

**Sec. 22a-449(c)-106. Standards for the management of specific hazardous wastes and specific types of hazardous waste management facilities**

**(a) Incorporation by Reference**

(1) 40 CFR 266 is incorporated by reference in its entirety except as provided in subdivision (2) of this subsection and except for the provisions of this subdivision which are not incorporated:

- (A) 40 CFR 266.80 (which relates to spent-lead acid batteries);
- (B) 40 CFR 266.100(b) (which relates to integration of MACT standards);
- (C) 40 CFR 266.100(d)(3)(i)(D) (which relates to certain certification requirements);
- (D) 40 CFR 266, subpart M (which relates to military munitions).

(2) The provisions of this subdivision are incorporated by reference with the specified changes:

(A) 40 CFR 266.100(a)

— delete “paragraphs (b), (c), (d), and (f)” and replace with “paragraphs (c), (d), (e), (g) and (h)”

(B) 40 CFR 266.100(d) introductory paragraph

— delete “conditionally”

— after “266.112” add “, provided any such owner or operator is in compliance with the requirements of this paragraph”

(C) 40 CFR 266.100(d)(1) introductory paragraph

— delete the paragraph in its entirety and replace with the following: “(1) To be exempt from 40 CFR 266.102 to 266.111, inclusive, an owner or operator of: (a) A metal recovery furnace, other than a lead recovery or a nickel-chromium recovery furnace, or a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing or (b) A mercury recovery furnace, other than a mercury recovery furnace that an owner or operator claims is exempt under 40 CFR 266.100(d)(3), must comply with the following requirements:”

(D) 40 CFR 266.100(d)(1)(i)(B)

— delete “paragraph (c)(2)” and replace with “paragraph (d)(2)”

(E) 40 CFR 266.100(d)(1)(ii)

— delete the paragraph in its entirety and replace with the following “(ii) Submit for the commissioner’s review and approval a waste analysis plan describing how the owner or operator will sample and analyze hazardous waste and other feedstocks to comply with, and maintain compliance with, the requirements of 40 CFR 266.100(d). Such plan shall include, but not be limited to the parameters to be tested, the rationale for the proposed parameters, how analysis of these parameters will provide sufficient information to comply with 40 CFR 266.100(d), the frequency of sampling and proposed test methods specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 40 CFR 260.11. The owner or operator may propose another test method if SW-846 does not prescribe a method for a particular determination. The owner or operator shall implement the waste analysis plan approved by the commissioner; and”

(F) 40 CFR 266.100(d)(1)(iii)

— after “feedstocks” add “and all waste sampling and analysis results and all other

records used to comply with 40 CFR 266.100(d)(1)(ii)”

(G) 40 CFR 266.100(d)(1)

— add a new paragraph (iv) as follows: “ (iv) The commissioner may decide on a case-by-case basis that an owner or operator is not processing hazardous waste solely for metal recovery, or that the processing of hazardous waste in a metal recovery furnace described in 40 CFR 266.100(d), exempt from the requirements of 40 CFR 266.102 to 266.111, inclusive, may pose a hazard to human health or the environment. In either situation, after adequate notice and opportunity for comment, the commissioner may determine that the owner or operator of the metal recovery furnace shall comply with the requirements of 40 CFR 266.102 to 266.111, inclusive.”

(H) 40 CFR 266.100(d)(2)(i)

— delete “paragraph (c)(1)(iii)” and replace with “paragraph (d)(1)(iii)”

(I) 40 CFR 266.100(d)(2)(ii)

— delete “paragraph (c)(1)(iii)” and replace with “paragraph (d)(1)(iii)”

(J) 40 CFR 266.100(d)(3) introductory paragraph

— delete the paragraph in its entirety and replace with the following: “(3) To be exempt from 40 CFR 266.102 to 266.111, inclusive, an owner or operator of a (a) nickel-chromium recovery furnace; (b) a mercury recovery furnace, other than a mercury recovery furnace that an owner or operator claims is exempt under 40 CFR 266.100(d)(1); (c) a lead recovery furnace, other than a lead recovery furnace subject to regulation under 40 CFR 63, subpart X (the Secondary Lead Smelting NESHAP); or (d) a metal recovery furnace that burns baghouse bags used to capture metallic dusts emitted by steel manufacturing, shall comply with the requirements of 40 CFR 266.100(d)(1)(i) to (iii), inclusive, for each waste that an owner or operator claims is regulated under 40 CFR 266.100(d)(3). In addition, to be exempt from 40 CFR 266.102 to 266.111, inclusive, an owner or operator must comply with the following additional requirements:”

(K) 40 CFR 266.100(d)(3)(i)

— delete “paragraph (c)(1)” and replace with “paragraph (d)(1)”

(L) 40 CFR 266.100(d)(3)(i)(A)

— delete “appendix IX” and replace with “appendix XI”

(M) 40 CFR 266.100(d)(3)(i)(C)

— delete “; and” and replace with “.”

(N) 40 CFR 266.100(d)(3)(ii)

— after “basis” add “that an owner or operator is not processing hazardous waste solely for metal recovery, or”

— delete “that situation” and replace with “either situation”

— after “comment,” add “the owner or operator of”

(O) 40 CFR 266.100(g)(2)

— delete the paragraph in its entirety and replace with the following: “(2) Submit for the commissioner’s review and approval a waste analysis plan describing how the owner or operator will sample and analyze hazardous waste to demonstrate that the waste is burned for recovery of economically significant amounts of precious metals and thereby comply with, and maintain compliance with, the requirements of 40 CFR 266.100(g). Such plan shall include, but not be limited to the parameters to be tested, the rationale for the proposed

parameters, how analysis of these parameters will provide sufficient information to comply with this paragraph, the frequency of sampling and proposed test methods specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 40 CFR 260.11. The owner or operator may propose another test method if SW-846 does not prescribe a method for a particular determination. The owner or operator shall implement the waste analysis plan approved by the commissioner; and”

(P) 40 CFR 266.100(g)(3)

— after “metal” add “and all waste sampling and analysis results and all other records needed to comply with 40 CFR 266.100(g)(2)”

(Q) 40 CFR 266.100(g)

— add a new paragraph (4) as follows: “(4) The commissioner may decide on a case-by-case basis that a person is not processing hazardous waste for recovery of economically significant amounts of precious metals, or that the processing of hazardous waste for recovery of economically significant amounts of precious metals in smelting, melting and refining furnaces, exempt from the requirements of 40 CFR 266.101 to 266.111, inclusive, as described in the introductory paragraph of 40 CFR 266.100(g), may pose a hazard to human health or the environment. In either situation, after adequate notice and opportunity for comment, the commissioner may determine that the owner or operator of any such shall comply with the requirements of 40 CFR 266.101 to 266.111, inclusive.”

(R) 40 CFR 266.100(h)

— after the first occurrence of “under” add “40 CFR 63, subpart X and”

— add a new paragraph (1) as follows: “(1) The commissioner may decide on a case-by-case basis that a person is not processing hazardous waste for recovery of lead, or that the processing of hazardous waste for recovery of lead, exempt from the requirements of 40 CFR 266.102 to 266.112, inclusive, as described in 40 CFR 266.100(h), may pose a hazard to human health and the environment. In either situation, after adequate notice and opportunity for comment, the commissioner may determine that the owner or operator of any such lead recovery furnace shall comply with the requirements of 40 CFR 266.102 to 266.112, inclusive.”

(S) 40 CFR 266.101(c)(1)

— delete the first occurrence of “storage and treatment” and replace with “both storage or treatment activities undertaken”

— delete the last occurrence of “storage and treatment” and replace with “storage or treatment”

(T) 40 CFR 266.102(e)(3)(i)(E)

— delete “§ 266.111(b)” and replace with “40 CFR 266.105(a)”

(U) 40 CFR 266.106(d)(1)

— delete the first appearance of the phrase “dispersion modeling to predict the maximum annual average off-site ground level concentration for each”

(V) 40 CFR 266.112(b)(2)(i)

— delete the entire paragraph and replace it with the following: “(i) Nonmetal constituents. For each nonmetal toxic constituent of concern specified in paragraph (b)(1) of this section, the concentration in the waste-derived residue shall not exceed the levels defined as the land disposal restriction limits specified in 40 CFR 268.40 for F039

nonwastewaters. In complying with 40 CFR 268.43 for FO39 nonwastewater levels for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans, an owner or operator must perform and retain analyses for total hexachlorodibenzo-p-dioxins, total hexachlorodibenzofurans, total pentachlorodibenzo-p-dioxins, total pentachlorodibenzo furans, total tetrachlorodibenzo-p-dioxins, and total tetrachloro-dibenzofurans. An owner or operator may demonstrate compliance with this requirement by achieving a detection limit for the constituent that does not exceed an order of magnitude above the level specified in 40 CFR 268.40 for F039 nonwastewaters; and”

(3) In addition to the provisions incorporated by reference in subdivisions (1) and (2) of this subsection, the provisions in subsections (b) to (e), inclusive, of this section shall apply.

**(b) Recyclable Materials Utilized for Precious Metals Recovery**

(1) In addition to the requirements in 40 CFR 266.70:

(A) Any person that stores recyclable materials specified in 40 CFR 266.70(a) shall mark all containers and tanks holding these materials so that their contents are clearly identified and the date upon which each period of accumulation begins is clearly marked and visible for inspection. Notwithstanding the foregoing, when marking the beginning of each period of accumulation for materials accumulated or stored in tanks, the person accumulating or storing such materials does not have to mark the tank but may maintain a written log noting the date upon which each period of accumulation begins, provided such log is maintained in the facility operating record and is available for inspection.

(B) Any person that recycles recyclable materials specified in 40 CFR 266.70(a) shall comply with the following requirements:

(i) Registration, which consists of the notification requirements under section 3010 of RCRA (42 USC 6930) and the filing of a completed recyclable materials registration on a form prescribed by the commissioner which shall include, but not be limited to, the information listed in 40 CFR 270.13. Said registration shall be submitted to the commissioner no later than thirty days prior to engaging in the recycling of recyclable materials; and

(ii) The filing of a report every two years that satisfies all of the requirements of 40 CFR 264.75, including but not limited to, use of the prescribed form. Unless another time is prescribed by the commissioner in writing, such report shall be submitted to the commissioner no later than March 1 of each even numbered year.

**(c) Spent Lead-Acid Batteries Being Reclaimed**

(1) Persons who generate, transport, store or collect spent lead-acid batteries that are recyclable materials (“spent batteries”) for recycling, or who reclaim, including regenerate, spent batteries, shall comply with the requirements in 40 CFR 261, 40 CFR 262.11, the inspection log requirements in 40 CFR 265.15(d), and the requirements of this subsection unless such batteries are being managed under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies:

(A) while accumulated or stored, spent batteries shall not be opened, handled or stored in a manner which may rupture the battery case, cause it to leak, or produce short circuits;

(B) Spent batteries shall not be stored or accumulated near incompatible materials unless they are protected from the other materials by means of a dike, berm, wall, or other device to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous

waste or hazardous waste constituents which could result from the mixing of incompatible wastes or materials;

(C) Spent batteries shall be stored or accumulated on an impervious surface and inspected weekly for leaks and deterioration; and

(D) No person shall store or accumulate greater than 20,000 kilograms of spent batteries at any one time unless they have submitted to the Commissioner a completed spent battery accumulation registration. The registration shall be submitted on such forms as prescribed by the Commissioner, and shall include the information listed in 40 CFR 270.13 and any other information which the Commissioner deems necessary to determine the potential impact on the environment. Said registration shall be filed no later than thirty days prior to accumulating greater than 20,000 kilograms of spent batteries.

(2) In addition, for spent batteries that are reclaimed in a manner other than regeneration, the person who generates, collects, transports, stores but does not reclaim, or reclaims but does not store, such batteries shall comply with all applicable provisions in 40 CFR 268.

(3) Owners or operators of facilities operating under interim status that store spent lead acid batteries, before reclaiming them, other than through regeneration, are subject to the following requirements: (1) notification requirements under section 3010 of RCRA (42 USC 6930); (2) 40 CFR 261; (3) 40 CFR 262.11; (4) All applicable provisions in subparts A, B, (but not 40 CFR 265.13 (waste analysis)), C, D, E (but not 40 CFR 265.71 and 265.72 (dealing with use of the manifest and manifest discrepancies)), and F to L, inclusive, of 40 CFR 265; and (5) All applicable provisions in 40 CFR 268, 270 and 124.”

(4) The following requirements are applicable to the owner or operator of a facility issued a permit under section 22a-449(c)-110 of the Regulations of Connecticut State Agencies, that stores spent lead acid batteries before reclaiming them, other than through regeneration: (1) notification requirements under section 3010 of RCRA (42 USC 6930); (2) 40 CFR 261; (3) 40 CFR 262.11; (4) all applicable provisions in subparts A, B (but not 40 CFR 264.13 (waste analysis)), C, D, E (but not 40 CFR 264.71 or 264.72 (dealing with the use of the manifest and manifest discrepancies)), and F to L, inclusive, of 40 CFR 264; and (5) all applicable provisions in 40 CFR 268, 270 and 124.

(5) Persons who generate, transport, store or collect spent lead-acid batteries other than for recycling or who dispose of spent batteries are subject to all applicable requirements of sections 22a-449(c)-100 to 110, inclusive, of the Regulations of Connecticut State Agencies, unless such batteries are being managed under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies, in which case the provisions of section 22a-449(c)-113 of the Regulations of Connecticut State Agencies shall apply.

(6) For purposes of this subsection, the terms “regenerate” or “regeneration” mean replacing drained electrolyte fluids or replacing non-functional battery cells.

**(d) Wastewater Treatment Sludges from the Production of Ethylene Dichloride or Vinyl Chloride Monomer**

(1) For purposes of this subsection only, “sludge” or “sludges” means wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from co-mingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater).

(2) Persons who generate sludges shall comply with 40 CFR 262.11, but otherwise shall

not be subject to section 22a-449(c)-102 of Regulations of Connecticut State Agencies provided:

(A) such sludges, other than meeting the listing description for K174, are not otherwise a hazardous waste under 40 CFR 261 subparts C or D;

(B) all such sludges are disposed of in a landfill, including a landfill authorized to receive non-hazardous waste, provided any such landfill has a valid and effective permit issued by the commissioner that authorizes the disposal of such sludges or if the landfill is not in Connecticut, the landfill has all the necessary federal, state or local permits, licenses or authorizations, authorizing the disposal of such sludge:

(C) all such sludges are not placed on the land prior to final disposal; and

(D) the generator of such sludges retains the following records:

(i) documentation demonstrating that all such sludges were disposed of, or were consigned to a transporter or disposal facility pursuant to a written agreement to dispose of all such sludges, in a landfill meeting the requirements of subparagraph (B) of this subdivision;

(ii) if the sludges are disposed of in a landfill in Connecticut, all special waste authorizations issued by the commissioner pursuant to section 22a-209-(8) of the Regulations of Connecticut State Agencies regarding the disposal of all such sludges; and

(iii) all bills of lading, contracts or similar records regarding the transportation and disposal of such sludges.

(3) Persons who transport, treat, store or dispose of sludges shall not be subject to sections 22a-449(c)-11, 103, 104, 105 or 110 of the Regulations of Connecticut State Agencies, as applicable, regarding the transportation, treatment, storage or disposal of such sludges, provided:

(A) such sludges, other than meeting the listing description for K174, are not otherwise a hazardous waste under 40 CFR 261 subparts C or D;

(B) all such sludges are disposed of in a landfill, including a landfill authorized to receive non-hazardous waste, provided any such landfill has a valid and effective permit issued by the commissioner that authorizes the disposal of such sludges or if the landfill is not in Connecticut, the landfill has all the necessary federal, state and local permits, licenses or authorizations, authorizing the disposal of such sludge; and

(C) all such sludges are not placed on the land prior to final disposal.

(4) Persons who generate, transport, treat, store or dispose of sludges shall be subject to all applicable provisions of sections 22a-449(c)-100 to 110, inclusive, of the Regulations of Connecticut State Agencies, and cannot claim that such sludges are regulated under this subsection, if any condition in subdivisions (2) or (3) of this subsection is not met.

(5) Respondents in actions to enforce the provisions of this subsection who raise a claim that sludges are exempt from regulation under subdivision (2) or (3) of this subsection shall, upon a showing by the Department that the respondent generated, transported, treated, stored or disposed of sludges, demonstrate that they complied with all of the applicable conditions specified in subdivision (2) or (3) of this subsection. In doing so, respondents shall provide appropriate documentation (e.g., contracts between the generator and transporter or between the generator and landfill owner or operator, invoices, bills of lading, special waste authorizations, permits) demonstrating that the conditions in subdivision (2) or (3), as

applicable, were satisfied.

**(e) Additional Requirements for Used or Fired Military Munitions**

If a used or fired military munition lands off-range and is not promptly rendered safe or retrieved, any imminent and substantial threat associated with any remaining material shall be addressed by the person who fired the munition or, if different, the owner or operator of the range. If remedial action is infeasible, the operator of the range shall maintain a record of the event for as long as any threat remains. The record shall include the type of munition and its location (to the extent the location is known).

(Effective July 17, 1990; Amended October 31, 2001; Amended June 27, 2002)