Subchapter 3: HAZARDOUS WASTE GENERATOR STANDARDS

§ 7-301 APPLICABILITY, PURPOSE, SCOPE

(a) The requirements of this subchapter apply to all hazardous waste generators and:

(1) Any owner or operator of a treatment, storage or disposal facility who initiates a shipment of hazardous waste from such facility;

(2) Any owner or operator of a facility, or a generator, that accepts hazardous waste from very small quantity generators;

(3) Any transporter of hazardous waste who:

(A) Transports hazardous waste into the United States from abroad; or

(B) Mixes hazardous waste of different DOT shipping descriptions by placing them into a single container; and

(4) Any other person that is required to meet hazardous waste generator standards as specified elsewhere in these regulations.

(b) Hazardous waste generators shall determine their generator category in accordance with **§ 7-305**. Very small quantity generators, small quantity generators and large quantity generators of hazardous waste shall comply with the requirements applicable to their generator category as specified under **§§ 7-306 through 7-308**.

Note: A very small quantity generator may choose to comply with more stringent requirements applicable to small or large quantity generators, and a small quantity generator may choose to comply with more stringent requirements applicable to large quantity generators.

(c) A generator that stores hazardous waste is subject to the applicable requirements of **Subchapter 5**, unless it is one of the following:

(1) A very small quantity generator that meets the requirements of **§ 7-306**;

(2) A small quantity generator that meets the requirements of **§ 7-307**; or

(3) A large quantity generator that meets the requirements of **§ 7-308**.

(d) Persons responding to an explosives or munitions emergency.

(1) Persons are not required to comply with the standards of this subchapter provided that they are responding to an explosives or munitions emergency:

(A) That presents an immediate threat to human health, safety, property, or the environment from the known or suspected presence of military munitions, or other explosive materials or devices, as determined by an explosive or munitions emergency response specialist; or

(B) When a federal, state or local official, acting within the scope of official responsibilities, or an emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters that do not have EPA identification numbers, and not subject to the manifest requirements of **subchapter 7** of these regulations.

(2) When a military response specialist responds to an emergency pursuant to **subsection (d)(1)(B) of this section** the specialist's organizational unit shall retain records for three years that identify the dates of the response, the persons responding, the type and description of material addressed, and that material's disposition.

(3) **40 CFR § 266.205** identifies when the storage requirements, including the generator storage requirements of this subchapter, apply to the storage of hazardous waste military munitions. The treatment and disposal of hazardous waste military munitions are subject to the applicable provisions of **subchapters 1 through 7** of these regulations.

(e) All reverse distributors (as defined in **§ 7-1001**) are subject to the requirements of **subchapter 10** for the management of hazardous waste pharmaceuticals in lieu of this subchapter.

(f) Each healthcare facility (as defined in **§ 7-1001**) must determine whether it is subject to **subchapter 10** for the management of hazardous waste pharmaceuticals, based on the total hazardous waste it generates per calendar month (including both hazardous waste pharmaceuticals and non-pharmaceutical hazardous waste). Very small quantity, small quantity and large quantity generators are subject to subchapter 10 as follows:

(1) A healthcare facility that is either a small quantity generator or a large quantity generator is subject to **subchapter 10** for the management of hazardous waste pharmaceuticals in lieu of this part subchapter.

(2) A healthcare facility that is a very small quantity generator when counting all of its hazardous waste, including both its hazardous waste pharmaceuticals and its non-pharmaceutical hazardous waste, remains subject to **§ 7-306** and is not subject to **subchapter 10**, except for **§§ 7-1006** and **7-1008** and the optional provisions of **§ 7-1005**.

(g) Any person who exports or imports hazardous wastes must comply with **§ 7-304(b)** and the requirements for Transboundary Movements of Hazardous Waste for Recovery and Disposal (incorporated by reference through **§ 7-109(b)(5)** of these regulations).

§ 7-302 PROHIBITIONS

The following activities are prohibited:

(a) Disposal of hazardous waste by evaporation.

(b) Dilution of hazardous waste subject to the land disposal restrictions of **40 CFR Part 268** is prohibited pursuant to **40 CFR § 268.3** (incorporated by reference through **§ 7-106** of these regulations).

(c) The release of hazardous material into the surface or groundwater, or onto the land of the state is prohibited pursuant to **10 V.S.A. § 6616**.

(d) The placement of hazardous waste in any landfill located in Vermont.

(e) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill. Prior to disposal in a hazardous waste landfill, liquids must meet additional requirements as specified in **40 CFR §§ 264.314 and 265.314**.

§ 7-303 HAZARDOUS WASTE DETERMINATION

Any person who generates a waste shall determine if that waste is a hazardous waste in accordance with **§ 7-202**.

§ 7-304 NOTIFICATION, EPA IDENTIFICATION NUMBERS AND REGISTRATION

(a) No generator shall treat, recycle, store, dispose of, transport, or offer for transportation, hazardous waste without having obtained a permanent EPA identification number by notifying the Secretary using the **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12) in accordance with **§ 7-104**. As specified under **§ 7-104**, the Secretary may issue a temporary identification number to persons who have generated hazardous waste only from an episodic event.

(b) In accordance with **§ 7-104**, a generator shall maintain an up-to-date **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12) on file with the Secretary that accurately describes current waste activity and waste generation. In addition:

(1) A small quantity generator shall re-notify the Secretary starting in 2021 and every four years thereafter using the **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12). This re-notification shall be submitted by September 1st of each year in which re-notifications are required.

(2) A large quantity generator shall re-notify the Secretary by March 1 of each even-

numbered year thereafter using the **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12). A large quantity generator may submit this re-notification as part of its Biennial Report required under **§ 7-708(a)**.

(c) A recognized trader shall not arrange for import or export of hazardous waste without having received an EPA identification number from the Secretary.

(d) When completing a manifest, a generator shall use the EPA identification number that is assigned to the generator site at the time of shipment.

(e) All generators of hazardous waste shall register with the Secretary, renew the registration annually, and pay the hazardous waste generator registration fee specified in **3 V.S.A. § 2822**. Initial registration shall be made by submitting a completed **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12)(see **§ 7- 104(a)**). Annual renewal of the registration shall be accomplished by payment of the registration fee.

§ 7-305 GENERATOR CATEGORY DETERMINATION

A generator's category is based on the amount of hazardous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a very small quantity generator, a small quantity generator, or a large quantity generator for a particular month, as defined in **§ 7-103**.

(a) Generators of either acute hazardous waste or non-acute hazardous waste. A generator who either generates acute hazardous waste or non-acute hazardous waste in a calendar month shall determine its generator category for that month by doing the following:

(1) Counting the total amount of hazardous waste generated in the calendar month;

(2) Subtracting from the total any amounts of waste exempt from counting as described in **subsections (c) and (d) of this section**; and

(3) Determining the resulting generator category for the hazardous waste generated using **Table 1 of this section**.

(b) A generator who generates both acute hazardous waste and non-acute hazardous waste in the same calendar month shall determine its generator category for that month by doing the following:

(1) Counting separately the total amount of acute hazardous waste and the total amount of non-acute hazardous waste generated in the calendar month;

(2) Subtracting from each total any amounts of waste exempt from counting as described in **subsections (c) and (d) of this section**;

(3) Determining separately the resulting generator categories for the quantities of acute and non-acute hazardous waste generated using **Table 1 of this section**; and

(4) Comparing the resulting generator categories from **subsection (b)(3) of this section** and applying the more stringent generator category to the accumulation and management of both non-acute hazardous waste and acute hazardous waste generated for that month.

Table 1. Generator Categories Based on Quantity of Waste Generated in a Calendar Month

Quantity of acute hazardous waste generated in a calendar month	**Quantity of non-acute hazardous waste generated in a calendar month**	**Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month**	**Generator category**
> 1 kg (2.2 pounds)	Any amount	Any amount	Large quantity generator
Any amount	≥ 1,000 kg (2,200 pounds)	Any amount	Large quantity generator
Any amount	Any amount	> 100 kg (220 pounds)	Large quantity generator
≤ 1 kg (2.2 pounds)	> 100 kg (220 pounds) and < 1,000 kg (2,200 pounds)	≤ 100 kg (220 pounds)	Small quantity generator
≤ 1 kg (2.2 pounds)	≤ 100 kg (220 pounds)	≤ 100 kg (220 pounds)	Very small quantity generator

(c) A generator who generates Vermont listed hazardous waste may average the amount of such waste generated over the six month period elapsed immediately prior to making its generator status determination. The generator shall add that average amount to the amount of other non-acute hazardous waste generated in the calendar month when determining its generator category.

(d) In determining the quantity of hazardous waste generated, a person shall count all hazardous wastes except:

(1) Wastes exempted from regulation under **§§ 7-203 and 7-204**;

(2) Hazardous waste when it is removed from on-site short-term storage so long as the hazardous waste was previously counted once;

(3) Hazardous waste spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been previously counted once;

(4) Hazardous waste produced by on-site treatment, including reclamation, of hazardous waste, so long as the hazardous waste that is treated was previously counted once;

(5) Used oil managed in accordance with the standards set forth under **subchapter 8** of these regulations;

(6) Wastes managed in accordance with the universal waste standards set forth under **subchapter 9** of these regulations;

Note: As provided for by **§ 7-203(s)**, wastes managed according to the standards of subchapter 9 are exempt from regulation under subchapters 1 through 7 except as specified in subchapter 9.

(7) Hazardous waste that is an unused commercial chemical product (listed in **§§ 7-210 through7-215** or exhibiting one or more characteristics described in **§§ 7-205 through7-208**) that is generated solely as a result of a laboratory clean-out conducted at an eligible academic entity pursuant to **40 CFR § 262.213**. For purposes of this provision, the term eligible academic entity shall have the meaning as defined in **§ 7-103**;

(8) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in **§ 7-103**;

(9) Hazardous waste that is managed as part of an episodic event in compliance with **§ 7-312**; or

(10) Hazardous waste that is a hazardous waste pharmaceutical, as defined in **§ 7-1001**, that is subject to or managed in accordance with **subchapter 10** or is a hazardous waste pharmaceutical that is also a Drug Enforcement Administration controlled substance and is conditionally exempt under **§ 7-1007**.

(e) A generator is regulated as a very small quantity generator, small quantity generator, or large quantity generator based upon the types and quantities of hazardous waste produced or handled, and shall comply with the requirements applicable to its generator category.

§ 7-306 VERY SMALL QUANTITY GENERATOR

(a) A generator is a very small quantity generator if that person generates less than:

(1) 220 pounds (100 kilograms) of hazardous waste in a calendar month; and

(2) 2.2 pounds (1 kilogram) of acutely hazardous waste in a calendar month; and

(3) 220 pounds (100 kilograms) of any residue or contaminated soil, waste, or other

debris resulting from the cleanup of a discharge of any acutely hazardous waste in a calendar month; and

has accumulated less than 2,200 pounds (1000 kilograms) of hazardous waste, 2.2 pounds (one kilogram) of acutely hazardous waste, or 220 pounds (100 kilograms) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste at any time.

(b) If a very small quantity generator generates or accumulates hazardous wastes in amounts exceeding the limits specified in **subsection (a) of this section**, that generator shall become a small quantity generator or a large quantity generator as determined under **§ 7-305**.

(c) A very small quantity generator is exempt from the requirements of these regulations except as provided for in **subsections (c)(1) through (4) of this section**:

(1) A very small quantity generator must:

(A) Except for laboratories owned by an eligible academic entity as allowed under **subsection (d) of this section**, determine if waste generated is hazardous waste and keep records supporting hazardous waste determinations in accordance with the requirement of **§ 7-303**;

(B) Maintain an up-to-date **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12) and obtain an EPA identification number in accordance with **§7-304**;

(C) Comply with the annual generator registration and fee requirements of **§ 7-304(e)**;

(D) Comply with the generator category determination requirements of **§ 7-305**;

(E) Conduct hazardous waste management operations in a manner that minimizes the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water, which could threaten human health or the environment.

(F) Manage containers holding hazardous wastes in accordance with the container management standards of **§§ 7-311(f)(2) through (4)**, and as follows:

(i) A container must be in good condition and chemically compatible with any waste stored therein;

(ii) A container must remain closed except to add or remove waste; and

(iii) Containers must be marked with the words "Hazardous Waste" and other words that identify the contents;

(G) Store wastes in an area that meets the design standards of **§§ 7-311(a)(1) through (3)**;

(H) Manage tanks holding hazardous waste in accordance with the tank management requirements of **40 CFR § 265.201**;

(I) In the event of a release of hazardous material, comply with the applicable emergency action requirements of **§ 7-105**.

(2) A very small quantity generator shall manage his or her own hazardous waste by ensuring delivery of such waste only to:

(A) An off-site hazardous waste treatment, storage or disposal facility which if located in the United States is permitted under **40 CFR Part 270**, is in interim status under **40 CFR Parts 270 and 265**, or is authorized to manage hazardous waste by a state with a hazardous waste management program approved under **40 CFR Part 271**;

(B) A certified solid waste management facility allowed to accept such waste under the terms of its certification;

Note: Waste that is identified as hazardous waste under these regulations, including that generated by very small quantity generators, is prohibited from disposal in all Vermont certified discrete disposal facilities (landfills).

Note: Hazardous waste may be sent by Vermont very small quantity generators to municipal solid waste landfills or to non-municipal non-hazardous waste landfills in other states only as authorized by **40 CFR §§262.14(a)(5)(iv) and (v)**.

(C) A facility that beneficially uses or reuses or legitimately recycles or reclaims its waste or treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;

(D) An off-site small or large quantity generator located in Vermont that is under the control of the same person that is in control of the very small quantity generator site provided:

(i) The off-site generator meets the small quantity generator standards of **§ 7-307** or the large quantity generator standards of **§ 7-308**, as appropriate;

(ii) The off-site generator has notified the Secretary that it is accepting hazardous waste from the very small quantity generator using the **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12);

(iii) The hazardous waste delivered to the off-site generator counts toward the generator category of the off-site generator; and

(iv) The very small quantity generator marks its container(s) of hazardous waste with the words "Hazardous Waste" and an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at **49 CFR Part 172 subpart E** (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at **29 CFR 1910.1200**; or a chemical hazard label consistent with the National Fire Protection Association code 704).

"Control," for the purposes of this subsection, means the power to direct policies of the generator whether by ownership of stock, voting rights, or otherwise, except that contractors who operate on behalf of a different person as defined in **§ 7-103** shall not be deemed to "control" such generators.

(E) A collection event authorized by the Secretary to accept very small quantity generator waste;

(F) For wastes designated as universal waste, a universal waste handler or destination facility in accordance with the standards set forth in **subchapter 9;**

(G) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of **§ 7-203(y)**; or

(H) A facility that otherwise treats, stores, or disposes of the waste provided the very small quantity generator has submitted a written request for an alternative handling method to the Secretary and received written approval from the Secretary stating that he or she has determined that the proposed handling method will not have an adverse impact on human health and the environment.

(I) For pharmaceutical waste:

(i) A reverse distributor (as defined in **§ 7-1001**), if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility (as defined in **§ 7-1001**).

(ii) A healthcare facility (as defined in **§ 7-1001**) that meets the conditions in **§§ 7-1003(l) and 7-1004(b)**, as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator.

(3) A very small quantity generator may transport his or her own hazardous waste to a facility or an event described under **§ 7-306(c)(2)** without complying with the transporter permitting requirements of **subchapter 4** provided he or she complies with the requirements of **§ 7-105** (in the event of a release), with all applicable federal

Department of Transportation (DOT) regulations, the regulations of states he or she transports waste through or delivers waste to, and any applicable Vermont Agency of Transportation regulations. A manifest is not required for such transport.

(4) If a very small quantity generator chooses to utilize a manifest, he or she must comply with all applicable manifest instructions.

(d) Laboratories owned by an eligible academic entity that chooses to be subject to the requirements of **40 CFR §§ 262.200 through 262.216 (Subpart K)** are not subject to the requirements of **subsection (c)(1)(A) of this section**.

(e) A very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with **§ 7-312**.

§ 7-307 SMALL QUANTITY GENERATOR

(a) A small quantity generator may accumulate hazardous waste on-site without a permit or interim status, and without complying with the requirements of subchapter 5 if that person meets the requirements of **subsection (c) of this section** and generates:

(1) Greater than or equal to 220 pounds (100 kilograms) but less than 2,200 pounds (1,000 kilograms) of hazardous waste in a calendar month;

(2) Less than 2.2 pounds (1 kilogram) of acutely hazardous waste in a calendar month;

(3) Less than 220 pounds (100 kilograms) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste in a calendar month; and

(4) The quantity of hazardous waste accumulated on-site never exceeds 13,200 pounds (6,000 kilograms).

(b) If any person generates or accumulates hazardous wastes in amounts exceeding the limits specified in this section, that person becomes a large quantity generator and is subject to the requirements of **§ 7-308**.

(c) A small quantity generator must:

(1) Except for laboratories owned by an eligible academic entity as allowed under **subsection (d) of this section**, determine if any waste generated is a hazardous waste and keep records supporting hazardous waste determinations in accordance with the requirement of **§ 7-303**;

(2) Store hazardous waste on-site no longer than 180 days from the date when the waste is first placed in short-term storage unless an extension of the short-term storage time

limit is granted pursuant to **§ 7-311(c)**.
Note: Hazardous waste may not otherwise be stored on-site for a period of time greater than 180 days without first obtaining certification under **subchapter 5**.

(3) Maintain an up-to-date **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12) and obtain an EPA identification number in accordance with **§ 7-304**;

(4) Comply with the **40 CFR Part 268** Land Disposal Restrictions (incorporated by reference through **§ 7-106** of these regulations);

(5) Comply with the annual generator registration and fee requirements of **§ 7-304(e)**;

(6) Comply with the generator category determination requirements of **§ 7-305**;

(7) Comply with the general management standards of **§ 7-309**;

(8) Except for laboratories owned by an eligible academic entity as allowed under **subsection (d) of this section**, accumulate hazardous waste in accordance with **§ 7-310**;

(9) Comply with the short-term storage area standards of **§ 7-311**;

(10) Comply with the requirements for Transboundary Movements of Hazardous Waste for Recovery and Disposal (incorporated by reference through **§ 7-109(b)(5)** of these regulations);

(11) Comply with the exception reporting requirements of **§ 7-707**;

(12) Comply with additional reporting, if required, under **§ 7-709**;

(13) Comply with the following emergency preparedness requirements for those areas of the facility where hazardous waste is generated and managed:

(A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the generator facility within a short period of time) with the responsibility for coordinating all applicable emergency response measures specified in **subsection (D) of this section**. This employee is the emergency coordinator.

(B) Post the following information next to telephones or in areas directly involved in the generation and short-term storage of hazardous waste:

(i) The name and emergency telephone numbers of the emergency coordinator(s);

(ii) Location of fire extinguishers and spill control material, and, if present, fire

alarm; and

(iii) The telephone number of the fire department, unless the facility has a direct alarm.

(C) 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.

(D) The emergency coordinator must respond to any emergencies that arise. The applicable responses are as follows:

(i) In the event of a fire, call the fire department or, if appropriate, attempt to extinguish it using a fire extinguisher;

(ii) In the event of a release of hazardous material, comply with the applicable emergency action requirements of **§ 7-105**;

(iii) In the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the National Response Center (using their 24-hour toll free number 800-424–8802). The report must include:

(aa) Name, address, and EPA identification number of the generator;

(bb) Date, time, and type of incident (e.g., spill or fire);

(cc) Quantity and type of hazardous waste involved in the incident;

(dd) Extent of injuries, if any; and

(ee) Estimated quantity and disposition of recovered materials, if any.

(d) Laboratories owned by an eligible academic entity that chooses to be subject to the requirements of **40 CFR §§ 262.200 through 262.216 (Subpart K)** are not subject to the requirements of **subsections (c)(1) and (c)(8) of this section**.

(e) A small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with **§ 7-312**.

(f) A small quantity generators may accumulate on-site hazardous waste received from very small quantity generators under control of the same person (as defined in **§ 7-103**), without a storage permit or interim status and without complying with the requirements of **subchapter 5**, and the notification requirements of **§ 7-104**, provided that they comply with the following conditions.

"Control," for the purposes of this section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to "control" such generators.

(1) The small quantity generator shall notify the Secretary in writing at least thirty (30) days prior to receiving the first shipment from a very small quantity generator(s); and

(A) Identify on the form the name(s) and site address(es) for the very small quantity generator(s) as well as the name and business telephone number for a contact person for the very small quantity generator(s); and

(B) Submits an updated **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12) within 30 days after a change in the name or site address for the very small quantity generator.

(2) The small quantity generator shall maintain records of shipments for three years from the date the hazardous waste was received from the very small quantity generator. These records must identify the name, site address, and contact information for the very small quantity generator and include a description of the hazardous waste received, including the quantity and the date the waste was received.

(3) The small quantity generator shall comply with the requirements identified in this section for all hazardous waste received from a very small quantity generator. For purposes of the labeling and marking regulations in **§ 7-311(f)**, the small quantity generator must label the container or unit with the date the hazardous waste was received from the very small quantity generator. If the small quantity generator is consolidating incoming hazardous waste from a very small quantity generator with either its own hazardous waste or with hazardous waste from other very small quantity generators, the small quantity generator must label each container or unit with the earliest date any hazardous waste in the container was stored on site (i.e., placed in a short-term storage area).

§ 7-308 LARGE QUANTITY GENERATOR

(a) A large quantity generator may accumulate hazardous waste on-site without a permit or interim status, and without complying with the requirements of subchapter 5 if that person meets the requirements of **subsection (b) of this section** and generates:

(1) That person generates 2,200 pounds (1,000 kilograms) or more of hazardous waste in a calendar month; or

(2) That person generates 2.2 pounds (1 kilogram) or more of acutely hazardous waste in a calendar month; or

(3) That person generates 220 pounds (100 kilograms) or more of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste in a calendar month; or

(4) The quantity of hazardous waste accumulated on-site exceeds 13,200 pounds (6,000 kilograms) at any one time; or

(5) The quantity of acutely hazardous waste accumulated on-site equals or exceeds 2.2 pounds (1 kilograms) at any one time; or

(6) The quantity of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a discharge of any acutely hazardous waste, accumulated on-site equals or exceeds 220 pounds (100 kilograms) at any one time.

(b) A large quantity generator must:

(1) Except for laboratories owned by an eligible academic entity as allowed under **subsection (c) of this section**, determine if any waste generated is a hazardous waste and keep records supporting hazardous waste determinations in accordance with the requirement of **§ 7-303**;

(2) Store hazardous waste on-site no longer than 90 days, or 180 days for wastewater treatment sludges from electroplating operations that meet the listing description for the hazardous waste code F006 and that are managed in accordance with the provisions of **40 CFR §§ 262.17(c) through (e)**, from the date when the waste is first placed in short-term storage unless an extension of the short-term storage time limit is granted pursuant to **§ 7-311(c)**.

> **Note:** Hazardous waste may not be stored on-site for a period of time that exceeds any of the above timeframes without first obtaining certification under **subchapter 5**.

(3) Maintain an up-to-date **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12) and obtain an EPA identification number in accordance with **§ 7-304**;

(4) Comply with the **40 CFR Part 268** Land Disposal Restrictions incorporated by reference through **§ 7-106** of these regulations;

(5) Comply with the annual generator registration and fee requirements of **§ 7-304(e)**;

(6) Comply with the generator category determination requirements of **§ 7-305**;

(7) Comply with the general management standards of **§ 7-309**;

(8) Except for laboratories owned by an eligible academic entity as allowed under **subsection (c) of this section**, accumulate hazardous waste in accordance with **§ 7-**

310;

(9) Comply with the short-term storage area standards of **§ 7-311**;

(10) Comply with the requirements for Transboundary Movements of Hazardous Waste for Recovery and Disposal (incorporated by reference through **§ 7-109(b)(5)** of these regulations);

(11) Comply with the exception reporting requirements of **§ 7-707**;

(12) Comply with the biennial reporting requirements of **§§ 7-708(a) and (c)**;

(13) Comply with additional reporting, if required, under **§ 7-709**;

(14) Comply with the following preparedness, prevention, and emergency procedure requirements:

(A) A large quantity generator must have a contingency plan for the facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, ground water, or surface water. The plan must be carried out immediately whenever there is a fire, explosion or discharge of hazardous waste or hazardous waste constituents which could threaten human health or the environment. The contingency plan must contain:

(i) A description of the actions facility personnel must take to comply with **§§ 7-308(b)(14)(A) and 7-308(b)(14)(E)** in response to fires, explosions or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water at the facility.

(ii) If the generator has already prepared a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with **40 CFR Part 112**, or some other emergency or contingency plan, the owner or operator need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements in this subchapter. The generator may develop one contingency plan that meets all regulatory standards.

Note: EPA recommends that the plan be based on the National Response Team's Integrated Contingency Plan Guidance ("One Plan").

(iii) Arrangements agreed to with the local police departments, fire department, local hospitals, emergency response contractors, state and local emergency response teams, or, if applicable, the Local Emergency Planning Committee, to coordinate emergency services pursuant to **§ 7-309(a)(4)**.

(iv) An up-to-date list of names and emergency telephone numbers of all persons

qualified to act as emergency coordinator. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. In situations where the generator facility has an emergency coordinator continuously on duty because it operates 24 hours per day, every day of the year, the plan may list the staffed position (e.g., operations manager, shift coordinator, shift operations supervisor) as well as an emergency telephone number that can be guaranteed to be answered at all times.

(v) An up-to-date list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. In addition, the plan must include the location, and a physical description of each item on the list, and a brief outline of its capabilities.

(vi) An evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(B) A large quantity generator must maintain copies of the contingency plan and all revisions to the plan at its facility and comply with the following:

(i) Submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.

(ii) A large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at **subsection (i) of this section** or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements:

(aa) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid);

(bb) The estimated maximum amount of each hazardous waste that may be present at any one time;

(cc) The identification of any hazardous wastes where exposure would require

unique or special treatment by medical or hospital staff;

(dd) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes;

(ee) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;

(ff) The locations of water supply (e.g., fire hydrant and its flow rate);

(gg) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and

(hh) The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

(iii) Update, if necessary, their quick reference guides, whenever the contingency plan is amended and submit these documents to the local emergency responders identified at **subsection (i) of this section** or, as appropriate, the Local Emergency Planning Committee.

(C) The contingency plan must be reviewed and immediately amended by the large quantity generator whenever:

(i) Applicable regulations are revised;

(ii) The plan fails in an emergency;

(iii) The generator facility changes (i.e., in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

(iv) The list of emergency coordinators changes; or

(v) The list of emergency equipment changes.

(D) At all times, there must be at least one employee either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures outlined in **subsection (b)(14)(E) of this section**. Although responsibilities may vary depending on factors such as type and variety of hazardous waste(s) handled

by the facility, as well as type and complexity of the facility, this emergency coordinator must be thoroughly familiar with all aspects of the generator's contingency plan, all operations and activities at the facility, the location and characteristics of hazardous waste handled, the location of all records within the facility, and the facility's layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(E) Emergency Procedures

(i) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his or her designee when the emergency coordinator is on call) must do the following immediately:

(aa) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(bb) Notify appropriate state or local agencies with designated response roles if their help is needed;

(ii) Whenever there is a release, fire, or explosion, the emergency coordinator shall perform the following concurrently:

(aa) Immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of the facility records or manifests and, if necessary, by chemical analysis.;

(bb) Assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

(iii) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, the emergency coordinator must report the findings as follows:

(aa) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator must immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

(bb) The emergency coordinator must immediately notify either the government official designated as the on-scene coordinator for that

geographical area, or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

Name and telephone number of reporter;

Name and address of the generator;

Time and type of incident (e.g., release, fire);

Name and quantity of material(s) involved, to the extent known;

The extent of injuries, if any; and

The possible hazards to human health, or the environment, outside the facility.

(iv) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions and releases do not occur, recur, or spread to other hazardous waste at the generator's facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released hazardous waste, and removing or isolating containers;

(v) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate;

(vi) Immediately after an emergency, the emergency coordinator must provide for treating, storing or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire or explosion at the facility. Unless the generator can demonstrate that the recovered material is not a hazardous waste, then it is a newly generated hazardous waste that must be managed in accordance with all the applicable requirements of these regulations.

(vii) Ensure that in the affected area(s) of the facility, no hazardous waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed and all emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(viii) The generator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the generator must submit a written report on the incident to the Secretary.

The report must include:

(aa) Name, address and telephone number of the generator;

(bb) Date, time and type of incident (e.g., fire, explosion);

(cc) Name and quantity of material(s) involved;

(dd) The extent of injuries, if any;

(ee) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(ff) Estimated quantity and disposition of recovered material that resulted from the incident.

(15) Personnel Training

(A) Maintain a training program for facility personnel as described below:

(i) Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with these regulations. The large quantity generator must ensure that this program includes all the elements described in the document required under **subsection (b)(15)(D)(iii) of this section**.

(ii) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.

(iii) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including, where applicable:

(aa) Waste handling procedures;

(bb) Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;

(cc) Key parameters for automatic waste feed cutoff systems;

(dd) Communications or alarm systems;

(ee) Response to fires or explosions;

(ff) Response to groundwater contamination incidents; and

(gg) Shutdown of operations.

(iv) For facility employees that receive emergency response training pursuant to Occupational Safety and Health Administration regulations **29 CFR 1910.120(p)(8) and 1910.120(q)**, the large quantity generator is not required to provide separate emergency response training pursuant to this section, provided that the overall facility training meets all requirements of this section.

(B) Facility personnel must successfully complete the program required in **subsection (b)(15)(A) of this section** within six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees must not work in unsupervised positions until they have completed the training requirements of **subsection (b)(15)(A) of this section**.

(C) At least once each calendar year, facility personnel must take part in a review of the initial training required under **subsection (b)(15)(A) of this section**.

(D) The large quantity generator must maintain the following documents and records at the facility:

(i) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(ii) A written job description for each position listed under **subsection (b)(15)(D)(i) of this section**. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications and duties of facility personnel assigned to each position;

(iii) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under **subsection (b)(15)(D)(i) of this section**;

(iv) Records that document that the training or job experience, required under **subsections (b)(15)(A) through (C) of this section**, has been given to and completed by facility personnel; and

Note: Documentation of training is required for at least one employee per satellite accumulation area.

(v) Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

(16) In the event of a release of hazardous material, comply with the applicable emergency action requirements of **§ 7-105**.

(17) Closure

When closing a short-term storage area (e.g., container storage area, tank, drip pad, containment building) at the facility (i.e., partial closure), and when closing the generator facility (i.e., final closure), a large quantity generator must implement closure in accordance with the following conditions, as applicable:

(A) Closure performance standard. A large quantity generator must close the short-term storage area(s) and the generator facility in a manner that:

(i) Minimizes the need for further maintenance by controlling, minimizing or eliminating, to the extent necessary to protect human health and the environment, the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the groundwater or surface waters or to the atmosphere; and

(ii) Removes or decontaminates all contaminated equipment, structures and soil and any remaining hazardous waste residues from short-term storage areas including containment system components (e.g., pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste.

(iii) If the generator demonstrates that any contaminated soils and wastes cannot be practicably removed or decontaminated as required in **subsection (A)(ii) of this section**, then the short-term storage area is considered to be a landfill and the generator must close the area and perform post-closure care in accordance with the closure and post-closure care requirements that apply to landfills (**40 CFR § 265.310**). In addition, for the purposes of closure, post-closure, and financial responsibility, such a area is then considered to be a landfill, and the generator must meet all of the requirements for landfills specified in **subchapter 5 of these regulations** and **subparts G and H of 40 CFR part 265**.

(B) Pre-closure notification form.

(i) Partial closure. At least 30 days prior to commencement of partial closure

activities, a large quantity generator must submit a completed **Pre-closure Notification Form** to the Secretary. The form shall be signed in accordance with signatory requirements of **§ 7-108** of these regulations.

(ii) Final closure. At least 60 days prior to the commencement of final closure activities, a large quantity generator must submit a completed **Pre-closure Notification Form** to the Secretary. The form shall be signed in accordance with signatory requirements of **§ 7-108** of these regulations. On a case-by-case basis, the Secretary may approve a written request from a large quantity generator to submit a Pre-closure Notification Form less than 90 days prior to the commencement of final closure.

(C) Closure plan. Based on the information provided in the **Pre-closure Notification Form**, or otherwise on a case-by-case basis, the Secretary may require a large quantity generator to submit a closure plan for review and approval by the Secretary. A closure plan shall be signed in accordance with signatory requirements of **§ 7-108 of these regulations** and demonstrate how a large quantity generator will complete closure of the short-term storage area(s) or the facility by:

(i) Identifying all portions of the facility that will be subject to closure, including, if applicable:

(aa) Short-term storage area(s);

(bb) Equipment and structures to be removed and/or decontaminated during closure; and

(cc) Locations at the facility where discharges of hazardous waste or releases of hazardous materials are likely to be encountered during closure (e.g., soil beneath an indoor short-term storage area located on a cracked concrete slab);

(ii) Providing a schedule for all closure activities; and

(iii) Describing:

(aa) How each portion of the facility identified pursuant to **subsection (C)(i) of this section** will be closed in accordance with this section;

(bb) The methods for removing, transporting, treating, storing or disposing of all hazardous wastes including any hazardous waste generated in the process of closure;

(cc) The criteria for determining the extent of decontamination necessary to satisfy the closure performance standard of **subsection (A) of this section**

(e.g., visual observation, analytical testing);

(dd) The procedures for removing and/or decontaminating the portions of the facility undergoing closure;

(ee) The sampling and analytical testing methods to evaluate effectiveness of decontamination procedures, and the methods for sampling and testing surrounding soils as appropriate; and

(ff) Any other activities necessary to ensure compliance with the closure performance standard of **subsection (A) of this section**.

(D) Closure requirements. Closure shall be performed in accordance with the following requirements, as applicable:

(i) All short-term storage areas subject to closure, and the facility (if subject to closure) shall be closed in accordance with the closure performance standard of **subsection (A) of this section**;

(ii) If a closure plan is required by the Secretary, closure activities shall be conducted in accordance with the closure plan as approved by the Secretary;

(iii) All containers, tanks, liners, bases, materials, equipment, structures, soils, and debris contaminated with hazardous waste or hazardous waste residues shall be decontaminated or disposed of at a designated facility;

(iv) All tank systems shall be closed in accordance with the requirements of **40 CFR §§ 265.197**;

(v) All hazardous waste, including any hazardous waste generated in the process of closure, shall be managed in accordance with these regulations;

(vi) All hazardous waste shall be removed to a designated facility in accordance with short-term storage timeframes and prior to the completion of closure; and

(vii) Actual or suspected releases of hazardous materials or discharges of hazardous wastes shall be reported and managed in accordance with **§ 7-105** (Emergency and Corrective Actions) of these regulations.

(E) Notification and certification of closure completion.

(i) Within 90 days of completion of closure, submit a revised **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12) to the Secretary that the closure performance standard of **subsection (A) of this section** has been met. If the large quantity generator cannot meet the closure performance standard of **subsection (A) of this section**, notify the Secretary using the

Hazardous Waste Handler Site Identification Form (EPA Form 8700-12) that it will close as a landfill under **40 CFR § 265.310** in the case of a container, tank or containment building unit(s), or for a facility with drip pads, notify using the **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12) that it will close under the standards of **40 CFR § 265.445(b)**.

(ii) On a case-by-case basis, the Secretary may also require certification by an independent professional engineer licensed in Vermont that closure has been completed in accordance with the requirements of this section. Such certification shall be signed in accordance with the requirements of **§ 7-108 of these regulations**.

(F) Any generator identified as a large quantity generator (i.e., submitted a **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12)) for at least a continuous one-year period within the five-year period prior to closure is subject to the requirements of this section regardless of their generator category at the time of closure.

(c) Laboratories owned by an eligible academic entity that chooses to be subject to the requirements of **40 CFR §§ 262.200 through 262.216 (Subpart K)** are not subject to the requirements of **subsections (b)(1) and (b)(8) of this section**.

(d) A large quantity generators may accumulate on-site hazardous waste received from very small quantity generators under control of the same person (as defined in **§ 7-103**), without a storage permit or interim status and without complying with the requirements of **subchapter 5**, and the notification requirements of **§ 7-104**, provided that they comply with the following conditions.

"Control," for the purposes of this section, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to "control" such generators.

(1) The large quantity generator shall notify the Secretary at least thirty (30) days prior to receiving the first shipment from a very small quantity generator(s) using the **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12); and

(A) Identify on the form the name(s) and site address(es) for the very small quantity generator(s) as well as the name and business telephone number for a contact person for the very small quantity generator(s); and

(B) Submits an updated **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12) within 30 days after a change in the name or site address for the very small quantity generator.

(2) The large quantity generator shall maintain records of shipments for three years from

the date the hazardous waste was received from the very small quantity generator. These records must identify the name, site address, and contact information for the very small quantity generator and include a description of the hazardous waste received, including the quantity and the date the waste was received.

(3) The large quantity generator shall comply with the requirements identified in this section for all hazardous waste received from a very small quantity generator. For purposes of the labeling and marking regulations in **§ 7-311(f)**, the large quantity generator must label the container or unit with the date the hazardous waste was received from the very small quantity generator. If the large quantity generator is consolidating incoming hazardous waste from a very small quantity generator with either its own hazardous waste or with hazardous waste from other very small quantity generators, the large quantity generator must label each container or unit with the earliest date any hazardous waste in the container was stored on site (i.e., placed in a short-term storage area).

§ 7-309 GENERAL MANAGEMENT STANDARDS FOR SMALL AND LARGE QUANTITY GENERATORS

(a) Preparedness and Prevention

Small and large quantity generator facilities must be maintained and operated to minimize the possibility of fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment.

(1) Required equipment

All areas where hazardous waste is either generated or accumulated must be equipped with the following items (unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below or the actual waste generation or accumulation area does not lend itself for safety reasons to have a particular kind of equipment specified below):

(A) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

(B) A device, such as a cellular telephone or hand-held two-way radio, immediately available at the scene of operations, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(C) Portable fire extinguishers, fire control equipment (including special extinguishing equipment such as that using foam, inert gas or dry chemicals), spill control and decontamination equipment; and

(D) Water at adequate volume and pressure to supply water hose streams or foam producing equipment, or automatic sprinklers or water spray systems.

Note: Small and large quantity generators may determine the most appropriate locations to locate equipment necessary to prepare for and respond to emergencies.

(2) Testing and maintenance of equipment

All communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(3) Access to communications or alarm system

(A) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access (i.e., direct and unimpeded access) to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under **subsection (a)(1) of this section**.

(B) In the event there is just one employee on the premises while the facility is operating, that employee must have immediate access (i.e., direct and unimpeded access) to a device, such as a cellular telephone (immediately available at the scene of operation) capable of summoning external emergency assistance, unless such a device is not required under **subsection (a)(1) of this section**.

(4) Arrangements with local authorities

(A) Small and large quantity generators must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.

(i) A small or large quantity generator attempting to make arrangements with its local fire department must determine the potential need for the services of the local police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

(ii) As part of this coordination, the small or large quantity generator shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes as well as the types of injuries or illnesses that could result from fires, explosions, or releases at the facility.

(iii) Where more than one police or fire department might respond to an emergency, the small or large quantity generator shall attempt to make arrangements designating primary emergency authority to a specific fire or police department, and arrangements with any others to provide support to the primary emergency authority.

(B) Small and large quantity generators shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.

(C) A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction (AHJ) over the fire code within the facility's state or locality as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

(5) Small and large quantity generators must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

(b) Offering Hazardous Waste for Transportation

(1) Before transporting hazardous waste or offering hazardous waste for transportation off-site, small and large quantity generators must:

(A) Package the waste in accordance with the applicable Department of Transportation regulations under **49 CFR Parts 173, 178, and 179**;

(B) Mark and label each package in accordance with the applicable Department of Transportation regulations on hazardous materials under **49 CFR Part 172**.

(C) For each container of 119 gallons or less used in such transportation, mark with the following words and information in accordance with the requirements of **49 CFR § 172.304**:

(i) HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

(ii) Generator's Name and Address_____.

(iii) Generator's EPA Identification Number_____.

(iv) Manifest Tracking Number_____.

(v) EPA Hazardous Waste Code(s)_____.

(D) A generator may use a nationally recognized electronic system, such as bar coding, to identify the EPA Hazardous Waste Code(s), as required by **subsections (1)(C)(v) and (1)(E) of this section**.

(E) Lab packs that will be incinerated in compliance with **40 CFR §268.42(c)** are not required to be marked with EPA Hazardous Waste Code(s), however such lab packs shall be marked with the following codes, where applicable: D004, D005, D006, D007, D008, D010, and D011.

(F) Placard or offer the initial transporter the appropriate placards according to federal Department of Transportation regulations for hazardous materials under **49 CFR Part 172, Subpart F**.

(2) Small and large quantity generators shall not offer hazardous waste, as defined in 40 CFR Part 261, to:

(A) Transporters or to treatment, storage, recycling, or disposal facilities that have not received an EPA identification number; or

(B) Transporters that do not possess a permit to transport hazardous waste in Vermont.

(3) For any Vermont-listed hazardous waste, a small or large quantity generator shall not offer such waste to a transporter that does not possess a permit to transport hazardous waste in Vermont unless the Secretary has provided prior written authorization to do so after determining that the practice will not pose a threat to human health or the environment.

(4) Small and large quantity generators shall not transport, offer for transport, or otherwise cause its hazardous waste, as defined in 40 CFR Part 261, to be sent to a facility that is not a designated facility, or not otherwise authorized by the Secretary to receive the generator's hazardous waste.

(5) Small and large quantity generators shall not transport or offer for transport Vermont-listed hazardous waste to a facility that is not either:

(A) A designated facility; or

(B) A facility that is not a designated facility located in a state other than Vermont, provided the facility is authorized to receive such waste under applicable state and local laws, regulations and ordinances.

(6) Except as provided in **subsection (b)(7) of this section**, small and large quantity

generators shall not transport or offer for transport a hazardous waste for off-site treatment, storage, recycling, disposal or use without completing the generator's portion of the hazardous waste manifest in accordance with the applicable requirements of **subchapter 7**, unless exempted from these requirements under **§ 7-608** (Recycle/Reuse).

Note: Outside of Vermont, the hazardous waste manifest may not serve to replace the shipping papers required by the U. S. Department of Transportation under **Subpart C of 49 CFR Part 172**, if the waste being shipped is Vermont-listed hazardous waste.

(7) In lieu of using a manifest, small or large quantity generators shipping Vermont-listed hazardous waste to a facility other than a designated facility, as provided for under **subsection (b)(5)(B) of this section**, shall comply with the following:

(A) Maintain a record on-site of each shipment as follows:

(i) The record for each shipment must include the following information:

(aa) The name, address, and telephone number of the facility to which the waste was sent;

(bb) The name, address, and EPA identification number of the transporter that picked up the waste;

(cc) The type and quantity of waste shipped; and

(dd) The date of shipment.

(ii) The record for each shipment must be retained for three years.

(B) Submit to the Secretary, within 10 days of the date of shipment, a copy of the DOT shipping papers required by the U. S. Department of Transportation under **Subpart C of 49 CFR Part 172** and the following information if it is not already addressed in the shipping papers:

(i) The name, address, and EPA identification number of the generator;

(ii) The type and quantity of waste shipped;

(iii) The Vermont hazardous waste identification code(s) for the waste shipped;

(iv) The name, address, and telephone number of the facility to which the waste was sent; and

(v) The treatment method to be used by the facility to which the waste was sent.

(8) A small or large quantity generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of **§ 7-704(i)** may accumulate the returned waste on-site in accordance with **§§ 7-307(c)(4), (9), and (13)** or **§§ 7-308(b)(4), (9), (14), (15) and (16),** depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the small or large quantity generator must:

(A) Sign **Item 18c** of the manifest, if the transporter returned the shipment using the original manifest; or

(B) Sign **Item 20** of the manifest, if the transporter returned the shipment using a new manifest.

§ 7-310 ACCUMULATION OF HAZARDOUS WASTE

(a) Satellite Accumulation of Hazardous Waste

(1) Small and large quantity generators may accumulate as much as one cubic yard of non-liquid Vermont-listed hazardous waste, one quart of liquid acute hazardous waste, 2.2 pounds (1 kg) of solid acute hazardous waste, or 55 gallons of any other hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without obtaining certification as a storage facility provided that:

(A) The container is made of or lined with materials that will not react with, and are otherwise compatible with, the hazardous waste to be accumulated, so that the ability of the container to contain the waste is not impaired.

(B) The container is in good condition. If a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a short-term storage area operated in compliance with **§ 7-311**.

(C) The container is located within a structure that sheds rain and snow and upon an impervious surface.

(D) The container holding the waste remains closed except:

(i) When adding, removing, or consolidating waste; or

(ii) When temporary venting of a container is necessary for the proper operation

of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

(E) The container is marked or labeled with the following:

(i) The words "Hazardous Waste" and

(ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at **49 CFR part 172 subpart E** (labeling) or **subpart F** (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at **29 CFR 1910.1200**; or a chemical hazard label consistent with the National Fire Protection Association code 704).

(F) The container is managed in accordance with the container management requirements of **§§ 7-311(b)(3) and 7-311(f)(4)**.

(G) When either acute hazardous waste or non-acute hazardous waste has accumulated in excess of the amounts listed in **subsection (a) of this section**, or a container holding a lesser amount of such waste becomes full, the generator shall:

(i) Mark the date on the container or container label; and

(ii) Within three consecutive calendar days of the date marked on the container or container label, move the container to a short-term storage area or an off-site designated facility.

(H) During the three consecutive calendar days identified in **subsection (G)(ii) of this section**, for the period of time the container remains in the satellite accumulation area, the generator shall continue to comply with the **§§ 7-311(b)(3) and 7-311(f)(4)** container management requirements. Once placed in a short-term storage area, the container shall be managed in accordance with all applicable requirements of **§ 7-311**.

(2) Satellite accumulation areas operated by:

(A) Small quantity generators must meet the preparedness and prevention requirements of **§§ 7- 307(c)(13) and 7-309(a)**.

(B) Large quantity generators must meet the preparedness, prevention and emergency procedure requirements of **§§ 7- 308(b)(14) and 7-309(a)**.

(b) Accumulation of Hazardous Waste in a Short-Term Storage Area

Small and large quantity generators may accumulate as much as one cubic yard of non-liquid Vermont-listed hazardous waste, one quart of liquid acute hazardous waste, 2.2 pounds (1 kg) of solid acute hazardous waste, or 55 gallons of any other hazardous waste in containers in a short-term storage area without obtaining certification as a storage facility provided that:

(1) The waste is brought directly from the point of generation to the short-term storage area by the end of each work shift (not to exceed 12 hours) under the following conditions:

(A) The waste has been collected in a shift accumulation container that is:

(i) Chemically compatible with any accumulated waste;

(ii) In good condition;

(iii) Kept closed except to add or remove waste; and

(iv) Marked or labeled with the words "hazardous waste" and other words that identify the contents of the container;

(B) The waste is brought directly to the short-term storage area by a trained employee; and

(C) No more than one shift accumulation container is in use per process line wastestream;

(2) Any accumulation container maintained in the short-term storage area is:

(A) Managed in accordance with the short-term storage requirements of **§ 7-311** with the exception that the container need not be marked with the date that the container was first used to accumulate hazardous waste;

(B) Marked to indicate that it is an accumulation container, and provide information to describe the point of waste generation; and

(C) Marked to identify the date when one cubic yard of non-liquid Vermont-listed hazardous waste, one quart of acutely hazardous waste, or 55 gallons of any other hazardous waste has been accumulated in the container, or when a container of smaller capacity becomes full.

(c) Only one accumulation container per process line wastestream may be used at any one time. That is, a particular process line wastestream may be accumulated under the provisions of either **subsection (a) of this section** or **subsection (b) of this section**, but not both.

§ 7-311 SHORT-TERM STORAGE AREA STANDARDS FOR SMALL AND LARGE QUANTITY GENERATORS

(a) Short-Term Storage Area Design Standards

(1) Generators must accumulate and store hazardous waste upon an impervious surface except for spill clean-up debris that is generated in response to an emergency action completed pursuant to **§ 7-105**.

(2) Hazardous waste containers may be placed out-of-doors only if they are within a structure that sheds rain and snow.

(3) Hazardous wastes subject to freezing and expansion may not be stored in containers or aboveground tanks unless mechanical or physical means are employed to prevent freezing.

(4) The spill and fire control equipment required under **§§ 7-309(a)(1)(A) and (C)** shall be available in the immediate vicinity of each short-term storage area.

(b) Short-Term Storage Area Operating Standards

(1) Containers or tanks holding hazardous wastes that are incompatible with hazardous wastes held in other containers or tanks must not be stored in the same enclosure, building or structure unless they are segregated in a manner that prevents the wastes from coming into contact with one another under any circumstances (such as spillage or simultaneous leakage).

(2) Containers of hazardous waste must be stored such that the hazardous waste labeling is visible.

(3) Aisle space between rows of containers must be sufficient to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation. In no circumstance shall the aisle space be less than twenty-four (24) inches wide.

Note: Some local, state, and federal fire and safety codes and/or regulations require up to 36" of aisle space for the storage of flammable and combustible liquids.

(c) Short-Term Storage Time Limit Extensions

A small or large quantity generator may be granted up to a thirty (30) day extension of the short-term storage time limits specified in **§§ 7-307(c)(2) and 7-308(b)(2)**, at the discretion of the Secretary, if hazardous waste must remain on-site due to unforeseen temporary and uncontrollable circumstances.

(d) Inventory and Inspection

(1) Inventory. Small and large quantity generators shall maintain, at a location apart from the short-term storage area, a list of all hazardous waste currently in storage. For generators storing hazardous waste in containers, the list shall identify each container being stored and the type of hazardous waste held by each container. Any hazardous waste being accumulated within a short-term storage area must be included on the list of hazardous waste in storage.

(2) Inspection

(A) With the exception of generators who accumulate hazardous waste in a short-term storage area pursuant to **7-310(b)**, small and large quantity generators shall at a minimum conduct weekly inspections of each short-term storage area. The inspections shall be recorded in a log that is kept at the facility for at least three years. The log shall contain a checklist of the items to be inspected which shall include:

(i) Visual inspection of the short-term storage area for rusting, bulging, or leaking containers or tanks;

(ii) Inspection of all safety and emergency equipment required under **§ 7-311(a)(4)**;

(iii) Inspection of adequate aisle space (minimum of 24 inches as specified in **§ 7-311(b)(3)**) between rows of containers;

(iv) Description of discrepancies or problem areas encountered in the inspection and the corrective actions taken; and

(v) The signature or initials of the inspector and the date of the inspection.

Note: Weekly inspections shall be conducted at least every seven (7) days.

(B) Small and large quantity generators who accumulate hazardous waste in short-term storage areas pursuant to **7-310(b)** shall conduct daily inspections during regular business days of each short-term storage area. The inspections shall be recorded in a log that is kept at the facility for at least three years. The log shall contain a checklist of the items listed in **subsections (A)(i) through (v) of this section**.

Note: Regular business days are days when personnel are normally scheduled to be on site.

(e) Security

(1) Small and large quantity generators must post a sign at each short-term hazardous waste storage area, which must be visible from at least 25 feet with the legend, "Danger-Hazardous Waste Storage Area-Authorized Personnel Only". The legend must be written in both English and French in facilities located in counties bordering the Canadian province of Quebec. Existing signs with a similar legend may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the storage area, and that entry into the storage area can be dangerous.

(2) Small and large quantity generators storing ignitable waste (flash point less than 140^{o}F) must also post a sign at each short-term hazardous waste storage area, which must be visible from 25 feet with the legend, “No Smoking”. The legend must be written in both English and French in facilities located in counties bordering the Canadian province of Quebec.

(f) Use and Management of Containers

(1) Containers used for the short-term storage of hazardous wastes shall be marked from the time they are first used to accumulate or store waste in a short-term storage area. Such marking shall be clearly visible for inspection on each container and include:

(A) The words “Hazardous Waste”;

(B) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at **49 CFR Part 172 subpart E** (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at **29 CFR 1910.1200**; or a chemical hazard label consistent with the **National Fire Protection Association code 704**); and;

(C) With the exception of accumulation containers managed in a short-term storage area in accordance with **§ 7-310(b)**, the date upon which the period of short-term storage begins.

Note: Containers used to store waste that is in the process of having a hazardous waste determination made, and for which the hazardous waste identification code(s) are not known, do not need to be marked to include the hazardous waste identification code(s). The hazardous waste identification code(s) must be marked on the container once the hazardous waste determination has been completed for the waste.

(2) Condition of containers

If a container holding hazardous waste is not in good condition (e.g., damaged, bulging, leaking, or otherwise unsafe), or if it begins to leak, the owner or operator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the requirements of this section.

(3) Compatibility of waste with container

The owner or operator must use a container made of or lined with materials that will not react with and are otherwise compatible with the hazardous waste to be held, so that the ability of the container to contain the waste is not impaired.

(4) Management of containers

(A) A container holding hazardous waste must always be closed during storage except when it is necessary to add or remove waste;

(B) A container holding hazardous waste must not be opened, handled or stored in a manner that may rupture the container or cause it to leak;

(C) Incompatible wastes

(i) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container. Examples of incompatible wastes are provided in **Appendix VII**.

(ii) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material; and

(iii) A container holding a hazardous waste that is incompatible with any waste or other materials accumulated or stored nearby in other containers, piles, open tanks or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

(5) Emissions from containers

A large quantity generator storing hazardous waste in containers must comply with the applicable requirements of **40 CFR Part 265 Subparts AA, BB, and CC**.

(6) Containers holding ignitable or reactive waste

A large quantity generator accumulating or storing ignitable or reactive waste in containers must comply with the following:

(A) Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line unless a written approval is obtained from the authority having jurisdiction over the local fire code allowing hazardous waste accumulation or short-term storage to occur within this restricted area. A record of the written approval must be maintained as long as ignitable or reactive hazardous waste is accumulated or stored in this area.

(B) The large quantity generator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to the following: Open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(g) Use and Management of Tanks

(1) Small and large quantity generators using tanks for the short-term storage of hazardous wastes shall:

(A) Mark or label its tanks with:

(i) The words "Hazardous Waste"; and

(ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at **49 CFR Part 172 subpart E** (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at **29 CFR § 1910.1200**; or a chemical hazard label consistent with the **National Fire Protection Association code 704**);

(B) Demonstrate compliance with short-term storage time limits as follows:

(i) Small quantity generators shall use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 180 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days of first entering;

(ii) Large quantity generators shall used inventory logs, monitoring equipment or other records to demonstrate that hazardous waste has been emptied within 90

days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and

(C) Keep inventory logs or records with the above information on site and readily available for inspection

(2) A small quantity generator storing hazardous wastes in tanks must comply with the general operating standards of **40 CFR § 262.16(b)(3)**.

(3) A large quantity generator storing hazardous wastes in tanks must comply with:

(A) All secondary containment, monitoring, tank testing and other requirements of **40 CFR§§ 265.190 through 265.199, except §265.197(c)**; and

(B) **40 CFR Part 265 Subparts AA, BB and CC**.

(h) Use and Management of Drip Pads and Containment Buildings

Small and large quantity generators placing hazardous wastes on drip pads or in containment buildings must comply with the requirements of **§§ 262.16(b)(4) and (5), and 262.17(a)(3) and (4)** as applicable.

§ 7-312 MANAGING HAZARDOUS WASTE FROM AN EPISODIC EVENT

(a) A very small quantity generator or small quantity generator may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the following requirements:

(1) The very small quantity generator or small quantity generator is limited to one episodic event per calendar year, unless a petition is granted under **subsection (b) of this section**;

(2) The very small quantity generator or small quantity generator must notify the Secretary no later than thirty (30) calendar days prior to initiating a planned episodic event using the **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12). In the event of an unplanned episodic event, the generator must notify the Secretary within 72 hours of the unplanned event via phone, email, or fax, and subsequently submit a **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12). The generator shall include the start date and end date of the episodic event and the reason(s) for the event, types and estimated quantities of hazardous wastes expected to be generated as a result of the episodic event, and identify a facility contact and emergency coordinator with 24-hour telephone access to discuss the notification submittal or respond to an emergency;

(3) The very small quantity generator or small quantity generator must have an EPA identification number or obtain an EPA identification number using the **Hazardous Waste Handler Site Identification Form** (EPA Form 8700-12);

(4) Very small quantity generators and small quantity generators are prohibited from storing hazardous wastes generated from an episodic event waste on drip pads and in containment buildings. When storing hazardous waste generated from an episodic event in containers and tanks, the following requirements apply:

(A) Hazardous waste must be managed in a manner that minimizes the possibility of a fire, explosion, or release of hazardous waste or hazardous waste constituents to the air, soil, or water.

(B) Containers

(i) Very small quantity generators and small quantity generators storing episodic hazardous waste in containers must mark or label its containers with the following:

(aa) The words "Episodic Hazardous Waste"; and

(bb) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at **49 CFR Part 172 subpart E** (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at **29 CFR 1910.1200**; or a chemical hazard label consistent with the **National Fire Protection Association code 704**); and

(cc) The date upon which the episodic event began, clearly visible for inspection on each container.

(ii) Very small quantity generators and small quantity generators must ensure that containers are in good condition, compatible with the hazardous waste stored therein, and kept closed except to add or remove waste in accordance with **§§ 7-311(f)(2) through (4)**.

(iii) Small quantity generators storing episodic hazardous waste in containers must meet the inspection requirements of **§ 7-311(d)(2)**.

(C) Tanks

(i) Very small quantity generators and small quantity generators storing episodic hazardous waste in tanks must mark or label its tank with the following:

(aa) The words “Episodic Hazardous Waste”; and

(bb) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at **49 CFR Part 172 subpart E** (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at **29 CFR 1910.1200**; or a chemical hazard label consistent with the **National Fire Protection Association code 704**);

(ii) Very small quantity generators and small quantity generators storing episodic hazardous waste in tanks must use inventory logs, monitoring equipment or other records to identify the date upon which each period of accumulation begins and ends; and

(iii) Very small quantity generators and small quantity generators storing episodic hazardous waste in tanks must keep inventory logs or records with the above information on site and available for inspection.

(iv) Very small quantity generators storing episodic hazardous waste in tanks must ensure that such tanks are in good condition and compatible with the hazardous waste stored therein. Tanks must have procedures in place to prevent the overflow (e.g., be equipped with a means to stop inflow with systems such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day to ensure all applicable discharge control equipment, such as waste feed cutoff systems, bypass systems, and drainage systems are in good working order and to ensure the tank is operated according to its design by reviewing the data gathered from monitoring equipment such as pressure and temperature gauges from the inspection.

(v) Small quantity generators storing episodic hazardous waste in tanks must comply with the requirements of **§ 7-311(g)(2)**.

(5) Within sixty (60) calendar days from the start of the episodic event:

(A) A very small quantity generator must send its hazardous waste generated from the episodic event to a designated facility. The very small quantity generator must comply with the hazardous waste manifest requirements of **§ 7-702** when it sends its episodic event hazardous waste off site to a designated facility.

(B) A small quantity generator must either treat hazardous waste generated from an episodic event on-site in accordance with the conditions of **§ 7-502(o)**, or manifest and ship such hazardous waste off site to a designated facility.

(6) Very small quantity generators and small quantity generators must maintain the following records for three (3) years from the end date of the episodic event:

(A) Beginning and end dates of the episodic event;

(B) A description of the episodic event;

(C) A description of the types and quantities of hazardous wastes generated during the event;

(D) A description of how the hazardous waste was managed as well as the name of the designated facility that received the hazardous waste;

(E) Name(s) of hazardous waste transporters; and

(F) An approval letter from the Secretary if the generator petitioned to conduct one additional episodic event per calendar year.

(b) Petition to manage one additional episodic event per calendar year.

(1) A generator may petition the Secretary for a second episodic event in a calendar year without impacting its generator category under the following conditions:

(A) If a very small quantity generator or small quantity generator has already held a planned episodic event in a calendar year, the generator may petition the Secretary for an additional unplanned episodic event in that calendar year within 72 hours of the unplanned event.

(B) If a very small quantity generator or small quantity generator has already held an unplanned episodic event in a calendar year, the generator may petition the Secretary for an additional planned episodic event in that calendar year.

(2) The petition must include the following:

(A) The reason(s) why an additional episodic event is needed and the nature of the episodic event;

(B) The estimated amount of hazardous waste to be managed from the event;

(C) How the hazardous waste is to be managed;

(D) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event (not to exceed 60 days); and

(E) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and

how the generator complied with the conditions.

(3) The petition must be made to the Secretary in writing, either on paper or electronically.

(4) The generator must retain written approval in its records for three (3) years from the date the episodic event ended.

§ 7-313 ADDITIONAL REQUIREMENTS

On a case-by-case basis, any person subject to this subchapter may be required to meet additional requirements when the Secretary determines that such actions are necessary to protect human health or the environment.