

**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 paragraph 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 definition.

(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)