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**Department of Environmental Protection**
*Subject*
**Hazardous Waste Management**
*Inclusive Sections*
**§§ 22a-449(c)-1—22a-449(c)-119**

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## Hazardous Waste Management

### Sec. 22a-449(c)-1—22a-449(c)-10. Repealed

Repealed July 17, 1990.

### Sec. 22a-449(c)-11. Transporter permits

(a) **Permit Required**—Except as provided in Subsection (b), a person shall not transport hazardous wastes in or through the State of Connecticut without having received a permit from the Commissioner.

(b) **Exclusions**

A transporter permit is not required for a generator of hazardous waste who transports via equipment owned by the generator a total of less than 1,000 kilograms of hazardous wastes in a calendar month to an off-site waste facility within the State of Connecticut, providing the facility either has a permit from the Commissioner or is operating under interim status pursuant to Section 22a-449 (c)-16 (a) of these regulations.

(c) **Term of Permit**

(1) A permit shall be valid for a fixed term not to exceed five years beginning July first.

(2)

(A) The Commissioner may issue a permit to a transporter of hazardous waste for a duration that is less than 5 years so that a portion of the permits issued expire each year.

(B) The Commissioner shall maintain a written schedule for permit expiration, which shall be based upon the identification numbers assigned pursuant to subdivision (d) (2) of this section.

(d) **Permit Application**

(1) All persons transporting hazardous waste in or through the state who hold a permit which expires on June 30 of that calendar year, shall, by March 1 of that year, submit to the Commissioner a separate permit application for each business location.

(2) The transporter shall list each vehicle or container used for the transportation of hazardous waste on the application form. Upon granting the transporter permit, the Commissioner will assign each vehicle or container a unique identification number. Bulk shipments by rail or water shall be governed only by 40 CFR Part 263.

(e) **Suspension or Revocation of Permit**

(1) Grounds for Suspension or Revocation

The Commissioner may suspend or revoke the transport permit for:

(A) Violation of any applicable requirement for transporters of Federal or State statute or regulation or permit terms or conditions;

(B) Aiding, abetting or permitting the violation of any provision of the permit or Federal or State statute or regulation;

(C) Any action or omission associated with the transport of hazardous waste that could cause a hazard to the public health or the environment;

(D) Misrepresentation or omission of a significant fact either in the application for a permit or in information subsequently reported to the Commissioner; or

(E) Failure to comply with any order issued by the Commissioner.

(2) Procedures for Suspension or Revocation

(A) The Commissioner may temporarily suspend, annul or withdraw a hazardous waste transportation permit prior to any hearing when, in his opinion, such action is necessary to protect the public health, domestic livestock or wildlife, or the environment in accordance with Section 4-182 (c) Connecticut General Statutes.

(f) **Transfer of Permits**—Permits issued under this part may not be transferred without the approval of the Commissioner.

(g) **Permit Modifications**—

(1) Minor Modification-Upon a request by the permittee, the Commissioner may make corrections or changes in the permit that do not significantly alter the nature of the permit.

(2) Formal Modification—A request for modification may be made by any interested person or upon the Commissioner's initiative. All requests shall be in writing and shall contain facts or reasons supporting the request.

(h) **Fees**—Each recipient of a new or renewed permit to transport hazardous waste and each applicant for a permit modification involving a change in the type of waste to be transported or a material alteration of a storage facility used by the applicant transporter shall pay the fees specified in section 22a-454-1 of the Regulations of Connecticut State Agencies.

(Effective November 23, 1988)

**Sec. 22a-449(c)-12—22a-449(c)-43. Repealed**

Repealed July 17, 1990.

**Sec. 22a-449(c)-44—22a-449(c)-99. Reserved**

**Sec. 22a-449(c)-100. Hazardous waste management system: general**

(a) **General**

(1) Unless specifically excluded by the state hazardous waste management regulations, when a provision of the Code of Federal Regulations (CFR) is incorporated by reference, or cited in the state hazardous waste management regulations, all notes, comments, appendices, diagrams, tables, and figures referred to or cited in such provision are also incorporated by reference. In addition, when a provision of the CFR is incorporated by reference or cited in the state hazardous waste management regulations, such reference shall be deemed to include all modifications made to any such provision by the state hazardous waste management regulations.

(2) When a provision of the CFR is incorporated by reference, unless otherwise noted all internal references contained therein are also incorporated by reference for the purposes of that provision. Each internal reference to the CFR is intended to include any modifications to such internal reference made by the state hazardous waste management regulations.

(3) Provisions of the CFR which are specifically excluded from incorporation by

reference in the state hazardous waste management regulations are excluded in their entirety unless otherwise specified, notwithstanding any apparent limitations in the scope of the explanatory language enclosed in parentheses following the citation of the excluded provision. Such explanatory language is included solely for the convenience of the reader.

(4) In the event that there are inconsistencies or duplications in the requirements of the provisions incorporated by reference from 40 CFR 260 et seq. and the regulations set forth in the state hazardous waste management regulations, the provisions incorporated by reference from 40 CFR 260 et seq. shall prevail, except where the regulations set forth in the state hazardous waste management regulations are more stringent.

(5) Whenever the state hazardous waste management regulations refer to a period of retention which may be specified by the commissioner, the commissioner will not specify any period of retention less than three years. The retention period for all records required under the state hazardous waste management regulations shall be extended automatically during the course of any unresolved enforcement action or as requested by the commissioner in writing.

(6) Nothing in the state hazardous waste management regulations shall affect the commissioner's authority to enforce statutes, regulations, permits or orders administered or issued by the commissioner, including but not limited to the commissioner's authority to issue an order to prevent or abate pollution and potential sources of pollution.

(7) Whenever any provision in the state hazardous waste management regulations, including any provision of the CFR which is incorporated by reference, makes reference to the term "Act", "RCRA", "Resources Conservation and Recovery Act", "Subtitle C of RCRA", "Subtitle C" or a specific section of any of the foregoing, the phrase "or any applicable or comparable provision of the Connecticut General Statutes and implementing regulations" shall be added so that the reference to the federal provision shall be deemed to include such federal provision as well as the applicable or comparable provision of the Connecticut General Statutes and any implementing regulations.

(b) **Incorporation by Reference**

(1) 40 CFR 260 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 260.1 (which relates to purpose, scope and applicability);

(B) 40 CFR 260.2 (which relates to availability of information); and

(C) 40 CFR 260 Subpart C (which relates to rulemaking petitions).

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

(A) 40 CFR 260.3, introductory sentence — delete "265 and 268" and replace with "266, 268, 270, 273 and 279"

(B) 40 CFR 260.10

— delete the introductory pararagraph in its entirety and replace with the following: "Except as provided for in section 22a-449(c)-100(c) of the Regulations of Connecticut

State Agencies, when used in 40 CFR 260 to 266, inclusive, 268, 270, 273 and 279, the following terms have the meanings given below:”

— delete the definition of “Remediation Waste Management Site” in its entirety

— delete the definition of “Staging Pile” in its entirety

(C) 40 CFR 260.11(b)

— delete “these incorporations by reference were approved by the director of the federal register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the federal register.”

(c) **Definitions**. When used in the State Hazardous Waste Management Regulations, including the provisions of the CFR which are incorporated by reference in the State Hazardous Waste Management Regulations:

(1) “Administrator”, “Regional Administrator”, “EPA Regional Administrator”, “Assistant Administrator”, “Assistant Administrator for Solid Waste and Emergency Response” and “State Director” mean the commissioner of environmental protection, except that:

(A) when used in 40 CFR 261.10, 261.11, 262.50 to 262.57, inclusive, 262.80 to 262.89, inclusive, 264.12(a), 264.150(a), 265.12(a), 265.150(a), 268.5, 268.6, 268.13, 268.40(b), 268.42(b), 268.44(a)-(g), 270.3, 270.5, 270.10(e)(3), 270.10(f)(3), 270.10(g)(1)(i), 270.11(a)(3) and 270.14(b)(20), “Administrator” means the administrator of the United States Environmental Protection Agency, or the administrator’s designee, and “Regional administrator” means the regional administrator for the EPA region in which the facility is located, or the regional administrator’s designee; and

(B) when used in the definitions of “Administrator”, “Hazardous waste constituent”, “Major facility”, “Regional administrator” and “State/EPA agreement” in 40 CFR 260.10 or 40 CFR 270.2, “Administrator” means the administrator of the United States Environmental Protection Agency, or the administrator’s designee, and “Regional administrator” means the regional administrator for the EPA region in which the facility is located, or the regional administrator’s designee.

(2) “Agency”, “EPA”, “Environmental Protection Agency”, “United States Environmental Protection Agency”, “U.S. Environmental Protection Agency”, “EPA region” and “EPA headquarters” mean the Connecticut Department of Environmental Protection, except that:

(A) when used in 40 CFR 260.11(a), 261.1(a)(2), 261 Appendix IX, 262.50 to 262.57, inclusive, 262.80 to 262.89, inclusive, 264.12(a)(2), 264.71(d), 264.1082(c)(4)(ii) (the second reference to EPA only), 265.12(a)(2), 265.71(d), 265.1083(c)(4)(ii) (the second reference to EPA only), 268.1(e)(3), 268.5(g), 268.10, 268.11, 268.12, 268.44(a)-(g), 270.3, 270.5, 270.72(a)(5), 270.72(b)(5) and 124.10(c)(1)(ii), said terms mean the United States Environmental Protection Agency;

(B) when used in the definitions of “Approved Program or Approved State”, “EPA”, “Environmental Protection Agency”, “Final Authorization”, “Interim Authorization”, and “State/EPA Agreement” in 40 CFR 270.2, the terms “Agency”, “EPA”, “United States

Environmental Protection Agency", "U.S. Environmental Protection Agency", and "EPA Headquarters" mean the United States Environmental Protection Agency; and

(C) "EPA", when used in the terms "EPA Identification Numbers", "EPA Hazardous Waste Numbers", "EPA Test Methods", "EPA Publications", "EPA Form(s)", "EPA Guidance" and "EPA Acknowledgment of Consent", means the United States Environmental Protection Agency.

(3) "Authorized state" means Connecticut's Department of Environmental Protection, except that when used in 40 CFR 262.23(e) and in the definition of "Designated facility" set forth in section 22a-449(c)-100(c)(11) of the Regulations of Connecticut State Agencies, "Authorized state" means any state that, pursuant to 40 CFR 271, has received authorization of its hazardous waste program from the United States Environmental Protection Agency.

(4) "Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a self-contained system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

(5) "Code of Federal Regulations" or "CFR", in reference to all or any portion of 40 CFR 124 and 260 to 279, inclusive, means the Code of Federal Regulations revised as of July 1, 2000. All other references to the Code of Federal Regulations (i.e., references to provisions other than 40 CFR 124 and 40 CFR 260 to 279, inclusive) mean the Code of Federal Regulations as of June 27, 2002.

(6) "Commissioner" means the Commissioner of Environmental Protection of the State of Connecticut, or the commissioner's designee.

(7) "Corrective action management unit" or "CAMU" means an area within a facility that is designated by the commissioner under 40 CFR 264, subpart S, for the purpose of implementing corrective action remedies under 40 CFR 264.101 or section 22a-449(c)-105(h) of the Regulations of Connecticut State Agencies. A CAMU shall be used only for the management of remediation wastes.

(8) "Day" means calendar day, unless otherwise specified.

(9) "Department" or "DEP" means the Connecticut Department of Environmental Protection.

(10) "Department of Transportation" or "DOT" means the U.S. Department of Transportation.

(11) "Designated facility" means a hazardous waste treatment, storage, or disposal facility which:

(A) has received a permit (or interim status) in accordance with the requirements of section 22a-449(c)-110 of the Regulations of Connecticut State Agencies, has received a permit (or interim status) from a state authorized in accordance with 40 CFR 271, or is regulated under 40 CFR 261.6(c)(2) or 40 CFR 266, subpart F; and

(B) has been designated on the manifest by the generator pursuant to 40 CFR 262.20.

If a waste is destined to a facility in an authorized state which has not yet obtained authorization to regulate that particular waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

(12) "Destination Facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in paragraphs (a) and (c) of 40 CFR 273.13 and 273.33. A facility at which a particular category of universal waste is only accumulated, is not a destination facility for purposes of managing that category of universal waste. For purposes of section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies, a facility that engages in the disassembly or demanufacturing of used electronics: (1) for the purpose of marketing, reselling, reusing or recycling the components of a used electronic device; (2) without treating the device or any component thereof; and (3) without breaking the cathode ray tube, if any, in any such device, shall not be considered a destination facility. A facility that shreds, crushes, heats, or otherwise treats a used electronic device or any component thereof, or that breaks the cathode ray tube in any used electronic device, shall be considered a destination facility.

(13) "Director" means commissioner unless the context clearly indicates otherwise, such as where EPA retains the authority to take certain actions, in which case the term "Director" means the EPA regional administrator.

(14) "EPA regional office" or "Regional EPA office" means the Connecticut Department of Environmental Protection, except that when used in 40 CFR 264.143(h), 264.145(h), 265.143(g) and 265.145(g), "EPA regional office" means the regional office of the United States Environmental Protection Agency in which the facility is located.

(15) "Facility" means:

(A) All contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (e.g., one or more landfills, surface impoundments or combinations of them);

(B) For the purpose of implementing corrective action under 40 CFR 264.101, all contiguous property under the control of the owner or operator seeking a permit under section 22a-449(c)-110 of the Regulations of Connecticut State Agencies ; or

(C) For the purpose of implementing corrective action under section 22a-449(c)-105(h) of the Regulations of Connecticut State Agencies, all contiguous property under the control of the owner or operator.

(16) "Impermeable" or "Impervious" means a natural in-place soil or emplaced soil material having a permeability of less than or equal to $1.0 \times 10^{-7}$centimeters per second (cm/sec), and, in the case of an artificial liner, the liner and its construction and use have been approved in writing by the commissioner. This definition shall not apply, however, to any secondary containment system or surface that is required to be "sufficiently impervious".

(17) "Integral part of an industrial production process" means an essential part of an industrial production process that is directly connected to the industrial production process

in a manner that meets all of the definitional requirements for a totally enclosed treatment facility as set out in 40 CFR 260.10. For purposes of this definition, "industrial production process" may include a laboratory process at an academic or research laboratory if such process satisfies the requirements of this definition.

(18) "Lamp" or "universal waste lamp" means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

(19) "Manifest" means the shipping document EPA form 8700-22, originated and signed by the generator in accordance with the instructions included in the Appendix to 40 CFR 262 and section 22a-449(c)-102 of the Regulations of Connecticut State Agencies.

(20) "Manifest document number" means the U.S. EPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes, and the number printed on the manifest prescribed by the commissioner.

(21) "Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, containment building, corrective action management unit, or unit eligible for a research, development and demonstration permit under 40 CFR 270.65.

(22) "Person" means both "Person" and "Municipality" as those terms are defined in section 22a-423 of the Connecticut General Statutes, unless otherwise specified.

(23) "Pesticide", for purposes of section 22a-449(c)-113 of the Regulations of Connecticut State Agencies, means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, or intended for use as a plant regulator, defoliant or desiccant, other than any article that:

(A) is a new animal drug under 21 USC 321(v), section 201(w) of the Federal Food, Drug, and Cosmetic Act; or

(B) is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug; or

(C) is an animal feed under 21 USC 321(w), section 201(x) of the Federal Food, Drug, and Cosmetic Act, that bears or contains any substances described in subparagraphs (A) or (B) of this subdivision.

(24) "ppmv" means parts per million by volume.

(25) "Release" means any discharge, as defined in 40 CFR 260.10, or any migration of substances from a waste or combination of wastes into the environment.

(26) "Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils and sediments) and debris, which contain a listed hazardous waste or which themselves exhibit a hazardous waste characteristic, that are managed for the purpose of implementing corrective action requirements under 40 CFR

264.101 or section 22a-449(c)-105(h) of the Regulations of Connecticut State Agencies. For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing corrective action for releases beyond the facility boundary.

(27) "Residential building" means any house, apartment, apartment complex with four or less units, condominium complex with four or less units, cooperative complex with four or less units, trailer, mobile home or other structure occupied by individuals as a dwelling.

(28) "Small quantity generator" means a generator who in a calendar month generates more than 100 BUT less than 1000 kilograms of hazardous waste in that calendar month, provided that such waste does not include more than:

(A) a total of one kilogram of acute hazardous wastes listed in 40 CFR 261.31, 261.32 or 261.33(e); or

(B) a total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e), provided that there is no more than a total of one kilogram of acute hazardous waste contained in that residue, soil, waste or debris.

Whenever any provision incorporated by reference from 40 CFR 260 to 279, inclusive, refers to a generator who generates between 100 kilograms and 1000 kilograms of hazardous waste in a calendar month, that reference shall be deemed to be a reference to a "small quantity generator" as defined in this definiton.

(29) "State", "Approved state" and "Approved program" mean the state of Connecticut, except that:

(A) when used in 40 CFR 261.5(f)(3), 261.5(g)(3), and 40 CFR 262, 264.71(a)(4), 264.71(b)(4), 264.143(h), 264.145(h), 264.147, 264.151, 265.71(a)(4), 265.71(b)(4), 265.143(g), 265.145(g), 265.147, 268.5(e), 268.6, 268.42(b) and 268.44(d), "State" means any of the several states, the District of Columbia, the commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the commonwealth of the Northern Mariana Islands;

(B) when used in the definition of "Designated facility" in section 22a-449(c)-100(c)(11) of the Regulations of Connecticut State Agencies, the definitions of "EPA Region", "Person", "State" and "United States" in 40 CFR 260.10, and the definitions of "Approved program or approved state", "Final authorization", "Interim authorization", "Person" and "State" in 40 CFR 270.2, "State" means any of the several states, the District of Columbia, the commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the commonwealth of the Northern Mariana Islands; and

(C) when used in the definition of "Permit" in 40 CFR 270.2, "Approved state" means any state that, pursuant to 40 CFR 271, has received authorization of its hazardous waste program from the United States Environmental Protection Agency.

(30) "State hazardous waste management regulations" means sections 22a-449(c)-100 to 119, inclusive, and section 22a-449(c)-11 of the Regulations of Connecticut State

Agencies.

(31) “Sufficiently impervious” means:

(A) free of gaps, cracks and areas of bare earth;

(B) capable of containing any hazardous waste, used oil or other material that may be accidentally or otherwise released such that any such hazardous waste, used oil or other material released does not migrate or seep from or through the secondary containment system into the environment;

(C) compatible with any hazardous waste, used oil or other material that may be accidentally or otherwise released into the secondary containment system;

(D) if necessary, coated with a material resistant to weathering or damage such that any hazardous waste, used oil or other material that may be accidentally or otherwise released into the secondary containment system does not migrate or seep from or through the secondary containment system into the environment; and

(E) free of floor or other drains, catch basins or similar structures that would allow hazardous waste, used oil or other material to be released into the environment.

(32) “TEQ” means toxicity equivalence, the international method described in 40 CFR 266, Appendix IX, section 4.0, of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p dioxin.

(33) “Universal waste” means any of the following hazardous wastes: (A) Batteries as described in 40 CFR 273.2; (B) Pesticides as described in 40 CFR 273.3; (C) Thermostats as described in 40 CFR 273.4; (D) Lamps as described in 40 CFR 273.5; and (E) Used electronics as described in section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies;

(34) “Used electronics” or “used electronic device” means a device or component thereof that contains one or more circuit boards or a cathode ray tube and is used primarily for data transfer or storage, communication, or entertainment purposes, including but not limited to, desk top and lap top computers, computer peripherals, monitors, copying machines, scanners, printers, radios, televisions, camcorders, video cassette recorders (“VCRs”), compact disc players, digital video disc players, MP3 players, telephones, including cellular and portable telephones, and stereos.

(35) “Used oil” means any oil refined from crude oil or synthetic oil, that: (A) has been used and as a result of such use is contaminated by physical or chemical impurities; or (B) is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties.

(Effective July 17, 1990; Amended October 31, 2001; Amended June 27, 2002; Amended September 10, 2002)

**Sec. 22a-449(c)-101. Identification and listing of hazardous waste**

(a) **Incorporation by Reference**

(1) 40 CFR 261 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 261.2(a)(2)(iv) (which relates to military munitions);

(B) 40 CFR 261.4(a)(16) (which relates to comparable/syngas fuels);

(C) 40 CFR 261.4(b)(6) (which relates to certain chromium waste);

(D) 40 CFR 261.4(b)(11) (which relates to certain groundwater reinjected through an underground injection well);

(E) 40 CFR 261.4(g) (which relates to dredged material);

(F) 40 CFR 261.38 (which relates to comparable/syngas fuel).

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

(A) 40 CFR 261.1 (a)

—delete "265" and replace with "266"

(B) 40 CFR 261.1(c)(8)

— delete the first sentence and replace with the following: "Except as provided for in 40 CFR 266, subpart F, a material, not otherwise defined as a solid waste, is accumulated speculatively and becomes a solid waste if it is accumulated before being recycled. Materials are no longer accumulated speculatively, once they are removed from accumulation for recycling."

— after "if" in the second sentence add "(1) The material is accumulating in a unit exempt from regulation under 40 CFR 261.4(c), or (2)"

— delete "— during the calendar year (commencing on January 1) — the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under § 261.4(c) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however" and replace with "all material is recycled within one year of the date on which accumulation of that material begins."

(C) 40 CFR 261.2(a)(2)(iii)

— delete "; or" and replace with a "."

(D) 40 CFR 261.2(c)(3)

— at the end of the paragraph add the following: "If, however, before being reclaimed, a person accumulates or stores a material not noted with an '*' in column 3 of Table 1, such person 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. 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 itself, 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."

(E) Table 1 in 40 CFR 261.2(c)

— add an asterisk (*) to column 4 for the category "Commercial Chemical Products listed in 40 CFR 261.33."

(F) 40 CFR 261.2(e)

— add a new paragraph (3) as follows: "(3) Notwithstanding 40 CFR 261.2(e)(1), if materials being recycled are stored in tanks or containers before being used, reused, or returned to the original process from which they were generated, the person accumulating or storing such materials 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. 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 itself, 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."

(G) 40 CFR 261.3(a)(2)(v)

— delete "Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Third Edition, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter)." and replace with "To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, a person shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) a person shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until a person has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such."

(H) 40 CFR 261.3(c)(2)(i)

— delete "or leachate (but not including precipitation run-off)" and replace with "leachate or precipitation run-off, unless such precipitation run-off is from a treatment, storage or

disposal facility registered under and in compliance with the terms and conditions of the general permit issued by the commissioner for the discharge of stormwater associated with industrial activities."

(I) 40 CFR 261.4(a)(1)(ii)

— at the end of the paragraph add "Any person claiming a mixture of domestic sewage and other wastes is not solid waste, pursuant 40 CFR 261.4(a)(1)(ii), shall comply with all applicable federal and state notification requirements including, but not limited to, those set forth in 40 CFR 268.7 and 40 CFR 403.12."

(J) 40 CFR 261.4(a)(15)

— after "63.446(e)" add "provided such condensates are burned as a fuel at the mill where they are generated"

(K) 40 CFR 261.4(a)(17)(iii)

— delete "(a)(15)(iv)" and replace with "(a)(17)(iv)"

— in the last sentence delete "significant" and after "materials" add "and shall comply with all other applicable state requirements"

(L) 40 CFR 261.4(a)(17)(iv)

— in the second sentence delete "do not" and replace with "shall not"

— delete "The decision-maker must affirm that" and replace with "As part of any site-specific determination the commissioner must determine, among other things, that"

(M) 40 CFR 261.4(a)(17)(iv)(A)

— delete "decision-maker" and replace with the "commissioner"

(N) 40 CFR 261.4(a)(17)(v)

— delete "The owner or operator provides" and replace with "Thirty days before claiming any exemption under 40 CFR 261.4(a)(17), the person claiming such exemption shall provide"

— after "recycling process" in the last sentence add "and written notification of any such change shall be provided to the commissioner at least thirty days before any such change is made"

(O) 40 CFR 261.4(e)(3)(iii)

— delete "in the Region where the sample is collected"

(P) 40 CFR 261.5(a)

— after "in that month" add "provided that such waste does not include more than: (i) a total of one kilogram of acute hazardous wastes listed in 40 CFR sections 261.31, 261.32, or 261.33(e), or (ii) a total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in 40 CFR sections 261.31, 261.32, or 261.33(e), provided that there is no more than a total of one kilogram of acute hazardous waste contained in that residue, soil, waste or debris."

(Q) 40 CFR 261.5(c)(6)

— delete "40 CFR 261.9 and"

— after "273" add "or section 22a-449(c)-113(b) of the Regulations of Connecticut State

Agencies”
(R) 40 CFR 261.5(e)(2)
— after “or 261.33(e)” add “provided that there is no more than a total of one kilogram of acute hazardous waste contained in that residue, soil, waste or debris.”
(S) 40 CFR 261.5(f)(3)
— delete paragraphs (iv) to (vii), inclusive, and replace with the following: “
(iv) Permitted, licensed, or registered by a state other than Connecticut to manage municipal solid waste in a state other than Connecticut, and, if managed in a municipal solid waste landfill is subject to 40 CFR 258;
(v) Permitted, licensed, or registered by a state other than Connecticut to manage non-municipal non-hazardous waste in a state other than Connecticut and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 CFR 257.5 to 257.30, inclusive;
(vi) Licensed by the commissioner to store, bulk or consolidate household hazardous waste, provided such license specifically authorizes the licensee to store, bulk or consolidate hazardous waste generated by a conditionally exempt small quantity generator. For purposes of this subclause only, the term “facility” shall include an area used for the one-day collection of household hazardous waste;
(vii) A facility which:
(A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
(viii) For universal waste managed under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies, a universal waste handler or destination facility subject to the requirements under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies.”
(T) 40 CFR 261.5(g)(2)
— delete “special”
— delete “between 100 kg and” and replace with “greater than”
(U) 40 CFR 261.5(g)(3)
— delete paragraphs (iv) to (vii), inclusive, and replace with the following: “
(iv) Permitted, licensed, or registered by a state other than Connecticut to manage municipal solid waste in a state other than Connecticut, and, if managed in a municipal solid waste landfill is subject to 40 CFR 258;
(v) Permitted, licensed, or registered by a state other than Connecticut to manage non-municipal non-hazardous waste in a state other than Connecticut and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in 40 CFR 257.5 to 257.30, inclusive;
(vi) Licensed by the commissioner to store, bulk or consolidate household hazardous waste, provided such license specifically authorizes the licensee to store, bulk or consolidate hazardous waste generated by a conditionally exempt small quantity generator. For purposes

of this subclause only, the term "facility" shall include an area used for the one-day collection of household hazardous waste;

(vii) A facility which:

(A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or

(B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or

(viii) For universal waste managed under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies, a universal waste handler or destination facility subject to the requirements under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies."

(V) 40 CFR 261.5(h)

— after "mixed with non-hazardous waste" delete "and" and replace with "but will not"

— after "reduced requirements" delete "even though" and replace with "if"

— delete ", unless the mixture meets any of the characteristics of hazardous waste identified in Subpart C" and replace with ". If the mixture exceeds such quantity limitations, the mixture is subject to full regulation under the state hazardous waste management regulations"

(W) 40 CFR 261.5(j)

— after "generator's" add "hazardous"

— delete "part 279 of this chapter" and replace with "the state hazardous waste management regulations"

(X) 40 CFR 261.6(a)(3)(ii)

— after "scrap metal" add "which meets neither the characteristic of ignitability in 40 CFR 261.21 nor the characteristic of reactivity in 40 CFR 261.23"

(Y) 40 CFR 261.6(a)(4)

— after " . . . originally used)" add "and any oil which is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties and is then reused"

(Z) 40 CFR 261.6(c)(1)

— after "§ 261.6(d)" add "and any applicable provisions of state law, including but not limited to, section 22a-454 of the Connecticut General Statutes and the recyclable materials requirements of section 22a-449(c)-101(c) of the Regulations of Connecticut State Agencies."

(AA) 40 CFR 261.9

— after "270 of this chapter" add "and section 22a-449(c)-11 of the Regulations of Connecticut State Agencies"

— after "273 of this chapter" add "or in the state hazardous waste management regulations"

— after "40 CFR part 273" add "or section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies"

(BB) 40 CFR 261.9(c)

— delete “and”
(CC) 40 CFR 261.9(d)
— delete the period and replace with “; and”
— add a new paragraph (e) as follows: “(e) Used electronics as described in section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies.”
(DD) 40 CFR 261.31(a)
— In the entry for FO39, after “F020, F021,” add “F023,”
(EE) 40 CFR 261.32
— in the column labeled “Industry and EPA Hazardous Waste No.”, in the subgroup “Organic Chemicals”, add the following Waste Streams in alphanumeric order:

| Industry and EPA Hazardous Waste No. | Hazardous Waste | Hazardous Code |
|---|---|---|
| * * * | * * * * * | * * |
| Organic Chemicals | | |
| * * * | * * * * * | * * |
| K174. | Wastewater treatment sludges from the production of Ethylene Dichloride or Vinyl Chloride Monomer (including sludges that result from Commingled Ethylene Dichloride or Vinyl Chloride Monomer Wastewater and other wastewater). | T |
| K175 | Wastewater treatment sludges from the production of Vinyl Chloride Monomer using Mercuric Chloride catalyst in an Acetylene-based process. | T |

— in the entry for Secondary Lead, K069, delete the “.” after “smelting” and delete in its entirety the Note which follows and replace with “, except for sludge generated from secondary acid scrubber systems.”
— in the entry for K107, delete “1,1-Dimethyl-hydrazine (UDMH) from Carboxylic Acid Hydrazines” and replace with “1,1-Dimethylhydrazine from Carboxylic Acid Hydrazides”
(FF) 40 CFR 261.35(b)(1)(iii)
— delete “preservations” and replace with “preservatives”
(GG) 40 CFR 261 Appendix VII
— add the following wastestreams in alphanumeric order (by the first column):

| EPA Hazardous Waste No. | Hazardous Constituent For Which Listed |
|---|---|
| * * * | * * * * * * |

| EPA Hazardous Waste No. | Hazardous Constituent For Which Listed |
|---|---|
| K174 | 1,2,3,4,6,7,8-HEPTACHLORODIBENZO-P-DIOXIN (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-HEPTACHLORODIBENZO-FURAN (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-HEP-TACHLORODIBENZOFURAN (1,2,3,6,7,8,9-HpCDF), HxCDDs (ALL HEXACHLORODIBENZO-P-DIOXINS), HxCDFs (ALL HEX-ACHLORODIBENZOFURANS), PECDDS (ALL PEN-TACHLORODI-BENZO-P-DIOXINS), OCDD (1,2,3,4,6,7,8,9-OCTACHLORODIBENZO-P-DIOXIN), OCDF (1,2,3,4,6,7,8,9-OCTA-CHLORODIBENZOFURAN), PeCDFs (ALL PENTACHLORODIBEN-ZOFURANS), TCDDS (ALL TETRACHLORODIBENZO-P-DIOXINS), TCDFs (ALL TETRA-CHLORODIBENZOFURANS). |
| K175 | Mercury |

(HH) 40 CFR 261 Appendix VIII
— add the following entries in alphabetical order by common name:

| COMMON NAME | CHEMICAL AB-STRACTS NAME | CHEMICAL AB-STRACTS NO. | HAZARDOUS WASTE NO. |
|---|---|---|---|
| * * * | * * * * | * * | * * |
| OC-TACHLORO DI-BENZO-P-DIOXIN (OCDD) | 1,2,3,4,6,7,8,9-OC-TACHLORODI-BENZO-P-DIOXI N | 3268-87-9 | . . . |
| OC-TACHLORO DI-BENZO-FURAN (OCDF) | 1,2,3,4,6,7,8,9-OC-TACHLORODIBE -NOFURAN | 39001-02-0 | . . . |
| * * * | * * * * | * * | * * |

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

(b) **Conditionally exempt small quantity generators**

In addition to the requirements in 40 CFR 261.5, conditionally exempt small quantity generators shall:

(1) Not offer their hazardous waste to a transporter who does not have an EPA identification number issued pursuant to 40 CFR 263.11 and a current valid transporter

permit issued by the commissioner pursuant to section 22a-449(c)-11 of the Regulations of Connecticut State Agencies or section 22a-454 of the Connecticut General Statutes; and

(2) Maintain records of any test results, waste analyses, or other determinations made in accordance with 40 CFR 262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

(c) **Recyclable Materials**

(1) Scrap metals which meet the characteristic of "ignitability" in 40 CFR 261.21 or the characteristic of "reactivity" in 40 CFR 261.23 and are being recycled or reclaimed are subject to regulation as a hazardous waste.

(2) Except as provided in subdivision (3) of this subsection, in addition to the requirements in 40 CFR 261.6(b) and (c)(2), a generator that recycles recyclable materials or the owner or operator of a facility that recycles recyclable materials without storing them is subject to the following requirements:

(A) 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

(B) 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.

For purposes of this subdivision, "recyclable materials" means hazardous wastes that are to be recycled, except for the recyclable materials listed in 40 CFR 261.6(a)(2) and (a)(3).

(3) The provisions of subdivision (2) of this subsection do not apply to:

(A) generators who recycle all of their hazardous wastes immediately upon generation only in:

(i) recycling equipment that is an integral part of an industrial production process, or

(ii) wastewater treatment units;

(B) recycling equipment on the site of a conditionally exempt small quantity generator, as defined in 40 CFR 261.5 as incorporated by subsection (a) of this section, which is used solely by such generator to recycle such generator's waste; and

(C) owners or operators of facilities that store recyclable materials before they are recycled. (Such owners or operators are subject to regulation under 40 CFR 261.6(c)(1) and must obtain a storage permit.)

(4) In accordance with this subdivision, additional requirements may apply on a case-by-case basis to a person engaging in recycling activities, except that the provisions of this subdivision shall not apply to owners or operators subject to regulation under 40 CFR 261.6(c)(1). (Such owners or operators remain subject to regulation under 40 CFR 261.6(c)(1) and are required to obtain a storage permit.) As used in this subdivision, the

term “recyclable materials” shall include all hazardous wastes awaiting recycling or being recycled, including the materials specified in 40 CFR 261.6(a)(2) and (a)(3), all materials in Table 1 of 40 CFR 261.2 including those that have and do not have an asterisk and all materials in 40 CFR 261.2(e).

(A) The commissioner may decide on a case-by-case basis that a person accumulating, treating or storing recyclable materials shall comply with additional provisions of sections 22a-449(c)-100 to 110, inclusive, of the Regulations of Connecticut State Agencies. The basis for imposing additional requirements may be that the materials are being accumulated, treated or stored in a manner that does not adequately protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being treated or stored together are incompatible, or because the materials have otherwise not been adequately managed. In making this decision, the commissioner will consider the following factors:

(i) The types of materials accumulated, treated or stored and the amounts accumulated, treated or stored;

(ii) The method of accumulation, treatment or storage;

(iii) The length of time the materials have been accumulated, treated or stored before being recycled;

(iv) Whether any substance that can reasonably be expected to cause pollution of the waters of the state has been or may be released into the environment; and

(v) Other factors which the commissioner deems relevant.

(B) Procedures for case-by-case regulation of recycling activities.

The commissioner will use the following procedures when establishing additional requirements with which persons who accumulate, treat or store recyclable materials shall comply:

(i) If the commissioner determines that a person must comply with additional requirements, the commissioner will send a notice by certified mail to the person to whom the additional requirements will apply setting forth the factual basis for the decision and the additional requirements which will apply. Such additional requirements shall become effective thirty days after mailing of the notice or as otherwise specified by the commissioner, unless the person requests a public hearing, within thirty days after the mailing of the notice, to challenge the decision. Upon receiving such a request, the commissioner will hold a public hearing. The commissioner will publish notice of the hearing in a newspaper having a substantial circulation in the affected area and allow public participation at the hearing. After the hearing, the commissioner shall affirm, modify, or revoke the prior decision. Such action by the commissioner shall not constitute a new notice and shall become effective thirty days after mailing or personal delivery, whichever is sooner, unless the commissioner specifies a later date.

(ii) If the commissioner determines that such additional requirements include the need to obtain a permit, the commissioner will send a notice by certified mail to the person accumulating, treating or storing recyclable materials stating that such person shall obtain

a permit, for all the units specified, in accordance with all applicable provisions of section 22a-449(c)-110 of the Regulations of Connecticut State Agencies. Such person shall apply for a permit within no less than sixty days and no more than six months of notice, as specified in the notice, shall at all times use best efforts to obtain such permit, and shall not act in any manner so as to delay or obstruct the proceedings. Such person shall respond to all requests from the commissioner for additional information within the time period specified by the commissioner. If such person wishes to challenge the commissioner's decision imposing additional requirements, he may do so in his permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the commissioner's determination. The commissioner will accept comments on the commissioner's decision during the public comment period referenced under section 22a-449(c)-110 of the Regulations of Connecticut State Agencies, and in any subsequent hearing.

(C) Any requirement imposed pursuant to this subdivision shall be in addition to any other applicable requirement, including but not limited to, requirements in the state hazardous waste management regulations.

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

**Sec. 22a-449(c)-102. Standards applicable to generators of hazardous waste**

(a) **Incorporation by Reference**

(1) 40 CFR 262 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 262.20(e) (which relates to a manifest exemption for a small quantity generator);

(B) 40 CFR 262.34(g)(4)(ii) (which relates to certain requirements for generators of F006 waste);

(C) 40 CFR 262, subpart I (which relates to certain facilities in New York);

(D) 40 CFR 262, subpart J (which relates to certain university laboratories in Massachusetts and Vermont).

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

(A) 40 CFR 262.11

— after "must" in the introductory sentence add ", at least once during each twelve (12) month period or whenever a process generating a waste changes,"

— at the end of paragraph (c)(2) add ", provided that the generator is able to demonstrate clearly how he applied knowledge of the waste in making the determination"

(B) 40 CFR 262.11(d)

— after "chapter" add "and section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies"

(C) 40 CFR 262.20(f)
— delete “and § 262.32(b)”
— after the second occurrence of “right-of-way” add “, provided any such waste remains under the control of the generator at all times and is not delivered to any other person”
— delete “or transporter” and replace with “, including a generator who self-transports its hazardous waste”
— delete “on a public or private right-of-way”
(D) 40 CFR 262.34(a)
— delete “and (f)” and replace with “(f),(g), (h) and (i)”
— immediately following 40 CFR 262.34(a)(1)(iv)(B), delete “In addition, such a generator is exempt from all the requirements in subparts G and H of 40 CFR part 265, except for 265.111 and 265.114.”
(E) 40 CFR 262.34(a)(1)(i)
— after “ 40 CFR Part 265” add “, 40 CFR 264.35 and 40 CFR 264.175”
(F) 40 CFR 262.34(a)(1)(ii)
— delete “and 265.200”
(G) 40 CFR 262.34(a)(1)(iii)
— delete “at the facility” and replace with “in its files at the location where the waste is generated”
(H) 40 CFR 262.34(a)(1)(iv) introductory paragraph
— delete the paragraph in its entirety and replace with: “(iv) In containment buildings and the generator complies with 40 CFR 265, subpart DD. Prior to using any such containment building, the generator shall obtain, from a professional engineer, licensed in Connecticut, a written certification that the containment building complies with the design standards specified in 40 CFR 265.1101. The generator shall retain such certification in its files until final closure and shall, upon request by the commissioner, make such certification available for inspection. In addition, the generator shall maintain the following records in its files at the location where the waste is generated:”
(I) 40 CFR 262.34(a)(1)(iv)(A)
— delete “for the facility”
(J) 40 CFR 262.34(a)(3)
— after “Hazardous Waste” add “and other words that identify the contents of each container or tank, such as “Flammable”, “Acid”, “Alkaline”, “Cyanide”, “Reactive”, “Explosive”, “Halogenated Solvent” or the chemical name. Notwithstanding the foregoing, if a generator determines that marking or labeling the identity of the contents of a container with a capacity of less than one gallon is not feasible, in lieu of marking or labeling each such container, a generator shall mark or label the locker, rack or other device used to hold or accumulate any such container with words that identify the contents of each such container such as “Flammable”, “Acid”, “Alkaline”, “Cyanide”, “Reactive”, “Explosive”, “Halogenated Solvent” or the chemical name.”
(K) 40 CFR 262.34(a)(4)

— delete “with 265.16, and with 40 CFR 268.7(a)(5)” and replace with “and with 40 CFR 265.16, 265.17, 265.111, 265.113(a), (b) and (c), 265.114 and 268.7(a)(5)”

(L) 40 CFR 262.34(b)

— delete “a generator” and replace with “except as provided for in 40 CFR 262.34(d), (e), (g), (h) and (i), a generator”

(M) 40 CFR 262.34(c)(1)(i)

— delete the entire paragraph and replace with the following: “(i) Complies with 40 CFR 265.31, 265.171, 265.172, 265.173 and 265.177; and

(N) 40 CFR 262.34(c)(1)(ii)

— delete the word “either”

— delete “or with other words that identify the contents of the containers” after “Hazardous Waste” and replace with “. Each container shall also be marked with other words that identify the contents of such container such as “Flammable”, “Acid”, “Alkaline”, “Cyanide”, “Reactive”, “Explosive”, “Halogenated Solvent” or the chemical name. Notwithstanding the foregoing, if a generator determines that marking or labeling the identity of the contents of a container with a capacity of less than one gallon is not feasible, in lieu of marking or labeling each such container, a generator shall mark or label the locker, rack or other device used to hold or accumulate any such container with words that identify the contents of each such container such as “Flammable”, “Acid”, “Alkaline”, “Cyanide”, “Reactive”, “Explosive”, “Halogenated Solvent” or the chemical name.”

(O) 40 CFR 262.34(d)(1)

— delete the number “6000” and replace with the number “1000”

(P) 40 CFR 262.34(d)(5)(iv)(C)

— after “toll free number 800/424-8802).” add “Any release that has been reported to the National Response CenterNational Response Center shall still be reported separately to the commissioner using the 24-hour emergency spill response telephone number at (860) 424-3338 or, if that number is unavailable, at (860) 424-3333. In addition to this oral notification, the generator shall comply with all other applicable reporting or notification requirements regarding the release, including but not limited to, reporting required by section 22a-450 of the Connecticut General Statutes.”

(Q) 40 CFR 262.34(f)

— delete the number “6000” and replace with the number “1000”

(R) 40 CFR 262.34(g)(1)

— after “practices” add “(e.g., substitution for less toxic chemicals, improved operating practices, drag-out reduction methods or rinsewater reduction methods)”

— after “recycling” add “and the generator retains documentation demonstrating that such practices have been implemented and have reduced the hazardous substances, pollutants or contaminants entering or otherwise released to the environment.”

(S) 40 CFR 262.34(g)(2)

— after “recovery” add “and the generator retains documentation at the location where the waste is generated demonstrating that the F006 waste is recycled for metals recovery”

(T) 40 CFR 262.34(g)(4)(i)(A)

— after "40 CFR part 265" add ", 40 CFR 264.35 and 40 CFR 264.175"

(U) 40 CFR 262.34 (g)(4)(i)(C) introductory paragraph

— delete the paragraph in its entirety and replace with: "(C) In containment buildings and the generator complies with 40 CFR 265, subpart DD. Prior to using any such containment building, the generator shall obtain, from a professional engineer, licensed in Connecticut, a written certification that the containment building complies with the design standards specified in 40 CFR 265.1101. The generator shall retain such certification in its files until final closure and shall, upon request by the commissioner, make such certification available for inspection. In addition, the generator shall maintain the following records in its files at the location where the waste is generated:"

(V) 40 CFR 262.34(g)(4)(i)(C)(1)

— delete "for the facility"

(W) 40 CFR 262.34 (g)(4)(iv)

— after "Hazardous Waste" add "and the words "Wastewater Treatment Sludge"

(X) 40 CFR 262.34(g)(4)(v)

— delete "with 40 CFR 265.16, and with 40 CFR 268.7(a)(5)" and replace with "and with 40 CFR 265.16, 265.17, 265.111, 265.113(a) (b) and (c), 265.114, and 268.7(a)(5)"

(Y) 40 CFR 262.34(h)

— delete each occurrence of "this waste" and replace with "this F006 waste"

(Z) 40 CFR 262.34(i)

— delete each occurrence of "this waste" and replace with "this F006 waste"

(AA) 40 CFR 262.41(a)

— after paragraph (8) add a new paragraph (9) as follows: "(9) Any other information which the commissioner specifies relating to the generator's activities."

(BB) 40 CFR 262.42(a)(2)

— delete "for the Region in which the generator is located"

(CC) 40 CFR 262.42(b)

— delete "for the Region in which the generator is located"

(DD) 40 CFR 262.43

— delete ", as he deems necessary under sections 2002(a) and 3002(6) of the Act,"

(EE) 40 CFR 262.44

— in paragraph (a), delete "(a), (c), and (d)" after "Section 262.40"

(FF) 40 CFR 262.70

— at the end of the paragraph add "and with any applicable federal, state, or local law which is more stringent than the pesticide label."

(GG) 40 CFR 262 Appendix, Form 8700-22

— in the upper right-hand corner, after "Information in the shaded areas is not required by Federal law" add "but is required by State law."

(HH) 40 CFR 262 Appendix, Instructions for Form 8700-22, Item 20

— delete the second paragraph beginning with "Items A-K are not required by Federal

regulations...” and replace with “Items A-K are required in the State of Connecticut.”

(II) 40 CFR Appendix to Part 262

— replace all references to “Federal regulations” with “federal and state of Connecticut regulations”

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

(b) **Generators**

(1) A generator shall not offer his hazardous waste to a transporter who does not have a current valid transporter permit issued by the commissioner pursuant to section 22a-449(c)-11 of the Regulations of Connecticut State Agencies or section 22a-454 of the Connecticut General Statutes.

(2) Generators shall comply with the standards of 40 CFR 265.15 for all storage areas.

(3) Any generator who is located outside of Connecticut who manifests a shipment to Connecticut and, except as provided in 40 CFR 262.21, any generator located in Connecticut who manifests a shipment to a destination within or outside of Connecticut shall use the manifest specified in this section.

(A) The manifest shall consist of at least the number of copies designated by the commissioner, and such copies, when properly completed, shall be sent to those persons specified in 40 CFR 262.22 and the additional persons specified by the commissioner on the manifest form. All copies of the manifest shall be legibly completed.

(B) If Connecticut is the state in which the generator is located or the state to which the shipment of hazardous waste is manifested, the generator shall send a copy of the manifest to the commissioner within seven days of the date on which the transporter accepts and signs the manifest.

(C) If the designation or instruction to the transporter referred to in 40 CFR 262.20(d) is made orally, it shall be followed by a written communication to the transporter and the commissioner within three days, giving the same instructions.

(4) Primary Exporters shall comply with the Notifications of Intent to Export, Exception Reports, and Annual Reports Requirements in 40 CFR 262.53, 262.55, and 262.56 respectively.

(c) **Small Quantity Generators**

A small quantity generator as defined in section 22a-449(c)-100(c)(28) of the Regulations of Connecticut State Agencies shall: (1) not accumulate hazardous waste in anything other than a tank or container; (2) not operate uncovered tanks; (3) comply with the following requirements in 40 CFR 262: 262.11-12, Subpart B, 262.30 to 33, inclusive, 262.34(c) to (f), inclusive, 262.44 and Subparts E, F and G; and (4) comply with 40 CFR 264.175, 40 CFR 265.111, 40 CFR 265.113(a), (b) and (c), 40 CFR 265.114 and subsection (b) of this section.

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

**Sec. 22a-449(c)-103. Standards applicable to transporters of hazardous waste**

(a) **Incorporation by Reference**

(1) 40 CFR Part 263 is incorporated by reference in its entirety except as provided in subdivision (2) of this subsection and except for the following provisions which are not incorporated:

(A) 40 CFR 263.10(f) (which relates to transportation of waste military munitions).

(B) 40 CFR 263.12 (which allows transporters to store hazardous waste for a period of ten days without being subject to regulation under 40 CFR Parts 270, 264, 265 and 268).

(C) 40 CFR 263.20 (h) (which exempts a transporter from complying with 263.20 provided he is transporting waste from a small quantity generator that has a reclamation agreement).

(2) The following provisions are incorporated by reference with the specified changes:

(A) 40 CFR 263.10(a)

— at the end of the paragraph add the following: "In addition, transporters transporting hazardous waste pursuant to 40 CFR 262.20(f) shall comply with 40 CFR 263.30 and 40 CFR 263.31."

(B) 40 CFR 263.20 (g) (4)

—after "United States" add "and send a copy of the manifest to the Commissioner within thirty days of the date the waste left the United States."

(C) 40 CFR 263.30 (b)

—delete "an official (State or local government or a Federal Agency)" and replace with "the Commissioner or an official of a Federal Agency"

—after "EPA identification numbers" add "or DEP Transporter Permits

—at the end of the paragraph add "The waste must be disposed of in accordance with these regulations."

(D) 40 CFR 263.30 (c)(1)

— after the telephone number for the National Response Center add "and give notice to the Commissioner, using the 24-hour Emergency Spill Response telephone number at (860) 424-3338 or, if that number is incorrect, the telephone number listed for Emergency Spill Response with the telephone company."

(E) 40 CFR 263.31

—after "local officials" add "(to the extent that actions required or approved by local officials are consistent with those required or approved by Federal or State officials)"

(3) 49 CFR Parts 171 through 179 inclusive are incorporated by reference in their entirety.

(4) In addition to the provisions incorporated above, the following more stringent provisions in this section shall apply.

(b) **Storage**

(1) A transporter who stores hazardous waste which is not in or on a vehicle, trailer, or other means of conveyance is subject to these regulations, including but not limited to Sections 104, 105, 106, 108, and 110, with respect to the storage of those wastes.

(2) No transporter may store hazardous waste in or on a vehicle, trailer, or other means of conveyance which is not in transit to the designated facility, for longer than 72 hours without the written approval of the Commissioner. The Commissioner shall not approve any such storage for a period longer than ten days, except by issuance of a permit pursuant to Section 110 of these regulations.

(c) **Vehicles**

(1) Each vehicle shall display the number of the permit issued by the Commissioner pursuant to section 22a-449 (c)-11 of the Regulations of Connecticut State Agencies on the sides and rear of the tank, or waste-carrying portion of the vehicle, in letters and numbers the color of which contrasts with the background and which are at least ten centimeters high.

(2) The Commissioner may inspect vehicles and their contents at any reasonable time.

(d) **Training**

In addition to any other applicable requirements regarding training, all personnel engaged in the handling or transport of hazardous wastes shall be trained in proper emergency response for the types of waste being transported. Such training shall, at a mimimum, cover: required safety equipment and uses; first aid in the event of accidents with the waste; hazards involved with loading and unloading; the manifest system and the terms used; the physical and chemical properties of the waste being transported; and emergency procedures for the waste being transported.

(e) **Financial Responsibility**

Each applicant for a permit under section 22a-449 (c)-11 of the Regulations of Connecticut State Agencies to transport hazardous waste shall demonstrate that he meets the requirements specified in 49 CFR 387 Subpart A, and each permittee shall continue to meet those requirements throughout the permit term.

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

**Sec. 22a-449(c)-104. Standards for owners and operators of hazardous waste treatment, storage, and disposal facilities**

(a) **Incorporation by Reference**

(1) 40 CFR 264 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 264.1(d) (which relates to underground injection);

(B) 40 CFR 264.1(f) (which relates to the requirements of 40 CFR 264);

(C) 40 CFR 264.1(g)(12) (which relates to project XL for utilities in New York);

(D) 40 CFR 264.1(i) (which relates to storage of waste military munitions);

(E) 40 CFR 264.1(j) (which relates to the applicability of certain portions of 40 CFR 264);

(F) 40 CFR 264.90(b) (which provides for an exemption for certain types of units for releases into the uppermost aquifer);

(G) 40 CFR 264.90(e) (which relates to the applicability of 40 CFR 264, subpart F);
(H) 40 CFR 264.90(f) (which relates to 40 CFR 264, subpart F alternatives);
(I) 40 CFR 264.101(d) (which relates to the applicability of 40 CFR 264.101);
(J) 40 CFR 264.110(c) (which relates to alternative closure requirements);
(K) 40 CFR 264.112(b)(8) (which relates to certain closure plan requirements);
(L) 40 CFR 264.112(c)(2)(iv) (which relates to certain closure plan changes);
(M) 40 CFR 264.118(b)(4) (which relates to certain post-closure plan requirements);
(N) 40 CFR 264.118(d)(2)(iv) (which relates to certain post-closure plan changes);
(O) 40 CFR 264.140(d) (which relates to alternative financial requirements);
(P) 40 CFR 264.149 (which relates to state-required financial mechanisms);
(Q) 40 CFR 264.301(l) (which relates to landfills located in the state of Alabama);
(R) 40 CFR 264.314(d)(1)& (3)
(which relates to placing free liquids in landfills); and
(S) 40 CFR 264.314(e) (which relates to sorbents used to treat free liquids);
(T) 40 CFR 264.340(b) (which relates to MACT standards);
(U) 40 CFR 264.554 (which relates to staging piles);
(V) 40 CFR 264.1080(e), (f) and (g) (which relate to a facility in West Virginia);
(W) 40 CFR 264, subpart EE (which relates to the storage of hazardous waste munitions and explosives).

(2) The provisions of this subdivision are incorporated by reference with the specified changes:
(A) 40 CFR 264.1(g)(2)
— delete “c, d, f, or g” and replace with “c, f, g and h”
(B) 40 CFR 264.1(g)(11) introductory paragraph
— after each occurrence of “handling” add “or transporting”
— in the second sentence, after “handlers” add “and transporters”
— after “273” add “and section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies”
(C) 40 CFR 264.1(g)(11)(iii)
— delete “and”
(D) 40 CFR 264.1(g)(11)(iv)
— delete the period and replace with “; and”
— add a new paragraph (v) as follows: “(v) used electronics as described in section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies.”
(E) 40 CFR 264.11
— delete “(45 FR 12746)”
(F) 40 CFR 264.13(c)(3)
— delete “a biodegradable sorbent to the waste in the container” and replace with “a non-biodegradable sorbent in accordance with 40 CFR 264.316(b)”
(G) 40 CFR 264.70
— delete “, and to owners and operators of off-site facilities with respect to waste military

munitions exempted from manifest requirements under 40 CFR 266.203(a). Section 264.73(b)" and replace with ". 40 CFR 264.73(b)(9)"

(H) 40 CFR 264.71(a)(4)

— after "generator" add ", generator state and consignment state"

(I) 40 CFR 264.71(b)(4)

— after each "generator" add ", generator state and consignment state"

(J) 40 CFR 264.73(b)(7)

— delete "and"

(K) 40 CFR 264.73(b)(15)

— delete the last "and"

(L) 40 CFR 264.73(b)(17)

— delete the paragraph in its entirety and replace with the following: "(17) Any other information required by section 22a-449(c)-104 of the Regulations of Connecticut State Agencies to be maintained in the operating record."

(M) 40 CFR 264.75

— after paragraph (j), add a new paragraph (k) as follows: "(k) Any other information which the commissioner specifies relating to the facility's activities. The commissioner shall specify such information in writing prior to submission of the report."

(N) 40 CFR 264.90(a)(1)

— delete "except as provided in paragraph (b) of this section, the" and replace with "the"

(O) 40 CFR 264.101(a)

— delete "from any solid waste management unit"

— delete "at which waste was placed in the unit" and replace with "such release occurred"

(P) 40 CFR 264.143(h)

— delete "If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrator of all such Regions." and replace with "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance submitted for such facilities to any other EPA regional office or state agency regulating hazardous waste shall be submitted to the commissioner."

(Q) 40 CFR 264.145(f)(11)

— delete "direct of higher-tier" and replace with "direct or higher-tier"

(R) 40 CFR 264.145(h)

— delete "If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrator of all such Regions." and replace with "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance that is submitted for such facilities to any other EPA regional office or state agency regulating hazardous waste shall be submitted to the commissioner."

(S) 40 CFR 264.151(g)

— in the letter entitled "Letter From Chief Financial Officer", in the fourth line of the

third paragraph delete "of "both" and replace with "or "both"

— in the letter entitled "Letter From Chief Financial Officer", in the eighth line of the paragraph numbered "3", delete "subpart H or" and replace with "subpart H of"

— in the letter entitled "Letter From Chief Financial Officer", under "Alternative I" delete "*3. Current $ ______." and replace with "*3. Current liabilities ______."

(T) 40 CFR 264.151(h)(2)

— under "Guarantee For Liability Coverage", in the sixteenth line delete "or" and replace with "of"

— under "Guarantee For Liability Coverage", in the twentieth line delete "264.141(h)" and replace with "264.141(h) or 265.141(h)"

— under "Certification of Valid Claim", in the eighth line delete "or disposal facility" and replace with "or disposal facility]"

(U) 40 CFR 264.151

— add the following paragraph at the end of the section: "(o) Whenever 40 CFR 264.151 requires that owners and operators of facilities in more than one state provide notice of their financial obligations to several regional administrators or to several state agencies regulating hazardous waste, such owner or operator shall provide the required notice to both the Commissioner of Environmental Protection and to all such regional administrators or state agencies regulating hazardous waste."

(V) 40 CFR 264.175(b)(1)

— delete "underly" and replace with "underlie"

(W) 40 CFR 264.192(d)

— after "performed" add "and the tank system shall successfully pass a test for tightness"

(X) 40 CFR 264.193(c)

— in the Note, after each "as amended" add "and chapter 446k of the Connecticut General Statutes"

(Y) 40 CFR 264.196(b)(1)

— after "demonstrates" add "to the Commissioner and the Commissioner agrees"

— at the end of the paragraph add "The owner or operator shall make all reasonable efforts to mitigate the effect of the release."

(Z) 40 CFR 264.196(d)(1)

— delete "Regional Administrator within 24 hours of" and replace with "commissioner immediately upon"

— delete "If the release has been reported pursuant to 40 CFR Part 302, that report will satisfy this requirement" and replace with "Any release that has been reported to the National Response Center pursuant to 40 CFR 302, shall still be reported separately to the commissioner using the 24-hour Emergency Spill Response telephone number at (860) 424-3338 or, if that number is unavailable, at (860) 424-3333. In addition to this oral notification, the owner or operator shall comply with all other applicable reporting or notification requirements regarding the release, including but not limited to, reporting required by section 22a-450 of the Connecticut General Statutes."

(AA) 40 CFR 264.222(a)
— delete “shall” and replace with “may, in the commissioner’s discretion,”
(BB) 40 CFR 264.252(a)
— delete “shall” and replace with “may, in the commissioner’s discretion,”\
— delete “surface impoundment” and replace with “waste pile”
(CC) 40 CFR 264.272(a)
— after “degraded” add “or” and delete “or immobilized”
(DD) 40 CFR 264.272(c)(2)
— after “degraded” add “or” and delete “or immobilized”
(EE) 40 CFR 264.301(c)(2)
— delete “paragraphs (3)(c)(iii) and (iv)” and replace with “paragraphs (c)(3)(iii) and (iv)”
(FF) 40 CFR 264.302(a)
— delete “shall” and replace with “may, in the commissioner’s discretion,”
— delete “surface impoundment” and replace with “landfill”
(GG) 40 CFR 264.316(b)
— after “a sufficient quantity of” add “nonbiodegradable”
— delete “, determined to be nonbiodegradable in accordance with § 264.314(e),”
— at the end of the paragraph add “For purposes of this paragraph, nonbiodegradable sorbents are (i) inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller’s earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or (ii) high molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers); or (iii) mixtures of these nonbiodegradable materials. A sorbent is also nonbiodegradable if it is determined to be nonbiodegradable under any of the following tests: (i) ASTM Method G21-70 (1984a)-Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi; or (ii) ASTM Method G22-76 (1984b)-Standard Practice for Determining Resistance of Plastics to Bacteria; or (iii) OECD test 301B: ($CO_2$ Evolution Modified Strum Test). Nonbiodegradable sorbents do not include polymers derived from biological material or polymers specifically designed to be degradable.”
(HH) 40 CFR 264.340(c) introductory paragraph
— delete “must” and replace with “may”
(II) 40 CFR 264.340(d)
— delete “(b)(1)(i)” and replace with “(c)(1)(i)”
(JJ) 40 CFR 264.552(a)
— delete the introductory paragraph in its entirety and replace with the following: “The

requirements of 40 CFR 264.552 shall apply to areas at a facility that, for purposes of implementing remedies under 40 CFR 264.101 or section 22a-449(c)-105(h) of the Regulations of Connecticut State Agencies, the commissioner designates as a corrective action management area or "CAMU". A CAMU shall be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. The commissioner may designate one or more areas at a facility as a CAMU.

In order for the commissioner to designate an area at a facility as a CAMU, the owner or operator of the facility shall submit to the commissioner information demonstrating how the CAMU complies with the requirements of 40 CFR 264.552, including 40 CFR 264.552(c)(1) to (7), inclusive, and a proposal regarding the design, operation, and closure of the CAMU, including any post-closure requirements that, at a minimum, includes the information specified in 40 CFR 264.552(e)(1) to (4), inclusive. The owner or operator shall provide the commissioner with any additional information that the commissioner deems necessary regarding the potential designation of an area at a facility as a CAMU. A CAMU shall either be designated in a permit issued pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies or, for facilities operating under interim status, in an order issued by the commissioner."

(KK) 40 CFR 264.552(a)(1)

— after "hazardous wastes" add ", although the Commissioner may, at his discretion, apply the land disposal restrictions in 40 CFR 268 to the placement of such wastes"

(LL) 40 CFR 264.552(a)(2)

— after "requirements" add ", although the Commissioner may, at his discretion, apply the minimum technology requirements to a CAMU"

(MM) 40 CFR 264.552(b)(2)

— delete "to that portion of the CAMU after incorporation into the CAMU" and replace with "to the entire CAMU designated by the commissioner. In addition, the commissioner may, at his discretion, apply any requirement or all the requirements of 40 CFR 264, subpart B, C, D, E, BB or CC to any regulated unit that the commissioner designates as a CAMU under 40 CFR 264.552(b)"

(NN) 40 CFR 264.552(c) introductory paragraph

— delete "designate a CAMU in accordance with the following" and replace with "utilize the following criteria in determining whether to designate a CAMU"

(OO) 40 CFR 264.552(c)(4)

— delete ", to the extent practicable"

(PP) 40 CFR 264.552(c)(5)

— delete ", when appropriate and practicable"

(QQ) 40 CFR 264.552(e)

— delete "permit or order" and replace with "permit or, for a facility operating under interim status, in an order the design, operating, closure, and, if necessary, the post-closure"

— add a new paragraph (5) as follows: "(5) Any requirement that the commissioner

deems necessary to protect human health or the environment, including but not limited to, application of financial responsibility requirements."

(RR) 40 CFR 264.552(e)(4)(i)(B)

— delete "for areas where waste remains in place,"

— after "surface waters," add "groundwaters"

(SS) 40 CFR 264.552(e)(4)(iii)(F)

delete "." and replace with ";"

— add a new paragraph (G) as follows: "(G) Any other factor that the commissioner deems necessary to protect human health and the environment."

(TT) 40 CFR 264.552(e)(4)(iv)

— delete "for areas where wastes will remain in place"

(UU) 40 CFR 264.552(g)

— after "CAMU" add "and any modification to the incorporation of or requirements regarding any such CAMU"

— at the end of the paragraph add the following: "public participation procedures equivalent to those specified in 40 CFR 270.42 shall be followed regarding the designation of a CAMU in an order and any subsequent modifications to any such order regarding a CAMU."

(VV) 40 CFR 264.552(h)

— after "decisions." add "In addition, the designation of a CAMU does not affect an owner or operator's requirement to comply with all applicable state requirements, including but not limited to, compliance with sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies."

(WW) 40 CFR 264.553(a)

— delete the introductory paragraph in its entirety and replace with the following: "The requirements of 40 CFR 264.553 shall apply to the designation by the commissioner, for purposes of implementing remedies under 40 CFR 264.101 or section 22a-449(c)-105(h) of the Regulations of Connecticut State Agencies, of alternative requirements for temporary tanks or container storage areas used for treatment or storage of remediation wastes. Such alternative requirements may replace the requirements otherwise applicable to any such tank or container storage area. Any such temporary tank or container storage area used for treatment or storage of remediation waste must, however, be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the temporary unit originated.

In order for the commissioner to designate alternative requirements for a temporary tank or container storage area used for treatment or storage of remediation wastes, the owner or operator of any such tank or container storage area shall submit to the commissioner a detailed plan demonstrating how proposed alternative requirements comply with the requirements of 40 CFR 264.553, and a proposal regarding the design, operation, and closure of any such tank or container storage area, including any post-closure requirements that, at a minimum, addresses the items in 40 CFR 264.553(c). The owner or operator shall

provide the commissioner with any additional information that the commissioner deems necessary regarding the potential designation of alternative requirements for any such temporary tank or container storage area. The alternative requirements for a temporary tank or container storage area used for treatment or storage of remediation wastes shall be designated either in a permit issued pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies or, for facilities operating under interim status, in an order issued by the commissioner."

(XX) 40 CFR 264.553(c)(7)

— delete the "." and replace with "; and"

— add a new paragraph (8) as follows: "(8) Any other factor that the commissioner deems necessary to protect human health and the environment."

(YY) 40 CFR 264.553(d)

— after "permit or" add ", for a facility operating under interim status, in the"

— delete "and closure" and replace with ", closure and, if necessary, post-closure"

— after the last sentence add: "The commissioner may specify any condition that the commissioner deems necessary to protect human health or the environment regarding a temporary unit, including, but not limited to, application of financial responsibility requirements."

(ZZ) 40 CFR 264.553(e)

— after "permit or" add ", for a facility operating under interim status, in the"

(AAA) 40 CFR 264.553(f)

— add a new sentence before the introductory paragraph as follows: "Public participation procedures equivalent to those specified in 40 CFR 270.42 shall be followed regarding the commissioner's designation, in an order, of alternative requirements, or any subsequent modification to any such requirements, for a temporary tank or container storage area used for treatment or storage of remediation waste pursuant to 40 CFR 264.553."

— after the second occurrence of "temporary unit" add "or the modification of any alternative requirement designated by the commissioner"

(BBB) 40 CFR 264.570(a)

— delete the entire paragraph and replace with the following: "(a) The requirements of this subpart apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, or surface water run-off to an associated collection system.

(1) For drip pads used for the management of wastes specified in 40 CFR 261.31 as F032:

(i) existing drip pads are those constructed before December 6, 1990 and those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 6, 1990; and

(ii) the requirement at 40 CFR 264.573(b)(3) to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992, except for those constructed after December 24, 1992 for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 24,

1992.

(2) For drip pads used for management of hazardous wastes other than hazardous waste specified in 40 CFR 261.31 as F032:

(i) existing drips pads are those constructed before October 31, 2001 and those for which the owner or operator has a design and has entered into binding financial or other agreement for construction prior to October 31, 2001. All other drip pads are new drip pads; and

(ii) the requirement at 40 CFR 264.573(b)(3) to install a leak collection system applies only to those drip pads that are constructed October 31, 2001, except for those drip pads constructed after October 31, 2001 for which the owner or operator has a design and has entered into binding financial or other agreement for construction prior to October 31, 2001."

(CCC) 40 CFR 264.570(c)(1)(iv)

— delete "Federal" and replace with "state of Connecticut"

(DDD) 40 CFR 264.573(a)(4)(i)

— delete "§ 264.572(a) instead of § 264.572(b)" and replace with "40 CFR 264.572(b) instead of 40 CFR 264.572(a)"

(EEE) 40 CFR 264.573(b)

— delete "§ 264.572(b) instead of § 264.572(a)" and replace with "40 CFR 264.572(a) instead of 40 CFR 264.572(b)"

(FFF) 40 CFR 264.601 introductory text

— after "provisions as" add "the commissioner deems necessary"

— delete "are appropriate" and replace with "the commissioner deems necessary"

(GGG) 40 CFR 264.1030(c)

— delete "under § 124.15 or reviewed under § 270.50"

(HHH) 40 CFR 264.1033(*l*) introductory paragraph

— delete "by implementing the following requirements"

(III) 40 CFR 264.1033(*l*)(1)

— delete "in accordance with the following requirements" and replace with "to ensure proper operation and maintenance of such system. At a minimum, such monitoring and inspection shall include compliance with the following requirements"

(JJJ) 40 CFR 264.1033(*l*)(1)(ii)(A)

— in the second sentence delete "following any" and replace with "each"

(KKK) 40 CFR 264.1033(1)(2)

— delete "in accordance with the following requirements" and replace with "to ensure proper operation and maintenance of such system. At a minimum, such monitoring and inspection shall include compliance with the following requirements"

(LLL) 40 CFR 264.1034(f)

— after "knowledge of the waste," add "the owner or operator shall, within thirty days, or another time period approved by the commissioner in writing, implement"

— delete "may be used" and replace with "or another approach that the commissioner approves in writing"

(MMM) 40 CFR 264.1050(c)
— delete “under § 124.15 or reviewed under § 270.50”
(NNN) 40 CFR 264.1063(f)
— after “weight,” add “the owner or operator shall comply with”
— delete “can be used” and replace with “or another approach that the commissioner approves in writing”
(OOO) 40 CFR 264.1080(b)(3)
— after “plan” add “, provided the owner or operator has complied with or remains in compliance with the closure plan approved by the commissioner”
(PPP) 40 CFR 264.1080(b)(4)
— after “plan” add “, provided the owner or operator has complied with or remains in compliance with the closure plan approved by the commissioner”
(QQQ) 40 CFR 264.1080(b)(7)
— delete “in accordance with” and replace with “in compliance with”
(RRR) 40 CFR 264.1080(c)
— delete the paragraph in its entirety and replace with the following “(c) Notwithstanding 40 CFR 264.1080(a), the requirements of 40 CFR 265, subpart CC shall apply to a hazardous waste management unit that would otherwise be subject to the requirements of 40 CFR 264, subpart CC provided:
(1) the owner or operator of the facility was issued a permit by the commissioner, pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies, prior to December 6, 1996;
(2) the permit issued by the commissioner included the unit that would otherwise be subject to 40 CFR 264, subpart CC; and
(3) the permit itself does not require compliance with the requirements of 40 CFR 264, subpart CC.
Provided, and only if, all three of these conditions are satisfied, the requirements of 40 CFR 265, subpart CC shall apply until any permit described in 40 CFR 264.1080(c) is renewed. The requirements of 40 CFR 264, subpart CC shall apply if and when any permit described in 40 CFR 264.1080(c) is renewed.”
(SSS) 40 CFR 264.1080(d) introductory paragraph
— delete “are administratively stayed for” and replace with “shall not apply to”
— delete “when” and replace with “provided”
— delete “meets” and replace with “has complied with and remains in compliance with”
(TTT) 40 CFR 264.1080(d)(1)
— after “identifies” add “, in writing as part of documentation prepared and maintained pursuant to 40 CFR 264.1089(i),”
(UUU) 40 CFR 264.1080(d)(3)
— after “the facility owner or operator” add “and shall note that documentation prepared in compliance with 40 CFR 264.1080(d)(2) and 264.1089(i) shall be made available if requested by the commissioner”

(VVV) 40 CFR 264.1081
— delete “the Act,”
(WWW) 40 CFR 264.1082(b)
— delete “each hazardous waste management unit” and replace with “each tank, surface impoundment, and container”
(XXX) 40 CFR 264.1082(c)(2)
— after “has been reduced” add “or destroyed”
(YYY) 40 CFR 264.1082(c)(2)(vii)
— delete “has either”
(ZZZ) 40 CFR 264.1082(c)(2)(vii)(A)
— delete “Been issued a final permit” and replace with “has a currently valid and effective permit issued by the commissioner”
(AAAA) 40 CFR 264.1082(c)(2)(viii)
— delete “has either”
(BBBB) 40 CFR 264.1082(c)(2)(viii)(A)
— delete “Been issued a final permit” and replace with “has a currently valid and effective permit issued by the commissioner”
(CCCC) 40 CFR 264.1082(c)(5)(i)
— after “Waste Operations” add “and all applicable state air pollution control requirements”
(DDDD) 40 CFR 264.1082(c)(5)(iii)
— after “appendix B” add “and all applicable state air pollution control requirements”
— after the second occurrence of “Total Enclosure”“ add “in 40 CFR 52.741, appendix B”
(EEEE) 40 CFR 264.1082(d)(2)(ii)
— after “appropriate method” add “and the owner or operator shall perform a waste determination using the method specified by the commissioner”
(FFFF) 40 CFR 264.1083(a)(1)(i)
— delete “An initial” and replace with “An owner or operator shall perform an initial”
— delete each occurrence of “shall be made”
— after “thereafter” add “an owner or operator shall perform”
(GGGG) 40 CFR 264.1083(a)(1)(ii)
— delete “Perform” add “An owner or operator shall perform”
(HHHH) 40 CFR 264.1083(b)(1)(i)
— delete “An initial” and replace with “An owner or operator shall perform an initial”
— delete “shall be made”
— after “thereafter” add “an owner or operator shall”
(IIII) 40 CFR 264.1083(b)(1)(ii)
— delete “Perform” and replace with “An owner or operator shall perform”
(JJJJ) 40 CFR 264.1084(c)
— delete “meet” and replace with “comply with”

(KKKK) 40 CFR 264.1084(c)(1)
— delete “a hazardous waste” and replace with “each hazardous waste”
(LLLL) 40 CFR 264.1084(c)(2)
— delete “designed to meet” and replace with “that meets”
(MMMM) 40 CFR 264.1084(c)(2)(i)
— delete “be designed to”
(NNNN) 40 CFR 264.1084(c)(2)(ii)
— after “installed” add “and maintained”
(OOOO) 40 CFR 264.1084(e)
— delete “meet” and replace with “comply with”
(PPPP) 40 CFR 264.1084(f)
— delete “meet” and replace with “comply with”
(QQQQ) 40 CFR 264.1084(f)(1)
— delete “design the external floating roof in accordance with” and replace with “ensure that an external floating roof meets”
(RRRR) 40 CFR 264.1084(f)(1)(i)
— delete “be designed to”
(SSSS) 40 CFR 264.1084(f)(1)(ii)(A)
— delete “the metallic shoe seal shall be designed so that one end extends” and replace with “one end of the metallic shoe seal shall extend”
— delete “other end extends” and replace with “other end shall extend”
(TTTT) 40 CFR 264.1084(g)
— delete “meet” and replace with “comply with”
(UUUU) 40 CFR 264.1084(g)(3)(iii)
— delete “perform the inspections” and replace with “inspect the air emission control equipment”
(VVVV) 40 CFR 264.1084(h)
— delete “meet” and replace with “comply with”
(WWWW) 40 CFR 264.1084(h)(1)
— delete “be designed not to” and replace with “not”
(XXXX) 40 CFR 264.1084(h)(3)
— delete “or the following conditions as” and replace with “condition
(YYYY) 40 CFR 264.1084(i)
— delete “meet” and replace with “comply with”
(ZZZZ) 40 CFR 264.1084(i)(1)
— after “appendix B” add “and all applicable state air pollution control requirements”
— after the second reference to “Total Enclosure”“ add “under 40 CFR 52.741, Appendix B”
(AAAAA) 40 CFR 264.1084(1) introductory paragraph
— delete “subpart” and replace with “40 CFR 264.1084”
(BBBBB) 40 CFR 264.1084(l)(1)(ii)

— delete “the procedures specified in the applicable section of this subpart” and replace with “the applicable procedures in 40 CFR 264.1084”

— at the end of the paragraph add the following: “This written plan and schedule and the results of all inspections shall be maintained in the facility operating record.”

(CCCCC) 40 CFR 264.1085(b)

— delete “the surface impoundment” and replace with “each surface impoundment subject to this section”

— after “installing” add “, maintaining”

(DDDDD) 40 CFR 264.1085(c)

— delete “meet” and replace with “comply with”

(EEEEE) 40 CFR 264.1085(c)(1)

— delete “designed to meet the following specifications” and replace with “that complies with the following requirements”

(FFFFF) 40 CFR 264.1085(c)(1)(i)

— delete “be designed to”

(GGGGG) 40 CFR 264.1085(c)(3)(ii)

— delete “perform the inspections” and replace with “inspect the floating membrane cover and its closure devices”

(HHHHH) 40 CFR 264.1085(d)

— delete “meet” and replace with “comply with”

(IIIII) 40 CFR 264.1085(d)(1)(i)

— delete “be designed to”

(JJJJJ) 40 CFR 264.1085(d)(1)(ii)

— delete each occurrence of “be designed to”

(KKKKK) 40 CFR 264.1085(d)(3)(iii)

— delete “perform the inspections” and replace with “inspect the air emission control equipment”

(LLLLL) 40 CFR 264.1085(g)

— delete “subpart” and replace with “40 CFR 264.1085”

(MMMMM) 40 CFR 264.1085(g)(2)

— delete “the procedures specified in the applicable section of this subpart” and replace with “the applicable procedures in 40 CFR 264.1085”

— at the end of the paragraph add the following: “This written plan and schedule and the results of all inspections shall be maintained in the facility operating record.”

(NNNNN) 40 CFR 264.1086(c)(4)(iii)

— after “removed from the container and” add “placed in a container that complies with the requirements of 40 CFR 264.1086.”

— delete the third occurrence of “the container” and replace with “The defective container”

(OOOOO) 40 CFR 264.1086(d)(4)(iii)

— after “removed from the container and” add “placed in a container that complies with

the requirements of 40 CFR 264.1086."
— delete the third occurrence of "the container" and replace with "The defective container"
(PPPPP) 40 CFR 264.1086(e)(2)
— delete "meet" and replace with "comply with"
(QQQQQ) 40 CFR 264.1086(e)(2)(i)
— after "appendix B" add "and any applicable state air pollution control requirements"
— after the second occurrence of "Total Enclosure" add "under 40 CFR 52.741, appendix B"
(RRRRR) 40 CFR 264.1086(e)(4)
— delete "subpart" and replace with "40 CFR 264.1086"
(SSSSS) 40 CFR 264.1086(g)(1)
— delete "Each potential" and replace with "For purposes of determining whether a container operates with no detectable emissions, the owner or operator shall check each potential"
— delete ", shall be checked"
(TTTTT) 40 CFR 264.1086(g)(2)
— delete "The test shall be performed" and replace with "In determining whether a container operates with no detectable emissions, the owner or operator shall perform the test"
(UUUUU) 40 CFR 264.1086(h)
— delete "Procedure for determining a container to be" and replace with "In determining whether a container is"
— after "section" add ", the following shall apply"
(VVVVV) 40 CFR 264.1087(b)
— delete "The closed-vent system shall meet" and replace with "The owner or operator of a closed-vent system shall comply with"
(WWWWW) 40 CFR 264.1087(b)(1)
— delete "meets" and replace with "complies with"
(XXXXX) 40 CFR 264.1087(c)
— at the beginning of the paragraph add the following: "Except as is provided for in 40 CFR 264.1087(c)(2), a control device shall comply with the applicable specifications and requirements in 40 CFR 264.1087(c)(1)(i) to (iii), inclusive, at all times when gases, vapors or fumes are vented from the waste management unit through the closed vent system to the control device."
— delete "The control device shall meet" and replace with "The owner or operator of a control device shall comply with"
(YYYYY) 40 CFR 264.1087(c)(2)(vi)
— delete "operate the closed-vent system such that" and replace with "not allow"
— delete "are not actively vented" and replace with "to be vented"
(ZZZZZ) 40 CFR 264.1087(c)(3)(ii)

— at the beginning of the paragraph add the following: "The owner or operator shall determine whether carbon removed from a control device is a hazardous waste in accordance with 40 CFR 262.11."

(AAAAAA) 40 CFR 264.1087(c)(6)

— after "design analysis" add "as specified in 40 CFR 264.1087(c)(5)(iv), then such design analysis cannot be used to demonstrate compliance with the requirements of 40 CFR 264.1087 and within sixty (60) days of being notified of such disagreement, the owner or operator shall perform a performance test as specified in 40 CFR 264.1087(c)(5)(iii)."

— delete "then the disagreement shall be resolved using the" and replace with "The"

— after "section" add "shall be used to determine compliance with 40 CFR 264.1087"

(BBBBBB) 40 CFR 264.1088(b)

— after "40 CFR 264.15" add ", including recording inspections in accordance with 40 CFR 264.15(d)"

(CCCCCC) 40 CFR 264.1089(a)

— delete "a minimum of three years" and replace with "the facility until closure of the facility"

— in the third sentence delete "operating record until the" and replace with "operating record for a minimum of three years after any"

(DDDDDD) 40 CFR 264.1089(b)(1)(ii)(A)

— after "conducted" add ", the name of the inspector and a notation of any observations made during the inspection"

(EEEEEE) 40 CFR 264.1089(b)(2)(i)

— after "collected," add "the name of the person taking the samples, a description of the sampling methodology,"

(FFFFFF) 40 CFR 264.1089(b)(2)(iii)(B)

— after "performed," add "the name of the person taking the measurements, a description of the device(s) used to take the measurements,"

(GGGGGG) 40 CFR 264.1089(c)(3)(i)

— after "conducted" add ", the name of the inspector and a notation of any observations made during the inspection"

(HHHHHH) 40 CFR 264.1089(i) introductory paragraph

— after "shall be provided" add "in the facility operating record"

(IIIIII) 40 CFR 264.1090(a)

— delete "when hazardous waste is placed in the waste management unit in" and replace with "of"

— in the third sentence after "written report" add "to the Commissioner"

— after "becomes aware" add "or should have become aware"

— after "contain the" add "the facility's"

(JJJJJJ) 40 CFR 264.1090(b)

— delete "when hazardous waste is managed in a tank in" and replace with "of"

— in the second sentence after "written report" add "to the Commissioner"

— after “becomes aware” add “or should have become aware”

— after “contain the” add “the facility’s”

(KKKKKK) 40 CFR 264.1090(c)

— delete “excepted” and replace with “except”

— delete “The report shall describe each occurrence during the previous 6-month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in § 264.1035(c)(4) or when a flare is operated with visible emissions as defined in § 264.1033(d).”

— after “The written report shall include the” add “the facility’s”

(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) **Cost Estimates for Closure**

The owner or operator of a facility shall submit to the Commissioner the original cost-estimates for closure and post-closure care and all subsequent adjustments to the cost-estimates within thirty days of their completion in accordance with 40 CFR 264.142 and 40 CFR 264.144.

(c) **Tank Systems**

As soon as waste begins to accumulate in a tank or tank system, the owner or operator shall clearly label the tank or the tank system, whichever would be more conspicuous, with “Hazardous Waste” and other words which clearly identify the contents of the tank or tank system, such as “flammable”, “acid”, “alkaline”, “cyanide”, “reactive”, “explosive”, “halogenated solvent” or the chemical name. If it is not possible to label the tank or tank system so that the label is conspicuous, then the area adjacent to the tank or tank system shall be labeled as prescribed in this subsection so that the identification of the contents of the tank is clearly visible for inspection.

(d) **Underground Injection**

Treatment, storage, or disposal of hazardous waste by underground injection is prohibited.

(e) **Management of Containers**

The owner or operator of a hazardous waste facility using containers to store hazardous waste, shall ensure that each container storing hazardous waste is labeled or marked clearly with the words “Hazardous Waste” and other words that identify the contents of the container such as “flammable”, “acid”, “alkaline”, “cyanide”, “reactive”, “explosive”, “halogenated solvent” or the chemical name.

(Effective July 17, 1990; Amended October 31, 2001; Amended June 27, 2002; Amended September 10, 2002)

**Sec. 22a-449(c)-105. Interim status standards for owners and operators of hazardous waste treatment, storage, and disposal facilities**

(a) **Incorporation by Reference**

(1) 40 CFR 265 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 265.1(c)(4) (which relates to the requirements of 40 CFR 265),
(B) 40 CFR 265.1(c)(15)
(which relates to a facility in New York),
(C) 40 CFR 265.1(f) (which relates to storage of waste military munitions),
(D) 40 CFR 265.90(e) (which provides for a waiver for surface impoundments under specified conditions),
(E) 40 CFR 265.90(f) (which relates 40 CFR 265, subpart F alternatives),
(F) 40 CFR 265.110(c) (which relates to the applicability of 40 CFR 265.121),
(G) 40 CFR 265.110(d) (which relates to alternative closure requirements),
(H) 40 CFR 265.112(b)(8) (which relates to certain closure plan requirements),
(I) 40 CFR 265.112(c)(1)(iv) (which relates to certain closure plan changes),
(J) 40 CFR 265.118(c)(4)&(5) (which relates to certain post-closure plan changes),
(K) 40 CFR 265.118(d)(1)(iii) (which relates to certain post-closure plan amendments),
(L) 40 CFR 265.121 (which relates to certain post-closure requirements),
(M) 40 CFR 265.140(d) (which relates to alternative financial requirements),
(N) 40 CFR 265.149 (which relates to state-required financial mechanisms),
(O) 40 CFR 265.201(b)(3) (which allows small quantity generators to operate uncovered tanks with 60 centimeters of freeboard),
(P) 40 CFR 265.201(e)(1)(iii) (which allows small quantity generators to store ignitable and/or reactive waste in a tank used solely for emergencies),
(Q) 40 CFR 265.314(c)(1)&(3) (which relates to placing free liquids in landfills),
(R) 40 CFR 265.314(f) (which relates to sorbents used to treat free liquids),
(S) 40 CFR 265.340(b) (which relates to integration of MACT standards),
(T) 40 CFR 265, Subpart R (which relates to underground injection),
(U) 40 CFR 265.1080(e), (f) and (g) (which relate to a facility in West Virginia),
(V) 40 CFR 265.1082(a) (which relates to an expired implementation schedule),
(W) 40 CFR 265, subpart EE (which relates to storage of hazardous waste munitions and explosives).
(2) The provisions of this subdivision are incorporated by reference with the specified changes:
(A) 40 CFR 265.1(b)
— delete "40 CFR 264.552, 264.553, and 264.554" and replace with "40 CFR 264.552 and 264.553"
(B) 40 CFR 265.1(c)(14) introductory paragraph
— after each occurrence of "handling" add "or transporting"
— in the second sentence, after "handlers" add "and transporters"
— after "273" add "and section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies"
(C) 40 CFR 265.1(c)(14)(iii)
— delete "and"

(D) 40 CFR 265.1(c)(14)(iv)
— delete the period and replace with "; and"
— add a new paragraph (v) as follows: "(v) used electronics as described in section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies."
(E) 40 CFR 265.11
— delete "(45 FR 12746)"
(F) 40 CFR 265.13(c)(3)
— delete "a biodegradable sorbent to the waste in the container" and replace with "a non-biodegradable sorbent in accordance with 40 CFR 265.316(b)"
(G) 40 CFR 265.15(b)(4)
— after "when in use" add "and emergency equipment designated in the contingency plan shall be inspected at least once each calendar month to ensure that such equipment is in the proper location and available for use as specified in the contingency plan. The owner or operator of a facility not required to have a contingency plan shall develop a specific list of emergency equipment, including its locations and availability for use, to be included in the schedule for inspection and such equipment shall be inspected at least once each calendar month. Satellite accumulation areas are not subject to the monthly requirement stated herein."
(H) 40 CFR 265.70
— delete ", and to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 40 CFR 266.203(a)"
(I) 40 CFR 265.71(a)(4)
— after "generator" add ", generator state and consignment state"
(J) 40 CFR 265.71(b)(4)
— after each "generator" add ", generator state and consignment state"
(K) 40 CFR 265.73(b)(13)
— delete the last "and"
(L) 40 CFR 265.73(b)(14)
— delete the period and replace with "; and"
— add a new paragraph (15) as follows: "(15) Any other information required by section 22a-449(c)-105 of the Regulations of Connecticut State Agencies to be maintained in the operating record."
(M) 40 CFR 265.75
— after paragraph (j), add a new paragraph (k) as follows: "(k) Any other information which the commissioner specifies relating to the facility's activities. The commissioner shall specify such information in writing prior to submission of the report."
(N) 40 CFR 265.90(c)
— after "subpart" add "or section 22a-449(c)-105(c) of the Regulations of Connecticut State Agencies"
— add a new paragraph (3) as follows: "(3) The commissioner may impose conditions he deems necessary to protect human health and the environment regarding any groundwater

monitoring waiver issued pursuant to 40 CFR 265.90(c). The commissioner may rescind the waiver of any monitoring requirements based upon indications of a release, the concentration of identified contaminants, a review of site history or facility operation and management practices, the facility's proximity to groundwater wells, the water quality classification and goal for the facility and surrounding area under section 22a-426 of the Connecticut General Statutes, changed circumstances, or non-compliance with any conditions imposed concerning the granting of a waiver or similar considerations."

(O) 40 CFR 265.143(g)

— delete "If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrator of all such Regions." and replace with "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance submitted for such facilities to any other EPA regional office or state agency regulating hazardous waste shall be submitted to the commissioner."

(P) 40 CFR 265.145(e)(11)

— delete "direct of higher tier" and replace with "direct or higher tier"

— delete "(f)(1)" and replace with "(e)(1)"

— delete "(f)(3)" and replace with "(e)(3)"

(Q) 40 CFR 265.145(g)

— delete "If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrator of all such Regions." and replace with "If the facilities covered by the mechanism are in more than one state, identical evidence of financial assurance submitted for such facilities to any other EPA regional office or state agency regulating hazardous waste shall be submitted to the commissioner."

(R) 40 CFR 265.147(b)(1)

— add new paragraphs (i) and (ii) as follows: "(i) Each insurance policy shall be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a Certificate of Liability Insurance. The wording of the endorsement shall be identical to the wording specified in 40 CFR 264.151(i). The wording of the Certificate of Insurance shall be identical to the wording specified in 40 CFR 264.151(j). The owner or operator shall submit a signed duplicate original of the endorsement or the certificate of insurance to the commissioner. If requested by the commissioner, the owner or operator shall provide a signed duplicate original of the insurance policy. (ii) Each insurance policy shall be issued by an insurer which is licensed by the Connecticut Department of Insurance to transact the business of insurance in the state of Connecticut."

(S) 40 CFR 265.192(d)

— after "performed" add "and the tank system shall successfully pass a test for tightness"

(T) 40 CFR 265.193(c)

— in the Note, after each "as amended" add "and chapter 446k of the Connecticut General Statutes"

(U) 40 CFR 265.196(b)(1)

— after "demonstrates" add "to the Commissioner and the Commissioner agrees"

— at the end of the paragraph add "The owner or operator shall make all reasonable efforts to mitigate the effect of the release."

(V) 40 CFR 265.196(d)(1)

— delete "Regional Administrator within 24 hours of" and replace with "commissioner immediately upon"

— delete "If the release has been reported pursuant to 40 CFR 302, that report will satisfy this requirement" and replace with "Any release that has been reported to the National Response Center pursuant to 40 CFR 302, shall still be reported separately to the commissioner using the 24-hour Emergency Spill Response telephone number at (860) 424-3338 or, if that number is unavailable, at (860) 424-3333. In addition to this oral notification, the owner or operator shall comply with all other applicable reporting or notification requirements regarding the release, including but not limited to, the reporting required by section 22a-450 of the Connecticut General Statutes."

(W) 40 CFR 265.201(a)

— delete "6000" and replace with "1000"

(X) 40 CFR 265.221(g)

— after "obtains" add "the commissioner's prior written approval of a"

— after "overtopping," in the last sentence add "and the commissioner's written approval"

(Y) 40 CFR 265.222(a)

— after "leakage rate to the Regional Administrator" add "for the commissioner's review and approval"

— delete "Within 60 days of receipt of the notification, the" and replace with "The"

— delete "; or extend the review period for up to 30 days. If no action is taken by the Regional Administrator before the original 60 or extended 90 day review periods, the action leakage rate will be approved as proposed by the owner or operator"

(Z) 40 CFR 265.222(b)

— delete "shall" and replace with "may, in the commissioner's discretion,"

(AA) 40 CFR 265.223 Containment system.

— delete "§ 265.223 Containment system. All earthen dikes must have a protective cover, such as grass, shale, or rock, to minimize wind and water erosion and to preserve their structural integrity."

— delete the editorial note in its entirety

(BB) 40 CFR 265.224

— delete "Reserved" and replace with "The owner or operator shall ensure that all earthen dikes used with a surface impoundment has a protective cover, such as grass, shale, or rock, to minimize wind and water erosion and preserve the structural integrity of any such dike."

(CC) 40 CFR 265.228(b)(2)

— delete "§§ 265.221(c)(2)(iv) and (3)" and replace with "40 CFR 264.221(c)(2)(iv) and

(3)”
(DD) 40 CFR 265.229(b)(2)
— delete paragraph (b)(2) in its entirety
(EE) 40 CFR 265.229(b)(3)
— after “obtains” add “the commissioner ‘s prior written approval of “
(FF) 40 CFR 265.229(b)(4)
— after “it” add “and the commissioner’s written approval of said certification”
(GG) 40 CFR 265.255(a)
— after “leakage rate to the Regional Administrator” add “for the commissioner’s review and approval”
— delete “Within 60 days of receipt of the notification, the” and replace with “The”
— delete “; or extend the review period for up to 30 days. If no action is taken by the Regional Administrator before the original 60 or extended 90 day review periods, the action leakage rate will be approved as proposed by the owner or operator”
(HH) 40 CFR 265.255(b)
— delete “shall” and replace with “may, in the commissioner’s discretion,”
— delete “surface impoundment” and replace with “waste pile”
(II) 40 CFR 265.272(a)
— delete paragraph (a) and replace with the following: “Before applying any hazardous waste to a treatment zone, the owner or operator shall submit to the commissioner for review and approval, a demonstration that hazardous constituents in the waste can be completely degraded or transformed in the treatment zone. The owner or operator shall not apply any hazardous waste to a treatment zone unless and until the owner or operator receives the written approval of the commissioner.”
(JJ) 40 CFR 265.301(a)
— delete “ § 264.301(d), (e), or (f), of this chapter” an replace with “40 CFR 264.301(c), unless exempted under 40 CFR 264.301(d), (e) or (f)”
(KK) 40 CFR 265.302(a)
— after “leakage rate to the Regional Administrator” add “for the commissioner’s review and approval”
— delete “Within 60 days of receipt of the notification, the” and replace with “The”
— delete “; or extend the review period for up to 30 days. If no action is taken by the Regional Administrator before the original 60 or extended 90 day review periods, the action leakage rate will be approved as proposed by the owner or operator”
(LL) 40 CFR 265.302(b)
— delete “shall” and replace with “may, in the commissioner’s discretion,”
— delete “surface impoundment” and replace with “landfill”
(MM) 40 CFR 265.316(b)
— after “a sufficient quantity of” add “nonbiodegradable”
— delete “, determined to be nonbiodegradable in accordance with § 265.314(f),”
— at the end of the paragraph add “For purposes of this paragraph, nonbiodegradable

sorbents are (i) inorganic minerals, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or (ii) high molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (hdpe), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers); or (iii) mixtures of these nonbiodegradable materials. A sorbent is also nonbiodegradable if it is determined to be nonbiodegradable under any of the following tests: (i) ASTM method G21-70 (1984a)-standard practice for determining resistance of synthetic polymer materials to fungi; or (ii) ASTM method G22-76 (1984b)-standard practice for determining resistance of plastics to bacteria; or (iii) OECD test 301B: ($CO_2$ evolution modified strum test). Nonbiodegradable sorbents do not include polymers derived from biological material or polymers specifically designed to be degradable."

(NN) 40 CFR 265.340(c)

— in the introductory paragraph, delete "are" and replace with "may request of the commissioner that they be"

— after 40 CFR 265.340(c)(4) add the following: "in making a request under 40 CFR 265.340(c), an owner or operator shall provide, for the commissioner's review and approval, all documentation that the commissioner deems necessary to evaluate the owner or operator's request. An owner or operator shall comply with all of the requirements of this subpart unless and until the commissioner specifies otherwise in writing."

(OO) 40 CFR 265.375(c)

— after "lead" add ", cadmium,"

(PP) 40 CFR 265.440(a)

— delete paragraph (a) and replace it with the following: "(a) The requirements of this subpart apply to owners and operators of facilities that use new or existing drip pads to convey treated wood drippage, precipitation, or surface water run-off to an associated collection system.

(1) For drip pads used for the management of wastes specified in 40 CFR 261.31 as F032:

(i) existing drip pads are those constructed before December 6, 1990 and those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 6, 1990; and

(ii) the requirement at 40 CFR 265.443(b)(3) to install a leak collection system applies only to those drip pads that are constructed after December 24, 1992, except for those constructed after December 24, 1992 for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to December 24, 1992.

(2) For drip pads used for management of hazardous wastes other than hazardous waste

specified in 40 CFR 261.31 as F032:

(i) existing drips pads are those constructed before October 31, 2001 and those for which the owner or operator has a design and has entered into binding financial or other agreements for construction prior to October 31, 2001. All other drip pads are new drip pads; and

(ii) the requirement at 40 CFR 265.443(b)(3) to install a leak collection system applies only to those drip pads that are constructed after October 31, 2001, except for those drip pads constructed October 31, 2001 for which the owner or operator has a design and has entered into binding financial or other agreement for construction prior to October 31, 2001."

(QQ) 40 CFR 265.440(c)(1)(iv)

— delete "Federal" and replace with "state of Connecticut"

(RR) 40 CFR 265.443(a)(4)(i) delete "§ 265.442(a) instead of § 265.442(b)" and replace with "40 CFR 265.442(b) instead of 40 CFR 265.442(a)"

(SS) 40 CFR 265.443(b)

— delete "§ 265.442(b) instead of § 265.442(a)" and replace with "40 CFR 265.442(a) instead of 40 CFR 265.442(b)"

(TT) 40 CFR 265.1033(k) introductory paragraph

— delete "by implementing the following requirements"

(UU) 40 CFR 265.1033(k)(1)

— delete "in accordance with the following requirements" and replace with "to ensure proper operation and maintenance of such system. At a minimum, such monitoring and inspection shall include compliance with the following requirements"

(VV) 40 CFR 265.1033(k)(1)(ii)(A)

— in the second sentence delete "following any" and replace with "each"

(WW) 40 CFR 265.1033(k)(2)

— delete "in accordance with the following requirements" and replace with "to ensure proper operation and maintenance of such system. At a minimum, such monitoring and inspection shall include compliance with the following requirements"

(XX) 40 CFR 265.1034(f)

— after "knowledge of the waste," add "the owner or operator shall, within thirty days, or another time period approved by the commissioner in writing, implement"

— delete "may be used" and replace with "or another approach that the commissioner approves in writing"

(YY) 40 CFR 265.1063(f)

— after "weight," add "the owner or operator shall comply with"

— delete "can be used" and replace with "or another approach that the commissioner approves in writing"

(ZZ) 40 CFR 265.1080(b)(3)

— after "plan" add ", provided the owner or operator has complied with or remains in compliance with the closure plan approved by the commissioner"

(AAA) 40 CFR 265.1080(b)(4)

— after "plan" add ", provided the owner or operator has complied with or remains in compliance with the closure plan approved by the commissioner"

(BBB) 40 CFR 265.1080(b)(7)

— delete "in accordance with" and replace with "in compliance with"

(CCC) 40 CFR 265.1080(c) introductory paragraph

— delete the paragraph in its entirety and replace with the following: "(c) The owner or operator of a facility issued a permit by the commissioner pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies, prior to December 6, 1996, shall comply with the requirements of 40 CFR 265, subpart CC, even if the permit does not require such compliance, unless the permit requires compliance with 40 CFR 264, subpart CC, in which event the requirements of 40 CFR 264, subpart CC shall apply. The requirements of 40 CFR 264, subpart CC shall apply if and when any permit described in this section is renewed."

(DDD) 40 CFR 265.1080(d) introductory paragraph

— delete "are administratively stayed for" and replace with "shall not apply to"

— delete "when" and replace with "provided"

— delete "meets" and replace with "has complied and remains in compliance with"

(EEE) 40 CFR 265.1080(d)(1)

— after "identifies" add ", in writing as part of documentation prepared and maintained pursuant to 40 CFR 265.1090(i),"

(FFF) 40 CFR 265.1080(d)(3)

— after "the facility owner or operator" add "and shall note that documentation prepared in compliance with 40 CFR 265.1080(d)(2) and 265.1090(i) shall be made available if requested by the commissioner"

(GGG) 40 CFR 265.1081

— add the following definition in alphabetical order: "$m^3$" means cubic meter.

— add the following definition in alphabetical order: "kPa" means kilopascal.

— in the definition of "Point of waste origination", add a new paragraph (3) as follows: "(3) For a generator, the point of waste origination means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste as defined in 40 CFR 261."

(HHH) 40 CFR 265.1082(b)(2)(i)

— delete "30" and replace with "12"

(III) 40 CFR 265.1082(c)

— delete "30-month" and replace with "12-month"

(JJJ) 40 CFR 265.1082

— add a new paragraph (e) as follows: "(e) For purposes of 40 CFR 265.1082, references to the term "the amendment" mean a statutory or regulatory amendment that renders the owner or operator of a facility subject to 40 CFR 265, subpart I, J, or K."

(KKK) 40 CFR 265.1083(b)

— delete "each hazardous waste management unit" and replace with "each tank, surface

impoundment, and container”

(LLL) 40 CFR 265.1083(c)(2)

— after “has been reduced” add “or destroyed”

(MMM) 40 CFR 265.1083(c)(2)(vii)

— delete “has either”

(NNN) 40 CFR 265.1083(c)(2)(vii)(A)

— delete “been issued a final permit” and replace with “has a currently valid and effective permit issued by the commissioner”

(OOO) 40 CFR 265.1083(c)(2)(viii)

— delete “has either”

(PPP) 40 CFR 265.1083(c)(2)(viii)(A)

— delete “been issued a final permit” and replace with “has a currently valid and effective permit issued by the commissioner”

(QQQ) 40 CFR 265.1083(c)(5)(i)

— after “Waste Operations” add “and all applicable state air pollution control requirements”

(RRR) 40 CFR 265.1083(c)(5)(iii)

— after “appendix B” add “and all applicable state air pollution control requirements”

— after the second occurrence of “Total Enclosure”“ add “in 40 CFR 52.741, appendix B”

(SSS) 40 CFR 265.1083(d)(2)(ii)

— after “appropriate method” add “and the owner or operator shall perform a waste determination using the method specified by the commissioner.”

(TTT) 40 CFR 265.1084(a)(1)(i)

— delete “An initial” and replace with “An owner or operator shall perform and initial”

— delete each occurrence of “shall be made”

— after “thereafter” add “an owner or operator shall perform”

(UUU) 40 CFR 265.1084(a)(1)(ii)

— delete “Perform” and replace with “An owner or operator shall perform”

(VVV) 40 CFR 265.1084(b)(1)(i)

— delete “An initial” and replace with “An owner or operator shall perform an initial”

— delete “shall be made”

— after “thereafter” add “an owner or operator shall”

(WWW) 40 CFR 265.1084(b)(1)(ii)

— delete “Perform” and replace with “An owner or operator shall perform”

(XXX) 40 CFR 265.1085(c)

— delete “meet” and replace with “comply with”

(YYY) 40 CFR 265.1085(c)(1)

— delete “a hazardous waste” and replace with “each hazardous waste”

(ZZZ) 40 CFR 265.1085(c)(2)

— delete “designed to meet” and replace with “that meets”

(AAAA) 40 CFR 265.1085(c)(2)(i)
— delete "be designed to"
(BBBB) 40 CFR 265.1085(c)(2)(ii)
— after "installed" add "and maintained"
(CCCC) 40 CFR 265.1085(e)
— delete "meet" and replace with "comply with"
(DDDD) 40 CFR 265.1085(f)
— delete "meet" and replace with "comply with"
(EEEE) 40 CFR 265.1085(f)(1)
— delete "design the external floating roof in accordance with" and replace with "ensure that an external floating roof meets"
(FFFF) 40 CFR 265.1085(f)(1)(i)
— delete "be designed to"
(GGGG) 40 CFR 265.1085(f)(1)(ii)(A)
— delete "the metallic shoe seal shall be designed so that one end extends" and replace with "one end of the metallic shoe seal shall extend"
— delete "other end extends" and replace with "other end shall extend"
(HHHH) 40 CFR 265.1085(g)
— delete "meet" and replace with "comply with"
(IIII) 40 CFR 265.1085(g)(3)(iii)
— delete "perform the inspections" and replace with "inspect the air emission control equipment"
(JJJJ) 40 CFR 265.1085(h)
— delete "meet" and replace with "comply with"
(KKKK) 40 CFR 265.1085(h)(1)
— delete "be designed not to" and replace with "not"
(LLLL) 40 CFR 265.1085(h)(3)
— delete "or the following conditions as" and replace with "condition"
(MMMM) 40 CFR 265.1085(i)
— delete "meet" and replace with "comply with"
(NNNN) 40 CFR 265.1085(i)(1)
— after "appendix B" add "and all applicable state air pollution control requirements"
— after the second reference to "Total Enclosure" add "under 40 CFR 52.741, Appendix B"
(OOOO) 40 CFR 265.1085(l) introductory paragraph
— delete "subpart" and replace with "40 CFR 265.1085"
(PPPP) 40 CFR 265.1085(l)(1)(ii)
— delete "the procedures specified in the applicable section of this subpart" and replace with "the applicable procedures in 40 CFR 265.1085"
— at the end of the paragraph add the following: "This written plan and schedule and the results of all inspections shall be maintained in the facility operating record."

(QQQQ) 40 CFR 265.1086(b)
— delete "the surface impoundment" and replace with "each surface impoundment subject to this sections"
— after "installing" add ", maintaining"
(RRRR) 40 CFR 265.1086(c)
— delete "meet" and replace with "comply with"
(SSSS) 40 CFR 265.1086(c)(1)
— delete "designed to meet the following specifications" and replace with "that complies with the following requirements"
(TTTT) 40 CFR 265.1086(c)(1)(i)
— delete "be designed to"
(UUUU) 40 CFR 265.1086(c)(3)(ii)
— delete "perform the inspections" and replace with "inspect the floating membrane cover and its closure devices"
(VVVV) 40 CFR 265.1086(d)
— delete "meet" and replace with "comply with"
(WWWW) 40 CFR 265.1086(d)(1)(i)
— delete "be designed to"
(XXXX) 40 CFR 265.1086(d)(1)(ii)
— delete each occurrence of "be designed to"
(YYYY) 40 CFR 265.1086(d)(3)(iii)
— delete "perform the inspections" and replace with "inspect the air emission control equipment"
(ZZZZ) 40 CFR 265.1086(g)
— delete "subpart" and replace with "40 CFR 265.1086"
(AAAAA) 40 CFR 265.1086(g)(2)
— delete "the procedures specified in the applicable section of this subpart" and replace with "the applicable procedures in 40 CFR 265.1086"
— at the end of the paragraph add the following: "This written plan and schedule and the results of all inspections shall be maintained in the facility operating record."
(BBBBB) 40 CFR 265.1087(c)(4)(iii)
— after "removed from the container and" add "placed in a container that complies with the requirements of 40 CFR 265.1087."
— delete the third occurrence of "the container" and replace with "The defective container"
(CCCCC) 40 CFR 265.1087(d)(4)(iii)
— after "removed from the container" add ", placed in a container that complies with the requirements of 40 CFR 265.1087"
(DDDDD) 40 CFR 265.1087(e)(2)
— delete "meet" and replace with "comply with"
(EEEEE) 40 CFR 265.1087(e)(2)(i)

— after “appendix B” add “and any applicable state air pollution control requirements”
— after the second occurrence of “Total Enclosure”“ add “under 40 CFR
52.741, appendix B”
(FFFFF) 40 CFR 265.1087(e)(4)
— delete “subpart” and replace with “40 CFR 265.1087”
(GGGGG) 40 CFR 265.1087(g)(1)
— delete “Each potential” and replace with “For purposes of determining whether a container operates with no detectable emissions, the owner or operator shall check each potential”
— delete “, shall be checked”
(HHHHH) 40 CFR 265.1087(g)(2)
— delete “The test shall be performed” and replace with “In determining whether a container operates with no detectable emissions, the owner or operator shall perform the test”
(IIIII) 40 CFR 265.1087(h)
— delete “Procedure for determining a container to be” and replace with “In determining whether a container is”
— after “section” add “, the following shall apply”
(JJJJJ) 40 CFR 265.1088(b)
— delete “meet” and replace with “comply with”
(KKKKK) 40 CFR 265.1088(b)(1)
— delete “meets” and replace with “complies with”
(LLLLL) 40 CFR 265.1088(c)
— at the beginning of the paragraph add the following: “Except as is provided for in 40 CFR 265.1088(c)(2), a control device shall comply with the applicable specifications and requirements in 40 CFR 265.1088(c)(1)(i) to (iii), inclusive, at all times when gases, vapors or fumes are vented from the waste management unit through the closed vent system to the control device.”
— delete “meet” and replace with “comply with”
(MMMMM) 40 CFR 265.1088(c)(2)(vi)
— delete “operate the closed-vent system such that” and replace with “not allow”
— delete “are not actively vented” and replace with “to be vented”
(NNNNN) 40 CFR 265.1088(c)(3)(ii)
— at the beginning of the paragraph add the following: “The owner or operator shall determine whether carbon removed from a control device is a hazardous waste in accordance with 40 CFR 262.11.”
(OOOOO) 40 CFR 265.1088(c)(6)
— after “design analysis” add “as specified in 40 CFR 265.1088(c)(5)(iv), then such design analysis cannot be used to demonstrate compliance with the requirements of this section and within sixty (60) days of being notified of such disagreement, the owner or operator shall perform a performance test as specified in 40 CFR 265.1088(c)(5)(iii). The”

— delete “then the disagreement shall be resolved the”
— after “section” add “shall be used to determine compliance with 40 CFR 265.1088”
(PPPPP) 40 CFR 265.1089(b)
— after “40 CFR 265.15” add “, including recording inspections in accordance with 40 CFR 265.15(d)”
(QQQQQ) 40 CFR 265.1090(a)
— delete “a minimum of three years” and replace with “the facility until closure of the facility”
— in the third sentence delete “operating record until the” and replace with “operating record for a minimum of three years after any”
(RRRRR) 40 CFR 265.1090(b)(1)(ii)(A)
— after “conducted” add “, the name of the inspector and a notation of any observations made during the inspection”
(SSSSS) 40 CFR 265.1090(b)(2)(i)
— after “collected,” add “the name of the person taking the samples, a description of the sampling methodology,”
(TTTTT) 40 CFR 265.1090(b)(2)(iii)(B)
— after “performed,” add “the name of the person taking the measurements, a description of the device(s) used to take the measurements”
(UUUUU) 40 CFR 265.1090(c)(3)(i)
— after “conducted” add “the name of the inspector and a notation of any observations made during the inspection”
(VVVVV) 40 CFR 265.1090(i) introductory paragraph
— after “shall be provided” add “in the facility operating record”
(WWWWW) 40 CFR 265.1091
— delete “[Reserved]” and replace with “
(a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of 40 CFR 265.1083(c) shall report to the commissioner each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in 40 CFR 265.1083(c)(1) or (2), as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 ppmw at the point of waste origination; or placing in the waste management unit a treated hazardous waste of which the organic content has been reduced by an organic destruction or removal process that fails to achieve the applicable conditions specified in 40 CFR 265.1083(c)(2)(i) to (vi), inclusive. The owner or operator shall submit a written report to the commissioner within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed

and dated by an authorized representative of the owner or operator.

(b) Each owner or operator using air emission controls on a tank in accordance with the requirements 40 CFR 265.1085(c) shall report to the commissioner each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in 40 CFR 265.1085(b). The owner or operator shall submit a written report to the commissioner within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

(c) Each owner or operator using a control device in accordance with the requirements of 40 CFR 265.1088 shall submit a semiannual written report to the commissioner, except as provided for in 40 CFR 265.1091(d). The report shall describe each occurrence during the previous 6-month period when either: (1) a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in 40 CFR 265.1035(c)(4); or (2) a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in 40 CFR 265.1033(d). The written report shall include the EPA identification number, facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

(d) A report to the commissioner in accordance with the requirements of 40 CFR 265.1091(c) is not required for a 6-month period during which all control devices subject to 40 CFR 265, subpart CC are operated by the owner or operator such that: (1) During no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in 40 CFR 265.1035(c)(4); and (2) No flare operated with visible emissions for longer than five minutes during a two-hour period, as defined in 40 CFR 265.1033(d)."

(XXXXX) 40 CFR 265.1100(d)

— delete "permit" and replace with "prevent"

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

(b) **Facility Containment Standards**

In addition to the requirements of 40 CFR 265, Subpart I, the owner or operator of a facility shall comply with the containment system standards specified in 40 CFR 264.175.

(c) **Ground Water Monitoring**

(1) Applicability

(A) In addition to the provisions of 40 CFR 265.90(a), the commissioner may, when authorized by any applicable law, issue an order requiring the owner or operator of any facility which treats, stores, or disposes of hazardous waste to implement a ground water

monitoring program. Any such order may impose requirements in addition to those specified in this subsection.

(B) An owner or operator required to implement a ground water monitoring program shall at all times during the active life of the facility, including closure, and during the post-closure care period conduct ground water monitoring in accordance with the requirements of 40 CFR 265.90 TO 265.94, inclusive, section 22a-449(c)-105(c) of the Regulations of Connecticut State Agencies, and the plan submitted pursuant to section 22a-449(c)-105(c) of the Regulations of Connecticut State Agencies. In the case of any inconsistency between the regulations and the plan, the owner or operator shall comply with the more stringent requirement.

(2) Ground Water Monitoring Program

(A) On or before November 19, 1981, the owner or operator of a facility who is required, either by 40 CFR 265.90(a) or by order issued by the commissioner under any applicable law, to implement a ground water monitoring program shall submit to the commissioner a comprehensive written ground water monitoring plan. All amendments to a ground water monitoring plan shall be submitted to the commissioner in accordance with subparagraph (C) of this subdivision. The owner or operator shall keep a copy of the plan, as amended, at the facility at all times. The ground water monitoring plan and any amendments to the plan shall describe a monitoring program which meets the requirements of 40 CFR 265.91 and complies with 40 CFR 265.92 to 265.94, inclusive, this subsection, and any order of the commissioner. In addition to the requirements of 40 CFR 265.91 to 265.94, inclusive, such plan shall include, at a minimum, a narrative description of all aspects of the ground water monitoring program, including but not limited to the following:

(i) Site and source characterization, including, but not limited to: vicinity maps, to scale, with title, date, scale, north arrow and legend, showing site location and natural and artificial features in the area surrounding the site; site map, to scale, with title, date, scale, north arrow and legend, depicting site boundaries, natural and artificial features, surface waters, and all solid waste management units; descriptions of site activities and processes, current and historic, and hazardous materials used or generated; and current and historic sources of pollution on-site;

(ii) Geology and hydrogeology summary for the site and vicinity, including, but not limited to: geologic map(s) with title, date, scale, north arrow and legend, providing regional and site-specific detail; hydro-stratigraphic cross-section(s) with title, date, scale, north arrow and legend; identification of the uppermost aquifer below the site, its connection with other water-bearing strata, and its vertical and lateral boundaries; evaluation of vertical and lateral components of flow in the uppermost aquifer; hydraulic conductivity of the uppermost aquifer and its variability; pertinent physical and chemical properties of any confining stratum relative to wastes on-site; seasonal or other temporal changes which may affect site hydrogeologic interpretations; location of water supply wells and surface waters on-site and in the potentially affected area and discussion of how the site may impact water quality; and a summary and interpretation of all ground water monitoring data collected to

date, if any;

(iii) A description of and justification for the ground water monitoring system, including, but not limited to: the number of monitoring wells and piezometers; a site map with title, date, scale, north arrow and legend, showing their locations; placement rationale for each well and piezometer (relative to ground water flow, geology, suspected sources of pollution, and ground water monitoring program objectives); depths and screened intervals (including rationale); boring logs (including aborted holes and unusual drilling conditions); as-built construction diagrams; and construction and development methodology and the rationale for their selection;

(iv) A list of monitoring parameters and sampling frequency, including those required by 40 CFR 265.92 (b), water level, and any additional parameters which could reasonably be expected to be present at the site (site-specific parameters) and which may impact ground water quality, and the rationale for their selection, based on an evaluation of the contaminant source, site history and characteristics, and related factors;

(v) A ground water sampling and analysis plan, including, but not limited to: procedures and techniques for sample collection, sample preservation and shipment; analytical procedures; chain of custody control; and field and laboratory quality assurance/quality control procedures;

(vi) Details of data evaluation and response procedures which meet the requirements of 40 CFR 265.93, and include, but are not limited to: monitoring program objectives and the rationale behind evaluation procedures; specific evaluation techniques, including details of any statistical or trend analyses proposed, showing how the program objectives are achieved; and reporting format; and

(vii) Other information as the Commissioner deems necessary in order to determine whether the monitoring program is adequate to determine the effect of the facility on the ground waters of the State.

(B) All monitoring which is required by law or specified in the ground water monitoring plan shall be conducted at least quarterly throughout the active life of the facility, including closure, and during the post-closure care period. Commencing with the second year following the installation of monitoring wells, and upon the completion of at least four quarterly sampling events, an owner or operator may conduct the monitoring required by law or specified in the ground water monitoring plan on a semi-annual basis provided that he has obtained the prior written approval of the commissioner. Such approval shall be based upon site-specific technical information submitted by the owner or operator which clearly demonstrates that more frequent monitoring is unnecessary in evaluating the impact of the site on any waters of the state. Any approval issued by the commissioner reducing the frequency of sampling may include conditions the commissioner deems necessary to protect human health and the environment. The commissioner may require the resumption of quarterly monitoring based upon indications of a release, the concentration of identified contaminants, a review of site history or facility operation and management practices, the facility's proximity to groundwater wells, the water quality classification and goal for the

facility and surrounding area under section 22a-426 of the Connecticut General Statutes, changed circumstances, or non-compliance with any conditions imposed concerning the reduction in monitoring requirements or simi-liar considerations.

(C) Except as allowed by the Commissioner in writing or as required by law, including but not limited to 40 CFR 265.93 (d), the owner or operator shall submit any amendment to the ground water monitoring plan to the Commissioner no later than sixty days prior to implementation of the amendment. Any change in the ground water monitoring program which modifies a post-closure plan or the length of a post-closure care period shall be made in accordance with 40 CFR 265.118 and shall not be implemented until the Commissioner has made any determination required by 40 CFR 265.118. Notwithstanding the time deadlines specified in this subparagraph, the owner or operator shall comply with any more stringent time deadlines set forth in 40 CFR 265.93 (d).

(3) Reporting Requirements.

(A) In addition to any other reporting requirements imposed by law, including but not limited to 40 CFR 265.93(d), if requested in writing by the commissioner, the owner or operator of a facility shall submit a report or reports on ground water monitoring conducted or to be conducted at a facility. Such report(s) shall be submitted to the commissioner within the timeframe specified by the commissioner. However, if no timeframe is specified and the request concerns groundwater monitoring which has already been conducted, the requested report(s) shall be submitted within thirty days of receipt of the commissioner's written request. If no timeframe is specified and the request concerns groundwater monitoring which has not yet been conducted, the requested report(s) shall be submitted within fifteen days of the owner or operator's receipt of groundwater monitoring sampling results or sixty days after the completion of groundwater monitoring, whichever is sooner. Unless otherwise specified by the commissioner in writing, in addition to the requirements of 40 CFR 265.94, such reports shall include, but not be limited to, the following:

(i) One table in which the following is shown for all wells and piezometers: the date of sampling, monitoring data, including replicate values if applicable, and ground water depths and elevations;

(ii) Identification, by well and parameter, of all data with values which exceed those in 40 CFR 265 Appendix III, any Maximum Contaminant Levels (MCLs) in 40 CFR 141, any potable water standard determined by the Connecticut Department of Health Services and any remediation standard established under section 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies;

(iii) A ground water flow contour map to scale with title, date, scale, north arrow and legend, based on the data from the sampling event including, at a minimum: well and piezometer location, ground water elevations, ground water elevation contours, flow direction, solid waste management units, structures and paved areas, property boundaries, and surface waters on-site and in the potentially affected area;

(iv) As-built construction drawings, boring logs, and supporting field notes for construction and development of any wells and piezometers installed since the last report;

(v) Scheduled date of next sampling event; and

(vi) Results of any site-specific data and statistical evaluation required or specified in the ground water monitoring plan.

(B) In addition to any other reporting requirements imposed by law, including but not limited to 40 CFR 265.93(d), the owner or operator of any facility required to implement a ground water monitoring program pursuant to the State Hazardous Waste Management Regulations shall summarize, on a calendar year basis in an annual report, the results of ground water monitoring at a facility. Such annual report shall be submitted to the commissioner by March first of the following calendar year. In addition to the requirements of 40 CFR 265.94, the annual report shall include, at a minimum, the following:

(i) One data table for each well, continuing the previous year's data, arranged with monitoring parameters, including ground water depth and elevation, on the vertical axis and sampling date on the horizontal axis;

(ii) One table in which the following is shown for all wells and piezometers: the date of sampling, monitoring data, including replicate values if applicable, and ground water depths and elevations;

(iii) Identification, by well and parameter, of all data with values which exceed those in 40 CFR 265 Appendix III, any Maximum Contaminant Levels (MCLs) in 40 CFR 141, any potable water standard determined by the Connecticut Department of Health Services and any remediation standard established under section 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies;

(iv) A ground water flow contour map for each sampling event conducted during the previous year to scale with title, date, scale, north arrow and legend, based on the data from the sampling event including, at a minimum: well and piezometer location, ground water elevations, ground water elevation contours, flow direction, solid waste management units, structures and paved areas, property boundaries, and surface waters on-site and in the potentially affected area;

(v) Copies of all construction drawings, completion and development documentation, and boring logs for wells and piezometers installed during the previous year;

(vi) A separate graph for each monitored parameter, including ground water elevation. Each graph shall include data from the most recent three years and shall display the concentration on the vertical axis and the sampling date on the horizontal axis. The data points for each sampling location shall be connected by a straight line;

(vii) Discussion and interpretation of the ground water monitoring data and ground water flow directions. Such discussion shall include, but not be limited to: any site-specific data or statistical evaluations for the previous year, any variations in reported data throughout the history of monitoring at the site, and the results of determinations of concentration, extent, and rate of migration of monitored constituents in the ground water;

(viii) Evaluation of the adequacy of the monitoring system and program including but not limited to: discussion of results of the field and laboratory quality assurance and quality control program; review of the suitability of the specific wells and piezometers, parameters,

and data evaluation methods for the program objectives; summary and evaluation of any modifications implemented in the ground water monitoring program in the previous two years; and evaluation of the condition of the wells and piezometers, specific actions that will be taken to correct any deficiencies and a schedule of implementation for such actions;

(ix) One summary table containing established baseline values and statistical values, which are used for data evaluation, and the data from which they were derived;

(x) One data table summarizing construction and completion details for all wells and piezometers used in the monitoring program, including, but not limited to, top of casing elevation, screen top elevation, screen length, total depth, typical ground water elevation, identification of the water bearing horizon, and the reason the well or piezometer is included in the monitoring program; and

(xi) Copies of laboratory analytical reports and field notes, for the previous year, from which the summary tables in the sampling event and annual reports were prepared.

(4) Notice of Deficiencies

(A) The commissioner may, at any time, review a ground water monitoring plan or report, submitted pursuant to this section and issue a notice of deficiency. Upon receipt of any such notice of deficiency the owner or operator shall immediately correct its ground water monitoring program and shall resubmit the plan or report, with the deficiencies corrected, within the time specified by the commissioner or, if no time is specified by the commissioner, within thirty days of the date that the notice of deficiency was mailed or personally delivered by the commissioner.

(B) The commissioner may issue a notice of deficiency under this subsection regardless of any previous approval. Failure of the commissioner to issue a notice of deficiency does not imply that the monitoring program, or any plan or report is approved or that it meets the requirements of 40 CFR 265.90 to 265.94, inclusive, or this section.

(C) The issuance of a notice of deficiency by the commissioner and the provision of any deadlines for correction of deficiencies shall not excuse non-compliance or delayed compliance with this section or prevent the commissioner from taking any other action authorized by law, including but not limited to action to ensure compliance or assess penalties.

(d) **Cost Estimates for Closure**

The owner or operator of a facility shall submit to the Commissioner the original cost-estimates for closure and post-closure care and all subsequent adjustments to the cost-estimates within thirty days of their completion in accordance with 40 CFR 265.142 and 40 CFR 265.144.

(e) **Tank Systems**

As soon as waste begins to accumulate in a tank or tank system, the owner or operator shall clearly label the tank or the tank system, whichever would be more conspicuous, with "Hazardous Waste" and other words which clearly identify the contents of the tank or tank system, such as "flammable", "acid", "alkaline", "cyanide", "reactive", "explosive", "halogenated solvent" or the chemical name. If it is not possible to label the tank or tank

system so that the label is conspicuous, then the area adjacent to the tank or tank system shall be labeled as prescribed above so that the identification of the contents of the tank is clearly visible for inspection.

(f) **Underground Injection**

Treatment, storage, or disposal of hazardous waste by underground injection is prohibited.

(g) **Management of Containers**

The owner or operator of a hazardous waste facility using containers to store hazardous waste, shall ensure that each container storing hazardous waste is labeled or marked clearly with the words "Hazardous Waste" and other words that identify the contents of the container such as "flammable", "acid", "alkaline", "cyanide", "reactive", "explosive", "halogenated solvent" or the chemical name.

(h) **Corrective Action at Interim Status Disposal Facilities**

(1) For purposes of this subsection only, all terms shall be defined as defined in section 22a-449(c)-100 of the Regulations of Connecticut State Agencies, except that the following terms shall be defined as follows:

(A) "Disposal facility" means a facility that has not been issued a hazardous waste permit under section 22a-449(c)-110 of the Regulations of Connecticut State Agencies, at which: (i) hazardous waste was disposed of in a surface impoundment, waste pile, land treatment unit, or landfill, after July 26, 1982; (ii) an owner or operator either certified closure of or applied for a closure by removal determination regarding the closure of a surface impoundment, waste pile, land treatment unit, or landfill, after January 26, 1983; (iii) hazardous waste was disposed of on the land or in the waters of the state, other than in a surface impoundment, waste pile, land treatment unit, or landfill, after July 26, 1982, except at a facility engaged solely in the storage or treatment of hazardous waste in containers or tanks; (iv) a tank system is required to meet the requirements for a landfill pursuant to 40 CFR 265.197; or (v) a containment building is required to meet the requirements for a landfill pursuant to 40 CFR 265.1102.

(B) "Environmental condition assessment form" or "ECAF" means a form, prescribed and provided by the commissioner, that contains all of the information about environmental conditions at the disposal facility, is prepared under the supervision of a licensed environmental professional, and is executed by the owner or operator of a disposal facility. ECAF includes the form defined in section 22a-134(17) of the Connecticut General Statutes.

(C) "Hazardous substance" or "Hazardous substances" means hazardous substances as defined on 42 U.S.C. § 9601 (section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980); any hazardous constituent identified in 40 CFR 261, Appendix VIII, or a petroleum product or by-product for which there are remediation standards pursuant to section 22a-133k of the Connecticut General Statutes or for which such remediation standards have a process for calculating the numeric criteria of such substance.

(D) "Licensed Environmental Professional" means a person with a current valid and effective license issued by the commissioner pursuant to section 22a-133v of the

Connecticut General Statutes.

(E) "Release" means any discharge, spillage, uncontrolled loss, seepage, filtration, leakage, injection, escape, dumping, pumping, pouring, emitting, emptying, spilling or disposal of a substance.

(F) "Substance" means an element, compound or material which, when added to air, water, soil or sediment, may alter the physical, chemical, biological or other characteristic of such air, water, soil or sediment.

(2) The requirements of this subsection shall apply only to the owner or operator of a disposal facility required to operate under, currently operating under, or authorized to operate under interim status pursuant to 40 CFR 270.70. The owner or operator of a disposal facility subject to this subsection shall investigate and remediate all releases of hazardous waste and hazardous substances at or from the facility in accordance with the requirements of this subsection.

(3) ECAF Submission.

(A) An owner or operator of a disposal facility subject to this subsection that has submitted an ECAF to the commissioner on or after October 1, 1995, pursuant to section 22a-134 to 22a-134e, inclusive, of the Connecticut General Statutes (commonly known as the "Transfer Act"), need not submit another ECAF for any such facility, but may instead provide the commissioner with written notice of the date such ECAF was filed and shall include in any such notice an update to the information in the previously filed ECAF. Any update to the information in a previously filed ECAF shall be prepared under the supervision of a licensed environmental professional and executed by the owner or operator of the disposal facility. Any notice to the Commissioner submitted pursuant to this subparagraph shall be submitted on or before February 26, 2003.

(B) An owner or operator of a disposal facility subject to this subsection that has not previously submitted an ECAF to the commissioner shall submit an ECAF to the commissioner on or before August 27, 2003. An owner or operator of a disposal facility subject to this subsection that has submitted an ECAF to the commissioner pursuant to the Transfer Act before October 1, 1995, shall submit a new ECAF to the commissioner for such disposal facility on or before August 27, 2003.

(4) Upon review of the environmental condition assessment form and any other information about a disposal facility, the commissioner may notify the owner or operator of the facility, in writing, whether any further investigation and remediation of releases of hazardous waste or hazardous substances at or from such facility is required. In addition, the notification provided by the commissioner shall also indicate whether or not the review and approval of the investigation and remediation by the commissioner will be required or whether such investigation and remediation may be overseen by a licensed environmental professional. Before making any such determination, the commissioner may require the owner or operator of such facility to submit additional information, including but not limited to technical plans, technical reports, or other information related to any investigation or remediation undertaken at the facility.

(5) Investigation and Remediation – Licensed Environmental Professionals. The owner or operator of a disposal facility shall ensure that any investigation and remediation of a facility overseen by an LEP complies with the following requirements:

(A) On or before thirty (30) days of receipt of the notice from the commissioner pursuant to subdivision (4) of this subsection ("the notice"), or such later date as may be approved in writing by the commissioner, the owner or operator of the facility shall submit to the commissioner a schedule for investigating and remediating releases of hazardous waste and hazardous substances at or from the facility. Such schedule shall, unless a later date is approved by the commissioner in writing, provide that investigation shall be completed within two years of the date of receipt of the notice from the commissioner and provide that remediation at the facility shall be initiated within three years of the date of receipt of the notice from the commissioner. The schedule shall also include a schedule for public participation prior to the initiation of remediation in accordance with subdivision (7) of this subsection. The owner or operator shall investigate and remediate the disposal facility in accordance with the proposed schedule and any modifications made thereto by the commissioner.

(B) The owner or operator of the disposal facility shall notify the commissioner in writing of any modifications to the schedule proposed under subparagraph (A) of this subdivision. The owner or operator shall obtain the written approval of the commissioner regarding any proposed modification if: (i) the proposed modification is to a schedule previously approved by the commissioner; or (ii) the modifications sought by the owner or operator would result in all investigation activities at the facility not being completed within two years of the date of receipt of the notice from the commissioner, or would result in not all remediation at the facility being initiated within three years of the date of the date of receipt of the notice from the commissioner. Any other modifications to the schedule do not need to be approved by the commissioner.

(C) The owner or operator of a disposal facility shall submit to the commissioner an independent verification by a licensed environmental professional that the disposal facility has been investigated in accordance with prevailing guidelines and standards and remediated in accordance with the remediation standard regulations, sections 22a-133k-1 through 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies.

(D) Notwithstanding any previous notification that an investigation or remediation may be overseen by an LEP, the commissioner may at any time, notify the owner or operator of a disposal facility that the commissioner's review and written approval of any investigation or remedial action at the facility is necessary. If the owner or operator of facility receives any such notice, then the provisions of subdivision (6) of this subsection shall thereafter apply to all investigation and remediation undertaken at the facility.

(6) Investigation and Remediation – The Department. The owner or operator of a disposal facility shall ensure that any investigation and remediation of a facility overseen by the Commissioner complies with the following requirements:

(A) On or before thirty (30) days of the receipt of notice from the commissioner pursuant

to subdivision (4) of this subsection, or such later date as may be approved in writing by the commissioner, the owner or operator of the disposal facility shall submit for the commissioner's review and written approval, a proposed schedule for: (i) investigating and remediating the facility; and (ii) submitting to the commissioner scopes of work, technical plans, technical reports and progress reports related to such investigation and remediation. The schedule shall also include a schedule for public participation prior to initiation of remediation in accordance with subdivision (7) of this subsection. Upon the commissioner's approval of such schedule, the owner or operator shall, in accordance with the approved schedule, submit scopes of work, technical plans, technical reports and progress reports to the commissioner for the commissioner's review and written approval. The commissioner may approve any such scopes of work, reports, plans or reports with modifications. The owner or operator shall perform all actions identified in the scopes of work, technical plans, technical reports and progress reports, as approved by the commissioner, in accordance with the schedule approved by the commissioner.

(B) The commissioner may approve, in writing, any modification to a previous approval regarding the investigation, remediation, or the schedule for performing any investigation or remediation undertaken pursuant to this subdivision.

(C) Notwithstanding any previous notification that the investigation or remediation of a disposal facility shall be overseen by the Commissioner, the commissioner may at any time, notify the owner or operator of a disposal facility in writing that the commissioner's review and written approval of the investigation or remediation at a disposal facility is no longer necessary. If the owner or operator of facility receives any such notice, then the provisions of subdivision (5) of this subsection shall thereafter apply to all investigation and remediation activities undertaken and all subsequent investigation and remediation at any such facility shall be overseen by a licensed environmental professional.

(7) Public Participation

(A) Prior to the commencement of any remedial action undertaken pursuant to this subsection, the owner or operator of a disposal facility shall provide public notice of the proposed remediation in accordance with the schedule submitted pursuant to this subsection or an alternative schedule approved by the commissioner. Any such notice shall summarize the investigations undertaken, the results of the investigations and clearly identify the proposed remediation activities. The notice shall also include an address, telephone number for an office and contact person from which any interested person may obtain additional information about the investigation undertaken and the proposed remediation, including but not limited to, access to all the scopes of work, plans, reports, sampling, analysis, and sampling results regarding the investigation undertaken at the facility and the consideration, if any, of alternative remedial actions. The notice shall also provide that comments of the proposed remediation may be submitted to the commissioner within forty-five days of the publication or mailing of such notice.

The owner or operator shall: (i) publish such notice in a newspaper having a substantial circulation in the municipality in which the disposal facility is located and the municipality

or area affected by the facility; (ii) provide a copy of the notice to the director of health of the municipality where the disposal facility is located; (iii) provide a copy of the notice to all persons on the facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and (iv) either (I) erect and maintain for at least thirty days in a legible condition a sign not less than six feet by four feet at the facility, which sign shall be clearly visible from the public highway, and shall include the words "ENVIRONMENTAL CLEAN-UP IN PROGRESS AT THIS SITE. FOR FURTHER INFORMATION CONTACT:", including a telephone number for an office from which any interested person may obtain additional information about the remediation, or (II) mail a copy of the notice to each owner of record of property which abuts the facility, at the address for such property on the last-completed grand list of the municipality where the facility is located.

(B) The commissioner shall forward a copy of all comments received by the date specified in the public notice on the proposed remediation, and all comments made at a public hearing, to the owner or operator of the facility. The owner or operator shall, within sixty days of receiving such comments, submit to the commissioner a written summary of all such comments and a written response to each such comment. The commissioner shall review such summary and responses and shall adopt it as his own, adopt it with modifications, or reject it and prepare a summary of and response to each comment. The commissioner shall send a copy of the summary and responses to comments and his action with respect thereto to each person who submitted comments on the remediation proposal.

(C) If the commissioner determines that there is substantial public interest in any remediation proposed pursuant to this subsection, he may hold a public meeting on such proposed remediation, and he shall hold a meeting upon receipt of a petition signed by twenty-five or more persons. Notice of any such meeting shall be given in the manner prescribed by subparagraph (A) of this subdivision. Any such meeting need not be conducted pursuant to the provisions of chapter 54 of the Connecticut General Statutes.

(8) The investigation and remediation required under this subsection shall, at a minimum, be equivalent to that specified for corrective action in 40 CFR 264.101 and the commissioner shall, to the extent feasible, ensure that any such investigation and remediation is consistent with investigation and remediation undertaken under other state programs. Nothing in this subsection, however, shall relieve an owner or operator from any other obligation imposed by law, including but not limited to, any obligation imposed under the state's hazardous waste management regulations, including any closure or post-closure obligation; or any requirement imposed under sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies.

(9) Upon request by the commissioner, the owner or operator shall submit to the commissioner copies of technical plans, reports, analytic results of any other information related to investigation and remediation of a facility undertaken pursuant to this subsection. Unless the Commissioner specifies another period of time, the owner or operator shall submit the information requested by the Commissioner within thirty days of the Commissioner's request.

(10) Disposal Facilities Also Subject to Section 22a-134 to 22a-134e of the Connecticut General Statutes, inclusive.

(A) Investigation. Except as provided for in this subparagraph, an owner or operator who is performing or has completed an investigation of a disposal facility pursuant to sections 22a-134 to 22a-134e of the Connecticut General Statutes, inclusive, (commonly known as the “Transfer Act”) shall be deemed to be satisfying or have satisfied the requirement to investigate such disposal facility as required by this subsection. The foregoing shall apply, however, only to that portion of a disposal facility at which an investigation is being performed or has been completed under the Transfer Act. If for any reason, including but not limited to, a review of the investigation undertaken at such disposal facility, or comments received pursuant to 40 CFR 270.73, the Commissioner determines that any such disposal facility, or any portion thereof, is not being investigated or has not been investigated in accordance with prevailing standards or guidelines or any other requirement of the Transfer Act or that the investigation undertaken is not sufficient to identify the nature and extent of all releases of hazardous waste and hazardous substances at or from such disposal facility, the owner or operator shall not be deemed to have satisfied the requirements of this subsection and shall perform the investigation required by this subsection. The Commissioner will notify the owner or operator in writing, pursuant to subdivision (4) of this subsection, if he determines that further investigation of a disposal facility is required and shall include the basis for any such determination in any such notification.

(B) Remediation. Except as provided for in this subparagraph, an owner or operator who is completing or has completed remediation of a disposal facility pursuant to sections 22a-134 to 22a-134e of the Connecticut General Statutes, inclusive, (commonly known as the “Transfer Act”) shall be deemed to be satisfying or have satisfied the requirement to remediate such disposal facility as required by this subsection. The foregoing shall apply, however, only to that portion of a disposal facility at which remediation is actually being performed or has been completed under the Transfer Act. If for any reason, including but not limited to, a review of the remediation undertaken at any such disposal facility, or comments received pursuant to 40 CFR 270.73, the Commissioner determines that that any such disposal facility, or any portion thereof, is not being remediated or has not been remediated in accordance with the remediation standards or any other requirement of the Transfer Act or that the remediation undertaken is not protective of human health or the environment, the owner or operator shall not be deemed to have satisfied the requirements of this subsection and shall perform the remediation required by this subsection. The Commissioner will notify the owner or operator in writing, pursuant to subdivision (4) of this subsection, if he determines that further remediation of a disposal facility is required and shall include the basis for any such determination in any such notification.

(C) Nothing in this subdivision shall exempt an owner or operator from the requirement to submit an ECAF under subdivision (3) of this subsection.

(11) Nothing is this subsection shall affect the authority of the Commissioner under any other statute or regulation, including, but not limited to, the authority to issue any order to

prevent or abate pollution or potential sources of pollution.

(Effective July 17, 1990; Amended October 31, 2001; Amended June 27, 2002; Amended September 10, 2002)

**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 tetrachorodibenzo-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)

**Sec. 22a-449(c)-107. Reserved**

**Sec. 22a-449(c)-108. Land disposal restrictions**

(a) **Incorporation by Reference**

(1) 40 CFR 268 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 268.1(c)(3) (which relates to disposal of hazardous wastes into injection wells);

(B) 40 CFR 268.13 (which relates to the federal schedule for the land disposal restrictions

program);

(C) 40 CFR 268.37(b) (which relates to wastes managed in systems defined as Class V injection wells); and

(D) 40 CFR 268.50(g)

(which relates to the applicability of certain storage prohibitions).

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

(A) 40 CFR 268.1(f) introductory paragraph

— in the second sentence, after "handlers" add "and transporters"

— after "273" add "and section 22(a)-449(c)-113(b) of the Regulations of Connecticut State Agencies"

(B) 40 CFR 268.1(f)(3)

— delete "and"

(C) 40 CFR 268.1(f)(4)

— delete the period and replace with "; and"

— add a new paragraph (5) as follows: "(5) Used electronics as described in section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies."

(D) 40 CFR 268.2(c)

— delete "or staging pile"

(E) 40 CFR 268.7(a)(2)

— delete "With the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. The notice" and replace with "(A) with the initial shipment of waste the generator shall send a one-time written notice which conforms to the requirements of 40 CFR 268.7(a)(2), to each treatment or storage facility receiving the waste. If the generator's waste changes so that the initial notice is no longer accurate or is incorrect, with the initial shipment of each such changed waste, the generator shall send a new one-time written notice to each treatment or storage facility receiving the waste. If the generator changes the treatment or storage facility to which it sends its waste, with the initial shipment of waste to such facility, the generator shall send a new one-time written notice regardless of whether the treatment or storage facility has received such waste in the past; and (B) with the initial shipment of contaminated soil the generator shall send a one-time written notice and certification that conforms to the requirements of 40 CFR 268.7(a)(2) and 40 CFR 268.7(a)(2)(i), to each treatment or storage facility receiving the contaminated soil. If the generator's contaminated soil changes so that the initial notice and certification are no longer accurate or are incorrect, with the initial shipment of each such changed contaminated soil, the generator shall send a new one-time written notice and certification to each treatment or storage facility receiving the contaminated soil. If the generator changes the treatment or storage facility to which it sends its contaminated soil, with the initial shipment of contaminated soil to such facility, the generator shall send a new one-time written notice and certification, regardless of whether the treatment or storage facility has

received such contaminated soil in the past.

If the waste or contaminated soil changes so that it is no longer subject to 40 CFR 268.7(a)(2) but is subject to the requirements of 40 CFR 268.7(a)(3), (4), (7) or (9), the generator shall comply with the notification and certification requirements of each applicable regulation. The generator shall retain a copy of each notice required by this paragraph in its files at the location where the waste or contaminated soil is generated.

Each notice required by 40 CFR 268.7(a)(2)"

— delete "No further notifications is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator's file."

(F) 40 CFR 268.7(a)(3)(i)

— delete "to each treatment, storage or disposal facility receiving the waste, and place a copy in the file. The notice" and replace with "and certification, that conforms to the requirements of 40 CFR 268.7(a)(3)(i), to each treatment, storage, or disposal facility receiving the waste. If the generator's waste changes so that the initial notice or certification is no longer accurate or is incorrect, with the initial shipment of each such changed waste, the generator shall send a new one-time written notice and certification to each treatment, storage or disposal facility receiving the waste. If the generator changes the treatment, storage or disposal facility to which it sends its waste, with the initial shipment of waste to such facility, the generator shall send a new one-time written notice and certification regardless of whether the treatment, storage or disposal facility has received such waste in the past. If a generator's waste changes so that it is no longer subject to 40 CFR 268.7(a)(3) but is subject to the requirements of 40 CFR 268.7(a)(2), (4), (7)or (9), the generator shall comply with the notification and certification requirements of each applicable regulation. The generator shall retain a copy of each notice and certification required by this paragraph in its files at the location where the waste is generated.

Each notice required by 40 CFR 268.7(a)(3)(i)"

(G) 40 CFR 268.7(a)(3)(ii)

— delete "wastes" and replace with "contaminated soil"

— delete "receiving the waste and place a copy in the file." and replace with "receiving the contaminated soil. If the contaminated soil changes so that the initial notice is no longer accurate or is incorrect, with the initial shipment of each such changed contaminated soil, the generator shall send a new one-time written notice to each treatment, storage or disposal facility receiving the contaminated soil. If the generator changes the treatment, storage or disposal facility to which it sends its contaminated soil, with the initial shipment of contaminated soil to such facility, the generator shall send a new one-time written notice regardless of whether the treatment, storage or disposal facility has received such contaminated soil in the past. If the contaminated soil changes so that it is no longer subject to 40 CFR 268.7(a)(3), but is subject to the requirements of 40 CFR 268.7(a)(2), (4), (7) or (9), the generator shall comply with the notification and certification requirements of each applicable regulation. The generator shall retain a copy of each notice required by this

paragraph in its files at the location where the contaminated soil is generated.

Each notice required by 40 CFR 268.7(a)(3)(ii)"

(H) 40 CFR 268.7(a)(3)(iii)

— delete "If the waste changes, the generator must send a new notice and certification to the receiving facility, and place a copy in their files."

(I) 40 CFR 268.7(a)(4)

— delete "when exceptions allow certain wastes or contaiminated soil that do not meet the treatment standards to be land dispsosed: there" and replace with "there"

— delete "with the initial shipment of waste, the generator must send a onetime written notice to each land disposal facility receiving the waste. The notice" and replace with "with the initial shipment of waste or contaminated soil, the generator shall send a one-time written notice which conforms to the notice requirements of 40 CFR 268.7(a)(4) to each facility receiving its waste or contaminated soil. If the basis for an exemption changes, with the initial shipment of the waste or contaminated soil after each such change, the generator shall send a new onetime written notice to each facility receiving the waste or contaminated soil that conforms to the requirements of 40 CFR 268.7(a)(4). If the generator changes the facility to which it sends its waste or contaminated soil, with the initial shipment of waste or contaminated soil to such facility, the generator shall send a new one-time written notice that conforms to the requirements of 40 CFR 268.7(a)(4), regardless of whether the facility has received such waste or contaminated soil in the past. If a generator's waste or contaminated soil changes so that it is no longer subject to 40 CFR 268.7(a)(4) but is subject to the requirements of 40 CFR 268.7(a)(2), (3), (7) or (9), the generator shall comply with the notification and certification requirements of each applicable regulation. The generator shall retain a copy of each notice required by this paragraph in its files at the location where the waste or contaminated soil is generated.

Each notice required by 40 CFR 268.7(a)(4)"

— delete "If the waste changes, the generator must send a new notice to the receiving facility, and place a copy in their files."

(J) 40 CFR 268.7(a)(7)

— delete "in the facility's on-site files" and replace with "on-site in the generator's file"

(K) 40 CFR 268.7(a)(9)(i)

— delete "to a treatment facility" and replace with "to a treatment, storage or disposal facility"

(L) 40 CFR 268.7(a)(9)(ii)

— delete the paragraph in its entirety and replace with the following: "(ii) If the wastes in the lab pack change so that the initial notice provided under 40 CFR 268.7(a)(9)(i) is no longer accurate or is incorrect, with the initial shipment of each lab pack containing changed wastes, the generator shall send a new one-time written notice and certification, that complies with the requirements of 40 CFR 268.7(a)(9)(i), to each treatment, storage or disposal facility receiving the waste. If the generator changes the treatment, storage or disposal facility to which it sends a lab pack containing hazardous waste, with the initial

shipment of the lab pack to such facility, the generator shall send a new one-time written notice and certification, that complies with the requirements of 40 CFR 268.7(a)(9)(i), regardless of whether the treatment, storage or disposal facility has received lab pack wastes from the generator in the past. If the lab pack waste changes so that it is no longer subject to 40 CFR 268.7(a)(9), but is subject to the requirements of 40 CFR 268.7(a)(2), (3), (4), or (7), the generator shall comply with the notification and certification requirements of each applicable regulation. The generator shall retain a copy of each notice required by this paragraph in its files at the location where the lab pack waste is generated."

(M) 40 CFR 268.7(b)(3)

— delete "A one-time notice must be sent" and replace with "The owner or operator of a treatment facility must send a one-time notice"

— delete "placed" and replace with "retained"

(N) 40 CFR 268.7(b)(3)(i)

— delete the paragraph in its entirety and replace with the following: "(i) If the treatment facility's waste or contaminated soil changes so that the initial notice provided under 40 CFR 268.7(b)(3) is incorrect or is no longer accurate, with the initial shipment of any such changed waste or contaminated soil, the owner or operator shall send a new one-time written notice, that complies with the requirements of 40 CFR 268.7(b)(3)(ii), to each land disposal facility receiving the waste or contaminated soil. If the treatment facility changes the land disposal facility to which it sends its waste or contaminated soil, with the initial shipment of waste or contaminated soil to such facility, the owner or operator shall send a new one-time written notice, that complies with the requirements of 40 CFR 268.7(b)(3)(ii), regardless of whether the land disposal facility has received waste or contaminated soil from the owner or operator of the treatment facility in the past. If the waste or contaminated soil changes so that it is no longer subject to 40 CFR 268.7(b)(3), but is subject to other applicable requirements, the owner or operator of the treatment facility shall comply with each applicable notification and certification requirement. The treatment facility shall maintain a copy of each notice required by this paragraph in the operating record for the treatment facility."

(O) 40 CFR 268.7(b)(4)(i)

— delete "must be placed" and replace with "required by 40 CFR 268.7(b)(4) shall be retained"

— delete "if the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the file." and replace with "if the waste or treatment residue of a restricted waste changes so that the initial certification provided by the owner or operator of the treatment facility is incorrect or is no longer accurate, with the initial shipment of any such changed waste or residue, the owner or operator shall send a new onetime written certification, that complies with the requirements of 40 CFR 268.7(b)(4), to each land disposal facility receiving the waste or residue. If the owner or operator of the treatment facility changes the land disposal facility to which it sends its waste or treatment residue of a restricted waste, with the initial shipment

of such changed waste or residue, the owner or operator shall send a new one-time written certification, that complies with the requirements of 40 CFR 268.7(b)(4), regardless of whether the land disposal facility has received such waste or residue in the past. If the waste or treatment residue of a restricted waste changes so that it is no longer subject to 40 CFR 268.7(b)(4), but is subject to other applicable requirements, the owner or operator of the treatment facility shall comply with each applicable notification and certification requirement. The treatment facility shall maintain a copy of each certification required by this paragraph in the operating record for the treatment facility."

(P) 40 CFR 268.7(b)(4)(ii)

— delete "§ 261.3(e)" and replace with "40 CFR 261.3(f)"

(Q) 40 CFR 268.7(d)

— delete "261.3(e)" and replace with "261.3(f)"

(R) 40 CFR 268.7(d)(1)

— delete the paragraph in its entirety and replace with " (1) A one time notification shall be sent to the commissioner. Each such notice shall include the following information: (i) The name and address of the Subtitle D facility receiving the treated debris; (ii) A description of the hazardous debris as initially generated, including all applicable EPA Hazardous Waste Number(s); and (iii) For debris excluded under 40 CFR 261.3(f)(1), the technology from Table 1 in 40 CFR 268.45 used to treat the debris."

(S) 40 CFR 268.7(d)(2)

— delete "261.2(e)(1)" and replace with "261.3(f)"

(T) 40 CFR 268.7(d)(3)

— delete "261.3(e)(1)" and replace with "261.3(f)"

(U) 40 CFR 268.7(e)(2)

— delete "in the facility" and replace with "in the generator's or the facility's"

(V) 40 CFR 268.32 – 268.33

— delete "§§ 268.32-268.33 [reserved]" and replace with the following: "Section 268.32 Waste specific prohibitions—Soils exhibiting the toxicity characteristic for metals and containing PCBS.

(a) Effective December 26, 2000, the following wastes are prohibited from land disposal: any volumes of soil exhibiting the toxicity characteristic solely because of the presence of metals (D004-D011) and containing PCBS.

(b) The requirements of 40 CFR 268.32(a) of this section do not apply if:

(1)

(i) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and

(ii) The wastes meet the treatment standards specified in 40 CFR 268, subpart D for EPA hazardous waste numbers D004-D011, as applicable; or

(2)

(i) The wastes contain halogenated organic compounds in total concentration less than 1,000 mg/kg; and

(ii) The wastes meet the alternative treatment standards specified in 40 CFR 268.49 for contaminated soil; or

(3) Persons have been granted an exemption from a prohibition pursuant to a petition under 40 CFR 268.6, with respect to those wastes and units covered by the petition; or

(4) The wastes meet applicable alternative treatment standards established pursuant to a petition granted under 40 CFR 268.44.

Section 268.33 Waste specific prohibitions—Chlorinated aliphatic wastes.

(a) Effective May 8, 2001, the wastes specified as EPA hazardous wastes numbers K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal.

(b) The requirements of 40 CFR 268.33(a) do not apply if:

(1) The wastes meet the applicable treatment standards specified in 40 CFR 268, subpart D;

(2) Persons have been granted an exemption from a prohibition pursuant to a petition under 40 CFR 268.6, with respect to those wastes and units covered by the petition;

(3) The wastes meet the applicable treatment standards established pursuant to a petition granted under 40 CFR 268.44;

(4) Hazardous debris has met the treatment standards in 40 CFR 268.40 or the alternative treatment standards in 40 CFR 268.45;

(5) Persons have been granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, with respect to the wastes covered by the extension; or

(6) The waste is being managed in compliance with subdivision (2) or (3), as applicable, of section 22a-449(c)-106(d) of the Regulations of Connecticut State Agencies.

(c) To determine whether the wastes specified in 40 CFR 261 as EPA hazardous wastes numbers K174 and K175 exceed the applicable treatment standards specified in 40 CFR 268.40, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains regulated constituents in excess of the applicable levels of 40 CFR 268, subpart D, the waste is prohibited from land disposal, and all requirements of 40 CFR 268 are applicable, except as otherwise specified.

(d) Disposal of the waste specified in 40 CFR 261 as EPA hazardous wastes number K175 that has complied with all applicable 40 CFR 268.40 treatment standards must also be macroencapsulated in accordance with 40 CFR 268.45 table 1 unless the waste is placed in: (1) a landfill that has a valid and effective permit issued by the commissioner pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies or if the landfill is not in Connecticut, the landfill has all the federal, state or local permits, licenses or authorizations necessary for the disposal of hazardous waste, and contains only K175 wastes that meet all applicable 40 CFR 268.40 treatment standards and no other wastes; or (2) a landfill that has a valid and effective permit issued by the commissioner pursuant to section

22a-449(c)-110 of the Regulations of Connecticut State Agencies or if the landfill is not in Connecticut, the landfill has all the federal, state or local permits, licenses or authorizations necessary for the disposal of hazardous waste, with a dedicated landfill cell in which all other wastes being co-disposed with K175 wastes have a pH 6.0."

(W) 40 CFR 268.37(a)

— delete Aor that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA),"

(X) 40 CFR 268.38(a)

— delete "or that are injected in Class I deep wells regulated under the Safe Drinking Water Act (SDWA),"

(Y) 40 CFR 268.38(b)

— delete "or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA),"

(Z) 40 CFR 268.39(b)

— delete "or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA),"

(AA) 40 CFR 268.40(e)

— delete "or that is injected into a Class I nonhazardous deep injection well"

(BB) 40 CFR 268.40 Table entitled "Treatment Standards for Hazardous Wastes"

— revise the entry for waste code F039 by adding 1,2,3,4,6,7,8-heptachlorodibe-nzo-p-dioxin (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF), 1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin (OCDD), 1,2,3,4,6,7,8,9-octa-chlorodibenzofuran (OCDF), in alphabetical order and add new entries for K174 and K175 in alphanumeric order as follows:

| Waste Code | Waste Description and Treatment/Regulatory Subcategory1 | Regulated Hazardous Constituent | | Wastewaters | Nonwastewaters |
|---|---|---|---|---|---|
| | | Common Name | CAS2 Number | Concentration in mg/l3; or Technology Code | Concentration in mg/l3 unless noted as "mg/l TCLP"; or Technology Code |
| * * | * * * * * | * * * * | * * | * * * * | * * * * |

| Waste Code | Waste Description and Treatment/Regulatory Subcategory1 | Regulated Hazardous Constituent | | Wastewaters | Nonwastewaters |
|---|---|---|---|---|---|
| | | Common Name | CAS2 Number | Concentration in mg/l3; or Technology Code | Concentration in mg/l3 unless noted as "mg/l TCLP"; or Technology Code |
| | | * * * * | * * | * * * * | * * * * |
| | | 1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD) | 35822-46-9 | 0.000035 | 0.0025 |
| | | 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF) | 67562-39-4 | 0.000035 | 0.0025 |
| | | 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF) | 55673-89-7 | 0.000035 | 0.0025 |
| | | 1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD) | 3268-87-9 | 0.000063 | 0.005 |
| | | 1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF) | 39001-02-0 | 0.000063 | 0.005 |
| * * | * * * * * | * * * * | * * | * * * * | * * * * |

| Waste Code | Waste Description and Treatment/Regulatory Subcategory1 | Regulated Hazardous Constituent | | Wastewaters | Nonwastewaters |
|---|---|---|---|---|---|
| | | Common Name | CAS2 Number | Concentration in mg/l3; or Technology Code | Concentration in mg/l3 unless noted as "mg/l TCLP"; or Technology Code |
| K174 | Wastewater treatment sludges from the Production of ethylene dichloride or vinyl Chloride monomer (including sludges that Result form co-mingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater). | 1,2,3,4,6,7,8- Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD) | 35822-46-9 | 0.000035 or CMBST11 | 0.0025 or CMBST11 |
| | | 1,2,3,4,6,7,8- Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF) | 67562-39-4 | 0.000035 or CMBST11 | 0.0025 or CMBST11 |
| | | 1,2,3,4,7,8,9- Heptachlorodibenzofuran (1,2,3,6,7,8,9- | 55673-89-7 | 0.000035 or CMBST11 | 0.0025 or CMBST11 |
| | | HxCDDs (All | 34465- | 0.000063 or | 0.001 or CMBST11 |
| | | HxCDFs (All | 55684- | 0.000063 or | 0.001 or CMBST11 |
| | | (1,2,3,4,6,7,8,9- | 3268- | 0.000063 or | 0.005 or CMBST11 |
| | | (1,2,3,4,6,7,8,9- | 39001- | 0.000063 or | 0.005 or CMBST11 |
| | | PeCDDs (All Pen- | 36088- | 0.000063 or | 0.001 or CMBST11 |
| | | PeCDFs (All Pen- | 30402- | 0.000063 or | 0.001 or CMBST11 |
| | | TCDDs (All tetra- | 41903- | 0.000063 or | 0.001 or CMBST11 |
| | | TCDFs (All tetra- | 55722- | 0.000063 or | 0.001 or CMBST11 |
| | | Arsenic | 7440- | 1.4 | 5.0 mg/L TCLP |

| Waste Code | Waste Description and Treatment/Regulatory Subcategory1 | Regulated Hazardous Constituent | | Wastewaters | Nonwastewaters |
|---|---|---|---|---|---|
| | | Common Name | CAS2 Number | Concentration in mg/l3; or Technology Code | Concentration in mg/l3 unless noted as “mg/l TCLP”; or Technology Code |
| | | | 38-2 | | |
| K175 | Wastewater treatment sludge from the Production of vinyl chloride monomer using Mercuric chloride catalyst in an acetylene- Based process. | Mercury12 | 7438-97-6 | NA | 0.025 mg/L TCLP |
| | | PH[12] | | 0.15 | PH≤6.0 |
| | All K175 wastewaters | Mercury | 7438-97-6 | 0.15 | NA |
| * * | * * * * * | * * * | * * | * * * | * * * * |

— in the second column entitled “Waste Description and Treatment/Regulatory Subcategory” add the following to the end of the entries for Waste Codes K156, K157 and K158: “(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)”

— at the end of the table add the following footnote in numeric order: “[12]disposal of K175 wastes that have complied with all applicable 40 CFR 268.40 treatment standards must also be macroencapsulated in accordance with 40 CFR 268.45 Table 1 unless the waste is placed in: (1) a landfill that has a valid and effective permit issued by the commissioner pursuant to section 22a-449(c)-110 of the Regulations of Connecticut State Agencies or if the landfill is not in Connecticut, the landfill has all the federal, state or local permits, licenses or authorizations necessary for the disposal of hazardous waste, and contains only K175 wastes that meet all applicable 40 CFR 268.40 treatment standards and no other wastes; or (2) a

landfill that has a valid and effective permit issued by the commissioner pursuant to section 22A-449(c)-110 of the Regulations of Connecticut State Agencies or if the landfill is not in Connecticut, the landfill has all the federal, state or local permits, licenses or authorizations necessary for the disposal of hazardous waste, with a dedicated landfill cell in which all other wastes being co-disposed with K175 wastes have a pH $\leq 6.0$."

— delete footnote 9 and delete all references in the 40 CFR 268.40 table to footnote 9

(CC) 40 CFR 268.44(h)(5)

— at the end of the paragraph add the following: "At a minimum, public notice as used in this paragraph shall include notice of the petition in a newspaper having substantial circulation in the municipality in which the site-specific variance is sought. The public comment period for any such petition shall, at a minimum, be thirty (30) days. If there is substantial public interest in a petition, the commissioner at his discretion may provide for additional public participation regarding the petition."

(DD) 40 CFR 268.48 Table entitled "Universal Treatment Standards"

— add to the subgroup "Organic Constituents" the following entries in alphabetical order:

| REGULATED CONSTIUTENT Common Name | CAS[1] Number | Wastewater Standard | Nonwastewater Standard |
|---|---|---|---|
| | | Concentration in mg/l[2] | Concentration in mg/kg[3] unless noted at "mg/l" TCLP" |
| * * * * | * * | * * * | * * * * |
| 1,2,3,4,6,7,8-Heptachlorodibenzo-p- dioxin (1,2,3,4,6,7,8-HpCDD) | 35822-46-9 | 0.000035 | 0.0025 |
| 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF) | 67562-39-4 | 0.000035 | 0.0025 |
| 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF) | 55673-89-7 | 0.000035 | 0.0025 |
| * * * * | * * | * * * | * * * * |
| 1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD) | 3268-87-9 | 0.000063 | 0.005 |
| 1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF) | 39001-02-0 | 0.000063 | 0.005 |
| * * * * | * * | * * * | * * * * |
| Total PCBs (sum of all PCB isomers, or all Arcolors) except this | 1336-36-3 | 0.10 | 10 |

| REGULATED CONSTIUTENT Common Name | CAS[1] Number | Wastewater Standard | Nonwastewater Standard |
|---|---|---|---|
| | | Concentration in mg/l[2] | Concentration in mg/kg[3] unless noted at “mg/l” TCLP” |
| standard shall not apply to soil exhibiting a hazardous characteristic due to D004 – D011 only. | | | |
| * * * * | * * | * * * | * * * * |

— under the subgroup “Organic Constituents” delete the entry for 2,4,6-Tribro-mophenol in its entirety

— at the end of the table delete the editorial note following the footnotes

(EE) 40 CFR 268.49(d)

— delete “and are present” and replace with “and that are present”

— at the end of the paragraph add the following: “ PCBs are not a constituent subject to treatment in any given volume of soil which exhibits the toxicity characteristic solely because of the presence of metals.”

(FF) 40 CFR 268 APPENDIX I-III [Reserved]

— delete “APPENDIX I-III [Reserved]” and replace with the following: “APPENDIX I-II [Reserved]

Appendix III to 40 CFR 268-List of Halogenated Organic Compounds Regulated Under 40 CFR 268.32

In determining the concentration of HOCs in a hazardous waste for purposes of the 40 CFR 268.32 land disposal prohibition, the Department has defined the HOCs that must be included in a calculation as any compounds having a carbon-halogen bond which are listed in this Appendix (see 40 CFR 268.2). Appendix III to 40 CFR 268 consists of the following compounds:

I. Volatiles

1. Bromodichloromethane
2. Bromomethane
3. Carbon Tetrachloride
4. Chlorobenzene
5. 2-Chloro-1,3-butadiene
6. Chlorodibromomethane
7. Chloroethane
8. 2-Chloroethyl vinyl ether
9. Chloroform
10. Chloromethane
11. 3-Chloropropene
12. 1,2-Dibromo-3-chloropropane

13. 1,2-Dibromomethane
14. Dibromomethane
15. Trans-1,4-Dichloro-2-butene
16. Dichlorodifluoromethane
17. 1,1-Dichloroethane
18. 1,2-Dichloroethane
19. 1,1-Dichloroethylene
20. Trans-1,2-Dichloroethene
21. 1,2-Dichloropropane
22. Trans-1,3-Dichloropropene
23. cis-1,3-Dichloropropene
24. Iodomethane
25. Methylene chloride
26. 1,1,1,2-Tetrachloroethane
27. 1,1,2,2-Tetrachloroethane
28. Tetrachloroethene
29. Tribromomethane
30. 1,1,1-Trichloroethane
31. 1,1,2-Trichloroethane
32. Trichlorothene
33. Trichloromonofluoromethane
34. 1,2,3-Thrichloropropane
35. Vinyl Chloride

II. Semivolatiles

1. Bis(2-chloroethoxy)ethane
2. Bis(2-chloroethyl)ether
3. Bis(2-chloroisopropyl)ether
4. p-Chloroaniline
5. Chlorobenzilate
6. p-Chloro-m-cresol
7. 2-Chloronaphthalene
8. 2-Chlorphenol
9. 3-Chloropropionitrile
10. m-Dichlorobenzene
11. o-Dichlorobenzene
12. p-Dichlorobenzene
13. 3.3’-Dichlorobenzidine
14. 2,4-Dichlorophenol
15. 2,6-Dichlorophenol
16. Hexachlorobenzene
17. Hexachlorobutadiene

18. Hexachlorocyclopentadiene
19. Hexachloroethane
20. Hexachloroprophene
21. Hexachlorpropene
22. 4,4'-Methylenebis(2-chloroanaline)
23. Pentachlorobenzene
24. Pentachloroethane
25. Pentachloronitrobenzene
26. Pentachlorophenol
27. Pronamide
28. 1,2,4,5-Tetrachlorobenzene
29. 2,3,4,6-Tetrachlorophenol
30. 1,2,4-Trichlorobenzene
31. 2,4,5-Trichlorophenol
32. 2,4,6-Trichlorophenol
33. Tris(2,3-dibromopropyl)phosphate

III. Organochlorine Pesticides
1. Aldrin
2. alpha-BHC
3. beta-BHC
4. delta-BHC
5. gamma-BHC
6. Chlorodane
7. DDD
8. DDE
9. DDT
10. Dieldrin
11. Endosulfan I
12. Endosulfan II
13. Endrin
14. Endrin aldehyde
15. Heptachlor
16. Heptachlor epoxide
17. Isodrin
18. Kepone
19. Methoxyclor
20. Toxaphene

IV. Phenoxyacetic Acid Herbicides
1. 2,4-Dichlorophenoxyacetic acid
2. Silvex
3. 2,4,5-T

V. PCBs
1. Aroclor 1016
2. Aroclor 1221
3. Aroclor 1232
4. Aroclor 1242
5. Aroclor 1248
6. Aroclor 1254
7. Aroclor 1260
8. PCBs not otherwise specified
VI. Dioxins and Furans
1. Hexachlorodibenzo-p-dioxins
2. Hexachlorodibenzofuran
3. Pentachlorodibenzo-p-dioxins
4. Pentachlorodibenzofuran
5. Tetrachlorodibenzo-p-dioxins
6. Tetrachlorodibenzofuran
7. 2,3,7,8-Tetrachlorodibenzo-p-dioxin"

(GG) 40 CFR 268 Appendix VII – Table 1 entitled "Effective Dates of Surface Disposed Wastes (Non-Soil and Debris) Regulated in the LDRS—Comprehensive List

— add the following wastestream in alphanumeric order (by the first column):

| Waste code | Waste category | Effective date |
|---|---|---|
| * * * * | * * * * | * * * * |
| U048 . . . . . . . | All . . . . . . . | Aug. 8, 1990. |
| * * * * | * * * * | * * * * |

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

(b) **Underground Injection**

Notwithstanding the provisions incorporated by reference in subdivisions (1) and (2) of this subsection, the treatment, storage or disposal of hazardous waste by underground injection is prohibited.

(c) **Other Applicable State Provisions**

In addition to the provisions of subsections 22a-449(c)-108(a) and (b) of the Regulations of Connecticut State Agencies, a person shall also comply with all applicable state requirements, including, but not limited to, sections 22a-133k-1 to 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies.

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

**Sec. 22a-449(c)-109. Reserved**

**Sec. 22a-449(c)-110. The hazardous waste permit program**

(a) **Incorporation by Reference**

(1) 40 CFR 270, 40 CFR 124.13, 40 CFR 124.31, 40 CFR 124.32, 40 CFR 124.33, and the provisions of 40 CFR 124 listed in 40 CFR 271.14 applicable to RCRA permits, are incorporated by reference in their 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 270.1 (a) and (b) (which relates to the scope OF 40 CFR 270);

(B) 40 CFR 270.1(c)(1)(i) (which relates to underground injection);

(C) 40 CFR 270.1(c)(2)(ix) (which relates to a facility in New York);

(D) 40 CFR 270.1(c)(7) (which relates to enforceable documents for post-closure care);

(E) 40 CFR 270.10(e)(2) (which relates to extending certain deadlines);

(F) 40 CFR 270.10(g)(1)(i) (which relates to updating certain permit applications)

(G) 40 CFR 270.11(d)(2)
(which relates to a certification for a remedial action plan);

(H) 40 CFR 270.12 (which relates to confidentiality of information);

(I) 40 CFR 270.19(e)
(which relates to compliance with 40 cfr 63, subpart EEE);

(J) 40 CFR 270.22 introductory paragraph (which relates to compliance with 40 CFR 63, subpart EE);

(K) 40 CFR 270.28 (which relates to certain post-closure permit requirements);

(L) 40 CFR 270.42(f)(2) and (3) (which related to procedures for appealing permit modification decisions);

(M) 40 CFR 270.42(h) (which relates to certain permit modifications for military munitions);

(N) 40 CFR 270.42(i) (which relates to a list of permit modifications);

(O) 40 CFR 270.42(j) (which relates to combustion facility changes to meet 40 CFR 63 MACT standards);

(P) 40 CFR 270.42, Appendix I, item L(9) (which relates to technology changes to meet 40 CFR 63 standards);

(Q) 40 CFR 270.51 (which relates to expiring permits);

(R) 40 CFR 270.60(b) (which relates to underground injection wells);

(S) 40 CFR 270.62 introductory paragraph (which relates compliance with 40 CFR 63, subpart EEE);

(T) 40 CFR 270.64 (which relates to interim permits for underground injection control wells);

(U) 40 CFR 270.66 introductory paragraph (which relates compliance with 40 CFR 63, subpart EEE);

(V) 40 CFR 270.68 (which relates to remedial action plans);

(W) 40 CFR 270.72(b)(8) (which relates to compliance with 40 CFR 63 standards);

(X) 40 CFR 270, subpart H (which relates to remedial action plans);

(Y) 40 CFR 124.5(d)(2) and (3)(which relates to EPA-issued permits);

(Z) 40 CFR 124.10(c)(1)(viii) (which relates to injection well underground injection control permits).

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

(A) 40 CFR 270.1(c) introductory paragraph

— delete "or obtain an enforceable document in lieu of a post-closure permit, as provided under paragraph (c)(7) of this section"

(B) 40 CFR 270.1(c)(2)(vii)

— delete each occurrence of "absorbent" and replace with "sorbent"

(C) 40 CFR 270.1(c)(2)(viii) introductory paragraph

— in the second sentence, after "handlers" add "and transporters"

— after "273" add "and section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies"

(D) 40 CFR 270.1(c)(2)(viii)(C)

— delete "and"

(E) 40 CFR 270.1(c)(2)(viii)(D)

— delete the period and replace with "; and"

— add a new paragraph (E) as follows: "(E) used electronics as described in section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies."

(F) 40 CFR 270.2

— add "Except as provided for in section 22a-449(c)-100(c) of the Regulations of Connecticut State Agencies" to the beginning of the introductory paragraph

— under the definition of "Application", delete "national"

— delete the definition of "Remedial Action Plan (RAP)" in its entirety

(G) 40 CFR 270.4(a)

— delete the entire paragraph and replace with the following: "Any requirement not included in a permit which becomes effective by statute or regulation after such permit is issued and is not made specifically inapplicable to permitted facilities shall apply to such facilities. Notwithstanding this provision, any such permit shall remain valid and enforceable and the owner or operator shall comply with both such permit and any such requirement. In the event of any conflict between the permit and any such requirement, the owner or operator shall comply with the more stringent requirement, provided that if the owner or operator does not fully comply with the more stringent requirement, DEP may enforce either requirement."

(H) 40 CFR 270.6(b)

— delete "These incorporations by reference were approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register."

(I) 40 CFR 270.10(e)(4)

— delete the first two sentences and replace with "The commissioner may require the

owner or operator of an existing hazardous waste management facility to submit part B of their permit application."

(J) 40 CFR 270.10(f)(2)

— delete "Regional Administrator if at the time of application the state in which the new hazardous waste management facility is proposed to be located has not received interim or final authorization for permitting such facility; otherwise it shall be filed with the"

(K) 40 CFR 270.10(g)(1)(ii)

— delete ", if the facility is located in a State which has obtained interim or final authorization,"

— delete "that State" and replace with "Connecticut"

(L) 40 CFR 270.10(g)(1)(iii)

— delete "the Regional Administrator if the State in which the facility in question is located does not have interim or final authorization; otherwise it shall be filed with the State Director (if the State has an analogous provision)" and replace with "the commissioner"

(M) 40 CFR 270.11(d)(1)

— after "paragraph (a) or (b) of this" insert "section"

(N) 40 CFR 270.14(a)

— delete "For post-closure permits, only the information specified in § 270.28 is required in Part B of the permit application."

(O) 40 CFR 270.14(b)(18)

— delete "§ 264.149 or"

(P) 40 CFR 270.14(b)(22)

— after " § 124.31(c)" add "and documentation that notice has been provided as required by 40 CFR 124.31(d)"

(Q) 40 CFR 270.19(a)

— delete "§ 264.340(b) or (c)" and replace with "40 CFR 264.340(c) or (d)"

(R) 40 CFR 270.19(d) introductory paragraph

— delete "shall" and replace with "may, in the commissioner's discretion,"

(S) 40 CFR 270.27(a)(3)

— after "appendix B" add "and any applicable state air pollution control requirement"

(T) 40 CFR 270.29

— at the end of the paragraph add the following, "In addition, if the commissioner denies the permit application and the owner or operator of the facility has not fully and completely satisfied the requirements of 40 CFR 264, Subpart G, then notwithstanding such denial, the owner or operator of the facility shall comply with the provisions of 40 CFR 264, Subparts G and H and all requirements referenced therein."

(U) 40 CFR 270.30(k)(3)

— at the end of the paragraph add the following: "In addition, the provisions of sections 22a-6o and 22a-6m of the Connecticut General Statutes shall apply to the transfer of any permit."

(V) 40 CFR 270.32(a)

— delete "and for EPA issued permits only,"
(W) 40 CFR 270.32(b)(2)
— delete "Administrator or"
(X) 40 CFR 270.32(c)
— delete the entire paragraph and replace with, "Except as provided for in section 22a-449(c)-110(a)(2)(E) of the Regulations of Connecticut State Agencies, for a state issued permit, an applicable requirement is a state statutory or regulatory requirement which takes effect prior to final administrative disposition, modification, or revocation and reissuance, of a permit."
(Y) 40 CFR 270.40(a)
— at the end of the paragraph add the following: "In addition, the provisions of sections 22a-6o and 22a-6m of the Connecticut General Statutes shall apply to the transfer of any permit."
(Z) 40 CFR 270.41
— add a new paragraph (d) as follows: "(d) In addition to the provisions of this section, a permit may be modified or revoked and reissued for any reason provided for or authorized by law, including but not limited to, section 22a-6m of the Connecticut General Statutes."
(AA) 40 CFR 270.42(a)(1)(ii)
— delete "40 CFR 124.10(c)(viii)" and replace with "40 CFR 124.10(c)(1)(ix)"
— delete "40 CFR 124.10(c)(ix)" and replace with "40 CFR 124.10(c)(1)(x)"
(BB) 40 CFR 270.42(b)(2)
— after "the permittee must" in the beginning of the first sentence add "comply with section 22a-6g of the Connecticut General Statutes and"
— delete "40 CFR 124.10(c)(ix)" and replace with "40 CFR 124.10(c)(1)(x)"
(CC) 40 CFR 270.42(b)(5)
— redesignate the existing paragraph as 270.42(b)(5)(i) and add a new paragraph 270.42(b)(5)(ii) as follows: "(ii) The commissioner shall provide a notice of any tentative determination regarding the permit modification request as provided for in section 22a-6h of the Connecticut General Statutes."
(DD) 40 CFR 270.42(b)(7)
— delete "or" after 270.42(b)(7)(ii)
— delete the period after 270.42(b)(7)(iii) and replace with "; or"
— add a new paragraph (iv) as follows: "(iv) Any reason provided for or authorized by law, including but not limited to, section 22a-6m of the Connecticut General Statutes."
(EE) 40 CFR 270.42(c)(2)
— after "the permittee must" in the beginning of the first sentence add "comply with section 22a-6g of the Connecticut General Statutes and"
(FF) 40 CFR 270.42(d)(1)
— after "section, the" in the first sentence add "modification shall be considered a class 3 modification. The"
(GG) 40 CFR 270.42(f)(1)

— after the term "local government" add "and if requested, any person who provided oral or written comments regarding the modification request"

(HH) 40 CFR 270.42 Appendix I – Classification of Permit Modification

— delete modifications D.3.g. and N.3.

(II) 40 CFR 270.43

— delete "or" after 270.43(a)(2)

— delete the period after 270.43(a)(3) and replace with "; or"

— add a new paragraph (4) as follows: "(4) Any reason provided for or authorized by law, including but not limited to, section 22a-6m of the Connecticut General Statutes."

(JJ) 40 CFR 270.43(b)

— delete "procedures in part 124 or part 22, as appropriate, or"

(KK) 40 CFR 270.62(b)(5)

— delete "shall" and replace with "may, in the commissioner's discretion,"

(LL) 40 CFR 270.62(b)(6)

— delete the first occurrence of "Director" and replace with "applicant"

— after the first occurrence of "trial burn" add "approved by the commissioner"

— delete "the Director has issued such notice" and replace with "the applicant complies with the notice requirements of this paragraph and the commissioner provides the applicant with a written notice stating that the trial burn may commence"

(MM) 40 CFR 270.62(b)(6)(i)

— after "mailed" add "by the applicant"

— delete "not" in the second sentence

— delete "due to circumstances beyond the control of the facility or the permitting agency" and replace with "or rescheduled"

(NN) 40 CFR 270.62(d)

— delete "The Director must announce his or her intention to approve the trial burn plan in accordance with the timing and distribution requirements of paragraph (b)(6) of this section." and replace with "The applicant must send a notice to all persons on the facility list as set forth in 40 CFR 124.10(c)(1)(ix) and to the appropriate units of state and local government as set forth in 40 CFR 124.10(c)(1)(x) announcing the scheduled commencement and completion dates for the trial burn. This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is required if the trial burn is delayed or rescheduled."

— delete "including the anticipated time schedule for agency approval of the plan"

— after "be conducted." add "The applicant shall not commence the trial burn until after the applicant complies with the notice requirements of this paragraph and the commissioner provides the applicant with a written notice stating that the trial burn may commence."

(OO) 40 CFR 270.66(d)(3)

— delete the first occurrence of "Director" and replace with "applicant"

— after the first occurrence of "trial burn" add "approved by the commissioner"

— delete "the Director has issued such notice" and replace with "the applicant complies

with the notice requirements of this paragraph and the commissioner provides the applicant with a written notice stating that the trial burn may commence"

(PP) 40 CFR 270.66(d)(3)(i)

— after "mailed" add "by the applicant"

— delete "not" in the second sentence

— delete "due to circumstances beyond the control of the facility or the permitting agency" and replace with "or rescheduled"

(QQ) 40 CFR 270.66 (g)

— delete "applicants owning or operating existing boilers or industrial furnaces" and replace with "the owner or operator of an existing boiler or industrial furnace"

— delete "The Director must announce his or her intention to approve of the trial burn in accordance with the timing and distribution requirements of paragraph (d)(3) of this section." and replace with "The applicant must send a notice to all persons on the facility mailing list set forth in 40 CFR 124.10(c)(1)(ix) and to the appropriate units of state and local government as set forth in 40 CFR 124.10 (c)(1)(x) announcing the scheduled commencement and completion dates for the trial burn. This notice must be mailed within a reasonable time period before the scheduled trial burn. An additional notice is required if the trial burn is delayed or rescheduled."

— delete "including the anticipated time schedule for agency approval of the plan"

— after "be conducted." add the following: "The applicant shall not commence the trial burn until after the applicant complies with the notice requirements of this paragraph and the commissioner provides the applicant with a written notice stating that the trial burn may commence."

(RR) 40 CFR 270.73(a)

— delete ", except an application for a remedial action plan (RAP) under subpart H of this part,"

— after "is made." add the following: "For any facility subject to section 22a-449(c)-105(h) of the Regulations of Connecticut State Agencies, any final administrative disposition may include a determination by the commissioner that no permit is necessary. The commissioner may only make such a determination if he finds that no further remedial action is necessary at the facility and that all other requirements for the termination of interim status have been met. In addition to any other procedural requirements, the procedure for terminating interim status for any such facility shall be as follows. The commissioner shall publish, or cause to be published, a public notice reflecting the commissioner's tentative determination to terminate the facility's interim status. Any such notice shall: (i) be published, at the owner or operator's expense, in a newspaper having a substantial circulation in the affected area; (ii) be provided to the owner or operator of the facility and to all persons on the facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix); and (iii) indicate the basis for the commissioner's determination and that the commissioner will accept public comments on the tentative determination for at least thirty days from the date of publication. After the public comment period the commissioner

shall make a final determination. Notice of the commissioner's final determination shall be provided to the owner or operator of the facility, all persons on the facility mailing list maintained pursuant to 40 CFR 124.10(c)(1)(ix), and to all persons who commented on the commissioner's tentative determination.

The commissioner may, when the commissioner deems it appropriate, make an earlier determination that all or a designated portion of the remedial action at a disposal facility is complete, even if such facility does not yet meet all requirements for the termination of interim status. The process for making any such determination shall be the same as that set forth in this subparagraph. Any such determination, however, shall not terminate interim status for any such facility.

(SS) 40 CFR 270.73

— add a new subparagraph (h) as follows: "If pursuant to 40 CFR 270.73 interim status terminates in a manner other than through the issuance of a permit (e.g. the denial of a permit application) and the owner or operator of the facility has not fully and completely satisfied the requirements of 40 CFR 265, Subpart G, then notwithstanding any provision of 40 CFR 270.73, the owner or operator of the facility shall comply with the provisions of 40 CFR 265, Subparts G and H and all the requirements referenced therein."

(TT) 40 CFR 124.3(a)

— after "and 122.1 (NPDES)" add "and shall comply with all other requirements, including but not limited to section 22a-6g of the Connecticut General Statutes, concerning the submission of a permit application"

(UU) 40 CFR 124.5(a)

— delete "and 270.41 or 270.43 (RCRA)" and replace with "270.41 and 270.43, and any reason provided for or authorized by law, including but not limited to, section 22a-6m of the Connecticut General Statutes"

(VV) 40 CFR 124.5(c)(3)

— after "this section" add ", but do remain subject to all other applicable requirements, including but not limited to section 22a-6h of the Connecticut General Statutes, concerning modification of a permit"

(WW) 40 CFR 124.5(d)(1)

— delete The first sentence in its entirety and replace with the following: "If the commissioner tentatively decides to terminate a permit for reasons specified in 40 CFR 270.43, he or she shall issue a notice of intent to terminate."

(XX) 40 CFR 124.6(a)

— delete "Once an application is complete," and replace with "At least thirty days before approving or denying an application for a permit,"

(YY) 40 CFR 124.6(e)

— delete the entire paragraph and replace with the following: "All draft permits prepared by the commissioner shall be accompanied by a fact sheet (124.8) and shall be publicly noticed (124.10), including notice of a public informational meeting or opportunity for hearing, and made available for public comment (124.11). The commissioner shall respond

to comments as provided for in 40 CFR 124.17."
(ZZ) 40 CFR 124.8(a)
— delete "major" in the first sentence
(AAA) 40 CFR 124.8(b)(4)
— delete "and appropriate supporting references to the administrative record required by 124.9 (for EPA-issued permits)"
(BBB) 40 CFR 124.10(a)(1)(iii)
— delete the entire paragraph and replace with the following: "A public informational meeting or hearing has been scheduled."
(CCC) 40 CFR 124.10(b)(1)
— delete "For EPA-issued permits, if the Regional Administrator determines under 40 CFR part 6, subpart F that an Environmental Impact Statement (EIS) shall be prepared for an NPDES new source, public notice of the draft permit shall not be given until after a draft EIS is issued."
(DDD) 40 CFR 124.10(b)(2)
— each reference to the term "hearing" shall be replaced by "informational meeting or hearing"
(EEE) 40 CFR 124.10(d)(1)(v)
— delete "and 124.12"
— delete "place of any hearing" and replace with "place of any public informational meeting or hearing"
(FFF) 40 CFR 124.10(d)(1)(vi)
— delete "required by 124.9"
(GGG) 40 CFR 124.10(d)(2)
— in the title, after "hearings" add "or public informational meetings"
— delete "hearing under § 124.12" and replace with "public informational meeting or hearing"
(HHH) 40 CFR 124.10(d)(2)(ii) and (iii)
— delete "hearing" and replace with "informational meeting or hearing"
(III) 40 CFR 124.12(a)
— delete paragraphs (a)(1) to (a)(3), inclusive, and replace with the following: "(a)(1) The commissioner shall hold a public informational meeting regarding each draft permit prepared pursuant to 40 CFR 124.6, except that no public informational meeting shall be required if the commissioner has decided to hold a hearing regarding a draft permit. The commissioner may hold a public hearing whenever he or she:
(i) finds, on the basis of requests, that there is a significant degree of public interest in the draft permit;
(ii) finds such a hearing might clarify one or more issues involved in the permit decision; or
(iii) receives written notice of opposition to a draft permit.
All requests for a hearing regarding a draft permit shall be submitted within thirty days

of the publication of the commissioner's tentative determination, except that requests submitted after this thirty day period, but before the end of the public comment period, may be considered only if the commissioner determines that the person submitting the request has, as part of the request, demonstrated good-cause why the request was not submitted within thirty days of the publication of the commissioner's tentative determination. (2) Whenever possible, the commissioner shall schedule any public informational meeting and at least one day of any hearing held under this section at a location convenient to the nearest population center to the proposed facility."

— renumber paragraph 124.12(a)(4) as paragraph (a)(3).

(JJJ) 40 CFR 124.13

— delete "the public comment period (including any public hearing) under 124.10" and replace with "the designated public comment period or if a hearing is held, during the course of any such hearing"

— delete "as directed by the Regional Administrator" and replace with "and the public and such supporting materials shall be included in the administrative record"

(KKK) 40 CFR 124.17(a)

— delete "under 124.15"

— after the first sentence add, "If the commissioner holds a hearing regarding a draft permit, the response to comments shall be included with the final decision of the commissioner for such hearing."

— delete "States are only required to issue a response to comments when a final permit is issued."

(LLL) 40 CFR 124.17(c)

— after the term "public" add "and any person who provides oral or written comments on the draft permit shall be provided the response to comments if requested by such person"

(MMM) 40 CFR 124.31(a)

— delete the paragraph in its entirety and replace with the following: "(a) *Applicability*. The requirements of this section apply to all persons who after June 27, 2002 intend to submit an application to the commissioner seeking a hazardous waste permit under section 22a-449(c)-110 of the Regulations of Connecticut State Agencies. The requirements of this section shall also apply to a permittee seeking renewal of a permit or modification to a permit, where such renewal or modification includes a significant change to a permit. For purposes of this section, a "significant change" is any change that would qualify as a "class 3" permit modification under 40 CFR 270.42. The requirements of this section do not apply to any person who, prior to June 27, 2002, has already submitted an application to the commissioner seeking a hazardous waste permit or renewal or modification to any such permit under section 22a-449a(c)-110 of Regulations of Connecticut State Agencies, even if such permit, renewal or modification has not yet been issued. The requirements of this section also do not apply to a permittee seeking any permit modification that qualifies as a class 1 or class 2 modification under 40 CFR 270.42."

(NNN) 40 CFR 124.31 (b)

— delete “Prior to the submission of a part B RCRA permit application for a facility,” and replace with “No more than forty-five (45) days before submitting an application seeking a hazardous waste permit under section 22a-449(c)-110 of the Regulations of Connecticut State Agencies,”

— after “public” add “in the municipality or city where the facility is located”

— after “management activities.” add “The applicant shall provide the following information, at a minimum, at such meeting: (1) the name and mailing address of the applicant and the address of the location at which the proposed activity will take place; (2) the type of permit the applicant intends to seek, including a reference to the statute or regulation under which such permit can be issued; (3) a description of the activity for which a permit is sought; (4) a description of the location of the proposed activity and any natural resources affected thereby; and (5) the name and address and telephone number of a person from or representing the applicant from who interested persons may obtain copies of the application or obtain information about the application.”

(OOO) 40 CFR 124.31 (d)

— delete “permitting agency upon request, documentation of the notice” and replace with “commissioner, as part of the part B application documentation that notice has been provided in accordance with 40 CFR 124.31(d)(1) and (2)”

(PPP) 40 CFR 124.31 (d)(1)(i)

— delete “county or equivalent jurisdiction” and replace with “municipality or city”

— after “notice in” add “additional newspapers or”

— delete “counties or equivalent jurisdictions” and replace with “municipalities or cities”

(QQQ) 40 CFR 124.31 (d)(1)(ii)

— delete the second sentence in its entirety and replace with the following: “The sign shall: (1) be erected at or near the facility property that is the subject of the permit application; (2) not be less than six feet by four feet and be clearly visible from the public highway; and (3) be maintained in legible condition for, at a minimum, the thirty days preceding the public meeting required by 40 CFR 124.31(b).”

(RRR) 40 CFR 124.31 (d)(1)(iii)

— after “prior” add “written”

(SSS) 40 CFR 124.31(d)(1)(iv)

— delete each occurrence of “permitting agency” and replace with “commissioner”

(TTT) 40 CFR 124.32(a)

— delete the paragraph in its entirety and replace with the following: “(a) *Applicability*. The requirements of this section apply to all persons who after June 27, 2002 submit an application to the commissioner seeking a hazardous waste permit under section 22a-449(c)-110 of the Regulations of Connecticut State Agencies. The requirements of this section shall also apply to a permittee seeking renewal of a permit or modification to a permit, where such renewal or modification includes any significant change to a permit. For purposes of this section, a “significant change” is any change that would qualify as a “class 3” permit modification under 40 CFR 270.42. The requirements of this section do not apply to any

person who, prior to June 27, 2002, has already submitted an application to the commissioner seeking a hazardous waste permit or renewal or modification to any such permit under section 22a-449a(c)-110 of Regulations of Connecticut State Agencies, even if such permit, renewal or modification has not yet been issued. The requirements of this section also do not apply to a permittee seeking any permit modification that qualifies as a class 1 or class 2 modification under 40 CFR 270.42."

(UUU) 40 CFR 124.32(b)(1)

— delete "The Director" and replace with "In addition to any other applicable requirements regarding notification at application submittal, the applicant"

— delete each occurrence of "as set forth" and replace with "to those set forth"

(VVV) 40 CFR 124.32(b)(2)

— delete "The notice" in the second sentence and replace with "In addition to any other applicable requirements regarding notification at application submittal, the notice provided by the applicant "

(WWW) 40 CFR 124.32(b)(3)

— delete "The Director" and replace with "the applicant"

(XXX) 40 CFR 124.33(a)

— delete the paragraph in its entirety and replace with the following: "(a) *Applicability*. The requirements of this section shall apply to all persons seeking: (1) a permit; (2) renewal of a permit; or (3) any type of modification to a permit issued under section 22a-449(c)-110 of the Regulations of Connecticut State Agencies."

(YYY) 40 CFR 124.33(b)

— after "permit application" add ", an application for renewal of a permit or an application for a modification to a permit"

— delete "notify the facility" and replace with "notify the owner or operator of the facility in writing"

(ZZZ) 40 CFR 124.33(d)

— delete "the facility" and replace with "owner or operator of the facility"

— delete "specify a more appropriate site" and replace with "notify the owner or operator of the facility in writing that the information repository shall be located and maintained at a site specified by the commissioner and the owner or operator shall locate and maintain the information repository in accordance with the written notice of the commissioner"

(AAAA) 40 CFR 124.33(e)

— after "information repository" in the first sentence add "and the owner or operator of the facility shall implement the requirements that the commissioner specifies in writing concerning any such information repository"

— delete "the facility" and replace with "the owner or operator of the facility"

— after "mailing list" add "maintained in accordance with 40 CFR 124.10 (c)(1) (ix)"

(BBBB) 40 CFR 124.33 (f)

— after "specified" add "in writing"

(3) For purposes of subdivision (2) of this subsection, a public informational meeting

shall not mean or be deemed to constitute a "contested case" for purposes of chapter 54 of the Connecticut General Statutes.

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

(b) **Fees**

(1) The fee for applying for the following modifications to a permit issued under this section shall be as follows:

(A) For modification to a permit listed as a Class I permit modification that does not require the approval of the commissioner - two hundred and fifty dollars ($250.00); and

(B) For modification to a permit listed as a Class I permit modification that requires the approval of the commissioner - five hundred dollars ($500.00).

For purposes of this subdivision, "Class I" shall mean permit modifications designated as Class I in Appendix I to 40 CFR 270.42.

(2) The fee for transferring any permit issued under this section shall be the fee established by the commissioner pursuant to section 22a-6o of the Connecticut General Statutes.

(3) An applicant or permittee shall submit all fees required by this subsection by certified check or money order payable to the Department of Environmental Protection. Any fee required by this subsection shall be due upon the submission of the application or request to which it relates. Any application or request shall not be deemed complete and will not be reviewed until all fees required by this section have been paid in full.

(4) All fees required by this subsection may be waived for agencies, boards, commissions, councils and departments of the state of Connecticut as provided in section 22a-6f of the Connecticut General Statutes.

(5) All fees charged to a municipality pursuant to this subsection shall be fifty percent of the fee charged to other applicants.

(6) Other than the fees specified in this subsection, nothing in this subsection shall affect the fees specified in the Connecticut General Statutes.

(7) Any person required to pay more than one fee (i.e., for multiple permits or multiple applications or requests requiring payment of a fee) shall pay the fee calculated by adding each fee associated with each application request or permit requiring payment of a fee. In calculating the total fee, each permit application or request requiring payment of a fee shall be added separately, even if an applicant or requester files one application seeking multiple permits or one request containing multiple requests.

(Effective July 17, 1990; Amended October 31, 2001; Amended June 27, 2002; Amended September 10, 2002)

**Sec. 22a-449(c)-111. Reserved**

**Sec. 22a-449(c)-112. Reserved**

**Sec. 22a-449(c)-113. Standards for universal waste management**

(a) **Incorporation by Reference**

(1) 40 CFR 273 is incorporated by reference in its entirety except as provided in subdivision (2) of this subsection and except for the provision of this subdivision which is not incorporated: 40 CFR 273.32(a)(3) (regarding an exemption from notification requirements for large quantity handlers of recalled universal waste pesticides)

(2) 40 CFR 273 is incorporated by reference in its entirety except for the provisions of this subdivision which are incorporated by reference with the specified changes:

(A) 40 CFR 273.1(a)(3)

— delete “and”

(B) 40 CFR 273.1(a)(4)

— delete the period and replace with “; and”

— add a new paragraph (5) as follows: “(5) Used electronics as described in section 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies.”

(C) 40 CFR 273.1(b)

— at the end of the paragraph add the following: “Universal wastes that are not managed in compliance with the requirements of section 22a-449(c)-113 of the Regulations of Connecticut State Agencies shall be managed in compliance with sections 22a-449(c)-100 to 110, inclusive, of the Regulations of Connecticut State Agencies.”

(D) 40 CFR 273.8(b)

— delete “the wastes” and replace with “the waste”

— delete “(a)(1) and (a)(2)” and replace with “(a)(1) or (a)(2)”

(E) 40 CFR 273.9

— add the following introductory sentence: “For purposes of 40 CFR 273, the terms below shall be defined as follows:

— in the definition of “Battery”, after “An electrochemical cell is a” insert “self-contained”

— in the definition of “lamp”, delete “is defined as” and replace with “means” and in the third sentence delete “common”

— in the definition of “Large Quantity Handler of Universal Waste”, delete “or lamps” and replace with “lamps, or used electronics”

— in the definition of “Pesticide”, delete “FFDCA section 201(w)” and replace with “21 USC 321(v), section 201(w) of the Federal Food, Drug, and Cosmetic Act”; and delete “FFDCA section 201(x)” and replace with “21 USC 321(w), section 201(x) of the Federal Food, Drug, and Cosmetic Act “

— in the definition of “Small Quantity Handler of Universal Waste” delete “or lamps” and replace with “lamps, or used electronics”

— in the definition of “Universal Waste”, after “273.4” delete “and”, and after “273.5”

delete the period and replace with "; and (e) used electronics as described in subsection (b) of this section"

— in the definition of "Destination Facility" add the following after the last sentence: "for purposes of 22a-449(c)-113(b) of the Regulations of Connecticut State Agencies, a facility that engages in the disassembly or demanufacturing of used electronics: (1) For the purpose of marketing, reselling, reusing or recycling the components of a used electronic device; (2) Without treating the device or any component thereof; and (3) Without breaking the cathode ray tube, if any, in any such device, shall not be considered a destination facility. A facility that shreds, crushes, heats, or otherwise treats a used electronic device or any component thereof, or that breaks the cathode ray tube in any used electronic device, shall be considered a destination facility."

— add a new definition of "used electronics" as follows: "used electronics" or "a used electronic device" means a device or component thereof that contains one or more circuit boards or a cathode ray tube and is used primarily for communication, data transfer or storage, or entertainment purposes, including but not limited to, desk top and lap top computers, computer peripherals, monitors, copying machines, scanners, printers, radios, televisions, camcorders, video cassette recorders ("VCRS"), compact disc players, digitial video disc players, MP3 players, telephones, including cellular and portable telephones, and stereos."

(F) 40 CFR 273.13(c)(1)

— delete "contain" and replace with "place and keep"

— delete "that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions"

— delete "lack of evidence of" and replace with "be capable of preventing" — delete the second occurrence of "under reasonably forseeable conditions"

(G) 40 CFR 273.13(d)(1)

— delete "lack of evidence" and replace with "be capable of preventing"

— delete "under reasonably forseeable conditions"

(H) 40 CFR 273.13(d)(2)

— delete "that could cause the release of mercury or other hazardous constituents to the environment"

— delete "lack of evidence" and replace with "be capable of preventing"

— delete "under reasonably foreseeable conditions"

(I) 40 CFR 273.14(d)

— delete "Universal waste thermostats (i.e., each thermostat), or a" and replace with "Each"

(J) 40 CFR 273.15(c)(2)

— after "battery" add ", lamp"

(K) 40 CFR 273.17(b)

— Add to the beginning of the first sentence "Other than inadvertent breakage of small quantities of universal waste, including inadvertent breakage of small quantities during

transportation, which must be handled as a universal waste,”

(L) 40 CFR 273.18(c)

— delete “;” and replace with “.”

(M) 40 CFR 273.18(h)

— delete “may” and replace with “shall”

— delete “any way that is in”

(N) 40 CFR 273.32(a)(1)

— delete “paragraphs (a)(2) and (3)” and replace with “paragraph (a)(2)”

(O) 40 CFR 273.32(b)(4)

— after “lamps” add “, and used electronics”

(P) 40 CFR 273.32(b)(5)

— delete “(e.g., batteries, pesticides, thermostats, and lamps)”

(Q) 40 CFR 273.33(c)(1)

— delete delete “contain” and replace with “place and keep”

— delete “that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions”

— delete “lack evidence of” and replace with “be capable of preventing”

— delete the second occurrence of “under reasonably forseeable conditions”

(R) 40 CFR 273.33(d)(1)

— delete “lack evidence of” and replace with “be capable of preventing”

— delete “under reasonably foreseeable conditions”

(S) 40 CFR 273.33(d)(2)

— delete “that could cause the release of mercury or other hazardous constituents to the environment”

— delete “lack evidence of” and replace with “be capable of preventing”

— delete “under reasonably foreseeable conditions”

(T) 40 CFR 273.34(d)

— delete “Universal waste thermostats (i.e., each thermostat), or a” and replace with “Each”

(U) 40 CFR 273.35(c)(2)

— after “battery” add “, lamp,”

(V) 40 CFR 273.37(b)

— Add to the beginning of the first sentence “Other than inadvertent breakage of small quantities of universal waste, including inadvertent breakage of small quantities during transportation, which must be handled as a universal waste,”

(W) 40 CFR 273.38(c)

— delete “;” and replace with “.”

(X) 40 CFR 273.38(h)

— delete “may” and replace with “shall”

— delete “any way that it is in”

(Y) 40 CFR 273.39(a)(2)

— after “thermostats” add “, lamps, used electronics”
(Z) 40 CFR 273.39(b)(2)
— after “thermostats” add “, lamps, used electronics”
(AA) 40 CFR 273.60(a)
— after “3010 of RCRA” add the following: “and all applicable provisions of the Connecticut General Statutes, including but not limited to, section 22a-209e of the Connecticut General Statutes,”
(BB) 40 CFR 273.61(d)
— delete “may” and replace with “shall”
— delete “any way that it is in”
(CC) 40 CFR 273.62(a)(2)
— after “thermostats” add “, lamps, used electronics”
(DD) 40 CFR 273.80(a)
— delete “and 40 CFR 260.20 and 260.23” and replace with “. In addition, the commissioner may on his own, initiate rulemaking in accordance with chapter 54 of the Connecticut General Statutes, to add a hazardous waste or category of hazardous waste to the wastes regulated as a universal waste under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies.”
(EE) 40 CFR 273.80(b)
— after “40 CFR 260.20(b)” add “and section 22a-3a-3(c) of the Regulations of Connecticut State Agencies. The petitioner shall provide any additional information the commissioner deems necessary to evaluate the petition.”
(FF) 40 CFR 273.80(c)
— after “grant or deny a petition” add “, as provided for in section 4-174 of the Connecticut General Statutes,”
(3) In addition to the provisions incorporated by reference in subdivision (1) of this subsection, the provisions in subsection (b) to (f), inclusive, of this section shall apply.
(b) **Applicability—used electronics.**
(1) Used electronics subject to regulation. The requirements of this section shall apply to persons managing those used electronics as described in subdivision (4) of this subsection, except used electronics listed in subdivision (2) of this subsection.
(2) The requirements of section 22a-449(c)-113 of the Regulations of Connecticut State Agencies do not apply to persons managing the following used electronics:
(A) Used electronics that are not yet wastes under 40 CFR 261. Subdivision (4) of this subsection describes when a used electronic device becomes a waste.
(B) Used electronics that are not hazardous waste. A used electronic device is a hazardous waste if it exhibits one or more of the characteristics identified in 40 CFR 261, Subpart C.
(3) Generation of waste used electronics.
(A) A used electronic device becomes a waste on the date it is discarded.
(B) An electronic device of a type described in the definition of used electronics that has not been used becomes a waste on the date the handler decides to discard it.

(4) The requirements of section 22a-449(c)-113 of the Regulations of Connecticut State Agencies apply to persons managing used electronics that have become a waste and that exhibit one or more of the characteristics identified in 40 CFR 261, subpart C.

(c) **Used Electronics – Standards for Small Quantity Handlers.**

(1) A small quantity handler of used electronics shall comply with the applicable provisions of 40 CFR 273, subparts B and F. In addition, a small quantity handler of used electronics shall:

(A) manage used electronics in a way that prevents the release of any universal waste, component of a universal waste, or constituent of a universal waste to the environment;

(B) store all used electronics inside a building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, in a manner that prevents used electronics from being exposed to the environment and shall ensure that all used electronics are handled, stored and transported in a manner that maintains the reuse or recyclability of any such used electronic or component thereof;

(C) immediately clean up and place in a container any broken cathode ray tube(s) from a used electronic device and shall place all such waste in a container. Any such container shall be closed, structurally sound, and compatible with the cathode ray tube(s) and shall be capable of preventing leakage, spillage or releases of broken cathode ray tubes, glass particles or other hazardous constituents from such broken tubes to the environment;

(D) not shred, crush, heat or otherwise treat used electronics or any component thereof and shall not break the cathode ray tube in any used electronic device. Provided no treatment is occurring, a small quantity handler of used electronics may disassemble used electronics for the sole purpose of marketing, reselling, reusing, or recycling components thereof; and

(E) clearly label or mark each used electronic device or container, package or pallet containing used electronics, with one of the following phrases: “universal waste – used electronics”, or “waste used electronics”, or “used electronics.”

(d) **Used Electronics – Standards for Large Quantity Handlers**.

(1) A large quantity handler of used electronics shall comply with the applicable provisions of 40 CFR 273, subparts C and F. In addition, a large quantity handler of used electronics shall:

(A) manage used electronics in a way that prevents the release of any universal waste, component of a universal waste, or constituent of a universal waste to the environment;

(B) store all used electronics inside a building with a roof and four walls or in the cargo-carrying portion of a truck, such as in a trailer, in a manner that prevents used electronics from being exposed to the environment and shall ensure that all used electronics are handled, stored and transported in a manner that maintains the reuse or recyclability of any such used electronic or component thereof;

(C) immediately clean up and place in a container any broken cathode ray tube(s) from a used electronic and shall place all such waste in a container. Any such container shall be closed, structurally sound, and compatible with the cathode ray tube(s) and shall be capable of preventing leakage, spillage or releases of broken cathode ray tubes, glass particles or

other hazardous constituents from such broken tubes to the environment;

(D) not shred, crush, heat or otherwise treat used electronics or any component thereof and shall not break the cathode ray tube in any used electronic device. In addition, a large quantity handler shall not disassemble used electronics without first obtaining a permit issued by the commissioner; and

(E) clearly label or mark each used electronic device or container, package or pallet containing used electronics, with one of the following phrases: "universal waste – used electronics", or "waste used electronics", or "used electronics."

(e) **Used Electronics – Standards for Transporters.**

A universal waste transporter of used electronics shall comply with 40 CFR 273, subparts D and F.

(f) **Used Electronics – Standards for Destination Facilities.**

The owner or operator of a destination facility that treats, disposes of or recycles used electronics, except for those management activities described in 40 CFR 273.13(a) and (c) and 40 CFR 273.33(a) and (c), shall comply with 40 CFR 273, subparts E and F.

(Adopted effective October 31, 2001; Amended June 27, 2002)

**Sec. 22a-449(c)-114. Reserved**

**Sec. 22a-449(c)-115. Reserved**

**Sec. 22a-449(c)-116. Reserved**

**Sec. 22a-449(c)-117. Reserved**

**Sec. 22a-449(c)-118. Reserved**

**Sec. 22a-449(c)-119. Standards for the management of used oil**

(a) **Incorporation by Reference**

(1) 40 CFR 279 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 279.10(b)(3) (which relates to mixtures of used oil and hazardous waste from conditionally exempt small quantity generators); and

(B) 40 CFR 279.82(b) and (c) (which relates to used oil as a dust suppressant).

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

(A) 40 CFR 279.1

— in the introductory sentence delete "260.10"

— in the definition of "Existing tank" delete "the authorized used oil program for the state in which the tank is located" and replace with "this section"

— in the definition of "New tank" delete "the authorized used oil program for the state

in which the tank is located" and replace with "this section"

— after the definition of "New tank" add two new definitions as follows:

"Off-Specification" or "Off-Specification Used Oil" means used oil that has not been tested, has not been tested in accordance with the required test methods or for all of the required parameters, has been designated as off-specification, or, based upon analysis performed in accordance with the required test methods, exceeds any one or more of the allowable levels of the constituents or properties listed in Table 1 of 40 CFR 279.11. References to "used oil not meeting the specification requirements of 279.11", or similar references, shall be deemed to mean off-specification used oil as defined in this definition."

"On-Specification" or "On-Specification Used Oil" means used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment, that, based upon analysis performed in accordance with the required test methods and for all of the required parameters, exceeds none of the allowable levels for the constituents and properties listed in Table 1 of 40 CFR 279.11. References to "used oil that meets the used oil fuel specification of 279.11", or similar references, shall be deemed to mean on-specification used oil as defined in this definition."

— delete the definition of "Used Oil" and replace with the following: "Used oil" means any oil refined from crude oil or synthetic oil, that: (A) has been used and as a result of such use is contaminated by physical or chemical impurities; or (B) is no longer suitable for the services for which it was manufactured due to the presence of impurities or a loss of original properties."

— after the definition of "Used Oil Aggregation Point" add a new definition as follows: "Used Oil Burned For Energy Recovery" or "Used Oil Fuel" means used oil with heating value of more than 5,000 Btu/lb.

— in the definition of "Used Oil Burner" after "means" add "a person who owns or operates"

— in the definition of "Used oil collection center" delete "that is registered/licensed/permitted/recognized by a state/county/municipal government" and replace with "for which the owner or operator has a valid and effective permit issued by the commissioner authorizing such owner or operator"

— in the definition of "Used oil transfer facility" delete both references to "35" and replace them with "10"

(B) 40 CFR 279.10(b)(1)(ii)

— delete "Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter)." and replace with "To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, a person shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million:

tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) a person shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such person has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such."

(C) 40 CFR 279.10(b)(2)

— delete "Characteristic hazardous waste. Mixtures of used oil and hazardous waste that solely exhibits one or more of the hazardous waste characteristic identified in subpart C of part 261 of this chapter and mixtures of used oil and hazardous waste that is listed in subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in subpart C are subject to:" and replace with the following: "Characteristic hazardous waste. This paragraph applies to any mixture of used oil and: a) a waste that is hazardous solely because it exhibits one or more of the hazardous waste characteristics identified in 40 CFR 261, Subpart C; or b) a hazardous waste that is listed in 40 CFR 261, Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in 40 CFR 261, Subpart C. Any such mixture shall, based upon testing the mixture according to the methods set forth in 40 CFR 261.24 or based upon knowledge of the characteristics of the mixture in light of the materials or processes used, be subject to:"

(D) 40 CFR 279.10(b)(2)(ii)

— after "chapter" add "provided, no person shall mix a used oil and a hazardous waste that exhibits one or more of the characteristics of a hazardous waste identified in 40 CFR 261, Subpart C for any purpose other than facilitating the recycling of such hazardous waste in a manner provided for in 40 CFR 279."

(E) 40 CFR 279.10(c)(1)(ii)

— delete paragraph 279.10(c)(1)(ii) and replace with the following: "(ii) Are subject to all applicable provisions of the Connecticut General Statutes and regulations promulgated thereunder, including but not limited to, section 22a-449(c)-100 to 110, inclusive, of the Regulations of Connecticut State Agencies and if the materials are not hazardous wastes, section 22a-209-1 to 18, inclusive, of the Regulations of Connecticut State Agencies."

(F) 40 CFR 279.10(i)

— delete "who market" and replace with "who market or burn"

(G) 40 CFR 279.11

— after "unless it is shown" add "through analytical testing"

— after "Table 1." add "A person determining whether used oil exceeds any allowable level of constituents and properties listed in Table 1 shall do so using: (i) the test methods

specified below; or (ii) an alternative method(s) provided that, before use, such alternative method has been approved by the commissioner in writing:

Arsenic – EPA Methods 7060A, 7061A, 7062, 6010B or 6020

Cadmium – EPA Methods 7130, 7131A, 6010B, or 6020

Chromium – EPA Methods 7190, 7191, 6010B, or 6020

Lead – EPA Methods 7420, 7421, 6010B, or 6020

Flash Point – EPA Methods 1010 or 1020A

Total Halogens – EPA Methods 9075, 9076, 9077, 5050 coupled with either 9056 or 9253, or American Society for Testing and Materials (“ASTM”) Method D808-95.

For purposes of this subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, “Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, Edition III.”

(H) 40 CFR 279.12(b)

— delete “, except when such activity takes place in one of the states listed in 279.82(c)”

(I) 40 CFR 279.12(c)(2)(iii)

— delete “the burner” and replace with “the heater”

(J) 40 CFR 279.12

— add a new paragraph (d) as follows: “(d) No person shall burn used oil in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with any such building (e.g., an outbuilding or garage). In addition, no person shall sell, offer for sale or make available, used oil for burning in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with a residential building (e.g., an outbuilding or garage).”

(K) 40 CFR 279.20(b)

— delete “are subject to” and replace with “are also subject to”

(L) 40 CFR 279.21(b)

— after “refrigeration units.” add the following sentence: “Unless and until such person has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such.”

(M) 40 CFR 279.22 introductory paragraph

— delete “(40 CFR part 280) standards” and replace with “requirements set forth in sections 22a-449(d)-1 and 22a-449(d)-101 to 113, inclusive, of the Regulations of Connecticut State Agencies”

(N) 40 CFR 279.22(d)

— delete “part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located” and replace with “section 22a-449(d)-1(j) or section 22a-449(d)-106 of the Regulations of Connecticut State Agencies”

(O) 40 CFR 279.22(d)(3)

— after “other materials” add “, including remediation of any part of the environment affected by the release”

(P) 40 CFR 279.23

— at the end of paragraph (b) delete "and"

— at the end of paragraph (c) delete the period and replace with "; and"

— after paragraph (c), add a new paragraph (d) as follows: "(d) The used oil has a heating value of more than 5,000 Btu/lb."

(Q) 40 CFR 279.24(a)(3)

— delete "is registered, licensed, permitted, recognized by a state/county/municipal government" and replace with "has a valid and effective permit issued by the commissioner authorizing the owner or operator of the used oil collection center"

(R) 40 CFR 279.31(b)(2)

— delete "Be registered, licensed, permitted, recognized by a state/county/municipal government" and replace with "Have a valid and effective permit issued by the commissioner authorizing such owner or operator "

(S) 40 CFR 279.40(c)

— on each appearance of the word, replace "trucks" with "transport vehicles, as defined in 49 CFR 171.8,"

(T) 40 CFR 279.40(d)

— delete "subject to" and replace with "subject to the requirements of"

(U) 40 CFR 279.42(a)

— insert the following before the first full sentence: "Except as is provided for in 40 CFR 279.40(a)(1) to (a)(4), inclusive, a used oil transporter shall not transport used oil without having first obtained an EPA identification number."

(V) 40 CFR 279.43(c)(2)

— delete "an official (State or local government or a Federal Agency)" and replace with "the commissioner or an official of a federal agency"

— delete "EPA identification numbers" and add "either an EPA identification number, a DEP transporter permit or both"

— at the end of the paragraph add "Except as provided for in this paragraph, the used oil must be managed and disposed of in accordance with the state hazardous waste management regulations."

(W) 40 CFR 279.43(c)(3)(i)

— after the telephone number for the National Response Center add "and give notice to the commissioner, using the 24-hour Emergency Spill Response telephone number at (860) 424-3338 or, if that number is unavailable, at (860) 424-3333. In addition to this oral notification, the transporter shall comply with all applicable reporting and notification requirements regarding the release, including but not limited to, reporting in accordance with section 22a-450 of the Connecticut General Statutes."

(X) 40 CFR 279.43(c)(5)

— delete "discharged" and replace with "discharge"

— after "local officials" add "(to the extent that actions required or approved by local officials are consistent with those required or approved by federal or state officials)"

(Y) 40 CFR 279.44(a)

— in the phrase "used oil being transporter" change "transporter" to "transported"

— delete "above or below" and replace with "less than, greater than or equal to"

(Z) 40 CFR 279.44(b)(1)

— delete the entire paragraph and replace with the following: "(b)(1) Testing a representative sample of the used oil using any one of the following test methods: (i) EPA Method 9075, 9076 or 9077; (ii) EPA Method 5050, coupled with either EPA Method 9056 or 9253; (iii) American Society for Testing and Materials ("ASTM") Method D808-95; or (iv) an alternative method(s) which before use has been approved by the commissioner in writing. For purposes of this subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, "Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, Edition III; or"

(AA) 40 CFR 279.44(b)(2)

— after "processes used" add ", provided that the transporter retains documentation demonstrating whether each used oil accepted by such transporter contains greater than, less than or equal to 1,000 parts per million total halogens"

(BB) 40 CFR 279.44(c)

— delete "greater than or equal to" and replace with "more than"

— delete "The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter)." and replace with "To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, a transporter shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) a transporter shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such transporter has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such."

(CC) 40 CFR 279.45 introductory paragraph

— delete "(40 CFR part 280) standards" and replace with "requirements set forth in sections 22a-449(d)-1 and 22a-449(d)-101 to 113, inclusive, of the Regulations of Connecticut State Agencies"

(DD) 40 CFR 279.45(a)
— delete both references to "35" and replace with "10"
— delete "subpart F of this chapter" and replace with "40 CFR 279, subpart F"
(EE) 40 CFR 279.45(h)
— delete "part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located" and replace with "section 22a-449(d)-1(j) or section 22a-449(d)-106 of the Regulations of Connecticut State Agencies"
(FF) 40 CFR 279.45(h)(3)
— after "other materials" add ", including remediation of any part of the environment affected by the release"
(GG) 40 CFR 279.51(a)
— insert the following before the first full sentence: "Except as is provided for in 40 CFR 279.50(a)(1) and (a)(2), the owner or operator of a facility that processes used oil shall not process used oil without having first obtained an EPA identification number."
(HH) 40 CFR 279.52(a)
— delete "Owners and operators of used oil processors and re-refiners facilities" and replace with "Owners or operators of facilities processing or re-refining used oil"
(II) 40 CFR 279.52(a)(3)
— at the end of the paragraph add "Such systems and equipment shall be tested and maintained as necessary to assure its proper operation in time of an emergency at least once every calendar month and after each use."
(JJ) 40 CFR 279.52(b)
— delete "Owners and operators of used oil processors and re-refiners facilities" and replace with "Owners or operators of facilities processing or re-refining used oil"
(KK) 40 CFR 279.52(b)(1)(ii)
— replace "or release or" with "or release of"
(LL) 40 CFR 279.52(b)(6)(ii)
— delete "analysts" and replace with "analysis"
(MM) 40 CFR 279.52(b)(6)(iv)(B)
— after the telephone number for the National Response Center add "and give notice to the commissioner, using the 24-hour Emergency Spill Response telephone number at (860) 424-3338 or, if that number is unavailable, at (860) 424-3333. In addition to this oral notification, the transporter shall comply with all applicable reporting and notification requirements regarding the release, including, but not limited to, reporting in accordance with section 22a-450 of the Connecticut General Statutes."
(NN) 40 CFR 279.52(b)(6)(v)
— delete "operation" and replace with "operations"
(OO) 40 CFR 279.53(a)
— delete "above or below" and replace with "less than, greater than or equal to"
(PP) 40 CFR 279.53(b)(1)

— delete the entire paragraph and replace with the following: "(b)(1) Testing a representative sample of the used oil using any one of the following test methods: (i) EPA Method 9075, 9076 or 9077; (ii) EPA Method 5050, coupled with either EPA Method 9056 or 9253; (iii) American Society for Testing and Materials ("ASTM") Method D808-95; or (iv) an alternative method(s) which before use has been approved by the commissioner in writing. For purposes of this subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, "Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, Edition III; or"

(QQ) 40 CFR 279.53(b)(2)

— at the end of the sentence add ", provided that the owner or operator retains documentation demonstrating whether each shipment of used oil accepted by such owner or operator and each used oil generated by such owner or operator contains greater than, less than or equal to 1,000 parts per million total halogens"

(RR) 40 CFR 279.53(c)

— delete "greater than or equal to" and replace with "more than"

— delete "The owner or operator may rebut the presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter)." and replace with "To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, the owner or operator shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) the owner or operator shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such owner or operator has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such."

(SS) 40 CFR 279.53

— add a new paragraph (d) as follows: "Record Retention. Records of analysis conducted or information used to comply with paragraphs (a), (b) and (c) of this section shall be maintained by the owner or operator for at least three years from the date such records are created."

(TT) 40 CFR 279.54 introductory paragraph

— delete "(40 CFR part 280) standards" and replace with "requirements set forth in

sections 22a-449(d)-1 and 22a-449(d)-101 to 113, inclusive, of the Regulations of Connecticut State Agencies)"

(UU) 40 CFR 279.54(g)

— delete "part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located" and replace with "section 22a-449(d)-1(j) or section 22a-449(d)-106 of the Regulations of Connecticut State Agencies"

(VV) 40 CFR 279.54(g)(3)

— after "other materials" add ", including remediation of any part of the environment affected by the release"

(WW) 40 CFR 279.54(h)(1)(i)

— after "containment system components," add "contaminated surface waters, contaminated groundwaters,"

(XX) 40 CFR 279.54(h)(2)(ii)

— after the term "containment system components" add "contaminated surface waters, contaminated groundwaters,"

(YY) 40 CFR 279.55 introductory paragraph

— delete "Owners or operators of used oil processing and re-refining facilities" and replace with "Owners or operators of facilities processing or re-refining used oil"

(ZZ) 40 CFR 279.55(b)

— delete paragraphs (b)(1), (2) and (3), and replace with the following:

"(1) The sampling method used to obtain representative samples to be analyzed.

A representative sample may be obtained using either:

(i) One of the sampling methods in Appendix I of 40 CFR 261; or

(ii) A method shown to be equivalent under 40 CFR 260.21;

(2) Whether used oil will be sampled and analyzed prior to or after any processing/re-refining;

(3) The frequency of sampling to be performed, and whether the analysis will be performed on-site or off-site; and

(4) The methods used to analyze used oil for the constituents and properties specified in 40 CFR 279.11."

(AAA) 40 CFR 279.57(a)(2)

— delete "closure of the facility" and replace with "the owner or operator has completed closure of all units used for management of used oil at the facility in accordance with the closure requirements of 40 CFR 279.54 and subsection (d) of this section."

— in 40 CFR 279.57(a)(2)(i), delete "and" after "279.55;"

— in 40 CFR 279.57(a)(2)(ii), delete "an specified in § 279.52(b)." and replace with "as specified in 40 CFR 279.52(b); and"

— add paragraph (a)(2)(iii) as follows: "(iii) Any other information required to be in the operating record (e.g., 40 CFR 279.52(a)(6)(D)(ii))."

(BBB) 40 CFR 279.57(b)

— after "Regional Administrator" add "on such forms as may be prescribed by the commissioner, or in the absence of such forms"

— in 279.57(b)(2) delete "and"

— in 279.57(b)(3) delete the period and replace with "; and"

— add paragraph (b)(4) as follows: "(4) Any other information which the commissioner specifies shall be in such letter/report. The commissioner shall specify such information in writing before such letter/report must be submitted."

(CCC) 40 CFR 279.59

— delete "re-fining" and replace with "re-refining"

(DDD) 40 CFR 279.60(a)

— after "A used oil burner is" add "a person who owns or operates"

(EEE) 40 CFR 279.61(a)(2)(iii)

— delete "the burner" and replace with "the heater"

(FFF) 40 CFR 279.61

— add a new paragraph (c) as follows: "(c) No person shall burn used oil in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with any such building (e.g., an outbuilding or garage). In addition, no person shall sell, offer for sale or make available, used oil for burning in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with a residential building (e.g., an outbuilding or garage)."

(GGG) 40 CFR 279.63(a)

— delete "above or below" and replace with "less than, greater than or equal to"

(HHH) 40 CFR 279.63(b)

— delete "above or below" and replace with "less than, greater than or equal to"

(III) 40 CFR 279.63(b)(1)

— delete the entire paragraph and replace with the following: "(b)(1) Testing a representative sample of the used oil using any one of the following test methods: (i) EPA Method 9075, 9076 or 9077; (ii) EPA Method 5050, coupled with either EPA Method 9056 or 9253; (iii) American Society for Testing and Materials ("ASTM") Method D808-95; or (iv) an alternative method(s) which, before use, has been approved by the commissioner in writing. For purposes of the subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, "Test Methods for Evaluating Solid Waste—Physical/Chemical Methods, Edition III;"

(JJJ) 40 CFR 279.63(b)(2)

— after "processes used" add ", provided that the used oil burner retains documentation demonstrating whether each used oil accepted by such burner and each used oil generated by such burner contains less than, greater than or equal to 1,000 parts per million total halogens"

(KKK) 40 CFR 279.63(c)

— delete "greater than or equal to" and replace with "more than"

— delete "The owner or operator may rebut the presumption by demonstrating that the

used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in appendix VIII of part 261 of this chapter)." and replace with "To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, the owner or operator shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) the owner or operator shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such owner or operator has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such."

(LLL) 40 CFR 279.63(c)(2)

— delete "are destined for reclamation" and replace with "have first been reclaimed"

(MMM) 40 CFR 279.64 introductory paragraph

— delete "(40 CFR part 280) standards" and replace with "requirements set forth in sections 22a-449(d)-1 and 22a-449(d)-101 to 113, inclusive, of the Regulations of Connecticut State Agencies"

(NNN) 40 CFR 279.64(e)

— delete "*Secondary containment for existing aboveground tanks*." and replace with "*Secondary containment for new aboveground tanks*."

(OOO) 40 CFR 279.64(g)

— delete "part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located" and replace with "section 22a-449(d)-1(j) or section 22a-449(d)-106 of the Regulations of Connecticut State Agencies"

(PPP) 40 CFR 279.64(g)(3)

— after "other materials" add ", including remediation of any part of the environment affected by the release"

(QQQ) 40 CFR 279.66(b)

— replace "The certification" with "A copy of the certification"

— after "maintained" add "by such burner"

(RRR) 40 CFR 279.70(a)

— delete "Any person who conducts either of the following activities is subject to the requirements of this subpart:" and replace with "Except as provided in paragraph (b) of this

section, any person who conducts either of the following activities is a marketer and is subject to the requirements of this subpart:"

(SSS) 40 CFR 279.70(b)(1)

— delete the first sentence and replace with the following: "Used oil generators, and transporters who transport used oil received only from generators, unless the generator or transporter: (1) directs a shipment of off-specification used oil from their facility to a used oil burner; or (2) is the first to claim that used oil that is to be burned for energy recovery is on-specification used oil."

(TTT) 40 CFR 279.71

— at the beginning of this section add a new paragraph as follows: "A marketer shall not sell, offer for sale or make available, used oil for burning in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with a residential building (e.g., an outbuilding or garage)."

(UUU) 40 CFR 279.72(a)

— delete all that follows after "§ 279.11" and replace with the following: ". Any such person shall make this determination by performing analyses or obtaining copies of analyses of such used oil."

(VVV) 40 CFR 279.72(b)

— delete "(or other information used to make the determination)"

(WWW) 40 CFR 279.74(b)(4)

— delete "or other information"

(XXX) 40 CFR 279.75(b)

— after "maintained" add "by the recipient"

(YYY) 40 CFR 279.81

— delete paragraphs (a) and (b) and replace with the following: "(a) Used oil that is not or cannot be recycled as provided for in this part remains subject to all applicable provisions of the Connecticut General Statutes and regulations promulgated thereunder, including but not limited to section 22a-454 of the Connecticut General Statues and sections 22a-449(c)-100 to 110, inclusive, of the Regulations of Connecticut State Agencies and if the used oil is not a hazardous waste, section 22a-209-1 to 16, inclusive, of the Regulations of Connecticut State Agencies. In addition, no person shall: (1) burn used oil in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with any such building (e.g., an outbuilding or garage); or (2) sell, offer for sale or make available, used oil for burning in a boiler, heater or similar device used to heat, in whole or in part, a residential building or structure associated with a residential building (e.g., an outbuilding or garage)."

(ZZZ) 40 CFR 279.82(a)

— delete ", except when such activity takes place in one of the states listed in paragraph (c) of this section"

(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 also

apply.

(b) **Used Oil Generators**

Except as provided for in 40 CFR 279.20(a)(1) to (4), inclusive, the following provisions apply to generators of used oil:

(1)

(A) To ensure that used oil is not a hazardous waste under the rebuttable presumption of 279.10(b)(1)(ii), a used oil generator shall determine whether the total halogen content of each used oil generated by such generator is less than, greater than, or equal to 1,000 parts per million. The generator shall make this determination by:

(i) Testing a representative sample of the used oil using any one of the following test methods: (i) EPA Method 9075, 9076 or 9077; (ii) EPA Method 5050, coupled with either EPA Method 9056 or 9253; (iii) American Society for Testing and Materials ("ASTM") Method D808-95; or (iv) an alternative method which, before use, has been approved by the commissioner in writing. For purposes of this subparagraph, all references to EPA Methods shall mean the test method as described in EPA Publication SW-846, "Test Methods for Evaluating Solid Waste—Physical/Chemical Methods," Edition III, as may be amended from time to time; or

(ii) Applying knowledge of the halogen content of the used oil in light of the materials or processes used by such generator, provided the generator retains documentation demonstrating whether the used oil contains greater than, less than or equal to 1,000 parts per million total halogens.

(B) If a generator's used oil contains more than 1,000 parts per million total halogens, it is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 40 CFR 261, Subpart D. To rebut the presumption that the used oil has been mixed with the hazardous waste designated in 40 CFR 261.31(a) as F001 or F002, a generator shall demonstrate by analysis or other means that none of the following halogenated hazardous waste constituents are present in the used oil at greater than 100 parts per million: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane and 1,1,2-trichloroethane. To rebut the presumption that the used oil has been mixed with any other hazardous waste listed in 40 CFR 261, Subpart D, (i.e., hazardous wastes other than F001 and F002) a generator shall demonstrate by analysis or other means that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition III, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix VIII of 40 CFR 261). Unless and until such a generator has rebutted the presumption, a used oil containing more than 1,000 parts per million total halogens shall be considered a hazardous waste and shall be managed as such. In addition, the rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated parrafins or used oil contaminated with chlorofluorocarbons as provided for in 40 CFR 279.10(b)(1)(ii)(A) and (B).

(C) Record retention. Records of analyses conducted or information used to comply with this subdivision shall be maintained by the generator for at least 3 years from the date the record is first created.

(2) Secondary Containment. Generators shall comply with the following requirements for each storage area, and for each tank or container used to store greater than fifty-five (55) gallons of used oil.

(A) Containers used to store used oil shall be stored on a surface that is sufficiently impervious to prevent any used oil released from such containers from migrating to the soil, groundwater or surface water. In addition, containers used to store used oil that are not within an enclosed building as defined in subparagraph (E) of this subdivision, shall be equipped with a secondary containment system. The secondary containment system shall consist of, at a minimum:

(i) dikes, berms or retaining walls, and

(ii) a floor which covers the entire area within the dikes, berms, or retaining walls; or

(iii) an equivalent secondary containment system.

(B) New and existing aboveground tanks used to store used oil shall be stored on a surface that is sufficiently impervious to prevent any used oil released from such tanks from migrating to the soil, groundwater or surface water.

(C) Existing aboveground tanks used to store used oil that are not within an enclosed building as defined in subparagraph (E) of this subdivision, shall be equipped with a secondary containment system. The secondary containment system shall consist of, at a minimum:

(i) dikes, berms or retaining walls, and

(ii) a floor which covers the entire area within the dikes, berms, or retaining walls except areas where existing portions of the tank meet the ground; or

(iii) an equivalent secondary containment system.

(D) New aboveground tanks used to store used oil that are not within an enclosed building as defined in subparagraph (E) of this subdivision, shall be equipped with a secondary containment system. The secondary containment system shall consist of, at a minimum:

(i) dikes, berms or retaining walls, and

(ii) a floor which covers the entire area within the dikes, berms, or retaining walls; or

(iii) an equivalent secondary containment system.

(E) As used in subparagraphs (A), (C) and (D) of this subdivision, an “enclosed building” means a structure which is enclosed with a floor, walls and a roof to prevent tanks and containers containing used oil from being exposed to the elements (e.g., precipitation, wind, run-on) and to ensure containment of any used oil released from any tank or container. For purposes of this definition, a wall may consist in part of windows, doors or other openings (such as service bays).

(c) **Used Oil Transporters**

Used oil transporters shall comply with 40 CFR 279.45(d) while transferring used oil

from one transport vehicle to another. For purposes of this subsection, each transport vehicle and all associated piping shall be considered a container. Transporters transferring used oil from one transport vehicle to another may also require a permit under section 22a-454(c) of the Connecticut General Statutes.

(d) **Used Oil Processors and Re-refiners**

(1) Closure. The owner or operator of a facility subject to 40 CFR 279, Subpart F shall, within 90 days after receiving the final volume of used oil in a tank or container, remove from such tank or container all used oil. The commissioner may approve, in writing, a longer period if the owner or operator demonstrates that:

(A) The activities required to comply with this paragraph will, of necessity, take longer than 90 days to complete; or

(B)

(i) The tank or container at issue is operated in accordance with the requirements of 40 CFR 279.54(a) to (g), inclusive;

(ii) There is a reasonable likelihood that the owner operator or another person will recommence using such tank or container within one year; and

(iii) Closure of such tank or container is incompatible with continued operation of the site; and

(C) The owner or operator has taken and will continue to take all steps deemed necessary by the commissioner to prevent threats to human health and potential releases to the environment from such tank or container.

(2) The owner or operator must complete the closure activities specified in 40 CFR 279.54(h)(1) and (h)(2) within 180 days after the tank or container being closed receives the final volume of used oil. The commissioner may approve, in writing, an extension to the closure period if the owner or operator demonstrates that:

(A) The closure activities will, of necessity, take longer than 180 days to complete; or

(B)

(i) The tank or container at issue is operated in accordance with the requirements of 40 CFR 279.54(a) to (g), inclusive;

(ii) There is reasonable likelihood that the owner or operator or another person will recommence operation of such tank or container within one year; and

(iii) Closure of the tank or container is incompatible with continued operation of the site; and

(C) The owner or operator has taken and will continue to take all steps deemed necessary by the commissioner to prevent threats to human health and potential releases to the environment from such tank or container.

(3) The demonstrations referred to in subdivision (1) and (2) of this subsection must be made as follows:

(A) The demonstration in subdivision (1) must be made at least 30 days prior to the expiration of the 90 day period referenced in subdivision (1); and

(B) The demonstration in subdivision (2) must be made at least 30 days prior to the

expiration of the 180 day period referenced in subdivision (2).

(e) **Other Applicable Requirements**

Any person subject to section 22a-449(c)-119 of the Regulations of Connecticut State Agencies shall also comply with all applicable provisions of the Connecticut General Statutes, regulations of Connecticut State Agencies, and the terms and conditions of any order or permit, including a general permit, issued by the commissioner regarding used oil. This includes, but is not limited to, the requirement to obtain a permit under section 22a-454 of the Connecticut General Statutes. Compliance with the requirements of section 22a-449(c)-119 of the Regulations of Connecticut State Agencies shall not be deemed to be compliance with and shall not satisfy any other requirement imposed by the Connecticut General Statutes, regulations of Connecticut State Agencies, or an order or permit issued by the commissioner, including a general permit, regarding used oil. Through issuance of a permit or order, the commissioner may impose requirements in addition to those specified in section 22a-449(c)-119 of the Regulations of Connecticut State Agencies.

(Adopted effective October 31, 2001; Amended June 27, 2002)