

Summary of Anticipated Proposed Changes to the
Vermont Hazardous Waste Management Regulations (VHWMR)

February 19, 2021

Federal RCRA Rules being proposed for adoption (with a brief description if necessary) and the corresponding Federal Register notices (Note: equivalency with the federal RCRA Subtitle C Hazardous Waste Program is required for EPA-authorization of state hazardous waste programs):

- Hazardous Waste Technical Corrections and Clarifications
<https://www.federalregister.gov/documents/2012/04/13/2012-8924/hazardous-waste-technical-corrections-and-clarifications-rule>
- Conditional Exclusions for Solvent Contaminated Wipes – Vermont plans to adopt the exclusion for reusable wipes (but not the exclusion for disposable wipes); Vermont is also including petroleum-contaminated wipes under this exclusion.
<https://www.federalregister.gov/documents/2013/07/31/2013-18285/conditional-exclusions-from-solid-waste-and-hazardous-waste-for-solvent-contaminated-wipes>
- Hazardous Waste Electronic Manifest Rule and Hazardous Waste Electronic Manifest System User Fee; Final Rule – This suite of rules implements a mandatory national EPA-managed electronic manifest system.
<https://www.federalregister.gov/documents/2014/02/07/2014-01352/hazardous-waste-management-system-modification-of-the-hazardous-waste-manifest-system-electronic>
<https://www.federalregister.gov/documents/2018/01/03/2017-27788/hazardous-waste-management-system-user-fees-for-the-electronic-hazardous-waste-manifest-system-and>
- Revision to the Export Provisions of the Cathode Ray Tube (CRT) Rule – Revisions to CRT export requirements.
<https://www.federalregister.gov/documents/2014/06/26/2014-14996/revisions-to-the-export-provisions-of-the-cathode-ray-tube-crt-rule>
- Imports and Exports of Hazardous Waste – Revisions to import/export requirements.
<https://www.federalregister.gov/documents/2016/11/28/2016-27428/hazardous-waste-export-import-revisions>
- Hazardous Waste Generator Rule Improvements – This rule reorganizes and revises many requirements applicable to hazardous waste generators. Among other things, the rule addresses episodic generation; introduces the term “very small quantity generator” (previously “conditionally exempt generator” in VHWMR); revises container labeling, contingency planning and employee training requirements.
<https://www.federalregister.gov/documents/2016/11/28/2016-27429/hazardous-waste-generator-improvements-rule>
- Confidentiality Determinations for Hazardous Waste Export and Import Documents – Revisions to import/export requirements.

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<https://www.federalregister.gov/documents/2017/12/26/2017-27525/confidentiality-determinations-for-hazardous-waste-export-and-import-documents>

- Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine – This rule is included in new Subchapter 10 of the VHWMR and carves out “pharmaceutical waste” as a separate category of hazardous (waste that does not impact generator status calculations), prohibits sewer disposal of pharm waste, limits applicability of the Nicotine

<https://www.federalregister.gov/documents/2019/02/22/2019-01298/management-standards-for-hazardous-waste-pharmaceuticals-and-amendment-to-the-p075-listing-for>

- Safe Management of Recalled Airbags – This rule facilitates collection of recalled airbags.
- Universal Waste Regulations: Addition of Aerosol Cans – This rule adds aerosol cans to the list of wastes that may be managed as universal waste under Subchapter 9.
- Modernizing Ignitable Liquids Determinations – This rule revises the method used to determine if wastes exhibit the HW characteristic of ignitability.

<https://www.federalregister.gov/documents/2018/11/30/2018-25892/safe-management-of-recalled-airbags>

<https://www.federalregister.gov/documents/2019/12/09/2019-25674/increasing-recycling-adding-aerosol-cans-to-the-universal-waste-regulations>

<https://www.federalregister.gov/documents/2020/07/07/2020-12695/modernizing-ignitable-liquids-determinations>

Additional (significant) proposed changes to the VHWMR:

- Added definition of “representative sample”.
- Limited applicability of VT06 pesticide hazardous waste listing to “...wastes of products classified under FIFRA as restricted use pesticides”.
- Added “postconsumer paint” to universal waste rule (to reflect Vermont statutory provision)
- Switching from Vermont-specific “notification” form to EPA “Hazardous Waste Handler Site Identification Form”
- Revised 7-105 Emergency and Corrective Actions section for clarity and consistency with the revised Vermont Investigation and Remediation of Contaminated Properties Rule.
- Added 7-107 Groundwater Protection section requiring compliance with Vermont’s Groundwater Protection Rule and Strategy.
- Revised 7-203(p) exemption for petroleum-contaminated soils for consistency with the revised Vermont Investigation and Remediation of Contaminated Properties Rule.
- Revised generator closure requirements and limited applicability to Large Quantity Generators (See 7-308(b)(17)).

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- Revised 7-311(d)(2) to require weekly (instead of daily) short-term storage area inspections. This is consistent with the federal RCRA program.
- Revised 7-406 to clarify applicability of and requirements for waste transportation permits.
- Added 7-805(g) to require that hazardous waste determinations be made on the aqueous phase of any used oil/water mixture when the aqueous phase of a mixture comprises greater than 50% of the overall mixture.
- Appendix III (Hazardous wastes which are Discarded Commercial Chemical Products or Off-Specification Batches of Commercial Chemical Products or Spill Residues of Either): Added second list of U-listed waste in order of waste code (the original list is alphabetical by substance).
- Appendix IV (Acutely hazardous wastes): Added second list of P-listed waste in order of waste code (the original list is alphabetical by substance).