

HW Newsletter

Hazardous Materials Program
Waste Management and Prevention Division
Department of Environmental Conservation

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New HW Manifest Rule

Hazardous waste manifests are the documents that accompany shipments of hazardous waste from the point of generation; through transportation; to the final treatment, storage, or disposal facility. The use of manifests allows for what is often referred to as "cradle-to-grave" tracking. Manifests indicate the amounts and types of hazardous waste that are being shipped, as well the generator, transporter, and destination facility.

In Vermont, small quantity generators (SQGs) and large quantity generators (LQGs) of hazardous waste are required to use a manifest when transporting hazardous waste. While this requirement does not apply to very small quantity generators (VSQGs), they do use manifests when working with permitted hazardous waste transporters.

The e-Manifest system is an electronic system for tracking and transmitting hazardous waste manifests developed by the U.S. Environmental

Protection Agency (EPA), and it has been in use since 2018. Hazardous waste handlers in Vermont should be aware that in the summer of 2024, EPA published a new rule: Integrating e-Manifest with Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections. This has also been referred to as the "final Third Rule." The rule will become effective on **January 22, 2025**—180 days after it was published in the Federal Register. Although [The Vermont Hazardous Waste Management Regulations \(VHWMR\)](#) do not specifically contain the language of this rule, it will be in effect nationally, including here in Vermont. The rule amends parts of the hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA), specifically regarding the e-Manifest system.

SUMMARY OF CHANGES

Among other things, the rule is intended to reduce the reporting burden on industry and states, increase information availability, improve compliance monitoring, and prepare for future potential integration with the biennial reporting requirements that apply to LQGs. EPA aims to modernize and streamline the

manifest process, increasing expected benefits of the e-Manifest system and encouraging further adoption of electronic manifests through increased utility of the system. Please refer to Table 1 for a

Table 1: Changes Under the New Manifest Rule

<ul style="list-style-type: none"> • Requires SQGs and LQGs to register for access to e-Manifest to obtain their final signed manifest copies from the system.
<ul style="list-style-type: none"> • Incorporates hazardous waste export manifests into e-Manifest, which includes designating the exporter as the entity responsible for submitting the manifest and paying the requisite user fee.
<ul style="list-style-type: none"> • Expands the required international shipment data elements on the manifest form.
<ul style="list-style-type: none"> • Revises the movement document requirements to more closely link the manifest data with the movement document data for manifest tracking purposes as well as to assist with integration of EPA’s Waste Import Export Tracking System into RCRAInfo.
<ul style="list-style-type: none"> • Integrates Exception Reports, Discrepancy Reports, and Unmanifested Waste Reports into e-Manifest.
<ul style="list-style-type: none"> • Requires entities to correct data errors in manifests.
<ul style="list-style-type: none"> • Makes conforming changes to PCB manifest regulations under the Toxic Substances Control Act, and other technical corrections to remove obsolete requirements, correct typographical errors, establish definitions, and/or improve alignment with the e-Manifest program.

summary of the changes under the rule. While there are several aspects to the rule, the Hazardous Materials Program particularly wants generators to know that SQGs and LQGs will be required to register for access to e-Manifest in order to be able to obtain their final signed manifest copies from the system. The majority of SQGs and LQGs are already registered and using this system to manage their manifests. We encourage all generators that must meet this requirement to register and begin using this electronic resource as soon as it is practicable, being aware of the deadline on January 22, 2025.

RESOURCES AND CONTACT INFORMATION

We encourage all SQGs and LQGs that have not already done so to [register for the RCRAInfo Industry Application](#) before the rule is in effect. If you encounter issues with registering, please contact Wendy Edwards for further assistance (802-522-0261, wendy.edwards@vermont.gov). For more information on the rule, please refer to [EPA’s webpage](#) on the topic and [read the final rule](#) in the Federal Register. Please feel free to contact the Hazardous Materials Program using the information at the end of this newsletter if you have any questions. •

“...SQGs and LQGs will be required to register for access to e-Manifest in order to be able to obtain their final signed manifest copies from the system.”

Emergency Preparedness and Prevention Requirements

Hazardous waste, by definition, poses a threat to human health and the environment. Therefore, the VHWMR require hazardous waste generators to prepare for and prevent emergencies that could occur from their activities. If you regularly read the Vermont Hazardous Waste Newsletter, you may recall a previous article reporting that 41% of SQG/LQG facilities inspected in the previous fiscal year were in violation of at least part of the requirements regarding emergency preparedness and prevention. With this in mind, we want to provide additional guidance in this area.

“...41% of SQG/LQG facilities inspected in the previous fiscal year were in violation of at least part of the requirements regarding emergency preparedness and prevention.”

While all generators (including VSQGs) must conduct hazardous waste management operations in a manner that minimizes the possibility of fire, explosion, or a release, SQGs and LQGs are required to take additional steps in the area of emergency preparedness and prevention. Many of these requirements apply to both generator categories,

but there are also requirements that are specific to each. Below, Table 2 provides a summary of the requirements based on generator category.

Table 2. Emergency Preparedness and Prevention Requirements

Requirement	SQGs/LQGs	SQGs (only)	LQGs (only)
• Equipment where HW is generated or accumulated (portable fire extinguishers; fire control, spill control, and decontamination equipment; internal communications or alarm system; cell phone or two-way radio; water at adequate volume and pressure)	✓		
• Access to communications or alarm system	✓		
• Aisle space of at least 24 inches	✓		
• Arrangements with local authorities	✓		
• Designate emergency coordinator(s)*	✓		
• Provide training to personnel*	✓		
• Post information next to phones or areas where HW is generated and stored		✓	
• Develop and maintain a facility-specific contingency plan and quick reference guide			✓
• Provide a training program directed by a HW professional that personnel must successfully complete within six months of assignment and must review annually; maintain training documentation.			✓

*Both SQGs and LQGs must have an emergency coordinator(s) and provide training to personnel, however, the level of requirements depends on generator category (LQGs have more responsibilities in these areas).

We offer additional context below that expands upon the points highlighted in the table. Please note that this is a *summary* of key requirements; refer to the VHWMR for the specific requirements.

SQG/LQG REQUIREMENTS

Both SQGs and LQGs must meet the requirements established in **§ 7-309(a)** of the VHWMR. These are listed in Table 2 and further explained below.

Equipment

The following must be in place where hazardous waste is generated, accumulated, or stored, and it must be tested and maintained:

- Equipment: portable fire extinguishers; fire control, spill control, and decontamination equipment.
- Internal communications or alarm system capable of providing emergency instruction to personnel.
- Device (e.g., cell phone or two-way radio) available at the scene of operations, capable of summoning emergency assistance from local police or fire departments, or state or local emergency response teams.
- Water at adequate volume and pressure to supply water hose streams or foam producing equipment, or automatic sprinklers.

Access to Communications or Alarm Systems

All personnel involved in hazardous waste handling operations must **have immediate access to an internal alarm (e.g., fire alarm) or emergency communication device (e.g., cell phone or two-way radio)**. For smaller facilities, audible voice instructions are adequate to meet this requirement.

Aisle Space

SQGs/LQGs must **maintain aisle space of at least 24 inches** to allow access for personnel and emergency equipment to any area of the facility during an emergency.

Arrangements with Local Authorities

SQGs/LQGs must provide emergency responders (i.e., police and fire departments, emergency response contractors, equipment suppliers, and local hospitals) with information about the layout of their facility, the hazardous wastes that may be onsite and their associated hazards, and other details relevant to possible emergencies (see below). In the VHWMR, this is referred to as “making arrangements” with local authorities. This is typically achieved by sending written information about the facility via email or mail or inviting emergency responders to conduct a walkthrough of the facility.

“SQGs/LQGs must provide emergency responders with information about the layout of their facility, the hazardous wastes that may be onsite, and other details relevant to possible emergencies.”

Arrangements must be specific to the facility, wastes, and hazards; be documented in the operating record; and include the following: description of the facility layout; types and quantities of hazardous

waste, their properties, and hazards; places personnel work; entrances to roads; evacuation routes; and injuries/illnesses that could result from an emergency.

SQG REQUIREMENTS

In addition to the requirements of **§ 7-309(a)**, there are standards that are specific to SQGs:

SQG Emergency Coordinator

SQGs must **designate at all times at least one employee either on the premises or on call with the responsibility for coordinating all emergency response measures**. The emergency coordinator must be appropriately trained and be able to respond to fires, explosions, and releases of hazardous materials. In addition, SQGs **must post the following information** next to phones or in areas directly involved in the generation and short-term storage of hazardous waste: Name and emergency phone numbers of the emergency coordinator(s); location of fire extinguishers and spill control material and fire alarm (if present); and phone number of the fire department, unless the facility has a direct alarm.

SQG Training

SQGs must ensure that **all employees are thoroughly familiar with evacuation signals and routes, and proper waste handling and emergency procedures** relevant to their responsibilities during normal facility operations and emergencies.

LQG REQUIREMENTS

Because LQGs generate and handle the most hazardous waste of all generator categories, they are held to a higher standard when it comes to emergency preparedness and prevention. It is expected that LQG facilities dedicate significant time and resources in this area, and with this in mind, we offer here a simple summary of the requirements that apply to LQGs. Please refer to the fact sheet linked later in this article for more detailed guidance. In addition to the requirements of **§ 7-309(a)**, there are several requirements that LQGs must meet:

LQG Contingency Plan

LQGs are required to develop a written contingency plan that lists the specific steps the facility will take in the event of an emergency (e.g., fire, explosion, or discharge which could threaten human health or the environment). LQGs must maintain a current copy at the facility and submit a current copy to local emergency responders. The plan must contain facility-specific information and be updated in specific situations.

“LQGs are required to submit a Quick Reference Guide to local emergency responders and must update it whenever the contingency plan is amended.”

LQG Quick Reference Guide

This new requirement was implemented in 2022 when the VHWMR were revised. A Quick Reference Guide summarizes the details contained in the contingency plan and provides vital information for safely responding to emergencies at a facility where hazardous waste is likely to be present. LQGs are required to submit a Quick Reference Guide to local emergency responders and must update it whenever the contingency plan is amended.

LQG Emergency Coordinator

LQGs must **designate at all times at least one employee either on the premises or on call with the responsibility for coordinating all emergency response measures.** The emergency coordinator must have the authority to commit the resources needed to carry out the contingency plan and be trained and thoroughly familiar with the contingency plan, facility layout, operations, the location and characteristics of hazardous waste, and the location of all records within the facility.

LQG Training

An effective training program increases safety and is intended to reduce the likelihood of a release or emergency arising from improper handling of hazardous waste. The training program at an LQG facility **must be directed by a person trained in hazardous waste management procedures and be relevant to the positions in which facility personnel are employed.** This is typically achieved by holding an annual training workshop, hiring a consultant, or providing an online course. Employees must complete the training program within six months of assignment and review the training annually. LQGs must maintain documentation for each employee that is specific to the training they have received.

ADDITIONAL CONSIDERATIONS, RESOURCES, AND CONTACT INFORMATION

Anyone that handles hazardous materials, including hazardous waste, should be aware of the Emergency and Corrective Actions requirements associated with spills established in **§ 7-105** of the VHWMR. For more information on the requirements for responding to a release, please refer to the [**Hazardous Material Spill Response Fact Sheet**](#).

As noted at the end of this newsletter, **the Hazardous Materials Program recently developed two fact sheets on the topic of emergency preparedness and prevention.** Please refer to these resources as a quick reference for the requirements that apply to each generator category:

[**Emergency Preparedness and Prevention for SQGs**](#)

[**Emergency Preparedness and Prevention for LQGs**](#)

If you have any questions about the requirements discussed in this article, or anything else related to managing hazardous waste according to the VHWMR, please contact the Program using the information at the end of this newsletter. ●

Keep an Eye Out

We use this recurring section of the newsletter to keep you aware of upcoming deadlines and other important information. Please make note of the following:

TOXIC USE AND HAZARDOUS WASTE REDUCTION (TUHWR) PLANNING

All TUHWR planners should note that annual progress reports and fees for the 2024 reporting year are due by **March 31, 2025**. The reporting forms, fee calculator, and additional information are all accessible on the [TUHWR webpage](#). TUHWR planning is required by statute ([10 V.S.A. §§ 6623-6633](#)) for facilities that use toxic substances and/or generate hazardous waste beyond specific thresholds. Planning is intended to provide those facilities with a summary of their toxics use and hazardous waste generation and to facilitate the consideration of alternatives. If you are unsure whether your facility is required to plan, or if you have further questions, please contact us using the information at the end of this newsletter.

SQGs REQUIRED TO SUBMIT NOTIFICATION INFORMATION

SQGs should be aware of the requirement to update their “notification” by **September 1, 2025**; the notification is the form that includes a facility’s address, contact information, description of waste(s) generated, and other information. The requirement to complete this update every four years was established when the VHWMR were last revised in 2022 (see [§ 7-304\(b\)\(1\)](#)). Because SQGs are required to register and begin using a RCRAInfo Industry account by January 22, 2025 (see first article in this newsletter), we expect facilities to complete this notification requirement using RCRAInfo. Please refer to our webpage on [EPA Site Identification Numbers](#) for more information. If you have questions, please contact Wendy Edwards (802-522-0261, wendy.edwards@vermont.gov). Note that LQGs must update their notification by March 1 of each even numbered year, and this is accomplished by submitting the biennial report. VSQGs are not required to update their notification on a recurring basis.

FREQUENT QUESTIONS ON SOLAR PANELS

EPA recently developed a webpage dedicated to [Solar Panel Frequent Questions](#). This resource covers many topics related to managing solar panel waste, including but not limited to making hazardous waste determinations, recycling, transportation, and universal waste. You may [contact EPA](#) to ask questions, provide feedback, or report a problem. Please note that the Hazardous Materials Program will be deferring to this guidance in lieu of the fact sheet we previously developed on this topic. If you have questions about managing spent solar panels in Vermont, please contact us using the information at the end of this newsletter.

COMPLIANCE ASSISTANCE VISITS (CAVs)

Please note that hazardous waste generators may request a CAV at any time. The primary goal of CAVs

is to assist generators with following the VHWMR, and we offer them without the risk of enforcement. CAVs typically include a walkthrough of the areas in a facility where hazardous waste is generated and stored; a review of a facility's documentation, including profiles, manifests, and inventories; and post-inspection follow-up with directives for returning to compliance, if applicable. These visits create opportunities to discuss any issues or questions the generator may have regarding hazardous waste and the VHWMR. Our approach is flexible, and the areas of focus can be adjusted based on the needs of the facility. If you are interested, please contact us using the information at the end of this newsletter. ●

New Guidance Resources

Our [Resources for Hazardous Waste Handlers](#) webpage includes links to guidebooks, fact sheets, webinar recordings, and more. If you have not already done so, we encourage you to bookmark the page as a reference. Below are a few resources that we have posted on our website since the last issue of the newsletter was distributed. We will continue to add new information when it becomes available.

FACT SHEETS/GUIDANCE

[Solar Panel Frequent Questions](#): resource from U.S. EPA that covers management of solar panel waste.

[Managing Hazardous Waste at Solid Waste Facilities](#): intended to assist solid waste facility operators with understanding and following the requirements of the VHWMR.

[Hazardous Waste Transporters](#): intended to assist hazardous waste transporters with understanding and complying with the requirements of Subchapter 4 of the VHWMR.

[Emergency Preparedness and Prevention for SQGs](#): provides an overview of the regulatory requirements that SQGs must follow regarding emergency preparedness and prevention.

[Emergency Preparedness and Prevention for LQGs](#): provides an overview of the regulatory requirements that LQGs must follow regarding emergency preparedness and prevention. ●

FOR MORE INFORMATION PLEASE CONTACT:

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