

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-transport 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

Regulations of Connecticut State Agencies

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)