

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES

EXEMPTION PROCEDURES
for the
RECYCLING/REUSE OF HAZARDOUS WASTES

General Information:

Section 7-608 of the Vermont Hazardous Waste Management Regulations provides for the Secretary of the Agency of Natural Resources to grant limited exemption from these regulations to allow generators or facilities to use, reuse, recycle or reclaim hazardous wastes.

These exemptions are granted on a case-by-case basis.

The conditions of an exemption, when granted, are dependent on the type of waste involved and the potential threats to human health or to the environment created by the proposed recycling. In other words, if an exemption is granted, it may require compliance with some parts of the State's hazardous waste management regulations or it may be a complete waiver.

Application Procedures to Follow:

In order for the Secretary to grant a recycling/reuse exemption, the generator or facility must submit a written request to the Agency. This request may be in the form of a letter, but must contain the information listed below. Applications for variances from classification as a solid waste or to be classified as a boiler must address the relevant criteria in 40 CFR Section 260.31 or 260.32.

1. An accurate description of the waste to be recycled or reused, documented by either a complete chemical analysis of the waste for its hazardous constituents or by copies of Material Safety Data Sheets for all materials used in the manufacturing or production processes which generate the waste;
2. A detailed description of the process or processes which generate the particular waste;
3. The amount of waste to be recycled or reused;
4. A description of the type of packing and mode of transportation to be used in transporting the waste to the recycling or reuse facility;
5. The name and location of the facility to be recycling or reusing the waste;

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6. A sufficiently detailed description of the recycling process or of the proposed reuse to verify the fate of the hazardous constituents in the waste;
7. If the recycling or reuse occurs in the State of Vermont, an accurate description of any and all wastes produced as a result of the recycling or reuse process including a description of how this waste will be handled and disposed;
8. If the recycling or reuse occurs outside the State of Vermont, a signed statement on the letterhead of the recycling or reusing facility verifying that the activity is acknowledged and legal in the state where it is occurring or a copy of that state's approval document for the recycling/reuse activity.
9. The following statement signed by the generator of the waste or by the generator's authorized representative:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Exemption request and all attached documents shall be submitted to the following address::

**Agency of Natural Resources
Waste Management Division
103 South Main Street/West Office Building
Waterbury, VT 05671-0404**

Agency Response to Exemption Requests:

Upon receipt of a recycling/reuse exemption petition by the Hazardous Waste Management Program the following process will be initiated:

1. The submission will be reviewed and decisions rendered.
2. Complete submissions will be evaluated and decisions rendered.
3. Incomplete submissions will prompt written requests for further information. If sufficient

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information cannot be obtained to render a decision within a reasonable time, no decision will be made and all materials will be returned to the petitioner with an explanation of the reason for their return.

4. The specific criteria used to evaluate exemption requests for the recycling or reuse of hazardous wastes shall be those listed in Regulations section 7-216(c) and shall be no less restrictive than those specified in US EPA hazardous waste regulations 40 CFR Sections 260, 30, 260.31, 260.32, 260.33, 261.6(a), and 266.
5. Although recycling/reuse exemption decisions will normally require internal review only, the Agency reserves the right to solicit additional information through a public comment period or through the receipt of public hearing testimony prior to the issuance of its decision on any specific request.
6. All recycling/reuse petition decisions will be given in writing.

Fees:

A fee, made payable to: Treasurer, State of Vermont, shall be submitted to the Secretary at the time of application. The fee amount is specified by the Agency of Natural Resources "Permit and License Fee Schedule".