

The VT Hazardous Waste Program welcomes you to the webinar! We will start at 1:00 p.m. The webinar is being recorded, and the recording and slides will be made available on the Program website. We will cover additional housekeeping items prior to the presentation.

Thank you for joining. We will begin shortly...



An Overview of Recent Changes to the Vermont Hazardous Waste Management Regulations (VHWMR)

August 11, 2022

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

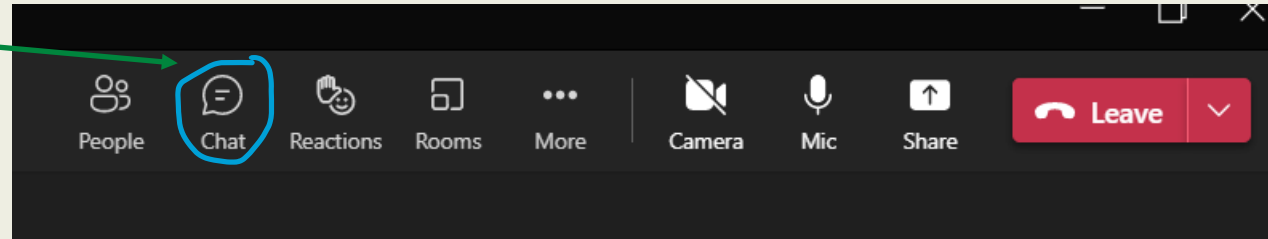


Housekeeping and Agenda Overview

Housekeeping

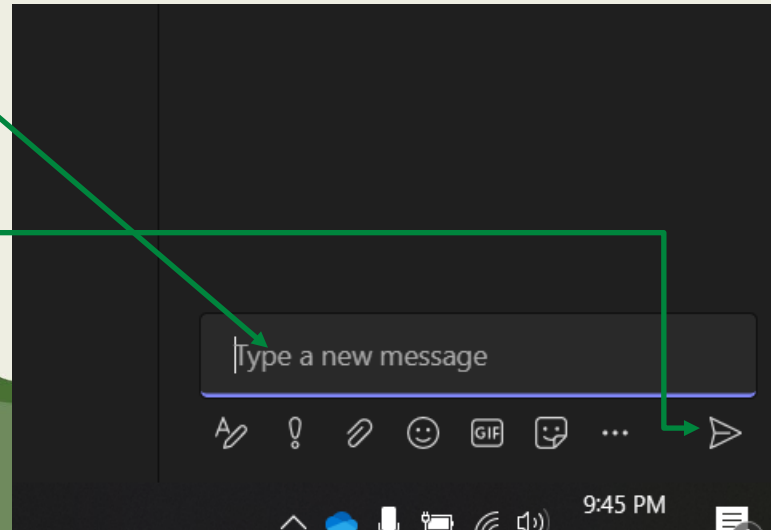
Use **chat** to submit a question or to contact host*:

1. Click “chat”



2. Type message

3. Click send icon



*For webinar help that can't be handled via chat, please email:
Michael.Nucci@vermont.gov

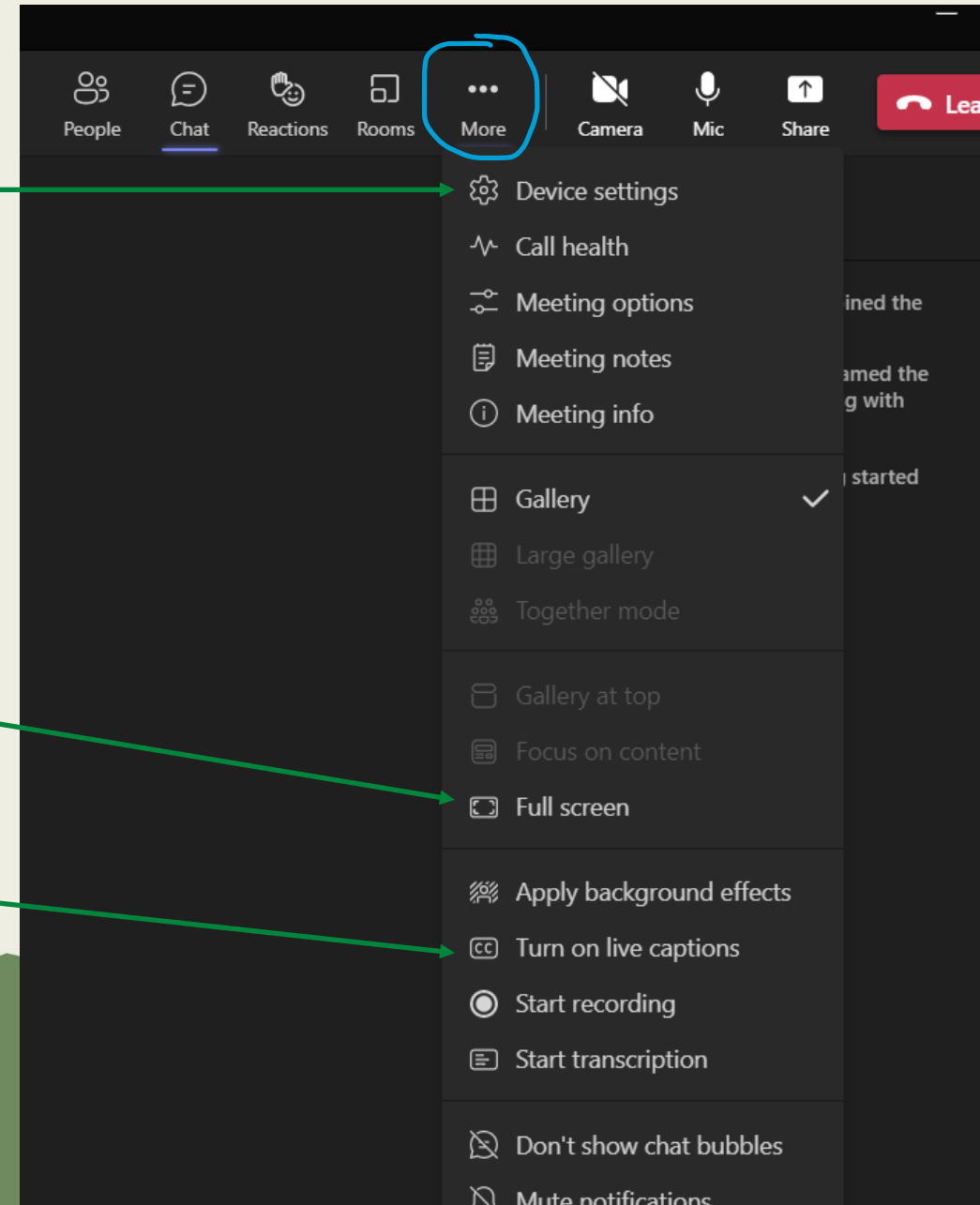
Housekeeping

Click “more” for additional options:

1. Audio, other settings

2. Toggle full screen

3. Closed captioning



Agenda Overview

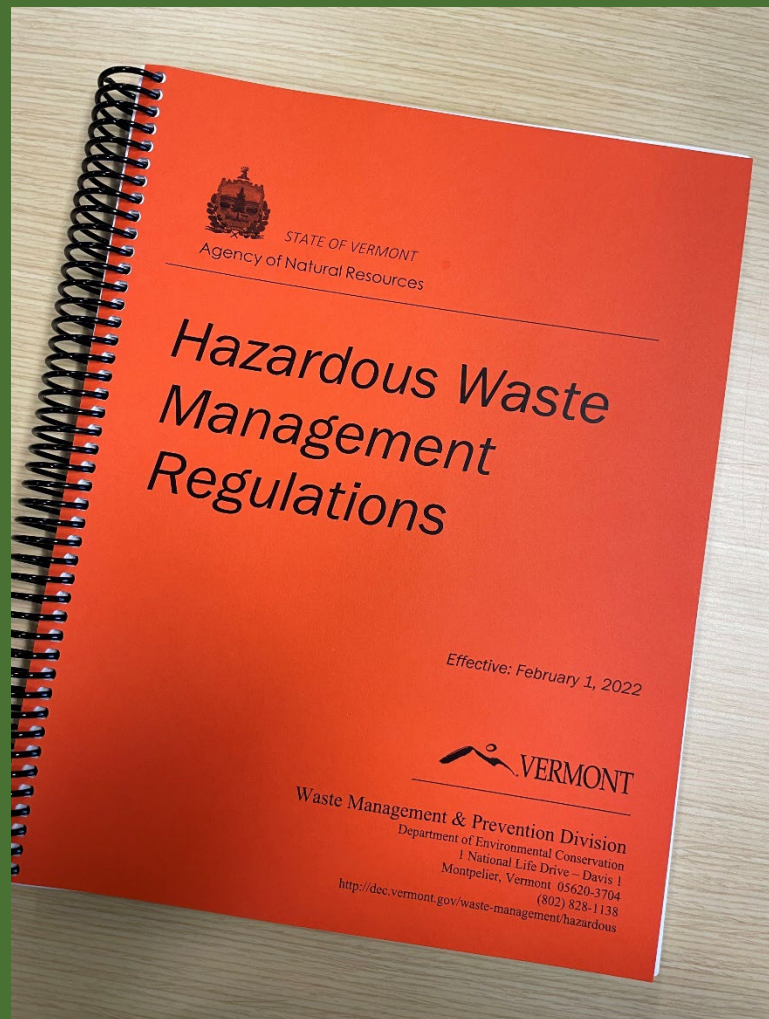
1. Provide Overview of HW Program, VHWMR
2. Discuss Recently Adopted Revisions:
 - General Provisions – Subchapter 1
 - Identification and Listing of HW – Subchapter 2
 - HW Generator Standards – Subchapter 3
 - Requirements for Transporters of HW – Subchapter 4
 - Manifest and Reporting Requirements – Subchapter 7
 - Universal Waste Management Standards – Subchapter 9
3. Highlight Program Resources, Contact Info
4. Hold Q&A

Agenda Overview

Note: Refer to VHWMR for regulatory language and requirements.

- This presentation:
 - Does not replace regulations
 - Is not a comprehensive list of all revisions made
 - Covers what VT HW Program considers as the most significant revisions
- We will not be covering:
 - Requirements for HW TSDFs
 - Standards for HW Recycling
 - Used Oil Management Standards (unchanged)
 - HW Pharmaceuticals (new rule)

DISCLAIMER



Overview of VT's HW Program, VHWMR

VT's HW Program

- VT's HW Program is part of Waste Management and Prevention Division (**WMPD**) of the Department of Environmental Conservation (**DEC**) within the Agency of Natural Resources (**ANR**)
- Federally authorized to implement Vermont Hazardous Waste Management Regulations (**VHWMR**) in lieu of federal regulations



The VHWMR

- Intended to protect public health and the environment by regulating the **handling, use, reuse, and recycling of HW in VT**
 - No less stringent than federal rules
 - State-specific requirements
- Periodically **revised** to:
 - Include new federal regulations
 - Fix errors, make clarifications, etc.
- Current VHWMR went into effect **February 1, 2022**
 - Substantial revisions to subchapters 1, 2, 3, 7, and 9
 - New subchapter 10

The VHWMR

All accessible online:

<https://dec.vermont.gov/wastemanagement/hazardous/regulations>

VHWMR Subchapters, effective February 1, 2022:

[Cover Page](#)

[Table of Contents](#)

[Subchapter 1 General Provisions](#)

[Subchapter 2 Identification and Listing of Hazardous Waste](#)

[Subchapter 3 Hazardous Waste Generator Standards](#)

[Subchapter 4 Requirements for Transporters of Hazardous Waste](#)

[Subchapter 5 Requirements for Hazardous Waste Treatment, Storage and Disposal Facilities](#)

[Subchapter 6 Standards for Hazardous Wastes That Are Recycled](#)

[Subchapter 7 Manifest and Reporting Requirements](#)

[Subchapter 8 Used Oil Management Standards](#)

[Subchapter 9 Universal Waste Management Standards](#)

[Subchapter 10 Hazardous Waste Pharmaceuticals](#)

VHWMR Appendices, effective February 1, 2022:

[Appendix I Hazardous Wastes from Specific Sources](#)

[Appendix II Hazardous Constituents](#)

[Appendix III Hazardous Wastes which are Discarded Commercial Chemical Products or Off-Specification Batches of Commercial Chemical Products or Spill Residues of Either](#)

[Appendix IV Acutely Hazardous Wastes](#)

[Appendix V Reserved](#)

[Appendix VI Vermont Tax Codes](#)

[Appendix VII Examples of Potentially Incompatible Waste](#)

[Appendix VIII Reserved](#)

[Appendix IX Basis for Listing Hazardous Waste](#)



Recently Adopted Revisions to VHWMR

Subchapter 1 – General Provisions

Subchapter 1 of VHWMR outlines purpose and definitions.

Revisions to note:

- Definitions for wastes have been added/changed
- Notification requirements changed
- Adopted federal Transboundary Movement of HW for Recovery and Disposal

Subchapter 2 – Identification and Listing of HW

Subchapter 2 identifies wastes subject to regulation as HW, assigns EPA/VT HW codes, and covers procedures for determining whether a waste is HW.

Revisions to note:

- New guidance related to determining **ignitibility** of waste
- HW **determination procedure** has been clarified
- New **conditional exemptions** added (contaminated wipes, airbag waste)
- Changes to HW listings for **VT06** (pesticides), **P075** (nicotine)

Revisions to Determination Procedure

- Generators are always responsible for making an accurate waste determination (not a new requirement)
- VHWMR Revisions:
 - Clarify **HOW** to make a waste determination
 - Define what “**using knowledge**” means
 - Specify **record keeping requirements** to support determination

Revisions to Determination Procedure

In determining whether waste meets HW listing or exhibits HW characteristics, “using knowledge” may relate to:

- **Waste origin, composition**
- **Production process, feedstocks**
- **By-products, intermediates**
- **Chemical or physical properties chemicals used**
- **Testing** that illustrates properties of waste



Revisions to Determination Procedure

Records for supporting waste determination should:

- Identify **whether waste is HW or nonhazardous**
- **Support** generator's determination and knowledge used
- Include **results and records** of any testing or sampling
- Be maintained for **at least three years** after HW sent to TSDF

Conditional Exemptions

Conditionally exempt wastes under the VHWMR are prescribed waste-specific management standards and requirements.

- If the specific management conditions are not met, waste is subject to regulation as HW.
- VHWMR Revisions:
 - Contaminated wipes
 - Airbag waste



Contaminated Wipes Exemption

- New definition that, in addition to oil, includes certain **HW solvents and characteristics**
- Exempt if sent off-site for cleaning and reuse, and:
 - Generator follows **container management** standards
 - Wipes contain **no free liquids** when sent for cleaning
 - Wipes sent to launderer whose discharge, if any, **permitted by Clean Water Act**
- Note: disposable wipes (e.g., ChemWipes, shop towels) **cannot** be thrown out in trash



Airbag Waste Exemption

- Airbag waste, including HW airbag modules and inflators, is exempt provided:
 - No more than **250** are accumulated
 - Accumulated for no longer than **180 days**
 - Generator follows **container management** standards
 - Transported to specific collection/designated facilities
 - Generator maintains record of shipments and receipts for **at least three years**



Changes to HW Listings

- VT06
 - listing applicability limited to: “...pesticidal wastes of products classified under FIFRA as restricted use pesticides...”
- P075
 - listing applicability limited as follows: “Nicotine, & salts (this listing does **not include** patches, gums and lozenges that are FDA-approved over-the-counter nicotine replacement therapies).”

Subchapter 3 – HW Generator Standards

HW generators determine their generator category per **Subchapter 3** and comply with the applicable requirements.

Revisions to note:

- Re-notification **timeline**, new **notification form**; name change for CEGs
- Generator **category determination** clarification
- General container management standards for **generators**
- Short-term storage area (**STSA**) **standards** for **SQGs** and **LQGs**
- Preparedness and **emergency** response for **SQGs** and **LQGs**
- **Training** standards for **LQGs**
- **Closure** standards for **LQGs**
- Managing waste from an **episodic event**

Re-notification Requirements



- **VSQGs** not required to renotify, but **must maintain accurate info**
- **SQGs** required to re-notify HW Program **every 4 years starting in 2025**
 - Due **Sept 1** for years re-notification is required
- **LQGs** required to re-notify HW Program every **even-numbered year**
 - Due **March 1** of even numbered years; Biennial Reporting satisfies this requirement
 - **Note:** LQGs that only generate **VT-listed HW** are **NOT** required to file BR
- **EPA Form 8700-12:**
 - Submitted to HW Program for re-notification process
 - OR generators can re-notify via RCRAinfo Industry User Account

Generator Category Determination

- **Generator** is responsible for:
 - Determining their category (VSQG, SQG, LQG), and
 - Following regulations applicable to their category
- Category is determined based on **monthly** HW generation rates
 - Exception for VT-listed HW, where rate is based on 6-month average
- **Note:** VSQGs or SQGs that exceed monthly limit of HW generation **must renotify** to the appropriate category and will become subject to rules applicable to that category.

Generator Category Determination

- Revisions further explain **HOW** to determine generator category
- When determining category:
 - Count all HW and acutely HW, including VT-listed HW
 - Do **NOT** count used oil, universal waste, HW pharmaceuticals (if “healthcare facility”), or waste managed under exemptions (recycling, conditional)
 - Do **NOT** count waste generated as part of an **episodic event**

Generator Category Determination

Generator category	HW generated in calendar month	Acute HW generated in calendar month	HW accumulation on-site at any time
Very Small Quantity Generator (VSQG)	≤ 100 kg (220 lbs.)	≤ 1 kg (2.2 lbs.)	$< 1,000$ kg (2,200 lbs.) HW ≤ 1 kg (2.2 lbs.) acute HW
Small Quantity Generator (SQG)	> 100 kg (220 lbs.), and $< 1,000$ kg (2,200 lbs.)	≤ 1 kg (2.2 lbs.)	$< 1,000$ kgs (13,200 lbs.) HW
Large Quantity Generator (LQG)	Any amount	> 1 kg (2.2 lbs.)	$> 1,000$ kgs (13,200 lbs.) HW ≥ 1 kg (2.2 lbs.) acute HW
	$\geq 1,000$ kg (2,200 lbs.)	Any amount	

Container Management Standards

- Changes to container labeling while in satellite accumulation:
 - Must indicate **hazard** of contents (ignitable, corrosive, reactive, toxic), not the words describing contents
 - For **VT-listed HW**, can continue to describe contents (e.g., VT02 can be marked, “Oily Solids”)
- **Note:** Only applies to SQGs and LQGs, not VSQGs

Short-term Storage

- Requirements reduced for container labeling while in storage
- Instead of describing waste, containers must now describe hazards and include:
 - Words “**Hazardous Waste**”
 - Indication of **hazard** of contents
 - **Date** indicating start of accumulation.
 - SQGs: Store no longer than **180 days** from date first placed in STSA
 - LQGs: Store no longer than **90 days** from date first placed in STSA
- **Note:** Only applies to SQGs and LQGs, not VSQGs

Example of correct labelling
for container in storage:

HAZARDOUS
WASTE

STATE AND FEDERAL LAW PROHIBITS IMPROPER DISPOSAL
IF FOUND, CONTACT THE NEAREST POLICE, OR PUBLIC SAFETY
AUTHORITY, OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY OR
THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL.
GENERATOR INFORMATION:
NAME _____
ADDRESS _____ PHONE _____
CITY _____ STATE _____ ZIP _____
EPA IDENTIFICATION NO. / MANIFEST TRACKING NO. _____
EPA WASTE NO. _____ CA WASTE NO. _____ ACCUMULATION
START DATE _____
CONTENTS, COMPOSITION: _____
PHYSICAL STATE: _____ HAZARDOUS PROPERTIES: ☐ FLAMMABLE ☐ TOXIC
☐ SOLID ☐ LIQUID ☐ CORROSIVE ☐ REACTIVITY ☐ OTHER _____
D.O.T. PROPER SHIPPING NAME AND UN OR NA NO. WITH PREFIX
HANDLE WITH CARE!



STSA Inspections

- Requirement changed from daily to weekly
 - “Weekly” means at least **every seven days**
 - If **accumulating** in STSA, daily inspections required
 - **Note:** daily inspections still allowable if generator prefers
- Inspections should cover:
 - Containers (e.g., no leaking)
 - Emergency equipment
 - Aisle space (≥ 24 in. between container rows)
 - Any problems encountered and corrective actions
 - Inspector’s signature and date

Preparedness and Prevention

Requirements for SQGs and LQGs:

- Make **emergency arrangements** with local authorities
- Document and **retain records** of arrangements
- Can be done with Local Emergency Planning Committee, if appropriate.
- **Note:** Tier 2 does not fulfill requirement for making emergency arrangements

Preparedness and Prevention

- Requirements for LQGs regarding **contingency plans**:
 - LQGs that have a Spill Prevention, Control, and Countermeasures (SPCC) Plan may incorporate HW requirements into SPCC (rather than have two plans)
 - If contingency **plan implemented** in an emergency, must submit report to Program within **15 days** (not 10)
 - Contingency plans must include a **Quick Reference Guide (QRG)**
 - **Note:** SQGs are not required to maintain a contingency plan, but must post emergency info next to telephones OR in areas directly involved in waste generation and storage

Personnel Training

- Summary of training requirements for **LQG employees**:
 - Training must be **relevant to position**, teach performance in **compliance** with VHWMR
 - Must be directed by a person **trained in HW management**
 - At minimum, must teach personnel how to **effectively respond to emergencies**
 - Personnel complete **within six months** of hire and review initial training **once per year**
 - LQG must maintain training **records** for personnel
- **Note:** If providing HAZWOPER (29 CFR 1910.120), personnel are not required to receive separate **emergency response** training, provided the overall facility training meets VHWMR training requirements

Closure Requirements

- Apply to closures of STSA or generator facility for LQGs; no longer applicable to SQGs
- Generator must:
 - Follow specific closure standards
 - Submit a pre-closure notification form on a prescribed schedule
 - Submit a notification of closure completion within 90 days of completion
- Agency MAY ask for a closure plan for review/approval

Episodic Events (New Rule)

“**Episodic event**” is an activity or activities, either planned or unplanned, that:

- does **not normally occur** during generator operations
- results in an **increase** in the generation of HWs
- increase **exceeds the calendar month limit** for generator's usual category

Note:

- If requirements followed, waste generated during an episodic event does not count toward generation rate
- Episodic events **only apply to VSQGs and SQGs**, not LQGs

Episodic Events (New Rule)

Requirements for Managing Waste from an Episodic Event

- Notify using EPA Form 8700-12:
 - **Planned events:** required **at least 30 days** prior to initiation
 - **Unplanned events:** required **within 72 hours** of the unplanned event
- Store waste in containers that are:
 - In good condition, compatible with waste, kept closed
 - Labelled with the words “**Episodic Hazardous Waste**”, the hazards of the contents, and date the episodic event began.
- **Manifest** and ship off-site to designated facility or treat on-site per VHWMR
- Maintain records for **three years** from the end date of the episodic event...

Episodic Events (New Rule)

Records Requirements for Episodic Events

- Beginning and end **dates** of the episodic event
- **Descriptions** of the episodic event, how HW managed, and name of designated **facility**
- Names of HW **transporters**
- Approved **letter** from HW Program (if generator petitioned for additional episodic event per calendar year)

Note:

- Episodic events **cannot last longer than sixty days**
- Within sixty days from start, HW generated must be sent to a designated facility

Subchapter 4 – Requirements for HW Transporters

- **Subchapter 4** establishes requirements for transporting HW within or through VT.

Revision to note:

- Annual report for transporters **no longer required**



Subchapter 7 – HW Manifests and Reporting

- Subchapter 7 outlines requirements for the use of **manifests** by HW handlers to track movement of HW from generation to disposition, and establishes requirements for **reporting** by HW handlers.

Revision to note:

- Adoption of Electronic Manifest (e-Manifest)



e-Manifest

- **SQGs and LQGs** that transport HW must prepare a manifest
- When completed per requirements, **electronic manifests**:
 - Are **legally equivalent** to paper manifests
 - Satisfy **recordkeeping** requirements for manifests
- **All** manifests (whether paper or electronic) must be submitted to the U.S. EPA's "**e-Manifest**" system
 - Enables electronic tracking of shipments from generators to TSDFs
 - Serves as national database for all HW manifests and shipment info

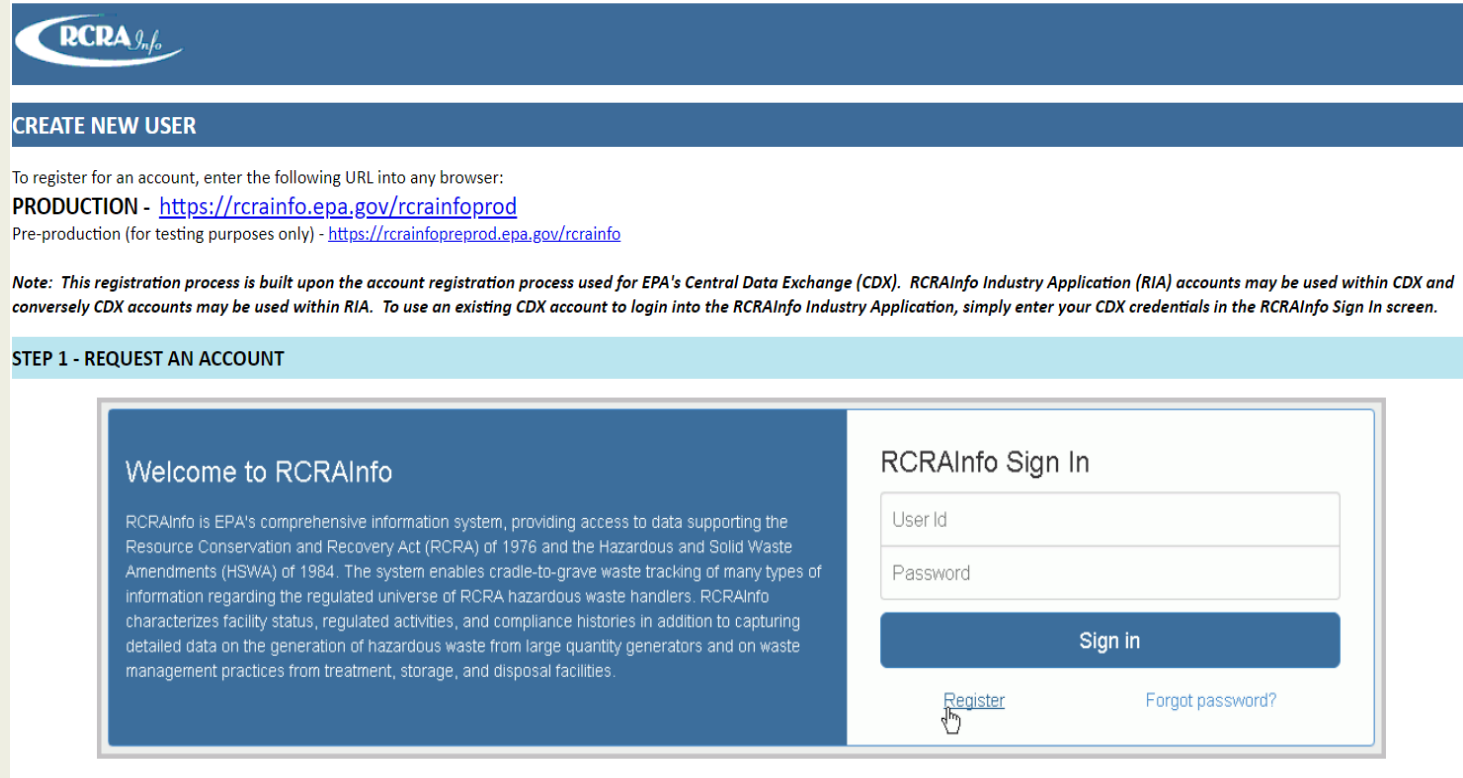
RCRAInfo

- A **complete transition** to electronic manifests is imminent
- Program encourages generators to register for **RCRAInfo Industry User Account**
 - Can be done by following instructions on website
 - Useful for keeping record of e-Manifests
 - May show manifest records using RCRAInfo **instead of paper** copy for state HW inspections
- **Note:** Waste exports ARE NOT entered into e-Manifest. Generators must **send records of exports directly** to our Agency.

RCRAInfo

Accounts can be created by following instructions on website:

<https://rcrainfo.epa.gov/rcrainfo-help/application/industryHelp/index.htm#t=UserManagement%2FUG-UserMgmtCreateNewUser.htm>



The screenshot displays the RCRAInfo website interface. At the top, the RCRAInfo logo is visible. Below it, a blue header bar contains the text 'CREATE NEW USER'. The main content area is white and includes instructions for registration, links for production and pre-production accounts, and a note about the registration process. A light blue bar indicates 'STEP 1 - REQUEST AN ACCOUNT'. The central part of the page features a 'Welcome to RCRAInfo' message and a 'RCRAInfo Sign In' form with fields for 'User Id' and 'Password', a 'Sign in' button, and links for 'Register' and 'Forgot password?'. The bottom of the page shows a green mountain range graphic.

RCRA Info

CREATE NEW USER

To register for an account, enter the following URL into any browser:
PRODUCTION - <https://rcrainfo.epa.gov/rcrainfoprod>
Pre-production (for testing purposes only) - <https://rcrainfopreprod.epa.gov/rcrainfo>

Note: This registration process is built upon the account registration process used for EPA's Central Data Exchange (CDX). RCRAInfo Industry Application (RIA) accounts may be used within CDX and conversely CDX accounts may be used within RIA. To use an existing CDX account to login into the RCRAInfo Industry Application, simply enter your CDX credentials in the RCRAInfo Sign In screen.

STEP 1 - REQUEST AN ACCOUNT

Welcome to RCRAInfo

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. The system enables cradle-to-grave waste tracking of many types of information regarding the regulated universe of RCRA hazardous waste handlers. RCRAInfo characterizes facility status, regulated activities, and compliance histories in addition to capturing detailed data on the generation of hazardous waste from large quantity generators and on waste management practices from treatment, storage, and disposal facilities.

RCRAInfo Sign In

User Id

Password

Sign in

[Register](#) [Forgot password?](#)

RCRAInfo

RCRAInfo may be used to access PDFs of uploaded paper manifests:

The screenshot displays the RCRAInfo web application interface. At the top is a navigation bar with the RCRAInfo logo and links for Home, Reports, Map, USITS, Settings, Tools, and Documentation. Below this, the interface is divided into several sections:

- 15. Generator's / Offeror's Certification**: A table with columns for EPA ID Number, Name, Generator's/Offeror's Printed/Typed Name, and Date Signed (06/10/2022).
- 17. Transporter Acknowledgement of Receipt of Materials**: A table with columns for EPA ID Number, Name, Transporter Printed/Typed Name, and Date Signed (06/10/2022).
- 18. Discrepancy, Residue and Rejection Information**: A section titled "Discrepancy and Residue Information" with a note: "Provide Discrepancy and Residue Information in the Waste Characteristics table in 'Section 9-13. Waste Information'".
- 20. Designated Facility Owner or Operator**: A table with columns for EPA ID Number, Name, Designated Facility Printed/Typed Name, and Date Signed (06/14/2022).
- Electronic Signature Information**: A table with columns for EPA ID Number, Signer Name, and Date/Time Signed (06/21/2022 08:38 AM). Below this table, there are two links: "View Uploaded Paper Manifest" and "View Electronic Copy". The "View Uploaded Paper Manifest" link is circled in blue, and a green arrow points to it from the text on the left.

Subchapter 9 – Universal Waste Management Standards

- Universal waste may be managed under streamlined provisions of **Subchapter 9** in lieu of other requirements in VHWMR.
- Waste must meet HW criteria before being managed as universal waste

Revisions to note:

- Added postconsumer paint
- Added aerosol cans

Postconsumer Paint

"Postconsumer paint" means:

- Architectural coatings (e.g., interior/exterior, primers, sealers, wood coatings)
- Only applies to paint sold in containers of **five gallons or less**
- Containers no longer used or wanted by a purchaser

Managing postconsumer paint as universal waste:

- Containers must:
 - Remain closed; structurally sound; compatible with contents*
 - Lack evidence of leakage/spillage/damage*
 - Be stored within structure that protects them from precipitation
- *may be overpacked to meet these requirements



Aerosol Cans

“Aerosol can” means:

- A non-refillable receptacle containing a gas **under pressure**
- Sole purpose is **to expel** a liquid, paste, or powder
- Fitted with a **self-closing release device** allowing ejection of contents

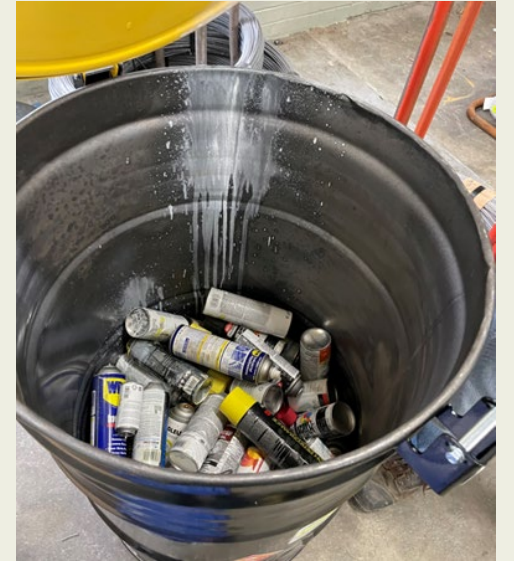
Note:

- If **completely empty**, not a HW and may be recycled or disposed of in trash
- If **not empty**, they may be:
 - Managed as universal waste
 - Punctured and drained **per the VHWMR**

Aerosol Cans

Managing aerosol cans as universal waste:

- Must be accumulated in a **container** that is:
 - Structurally sound; compatible with contents of aerosol cans
 - Lack evidence of leakage/spillage/damage
 - Protected from sources of heat
- Aerosol cans that **show evidence of leakage:**
 - must be packaged in a separate closed container or overpacked with absorbents; OR
 - immediately punctured and drained in accordance with the requirements...



Aerosol Cans

If puncturing and draining aerosol cans:

- Must develop and follow a **written procedure**
- Must use an **appropriate device**
- Drained **cans must be recycled**
- Drained **contents cannot** be managed as universal waste
 - If hazardous, must be managed as HW

Note:

- Agency is revising guidance on procedure
- Facilities will be able to follow ANR guidance, as applicable



Resources for HW Handlers, Contact

Resources for HW Handlers

Accessible online:

- <https://dec.vermont.gov/waste-management/hazardous/regulations>
 - Summary of changes to VHWMR
 - Complete revised VHWMR with appendices
 - Additional regulatory information
- <https://dec.vermont.gov/waste-management/hazardous/resources>
 - Compliance Guidebook for VSQGs (SQGs is under development)
 - Fact Sheets on Episodic Events, Universal Waste, etc.
 - Additional resources forthcoming, along with slides/recording from today's webinar forthcoming
- <https://dec.vermont.gov/waste-management/hazardous/which-regulations/contingency-plan>
 - Requirements for LQG Contingency Plan

Resources for HW Handlers

- Join the VT HW Program distribution list for:
 - Quarterly HW Program Newsletter
 - Compliance assistance resources (e.g., fact sheets)
 - Announcements for future opportunities (e.g., webinars)
 - To join list, send email to: andrew.youngs@vermont.gov
- Compliance Assistance Visits (CAVs)
 - Based on requests received, Program availability



Contact

Anna Bourakovsky – Hazardous Waste Program Manager

Drew Youngs – Regulatory Compliance Assistance, Toxic Use and Hazardous Waste Reduction

Wendy Edwards – Manifests, Site ID Forms, Generator Fees, Hazardous Waste Taxes, Salvage Yard Permitting Administration, Toxic Use and Hazardous Waste Reduction Fees

Mike Nucci – Compliance Inspections, Facility and Emergency Permitting, Toxic Use and Hazardous Waste Reduction, Regulatory Interpretation, RCRA Corrective Action, Spill Program Member

Cindy Grimes – Compliance Inspections, Facility and Emergency Permitting, Regulatory Interpretation, Financial Assurance

Will Sisson – Compliance Inspections, Facility and Emergency Permitting, Regulatory Interpretation



THANK YOU!

Contact:

Drew Youngs

Environmental Analyst – Regulatory Compliance Assistance
Hazardous Waste Program

802-461-5929

andrew.youngs@vermont.gov

Hazardous Waste Program

Waste Management and Prevention Division
Vermont Department of Environmental Conservation
1 National Life Drive – Davis 1

Montpelier, VT 05620-3704

802-828-1138

<https://dec.vermont.gov/waste-management/hazardous>



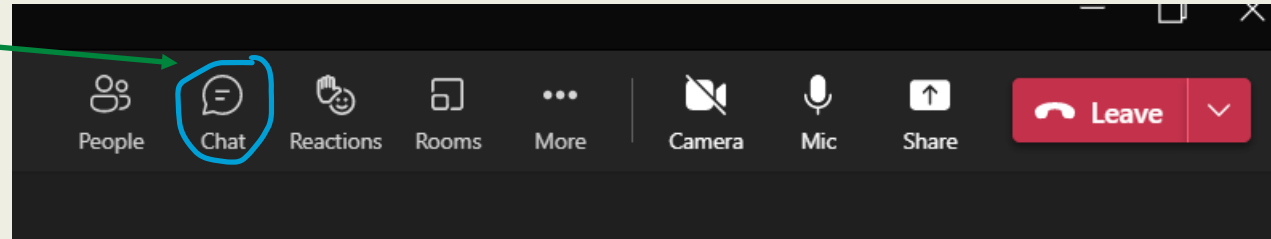


Q&A

Q&A

Use **chat** to submit a question or to contact host:

1. Click “chat”



2. Type message

3. Click send icon

