



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



December 30, 1999

Mr. Gary M. Davis
Vice President
Environmental Enterprises, Inc.
4650 Spring Grove Avenue
Cincinnati, Ohio 45232

Dear Mr. Davis:

Thank you for your letter dated September 8, 1999 regarding the management of mercury wastes generated in Connecticut. DEP supports your efforts to ensure the regulated community, including CESQGs, have disposal options available for this waste stream.

Please find enclosed five documents. The first is a letter from a company with a similar request. In that case, Connecticut approved a Program of Demonstration in an effort to allow the transport of waste mercury without a manifest through common carrier to a recycler. The second is a copy of Connecticut's changes to the federal regulations that includes more stringent CESQG hazardous waste management requirements and changes to the recycling regulations in 40 CFR. The third is a copy of our Conditionally Exempt Small Quantity Generator Handbook that includes information on requirements for the transportation of CESQG hazardous waste. The fourth is a guidance document on Connecticut Regulated Waste. If your waste is non-hazardous, it may still be considered a RCRA non-hazardous waste in Connecticut. The fifth is a copy of the Connecticut General Statutes (CGS) under 22a-454, which are regulations that pertain to the permitting of certain wastes. The answers to the five questions in your letter are as follows:

1) Does your state impose any restrictions on exempt small quantity generators that would preclude them from recycling their wastes as proposed?

Yes. At this time, Connecticut has not adopted the Universal Waste Rule, which applies to any generator of hazardous waste. Because of this, any hazardous waste would still have to be transported either by a licensed hazardous waste transporter or by the generator, in a vehicle owned by the generator, *directly to a permitted TSD* in Connecticut. Since Connecticut does impose hazardous waste transportation requirements on CESQGs, it would preclude them from managing their wastes as proposed in your September 8, 1999 letter that would allow CESQGs to transport the waste by way of common carrier. Your type of proposal will likely be allowed once Connecticut adopts the Universal Waste Rule.

2) Would you require the use of a manifest for such shipments?

CESQGs are not required to use manifests in Connecticut, but many transporters will not accept hazardous waste without them.

Environmental Enterprises Incorporated
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3) Can universal waste be shipped in this fashion?

Upon adoption of the Universal Waste Rule in Connecticut, universal waste will be able to be shipped by common carrier without a manifest by all generators. Until then, hazardous waste cannot be shipped by common carrier.

4) Can generators', other than exempt generators, characteristic wastes be shipped in this fashion if they are not deemed a waste but rather a material for recycle?

Connecticut has adopted 40 CFR 261.2 with changes as noted in the enclosed Regulations of Connecticut State Agencies (RCSA) document. It would appear that if your waste was exempt under federal and state RCRA regulations, it would not be considered a solid waste and therefore, not subject to RCRA hazardous waste requirements if going for recycling. If your waste does not fall under the exemption in this section of 40 CFR 261, you must manage your waste as a solid waste, conduct hazardous waste determinations on the waste and manage it accordingly. RCRA requires any company that uses this regulatory exemption comply with 40 CFR 261.2(f), ensuring that the company can prove that the waste is exempt under RCRA.

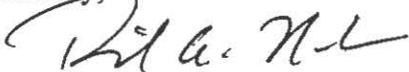
Be aware that even if your waste is RCRA non-hazardous, it may still be regulated as a state hazardous or Connecticut Regulated Waste (CRW). In addition, you may also have permitting obligations under Connecticut General Statutes (CGS) 22a-454 related to the treatment and storage of your waste.

5) Can metallic mercury be shipped this way?

No. DEP interprets federal RCRA regulations to say that metallic mercury must be shipped as a RCRA hazardous waste.

If you have any further questions regarding this issue, please contact MaryAnn Nusom Haverstock of the Waste Engineering and Enforcement Division at (860) 424-3347.

Sincerely,



David A. Nash, Director
Bureau of Waste Management
Waste Engineering and Enforcement Division

DAN/mnh
cc: Valerie Bodner, WEED / State Compendium File

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



May 19, 1999

Mr. Ric Erdheim
Executive Director
Thermostat Recycling Corporation
1300 North 17th Street
Rosslyn, VA 22209-3349

Dear Mr. Erdheim:

We have reviewed the request outlined in your letter of May 3, 1999 to do a project of demonstration in Connecticut to collect mercury-containing thermostats under the Universal Waste Rule. The Department will allow a project of demonstration for a period of one year.

The conditions of the project will be specified in a Memorandum of Understanding (MOU) to be signed by the TRC and the Department. The Department is currently drafting the MOU and expects to forward it to the TRC within the next two months.

We support the concept of product stewardship and the goals of the TRC program. We look forward to the program's implementation in Connecticut. If you have any questions, please contact Tom Metzner at (860) 424-3242.

Sincerely,

A handwritten signature in cursive script that reads 'Richard J. Barlow'.

Richard J. Barlow
Chief, Bureau of Waste Management

RJB/tm

emergency resulting from the discharge, spillage, uncontrolled loss, seepage or filtration of such substance or material or waste. Said commissioner may enter into agreements with the federal government, such municipalities or authorities, to coordinate supervisory activities and, subject to adequate appropriations, share reasonable costs. The commissioner may contract with any person, firm or corporation for such protective and cleanup services as may from time to time be required.

(1969, P.A. 765, S. 6; 1971, P.A. 872, S. 106; P.A. 79-605, S. 7, 17.)

History: 1971 act replaced references to water resources commission with references to environmental protection commissioner; P.A. 79-605 clarified provisions by adding references to solid, liquid or gaseous products, to hazardous wastes and to emergencies resulting from discharge, spillage, uncontrolled loss etc. and by deleting phrases which had limited applicability of provisions to cases involving state waters; Sec. 25-54gg transferred to Sec. 22a-453 in 1983.

Sec. 22a-453a. Oil spill contingency planning and coordination. The Commissioner of Environmental Protection shall develop and implement a program of oil spill contingency planning and coordination with local officials.

(P.A. 90-269, S. 1, 8; P.A. 92-162, S. 14, 25.)

History: P.A. 92-162 deleted requirement that the commissioner adopt regulations to implement the provisions of this section.

Sec. 22a-454. (Formerly Sec. 25-54hh). Permit for collection, storage or treatment, containment, removal or disposal of certain substances, materials or wastes; Suspension or revocation. Prohibition of disposal of certain hazardous wastes in a land disposal facility. Status changes. (a) No person shall engage in the business of collecting, storing or treating waste oil or petroleum or chemical liquids or hazardous wastes, or of acting as a contractor to contain or remove or otherwise mitigate the effects of discharge, spillage, uncontrolled loss, seepage or filtration of such substance or material or waste nor shall any person, municipality or regional authority dispose of waste oil or petroleum or chemical liquids or waste solid, liquid or gaseous products or hazardous wastes without a permit from the commissioner. Such permit shall be in writing, shall contain such terms and conditions as the commissioner deems necessary and shall be valid for a fixed term not to exceed five years. No permit shall be granted, renewed or transferred unless the commissioner is satisfied that the activities of the permittee will not result in pollution, contamination, emergency or a violation of any regulation adopted under sections 22a-30, 22a-39, 22a-116, 22a-347, 22a-377, 22a-430, 22a-449, 22a-451 and 22a-462. The commissioner shall require payment of a fee of five hundred dollars per year for each year covered by a permit to transport hazardous waste and the payment of a fee of fourteen thousand dollars for a permit to treat waste oil or petroleum or chemical liquids. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to prescribe the amount of the fees required pursuant to this section. Upon the adoption of such regulations, the fees required by this section shall be as prescribed in such regulations. The commissioner may suspend or revoke a permit for violation of any term or condition of the permit, for conviction of a violation of section 22a-131a or for assessment of a fine under section 22a-131. The commissioner may conduct a program of study and research and demonstration, relating to new and improved methods of waste oil and petroleum or chemical liquids or waste solid, liquid or gaseous products or hazardous wastes disposal. For the purposes of this section, collecting, storing, or treating of waste oil, petroleum or chemical liquids or hazardous waste shall mean such activities when engaged in by a person whose principal business is the management of such wastes.

(b) No person may dispose of any hazardous waste in a hazardous waste land disposal facility except the following: (1) Metal hydroxide sludge generated from the treatment of electroplating or metal finishing operation waste waters or any other metal

hydroxide sludge resulting from an c and which has rece cut Siting Council reasonably be inci residue from waste has been determin missioner. As use section 22a-115 a of a facility where surface and remai subsection shall ne bly. Notwithstand posal of hazardous be as stringent as Recovery Act of 1

(c) No person one vehicle to anc from the commiss

(d) The comm under this section incinerator; (2) fo thousand dollars t (c) of this section. another container of hazardous wast remains in the or dollars for each h an application for of twenty-five do an application fo regulations, in ac of the fees require fees required by t

(e) (1) The c which require a p (b) of section 22a been obtained pr requirements of t municipality con not be required to as provided in st category of activ operations; (B) if of substances; (C the same or simil appropriately co general permit m

hydroxide sludge approved by the commissioner; (2) hazardous waste sludge or residue resulting from an operation determined by the commissioner to be a recycling operation and which has received the required approvals from the commissioner and the Connecticut Siting Council, provided the commissioner determines that such residue cannot reasonably be incinerated or otherwise managed and (3) hazardous waste spills, fly ash, residue from waste-to-energy facilities or municipal waste water treatment sludge that has been determined to be hazardous waste but approved for such disposal by the commissioner. As used in this subsection, "hazardous waste" has the same meaning as in section 22a-115 and "hazardous waste land disposal facility" means a facility or part of a facility where hazardous waste is applied onto, placed within or beneath the soil surface and remains after closure of the facility. The prohibition established by this subsection shall not continue after July 1, 1991, unless renewed by the General Assembly. Notwithstanding the provisions of this subsection, any restrictions on the land disposal of hazardous waste imposed by the commissioner pursuant to this subsection shall be as stringent as those imposed under Subtitle C of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.), as amended.

(c) No person shall engage in the business of the transfer of hazardous waste from one vehicle to another or from one mode of transportation to another without a permit from the commissioner issued under subsection (a) of this section.

(d) The commissioner shall require the payment of the following fees for permits under this section: (1) Thirty thousand dollars to operate a hazardous waste landfill or incinerator; (2) fourteen thousand dollars to store or treat hazardous waste; (3) seven thousand dollars to engage in the transfer of hazardous waste as described in subsection (c) of this section if the hazardous waste is transferred from its original container to another container; and (4) two thousand five hundred dollars to engage in the transfer of hazardous waste as described in subsection (c) of this section if the hazardous waste remains in the original container. The commissioner shall also charge a fee of fifty dollars for each hazardous waste treatment, disposal or storage facility which submits an application for a status change to a generator. The commissioner shall charge a fee of twenty-five dollars for each hazardous waste large quantity generator which submits an application for status change to a small generator. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to prescribe the amount of the fees required pursuant to this section. Upon the adoption of such regulations, the fees required by this section shall be as prescribed in such regulations.

(e) (1) The commissioner may issue a general permit for a category of activities which require a permit under subsection (a) of this section or license under subsection (b) of section 22a-449, except for an activity for which an individual permit has already been obtained provided the issuance of the general permit is not inconsistent with the requirements of the federal Resource Conservation and Recovery Act. Any person or municipality conducting an activity for which a general permit has been issued shall not be required to obtain an individual permit under subsection (a) of this section, except as provided in subdivision (3) of this subsection. The general permit may regulate a category of activities which: (A) Involve the same or substantially similar types of operations; (B) involve the collection, storage, treatment or disposal of the same types of substances; (C) require the same operating conditions or standards, and (D) require the same or similar monitoring, and which in the opinion of the commissioner are more appropriately controlled under a general permit than under an individual permit. The general permit may require any person or municipality proposing to conduct any activity

under the general permit to register such activity with the commissioner before it is covered by the general permit. Registration shall be on a form prescribed by the commissioner.

(2) Notwithstanding any provisions of this section, or any regulations adopted thereunder, or of chapter 54, the following procedures shall apply to the issuance, renewal, modification, revocation or suspension of a general permit: (A) A general permit shall be issued for a term specified by the permit and shall clearly define the activity covered thereby and may include such conditions and requirements as the commissioner deems appropriate, including but not limited to operation and maintenance requirements, management practices, and reporting requirements; (B) the commissioner shall publish notice of intent to issue a general permit in a newspaper having a substantial circulation in the affected area; (C) there shall be a comment period of thirty days following publication of such notice during which interested persons may submit written comments to the commissioner; (D) the commissioner shall publish notice of the issuance or decision not to issue a general permit in a newspaper having substantial circulation in the affected area. The commissioner may revoke, suspend or modify a general permit in accordance with the notice and comment procedures for issuance of a general permit specified in this subsection. Any person may request that the commissioner issue, modify, suspend or revoke a general permit in accordance with this subsection; and (E) summary suspension may be ordered in accordance with subsection (c) of section 4-182.

(3) Subsequent to the issuance of a general permit, the commissioner may require any person or municipality whose activity is or may be covered by the general permit to apply for and obtain an individual permit pursuant to subsection (a) of this section if the commissioner determines that an individual permit would better protect the land, air and waters of the state from pollution. The commissioner may require an individual permit under this subdivision in cases including, but not limited to the following: (A) When the owner or operator is not in compliance with the conditions of the general permit; (B) when a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollution applicable to the activity; (C) when circumstances have changed since the time of the issuance of the general permit so that the activity is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized activity is necessary; or (D) when a relevant change has occurred in the applicability of the federal Resource Conservation and Recovery Act. In making the determination to require an individual permit, the commissioner may consider the location, character, and size of the activity, and any other relevant factors. The commissioner may require an individual permit under this subdivision only if the affected person or municipality covered by the general permit has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the person or municipality to file the application, and a statement that on the effective date of the individual permit the general permit as it applies to the individual permittee shall automatically terminate. The commissioner may grant an extension of time upon the request of the applicant. If the affected person or municipality does not submit a complete application for an individual permit within the time frame set forth in the commissioner's notice or as extended by the commissioner in writing, then the general permit as it applies to the affected person or municipality shall automatically terminate. The applicant shall use his best efforts to obtain the individual permit. Any interested person or municipality may petition the commissioner to take action under this subdivision.

(4) The commissioner shall amend chapter 54 to conform with the amendments to section 4-182, P.A. 1969-1, S. 2; P.A. 84-2, S. 5; P.A. 87-531, S. 5; P.A. 91-145, S. 4; 96-163, S. 7.

History: 1971 act added other reference charge for permit to deleted provision re best methods of doing "shall"; P.A. 79-605 required municipalities amended section to years rather than one specified meaning of to Sec. 22a-454 in 1987 facilities; P.A. 84-531 to consider an application the class of persons responsible during the course of hazardous waste regarding denial of of Subsec. (b) by del. Subsec. (b) by extension 87-150 amended Subdiv. (2) that the waste-to-energy facility waste imposed by the payment of fees be prescribed by re Subsec. (d), relet activities; P.A. 91- designator according hazardous waste, to from Subsec. (a) to this section; P.A. 91- P.A. 96-145 amended 163 amended Subsec hazardous waste.

See Sec. 22a-61
See Sec. 22a-2
Cited. 192 C. 5

Sec. 22a-4
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(P.A. 90-231.
History: P.A.
See Sec. 22a-

Sec. 22a
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(4) The commissioner may adopt regulations, in accordance with the provisions of chapter 54 to carry out the purposes of this subsection.

(1969, P.A. 765, S. 7; 1971, P.A. 872, S. 107; 1972, P.A. 237, S. 1; P.A. 73-265, S. 1, 2; P.A. 79-605, S. 8, 17; P.A. 82-151, S. 2; P.A. 84-115; 84-535, S. 1; P.A. 85-342, S. 1; 85-568, S. 1; P.A. 86-219, S. 1, 3; P.A. 87-150; 87-226, S. 1, 2; 87-531, S. 5; P.A. 90-231, S. 6, 28; P.A. 91-251, S. 2, 4; 91-313, S. 2, 5; 91-369, S. 18, 36; P.A. 94-205, S. 5; P.A. 96-145, S. 4; 96-163, S. 7.)

History: 1971 act replaced references to water resources commission with references to environmental protection commissioner; 1972 act prohibited "acting as a contractor to contain or remove spills of such material" without permit and added other references to containment and removal and contracting for such services; P.A. 73-265 reworded provision re charge for permit to allow charge of less than five dollars, substituting "not to exceed" five dollars for "of" five dollars, deleted provision re commissioner's duty to consult with and advise persons in the business of disposal of pollutants as to best methods of doing so and made program of study and research optional rather than mandatory, substituting "may" for "shall"; P.A. 79-605 clarified provisions, adding references to hazardous wastes, "solid, liquid or gaseous" products, etc., required municipalities and regional authorities to obtain permits and deleted provision re fee for permit; P.A. 82-151 amended section to require permits for the storage and treatment of waste oil, made permit valid for maximum of five years rather than one year, authorized suspension or revocation of a permit upon violation of a term or condition and specified meaning of collecting, storing or treating of applicable substances for purposes of section; Sec. 25-54hh transferred to Sec. 22a-454 in 1983; P.A. 84-115 added Subsec. (b) prohibiting the disposal of certain hazardous wastes in land disposal facilities; P.A. 84-535 amended Subsec. (a) by adding provisions authorizing the commissioner of environmental protection to consider an applicant's compliance history when granting or renewing certain hazardous waste permits and expanded the class of persons requiring a permit to include persons who manage waste oil, petroleum or chemical liquids or hazardous waste during the course of their business and amended Subsec. (b) by adding a provision terminating the ban on the disposal of hazardous waste in a land disposal facility as of July 1, 1986; P.A. 85-342 amended Subsec. (a) by adding Subdiv. (2) regarding denial of a permit for a criminal conviction of violating environmental law; P.A. 85-568 amended Subdiv. (2) of Subsec. (b) by deleting provision that sludge be from residue derived from an "in-state" operation; P.A. 86-219 amended Subsec. (b) by extending the ban on the disposal of hazardous waste in a landfill from July 1, 1986, to July 1, 1987; P.A. 87-150 amended Subsec. (a) by requiring persons whose principal business is the management of hazardous waste to obtain a permit rather than all persons who manage hazardous waste; P.A. 87-226 amended Subsec. (b) by adding provision to Subdiv. (2) that the commissioner determines that the residue cannot be incinerated and adding to Subdiv. (3) residue from waste-to-energy facilities, by adding provisions regarding the stringency of restrictions on the land disposal of hazardous waste imposed by the commissioner and by extending prohibition of the disposal of metal hydroxide sludge from July 1, 1987 to July 1, 1991; P.A. 87-531 applied provisions to transfer of permits; P.A. 90-231 amended Subsec. (a) to require the payment of fees for permits issued pursuant to said Subsec. and provided that on and after July 1, 1993, the fees shall be prescribed by regulations and added Subsec. (c) re the payment of fees with certain applications; P.A. 91-251 added Subsec. (d), relettered as (e) because of subsequent amendment, concerning general permits for certain categories of activities; P.A. 91-313 inserted new Subsec. (c) concerning transfer of hazardous waste and changed subsequent Subsec. designator accordingly; P.A. 91-369 amended section to specify in Subsec. (a) the amount required for a fee to transport hazardous waste, to move the fees for operating a hazardous waste landfill and for storing or treating hazardous waste from Subsec. (a) to Subsec. (c) and to restate commissioner's authority to adopt regulations setting the fees required by this section; P.A. 94-205 amended Subsec. (a) to delete provisions re review of permit applicant's compliance history; P.A. 96-145 amended Subsec. (e) to authorize a general permit for certain activities associated with oil terminals; P.A. 96-163 amended Subsec. (d) to delete a provision re setting of fees by regulation and provided fees for a permit to transfer hazardous waste.

See Sec. 22a-6m re review of permit applicant's compliance history.

See Sec. 22a-27i re exemption of municipality for one year.

Cited. 192 C. 591, 595. Cited. 202 C. 300-302.

Sec. 22a-454a. Closure plans. Fees. Regulations. Each hazardous waste treatment, storage or disposal facility, as defined in regulations adopted by the commissioner pursuant to section 22a-449, shall pay a fee of two thousand five hundred dollars at the time it submits closure/postclosure plans to the Department of Environmental Protection. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to prescribe the amount of the fees required pursuant to this section. Upon the adoption of such regulations, the fees required by this section shall be as prescribed in such regulations.

(P.A. 90-231, S. 17, 28; P.A. 91-369, S. 19, 36.)

History: P.A. 91-369 restated commissioner's authority to adopt regulations setting the fees required by this section.

See Sec. 22a-27i re exemption of municipality for one year.

Sec. 22a-454b. Groundwater monitoring. Fees. Regulations. Each hazardous waste treatment, storage or disposal facility, as defined in regulations adopted by the commissioner pursuant to section 22a-449, which is subject to groundwater monitoring



Non-RCRA Hazardous Waste (Connecticut Regulated Wastes)

There are several types of industrial wastes that are considered to be Non-RCRA hazardous waste. Non-RCRA hazardous wastes should be tested for suspected RCRA hazardous constituents prior to treatment or disposal. A description of the types of waste and waste codes assigned to Non-RCRA hazardous wastes follow.

All hazardous waste must be managed properly and stored in an environmentally safe manner. Any mismanagement of hazardous wastes may be a potential source of pollution and subject to enforcement action under Section 22a-432 of the Connecticut General Statutes. In the event of a spill, the Oil and Chemical Spills Response Division of the Department of Environmental Protection (DEP) should be contacted at 424-3338. No liquids are allowed in landfills in Connecticut, therefore, liquid Non-RCRA Hazardous Wastes must be treated and disposed of by a permitted Section 22a-454 CGS Waste Facility. Certain solid waste may be suitable for disposal in a municipal landfill provided it has been approved for land filling in accordance with the DEP Bureau of Waste Management's Special Waste Authorization process. The most common type of Non-RCRA hazardous wastes generated and suggested disposal methods are as follows:

- Waste Oil** Waste oil is a Non-RCRA hazardous waste designated CR02 or CR03 and must be collected and transported to a permitted Section 22a-454 CGS Waste Facility. Certain used oils may be burned on-site in a boiler, industrial furnace, or space heater in accordance with Connecticut's recycling regulations. The DEP Bureau of Air Management must also be contacted prior to doing this. RCRA Hazardous used or waste oil is regulated according to Section 22a-449(c)-100 through 110 of the Regulations of Connecticut State Agencies (Hazardous Waste Management Regulations).
- Antifreeze** This is a non-RCRA hazardous waste in most cases, but a RCRA hazardous waste determination should be made at least one time for verification purposes. It is designated CR04 and must be collected and transported by a licensed hauler to a permitted Section 22a-454 CGS Waste Facility.
- Asbestos** Asbestos wastes may be disposed of in a municipal landfill in accordance with the Special Waste (including asbestos) Disposal Authorization process. Contact the DEP Bureau of Waste Management at (203) 424-3366 for information regarding asbestos disposal.
- Solid Paint Wastes** Dried paint waste may not be RCRA hazardous, but must be verified non-RCRA hazardous through testing. If non-RCRA hazardous, this waste is designated as CR05 and may be municipally land filled with Special Waste Authorization.
- Grinding Dusts** Grinding dusts may not be RCRA hazardous, but must be verified non-RCRA hazardous through testing. Non-RCRA hazardous dusts and residues designated CR05 may be municipally land filled with Special Waste Authorization.