

Subchapter 3: HAZARDOUS WASTE GENERATOR STANDARDS

§ 7-301 APPLICABILITY, PURPOSE, SCOPE

- (a) The requirements of this subchapter apply to hazardous waste generators and:
 - (1) Any owner or operator of a treatment, storage or disposal facility who initiates a shipment of hazardous waste from such facility;
 - (2) Any owner or operator of a facility, or a generator, that accepts hazardous waste from conditionally exempt generators; and
 - (3) Any person that is required to meet generator standards as specified elsewhere in these regulations.

- (b) This subchapter establishes requirements applicable to conditionally exempt generators, small quantity generators and large quantity generators of hazardous waste.

Note: A conditionally exempt generator may choose to comply with more stringent requirements applicable to small or large quantity generators, and a small quantity generator may choose to comply with more stringent requirements applicable to large quantity generators.

- (c) Persons are not required to comply with the standards of this subchapter provided that they are responding to an explosives or munitions emergency:
 - (1) That presents an immediate threat to human health, safety, property, or the environment from the known or suspected presence of military munitions, or other explosive materials or devices, as determined by an explosive or munitions emergency response specialist; or
 - (2) When a federal, state or local official, acting within the scope of official responsibilities, or an emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters that do not have EPA identification numbers, and not subject to the manifest requirements of **subchapter 7 of these regulations**.

- (d) When a military response specialist responds to an emergency pursuant to **subsection (c)(2) of this section** the specialist's organizational unit shall retain records for three years that identify the dates of the response, the persons responding, the type and description of material addressed, and that material's disposition.

- (e) **40 CFR § 266.205** identifies when the storage requirements, including the generator storage requirements of this subchapter, apply to the storage of hazardous waste military

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munitions. The treatment and disposal of hazardous waste military munitions are subject to the applicable provisions of **subchapters 1 through 7 of these regulations**.

§ 7-302 PROHIBITIONS

- (a) Disposal of hazardous waste by evaporation is prohibited.
- (b) Dilution of hazardous waste subject to the land disposal restrictions of 40 CFR Part 268 is prohibited pursuant to **40 CFR § 268.3** (incorporated by reference through **§ 7-106** of these regulations).
- (c) The release of hazardous material into the surface or groundwater, or onto the land of the state is prohibited pursuant to **10 V.S.A. § 6616**.

§ 7-303 HAZARDOUS WASTE DETERMINATION

Any person who generates a waste shall determine if that waste is a hazardous waste in accordance with **§ 7-202**.

§ 7-304 NOTIFICATION AND IDENTIFICATION NUMBERS

- (a) No generator shall treat, recycle, store, dispose of, transport, or offer for transport hazardous waste without having obtained a permanent EPA identification number by notifying the Secretary using the **Vermont Hazardous Waste Handler Site ID Form** in accordance with **§ 7-104**. On a case-by-case basis, the Secretary may issue a temporary EPA identification number to satisfy the requirement of this section.
- (b) In accordance with **§ 7-104**, a generator shall maintain an up-to-date **Vermont Hazardous Waste Handler Site ID Form** filed with the Secretary that accurately describes current waste activity and waste generation.
- (c) When completing a manifest, a generator shall use the EPA identification number that is assigned to the generator site at the time of shipment.

§ 7-305 DETERMINING GENERATOR STATUS

- (a) In determining the quantity of hazardous waste generated, a person shall count all hazardous wastes except:
 - (1) Wastes exempted from regulation under **§§ 7-203 and 7-204**;

- (2) Hazardous waste when it is removed from on-site short-term storage (it is counted when first generated);
- (3) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once;
- (4) Hazardous waste produced by on-site treatment, including reclamation, of hazardous waste, so long as the hazardous waste that is treated was counted once;
- (5) Used oil managed in accordance with the standards set forth under **subchapter 8** of these regulations; or
- (6) Wastes managed in accordance with the universal waste standards set forth under **subchapter 9** of these regulations.

Note: As provided for by § 7-203(s), wastes managed according to the standards of subchapter 9 are exempt from regulation under subchapters 1 through 7 except as specified in subchapter 9.

- (b) A generator is regulated as a conditionally exempt generator, small quantity generator, or large quantity generator based upon the types and quantities of hazardous waste produced or handled. For the purpose of establishing generator status, a person may evaluate either:
 - (1) The amount of hazardous waste generated in each calendar month; or
 - (2) For any hazardous waste not defined as hazardous in **40 CFR Part 261** (i.e., waste regulated as hazardous by Vermont), the average amount generated over the six month period elapsed just prior to making the determination.

§ 7-306 CONDITIONALLY EXEMPT GENERATOR

- (a) A generator is a conditionally exempt generator if that person generates less than:
 - (1) 220 pounds (100 kilograms) of hazardous waste in a calendar month; and
 - (2) 2.2 pounds (1 kilogram) of acutely hazardous waste in a calendar month; and
 - (3) 220 pounds (100 kilograms) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste in a calendar month; and

has accumulated less than 2,200 pounds (1000 kilograms) of hazardous waste, 2.2 pounds (one kilogram) of acutely hazardous waste, or 220 pounds (100 kilograms) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste at any time.

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- (b) If any person generates or accumulates hazardous wastes in amounts exceeding the limits specified in this section, that person becomes at least a small quantity generator and is subject to full regulation under these regulations.
- (c) A conditionally exempt generator is exempt from the requirements of these regulations except as provided for in **subsections (c)(1) through (4) of this section**:
 - (1) A conditionally exempt generator must:
 - (A) Determine if waste generated is hazardous waste in accordance with the requirement of **§ 7-303**;
 - (B) Maintain an up-to-date **Vermont Hazardous Waste Handler Site ID Form** and obtain an identification number in accordance with **§7-304**;
 - (C) Conduct hazardous waste management operations in a manner that minimizes the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water, which could threaten human health or the environment.
 - (D) Manage containers holding hazardous wastes in accordance with the container management standards of **§§ 7-311(f)(2) through (4)**, and as follows:
 - (i) A container must be in good condition and chemically compatible with any waste stored therein;
 - (ii) A container must remain closed except to add or remove waste; and
 - (iii) Containers must be marked with the words "Hazardous Waste" and other words that identify the contents;
 - (E) Store wastes in an area that meets the design standards of **§§ 7-311(a)(1) through (4)**;
 - (F) Manage tanks holding hazardous waste in accordance with the tank management requirements of **40 CFR § 265.201**;
 - (G) Submit a biennial report, if requested by the Secretary under **§ 7-709**; and
 - (H) In the event of a discharge of hazardous waste or release of hazardous material, comply with the applicable emergency action requirements of **§ 7-105**.

- (2) A conditionally exempt generator shall manage his or her own hazardous waste by any one of the following methods:
- (A) Ensure delivery of the waste to an off-site hazardous waste treatment, storage or disposal facility which if located in the United States is permitted under **40 CFR Part 270**, is in interim status under **40 CFR Parts 270 and 265**, or is authorized to manage hazardous waste by a state with a hazardous waste management program approved under **40 CFR Part 271**;
 - (B) Ensure delivery of the waste to a certified solid waste management facility allowed to accept such waste under the terms of its certification;
- Note:** Waste that is identified as hazardous waste under these regulations, including that generated by conditionally exempt generators, is prohibited from disposal in all Vermont certified discrete disposal facilities (landfills).
- Note:** Hazardous waste may be sent by Vermont conditionally exempt generators to municipal solid waste landfills or to non-municipal non-hazardous waste landfills in other states only as authorized by **40 CFR §§ 261.5(f)(3)(iv) and (v) and (g)(3)(iv) and (v)**.
- (C) Ensure delivery of the waste to a facility that beneficially uses or reuses or legitimately recycles or reclaims its waste or treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;
 - (D) Ensure delivery of the waste to another site in Vermont that is owned and operated by the owner/operator of the conditionally exempt generator site and that meets either the small quantity generator standards set forth in § **7-307**, or the large quantity generator standards set forth in § **7-308**, and has notified the Secretary as such using the **Vermont Hazardous Waste Handler Site ID Form**. Hazardous waste delivered to a site that meets either small or large quantity generator standards counts toward the generator status of that site.
 - (E) Ensure delivery of the waste to a collection event authorized by the Secretary to accept conditionally exempt generator waste.
 - (F) Ensure delivery of universal waste to a universal waste handler or destination facility in accordance with the standards set forth in **subchapter 9**.
 - (G) Otherwise treat, store, or dispose of the waste if the generator has submitted a written request for an alternative handling method to the Secretary and the Secretary has determined that the proposed handling

method will not have an adverse impact on human health and the environment. A conditionally exempt generator shall not treat, store, or dispose of waste under this section until receiving written approval from the Secretary for such method.

- (3) A conditionally exempt generator may transport his or her own hazardous waste to a facility or an event described under § 7-306(c)(2) without complying with the transporter permitting requirements of **subchapter 4** provided he or she complies with the requirements of § 7-105 (in the event of a release), with all applicable federal Department of Transportation (DOT) regulations, the regulations of states he or she transports waste through or delivers waste to, and any applicable Vermont Agency of Transportation regulations. A manifest is not required for such transport.
- (4) If a conditionally exempt generator chooses to utilize a manifest, he or she must comply with all applicable manifest instructions.

§ 7-307 SMALL QUANTITY GENERATOR

- (a) A generator is a small quantity generator if that person generates:
 - (1) Greater than or equal to 220 pounds (100 kilograms) but less than 2,200 pounds (1,000 kilograms) of hazardous waste in a calendar month;
 - (2) Less than 2.2 pounds (1 kilogram) of acutely hazardous waste in a calendar month;
 - (3) Less than 220 pounds (100 kilograms) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste in a calendar month; and
 - (4) The quantity of hazardous waste accumulated on-site never exceeds 13,200 pounds (6,000 kilograms).
- (b) If any person generates or accumulates hazardous wastes in amounts exceeding the limits specified in this section, that person becomes a large quantity generator and is subject to the requirements of § 7-308.
- (c) A small quantity generator must:
 - (1) Determine if any waste generated is a hazardous waste in accordance with the requirement of § 7-303;

- (2) Store hazardous waste on-site no longer than:
 - (A) 180 days from the date when the waste first started to accumulate, or;
 - (B) For waste accumulated in containers according to § 7-310, 180 days from the date when the maximum amount of waste allowed under that section was reached.

Note: Hazardous waste may not be stored on-site for a period of time greater than 180 days without first obtaining certification under **subchapter 5**.

- (3) Maintain an up-to-date **Vermont Hazardous Waste Handler Site ID Form** and obtain an identification number in accordance with § 7-304;
- (4) Comply with the 40 CFR Part 268 Land Disposal Restrictions (incorporated by reference through § 7-106 of these regulations);
- (5) Comply with the general management standards of § 7-309;
- (6) Accumulate hazardous waste in accordance with § 7-310;
- (7) Comply with the short-term storage area standards of § 7-311;
- (8) Submit a biennial report, if required under § 7-709; and
- (9) Comply with the following emergency preparedness requirements:
 - (A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility of implementing the emergency response procedures specified in § 7-308(b)(9)(E), and completing the incident reporting requirements of §§ 7-308(b)(9)(F)(i) **and (iii)**. This employee is the emergency coordinator.
 - (B) Post the following information next to each telephone located in the vicinity of where hazardous wastes are managed:
 - (i) The name and telephone numbers (office and home) of the emergency coordinator(s);
 - (ii) Location of fire extinguishers and spill control material, and, if present, fire alarm; and
 - (iii) The telephone number of the fire department, unless the facility has a direct alarm.

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- (C) Ensure that each employee is thoroughly familiar with evacuation signals and routes, and proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations as well as emergencies. The small quantity generator must maintain a list of employees with hazardous waste management responsibilities that is updated on an annual basis.
- (10) In the event of a discharge of hazardous waste or release of hazardous material, comply with the applicable emergency action requirements of **§ 7-105**.

§ 7-308 LARGE QUANTITY GENERATOR

- (a) A generator is a large quantity generator if:
- (1) That person generates 2,200 pounds (1,000 kilograms) or more of hazardous waste in a calendar month; or
 - (2) That person generates 2.2 pounds (1 kilogram) or more of acutely hazardous waste in a calendar month; or
 - (3) That person generates 220 pounds (100 kilograms) or more of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste in a calendar month; or
 - (4) The quantity of hazardous waste accumulated on-site exceeds 13,200 pounds (6,000 kilograms) at any one time; or
 - (5) The quantity of acutely hazardous waste accumulated on-site equals or exceeds 2.2 pounds (1 kilograms) at any one time; or
 - (6) The quantity of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste, accumulated on-site equals or exceeds 220 pounds (100 kilograms) at any one time.
- (b) A large quantity generator must:
- (1) Determine if any waste generated is a hazardous waste in accordance with the requirement of **§ 7-303**;
 - (2) Store hazardous waste on-site no longer than:
 - (A) 90 days from the date when the waste first started to accumulate; or

- (B) For waste accumulated in containers according to § 7-310, 90 days from the date when the maximum amount allowed under that section was reached; or
- (C) 180 days for wastewater treatment sludges from electroplating operations that meet the listing description for the hazardous waste code F006 and that are managed in accordance with the provisions of 40 CFR § 262.34(g); or
- (D) 180 days for wastes generated by a Performance Track member facility, as allowed under 40 CFR §§ 262.34(j) through (l).

Note: Hazardous waste may not be stored on-site for a period of time that exceeds any of the above timeframes without first obtaining certification under **subchapter 5**.

- (3) Maintain an up-to-date **Vermont Hazardous Waste Handler Site ID Form** and obtain an identification number in accordance with § 7-304;
- (4) Comply with the **40 CFR Part 268** Land Disposal Restrictions incorporated by reference through § 7-106 of these regulations;
- (5) Comply with the general management standards of § 7-309;
- (6) Accumulate hazardous waste in accordance with § 7-310;
- (7) Comply with the short-term storage area standards of § 7-311;
- (8) Submit a biennial report in accordance with § 7-708(a);
- (9) Maintain a written contingency plan for the facility as described below:

The written contingency plan for the facility shall be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, ground water, or surface water. The plan must be carried out immediately whenever there is a fire, explosion or discharge of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

- (A) The contingency plan must contain:
 - (i) A description of the actions facility personnel must take to comply with §§ 7-308(b)(9)(A) and 7-308(b)(9)(E) in response to fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water at the facility.

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- (ii) If the owner or operator has already prepared a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with **40 CFR Part 112 or 1510**, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements in this subchapter.
 - (iii) Arrangements agreed to by local police departments, fire departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services pursuant to **§ 7-309(a)(4)**.
 - (iv) An up-to-date list of names, addresses, and office and home phone numbers of all persons qualified to act as emergency coordinator. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.
 - (v) An up-to-date list of all emergency equipment at the facility, including location, physical description of each item listed and a brief outline of its capabilities.
 - (vi) An evacuation plan including signals to be used to begin evacuation, evacuation routes and alternate evacuation routes.
- (B) Copies of the contingency plan and all revisions must be maintained at the facility and submitted to all local police and fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services. Documentation verifying that the most recent version of the contingency plan and any revisions to that plan have been submitted to local emergency service providers must be maintained at the facility.
- (C) The contingency plan must be reviewed and immediately amended whenever:
- (i) Applicable regulations are revised;
 - (ii) The plan fails in an emergency;
 - (iii) The facility changes in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
 - (iv) The list of emergency coordinators changes; or

- (v) The list of emergency equipment changes.
- (D) At all times there must be at least one employee either at the facility, or available to respond to an emergency by reaching the facility within a short period of time, with the responsibility for coordinating all emergency response measures. This emergency coordinator must be familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the locations and characteristics of waste handled, the location of all records within the facility and the facility layout. This person must have the authority to commit the resources needed to carry out the contingency plan.

(E) Emergency Procedures

Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his or her designee when the emergency coordinator is on call) must do the following immediately:

- (i) Activate internal facility alarms or communication systems;
- (ii) Notify appropriate state or local agencies with designated response roles if their help is needed;
- (iii) If a release has occurred, identify the source, character, amount and extent of any released materials by record review or chemical analysis;
- (iv) Assess hazards to human health and the environment, considering all direct and indirect effects;
- (v) If the emergency coordinator determines that the facility has had a fire, explosion or release which could threaten human health or the environment outside the facility, the coordinator must:
 - (aa) Determine if local evacuation may be necessary, and, if so, notify appropriate local authorities and be available to assist local authorities in evacuation measures; and
 - (bb) Notify the National Response Center (800-424-8802) and indicate his or her name and telephone number; name and address of the facility; time and type of incident; quantity of material(s) involved to the extent known; the extent of any injuries; and the possible hazards to human health or the environment outside the facility.

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- (vi) Take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers;
 - (vii) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate;
 - (viii) Immediately after an emergency, the emergency coordinator must provide for treating, storing or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire or explosion at the facility; and
 - (ix) Ensure that in the affected areas of the facility, no waste that may be incompatible with the released material is stored until cleanup procedures are completed and all emergency equipment is cleaned and restored to a useable condition.
- (F) Whenever there is an imminent or actual emergency situation, the owner or operator shall:
- (i) Notify the Secretary that the facility is in compliance with **subsection (b)(9)(E)(ix) of this section** before operations are resumed in the affected areas of the facility;
 - (ii) Maintain on file with the contingency plan a record of the time, date and details of any incident that requires implementing the contingency plan; and
 - (iii) Within 10 days after the incident, submit a written report on the incident to the Secretary. The report must include:
 - (aa) Name, address and telephone number of the owner or operator;
 - (bb) Name address and telephone number of the facility;
 - (cc) Date, time and type of incident (e.g., fire, explosion);
 - (dd) Name and quantity of material(s) involved;
 - (ee) The extent of injuries, if any;

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- (ff) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
 - (gg) Estimated quantity and disposition of recovered material that resulted from the incident.
- (10) Maintain a training program for facility personnel as described below:
- (A) Facility personnel must successfully complete a program of classroom or on the job instruction that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of these regulations.
 - (B) This program must be directed by a person trained in hazardous waste management procedures and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
 - (C) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including, where applicable:
 - (i) Waste handling procedures;
 - (ii) Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;
 - (iii) Key parameters for automatic waste feed cutoff systems;
 - (iv) Communications or alarm systems;
 - (v) Response to fires or explosions;
 - (vi) Response to groundwater contamination incidents; and
 - (vii) Shutdown of operations.
 - (D) Facility personnel must successfully complete the program required in **subsections (b)(10)(A) through (C) of this section** within six months after the date of their employment or assignment to a facility or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of **subsections (b)(10)(A) through (C) of this section**.

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- (E) At least once each calendar year, facility personnel must take part in a review of the initial training required under **subsections (b)(10)(A) through (C) of this section.**
- (F) The owner or operator must maintain the following documents and records at the facility:
 - (i) The job title for each position at the facility related to hazardous waste management and the name of the employee filling each job;
 - (ii) A written job description for each position under **subsection (b)(10)(F)(i) of this section** which includes the requisite skill, education or other qualifications and duties of personnel assigned to each position;
 - (iii) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under **subsection (b)(10)(F)(i) of this section;**
 - (iv) Records that document that the training or job experience required has been given to and completed by facility personnel in accordance with **subsections (b)(10)(A) through (E) of this section;** and

Note: Documentation of training is required for at least one employee per satellite accumulation area.
 - (v) Training records must be kept on current personnel until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility.
- (11) In the event of a discharge of hazardous waste or release of hazardous material, comply with the applicable emergency action requirements of **§ 7-105.**

§ 7-309 GENERAL MANAGEMENT STANDARDS FOR SMALL AND LARGE QUANTITY GENERATORS

(a) Preparedness and Prevention

Small and large quantity generator facilities must be maintained and operated to minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment.

(1) Required equipment

All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

- (A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- (B) A device, such as a telephone, immediately available at the scene of operations, or a hand held two-way radio, capable of summoning emergency assistance from local police departments, fire departments or state or local emergency response teams;
- (C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment such as that using foam, inert gas or dry chemicals), spill control equipment and decontamination equipment; and
- (D) Water at adequate volume and pressure to supply water hose streams or foam producing equipment, or automatic sprinklers or water spray systems.

(2) Testing and maintenance of equipment

All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(3) Access to communications or alarm system

- (A) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under § 7-309(a)(1).
- (B) If there is ever just one employee on the premises while the facility is operating, that employee must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under § 7-309(a)(1).

(4) Arrangements with local authorities

The owner or operator must attempt to make the following arrangements as appropriate for the type of waste handled at their facility and the potential need

for the services of these organizations. Refusal of any authorities to enter into such arrangements must be documented.

- (A) Arrangements to familiarize police departments, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where the facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
- (B) Agreements designating primary emergency authority to a specific police department and a specific fire department and agreements with any others to provide support to the primary emergency authority;
- (C) Agreements with emergency response teams, emergency response contractors and equipment suppliers; and
- (D) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(b) Offering Hazardous Waste for Transportation

- (1) Before transporting hazardous waste or offering hazardous waste for transportation off-site, small and large quantity generators shall:
 - (A) Package the waste in accordance with the applicable Department of Transportation regulations under **49 CFR Parts 173, 178, and 179**;
 - (B) Label each package in accordance with the applicable Department of Transportation regulations on hazardous materials under **49 CFR Part 172**.
 - (C) Mark each package in accordance with the applicable Department of Transportation regulations on hazardous materials under **49 CFR Part 172**. For each container of 119 gallons or less used in such transportation, such marking shall include the following words and information displayed in accordance with the requirements of **49 CFR § 172.304**:

HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address _____.

Generator's EPA Identification Number _____.

Manifest Tracking Number _____.

- (D) Placard or offer the initial transporter the appropriate placards according to federal Department of Transportation regulations for hazardous materials under **49 CFR Part 172, Subpart F**.
- (2) Small and large quantity generators shall not offer hazardous waste, as defined in 40 CFR Part 261, to:
 - (A) Transporters or to treatment, storage, recycling, or disposal facilities that have not received an EPA identification number; or
 - (B) Transporters that do not possess a permit to transport hazardous waste in Vermont.
 - (3) For any hazardous waste not defined as hazardous in 40 CFR Part 261 (i.e., waste regulated as hazardous by Vermont), a small or large quantity generator shall not offer such waste to a transporter that does not possess a permit to transport hazardous waste in Vermont unless the Secretary has provided prior written authorization to do so after determining that the practice will not pose a threat to human health or the environment.
 - (4) Small and large quantity generators shall transport or offer for transport hazardous waste, as defined in 40 CFR Part 261, only to a designated facility.
 - (5) Small and large quantity generators shall transport or offer for transport hazardous waste that is not defined as hazardous in 40 CFR Part 261 (i.e., waste regulated as hazardous by Vermont), to either:
 - (A) A designated facility; or
 - (B) A facility that is not a designated facility, located in a state other than Vermont provided the facility can receive such waste under applicable state and local laws, regulations and ordinances.
 - (6) Except as provided in **subsection (b)(7) of this section**, small and large quantity generators shall not transport or offer for transport a hazardous waste for off-site treatment, storage, recycling, disposal or use without completing the generator's portion of the hazardous waste manifest in accordance with the applicable requirements of **subchapter 7**, unless exempted from these requirements under **§ 7-608 (Recycle/Reuse)**.

Note: Outside of Vermont, the hazardous waste manifest may not serve to replace the shipping papers required by the U. S. Department of Transportation under **Subpart C of 49 CFR Part 172**, if the waste being shipped is not defined as hazardous in 40 CFR Part 261 (i.e., waste regulated as hazardous by Vermont).

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- (7) In lieu of using a manifest, small or large quantity generators shipping hazardous waste, not defined as hazardous in 40 CFR Part 261 (i.e., waste regulated as hazardous by Vermont), to a facility other than a designated facility, as provided for under **subsection (b)(5)(B) of this section**, shall:
- (A) Maintain a record on-site of each shipment as follows:
- (i) The record for each shipment must include the following information:
 - (aa) The name, address, and telephone number of the facility to which the waste was sent;
 - (bb) The name, address, and EPA identification number of the transporter that picked up the waste;
 - (cc) The type and quantity of waste shipped; and
 - (dd) The date of shipment.
 - (ii) The record for each shipment must be retained for three years.
- (B) Submit to the Secretary, within 10 days of the date of shipment, a copy of the DOT shipping papers required by the U. S. Department of Transportation under **Subpart C of 49 CFR Part 172** and the following information if it is not already addressed in the shipping papers:
- (i) The name, address, and EPA identification number of the generator;
 - (ii) The type and quantity of waste shipped;
 - (iii) The Vermont hazardous waste identification code(s) for the waste shipped;
 - (iv) The name, address, and telephone number of the facility to which the waste was sent; and
 - (v) The treatment method to be used by the facility to which the waste was sent.
- (8) A small or large quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of **§ 7-704(g)** may accumulate the returned waste on-site in accordance with **§§ 7-307(c)(4), (7), (9)**

and (10) or §§ **7-308(b)(4), (7), (9), (10) and (11)**, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the small or large quantity generator must:

- (A) Sign **Item 18c** of the manifest, if the transporter returned the shipment using the original manifest; or
- (B) Sign **Item 20** of the manifest, if the transporter returned the shipment using a new manifest.

(c) Closure

(1) A generator who no longer generates or manages hazardous waste at a site must, within 90 days of cessation of hazardous waste activities, close the site in a manner that:

- (A) Minimizes the need for further maintenance;
- (B) Controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the groundwater or surface waters or to the atmosphere; and
- (C) Complies with the closure requirements of this subchapter including but not limited to the requirements of **40 CFR §§ 265.197, 265.228, 265.258, 265.280, 265.310, 265.351, 265.381, and 265.404.**

An extension to the 90-day closure period may be granted on a case-by-case basis.

(2) A closure plan must be submitted for review by the Secretary at least 30 days prior to the commencement of closure activities (refer to the document titled: **“Vermont Hazardous Waste Generator and Facility Closure Guidance”** which is available from the Secretary upon request). Closure plans should be submitted to:

Chief, Hazardous Waste Management & Prevention Section
103 South Main Street/West Office Bldg
Waterbury, Vermont 05671-0404

(3) A generator who no longer generates or manages hazardous waste at a site shall remove all hazardous waste to a designated facility. Remaining containers, tanks, liners, bases, materials, equipment, structures, soil and debris contaminated with hazardous waste or hazardous waste residues shall be decontaminated or disposed of at a designated facility.

- (4) A generator shall submit to the Secretary, within 90 days of completion of closure, certification, signed in accordance with § 7-108, that closure was completed in accordance with the provisions of **subsections (c)(1) and (3) of this section**. The generator shall make this certification and the Secretary may also require certification by an independent professional engineer licensed in Vermont.
- (5) Any generator identified as a small or large quantity generator on or after the effective date of these regulations is subject to the requirements of this section regardless of their generator status at the time of closure.
- (6) When a generator closes a portion of a facility, or ceases operations for an indefinite period of time, partial closure shall be conducted. The generator must notify the secretary of any partial closure but need not submit a closure plan. Partial closure must, at a minimum, minimize the need for further maintenance of the facility, or the closed portion of the facility, and ensure that hazardous wastes from discontinued processes and activities are removed to a designated facility.

§ 7-310 ACCUMULATION OF HAZARDOUS WASTE

(a) **Satellite Accumulation of Hazardous Waste**

Small and large quantity generators may accumulate as much as one cubic yard of non-liquid hazardous waste not defined as hazardous in 40 CFR Part 261 (i.e., waste regulated as hazardous by Vermont), one quart of acutely hazardous waste, or 55 gallons of any other hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without obtaining certification as a storage facility provided that:

- (1) The waste and the container are chemically compatible;
- (2) The container is in good condition;
- (3) The container is both located within a structure that sheds rain and snow and upon an impervious surface;
- (4) The container holding the waste remains closed except to add or remove waste;
- (5) The container is marked with the words "Hazardous Waste" and other words that identify the contents;
- (6) The container is managed in accordance with the container management requirements of §§ 7-311(b)(3) and 7-311(f)(4); and
- (7) The generator indicates on the container label the date, when one cubic yard of non-liquid hazardous waste that is not defined as hazardous in 40 CFR Part 261,

one quart of acutely hazardous waste, or 55 gallons of any other hazardous waste has been accumulated in the container, and the generator moves the container to a short-term storage area within three days of reaching the specified amount. During the three-day period the generator must continue to comply with the §§ **7-311(b)(3) and 7-311(f)(4)** container management requirements. Once placed in a short-term storage area, the container shall be managed in accordance with all applicable requirements of § **7-311**.

- (8) All full containers are dated when filled and moved to a short-term storage area within three days of becoming full.

(b) Accumulation of Hazardous Waste in a Short-Term Storage Area

Small and large quantity generators may accumulate as much as one cubic yard of non-liquid hazardous waste that is not defined as hazardous in 40 CFR Part 261 (i.e., waste regulated as hazardous by Vermont), one quart of acutely hazardous waste, or 55 gallons of any other hazardous waste in containers in a short-term storage area without obtaining certification as a storage facility provided that:

- (1) The waste is brought directly from the point of generation to the short-term storage area by the end of each work shift (not to exceed 12 hours) under the following conditions:
 - (A) The waste has been collected in a shift accumulation container that is:
 - (i) chemically compatible with any accumulated waste;
 - (ii) in good condition;
 - (iii) kept closed except to add or remove waste; and
 - (iv) marked or labeled with the words “hazardous waste” and other words that identify the contents of the container;
 - (B) The waste is brought directly to the short-term storage area by a trained employee; and
 - (C) No more than one shift accumulation container is in use for each wastestream at each point of generation at any time;
- (2) Any accumulation container maintained in the short-term storage area is managed in accordance with the short-term storage requirements of § **7-311** with the exception that the container need not be marked with the date that the container was first used to accumulate hazardous waste;

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- (3) Any accumulation container maintained in the short-term storage area is marked to indicate that it is an accumulation container, and its point of generation; and
 - (4) Any accumulation container maintained in the short-term storage area is marked to identify the date when one cubic yard of non-liquid hazardous waste that is not defined as hazardous in 40 CFR Part 261, one quart of acutely hazardous waste, or 55 gallons of any other hazardous waste has been accumulated in the container, or when a container of smaller capacity becomes full.
- (c) Only one accumulation container per process line wastestream may be used under this section at any one time. That is, a particular process line wastestream may be accumulated under the provisions of either **subsection (a) of this section** or **subsection (b) of this section**, but not both.

§ 7-311 SHORT-TERM STORAGE AREA STANDARDS FOR SMALL AND LARGE QUANTITY GENERATORS

(a) Short-Term Storage Area Design Standards

- (1) Generators must accumulate and store hazardous waste upon an impervious surface except for spill cleanup debris that is generated in response to an emergency action completed pursuant to § 7-105 and stored in accordance with **subsection (a)(3) of this section**.
- (2) Except for spill cleanup debris stored in accordance with **subsection (a)(3) of this section**, hazardous waste containers may be placed out-of-doors only if they are within a structure that sheds rain and snow.
- (3) Hazardous waste that is spill cleanup debris shall be stored in leak-proof containers that are covered so as to prevent contact of the waste with precipitation or run-on from precipitation.
- (4) Hazardous wastes subject to freezing and expansion may not be stored in containers or aboveground tanks unless mechanical or physical means are employed to prevent freezing.
- (5) The spill and fire control equipment required under §§ 7-309(a)(1)(A) and (C) shall be available in the immediate vicinity of each short-term storage area.

(b) Short-Term Storage Area Operating Standards

- (1) Containers or tanks holding incompatible hazardous wastes must not be stored in the same enclosure, building or structure unless they are segregated in a manner that prevents the wastes from coming into contact with one another under any circumstances (such as spillage or simultaneous leakage).

- (2) Containers of hazardous waste must be stored such that the hazardous waste labeling is visible.
- (3) Aisle space between rows of containers must be sufficient to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation. In no circumstance shall the aisle space be less than twenty-four (24) inches wide.

Note: Some local, state, and federal fire and safety codes and/or regulations require up to 36" of aisle space for the storage of flammable and combustible liquids.

(c) Short-Term Storage Time Limit Extensions

Small and large quantity generators may be granted up to a thirty (30) day extension of the short-term storage limits specified in §§ **7-307(c)(2)** and **7-308(b)(2)** at the discretion of the Secretary due to unforeseen temporary and uncontrollable circumstances.

(d) Inventory and Inspection

- (1) Small and large quantity generators shall maintain, at a location apart from the short-term storage area, a list of all hazardous waste currently in storage. For generators storing hazardous waste in containers, the list shall identify each container being stored and the type of hazardous waste held by each container. Any waste being accumulated within a short-term storage area must be included on the list of hazardous waste in storage.
- (2) Small and large quantity generators shall conduct daily inspections during regular business days of each short-term storage area. The inspections shall be recorded in a log that is kept at the facility for at least three years. The log shall contain a checklist of the items to be inspected which shall include:
 - (A) Visual inspection of the short-term storage area for rusting, bulging, or leaking containers or tanks;
 - (B) Inspection of all safety and emergency equipment required under § **7-311(a)(5)**;
 - (C) Inspection of adequate aisle space (minimum of 24 inches as specified in § **7-311(b)(3)**) between rows of containers;
 - (D) Description of discrepancies or problem areas encountered in the inspection and the corrective actions taken; and
 - (E) The signature or initials of the inspector and the date of the inspection.

Note: Regular business days are days when personnel are normally scheduled to be on site. Any facility where regular business days occur more than one week apart must still conduct inspections at least once per week.

(e) Security

- (1) Small and large quantity generators must post a sign at each short-term hazardous waste storage area, which must be visible from at least 25 feet with the legend, "Danger-Hazardous Waste Storage Area-Authorized Personnel Only". The legend must be written in both English and French in facilities located in counties bordering the Canadian province of Quebec. Existing signs with a similar legend may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the storage area, and that entry into the storage area can be dangerous.
- (2) Small and large quantity generators storing ignitable waste (flash point less than 140°F) must also post a sign at each short-term hazardous waste storage area, which must be visible from 25 feet with the legend, "No Smoking". The legend must be written in both English and French in facilities located in counties bordering the Canadian province of Quebec.

(f) Use and Management of Containers

- (1) With the exception of satellite accumulation containers managed in accordance with § 7-310(a), containers, and packages used for the storage of hazardous wastes shall be clearly marked from the time they are first used to accumulate or store waste. Such marking shall include: the generator's name, address, and EPA identification number; the name and hazardous waste identification code(s) of the hazardous waste stored therein; the date when the container was first used to accumulate or store hazardous waste and the following language, "Hazardous Waste - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency."

Note: Containers used to store waste that is in the process of having a hazardous waste determination made, and for which the hazardous waste identification code(s) are not known, do not need to be marked to include the hazardous waste identification code(s). The hazardous waste identification code(s) must be marked on the container once the hazardous waste determination has been completed for the waste.

- (2) Condition of containers

If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this section.

(3) Compatibility of waste with container

The owner or operator must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(4) Management of containers

(A) A container holding hazardous waste must always be closed during storage except when it is necessary to add or remove waste;

(B) A container holding hazardous waste must not be opened, handled or stored in a manner that may rupture the container or cause it to leak;

(C) Incompatible wastes

(i) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container. Examples of incompatible wastes are provided in **Appendix VII**.

(ii) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material; and

(iii) A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

(5) Emissions from containers

A large quantity generator storing hazardous waste in containers must comply with **40 CFR Part 265 Subparts AA, BB, and CC**.

(6) Containers holding ignitable or reactive waste

A large quantity generator accumulating or storing ignitable or reactive waste in containers must keep the containers at least fifty (50) feet from the property line.

(g) Use and Management of Tanks

(1) Tanks used for the storage of hazardous wastes shall be clearly marked with the words "Hazardous Waste" and to identify the name and hazardous waste identification code(s) of the hazardous waste stored therein.

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- (2) A large quantity generator storing hazardous wastes in tanks must comply with:
 - (A) All secondary containment, monitoring, tank testing and other requirements in **40 CFR §§ 265.190 through 265.199 except 265.197(c)**; and
 - (B) **40 CFR Part 265 Subparts AA, BB and CC.**
- (3) A small quantity generator storing hazardous wastes in tanks must comply with the standards of **40 CFR § 265.201.**
- (h) Use and Management of Drip Pads and Containment Buildings

Large quantity generators placing hazardous wastes on drip pads or in containment buildings must comply with the requirements of **40 CFR Part 265 Subparts W and DD**, and **§§ 262.34(a)(1)(iii) and (iv)** as applicable.

§ 7-312 ADDITIONAL REQUIREMENTS

On a case-by-case basis, any person subject to this subchapter may be required to meet additional requirements when the Secretary determines that such actions are necessary to protect human health or the environment.