

Summary of Changes to the Vermont Hazardous Waste Management Regulations

(Changes incorporated into the Regulations that became effective on October 15, 2006)

In addition to minor corrections and clarifications made throughout the regulations, the following changes have been made to the Vermont Hazardous Waste Management Regulations:

- Adopted the federal “manifest” rule which went into effect nationally on September 5, 2006. The new manifest rule supercedes previous federal manifest requirements that most states (including Vermont) adopted many years ago.

A manifest is the shipping document used to track hazardous waste from the point of generation to its ultimate disposal/treatment. Previously, as allowed under the now superceded federal rule, most states required the use of their own state-specific manifest forms. Under the new rule, a single uniform manifest form must be used nationally. A primary reason for this change is to reduce unnecessary burden on the regulated community (in particular, for transporters that operate in multiple states). Manifests must be from an EPA-registered printers.

Refer to the following web sites for more information:

<http://www.anr.state.vt.us/dec/wastediv/rcra/manifests.htm>

<http://www.epa.gov/epaoswer/hazwaste/gener/manifest/registry/printers.htm>

- Added codes for use on the hazardous waste manifest shipping documents to identify wastes that are either tax exempt or subject to reduced tax rates (Appendix VI).
- Revised the § 7-104 “notification” provision to allow hazardous waste generators to notify the ANR Secretary of a change in generator status using the annual generator fee assessment form (i.e., in lieu of submitting a revised **Vermont Hazardous Waste Handler Site ID Form**).
- Clarified that in order for used oil contaminated rags or wipes that are accumulated in laundry bags to be considered exempt under § 7-203(w), the rags must be kept in a closed container.
- Clarified recycling exemption § 7-204(a) by creating stand-alone “land application” and “fuel-to-fuel” exemptions under §§ 7-204(k) and (l); added “fuel-to-fuel” management standards based on EPA and VT policy.

- Revised the 7-309(c) generator facility closure provisions to require that a closure plan be submitted for review to the ANR Secretary 30 days prior to the commencement of closure (rather than 14 days prior to the commencement of closure).
- Added a requirement for a written contingency plan at transfer facilities where hazardous wastes are off-loaded for temporary (i.e., <10 days) storage. A “transfer facility” is any transportation related facility where shipments of hazardous waste are held during the normal course of transportation.
- Revised the definition of “used oil” to clarify (by providing examples) that it includes lubricants, but does not include fuels and solvents.
- Revised the definition of “used oil marketer” to exclude used oil generators, and transporters who transport used oil received only from generators (with respect to specification used oil). This change is consistent with the federal 40 CFR Part 279 Used Oil Management Standards.
- To achieve consistency with the Vermont Air Pollution Control Regulations, added a note following the definition of “small fuel burning equipment” to clarify that the 500,000 BTU per hour limit for maximum operating heat input is for an aggregate of all small fuel burning equipment at a facility.
- Adopted the federal K181 hazardous waste listing for “nonwastewaters from the production of dyes and/or pigments.”
- Adopted the federal “Performance Track” rule which allows large quantity hazardous waste generators that are “performance track member facilities” (i.e., proven environmental performers) to store waste for up to 180 days (instead of 90 days).
- Extended the University Labs XL Project (§ 7-109(c)) until September 30, 2012. The University Labs XL Project is a state/federal agreement that allows UVM (and two MA universities) to pilot more flexible and efficient waste management standards in laboratories.