

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES

PETITION PROCEDURES
for the
LISTING AND DELISTING OF HAZARDOUS WASTE

General Information:

The United States Environmental Protection Agency has authorized the Vermont Agency of natural Resources to administer on its behalf in Vermont hazardous waste management regulations as required by the Federal Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended).

Both state and federal regulations promulgated under this Act require that whoever generates or controls a waste must determine if that waste is hazardous.

Any waste identified in Vermont Hazardous Waste Management Regulations is said to be a "listed" hazardous waste. Vermont regulations classify as hazardous more wastes than are listed by the Federal EPA in the Code of Federal Regulations, Title 40, Part 261.

However, the Vermont Hazardous Waste Management Regulations Sections 7-216 through 7-218 also provide the means by which the Secretary of the Agency of Natural Resources may amend the regulations to add or remove entire classes of wastes. Alternatively, these same sections allow the Secretary to make a separate determination that only a specific waste produced by a specific generator should or should not be managed as a hazardous waste.

The case-by-case process by which a waste is determined to be hazardous or by which it is found to be non-hazardous is referred to, respectively, as either "listing" or "delisting". Nevertheless, the Secretary may consider for "delisting" only those wastes which are not identified as hazardous waste by Federal regulations. Generator petitions must follow the procedures outlined below.

Any petition to "delist" a federally listed hazardous waste must be directed to the United States Environmental Protection Agency Regional Administrator and follow the procedures outlined in Section 7-217(c) of the Hazardous Waste Management Regulations. A copy of any such petition must also be sent to the Secretary.

This Agency should be contacted in order to assist in determining whether the waste in question is a federal waste subject to federal delisting procedures or is solely a state regulated waste subject to the petitioning requirements on this form and in the Regulations Section 7-217.

Petition Requirements for Delisting a State-Regulated Hazardous Waste:

October 1997

Listing/Delisting Procedures

Delisting is a two-step process in which the initial petition is a letter submitted to the Secretary containing the following information:

1. Name, mailing address, location, and phone number of the generator of the waste;
2. A complete list of all raw materials, intermediates, by-products, and products used in the manufacturing methods or processes which produce the waste, including material safety data sheets for the listed substances;
3. A description of the manufacturing methods or processes which generated the waste;
4. A complete and detailed description of the waste;
5. The amount of waste involved; and
6. The proposed treatment or disposal method for the waste if the waste is determined to be non-hazardous.

Upon receipt of a petition for delisting, a preliminary determination will be made concerning the likelihood for success of that petition and the petitioner advised accordingly. The Secretary will also have determined what tests and/or analysis are necessary. Once the tests and/or analyses have been performed, the petitioner must submit the following information:

1. A description of all methodologies and equipment used to obtain samples of the waste. Please note, that in order for the Secretary to make a delisting determination, the petitioner must obtain at least four (4) representative samples of the waste taken over a period of time which is sufficient to represent the variability or the uniformity of the waste stream involved;
2. Dates of samples;
3. The names and qualifications of the person(s) obtaining the samples;
4. A description of the sample handling and preparation techniques, including techniques used for extraction, containerization, and preservation of the samples;
5. The name, address, and qualifications of the laboratory facility performing the required tests and/or analyses;
6. A description of the tests and/or analyses performed;
7. The results of all tests and/or analyses performed;

Listing/Delisting Procedures

8. The dates all tests and/or analyses were performed; and each of the submittals described above must be in writing and must be accompanied by the following statement signed by the generator of the waste or the generator's authorized representative:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature* _____ Date _____

Name and Official Title _____

* Signatories shall only be those persons as described in Section 7-108 of the Hazardous Waste Management Regulations.

All information shall be submitted to the following address:

**Agency of Natural Resources
Waste Management Division
103 South Main Street/West Office Building
Waterbury, VT 05671-0404**

Once the information described above has been received, the Secretary may require any additional information that is deemed to be necessary to properly evaluate the delisting petition.

Fees:

A fee, made payable to: Treasurer, State of Vermont, shall be submitted to the Secretary at the time of application. The fee amount is specified by the Agency of Natural Resources "Permit and License Fee Schedule".