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 BUREAU OF WASTE MANAGEMENT  
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*Environmental Program Fact Sheet*

**DEP REVISES HAZARDOUS WASTE REGULATIONS**

DEP has made two sets of revisions to the hazardous waste regulations that it issued on October 31, 2001. The first set of revisions incorporated numerous changes to the federal hazardous waste rules made by the U.S. EPA between July 1, 1995 and January 1, 2001 (with certain changes to be consistent with state law, or for appropriate technical reasons). These revisions became effective on June 27, 2002. The second set of revisions established a new state section (§105(h)) relating to the cleanup of hazardous waste land disposal facilities, and made other changes that were needed to be consistent with this new section. These revisions became effective on September 10, 2002. Please note that this fact sheet only addresses the changes made by the two sets of revisions referenced above. The October 31, 2001 regulations are summarized in a separate DEP fact sheet.

**What Are Some of the Changes in the Revised Regulations?**

The following table lists some of the changes affecting hazardous waste handlers in Connecticut. For each of these changes, the state or federal citation is provided in bold type. For new **state** rules, this citation identifies where in Section 22a-449(c) of the Regulations of Connecticut State Agencies (“RCSA”) the rule is located. Please note that the beginning part of this citation (i.e., “22a-449(c)-”) has been omitted to save space. For the new **federal** rules that are incorporated by the new state rules, the citation uses the federal numbering system (i.e., “40 CFR” followed by the section number). Please note that this table is only a **partial listing** of the changes in the new rules. Readers must refer to the actual rules in order to determine the precise impact on their operations.

Subject/Topic	Some Major Changes in the Rules
<b>Hazardous Waste Identification</b>	<ul style="list-style-type: none"> <li>• <b><u>New scrap metal exclusions.</u></b> Adopted new federal exclusions for “processed scrap metal,” “unprocessed home scrap metal,” “unprocessed prompt scrap metal,” and “shredded circuit boards,” as those terms are defined in the regulations. <b>40 CFR 261.1(c)(9) - (12), 261.2(c), 261.4(a)(13) &amp; (14), &amp; 261.6(a)(3)(ii)</b></li> <li>• <b><u>Speculative accumulation.</u></b> Revised the provision that imposes hazardous waste requirements on recyclable materials that are accumulated speculatively in order to clarify that: (1) the provision only applies to materials that are exempt from the definition of solid waste, and to precious metal recyclables regulated under 40 CFR 266 Subpart F; (2) the provision does not apply to materials accumulating in units that are exempt under 40 CFR 261.4(c); and, (3) the provision ceases to apply at the time that the materials are removed from storage for recycling. <b>101(a)(2)(B)</b></li> <li>• <b><u>Comparable fuels/syngas.</u></b> DEP did not adopt a federal exemption from the definition of solid waste for comparable fuels and synthetic gas fuels. <b>101(a)(1)(B) &amp; (F)</b></li> </ul>

Subject/Topic	Some Major Changes in the Rules
<b>Hazardous Waste Identification (Cont.)</b>	<ul style="list-style-type: none"> <li>• <b><u>New listed wastes.</u></b> Adopted federal rules adding several new listed hazardous wastes (K169 – K172, K174, and K175), along with some exemptions from the definition of solid waste that were associated with these new wastes. <b>40 CFR 261.3(a)(2)(iv)(C), 261.3(c)(2)(ii)(B) &amp; (E), 261.4(a)(12), (a)(18), &amp; (a)(19), 261.4(b)(15), 261.6(a)(3)(iv), 261.31(a) (waste code F037), 261.32, 261 Appendix VII, 266.100(c)(3), 268.35, 268.40; 101(a)(2)(EE), (GG), (HH), 106(d), 108(a)(2)(V), 108(a)(2)(BB), 108(a)(2)(DD)</b></li> <li>• <b><u>Kraft mills.</u></b> Adopted a federal exemption from the definition of solid waste for condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with Clean Air Act regulations, and that are burned at the mill generating the condensates. <b>40 CFR 261.4(a)(15); 101(a)(2)(J)</b></li> <li>• <b><u>Wood preserving.</u></b> Adopted federal changes to the exemption from the definition of solid waste for wood preserving solutions and wastewaters. <b>40 CFR 261.4(a)(9)(iii)</b></li> <li>• <b><u>Mineral processing.</u></b> Adopted a federal change to the definition of solid waste that excludes mineral processing wastes which are recycled and meet certain management standards. <b>40 CFR 261.2(c)(3), 261.3(a)(2)(i), &amp; 261.4(a)(17); 101(a)(2)(K), (L), (M), &amp; (N)</b> Also adopted changes to the federal “Bevill” exclusions concerning residues derived from the co-processing of mineral processing secondary materials with normal ore/mineral feedstocks. <b>40 CFR 261.4(b)(7)(iii)</b></li> </ul>
<b>Small Quantity Generators (SQGs)</b>	<ul style="list-style-type: none"> <li>• <b><u>Generator closure.</u></b> SQGs must perform generator closure within the timeframes specified in 40 CFR 265.113(a) – (c). <b>102(c)</b></li> <li>• <b><u>Biennial reports.</u></b> SQGs are no longer required to file biennial reports, although they must retain any past reports for at least three years. <b>102(a)(2)(EE)</b></li> </ul>
<b>Large Quantity Generators (LQGs)</b>	<ul style="list-style-type: none"> <li>• <b><u>Air emissions.</u></b> Adopted federal regulations that control organic air emissions from certain tanks, containers, and surface impoundments (i.e., 40 CFR 265, subpart CC). These regulations apply to large quantity generators storing hazardous waste in tanks or containers for less than 90 days. For more information on these regulations, see the section below entitled “Air Emissions Standards for Tanks, Containers and Surface Impoundments.” <b>40 CFR 262.34(a)(1)(i) &amp; (ii), 40 CFR 265 subpart CC</b></li> <li>• <b><u>F006 sludges.</u></b> Adopted a federal rule allowing LQGs that generate F006 wastewater treatment sludges from metal finishing operations to store them for 180 days, provided they are being sent off-site for metals recovery, and provided certain other conditions are met (the rule allows 270 days if the recovery facility is more than 200 miles away). <b>40 CFR 262.34(g), (h), &amp; (i); 102(a)(1)(B), &amp; 102(a)(2)(D), (L) &amp; (R) – (Z)</b></li> <li>• <b><u>Tanks.</u></b> Corrected an error in the 10/31/01 state regulations regarding LQG tank requirements. As a result of this correction, LQGs must comply with 40 CFR 265.200, but are not required to comply with 40 CFR 265.197(c). <b>102(a)(2)(F)</b></li> <li>• <b><u>Generator closure.</u></b> LQGs must perform generator closure within the timeframes specified in 40 CFR 265.113(a) – (c). <b>102(a)(2)(K)</b></li> <li>• <b><u>Internal references moved.</u></b> Relocated provisions requiring LQGs to comply with 40 CFR 265.111 and 265.114 (generator closure) and 40 CFR 265.17 (general requirements for ignitable, reactive and incompatible wastes). <b>102(a)(2)(D) &amp; (K)</b></li> <li>• <b><u>Containment buildings.</u></b> LQGs that operate containment buildings must have the required PE certification prior to operation. LQGs must retain this documentation on-site until final closure, and make it available for inspection upon request. <b>102(a)(2)(H)</b></li> </ul>
<b>Storage Requirements</b>	<ul style="list-style-type: none"> <li>• <b><u>“Sufficiently impervious” defined.</u></b> Added a definition for the term “sufficiently impervious” as it is used in hazardous waste and used oil secondary containment requirements. <b>100(c)(31)</b></li> <li>• <b><u>Containment buildings.</u></b> Corrected a typographical error in the containment building requirements in 40 CFR 265.1100(d) (i.e., “prevent” instead of “permit”). <b>105(a)(2)(XXXXX)</b></li> </ul>

Subject/Topic	Some Major Changes in the Rules
<b>Universal Waste</b>	<ul style="list-style-type: none"> <li>• <b><u>Used electronics.</u></b> Used electronics were added as a state-only category of universal waste. Special management standards were created for large and small quantity handlers, transporters, and destination facilities managing used electronics. <b>100(c)(33), 100(c)(34), 101(a)(2)(BB) &amp; (CC), 102(a)(2)(B), 104(a)(2)(B) - (D), 105(a)(2)(B) - (D), 108(a)(2)(B) &amp; (C), 110(a)(2)(C) – (E), 113(a)(2)(A) &amp; (B), 113(a)(2)(O), 113(a)(2)(Y) &amp; (Z), 113(a)(2)(CC), 113(b) - (f)</b></li> <li>• <b><u>Limited processing allowed for small quantity handlers of used electronics.</u></b> Small quantity handlers of used electronics may perform certain disassembly or de-manufacturing activities without triggering destination facility or permitting requirements, as long as they do not shred, crush, or otherwise treat the waste, or break the cathode ray tubes. However, large quantity handlers may not perform these activities without a permit. <b>100(c)(12), 113(a)(2)(E), 113(c)(1)(D), 113(d)(1)(D)</b></li> <li>• <b><u>Status of inadvertent breakage.</u></b> Clarified that when there is inadvertent breakage of small quantities of universal waste (including during transportation), the waste may continue to be managed as a universal waste, and does not have to be managed under hazardous waste requirements. <b>113(a)(2)(K) &amp; (V)</b></li> <li>• <b><u>Lamps – containerization of breakage.</u></b> All lamps with evidence of breakage, leakage, or damage must be placed in a container. <b>113(a)(2)(H) &amp; (S)</b></li> <li>• <b><u>Former lamp language removed.</u></b> Former section 113(b) in the 10/31/01 state regulations concerning universal waste lamps was removed, since the federal regulations that are now incorporated include them as a universal waste category.</li> <li>• <b><u>Non-hazardous universal waste.</u></b> Clarified that non-hazardous universal waste must be managed under applicable solid waste regulations. <b>113(a)(2)(M), (X) &amp; (BB)</b></li> <li>• <b><u>Universal wastes not managed in accordance with universal waste requirements</u></b> are subject to full hazardous waste regulation. <b>113(a)(2)(C)</b></li> <li>• <b><u>Commissioner may add new universal wastes.</u></b> Clarified that the Commissioner may add new universal wastes under his/her rulemaking authority. <b>113(a)(2)(DD)</b></li> <li>• <b><u>Containers of universal waste thermostats and universal waste lamps</u></b> must be capable of preventing releases. <b>113(a)(2)(F), (G), (H), (Q), (R) &amp; (S)</b></li> <li>• <b><u>Non-hazardous mercury lamps.</u></b> The regulations for such lamps were changed to: (1) correct typographical errors in the 10/31/01 state regulations; (2) be consistent with changes made in section 113 of the state regulations concerning the universal waste requirements for lamps; and (3) clarify that destination facilities must comply with all applicable sections of the Connecticut General Statutes. <b>209-17</b></li> <li>• <b><u>The term “pesticide”</u></b> was defined in order to clarify certain references to federal law, and to limit applicability of the term to the Universal Waste Rule. <b>100(c)(23)</b></li> </ul>
<b>Lead-Acid Batteries</b>	<ul style="list-style-type: none"> <li>• <b><u>Merging of state and federal requirements.</u></b> The federal requirements in 40 CFR 266.80 were consolidated into state section 106(c), and batteries being regenerated were made subject to certain state requirements. <b>106(a)(1)(A), &amp; 106(c)(1) – (4)</b></li> <li>• <b><u>Disposal is fully regulated.</u></b> Clarified that persons disposing of batteries are subject to full regulation, rather than the requirements of state section 106(c). <b>106(c)(5)</b></li> </ul>
<b>Used Oil</b>	<ul style="list-style-type: none"> <li>• <b><u>PCBs.</u></b> Clarified that facilities that burn used oil are subject to federal PCB requirements (not just those that market used oil). <b>119(a)(2)(F)</b></li> <li>• <b><u>Burner rules.</u></b> Corrected a typographical error in the federal rules (i.e. “existing” vs. “new” tanks in the section heading in 40 CFR 279.64(e)). <b>119(a)(2)(NNN)</b></li> </ul>
<b>Military Munitions</b>	<ul style="list-style-type: none"> <li>• <b><u>Military Munitions Rule not adopted.</u></b> DEP did not adopt most of this rule, which defines when military munitions become solid waste, and provides a special set of regulatory requirements for the management of such wastes. However, DEP did adopt one provision relating to response procedures in the event that such munitions should land off-range, as well as several provisions requiring the documentation of such events. <b>101(a)(1)(A), 103(a)(1)(A), 104(a)(1)(D) &amp; (W), 104(a)(2)(G), 105(a)(1)(C) &amp; (W), 105(a)(2)(H), 106(a)(1)(D), 106(e), &amp; 110(a)(1)(M)</b></li> </ul>

Subject/Topic	Some Major Changes in the Rules
<b>Disposal of Liquid Wastes in Landfills</b>	<ul style="list-style-type: none"> <li>• <b>Use of sorbents.</b> DEP did not adopt federal provisions at 40 CFR 264.314(e) and 265.314(f) allowing wastes with free liquids to be treated with non-biodegradable sorbents and disposed in landfills. Similar provisions at 40 CFR 264.316(b) and 265.316(b) concerning lab packs were modified to require the use of non-biodegradable sorbents, and to clarify which sorbents are deemed non-biodegradable. <b>104(a)(1)(S), 104(a)(2)(F) &amp; (GG); 105(a)(1)(R), 105(a)(2)(F) &amp; (MM)</b></li> </ul>
<b>Manifest Requirements</b>	<ul style="list-style-type: none"> <li>• <b>Adopted a federal exemption from manifesting requirements</b> for hazardous wastes that are transported on roads that are within or along the border of contiguous properties under the control of the same person. However, DEP did not adopt the federal exemption from hazardous waste labeling requirements for these wastes, limited the exemption only to the generator of the waste, and required cleanup of all releases occurring during transport. <b>40 CFR 262.20(f); 102(a)(2)(C) &amp; 103(a)(2)(A)</b></li> </ul>
<b>Land Disposal Restrictions (LDRs)</b>	<ul style="list-style-type: none"> <li>• <b>Updated state rules</b> to be consistent with federal changes through January 1, 2001. <b>100(c)(5), 108</b></li> <li>• <b>Adopted the federal LDR Phase III Rules</b>, which created and amended numerous LDR treatment standards, removed language that was no longer needed, and otherwise cleaned up the text of the LDR rules. <b>40 CFR 268.1(e)(4), 268.2, 268.3, 268.7, 268.9, 268.39, 268.40, 268.42, 268.44(a), 268.48, &amp; 268 Appendix XI</b></li> <li>• <b>Adopted the federal LDR Phase IV Rules</b>, which: (1) created and amended numerous LDR treatment standards; (2) streamlined lab pack notification requirements; (3) removed the requirement for generators treating waste on-site to submit a waste analysis plan (only need to retain on-site); (4) changed the record retention requirement from five to three years; (5) allowed treatment facilities to send a one-time notification and certification to the receiving facility; (6) clarified the exemption for <u>de minimis</u> losses of characteristic waste to wastewaters; (7) established LDR treatment standards for TCLP metal wastes and characteristic mineral processing wastes (including manufactured gas plant, or “MGP” wastes); (8) created an alternative set of LDR standards for hazardous soils; (9) made several technical corrections to the language of the rule and removed language that was no longer needed; and, (10) clarified the regulatory status of boiler cleanout wastes and the tanks used to store them. <b>40 CFR 268.1(e), 268.2, 268.3(d), 268.4(a)(2)(ii), 268.7, 268.9(d)(2), 268.30, 268.34, 268.40, 268.42, 268.44(h)(3) &amp; (4), 268.45, 268.48, 268.49, &amp; 268 Appendices VI and VII</b></li> <li>• <b>Adopted a federal temporary deferral of Phase IV LDR standards</b> for PCBs in soils that are hazardous for TCLP metals. <b>40 CFR 268.32, 268.48(a), 268.49(d), &amp; 268 Appendix III; 108(a)(2)(V), 108(a)(2)(DD), 108(a)(2)(EE), 108(a)(2)(FF)</b></li> <li>• <b>Adopted a federal stay of Phase IV LDR standards</b> for TCLP metals for hazardous wastes that are recycled to make zinc micronutrient fertilizers. <b>40 CFR 268.40(i)</b></li> <li>• <b>Treatment variances.</b> Adopted a federal rule clarifying the standards for treatment variances, and reinstated language that had been unintentionally omitted by EPA. State changes to this rule clarified public notice procedures. <b>40 CFR 268.44, 108(a)(2)(CC)</b></li> <li>• <b>Carbamate wastes.</b> Adopted revised treatment standards and universal treatment standards for several carbamate wastes. <b>40 CFR 268.40(j)</b></li> <li>• <b>Soils.</b> Clarified that generators of soil that is determined to no longer contain listed waste or that is de-characterized must retain appropriate documentation. <b>108(a)(2)(U)</b></li> <li>• <b>Other state requirements apply.</b> Clarified that, in addition to the LDRs, handlers must also comply with other applicable state requirements (e.g., the state’s Remediation Standard Regulations). <b>108(c)</b></li> </ul>
<b>Hazardous Waste Imports &amp; Exports</b>	<ul style="list-style-type: none"> <li>• <b>Adopted new federal rules</b> that modified existing export requirements and established new import/export requirements for hazardous wastes sent for recovery within the OECD group of nations. <b>40 CFR 261.6(a)(5), 262.10(d), 262.53(b), .56(b), &amp; .58, 262 subpart H, 263.10(d), 263.20(a), 264/265.12(a)(2), 264/265.71(d), 266.70(b)(3), 273.20, 273.40, 273.56, 273.70</b></li> </ul>

Subject/Topic	Some Major Changes in the Rules
<b>Air Emission Standards for Tanks, Containers, &amp; Surface Impoundments</b>	<ul style="list-style-type: none"> <li>• <b><u>Subpart CC rules adopted.</u></b> Adopted federal regulations that control organic air emissions from certain tanks, containers, and surface impoundments. Generally, if a hazardous waste has an average volatile organic (“VO”) concentration off less than 500 parts per million by weight (“ppmw”) at the point of waste origination, or if the hazardous waste organic content has been reduced by a treatment process to the extent described in the rules prior to placement in the waste management unit, the unit is exempt from the air emission controls required under these regulations. Containers with a capacity of less than 0.1 cubic meters (26 gallons) are also exempted from these rules. For units that are not eligible for either of these exemptions, the container and/or tank “level of control” category must be determined according to specific criteria for each unit, and the units must be managed in accordance with the applicable engineering control standards. Such units must also be managed in accordance with certain inspection, monitoring, and record-keeping requirements. <b>40 CFR 264 &amp; 265 Subpart CC</b> (Read on for details on the state changes to these rules.)</li> <li>• <b><u>Installation timeframes.</u></b> Timeframes for installation and operation of air emission control equipment were reduced from 30 to 12 months. <b>105(a)(2)(HHH) &amp; (III)</b></li> <li>• <b><u>Design analysis/performance test.</u></b> Required the completion of a performance test within 60 days of written notification from the Commissioner of disagreement with a design analysis. <b>104(a)(2)(AAAAA) &amp; 105(a)(2)(OOOOO)</b></li> <li>• <b><u>Reporting of non-compliance.</u></b> Facilities subject to 40 CFR 265 subpart CC must comply with requirements similar to those in 40 CFR 264.1090 concerning the reporting of non-compliance. <b>105(a)(2)(WWWWW)</b></li> <li>• <b><u>Inspections of air emissions control equipment:</u></b> (1) inspections must be logged and the logs retained for at least three years; (2) in addition to the items required under the federal rules, the logs must also include the name of the inspector and a notation of any observations made during the inspection; (3) the written inspection schedule and plan and the results of inspections must be maintained in the facility operating record; and, (4) records of seal gap inspections must include the name of the person and the device used to take the required measurements. <b>104(a)(2)(BBBBB), (MMMMM), (BBBBBB), (DDDDDD), (FFFFFF) &amp; (GGGGGG); 105(a)(2)(PPPP), (AAAAA), (PPPPP), (RRRRR), (TTTTT), &amp; (UUUUU)</b></li> <li>• <b><u>Operating requirements.</u></b> Clarified that the subject unit must meet the required air emissions control standards at all times, except as specifically provided otherwise. <b>104(a)(2)(LLLL) – (NNNN), (QQQQ) – (SSSS), (WWWW), (CCCCC), (EEEE), (FFFFF), (IIII), (JJJJ) &amp; (XXXXX); 105(a)(2)(ZZZ) – (BBBB), (EEEE) – (GGGG), &amp; (KKKK), (QQQQ), (TTTT), (WWWW), (XXXX), &amp; (LLLL)</b></li> <li>• <b><u>Defective containers.</u></b> Clarified that replacement containers used to store wastes that are transferred from defective containers remain subject to the relevant air emission standards, and that the defective containers must not be reused until they are repaired. <b>104(a)(2)(NNNNN) &amp; (OOOOO), 105(a)(2)(BBBBB) &amp; (CCCCC)</b></li> <li>• <b><u>Decommissioned tanks.</u></b> Clarified that the exemption from Subpart CC for decommissioned tanks is conditioned upon compliance with an approved closure plan. <b>104(a)(2)(OOO), 105(a)(2)(ZZ)</b></li> <li>• <b><u>Required records.</u></b> Records of maximum organic vapor pressure determinations must include the name of the person taking the samples and the sampling methodology used to collect them. <b>104(a)(2)(EEEEEE) &amp; 105(a)(2)(SSSSS)</b></li> <li>• <b><u>Recordkeeping timeframes.</u></b> Expanded certain recordkeeping requirements until closure of the facility, and others until three years after the control device is taken out of service. <b>104(a)(2)(ZZZZ), (QQQQQ), &amp; (CCCCCC); 105(a)(2)(NNNN), (EEEE), &amp; (QQQQQ)</b></li> <li>• <b><u>State air requirements.</u></b> Clarified that exemptions from subpart CC requirements for facilities complying with specified sections of federal air pollution regulations are conditioned upon compliance with state air pollution requirements. <b>104(a)(2)(CCCC) &amp; (DDDD); 105(a)(2)(QQQ) &amp; (RRR); 110(a)(2)(S)</b></li> </ul>

Subject/Topic	Some Major Changes in the Rules
<b>Air Emission Standards for Process Vents and Equipment Leaks</b>	<ul style="list-style-type: none"> <li>• <b>Testing for organic content.</b> Clarified that the owner/operator is responsible for the testing needed to resolve a disagreement over the organic content of a waste. <b>104(a)(2)(LLL) &amp; (NNN); 105(a)(2)(XX) &amp; (YY)</b> Also set a 30-day timeframe for testing that is done to resolve a dispute over the organic content of a waste associated with a process vent. <b>104(a)(2)(LLL) &amp; 105(a)(2)(XX)</b></li> </ul>
<b>Treatment, Storage, and Disposal Facilities (TSDFs)</b>	<ul style="list-style-type: none"> <li>• <b>Air emissions.</b> Adopted federal regulations that control organic air emissions from certain tanks, containers, and surface impoundments. For more information on these regulations, see the section above entitled “Air Emissions Standards for Tanks, Containers and Surface Impoundments.” <b>40 CFR 264 and 265 subpart CC; 104(a)(2)(OOO) – (KKKKKK) &amp; 105(a)(2)(ZZ) – (WWWWW)</b></li> <li>• <b>Public participation.</b> Adopted EPA’s Expanded Public Participation Rule, which requires new and existing TSDFs that are making significant facility modifications to comply with certain public notice requirements, have a public meeting, and create and retain a repository of information concerning the site. In adopting this rule, DEP modified the federal language in 40 CFR 124.31-.33 as follows: (1) set a start date for the requirement of June 27, 2002; (2) required the pre-application public meeting to be held within 45 days prior to submission of the application; (3) required the public meeting to be held in the same city as the proposed facility; (4) specified additional information to be provided by the applicant at the public meeting; (5) allowed the Commissioner to require publication of the public notice in additional newspapers; (6) set minimum standards for the size, legibility, and time of posting of the sign that is required to be posted at the proposed facility; (7) required the owner/operator (rather than the Commissioner) to provide notice at the time of application submittal; (8) required renewals and modifications to be placed in the information repository; and, (9) clarified several provisions of the federal rule. <b>40 CFR 124.31-.33, 270.2, 270.14(b)(22), 270.30(m), 270.61(b)(5), 270.62(b)(6) &amp; (d), 270.66(d)(3), &amp; 270.66(g); 110(a)(1) &amp; 110(a)(2)(MMM) – (BBBB)</b></li> <li>• <b>Classification of permit modifications.</b> Clarified that, in the absence of a determination by the Commissioner otherwise, a permit modification not listed in Appendix I of 40 CFR 270.42 is deemed to be a Class 3 modification. <b>110(a)(2)(FF)</b></li> <li>• <b>Termination of permits.</b> Clarified that state (not federal) procedures are to be followed in the termination of TSDF permits by the Commissioner. <b>110(a)(2)(JJ)</b></li> <li>• <b>Liability insurance.</b> Restored language that had been omitted from the federal regulations concerning liability insurance for interim status TSDFs, and clarified that insurers must be licensed by the Connecticut Department of Insurance. <b>105(a)(2)(R)</b></li> <li>• <b>Financial assurance documents.</b> Corrected several typographical errors in the federal language for the “letter from the chief financial officer” and “corporate guarantee” financial instruments in 40 CFR 264.151(g) and 264.151(h)(2). <b>104(a)(2)(S) &amp; (T)</b></li> <li>• <b>Incinerators.</b> DEP did not adopt an exemption from certain incinerator and facility permitting requirements for facilities meeting the MACT standards of 40 CFR 63 subpart EEE. <b>104(a)(1)(T), 105(a)(1)(S), 110(a)(1)(I), (O), (P), (S) &amp; (W)</b> Another exemption from incinerator requirements in 265.340(c) was made subject to review and approval by the Commissioner. <b>105(a)(2)(NN)</b></li> <li>• <b>Trial burns.</b> Amended several of the provisions relating to incinerator and BIF trial burns. <b>110(a)(2)(KK) - (QQ)</b> Also clarified that the approval of an incinerator permit application without a trial burn is at the Commissioner’s discretion. <b>110(a)(2)(R)</b></li> </ul>

Subject/Topic	Some Major Changes in the Rules
<b>Treatment, Storage and Disposal Facilities (TSDFs) – Closure &amp; Corrective Action</b>	<ul style="list-style-type: none"> <li>• <b>Adopted federal corrective action rules</b>, which concern the cleanup of facilities that are subject to a final treatment, storage, or disposal facility permit. <b>40 CFR 264 subpart F; 100(c)(15), 104(a)(2)(N) &amp; (O)</b></li> <li>• <b>Interim status hazardous waste land disposal facilities</b> must submit an Environmental Condition Assessment Form (“ECAAF”) by August 27, 2003. Facilities that already submitted an ECAAF after October 1, 1995 must send notice to DEP by February 26, 2003 identifying the date that their ECAAF was filed and updating any information in the ECAAF. DEP will notify the facility if further investigation and remediation are required and may delegate the oversight of this work to a Licensed Environmental Professional (“LEP”). Once notified that additional investigation and remediation are required, the facility must submit a schedule for this work for approval by DEP. To the extent feasible, DEP will coordinate work with other applicable cleanup requirements (e.g., Connecticut’s Property Transfer Act). Public participation is required for implementing remediation and for determining that remediation is complete. Decisions that remediation is complete and, if applicable, that interim status may be terminated must follow the procedures for making tentative and final permit decisions. <b>105(h), 110(a)(2)(RR)</b></li> <li>• <b>CAMUs and Temporary Units.</b> Adopted the federal provisions allowing the use of Corrective Action Management Units (CAMUs) and Temporary Units, and added certain provisions concerning the approval, use, closure, and public participation requirements for these types of remediation waste management units. <b>40 CFR 264 subpart S; 100(c)(7), 104(a)(2)(JJ) - (AAA)</b></li> <li>• <b>HWIR Media Rule not adopted.</b> DEP did not adopt the Federal HWIR Media Rule, which concerns the treatment, storage, and disposal of remediation wastes at cleanup sites. <b>100(b)(2)(B); 100(c)(7), (15), &amp; (26); 101(a)(1)(E); 104(a)(1)(E), (I), &amp; (U); 104(a)(2)(J) - (L), (JJ), &amp; (WW); 105(a)(2)(A); 108(a)(1)(D); 108(a)(2)(D); 110(a)(1)(F), (G), (V), &amp; (X); 110(a)(2)(F), (HH), &amp; (RR)</b></li> <li>• <b>Post-Closure Rule not adopted.</b> DEP did not adopt the Federal Post-Closure Rule, which concerns post-closure permitting and cleanup at TSDFs. <b>104(a)(1)(G), (H), &amp; (J) – (O), 105(a)(1)(E) – (M), 110(a)(1)(D) &amp; (K), 110(a)(2)(A) &amp; (N)</b></li> </ul>
<b>Hazardous Waste Burned in Boilers and Industrial Furnaces (BIFS)</b>	<ul style="list-style-type: none"> <li>• <b>Dioxins and furans.</b> Adopted new federal standards concerning dioxins and furans. <b>40 CFR 260.10, 266.112(b)(1), (b)(2)(i), &amp; 266 Appendix VIII; 106(a)(2)(V)</b></li> <li>• <b>Particulate standards.</b> Adopted new federal standards for particulate matter, and corrected an erroneous reference to these standards. <b>40 CFR 266.105(c); 106(a)(2)(T)</b></li> <li>• <b>Exemption not adopted.</b> DEP did not adopt an exemption from BIF and facility permitting requirements for BIFs that meet certain federal air pollution standards. <b>106(a)(1)(B), 110(a)(1)(J) &amp; (U)</b></li> <li>• <b>Secondary Lead Smelters.</b> Adopted a federal exemption from BIF requirements for secondary lead smelters that are in compliance with certain federal air pollution standards. In adopting this exemption, DEP clarified references to federal Clean Air Act requirements, and added a provision by which the Commissioner may decide on a case-by-case basis that a lead recovery furnace may not operate under the exemption. <b>40 CFR 266.100(d)(1), (d)(3), &amp; (h); 106(a)(2)(R)</b></li> <li>• <b>Metal Recovery Furnaces.</b> Clarified the conditions that metal recovery furnaces must meet in order to be partially exempt from BIF requirements under 40 CFR 266.100(d), and which units are subject to this exemption. Established a waste analysis plan requirement for certain metal recovery furnaces, and created a provision by which the Commissioner may decide on a case-by-case basis that a metal recovery furnace may not operate under the exemption. <b>106(a)(2)(C), (E), (G), (J) &amp; (N)</b></li> <li>• <b>Precious Metal Recovery Furnaces.</b> Precious metal recovery furnaces operating under the exemption in 40 CFR 266.100(g) must have a waste analysis plan. Also, the Commissioner may decide on a case-by-case basis that a precious metal recovery furnace may not operate under this exemption. <b>106(a)(2)(O) &amp; (Q)</b></li> </ul>

Subject/Topic	Some Major Changes in the Rules
Miscellaneous	<ul style="list-style-type: none"> <li data-bbox="488 245 1435 365">• <b>Transporter regulations.</b> The definition of “state hazardous waste management regulations” was corrected to include the transporter requirements of RCSA Section 22a-449(c)-11, which had been accidentally omitted in the definition of this term in the October 31, 2001 state regulations. <b>100(c)(30)</b></li> <li data-bbox="488 365 1435 453">• <b>24-hour spill reporting number.</b> Corrected several typographical errors in the 10/31/01 state regulations concerning DEP’s 24-hour spill reporting telephone number. <b>102(a)(2)(P), 103(a)(2)(D), 104(a)(2)(Z) &amp; 105(a)(2)(V)</b></li> </ul>

### How Can I Get a Copy of the Revised State Regulations?

The revised rules were published in the Connecticut Law Journal on July 30 and October 22, 2002 (although these only included those sections of the rules that were **changed**). The Connecticut Law Journal may be found at many public and university libraries, and at the law libraries located at each state courthouse. DEP has posted a **complete** version of the new rules on its web site at <http://dep.state.ct.us/wst/hw/hwregs.htm>. A complete copy of the revised rules may also be obtained by calling or writing DEP (see telephone numbers and address at the beginning of this fact sheet).

### What about the Federal Hazardous Waste Regulations?

Like the previous state rules, the revised state rules incorporate the federal hazardous waste regulations with certain specified additions, deletions, and changes specifically for Connecticut. The relevant sections of the federal hazardous waste regulations may be found in Title 40 of the Code of Federal Regulations (“40 CFR”), Parts 260 through 266, 268, 270, 273, and 279. These regulations may be found at many public and university libraries, at the law libraries located at each state courthouse, and at the web page identified in the previous section. The new state rules incorporate the federal hazardous waste regulations as of January 1, 2001.

### Does DEP Have More Guidance on the Revised Regulations?

DEP is in the process of revising its many hazardous waste fact sheets and guidance documents to make them consistent with the new rules. Readers are advised to periodically check the DEP web site at <http://www.dep.state.ct.us/wst/index.htm> for developments in this area.

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