

§ 7-104 NOTIFICATION REQUIREMENTS

- (a) Except for persons who have been issued a temporary identification number pursuant to **subsection (d) of this section**, any person who generates or transports hazardous waste or who owns or operates a transfer facility or a facility for the treatment, storage, use, disposal, or recycling of hazardous waste shall notify the Secretary of such activity. In addition, persons managing waste under the provisions of either the used oil management standards of subchapter 8, or the universal waste management standards of subchapter 9, shall notify the Secretary of such activity as required under those subchapters. Notification shall be made by accurately and completely filling out the **Vermont Hazardous Waste Handler Site ID Form** (provided by the Secretary) in accordance with the form's instructions.
- (b) Notification is required upon transferal of ownership of an entity that was required to notify the Secretary under **subsection (a) of this section**.
- (c) Persons subject to the requirements of this section shall maintain an up-to-date **Vermont Hazardous Waste Handler Site ID Form** filed with the Secretary that accurately describes current waste activity and waste generation. A generator may notify the Secretary of a change in generator status by marking the appropriate status level on the **Hazardous Waste Generator Registration Fee Assessment** form that is sent to generators each year pursuant to § 7-708(e).
- (d) The Secretary may issue a temporary identification number to persons who have generated hazardous waste only from an episodic event.

§ 7-105 EMERGENCY AND CORRECTIVE ACTIONS

- (a) Emergency actions
  - (1) In the event of a discharge of hazardous waste or a release of a hazardous material, the person in control of such waste or material shall:
    - (A) Take all appropriate immediate actions to protect human health and the environment including, but not limited to, emergency containment measures and notification as described below; and
    - (B) Take any further clean-up actions as may be required and approved by federal, state, or local officials, or corrective actions as specified under **subsection (b) of this section** so that the discharged waste or released material and related contaminated materials no longer present a hazard to human health or the environment.

(2) Reporting

- (A) All discharges and/or releases that meet any of the following criteria shall be immediately reported to the Secretary by the person or persons exercising control over such waste by calling the Waste Management & Prevention Division at (802) 828-1138, Monday through Friday, 7:45 a.m. to 4:30 p.m. or the Department of Public Safety, Emergency Management Division at (800) 641-5005, 24 hours/day:
- (i) A discharge of hazardous waste, or release of hazardous material that exceeds 2 gallons;
  - (ii) A discharge of hazardous waste, or release of hazardous material that is less than or equal to 2 gallons and poses a potential or actual threat to human health or the environment; or
  - (iii) A discharge of hazardous waste, or release of hazardous material that equals or exceeds its corresponding reportable quantity under CERCLA as specified under **40 CFR § 302.4**.

**Note:** Under the Federal Water Pollution Control Act, certain spills of “oil” and/or “hazardous substances” are prohibited and must be reported pursuant to the requirements of **40 CFR Part 110** / Discharge of Oil. Certain spills of hazardous substances must also be reported pursuant to CERCLA. In both cases, the National Response Center must be notified at (800) 424-8802. Finally, in addition to federal and state spill reporting, EPCRA requires that spills are also reported to local authorities.

- (B) A written report shall be submitted to the Secretary within ten (10) days following any discharge or release subject to **subsection (a)(1) of this section**. The report should be sent to: The Vermont Department of Environmental Conservation, Waste Management & Prevention Division, 1 National Life Drive – Davis 1, Montpelier, VT 05620-3704. The person responsible for submitting the written report may request that it not be submitted for small discharges and/or releases that were reported pursuant to **subsection (a)(2)(A) of this section**, and that have been entirely remediated within the ten (10) day period immediately following the discharge and/or release.

- (3) If the discharge or release occurred during transportation, the transporter shall, in addition to notifying the Secretary:

- (A) Notify the National Response Center at (800) 424-8802 or (202) 426-2675, if required by **49 CFR § 171.15**; and

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- (B) Report in writing to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, if required by **49 CFR § 171.16**; and
  - (C) A water (bulk shipment) transporter who has discharged hazardous wastes must give the same notice as required by **33 CFR § 153.203** for oil and hazardous substances.
- (4) If a discharge or release occurs and the Secretary determines that immediate removal of the waste is necessary to protect human health or the environment, the Secretary may authorize its removal by unpermitted transporters without the preparation of a manifest. Such hazardous waste may be transported to a site authorized by the Secretary under the emergency certification provisions of **§ 7-503** to temporarily accept hazardous waste generated during an emergency clean-up of a discharge or release.
  - (5) In the case of an explosives or munitions emergency response, if a Federal, State, Tribal or local official acting within the scope of his or her official responsibilities, or an explosives or munitions emergency response specialist, determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have EPA identification numbers or hold Vermont hazardous waste transportation permits and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit must retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.
  - (6) All clean-up debris and residues that are hazardous waste must be stored in leak-proof containers that are covered so as to prevent contact of the waste with precipitation or run-on from precipitation.
  - (7) All clean-up debris and residues that are hazardous waste must be transported ultimately to:
    - (A) A designated facility;
    - (B) A person authorized by the Secretary to use such waste if the waste has been delisted pursuant to **§ 7-218**;
    - (C) Some other location specified and authorized by the Secretary to receive clean up debris and residues if the waste has been delisted pursuant to **§ 7-218**; or
    - (D) For hazardous waste not defined as hazardous in 40 CFR Part 261 (i.e., waste regulated as hazardous by Vermont), to a facility, that is not a designated

facility, located in a state other than Vermont provided the facility can receive such waste under applicable state and local laws, regulations and ordinances.

(b) Corrective actions

- (1) If a discharge of hazardous waste, or a release of hazardous material has not been adequately addressed under **subsection (a)(1)(A) of this section** the Secretary shall require that the person or persons responsible pursuant to **10 V.S.A. § 6615** complete the following:
  - (A) Engage the services of an environmental consultant experienced in the investigation and remediation of hazardous waste-contaminated sites; and
  - (B) Within thirty (30) days from either the date of the discharge/release or the date that the release was discovered if the date of discharge/release is not known, or within a period of time established by an alternative schedule approved by the Secretary, submit for approval by the Secretary a work plan for an investigation of the contaminated site (i.e., site investigation) prepared by the environmental consultant. The site investigation shall define the nature, degree and extent of the contamination; and shall assess potential impacts to human health and the environment (refer to **Chapter 2** of the Agency’s “**Investigation and Remediation of Contaminated Properties Procedure**” which is available from the Secretary upon request); and
  - (C) Perform the site investigation within either ninety (90) days of receiving written approval of the work plan by the Secretary, or a period of time established by an alternative schedule approved by the Secretary. A report detailing the findings of the site investigation shall be sent to the Secretary for review; and
  - (D) Within either thirty (30) days from the date of final acceptance of the site investigation report by the Secretary, or a period of time established by an alternative schedule approved by the Secretary, submit a corrective action plan prepared by the environmental consultant (refer to **Chapter 4** of the Agency’s “**Investigation and Remediation of Contaminated Properties Procedure**” which is available from the Secretary upon request); and
  - (E) Implement the corrective action plan within either ninety (90) days of receiving written approval of the plan by the Secretary, or a period of time established by an alternative schedule approved by the Secretary. The corrective action activity shall continue until the contamination is remediated to levels approved by the Secretary; and
  - (F) Submit to the Secretary all investigative, corrective action and monitoring reports, and all analytical results related to **subsections (b)(1)(C) through (E) of this section**, as they become available.

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- (2) A used or fired military munition is a waste and is potentially subject to corrective action authorities pursuant to **10 V.S.A. § 6615**, and the process described by **subsection (b)(1) of this section** if the munition lands off-range and is not promptly rendered safe or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range must maintain a record of the event for as long as any threat remains. The record must include the type of munition and its location (to the extent the location is known).

### § 7-106 LAND DISPOSAL RESTRICTIONS

- (a) Certain hazardous wastes shall not be disposed of in or on the land. **40 CFR Part 268**, which is hereby incorporated by reference, except for **40 CFR §§ 268.5, 268.6, and 268.42(b)**, identifies those wastes which shall not be land disposed and describes the limited circumstances under which an otherwise prohibited waste may continue to be land disposed. The authority for implementing the CFR sections not incorporated by reference remains with the EPA.

**Note:** A copy of 40 CFR Part 268 (the Land Disposal Restrictions rule), as incorporated by these regulations, is available from the Secretary upon request.

- (b) In addition to the prohibitions of **40 CFR Part 268**, the Secretary may restrict the land disposal of any hazardous waste in the State of Vermont:
  - (1) Which may present an undue risk to human health or the environment, immediately or over a period of time; or
  - (2) Which would be incompatible with the **groundwater protection rule and strategy** of chapter 12 of the environmental protection rules.
- (c) Dilution of hazardous waste subject to the land disposal restrictions of 40 CFR Part 268 is prohibited pursuant to **40 CFR § 268.3**.

### § 7-107 ENFORCEMENT

- (a) Information that the generation, transportation, treatment, storage or disposal of hazardous waste may present an actual or potential threat to human health or the environment, or is a violation of the **10 V.S.A. chapter 159**, or these regulations, or any term or condition of certification, order, or assurance, may serve as grounds for an enforcement action by the Secretary, including, but not limited to:
  - (1) After notice and opportunity for hearing, issuing an order directing any person to take such steps as are necessary to: