste oils that have not been used. 100(c)(35) • Definitions of “on-spec” and “off-spec” used oil fuel were created. 119(a)(2)(A) • Spill response. Clarified that cleanup must not only address the material spilled, but also any contaminated soil, groundwaters, or surface waters. 119(a)(2)(O), (FF), (WW), & (PPP) • Used oil as a dust suppressant. Used oil may never be used for dust suppression in Connecticut. 119(a)(1)(B) • Used oil that is not or cannot be recycled is subject to all applicable disposal requirements in the state hazardous waste rules. 119(a)(2)(YYY) • Applicability of CGS §22a-454. Clarified that the permitting requirements of CGS Section 22a-454 apply independently of the used oil regulations. 119(e)
Used Oil - Testing and Characterization	<ul style="list-style-type: none"> • Test methods specified for total halogen and used oil fuel specification testing. 119(a)(2)(G), (Z), (PP), (III), & 119(b)(1)(A)(i) • Knowledge of process information that is used as a substitute for analytical testing to determine total halogen content must be documented. 119(a)(2)(AA), (QQ), (JJJ), & 119(b)(1)(A)(ii) • Rebuttable presumption. The presumption of mixing with listed hazardous waste for used oils with greater than 1000 ppm total halogens may be rebutted if the oil does not have more than 100 ppm of any one of the F001/F002 chlorinated solvents. 119(a)(2)(B), (BB), (RR), (KKK), & 119(b)(1)(B) • Adopted exemptions from rebuttable presumption for chlorinated paraffin cutting oils and oils with CFCs (e.g., freon). 40 CFR 279.10(b)(1)(ii)(A) & (B) • High-halogen used oils that are not rebutted. Unless the presumption of mixing is successfully rebutted, a used oil with over 1000 ppm total halogens must be managed as a hazardous waste. 119(a)(2)(B), (L), (BB), (RR), (KKK), & 119(b)(1)(B)

SUBJECT/TOPIC	SOME MAJOR CHANGES IN THE RULES
Used Oil - Testing and Characterization (Continued)	<ul style="list-style-type: none"> • Testing of mixtures. Mixtures of used oil and ignitable-only hazardous wastes need only be tested for ignitability to determine if they are hazardous waste. 119(a)(2)(C) • Fuel specification testing. Analytical testing is required to determine a used oil is “on-spec” fuel (i.e., knowledge of process is not allowed). 119(a)(2)(G) & (UUU) • Minimum heating value of 5000 BTU/lb for used oil fuels. 119(a)(2)(A) & (P)
Used Oil - Generators	<ul style="list-style-type: none"> • Subject to the used oil generator requirements of 40 CFR 279 subpart C. • Storage areas. Tank and container storage areas storing over 55 gallons of used oil must be equipped with an impervious surface. If outdoors, the storage area must also have secondary containment (e.g. a berm). 119(b)(2) • Total halogen determinations. Clarified that generators must determine the total halogen content of their used oil, and, if necessary, apply the rebuttable presumption. Records of total halogen determinations must be kept for 3 years. 119(b)(1)
Used Oil - Collection Centers and Aggregation Points	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 subpart D. These requirements, in turn, require compliance with used oil generator requirements (see above). • Used Oil Collection Centers must have a permit to operate in Connecticut (this is not required for Aggregation Points). 119(a)(2)(A) & (R)
Used Oil - Transporters and Transfer Facilities	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 subpart E. • EPA ID Number is required <u>before</u> transporting used oil. 119(a)(2)(U) • Transfer facilities may not store for more than 10 days. 119(a)(2)(A) & (DD) • Vehicle-to-vehicle transfers. Transporters that transfer used oil from one vehicle to another must have secondary containment (note: this activity may also require a permit). 119(c) • Spill response. Must report spills using DEP’s 24-hour Spill Response telephone number (in addition to the National Response Center), and must comply with the spill response requirements of CGS Section 22a-450. 119(a)(2)(W)
Used Oil - Processors and Re-Refiners	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 Subpart F. • EPA ID Number is required <u>before</u> processing used oil. 119(a)(2)(GG) • Total halogen determinations. Analyses or other records documenting total halogen determinations must be retained for at least three years. 119(a)(2)(SS) • Emergency equipment must be tested monthly, and after each use. 119(a)(2)(II) • Spill response. Must report spills using DEP’s 24-hour Spill Response telephone number (in addition to the National Response Center), and must comply with the spill response requirements of CGS Section 22a-450. 119(a)(2)(MM) • Closure. Established timeframes for the closure of used oil storage areas, and clarified that contaminated surface and groundwaters must be cleaned up during closure. 119(a)(2)(WW), (XX), & 119(d) • Operating records must be retained until closure is completed. 119(a)(2)(AAA) • Biennial Reports must be filed on whatever forms DEP may specify, and shall include additional information if requested by DEP. 119(a)(2)(BBB)
Used Oil - Burners	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 Subpart G. • Burning of CFC oils. Clarified that used oil from refrigeration units must first have the CFCs reclaimed from it before being burned. 119(a)(2)(LLL) • Recordkeeping. Clarified that the burner retains a <u>copy</u> of the burner certification (not the original). 119(a)(2)(QQQ)
Used Oil - Marketers	<ul style="list-style-type: none"> • Subject to the requirements of 40 CFR 279 Subpart H. • Recordkeeping. Clarified that the marketer retains the original copy of the burner certification. 119(a)(2)(XXX)
22a-454 Permits	<ul style="list-style-type: none"> • Fees. Modified and clarified permit fee requirements. 454-1

SUBJECT/TOPIC	SOME MAJOR CHANGES IN THE RULES
<ul style="list-style-type: none"> • Miscellaneous 	<ul style="list-style-type: none"> • <u>New definitions</u> provided for the terms battery, impermeable or impervious, integral part of an industrial production process, lamp or universal waste lamp, ppmv (parts per million by volume), replacement unit, small quantity generator, state hazardous waste management regulations, universal waste, used oil, and several others. 100(c) • <u>Farmers disposing of pesticides</u> must comply with any federal, state, or local laws which are more stringent than the pesticide label. 102(a)(2)(FF)

How Can I Get a Copy of the New State Regulations?

The new rules were published in the Connecticut Law Journal on December 11, 2001 (although this version only included those sections of the rules that were **changed**). The Connecticut Law Journal may be found at many public and university libraries, and at the law libraries located at each state courthouse. To get a **complete copy** of the new rules, **including numerous amendments** made to them on June 27 and September 10, 2002, visit the DEP web site at <http://dep.state.ct.us/wst/hw/hwregs.htm>, or call or write DEP and ask to have a copy mailed to you. Telephone number and address information is listed at the beginning of this fact sheet.

What about the Federal Hazardous Waste Regulations?

Like the 1990 state rules, the new state rules incorporate the federal hazardous waste regulations with certain specified additions, deletions, and changes specifically for Connecticut. The relevant sections of the federal hazardous waste regulations may be found in Title 40 of the Code of Federal Regulations (“40 CFR”), Parts 260 through 268, 270, 273, and 279. These regulations may be found at many public and university libraries, at the law libraries located at each state courthouse, and on the DEP web site at <http://dep.state.ct.us/wst/hw/hwregs.htm>. The CFR edition that is currently incorporated by the state rules is the edition dated July 1, 2000.

Does DEP Have More Guidance on the New Regulations?

As noted above, the new regulations that are summarized in this fact sheet were revised on June 27 and September 10, 2002. These revisions are summarized in a separate fact sheet entitled “DEP Revises Hazardous Waste Regulations.” To get a copy of this fact sheet, visit the DEP web site at <http://dep.state.ct.us/wst/hw/hwregs.htm>, or call or write DEP and ask to have a copy mailed to you. Telephone number and address information is listed at the beginning of this fact sheet.

In addition, DEP is also in the process of revising its many hazardous waste fact sheets and guidance documents to make them consistent with the new rules. Readers are advised to periodically check the DEP web site listed above for developments in this area.

The Department of Environmental Protection is an equal opportunity/affirmative action employer, and its programs and services are offered without regard to race, color, religion, national origin, age, sex, or disability. In conformance with the Americans with Disabilities Act, the DEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities needing auxiliary aids or services for effective communication should call (860) 424-3035 or TDD 424-3333.