

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Agency

Department of Environmental Protection

Subject

Solid Waste Management

Inclusive Sections

§§ 22a-209-1—22a-209-17

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Sec. 22a-209-1. Definitions

“AASHTO specification” means a standard of performance for buried structures set forth in “Standard Specifications for Transportation Materials,” published by the American Association of State Highway and Transportation Officials in 1989, 14TH edition.

“All weather access” means that affected roads or land surface can support operation of vehicles for the transportation of solid waste and vehicles for the maintenance of solid waste facilities under all normal climatic conditions, provided that snow is removed and flooding is precluded.

“Alter” (1) when referring to a solid waste facility which has no permit, means to change the existing configuration or method of operation of the facility in any manner, including but not limited to adding to the volume of solid waste deposited at the facility; (2) when referring to a solid waste facility which holds a permit, means to change the approved configuration or method of operation of the facility in any manner, including but not limited to adding to the approved volume of solid waste deposited at the facility.

“Asbestos” means actinolite, amosite, antnophyllite, chrysotile, crocidolite, tremolite, or any material which contains the above, all or part of which is in a friable state.

“ASTM specification” means a standard for pipes or other construction materials set forth in “Annual Book of ASTM Standards,” published by the American Society of Testing Materials in 1989.

“Base flood” means a flood that has a one percent or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period. If the Commissioner deems it necessary for a particular location, the base flood shall represent a less common occurrence as specified by him or her.

“Bird hazard” means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

“Bulky waste” means landclearing debris and waste resulting directly from demolition activities other than clean fill.

“Cell construction method” means the spreading, compacting and daily covering of solid wastes through use of the area, ramp, or trench methods of landfilling.

“Certified operator” means the solid waste facility operator or an employee of the such operator who is present on site and oversees or carries out the daily operation of the facility, and whose qualifications are approved in accordance with Section 22a-209-6 of the Regulations of Connecticut State Agencies.

“Certified soil scientist” means a person who has been certified as a soil scientist by the Board of Directors of the Society of Soil Scientists of Southern New England.

“Clean fill” means (1) natural soil (2) rock, brick, ceramics, concrete, and asphalt paving fragments which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard and (3) polluted soil as defined in subdivision (45) of subsection (a) of section 22a-133k-1 of the Regulations of Connecticut State Agencies which soil has been treated to reduce the concentration of pollutants to levels which do not exceed the

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applicable pollutant mobility criteria and direct exposure criteria established in sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies and which soil is reused in accordance with R.C.S.A. subdivision (3) of subsection (h) of section 22a-133k-2 of such regulations.

“Cover material” means soil, or other suitable material as approved by the Commissioner, which is used to cover compacted solid waste in a solid or special waste disposal area. Any soils used shall be classified as GM, silty gravels, poorly graded gravel-silt mixtures; GC, clayey gravels, poorly graded gravel-sand-clay mixtures; SM, silty sands, poorly graded sand-silt mixtures; SC, clayey sands, poorly graded sand-clay mixtures; ML, inorganic silts and very fine sands, rock flour, silty or clayey fine sands with slight plasticity in accordance with the unified soil classification system.

“Dewater” means to subject material to a process that removes water.

“Dioxin sampling well” means a stainless steel ground water monitoring well installed within the area of predicted leachate plume from any portion of a solid waste facility at which residue is disposed.

“Facility plan” means the engineering studies and proposals to build, establish, alter, operate, monitor and close a solid waste facility, required by Section 22a-209-4(b) (2) of the Regulations of Connecticut State Agencies.

“Floodplain” means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, which are inundated by the base flood.

“Friable” means readily crumbled, pulverized or reduced to powder, when dry, by hand pressure.

“Geotextile” means a woven or nonwoven fabric or film which is utilized for the engineering management of soil and water.

“Groundwater” means water present in the zone of saturation.

“Groundwater monitoring well” means a dug, driven or drilled well used to determine groundwater elevation, direction of groundwater flow, or the quality of groundwater.

“Hazardous Waste” means any waste material which may pose a present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed, including hazardous waste identified in accordance with Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.) as amended.

“Leachate” means that liquid which results from ground or surface water which has been in contact with solid waste and has extracted material, either dissolved or suspended, from the solid waste.

“Lift” means a horizontal layer of cells within a solid waste disposal area at which the cell construction method is utilized.

“Lower explosive limit” means the lowest percent by volume of gas which will propagate a flame in air at 25°C and atmospheric pressure.

“Maximum high water table” means the highest elevation reached by the upper level of

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the ground water as determined by an engineering evaluation conducted in accordance with test methods approved by the Commissioner.

“Monocell” means a variation of the cell construction method whereby only a single type of solid waste is disposed of in any individual cell.

“Mottling indicator” means a residual trace of reduced or oxidized iron left on soil strata as the result of fluctuations in groundwater elevation.

“Mulch” means a protective cover of organic material placed over soil to preserve soil moisture, prevent erosion, or promote the growth of plants.

“Municipal solid waste” means solid waste from residential, commercial, industrial and institutional sources, excluding solid waste consisting of significant quantities of hazardous waste as defined in Section 22a-115 of the General Statutes, landclearing debris, biomedical waste, sewage sludge and scrap metal.

“Natural soil” means soil in which all substances naturally occurring therein are present in concentrations not exceeding the concentrations of such substance occurring naturally in the environment and in which soil no other substance is analytically detectable. For the purpose of this definition, substance shall have the same meaning as in section 22a-133k-1 of the Regulations of Connecticut State Agencies.

“New municipal solid waste disposal area” means a solid waste facility or expansion thereof, other than a vertical expansion, for the disposal of municipal solid waste, for which facility or expansion a completed application under Sections 22a-430 and 22a-208a of the General Statutes is received by the Commissioner after the effective date of Section 22a-209-14 of the Regulations of Connecticut State Agencies.

“Open dump” means a site at which solid waste is disposed of in a manner which does not comply with Subtitle D of the Resource Conservation and Recovery Act of 1976, (42 USC 6901 et seq.), as amended, and regulations promulgated thereunder.

“Operator” means a person who is ultimately responsible for maintaining the solid waste facility in conformance with applicable statutes and regulations and the facility permits.

“Pan lysimeter” means a leachate collection device for sampling leachate from monocells within a solid waste disposal area.

“Person” means any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state, or other legal entity of any kind.

“Public airport” means an airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

“Recharge” means water which enters a geologic formation. “Regional solid waste disposal area” means a solid waste disposal area used for the disposal of solid waste generated in more than one municipality.

“Residue” means bottom ash, air pollution control residue, and other residues from the combustion process at resource recovery facilities, municipal solid waste incinerators, and biomedical waste incinerators.

“Resources recovery facility” means a volume reduction plant, as defined by Section

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22a-207 of the General Statutes as amended, utilizing processes aimed at reclaiming the material or energy values from solid wastes.

“Rip-rap” means a loose assemblage of broken or whole stones utilized to dissipate the velocity and energy of moving water.

“Scarification” means the process of raking, harrowing or otherwise disturbing a soil surface to allow infiltration of water or other material.

“Solid waste boundary” means the outermost perimeter of the solid or special waste (projected in the horizontal plane) as it would exist at completion of the permitted disposal activity at a solid waste or special waste disposal area.

“Special waste disposal area” means a solid waste disposal area at which special wastes, as defined in this section, are disposed of.

“Special wastes” means the following wastes, so long as they are not hazardous waste pursuant to section 22a-115 of the General Statutes or radioactive material subject to section 22a-148 of the General Statutes: (1) water treatment, sewage treatment or industrial sludges, liquid, solids and contained gases; fly-ash and casting sands or slag; and contaminated dredge spoils; (2) scrap tires; (3) bulky waste, as defined in this section; (4) asbestos; (5) residue; and (6) biomedical waste.

“Standard proctor density” means the maximum weight per unit volume of earthen material which has been compacted by a specific weight and procedure, at an optimum soil moisture, according to a laboratory engineering test developed by Proctor.

“State Solid Waste Management Plan” means the State plan adopted pursuant to Section 22a-211 of the Connecticut General Statutes, as amended.

“Stormwater” means precipitation runoff.

“Transfer station” means a volume reduction plant, as defined by Section 22a-207 of the General Statutes, as amended, that is a central collection point for the solid waste generated within a municipality or group of municipalities, where solid wastes received are transferred to a vehicle for removal to another solid waste facility.

“Underdrainage” means a system of pipes, structures, stone, pumps, wells, or other devices utilized to lower or divert groundwater.

“Vector” means an insect or rodent or other animal (not human) which can transmit infectious diseases from one person or animal to another person or animal.

“Vertical expansion” means an expansion of an existing solid waste disposal area such that future disposal of municipal solid waste will take place only where solid waste has previously been disposed of and is still present.

“Washout” means the carrying away of solid waste by waters of the base flood.

“Water Quality Standards” means the water quality standards and water quality Classifications Map published by the Connecticut Department of Environmental Protection, February, 1987.

“Water table” means that surface of a body of unconfined groundwater at which the pressure is equal to that of the atmosphere.

“Working face” means that portion of a solid waste or special waste disposal area where

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the waste is deposited, spread and compacted prior to the placement of cover material.

“Zone of influence” means the area in which, assuming the absence of any means at a solid waste facility to collect or treat leachate, groundwater may be altered in quality due to discharge of leachate from any portion of such facility.

(Effective January 30, 1996)

Sec. 22a-209-2. Prohibition of open dumps

Open dumps are hereby prohibited. In addition, the disposal of solid waste in this state shall be made only through use of solid waste disposal areas, volume reduction plants, biomedical waste treatment facilities and resources recovery systems established and operated in accordance with Section 22a-207 et seq. of the General Statutes, these regulations, and with conditions and limitations specified in the solid waste facility permits.

(Effective March 21, 1990)

Sec. 22a-209-3. Applicability

These regulations apply to the operation and management of all existing and proposed solid waste facilities, and to all applications for a permit or contract approval which are submitted after or are in process on the effective date of these regulations. Areas which are solely for the disposal of clean fill shall be exempt from the provisions of these regulations.

(Effective February 21, 1985)

Sec. 22a-209-4. Permits for solid waste facilities

(a) **Permit required.** Any person, municipal authority or regional authority that builds, establishes or alters a solid waste facility after July 1, 1971, must obtain a permit pursuant to Section 22a-208 of the General Statutes unless excluded by Section 22a-209-3 of these regulations. This permit shall consist of two parts: the permit to construct and the permit to operate.

(b) **Permit to construct.** The information required to be in an application for a permit to construct shall depend upon the type of solid waste facility proposed. Such information shall be outlined in these regulations and further detailed in guidelines prepared by the Department. The information in the application must be sufficient to demonstrate the ability of the facility to comply with the requirements of these regulations. An application will not be deemed complete until all information required by statutes or regulations or otherwise requested by the Commissioner have been submitted in proper form.

(1) Application for each solid waste facility permit to construct shall be made by the owner or operator of the facility on forms furnished by the Commissioner and signed by the owner and, if the applicant is the operator, the operator, and shall include but not be limited to the following as the Commissioner deems necessary:

Information required by the Rules of Practice of the Department; name and address of the operator, owner, and, if the operator or owner is a business entity, the names and addresses of all parent and subsidiary corporations, partners, corporate officers and directors,

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stockholders holding more than fifty percent of the stock of the corporation; a list of all solid waste facilities which each of the above persons are or have been associated with and their positions and responsibilities; name and address of the agent for service; facility location; type of facility; type of proposal (e.g. new facility, expansion or other alteration); a list of other permits required for the facility; an explanation of how the proposal relates to the State Solid Waste Management Plan; information as to the financial stability of the applicant; a commitment to post the proper surety if required by these regulations; a copy of any lease, deed or other agreement regarding the ownership, control or use of the facility; a list of any outstanding administrative orders against the facility; a list of supporting materials submitted with the application; and any other information which the Commissioner deems necessary.

(2) A facility plan, including engineering studies and proposals, shall accompany the application and be prepared by an engineer licensed to practice in the State of Connecticut; shall contain sufficient information to demonstrate an ability to comply with these regulations; and shall include but not be limited to the following information and supporting materials as the Commissioner deems necessary and as further detailed in engineering guidelines provided by the Commissioner:

(A) For solid and special waste disposal areas:

(i) a detailed area map at a scale and contour interval approved by the Commissioner which shall depict the site and surroundings within one-half mile, noting natural and artificial features and land use; including but not limited to all structures and overhead and underground utilities and a statement by each affected utility that the proposed activity adequately protects these utilities in compliance with applicable standards;

(ii) detailed site maps at a scale and contour interval approved by the Commissioner depicting all items specified in (A) (i) above and existing, site preparation, and final grades, property boundaries, existing and proposed fill limits including location of fill limit markers, soil boring and monitoring locations, proposed structures on site, access and site roads, fencing, buffer zones and screening;

(iii) cross sections through the site, at a minimum of one parallel and one perpendicular to ground water flow, depicting existing, site preparation and final grades and elevation and flow direction of ground water, type and structure of bedrock and type and location of soils;

(iv) supplemental maps and plans not prepared as part of the engineering study but used as reference materials for engineering and operational interpretations;

(v) hydrogeologic and geologic information including predictions of movement of and impact on surface and ground water, including water supply wells, from existing and proposed site activities, and the names and addresses of all landowners within the area of potentially impacted ground waters, detailed soil boring logs; details of monitor well construction and development, the method of testing and testing results;

(vi) operational plans suitable for field use by the operator including but not limited to details of construction, sequence of fill, a list of the type and amount of equipment and the number and responsibilities of staff, daily operations, traffic flow, controls necessary to

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protect the public health, safety and welfare, emergency procedures, communications equipment, regular maintenance schedules, information to be recorded and recording procedures, and methods of measuring waste, and monitoring parameters and schedule;

(vii) a discussion of expected site life and post-closure use; and

(viii) any other information which the Commissioner deems necessary.

(B) For transfer stations, resources recovery facilities or other volume reduction plants, and biomedical waste treatment facilities:

(i) all applicable information required under Section 22a-209-4 (b) (2) (A) of these regulations;

(ii) detailed drawings and specifications of site structures, all fixed and transport equipment, methods of volume reduction and storage, and a discussion of utility provision;

(iii) approximate volume of each waste type to be handled, a list of types of facility users and municipalities served, associated facilities for the ultimate disposal of the wastes, residues, and recycled materials, and contingency plans for periods of shut down or breakdown;

(iv) a copy of all facility operation and maintenance manuals, and a discussion of: OSHA requirements and how these requirements will be met, materials and energy balance as appropriate, proposed performance tests, system reliability and redundancy/backup system, operation and maintenance budget; and

(v) any other information which the Commissioner deems necessary.

(3) The Commissioner, at least thirty days before approving or denying a permit application, shall, at the applicant's expense, publish once in a newspaper having a substantial circulation in the affected area notice of the application which shall include but need not be limited to: (1) the name of the applicant, (2) the location and nature of the facility; and (3) the location where a copy of the application may be inspected. There shall be a thirty day comment period following the public notice during which period interested persons may submit written comments on the application. After the comment period, the Commissioner may hold a public hearing prior to approving or denying any application if in his or her discretion the public interest will be best served thereby, and shall hold a hearing upon receipt of a petition signed by at least twenty-five persons.

(4) The Commissioner shall consider all evidence offered at any public hearing, any reports from local, state, and federal agencies, all relevant facts and circumstances including but not limited to whether the proposed facility is consistent with the State Solid Waste Management Plan, the Connecticut Solid and Hazardous Waste Land Disposal Siting Policy and the Connecticut Water Quality Standards, and any additional requested information in making his or her determination on an application for a permit to construct. The Commissioner shall, at the applicant's expense, publish notice of a decision approving or denying the permit in a newspaper having general circulation in the municipality or municipalities where the facility is or was to be located.

(5) Conditional approvals. The Commissioner may impose any reasonable conditions upon a permit to construct.

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(c) **Permit to operate.** After the effective date of these regulations, any person who operates or causes the operation of a solid waste facility must obtain a permit to operate from the Commissioner.

(1) All operating facilities which have a valid permit to construct as of the effective date of these regulations shall be issued a permit to operate and shall be allowed to continue operations prior to the issuance of such permit to operate.

(2) A permit to operate shall be issued to any new, existing or altered facility other than those specified in 22a-209-4 (c) (1), and shall be reinstated if revoked or suspended, upon a determination by the Commissioner that the facility has been constructed in accordance with the terms and conditions of the facility permit to construct and that the facility and its proposed methods of operation and maintenance are in compliance with applicable statutes and regulations.

(3) The Commissioner may impose any reasonable conditions upon a permit to operate.

(4) In circumstances where the Commissioner determines that performance tests must be conducted during actual operations, he or she may issue a temporary permit to operate for a period not to exceed sixty (60) days. For good cause shown, the Commissioner may extend the term of a temporary permit to operate for a specified period.

(d) **Issuance of a permit to construct or to operate.**

(1) The Commissioner shall issue a permit to construct or to operate upon receipt of satisfactory evidence from the applicant that:

(A) the solid waste facility will be constructed and operated in compliance with applicable statutes and regulations;

(B) the operation of the facility is consistent with the State Solid Waste Management Plan if required by statute, including but not limited to Sections 7-273bb, 22a-211 and 22a-260 through 22a-281 of the General Statutes, as amended;

(C) if the application regards an existing facility, the present construction and operation of that facility is in full compliance with pertinent statutes, regulations, orders and existing permit terms and conditions; and

(D) the owner or operator of the facility or, if the owner or operator is a business entity, a parent or subsidiary corporation, partner, corporate officer or director, or stockholder holding more than fifty percent of the stock of the corporation has not repeatedly violated pertinent statutes, regulations, orders or permit terms or conditions at any solid waste facility.

(2) In making a decision on a permit application, the Commissioner shall consider all factors which he or she deems relevant, including but not limited to whether the facility proposed is consistent with the Solid and Hazardous Waste Land Disposal Siting Policy, the Connecticut Water Quality Standards and the State Solid Waste Management Plan.

(3) Notice of denial of a permit to construct or to operate shall set forth the reasons for the action taken.

(e) **Receipt of permit.** Any person who begins site preparation or construction of a solid waste facility after receiving a permit to construct, and any person who operates a solid waste facility after receiving a permit to construct and a permit to operate shall immediately

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comply with the terms and conditions of the permit(s).

(f) **Minor permit amendments.** The Commissioner may amend a permit to construct or to operate, without hearing, for minor changes in the facility design, practices or equipment that would not in his or her judgment significantly change the nature of the facility or its impact on the environment.

(g) **Transferability.** A permit to construct or to operate may not be transferred without prior written permission from the Commissioner. A request for permit transfer shall be made on a form provided by the Commissioner and shall include but need not be limited to all information required by subsection (b) (1) of this section, and proof of certification of the proposed operator. The Commissioner shall approve a permit transfer upon receipt of satisfactory evidence from the transferee that:

(1) the solid waste facility will be constructed, if applicable, and operated in compliance with applicable statutes and regulations;

(2) if the application regards an existing facility, the present construction and operation of that facility is in full compliance with pertinent statutes, regulations, orders and existing permit terms and conditions or the transferee makes a written commitment to bring the facility into compliance in accordance with a schedule approved by the Commissioner; and

(3) the owner or operator of the facility or, if the owner or operator is a business entity, a parent or subsidiary corporation, a partner, corporate officer or director, stockholder holding more than fifty percent of the stock of the corporation, has not repeatedly violated pertinent statutes, regulations, orders, or permit terms or conditions at any solid waste facility.

(h) **Revocation, suspension or modification of a permit to construct or to operate.**

(1) A permit to construct or to operate may be revoked, suspended, or modified (A) for failure to comply with the terms of the permit or with any applicable statute or regulation, (B) if the permit was issued in reliance upon incorrect information supplied by the permittee or his or her agent, or (C) if additional information becomes available which indicates that the operation and management, or the engineering of the facility as outlined in the original application and permit to construct is insufficient to maintain the facility in compliance with applicable statutes and regulations. Any permittee or his or her agent who acquires knowledge of such incorrect or additional information must inform the Commissioner in writing of the information within thirty (30) days.

(2) Notice of modification of a permit to construct or to operate shall set forth the reasons for the action taken.

(3) A permit to construct or to operate may be revoked or suspended in accordance with Section 4-182 of the General Statutes and the Rules of Practice of the Department, as amended.

(i) **Closure surety for solid or special waste disposal areas.**

(1) The owner or operator of a privately owned solid or special waste disposal area shall post a bond or other surety with the Commissioner to cover the cost of properly closing the area at any time required in accordance with these regulations and to cover the cost of thirty

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(30) year post-closure gas and water monitoring if required. The provisions of 40 CFR Sections 264.141 to 264.143 inclusive and 40 CFR Section 264.151, as they exist on the effective date of these regulations, shall govern the posting and release of such a surety. However, for the purposes of this section, the following changes are necessary:

(A) Several terms used in the federal regulations shall be replaced as follows:

<i>Term in Federal Regulations</i>	<i>Replacement for this Section</i>
“hazardous waste”	“solid or special waste”
“RCRA permit”	“DEP permit”
“Regional Administrator”	“Commissioner”
“Environmental Protection Agency or EPA”	“Department of Environmental Protection”
“EPA identification number”	“facility permit number”

(B) The term “closure plan” in the federal regulations shall be defined as follows: “closure plan” means the facility plan for design, construction, and operation, including closure and post-closure maintenance and gas and water monitoring, required by Section 22a-209-4 (b) (2) of these regulations.

(C) Any reference in the federal regulations to the Resource Conservation and Recovery Act or to a section of the federal regulations other than those incorporated herein by reference shall be deemed a reference to Sections 22a-209-1 through 22a-209-13 of the Regulations of Connecticut State Agencies.

(D) Subsection (g) of 40 CFR Section 264.141 and the definitions of “post-closure plan” and “current post-closure cost estimate” in the federal regulations shall be omitted.

(E) In 40 CFR Section 264.143 (h), the term “region” shall be replaced by “municipality.”

(2) The owner or operator of an existing privately owned solid or special waste disposal area shall post the closure surety with the Commissioner no later than sixty (60) days after the issuance of the facility’s permit to operate, and the owner or operator of a new facility shall post such surety no later than sixty (60) days before he or she begins to accept solid waste.

(j) **As-built plans.** Within ninety (90) days of completion of construction of a solid waste facility other than a solid or special waste disposal area, the permittee shall submit to the Department a complete set of as-built drawings of the facility. Such drawings shall become part of the facility plan.

(Effective March 21, 1990)

Sec. 22a-209-5. Contract approvals

The operator of any solid waste facility which is to receive solid or special wastes through the provisions of a contract submitted to the Commissioner for approval pursuant to Section

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22a-213 of the Connecticut General Statutes shall submit the following information to the Commissioner:

(a) Information to be submitted if the facility is a solid or special waste disposal area:

(1) Unless previously submitted, a detailed site map showing the proposed final topography of the site and a topographic survey of all permitted areas which have been filled as of a date no more than six (6) months prior to the date of contract execution. The maps shall be developed in conformance with the engineering requirements of Sections 22a-209-4 (b) (2) (A) (ii) and (iii) of these regulations.

(2) Daily records of all wastes received at the facility, prepared in accordance with Section 22a-209-7 (f) of these regulations, since the topographic survey was made pursuant to subsection 22a-209-5 (a) (1) of these regulations.

(3) Unless previously submitted, all monthly summaries of wastes received from any source which may continue to use the site during any part of the proposed contract term. If no summaries are available, copies of contracts, lists of sources and estimates of volumes of all wastes expected to be received during the life of the proposed contract shall be submitted.

(4) Any further information deemed by the Commissioner to be necessary to determine whether the proposed contract should be approved.

(b) Information to be submitted if the facility is a transfer station, resources recovery facility or other volume reduction facility or a biomedical waste treatment facility:

(1) daily records of all wastes received at the facility prepared in accordance with Section 22a-209-9 (p) of these regulations if the facility is a transfer station, and in accordance with 22a-209-10 (m) of these regulations if the facility is a resources recovery facility or other volume reduction plant, or biomedical waste treatment facility and

(2) any further information deemed by the Commissioner to be necessary to determine whether the proposed contract should be approved.

(c) The Commissioner may impose any conditions he or she deems necessary upon an approval of a contract.

(d) The Commissioner shall not approve a contract unless the facility is constructed and operated in compliance with applicable statutes and regulations and the facility permits issued by the Department.

(e) Contract approval shall be effective upon issuance. The contract parties shall abide by all the terms and conditions of the approval.

(f) The Commissioner shall not approve any contract which is required by statute, including but not limited to Section 7-237bb, 22a-211 and 22a-260 through 22a-281 of the General Statutes as amended, to be consistent with the State Solid Waste Management Plan, unless it is so consistent. In acting on any other contract, the Commissioner shall consider whether the contract is consistent with such plan.

(Effective March 21, 1990)

Sec. 22a-209-6. Certification of operators

(a) **Certified operator present.** The owner or operator of a solid waste facility shall assure that a certified operator is present at the solid waste facility at all times during operating hours, except as provided by Section 22a-209-6 (c) of these regulations.

(b) **Certification procedures:**

(1) Persons desiring to be certified shall apply to the Commissioner on forms provided by the Commissioner.

(2) Before an applicant is certified, he or she shall demonstrate to the Commissioner sufficient training in solid waste facility operational procedures to be able to oversee the operation of the solid waste facility in accordance with applicable state and federal statutes and regulations. Such training may consist of on-the-job or classroom instruction, or a combination of both, in solid waste management procedures and public health and safety.

(3) The Department of Environmental Protection shall certify applicants through use of one of the following methods:

(A) a written or oral examination designed to test the knowledge of the applicant regarding operational procedures of a solid waste facility relative to public health, safety and environmental matters, or

(B) a review of the qualifications of the applicant through an interview with the applicant and written documentation of his or her experience and/or training and record of compliance with operational requirements for similar solid waste facilities.

(4) Upon satisfactory fulfillment of the requirements of this section, the Commissioner shall issue a certificate attesting to the applicant's competency and his or her knowledge of a specific type of solid waste facility and its operation. Certificates shall be valid for a period of five (5) years from the date of issuance, and all existing valid certificates shall be valid through September 30, 1991. Certificates are revocable for non-compliance with state statutes or regulations when such noncompliance is the result of the certified operator's unreasonable action or inaction. The Commissioner may revoke or suspend such operator's certification in accordance with Section 4-182 of the Connecticut General Statutes and the Rules of Practice of the Department, as amended, and shall send advance notice of such revocation or suspension to the owner or operator of each facility at which the subject certified operator is employed.

(5) The Commissioner may require all certified operators to successfully complete additional instruction, examination, or both in solid waste management and pollution control technology to maintain certification. Such instruction may consist of the on-the-job or classroom instruction, or a combination of both, and such examination may be written or oral, or a combination of both.

(6) To renew a certificate that has expired, the previously certified operator must complete a training course offered by the Department of Environmental Protection for maintenance of proficiency or, as required, pass the examination or qualification review required in subdivision (b) (3) of this section.

(c) **Loss of certified operator.**

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(1) In the event a solid waste facility has no certified operator or the facility's sole certified operator has his or her certification revoked, it lapses, or the certified operator leaves for any reason, the owner or operator shall immediately (A) notify the Department and (B) apply to have an appropriate person certified in accordance with subsection (b) of this section.

(2) The Department shall administer the appropriate training and examination or review in a timely fashion, and the designated person shall undergo such training and examination or review at the first available opportunity, and pass such examination or review.

(3) Such a solid waste facility may operate without a certified operator provided the owner or operator complies with subsections (c) (1) and (2) of this section.

(Effective September 22, 1988)

Sec. 22a-209-7. Solid waste disposal areas

Solid waste disposal areas shall comply with the following permit and operating requirements.

(a) Any person wishing to operate a solid waste disposal area must comply with the permit requirements of Section 22a-209-4 of these regulations.

(b) The information which the Commissioner requires in an application may vary according to the category of the disposal area. Such categories may include:

(1) existing solid waste disposal areas where future disposal will take place only in areas where solid waste has previously been disposed of and is still present,

(2) existing solid waste disposal areas where future disposal will take place in areas where no solid waste had previously been disposed of, or, if solid waste had previously been disposed of, it has been removed, and

(3) new solid waste disposal areas.

(c) Protection of ground and surface waters.

(1) Minimum separation from ground waters. A minimum of sixty (60) inches shall be maintained between the base of deposited solid wastes and the maximum high water table or bedrock unless the permittee can establish to the satisfaction of the Commissioner that some lesser separation will be adequate to insure that solid wastes do not contact ground water. This provision shall not apply to solid waste disposal areas subject to solid waste permits granted prior to the effective date of these regulations which expressly authorize a minimum separation from ground water or bedrock of less than sixty (60) inches, provided that the permittee establishes to the satisfaction of the Commissioner that the continuation of solid waste disposal in accordance with such existing permit will not result in contact of solid waste with ground water.

(2) Water quality.

(A) In addition to the requirement of 22a-209-7 (c) (1) above, and except as provided in 22a-209-7 (c) (2) (B) below, a new or existing solid waste disposal area shall not impair the quality of surface or ground water beyond the solid waste boundary to a degree that would degrade the quality of such waters beyond the water quality classification established

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by the Department in accordance with Section 22a-426 of the Connecticut General Statutes, The Connecticut Water Quality Standards and Criteria, as amended, or the standards for quality of public drinking water established by the State Department of Health Services and contained in Section 19-13-B102 of the Regulations of Connecticut State Agencies, as amended. In those cases where the existing water quality fails to meet the established standards, the disposal area shall not further degrade the water quality.

(B) Notwithstanding 22a-209-7 (c) (2) (A) above, the Commissioner may designate an alternate boundary, beyond the solid waste boundary, beyond which the site may not impair the quality of surface or ground waters in accordance with the standards noted in 22a-209-7 (c) (2) (A). The designation of an alternate boundary must not result in the degradation of the quality of water which may be needed or used for human consumption, and must be based on an analysis to include but not be limited to the following factors:

- (i) the hydrogeological characteristics of the facility and the surrounding land,
- (ii) the volume and physical and chemical characteristics of the leachate,
- (iii) the quantity, quality and directions of flow of ground water,
- (iv) the proximity and withdrawal rates of ground water users in the vicinity of the solid waste disposal area,
- (v) the availability of alternate drinking water supplies,
- (vi) the existing quality of ground water including other sources of contamination and their cumulative impacts on ground water,
- (vii) public health, safety, and welfare effects, and
- (viii) the zone of impact for the leachate plume.

(3) Grading. The solid waste disposal area shall be graded, and provided with drainage facilities if necessary, to minimize infiltration of rainfall or surface runoff onto the area, to prevent erosion or washing out of the area, and to prevent the collection of standing water on the area. The top surface area shall at all times be graded to a slope of at least four (4) percent unless otherwise authorized by the Commissioner, and the side slopes shall not exceed a grade of one (1) on three (3), one vertical on three horizontal, unless otherwise authorized by the Commissioner.

(4) Floodplains. Solid waste facilities in floodplains shall not restrict the flow of the base flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste, so as to pose a hazard to persons or property, wildlife, or land or water resources.

(5) Surface water. Solid waste shall not be deposited so as to come in contact with surface waters, and disposal operations shall be conducted so as to minimize impact on surface waters. The Commissioner shall determine the required separation distance between deposited solid wastes and surface water for each solid waste disposal area based on site conditions.

(6) Erosion control. Siltation or retention basins or other methods approved by the Commissioner for retarding runoff shall be used where necessary to avoid stream siltation or flooding problems due to excess runoff.

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(7) Wells. A minimum distance of one thousand (1000) feet shall be maintained between deposited solid wastes and wells used for water supply purposes unless the owner or operator can establish to the satisfaction of the Commissioner that some lesser separation will be adequate to insure against pollution of the waters withdrawn from said wells.

(8) Monitoring.

(A) No new solid waste disposal area shall begin operations without the owner or operator first installing a ground water monitoring system constructed and located as specified in the approved facility plan. Further, no new disposal area shall begin operations prior to the owner or operator obtaining a sufficient number of surface and ground water samples, and analyses thereof, to establish baseline water quality information. Monitoring shall be performed in accordance with the schedule in the facility plan and/or permit to construct.

(B) Upon written notice to the owner or operator of an active solid waste disposal area or the owner of an inactive or closed solid waste disposal area that in the opinion of the Commissioner the area poses an actual or potential threat to the quality of the ground or surface waters of the state, the owner or operator shall investigate the extent and degree of surface and/or ground water contamination resulting from the disposal of solid wastes; submit construction and installation plans for a surface and/or ground water monitoring system to the Commissioner for approval; and, upon approval, install such monitoring system in conformance with such approved plans. The approved plans shall become part of the facility plan. Monitoring shall be performed in accordance with a schedule approved by the Commissioner.

(C) Ground or surface water samples shall be analyzed by a state-approved laboratory using methods approved by the Commissioner. Copies of analyses shall be forwarded to the Solid Waste Management Unit of the Department.

(d) **Access.**

(1) All-weather roads which provide access between public roads or highways and the solid waste disposal area are required and shall be maintained so as to be passable by all vehicles which utilize the area.

(2) Access to the solid waste disposal area shall be controlled to prevent unauthorized use. Control may be accomplished through use of appropriate fences, gates and signs.

(3) A sign shall be posted at the entrance to the facility which states, at a minimum, the name of the permittee and hours of use of the area, the authorized users, and required safety precautions.

(e) **Fire protection.**

(1) The owner or operator of an active solid waste disposal area, and the owner of an inactive or closed disposal area shall be responsible for firefighting activities. The owner or operator of a disposal area wherein smoldering, smoking or burning is occurring shall:

(A) immediately notify the Solid Waste Management Unit of the Department,

(B) if reasonably necessary, obtain firefighting assistance from the fire department(s) having jurisdiction in the area,

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(C) insure that firefighting activities continue until all smoldering, smoking and burning has ceased, as proven by scientific methods acceptable to the Department, and

(D) close the facility until all smoldering, smoking and burning has ceased, if required by the Commissioner or local firefighting officials.

(2) The owner or operator of any solid waste disposal area shall not conduct disposal activities within the immediate vicinity of any smoldering, smoking, or burning. Precautions shall be taken to prevent disposal activities from interfering with firefighting activities.

(3) Any disruption of the grade or covered compacted surfaces shall be repaired and recovered upon completion of firefighting activities.

(f) Measuring procedures.

(1) Daily records for regional solid waste disposal areas shall be maintained in a manner acceptable to the Commissioner. Such records shall state measured weights or estimated tonnage of wastes received from each municipality using the site, total weights from other sources, and the tonnage of materials removed for resource recovery and the markets used. Such records shall be available for inspection by representatives of the Department at any reasonable time. Monthly summaries of these records shall be submitted to the Department no later than ten (10) days after the last day of each quarter of the calendar year.

(2) Updated topographic mapping of fill areas performed in compliance with the specifications in 22a-209-4 (b) (2) (A) (ii) and (iii) shall be submitted to the Commissioner annually, for regional solid waste disposal areas. The Commissioner may require the submittal of such information for other disposal areas as he or she deems necessary.

(g) Certified operators. An operator certified by the Commissioner in accordance with Section 22a-209-6 of these regulations shall be present at a solid waste disposal area at all times during operating hours.

(h) Working face.

(1) The width of the working face shall be kept as narrow as is consistent with the proper operation of trucks and equipment in order that the area of waste material exposed during the operating day is minimal. No working face shall exceed one hundred fifty (150) feet in width when measured across the operating surface of the solid waste disposal area. Except where separate areas are designated on the approved facility plan for specific wastes, no more than one working face shall be in use at any one time.

(2) Unloading of solid wastes shall be restricted and controlled to assure the proper handling of solid wastes. Scavenging at the working face shall be prohibited.

(3) The cell construction method of sanitary landfilling shall be used. Solid waste shall be spread and compacted in layers not to exceed three feet thick in order to conserve capacity of the solid waste disposal area and minimize moisture infiltration, settlement and public health problems. Each individual cell shall not exceed ten (10) feet in height unless the owner or operator of such solid waste disposal area can establish to the satisfaction of the Commissioner that individual cells with a height greater than ten (10) feet may be utilized without interfering with the safe and sanitary operation of the disposal area. Cover material shall be placed on each cell according to Section 22a-209-7 (l).

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(i) Waste collection areas.

(1) Owners or operators of solid waste disposal areas may provide one or more containers within a designated collection area so that waste may be unloaded from non-commercial vehicles and deposited therein. Disposal area personnel shall oversee the disposal of waste at such designated collection areas.

(2) Scavenging at waste collection areas shall be prohibited.

(3) Collection areas shall be located a safe distance from the working face and from the movement of disposal area equipment and commercial collection and hauling vehicles.

(4) The owner or operator shall be responsible for the sanitary condition and orderly appearance of the waste collection area, and shall remove all waste from the collection area and deposit it in the working face of the disposal area at such frequencies as to insure that no waste remains in the collection area for longer than forty-eight (48) hours.

(5) Portions of the solid waste disposal area which are used solely to collect and store recyclable materials are not subject to the requirements of subdivision (i) (4) of this section.

(j) Equipment.

(1) The equipment used for spreading, compacting and covering shall be of sufficient size and number to achieve maximum compaction and efficient operation.

(2) Provision shall be made for the routine operational maintenance of equipment at the solid waste disposal area or elsewhere, and for the prompt repair or replacement of equipment.

(3) The owner or operator of a solid waste disposal area shall establish a contingency plan outlining procedures for obtaining alternative equipment or other alternative method of disposal in the event of an equipment breakdown which can reasonably be expected to exceed twenty-four hours in duration. The owner or operator shall notify the Department immediately when such a breakdown occurs.

(k) **Blowing litter.** Blowing litter shall be controlled by use of fencing near the working area or by the use of earth banks or other natural barriers acceptable to the Commissioner. Solid wastes shall be unloaded in such a manner as to minimize scattering. The entire solid waste disposal area shall be reasonably clear of litter at the end of each working day.

(l) Cover operations.

(1) Cover material. There shall be stored within the boundaries of the solid waste disposal area a standby supply of cover material equal to twenty-five (25) percent of the volume of the disposal area consumed in ten days at normal disposal rates. Such cover stockpile shall be protected from freezing in the winter season.

(2) Daily cover. Cover material shall be applied and compacted to a minimum thickness of six (6) inches on all exposed wastes by the end of each working day.

(3) Intermediate cover. On all but the final lift of a solid waste disposal area, if more than nine months is expected to elapse before another lift is added, a layer of intermediate cover material, compacted to a minimum uniform depth of one (1) foot, shall be placed on such area and vegetative cover shall be planted in the next planting season and shall be maintained thereon.

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(4) Final cover. A uniform layer of final cover material compacted to a minimum depth of two (2) feet shall be placed over the entire surface of each portion of the final lift not later than one week following the final placement of solid waste in that portion of the area unless otherwise specified in the facility permit to construct. Upon application of final cover, the area shall be regraded to prevent erosion and ponding, and vegetative cover shall be planted in the next planting season and shall be maintained thereon.

(m) **Vector control.**

(1) Conditions shall be maintained that are unfavorable for the harboring, feeding and breeding of vectors.

(2) Additional means for controlling and exterminating vectors shall be instituted, whenever necessary in the judgment of the Commissioner to prevent the transmission of disease.

(n) **Decomposition gases.**

(1) Decomposition gases generated within the solid waste disposal area shall be controlled as necessary to avoid posing a hazard to any persons or property and to minimize adverse environmental effects.

(2) The concentration of methane gases generated by the solid waste disposal area shall not exceed:

(A) Twenty-five percent (25%) of the lower explosive limit for methane in on-site or off-site structures including buildings, sheds and utility or drainage lines, but excluding gas control or recovery system components, or

(B) The lower explosive limit for methane in the ground at the property boundary of the solid waste disposal area.

(3) (A) No new solid waste disposal area shall begin operations without the owner or operator first installing any gas venting and monitoring system indicated on the approved facility plan. A phase-in of the system may be permitted if so indicated in the facility's permit to construct.

(B) Upon written notice to the owner or operator of an active solid waste disposal area or the owner of an inactive or closed solid waste disposal area that in the opinion of the Commissioner the area poses an actual or potential hazard from decomposition gases, the owner or operator shall submit construction and installation plans for a gas monitoring and/or venting system to the Commissioner for approval, and, upon approval, shall install such a system in conformance with such approved plans. The approved plans shall become part of the facility plan. Monitoring shall be performed in accordance with a schedule approved by the Commissioner.

(4) The recovery of methane gases for use as a fuel is not prohibited by this subsection.

(o) **Restrictions on certain wastes.**

(1) Hazardous wastes shall be excluded from solid waste disposal areas. However, separate facilities at a solid waste disposal area may be approved for the disposal of certain hazardous wastes by the Commissioner in accordance with Public Act 84-115 and the Hazardous Waste Management regulations of the Department of Environmental Protection.

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Special wastes, including any liquid waste, shall be excluded unless disposal is approved in writing by the Commissioner.

(p) **Recycling.** Materials to be recycled shall be maintained in a separate area so as not to interfere with disposal operations. Materials held for recycling shall be adequately screened from view or removed at frequent intervals.

(q) **Employee facilities.** Each solid waste disposal area shall have adequate shelter and restroom facilities for employees, first aid supplies, and telephone or two-way (i.e., sending and receiving) radio communication equipment. Each of these must be provided at or adjacent to the disposal area.

(r) **Air quality.**

(1) Dust and odors resulting from the operation of the solid waste disposal area shall be controlled at all times to assure compliance with the applicable regulations of the Department for the Abatement of Air Pollution.

(2) No open burning of solid waste shall be conducted except upon compliance with the applicable statutes and regulations of the Department for the Abatement of Air Pollution regarding open burning.

(s) **Bird hazards to aircraft.** A solid waste disposal area disposing of putrescible wastes that may attract birds and which occurs within 10,000 feet (3,048 meters) of any public airport runway used by turbojet aircraft or within 5,000 feet (1,524 meters) of any public airport runway used by only piston-type aircraft shall conduct its operations so as not to pose a bird hazard to aircraft. Affirmative measures for bird hazard control shall be taken as necessary.

(t) **Screening.** Best practical effort shall be made to screen the working face of a solid waste disposal area from view from surrounding residential or business areas.

(u) **Disruption of solid waste disposal areas.**

(1) Written approval shall be obtained from the Commissioner prior to any excavation, disruption, or removal of deposited material at an active, inactive or closed solid waste disposal area.

(2) All requests for approval shall include but need not be limited to an operational plan stating the area involved, depth of proposed excavation with final grades, estimated cubic yards of material to be excavated or disrupted, site where excavated material is to be redeposited and estimated time required for completion of excavation procedures. The approved plan shall become part of the facility plan.

(3) All excavation shall be confined to an area consistent with the number of pieces of digging equipment and/or trucks used for haulage.

(4) Adequate measures shall be taken during excavation to protect the public health and to control dust, odors, fires, vectors, and blowing litter.

(5) Disposal of all solid waste resulting from excavation shall be in conformity with the requirements of these regulations.

(v) **Endangered species.**

(1) Facilities or practices shall not cause or contribute to the taking of any endangered

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or threatened species of plants, fish, or wildlife. As used in this subsection, “endangered or threatened species” means any species listed as such pursuant to Section 4 of the Endangered Species Act.

(2) The facility or practice shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17. As used in this subsection, “destruction or adverse modification” means a direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of threatened or endangered species using that habitat, and “Taking” means harassing, harming, pursuing, hunting, wounding, killing, trapping, capturing, or collecting or attempting to engage in such conduct.

(w) **Fill limit markers.** The permitted lateral fill limits of a new solid or special waste disposal area or unused portions of an active solid or special waste disposal area shall be staked with markers approved by the Commissioner which shall be located such that the neighboring markers may be easily seen from each marker. Solid waste shall not be deposited beyond the line between neighboring markers.

(x) (1) New municipal solid waste disposal areas. After the effective date of this subsection, no permit shall be issued under Section 22a-208a of the General Statutes for construction and operation of a new municipal solid waste disposal area unless:

(A) The groundwater at such solid waste disposal area and its zone of influence is classified GC by the Water Quality Standards.

(B) An application under Section 22a-208a of the General Statutes has been filed with the Commissioner to construct and operate such solid waste disposal area and such application includes the information and materials specified in subsection (f) of Section 22a-209-14 of the Regulations of Connecticut State Agencies; and

(C) Such solid waste disposal area will be constructed and operated in compliance with the requirements of subsections (g), (h), (i), (j), and (k) of Section 22a-209-14 of the Regulations of Connecticut State Agencies.

(2) An application to construct and operate a new municipal solid waste disposal area may propose alternate technologies to meet the goals of subsections (g) (1) through (g) (4), (h), (i), (j), and, (k) of Section 22a-209-14 of the Regulations of Connecticut State Agencies, which goals are to protect the waters of the State from pollution and to prevent the dispersion of waste. The applicant shall demonstrate that such alternate technologies will achieve these goals to the same degree as the requirements of the said subsections, that such alternate technologies have been utilized in similar circumstances, and that such alternate technologies are supported by scientific and engineering evidence that they will provide an equivalent degree of protection against water pollution and dispersion of waste as implementation of the requirements specified in the said subsections.

(Effective February 28, 1990)

Sec. 22a-209-8. Special waste disposal

Special waste disposal shall comply with the permit and operation and management

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requirements of solid waste disposal areas with the exceptions and additional special considerations noted in this section.

(a) Any person wishing to operate a solid waste facility specifically for special wastes must comply with the permit requirements of Section 22a-209-4 of these regulations.

(b) A separate permit to construct or to operate is not required if combined disposal of the waste in question with other solid wastes or special wastes is authorized and the requirements for these special wastes are adequately provided for in the facility plan.

(c) The combined disposal of special wastes with other solid wastes or special wastes is prohibited unless specifically approved in writing by the Commissioner. The use of casting sands, contaminated dredge spoils or fly-ash as cover material may be allowed upon written approval of the Commissioner. Any such approval shall become part of the facility plan.

(d) Certification procedures for operators of facilities handling special wastes shall include a requirement for specific training or experience in the unique characteristics and handling requirements of the special wastes to be disposed of under the operator's supervision.

(e) This section does not prohibit the diversion of special wastes to composting operations or for resource recovery.

(f) Special handling requirements for special wastes shall, as the Commissioner deems necessary, include but not be limited to the following:

(1) For each specific waste, the disposal facility owner or operator shall submit for the Commissioner's review and approval a report on the physical and chemical analysis and leachate analysis of a representative number of samples of the waste materials, such analyses to be conducted by methods approved or prescribed by the Commissioner,

(2) Pretreatment or dewatering of sludges or other waste materials with high moisture content,

(3) Erosion and siltation control measures for the disposal of easily eroded materials,

(4) Dust control measures including prompt application of cover material, use of water or calcium chloride, all-weather road surfaces, washing of vehicles, and use of dust-filtering masks for the disposal of easily airborne waste materials,

(5) Odor control including limited working areas and prompt cover and use of masking agents with specific written approval of the Commissioner, and

(6) Equipment maintenance procedures including frequent inspection and prompt replacement of air filters and other repairs as may be needed when handling fine or abrasive waste materials.

(7) The requirements under Section 22a-209-7 of these regulations for daily cover and ground water separation distances for the disposal of these wastes may be reduced with the written approval of the Commissioner if it is established to the satisfaction of the Commissioner that such reduction will not result in the pollution of the waters of the State in violation of Section 22a-209-7 (c) (2) of these regulations.

(g) Special handling requirements for the storage, disposal or processing of scrap tires shall include but not be limited to the following:

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(1) Operations of solid waste facilities involving the storage of scrap tires shall be provided with fire prevention and control measures which the Commissioner deems adequate including the provision of security fencing, 50 foot wide fire lanes, heavy duty fire extinguishers, and hydrants or fire ponds. Arrangements shall also be made with local fire departments for their services as needed.

(2) The owner or operator of a scrap tire storage or processing facility shall submit, for the Commissioner's approval, a facility plan for on-site or a description of off-site disposal of all tires which the facility could hold at maximum capacity. The owner or operator of a privately owned tire storage or processing facility shall post sufficient surety with the Commissioner to cover the cost of disposal in accordance with such plan or description. The provisions of the federal regulations listed in Section 22a-209-4 (h) of these regulations, with the changes noted in that Section, shall govern the posting of such surety. The owner or operator of an existing facility shall post such surety no later than sixty (60) days after the issuance of the facility permit to operate, and the owner or operator of a new facility shall post such surety no later than sixty (60) days before he or she begins to accept tires for storage or processing.

(3) Scrap tire processing facilities shall be considered resource recovery facilities and their design, permitting and operation shall conform to the requirements of Section 22a-209-10 of these regulations. Any storage of tires at such a facility shall comply with the requirements of this subsection.

(4) For the disposal of tires, the requirements for daily cover under subsection 22a-209-7 (l) of these regulations may be reduced at most to a requirement for weekly cover and that for surface or ground water separation distances may be waived or the ground water separation reduced.

(h) Special handling requirements for the disposal of bulky wastes shall include but not be limited to the following:

(1) Disposal at bulky waste disposal areas shall be limited to landclearing debris and wastes resulting directly from demolition activities. This limitation shall not apply to bulky waste disposal areas operated under permits issued prior to the effective date of these regulations which expressly authorize the disposal of other wastes provided that the permittee establishes to the satisfaction of the Commissioner that the continuation of such disposal in accordance with such existing permit will not result in pollution of the waters of the state in violation of Section 22a-209-7 (c) (2) of these regulations.

(2) The requirements under subsection 22a-209-7 (l) of these regulations for daily cover may be reduced at most to a requirement for weekly cover and the ground water separation distance may be reduced at most to a minimum of two feet above the maximum high water table if it can be shown to the satisfaction of the Commissioner that such reduction will not result in pollution of the waters of the state in violation of Section 22a-209-7 (c) (2) of these regulations.

(i) Special handling requirements for the disposal of asbestos waste shall include but not be limited to the following:

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(1) No asbestos shall be disposed of until the Commissioner issues specific written authorization and it is received by the operator of the disposal area, the generator, and the authorized hauler of the asbestos waste. The authorization shall specify the source, quantity and type of asbestos waste to be disposed of and any other information deemed necessary by the Commissioner.

(2) Before accepting any asbestos waste the disposal area operator must make sure that the following requirements are satisfied.

(A) The asbestos must be packaged in impermeable dust-tight containers such as heavy duty 6 mil plastic bags or sealed fiber pack drums.

(B) All containers must be labeled in large legible letters as follows:

CONTAINS ASBESTOS — AVOID OPENING OR BREAKING CONTAINER —
BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH.

(C) The asbestos must be transported separately from other waste materials.

(3) The asbestos must be deposited at the base of the working face of the disposal area without breaking or otherwise opening the containers, and shall be immediately covered with nine inches of cover material or, if approved by the Commissioner, dry non-asbestos waste material.

(Effective March 21, 1990)

Sec. 22a-209-9. Solid waste transfer stations

Solid waste transfer stations shall comply with the following permit and operating requirements.

(a) Any person wishing to operate a solid waste transfer station must comply with the permit requirements of Section 22a-209-4 of these regulations.

(b) In addition to the application requirements specified in Section 22a-209-4 (b), an application for a transfer station permit to construct shall include a copy of any haul-away contract made by a city, town, borough or regional authority for collection, transportation, processing, storage and disposal outside its boundaries of solid wastes generated within its boundaries in accordance with Section 22a-213 of the Connecticut General Statutes.

(c) **Access.**

(1) A sign shall be posted at the entrance to the facility which states, at a minimum, the name of the permittee and hours of use of the operation, the authorized users, and required safety precautions.

(2) Access to the facility shall be controlled to prevent unauthorized use. Control may be accomplished through use of appropriate fences, gates and signs.

(d) **Enclosure.** A building roofed and enclosed on all sides, or otherwise enclosed to satisfactorily control dust and litter shall be provided.

(e) **Screening.** Screening from view shall be provided for a transfer station located within 500 feet of a residence.

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(f) **Certified operator.** An operator certified by the Commissioner in accordance with Section 22a-209-6 of these regulations shall be present at a solid waste transfer station at all times during working hours.

(g) **Storage.**

(1) No solid waste shall be stored within the property boundary for a period greater than forty-eight (48) hours with the exception of legal holiday weekends, unless authorized by the Commissioner.

(2) A minimum of twenty-four (24) hours storage capacity shall be provided for solid wastes in transfer stations which have a design capacity of more than one hundred (100) tons of solid wastes per eight (8) hour day.

(h) **Working area.** Unloading of solid waste shall take place only within the enclosed structure and/or in designated areas approved in writing by the Commissioner. Scavenging shall be prohibited at the unloading area.

(i) **Litter control.** Solid waste shall be confined to the unloading, loading and handling area. The transfer station and adjacent areas shall be kept clean and reasonably free of litter.

(j) **Restrictions on certain wastes.** Hazardous wastes and special wastes shall be excluded unless plans for special handling have been submitted to the Commissioner and approved in writing.

(k) **Air quality.**

(1) Dust and odors resulting from the unloading of solid waste and the operation of the transfer station shall be controlled at all times to assure compliance with the applicable regulations of the Department for the Abatement of Air Pollution.

(2) No open burning of solid waste shall be conducted except upon compliance with regulations of the Department for the Abatement of Air Pollution regarding open burning.

(l) **Fire control.**

(1) Solid waste which is burning or is at a temperature likely to cause fire or is of a highly flammable or explosive nature shall not be accepted in the transfer station.

(2) Adequate equipment shall be provided to control fires, and arrangements made with the local fire protection agency to immediately acquire services when needed. The Solid Waste Management Unit of the Department shall be immediately notified when a fire occurs.

(m) **Vector control.**

(1) Conditions shall be maintained that are unfavorable for the harboring, feeding and breeding of vectors.

(2) Additional means for controlling and exterminating vectors shall be instituted, whenever necessary in the judgment of the Commissioner to prevent the transmission of disease.

(n) **Maintenance.** Provision shall be made for the routine operational maintenance of the transfer station and appurtenances.

(o) **Shutdown.** If for any reason the transfer station is rendered inoperable, an alternative method approved by the Commissioner shall be available for solid waste disposal. The Department shall be notified within twenty-four (24) hours when such an occasion arises.

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(p) **Measuring procedures.** Daily records for transfer stations shall be maintained in a manner acceptable to the Commissioner. Such records shall state measured weights or estimated tonnage of wastes received from each community using the transfer station, total weights from other sources, specific sites to which it was delivered for disposal, and the tonnage of materials removed for resource recovery and markets used. Such records shall be available for inspection by representatives of the Department at any reasonable time. Monthly summaries of these records shall be submitted to the Department no later than ten (10) days after the last day of each quarter of the calendar year.

(q) **Temporary facilities.** The Commissioner shall prescribe guidelines for the design and operation of transfer stations which will operate for a period of less than two (2) years. Such a facility must secure a variance as provided in Section 22a-209-11 of these regulations.

(Effective February 21, 1985)

Sec. 22a-209-10. Resource recovery facilities and other volume reduction plants

Resources recovery facilities, other volume reduction plants, and biomedical waste treatment facilities shall comply with the following permit and operating requirements.

(1) Any person wishing to operate a resources recovery facility or other volume reduction plant or biomedical waste treatment facility must comply with the permit requirements of Section 22a-209-4 of these regulations.

(2) In addition to the application requirements specified in Section 22a-209-4 (b), an application for a permit to construct for a resources recovery facility or other volume reduction plant or a biomedical waste treatment facility shall include specifications for all process equipment and a material and energy balance if appropriate.

(3) **Access.**

(A) A sign shall be posted at the entrance to the operation which states, at a minimum, the name of the permittee and hours of use of the facility, the authorized users, and required safety precautions.

(B) Access to the facility shall be controlled to prevent unauthorized use. Control may be accomplished through use of appropriate fences, gates and signs.

(4) **Storage.** No solid waste shall be stored within the property boundary for a period greater than forty-eight (48) hours with the exception of legal holiday weekends, unless authorized by the Commissioner.

(5) **Working area.** Unloading of solid waste shall take place only within an enclosed structure and/or only in designated areas approved in writing by the Commissioner. Scavenging shall be prohibited at the unloading area.

(6) **Litter control.** Solid waste shall be confined to the unloading, loading, and handling area. The facility and adjacent areas shall be kept clean and reasonably free of litter.

(7) **Certified operators.** An operator certified by the Commissioner in accordance with Section 22a-209-6 of these regulations shall be present at the resources recovery facility or other volume reduction plant or biomedical waste treatment facility at all times during

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working hours.

(8) **Restrictions on certain wastes.** Hazardous wastes and special wastes shall be excluded unless the facility is designed to handle such materials and plans for the special handling have been submitted to the Commissioner and approved in writing.

(9) **Air quality.** Air emissions, dust and odors resulting from the unloading of solid waste and the operation of the resources recovery facility or other volume reduction plant or biomedical waste treatment facility shall be controlled at all times to assure compliance with the applicable regulations of the Department for the Abatement of Air Pollution.

(10) **Fire control.** Equipment shall be provided to control fires and arrangements made with the local fire protection agency to immediately acquire services when needed. The Bureau of Waste Management of the Department shall be immediately notified when a fire occurs.

(11) **Explosion.** The resources recovery facility or other volume reduction plant or biomedical waste treatment facility design and/or equipment shall provide for explosion protection. The Bureau of Waste Management of the Department shall be immediately notified when an explosion occurs.

(12) **Shutdown.** If for any reason the resources recovery facility or other volume reduction plant or biomedical waste treatment facility is rendered inoperable, an alternative method approved by the Commissioner shall be available for the processing or transfer and disposal of solid waste, and the Department shall be notified within twenty-four (24) hours when such an occasion arises.

(13) **Measuring procedures.** Daily records for resources recovery facilities and other volume reduction plants and biomedical waste treatment facilities shall be maintained in a manner acceptable to the Commissioner. Such records shall state measured weights or estimated tonnage of wastes received from each municipality or generator of biomedical waste using the facility, total weights from other sources, tonnage processed, materials removed for resources recovery and markets used, tonnage of residue delivered for disposal and specific sites used. Monthly summaries of these records shall be submitted to the Department no later than ten (10) days after the last day of each quarter of the calendar year.

(14) **Temporary facilities.** The Commissioner shall prescribe guidelines for the design and operation of resource recovery facilities or other volume reduction plants which will operate for a period of less than two (2) years. Such a facility must secure a variance as provided in Section 22a-209-11 of these regulations.

(Effective March 21, 1990)

Sec. 22a-209-11. Variances

(a) An owner or operator of a solid waste facility may apply to the Commissioner for a variance from one or more of the provisions of these regulations. Specifically, a variance may be sought for (1) design of facility, (2) operating requirements, and (3) temporary operations. For any variance which is not a minor permit amendment pursuant to Section

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22a-209-4 (f) of these regulations, the Commissioner shall publish notice of the request for variance and accept public comments thereon, oral, or written, in the same manner as specified in Section 22a-209-4 (b) (3) for permit applications.

(b) Requests for variance shall be in writing and shall supply such information as the Commissioner reasonably requires, including but not limited to:

- (1) the nature and location of the solid waste facility,
- (2) the reasons for which the variance is requested, including the economic, technological and environmental justification for a variance,
- (3) a description of interim control measures to be taken by the facility in lieu of compliance and any possible danger to the environment or to persons or property resulting therefrom,
- (4) if the Commissioner deems it necessary, a specific schedule of measures to be taken to bring the facility into eventual compliance with the regulation from which the variance is sought,
- (5) the period for which the variance is sought, and the justification for such time period, and
- (6) other information deemed reasonably necessary by the Commissioner.

(c) No variance shall be granted unless the applicant establishes to the Commissioner's satisfaction that:

- (1) Conditions occurring during the period of variance will protect property, the public health and safety, and the natural resources and environment of the State, and
- (2) Compliance with the regulation would produce undue hardship without equal or greater benefit to the public.

(d) In making a determination regarding a variance, the Commissioner shall consider:

- (1) the character and degree of injury to or interference with the reasonable use of property, the public health and safety, and the natural resources and environment of the State which is caused or threatened to be caused,
- (2) the social and economic value of the activity for which the variance is sought,
- (3) the suitability or unsuitability of the activity to the area in which it is located, and
- (4) the impracticability, both scientific and economic, of complying with the regulation from which the variance is sought.

(e) A variance shall not be granted solely or principally on the grounds of economic hardship.

(f) The Commissioner shall specify in writing the period for which the variance will be valid.

(g) Unless and until a variance is granted, the owner or operator of a solid waste facility must comply with applicable statutes, regulations, and permit conditions.

(h) The Commissioner may revoke or suspend a variance in accordance with Section 4-182 of the Connecticut General Statutes and the Rules of Practice of the Department, as amended.

(Effective February 21, 1985)

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Sec. 22a-209-12. Violations

(a) No person shall violate or cause the violation of any applicable statutes or regulations.

(b) Remedies for violations.

(1) The Commissioner shall designate employees of the Department who shall, acting with or without complaints, conduct investigations and ascertain whether the solid waste management statutes and regulations are being complied with.

(2) Whenever these employees determine that any applicable statute or regulation has not been complied with, the Commissioner shall send to the person or persons responsible for the noncompliance a written order specifying the nature of the noncompliance and affording a reasonable period of time for its correction. Nothing herein shall be construed to limit the rights of the Commissioner to proceed with any other remedies that he or she may deem necessary.

(3) Unless the person or persons on whom an order has been served requests a hearing within thirty (30) days of the date of issuance in accordance with section 22a-6c of the General Statutes as amended, such order shall become final and effective. If a hearing is requested, it shall be held in accordance with the Uniform Administrative Procedure Act, Chapter 54 of the General Statutes, and the Department's Rules of Practice.

(Effective February 21, 1985)

Sec. 22a-209-13. Closing of solid waste facilities

(a) If an owner or permittee intends to close any solid waste facility without an order from the Commissioner to do so, he or she must notify the Commissioner of his or her intention to do so at least sixty (60) days prior to closing.

(b) The Commissioner may require any action or the submission of any information which he deems necessary to insure the proper closing of any facility so as to preserve and protect the natural resources and environment of the State of Connecticut.

(c) The Commissioner shall inspect or cause to be inspected all solid waste facilities that have been closed to determine if the closing is satisfactory. He or she shall notify the owner of a closed solid waste facility if the closing is satisfactory and shall order necessary construction or other steps to be taken to bring unsatisfactory sites into compliance with applicable regulations.

(d) Detailed information concerning the use of the site following closing shall be submitted to the Commissioner for approval and such approval shall be obtained before any use is made of the site. Upon approval, such plan shall become part of the facility plan.

(e) The regulations governing the closing of solid or special waste disposal areas voluntarily or under order of the Commissioner are 22a-209-7 (c) (3) concerning grading, 22a-209-7 (e) concerning fire protection, 22a-209-7 (l) (4) concerning final cover and seeding, 22a-209-7 (m) concerning vector control, 22a-209-7 (n) concerning decomposition gases, and 22a-209-7 (u) concerning disruption.

(f) Within ninety (90) days of the closing of a solid waste or special waste disposal area, the owner or operator shall furnish the Department with a complete set of as-built drawings

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of the area. Such drawings shall become part of the facility plan.

(g) Upon closing a solid or special waste disposal area, the owner or operator shall record a detailed description of the disposal area in the appropriate municipal land records, and shall send the following to the Commissioner: A copy of such description, certified by the municipal clerk as a true copy, along with a notation of the volume and page reference to the deed to the property on which the disposal area is located, a description of the general types and locations of wastes on the site, the depth of fill, the depth and type of cover material, the dates the disposal area was in use, area of potential impacted ground water as defined in the facility plan submitted with the application for permit to construct, and other information which the Commissioner deems necessary.

(h) Responsibility for post-closure maintenance and monitoring of solid waste or special waste disposal areas shall rest with the property owner of record unless the assignment of those responsibilities to other persons is approved in writing by the Commissioner.

(Effective February 21, 1985)

Sec. 22a-209-14. Disposal of residue

(a) After the effective date of this section, no person shall dispose of residue except at a solid waste disposal area:

(1) With respect to which the Commissioner has issued a permit to discharge leachate under Section 22a-430 of the General Statutes and Sections 22a-430-3 and 22a-430-4 of the Regulations of Connecticut State Agencies, or with respect to which the operator is in compliance with an order issued under Chapter 446k of the General Statutes;

(2) (A) With respect to which the Commissioner has, after the effective date of this section, issued a permit to construct and operate a solid waste disposal area for the disposal of residue under Section 22a-208a of the General Statutes and Section 22a-209-4 and this section of the Regulations of Connecticut State Agencies, or

(B) If such solid waste disposal area was operating on the effective date of this section, with respect to such solid waste disposal area the Commissioner had issued a permit to operate under Section 22a-208a of the General Statutes and Section 22a-209-4 of the Regulations of Connecticut State Agencies and such permit specifically authorized the disposal of residue at such solid waste disposal area; and

(3) The groundwater at which, and at the zone of influence of which, is classified GC by the Water Quality Standards.

(b) (1) Any person who constructs or operates a solid waste disposal area for the disposal of residue shall comply with all applicable provisions of Chapter 446d of the General Statutes and Sections 22a-209-1 through 22a-209-13, inclusive of the Regulations of Connecticut State Agencies, including the operator certification requirements of Section 22a-209-6 of the Regulations of Connecticut State Agencies.

(2) Any person who operates a solid waste disposal area for the disposal of residue shall comply with the requirements of this section, except as provided in subdivisions (3) and (4) of this subsection.

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(3) Any person who on the effective date of this section operates a solid waste disposal area for the disposal of residue, which solid waste disposal area satisfies the conditions of subdivisions (a) (1), (a) (2) (B), and (a) (3) of this section, but whose operations at which solid waste disposal area do not conform to the requirements of subsection (d) of this section, shall within 90 days of the effective date of this section submit to the Commissioner an application to amend the permit issued to such person under Section 22a-208a of the General Statutes and Section 22a-209-4 of the Regulations of Connecticut State Agencies. The application shall demonstrate that operations at the solid waste disposal area will comply with subsection (d) of this section by a reasonable date or dates.

(4) Any person who on the effective date of this section operates a solid waste disposal area for the disposal of residue, which solid waste disposal area satisfies the conditions of subsection (a) (1), (a) (2) (B) and (a) (3) of this section, may continue to dispose of residue at such solid waste disposal area for only three years without complying with subsections (g) and (h) of this section.

(5) The Commissioner may, upon written application and after a hearing held in accordance with Chapter 54 of the General Statutes and Section 22a-3a-1 of the Regulations of Connecticut State Agencies, extend for up to two years the three-year exemption period provided for in subdivision (4) of this subsection if such an extension would not adversely affect the waters or other natural resources of the state. In determining whether to grant, conditionally grant, or deny an application under this subsection, the Commissioner shall consider the hydrogeology of the affected area, the potential for pollution resulting from further delay in compliance with subsections (g) and (h) of this section, and the time necessary to comply with such subsections.

(6) An application submitted after the effective date of this section to construct and operate a solid waste disposal area for the disposal of residue may propose alternate technologies to meet the goals of this section, which are to protect the waters of the State from pollution and to prevent the dispersion of residue. The applicant shall demonstrate that such alternate technologies will achieve these goals to the same degree as the requirements specified in this section, that such alternate technologies have been utilized in similar circumstances, and that such alternate technologies are supported by scientific and engineering evidence that they will provide an equivalent degree of protection against water pollution and dispersion of residue as implementation of the requirements specified in this section.

(c) Any person who after the effective date of this section seeks a permit to construct and operate a solid waste disposal area for the disposal of residue, or who on the effective date of this section operates a solid waste disposal area for the disposal of residue and such solid waste disposal area and its zone of influence are in a location where the groundwater is not classified GC by the Water Quality Standards, may apply to the Commissioner pursuant to Section 22a-430-4 of the Regulations of Connecticut State Agencies for an amendment of the pertinent groundwater classification.

(d) Any person who operates a solid waste disposal area for the disposal of residue shall

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comply with the following requirements:

(1) Residue shall be disposed of in monocells. The number of monocells at a solid waste disposal area shall be adequate for the size and configuration of the solid waste disposal area. Enough monocells shall be equipped with pan lysimeters or similar devices to allow a reliable determination of the quantity and quality of leachate generated by residue disposed of at such solid waste disposal area.

(2) No solid waste other than residue shall be deposited in or above the actual limit of a monocell in which residue has been deposited unless the Commissioner determines that such other solid waste will provide equivalent, minimal infiltration, prevent dispersion of any solid waste, including residue, and will not produce leachate that will have an adverse effect on water quality or that will increase the production of leachate from residue or have an adverse impact on the quality of leachate produced by residue.

(3) The groundwater monitoring requirements of Section 22a-430-4 (C) (20) (e) of the Regulations of Connecticut State Agencies shall be met at any solid waste disposal area utilized for the disposal of residue, including provisions for the monitoring of dioxin in groundwater, utilizing a dedicated dioxin sampling well.

(e) An application after the effective date of this section for a permit to construct and operate a solid waste disposal area for the disposal of residue shall comply with the provisions of Section 22a-209-4 of the Regulations of Connecticut State Agencies and shall also include the following:

(1) A completed application under subsection (c) of this section to reclassify groundwater, if applicable.

(2) A completed application for a leachate discharge permit under Section 22a-430 of the General Statutes and Sections 22a-430-3 and 22a-430-4 of the Regulations of Connecticut State Agencies.

(3) Engineering plans which include:

(A) A plan showing the existing contours of the proposed solid waste disposal area and adjacent land extending to the nearest surface water or to any other surface water which may be affected by operations at such solid waste disposal area or by leachate generated by such solid waste disposal area;

(B) A plan for construction and operation, including the sequence of construction of the solid waste disposal area; lift orientation; location, dimensions, and construction of access roads; and the sequence and construction of cells. Such plan shall include provisions for the inspection of residue as it is deposited at the working face. Such plan shall ensure that the size of the working face of the solid waste disposal area shall be kept to a minimum and that generation of leachate will be minimized through compaction of waste and provision of adequate cover; and

(C) A plan for compliance with subsections (g), (h), (i), and, (j) of this section.

(4) A management plan indicating the personnel and equipment that will be employed to ensure compliance with any approved plan of operation.

(5) A plan for the monitoring of leachate and groundwater that conforms to the provisions

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of Section 22a-430-4 (c) (20) (E) of the Regulations of Connecticut State Agencies.

(6) A plan for post-closure maintenance and monitoring to ensure the minimization of leachate generation and the monitoring of groundwater and pertinent surface waters for a period of time which is adequate to protect the environment and is at least 30 years. At a minimum such plan shall:

(A) Identify all persons that will be legally responsible for the solid waste disposal area following closure;

(B) Provide for financial guarantees to ensure the long term monitoring and maintenance of the facility as provided for in Section 22a-209-4 (i) of this regulation;

(C) Provide for post-closure inspection, monitoring, and maintenance of the solid waste disposal area and the remediation of any damage to or deficiencies in its liner system, final cover, security facilities, or monitoring or treatment systems or facilities;

(D) Provide for post-closure operation of such treatment system as is provided for leachate.

(7) Two years prior to the conclusion of the post-closure monitoring and maintenance period required by a permit to operate a solid waste disposal facility for the disposal of residue, the Commissioner shall commence reviewing the post-closure monitoring data that has been collected by the owner or operator of such area, and on the basis of that data and any other pertinent information shall determine whether such disposal area is causing or has the potential to cause pollution of the waters of the state or presents a threat to public health. If she determines that such disposal area is causing or has the potential to cause pollution of the waters of the state or presents a threat to public health, she may require that the owner or operator of such disposal area continue for a specified time and in a specified manner to inspect, monitor and maintain such disposal area. Prior to finally making such a determination the Commissioner shall hold a public hearing. The owner or operator of such area shall publish, at least thirty days prior to the hearing, a notice thereof in a newspaper having substantial circulation in the area affected. Such notice shall include the name and location of the solid waste disposal area, the Commissioner's tentative determination, and the time and place of the hearing. Nothing in this subdivision shall affect the Commissioner's authority under the Connecticut General Statutes, Section 22a-6, Chapter 446c, Chapter 446d, Chapter 446k, or Chapter 445.

(f) Residue shall be managed and transported in accordance with the following:

(1) The operator of a resource recovery facility, municipal solid waste incinerator or biomedical waste incinerator shall dewater residue before shipping it to a solid waste disposal area in accordance with such plan for residue dewatering as may have been approved by the Commissioner in the course of the proceeding on the application to construct and operate such facility. Regardless of the dewatering process used, residue shall be dewatered to the maximum extent achievable by use of gravity dewatering and, in any case, to the extent necessary to prevent such residue from becoming airborne. Effluent from the process of dewatering residue shall be discharged in accordance with a permit issued pursuant to section 22a-430 of the General Statutes.

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(2) The operator of a solid waste disposal area for the disposal of residue shall be responsible for assuring that residue is transported to such disposal area by equipment and procedures approved by the Commissioner in the course of the proceeding on the application to approve such solid waste disposal area. Such equipment shall be designed to prevent leakage, spillage, and dispersion of residue during transportation.

(3) For each load of residue received at a solid waste disposal area, the operator of such solid waste disposal area shall record the weight of the load, its origin, and the location of the cell utilized for its disposal. Such records shall be maintained at the solid waste disposal area. On January 1, April 1, July 1, and October 1, the operator shall submit to the Commissioner, on a form provided by her, a summary of the information in all such records generated during the preceding three months.

(g) Except as provided in subsections (a) and (b) of this section, a solid waste disposal area for the disposal of residue shall be provided with a liner system which includes a leachate collection system and a leak detection zone, and a leachate treatment and discharge system. The liner system shall be constructed and operated in accordance with the following requirements. To the extent possible, these requirements shall be implemented to facilitate treatment of residue before disposal and retrieval of residue after disposal.

(1) The liner system shall consist of a protective cover, a leachate collection system, a primary liner, a leachate leak detection zone, a secondary liner and a subbase (the bottom of the liner system).

(A) The subbase of the liner system shall be at least five feet above the maximum high water table and five feet above the surface of bedrock. The maximum high water table shall be determined as follows:

(i) The maximum high water table may be determined either on the basis of mottling indicators if such mottling indicators are identified by a certified soil scientist, or on the basis of data resulting from monthly sampling of groundwater monitoring wells in the solid waste disposal area for at least one year.

(ii) If the methodologies specified in subparagraph (g) (1) (A) (i) for determining the maximum high water table result in a determination that the maximum high water table is lower than the 100-year flood elevation, for purposes of constructing the subbase of the liner the maximum high water table shall be assumed to be at the 100-year flood elevation.

(iii) With regard to the provisions of subparagraph (g) (1) (A) (ii), the Commissioner may, in a permit proceeding, waive the requirement that the subbase of the liner system be placed above the 100 year flood elevation, provided that the site is protected from flooding by permanent protective structures. The maximum high water table shall be determined in the absence of any system of underdrainage or groundwater pumping.

(B) The protective cover of the liner system shall:

(i) Be comprised of earthen material that contains no sharp edges, aggregate, rocks, debris, plant material or non-natural material larger than 1/4 inch in diameter;

(ii) Be graded uniformly, properly compacted and smoothed;

(iii) Be installed in a manner that avoids damage to the liner;

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(iv) Have recompacted permeability greater than 1×10^{-4} cm/sec, as demonstrated by field and laboratory tests, and allow the free flow of liquids and leachate generated by residue; and

(v) Be at least twelve inches thick.

(C) (i) The liner system shall be a dual synthetic liner system consisting of 12 inches of granular earthen filter material, underlain by geotextile, underlain by 12 inches of granular free-draining material or equivalent synthetic drainage structures containing a leachate collection system, underlain by a flexible membrane liner, underlain by 12 inches of granular earthen material, underlain by 12 inches of granular free-draining material or equivalent synthetic drainage structures containing a leachate detection system, underlain by a flexible membrane liner, underlain by compacted native soil.

(ii) The edge of the liner shall be clearly marked in the field by the placement of permanent markers at each corner and every 100 feet around the perimeter of such liner.

(iii) Residue shall not be placed within five feet of the edge of the liner.

(iv) To prevent the lateral escape of leachate, the liner shall be provided with a lined berm that is at least four feet high.

(v) The flexible membrane portions of the liner shall not have a permeability which exceeds 1×10^{-11} cm/sec as demonstrated by field and laboratory tests; shall be at least 60 mils thick; shall be unaffected by the constituents of leachate and of sufficient strength to resist physical damage when installed; shall be installed under the direct supervision of a representative of the manufacturer; and shall be inspected for damage during installation.

(2) The leachate collection system of the liner system shall:

(A) Utilize perforated pipes or other means of intercepting free-flowing liquids and leachate within the layer of granular material in the liner above the flexible membrane;

(B) Utilize pipes and structures for collection that meet ASTM and AASHTO specifications and are capable of preserving the integrity of the system;

(C) Be designed to ensure that free-flowing liquids and leachate will drain continuously from the protective cover to a collection sump or point without ponding or accumulating on the liner;

(D) Be designed to maximize the effectiveness of leachate collection and to facilitate maintenance and cleaning; and

(E) Utilize rounded stone, aggregate materials, geotextiles, or other materials acceptable to the Commissioner to prevent soil intrusion or damage to the leachate collection system.

(3) The leachate detection zone of a liner system shall be designed to detect failure of the liner system, to prevent stretching, tearing, distortion or loss of the liner, to facilitate collection of leachate for analysis, and to facilitate maintenance and cleaning, and shall:

(A) Be at least 12 inches thick;

(B) Be composed of earthen material of which no particle exceeds 1/4 inch in diameter, and shall have an in-situ permeability of greater than 1×10^{-3} cm/sec, as demonstrated by field and laboratory tests; or

(C) Be comprised of synthetic materials which have drainage characteristics equivalent

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to 12 inches of the material specified in subparagraph (3) (B) of this subsection.

(D) Contain a system of pipes or structures capable of detecting and conveying leachate leakage to a monitoring sump or point for sampling and analysis. Such pipes or structures shall:

(i) Be sloped, sized and spaced so as to ensure that liquids will drain from the detection zone, and in no event shall such pipes or structures be less than three inches in diameter or be spaced, from center to center, less than 25 feet apart;

(ii) Be made of material which is unaffected by the constituents of leachate, which meets ASTM or ASSHTO specifications, and is adequate to withstand design traffic loads; and

(iii) Utilize rounded stones, aggregate, geotextiles, or other material capable of preventing the deposition of sediment in such pipes or structures or damage to the liner.

(4) The liner system shall be constructed in accordance with the following:

(A) No site preparation or construction shall take place prior to the issuance of a permit to construct under Section 22a-208a of the General Statutes and Section 22a-209-4 and this section of the Regulations of Connecticut State Agencies. Nothing in this subparagraph shall preclude the Commissioner from considering the issuance of a permit to construct and operate a solid waste disposal area for the disposal of residue on land which prior to the effective date of this section was altered for purposes other than preparation or construction of such a disposal area.

(B) Construction shall take place under the supervision of a registered professional engineer who shall certify to the Commissioner each phase of construction, including each layer of the liner and the leachate collection system and detection zone.

(C) Residue shall not be deposited at a solid waste disposal area until

(i) The engineer referred to in subparagraph (4) (B) of this subsection has submitted as-built plans and specifications for such solid waste disposal area to the Commissioner and they have been acknowledged by the Commissioner to conform to the provisions of the permit to construct;

(ii) A permit to operate such solid waste disposal area has been issued under Section 22a-208a of the General Statutes and Section 22a-209-4 and this section of the Regulations of Connecticut State Agencies; and

(iii) The Commissioner has been notified in writing of the duration and conditions of any warranties for the pipes, materials, and appurtenant structures and devices used in the leachate collection system.

(h) A solid waste disposal area for the disposal of residue shall be designed to minimize the infiltration of storm water into the soil and the production of leachate. A stormwater control system shall, at a minimum, provide for the following:

(1) A sequence of filling which minimizes the infiltration of stormwater into the soil;

(2) A system of dispersion berms, trenches or other drainage structures to prevent stormwater from infiltrating the soil and direct water away from the solid waste disposal area;

(3) Intermediate cover materials of low permeability;

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(4) Removal of snow from the disposal area; and

(5) A stormwater discharge system that includes a sedimentation and erosion control basin capable of containing a 25-year design storm. For the purpose of this subdivision, a 25-year design storm is a storm which produces three inches of rainfall in a 24-hour period. A stormwater discharge system is subject to the permit requirements of Section 22a-430 of the General Statutes and Sections 22a-430-3 and 22a-430-4 of the Regulations of Connecticut State Agencies.

(i) A solid waste disposal area for the disposal of residue shall be designed and operated to provide for the final cover, grading and stabilization of such solid waste disposal area in accordance with the following:

(1) Within one week after completing any cell in the final lift in any portion of the solid waste disposal area, the operator of such solid waste disposal area shall:

(A) Over the daily cover required by Section 22a-209-7 of the Regulations of Connecticut State Agencies, install a cap on the affected cell composed of uniform and compacted clay or synthetic material, such clay or synthetic material to have a permeability no greater than 1×10^{-7} cm/sec. The cap shall cover the final lift and shall be at least 12 inches thick. A cap composed of synthetic material shall conform to the requirements of subparagraph (g) (1) (C) (v) of this section, except that such a cap shall be at least 30 mils thick.

(B) Cover the cap described in subparagraph (A) of this subdivision with a compacted and uniform layer of earthen material at least 2 feet thick. Such earthen material shall compact easily, shall not crack excessively when dry, and shall facilitate the germination and propagation of vegetative cover adequate to stabilize the final cover.

(C) Grade the cover described in subparagraph (B) of this subdivision to a slope that is less than 15%, unless the operator has demonstrated that by the use of special engineering techniques the cover can be permanently stabilized at a greater slope. No portion of the final slope shall exceed 33%. If the Commissioner has approved a final slope in excess of 15%, then the final cover shall have terraces at least ten feet in width for every 20 feet of maximum rise in elevation. The grade of the terraces shall be 5%, and drainage of stormwater shall be directed back into the slope of the landfill.

(2) Within one month after the final cover described in subdivision (1) of this subsection is completed, or as soon thereafter as weather permits, vegetation shall be established on such cover for the purpose of permanently stabilizing such cover and preventing erosion by wind or water. Such vegetation shall be seeded and maintained as follows:

(A) Plant species utilized may be native or introduced but in any event shall be quick-germinating, fast-growing, hardy, perennial, capable of self-generation and plant succession and of adequately controlling erosion in all seasons.

(B) Mulch, geotextiles, rip-rap or other appropriate materials shall be utilized after seeding, as needed, to control erosion, promote germination of seeds and enhance moisture retention in the soil.

(C) Vegetation, once established, shall be maintained to prevent the creation of any

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condition that could result in soil erosion, including the growth of any plant species with a root structure that could damage the final cover.

(D) If weather conditions preclude the immediate seeding of vegetation on the final cover, the facility operator shall utilize mulch, geotextiles, rip-rap, or other appropriate materials to temporarily stabilize the final cover. As soon as weather permits, vegetation shall be seeded in accordance with the requirements of this subdivision.

(j) The operator of a solid waste disposal area for the disposal of residue shall utilize any means, including but not limited to inspection of material to be disposed, necessary to ensure that no residue deposited in a cell contains material capable of penetrating or puncturing any portion of the liner.

(k) Leachate from a leachate collection system installed pursuant to subsection (g) of this section and leachate from a leachate treatment system installed pursuant to a permit issued under Section 22a-430 of the General Statutes and Sections 22a-430-3 and 22a-430-4 of the Regulations of Connecticut State Agencies shall be discharged only in accordance with the terms of such permit, and shall be subject to all requirements specified in such permit.

(Effective February 28, 1990)

Sec. 22a-209-15. Biomedical waste

(a) **Definitions.** For the purposes of this section:

“Air pollution control residue” means unburned particles and air pollution control reactants which become entrained in the stack gases of an incinerator and which are removed and collected by air pollution control equipment.

“Antineoplastic agent” means any substance approved for human use which is produced or used to stop or reverse the growth of malignant cells.

“Biological” means a preparation made from a living organism or its products, including vaccines and cultures, intended for use in diagnosing, immunizing, or treating humans or animals or in research pertaining thereto.

“Biomedical waste” means untreated solid waste, any disposable container thereof and any reusable container thereof which has not been decontaminated, generated during the administration of medical care or the performance of medical research involving humans or animals, including infectious waste, pathological waste and chemotherapy waste, but excluding (1) any solid waste which is a hazardous waste pursuant to Section 22a-115 of the General Statutes or a radioactive material regulated pursuant to Section 22a-148 of the General Statutes; (2) untreated solid waste generated during the administration of medical care in a single or multiple family residence by a resident thereof; (3) discarded materials used for personal hygiene, such as diapers, facial tissues, and sanitary napkins, unless such materials are isolation waste; (4) syringes, hypodermic needles and other medical equipment used by farmers for the treatment of their livestock in the course of conducting farming, provided that such equipment is not excluded when used by a veterinarian or at the direction of a veterinarian; and (5) samples of biomedical waste collected and transported by

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Department personnel for enforcement purposes. As used in this definition of biomedical waste, the term “multiple family residence” does not include any facility specified in the definition of biomedical waste generator set forth in this section.

“Biomedical waste generator” or “generator” means any person who owns or operates a facility that produces biomedical waste in any quantity, including but not limited to the following: general hospitals, skilled nursing facilities or convalescent hospitals, intermediate care facilities, in-patient care facilities for the developmentally disabled, chronic dialysis clinics, free clinics, health maintenance organizations, surgical clinics, acute psychiatric hospitals, laboratories, medical buildings, physicians offices, veterinarians, dental offices and funeral homes.

“Biomedical waste incinerator residue” means bottom ash, air pollution control residue and other residuals of the combustion process of an incinerator utilized for the combustion of biomedical waste.

“Biomedical waste treatment facility” means a solid waste facility capable of storing, treating or disposing of any amount of biomedical waste, excluding any facility where the only biomedical waste stored, treated or disposed of is biomedical waste generated at the site where such facility is located.

“Biomedical waste transporter” or “transporter” means a person engaged in the transportation of biomedical waste by air, rail, highway, or water.

“Blood product” means any substance derived from human blood, including but not limited to plasma, platelets, red or white blood cells, and interferon.

“Body fluid” means any substance which emanates or derives from the human body, including but not limited to blood, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, peritoneal fluid and pericardial fluid, but excluding feces, urine, nasal secretions, sputum, sweat, tears, vomitus, saliva, and breast milk, unless any such excluded substance contains visible blood or is isolation waste.

“Bottom ash” means unburned or unburnable solid residue from incineration processes that does not become airborne.

“Central collection point” means a location, whether located on or off the generator’s site, where such generator consolidates biomedical waste accumulated from original generation points before transporting it for treatment, storage, or disposal, provided that such central collection point is operated by such generator.

“C.F.R.” means the Code of Federal Regulations.

“Chemotherapy waste” means waste which has come in contact with an antineoplastic agent during the preparation, handling or administration of such an agent. A container which is or has been used to contain such an agent shall be deemed chemotherapy waste even if such container is empty.

“Container” means any receptacle in which material is placed. “Primary container” means the initial container in which biomedical waste is placed when multiple containers for packaging of biomedical waste are required under subsection (b) of this section. “Secondary container” means a container in which a primary container is placed.

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“Decontaminate” means to substantially reduce or eliminate, by disinfection or other means, any biological hazard that is or may be associated with biomedical waste.

“Etiologic agent” means an organism defined to be an etiologic agent in 49 C.F.R. Section 173.386.

“Incinerator” means any device, apparatus, equipment or structure as defined in Sections 22a-174-1 and 22a-174-18 (c) (1) of the Regulations of Connecticut State Agencies.

“Infectious agent” means any organism, such as a virus or bacterium, that is capable of being communicated by invasion and multiplication in body tissue and capable of causing disease or adverse health impacts in humans.

“Infectious waste” means waste which is capable of causing an infectious disease, is one of the wastes listed below, or is waste identified as infectious by a licensed health care provider. Waste shall be deemed capable of causing an infectious disease if there is reason to believe that it has been contaminated by an organism that is known or suspected to be pathogenic to humans and if such organism may be present in sufficient quantities and with sufficient virulence to transmit disease. The following are listed as infectious waste:

(1) Any discarded culture or stock of infectious agents and associated biologicals, including human and animal cell cultures from clinical, hospital, public health, research and industrial laboratories; any waste from the production of biologicals; any discarded etiologic agent; any discarded live or attenuated vaccine or serum; and any discarded culture dish or device used to transfer, inoculate, or mix cell cultures.

(2) Any body fluid, waste human blood, or waste blood product, any container of any of the foregoing, and any disposable item that is saturated or dripping with a body fluid or that was saturated or dripping with a body fluid and has since caked with dried body fluid.

(3) Any discarded used sharp and any residual substance therein.

(4) Any discarded unused hypodermic needle, scalpel blade, suture needle or syringe.

(5) Any discarded animal carcass, animal body part or animal bedding, when such carcass, part or bedding is known to be contaminated with or to have been exposed to an infectious agent.

(6) Isolation waste.

(7) Any material collected during or resulting from the cleanup of a spill of infectious or chemotherapy waste.

(8) Any waste which is neither a hazardous waste pursuant to Section 22a-115 of the General Statutes nor a radioactive material subject to Section 22a-148 of the General Statutes and which is mixed with infectious waste.

“Interment” means burial in a cemetery or burial place.

“Isolation waste” means discarded material contaminated with body fluids from (A) humans who are isolated to protect others from a highly communicable disease, and (B) animals which are isolated because they are known to be infected with an infectious agent capable of causing a highly communicable disease. A highly communicable disease is one listed in Biosafety Level 4 of the Centers for Disease Control/National Institutes of Health Guidelines entitled *Biosafety in Microbiological and Biomedical Laboratories* and dated

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May, 1988.

“Original generation point” means the location on a site where biomedical waste is generated.

“Pathological waste” means any human tissue, organ, or body part removed during surgery, autopsy or other medical procedure. Pathological waste does not include formaldehyde or other preservative agent, or a human corpse or part thereof regulated pursuant to Section 7-64 or Chapter 368i, 368j or 368k of the General Statutes.

“Publicly owned treatment works” or “POTW” means publicly owned treatment works or POTW as defined in Section 22a-430-3 (a) (3) of the Regulations of Connecticut State Agencies.

“Sharp” means an item capable of causing a puncture or cut, including but not limited to a hypodermic needle, scalpel blade, and broken glassware, provided that (1) broken glassware shall not be deemed a sharp unless it is known to be contaminated with an infectious agent, and (2) a syringe, regardless whether a hypodermic needle is attached thereto, shall be deemed a sharp.

“Shipping paper” means a shipping order, bill of lading, manifest, or other shipping document as defined in 49 C.F.R. Section 171.8.

“Small quantity generator” means a biomedical waste generator that generates less than 50 pounds of biomedical waste in any calendar month or who transports, or delivers for transport, in any single shipment less than 50 pounds of biomedical waste.

“Spill” means any unplanned release, leaking, pumping, pouring, emitting, or depositing of biomedical waste or any planned release, leaking, pumping, pouring, emitting, or depositing of biomedical waste in violation of the requirements of this section.

“Storage” means the temporary holding of biomedical waste, other than temporary holding conducted in accordance with the conditions described in subparagraphs (A), (B), (C), (D), (E) and (F) of subdivision (g) (15) of this section, at any location before treating or disposing of it or transporting it for treatment, disposal, or further storage.

“Tracking form” means the tracking form described and required under subsection (h) of this section.

“Transfer” means to move, or the movement of, biomedical waste from one location on the site where such waste was generated to another location on such site.

“Transport” means to move biomedical waste by air, rail, highway, or water from the site at which such waste was generated to any other site.

“Transportation” means the act of transporting or the state of being transported.

“Transport vehicle” or “vehicle” means any conveyance used for the transportation of biomedical waste. Each cargo-carrying compartment of a vehicle, such as a truck trailer or railroad freight car, is a separate vehicle.

“Treat” means to decontaminate biomedical waste and to physically alter it so as to render it unrecognizable as biomedical waste.

“Treatment” means the act of treating or the state of being treated.

“Universal biohazard symbol” means the symbol shown in 29 C.F.R. Section 1910.145

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(f) (8) (ii).

“Violent mechanical stress” means tensile or compressive forces acting upon packaging material so as to cause such material to tear, rip, burst, or otherwise fail.

(b) Requirements for Generators of Biomedical Waste.

(1) A biomedical waste generator shall identify the solid waste he generates which is biomedical waste.

(2) A biomedical waste generator shall segregate biomedical waste from other solid waste to the extent practicable prior to placing biomedical waste in primary containers. Biomedical waste shall be segregated into the following categories:

- (A) Sharps and any residual substances therein
- (B) Body fluids in a quantity greater than 20 cubic centimeters
- (C) Other biomedical waste

(3) A biomedical waste generator shall prepare a written biomedical waste management plan for each facility at which he generates biomedical waste. Such plan shall set forth policies and procedures for segregating biomedical waste as required by subdivision (2) of this subsection and for assuring that the following requirements are satisfied:

(A) Biomedical waste mixed with hazardous waste pursuant to Section 22a-115 of the General Statutes shall be managed as hazardous waste in accordance with law.

(B) Biomedical waste mixed with radioactive material subject to Section 22a-148 of the General Statutes shall be managed as radioactive material in accordance with law.

(C) Any solid waste which is neither hazardous pursuant to Section 22a-148 of the General Statutes nor is a radioactive material subject to Section 22a-148 of the General Statutes and which is mixed with biomedical waste shall be managed as biomedical waste in accordance with law.

(D) Any category of biomedical waste set forth in subdivision (2) of this subsection shall not be mixed with, or placed in a primary container with, any other such category of biomedical waste.

(4) Before transporting or offering for transport biomedical waste, a generator shall package the waste according to the following requirements:

(A) Biomedical waste shall be placed in containers that are:

- (i) Rigid;
- (ii) Leak-resistant;
- (iii) Impervious to moisture;
- (iv) Sufficiently strong to prevent tearing or bursting under normal conditions of use and handling; and
- (v) Sealed to prevent leakage.

(B) Sharps and any residual substances therein shall be placed in containers that are puncture-resistant and meet the requirements of subparagraph (A) of this subdivision.

(C) Body fluids in quantities greater than 20 cubic centimeters shall be placed in containers that are break-resistant and tightly lidded or stoppered and meet the requirements of subparagraph (A) of this subdivision.

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(D) A generator may use as many containers as necessary to satisfy the requirements of subparagraphs (A), (B) and (C) of this subdivision.

(E) An individual item of biomedical waste that is too large to be placed in a standard-sized container shall be deemed an “oversized item” and shall be handled in a manner that minimizes contact with transport workers and the public. A water-resistant identification tag identifying in indelible writing the generator’s name, address, and phone number shall be enclosed with or affixed to an oversized item. A generator shall indicate any special handling instructions for an oversized item in Box 14 of the tracking form.

(F) A container for biomedical waste shall not be reused to contain biomedical waste or for any other purpose unless (i) the surfaces of such container were protected from contamination by infectious agents through the use of a liner, bag or other device which was removed with the waste, or (ii) such container has been thoroughly washed to remove any visible indication of contamination and then disinfected by one of the procedures specified in subdivision (e) (6) of this section.

(5) Persons packaging biomedical waste shall wear such personal protective equipment as is required by law.

(6) Biomedical waste that is intended to be stored, treated, or disposed of at the site where it is generated shall be segregated and packaged in primary containers in accordance with the requirements of this subsection.

(7) Before transporting or offering for transport biomedical waste, a generator shall affix to, or cause to be imprinted on, the outside of each container a water-resistant label displaying in indelible writing the universal biohazard symbol or the words “medical waste” or “infectious waste.” Such a label need not be affixed to or imprinted on a container of biomedical waste which has been decontaminated but not treated, but such a container shall be marked in accordance with subdivision (8) of this subsection.

(8) Before transporting or offering for transport biomedical waste, a generator shall mark containers as follows:

(A) A water resistant identification tag of at least three inches by five inches shall be affixed to the outside of both the primary and secondary containers and shall indicate in indelible writing the generator’s name and address. In addition, the tag affixed to the secondary container shall indicate in indelible writing the name, address, business location and permit number of the transporter who accepted the waste from the generator and the date on which such transporter accepted the waste.

(B) When biomedical waste is transported by more than one transporter, each transporter other than the transporter who accepted the waste from the generator shall affix a water-resistant identification tag on the outside of the secondary container. Such tag shall be at least three inches by five inches and shall be affixed in such manner as not to obscure previously affixed identification tags. Such tag shall indicate in indelible writing the name, address, business location, and permit number of the transporter affixing the tag and the date such transporter accepted the waste.

(9) No person shall hire or use a transporter for the transportation of biomedical waste

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unless such transporter has been issued a permit by the Commissioner under subsection (g) of this section.

(c) Requirements for Storage of Biomedical Waste.

(1) Biomedical waste shall be stored such that other materials may not become mixed with such waste, and shall be stored in areas which are accessible only to those persons who are authorized by the generator, transporter, or solid waste facility operator, as applicable, to handle biomedical waste. Any outdoor storage area, such as a dumpster, shed or trailer, shall be locked.

(2) Biomedical waste shall be stored in a manner and location that maintains the integrity of its packaging and provides protection from water, precipitation and wind.

(3) All areas used for the storage of biomedical waste shall be constructed of finished materials that are impermeable and capable of being easily maintained in a sanitary condition.

(4) Biomedical waste shall be stored only in a nonputrescent state; to maintain a nonputrescent state, biomedical waste may be refrigerated during storage.

(5) A sign displaying the universal biohazard symbol shall be posted wherever biomedical waste is stored.

(6) Biomedical waste shall not be compacted or subjected to violent mechanical stress during storage.

(7) Biomedical waste shall be stored in a manner that provides protection from animals and does not provide a breeding place or food source for insects or rodents.

(d) Requirements For Transfer of Biomedical Waste.

(1) Biomedical waste shall be handled during transfer in a manner that does not impair the integrity of its packaging.

(2) Trash chutes shall not be used to transfer biomedical waste.

(3) Biomedical waste shall not be compacted or subjected to violent mechanical stress during transfer.

(e) Requirements for Transportation of Biomedical Waste.

(1) A biomedical waste transporter shall not transport or accept for transport biomedical waste that is not packaged, labeled and marked in accordance with subdivisions (4), (7), and (8) of subsection (b) of this section.

(2) A biomedical waste transporter shall not transport or accept for transport biomedical waste which is not accompanied by a tracking form which complies with subsection (h) of this section.

(3) A biomedical waste transporter shall ensure that any vehicle used to transport biomedical waste meets the following requirements:

(A) Biomedical waste shall be transported in a fully enclosed, leak-resistant cargo compartment.

(B) Biomedical waste shall not be subjected to compaction or violent mechanical stress during loading and unloading.

(C) Each cargo compartment shall be constructed of impermeable materials and kept

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free of visible contamination.

(D) No cargo compartment shall be used to transport any food or drink intended for human or animal consumption.

(E) Each cargo compartment shall be locked when left unattended.

(4) Biomedical waste shall be transported only in a nonputrescent state; to maintain a nonputrescent state, biomedical waste may be refrigerated during transport.

(5) A biomedical waste transporter shall ensure that his name, permit number and the words “medical waste” are displayed on the two sides and back of each cargo compartment in letters that are at least three inches tall and in a color contrasting with the color of such compartment.

(6) Vehicle surfaces that have had contact with spilled or leaked biomedical waste shall be decontaminated by (A) cleaning with a solution of industrial strength detergent for the purpose of removing visible soil, and (B) one of the following procedures:

(i) Exposure to water of at least 180° F for at least 30 seconds.

(ii) Exposure to a chemical sanitizer by rinsing with or immersion in one of the following for at least 3 minutes: hypochlorite solution (500 ppm available chlorine), phenolic solution (500 ppm active agent), iodoform solution (100 ppm available iodine), or quaternary ammonium solution (400 ppm active agent).

(7) Any person loading or unloading biomedical waste onto or off of a vehicle shall wear such personal protective equipment as is required by law.

(8) Each vehicle shall carry a spill clean-up kit which includes at least the following:

(A) Enough absorbent material to absorb at least ten gallons of liquid.

(B) One gallon of hospital-grade disinfectant in a sprayer capable of dispersing its charge both in a mist and in a stream at a distance of ten feet.

(C) Fifty red plastic bags, seals, and labels. Such bags shall (i) meet the specifications of subparagraph (b) (4) (A) of this section, and (ii) be large enough to enclose any standard-sized container used for biomedical waste.

(D) Enough clean impermeable overalls, gloves, boots, caps, and surgical masks for use by at least two persons. Overalls, boots and caps should be fitted to the persons intended to wear them and shall be made of Tyvek (Registered Trademark) or material that provides equivalent protection. Top boot coverings shall be at least 75 mil thick, boot soles shall be at least 3/4 inch thick, and boot heels shall be at least 1-1/4 inches thick. Gloves shall be of heavy neoprene or material that provides equivalent protection, and shall be at least 25 mils thick. Duct tape for sealing clothing at the wrists and ankles shall be included in each clean-up kit.

(E) A fire extinguisher, boundary marking tape, a high-intensity flashlight, and an American National Red Cross standard 24-unit first aid kit or its equivalent.

(9) In the event of a biomedical waste spill, personnel wearing clean-up apparel and using equipment described in subparagraph (8) (D) of this subsection shall immediately:

(A) Secure the area where the spill took place;

(B) Apply a sufficient amount of absorbent material in and around the spill area such

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that all liquid spillage is contained and absorbed;

(C) Place damaged containers and spilled biomedical waste into bags specified in subparagraph (8) (C) of this subsection;

(D) Decontaminate the area affected by the spill and take other clean-up measures as appropriate under the circumstances;

(E) Clean and decontaminate used reusable components of the clean-up kit;

(F) Clean and decontaminate reusable components of apparel and related equipment before disrobing;

(G) Remove apparel and related equipment and place disposable items thereof in bags specified in subparagraph (8) (C) of this subsection; and

(H) Replace used non-reusable components of the clean-up kit.

(f) Requirements for Treatment and Disposal of Biomedical Waste.

(1) A solid waste facility shall not accept biomedical waste which is not packaged, labeled, and marked in accordance with subdivisions (4), (7), and (8) of subsection (b) of this section.

(2) A solid waste facility shall not accept biomedical waste which is not accompanied by a tracking form which complies with subsection (h) of this section.

(3) Biomedical waste shall be disposed of as follows:

(A) Chemotherapy waste shall be disposed of only by incineration.

(B) Pathological waste shall be disposed of only by incineration or interment.

(C) Infectious waste shall be disposed of only by (i) incineration; (ii) discharge to a sanitary sewer, provided that such waste is in liquid or semi-solid form, that secondary treatment is available at the publicly owned treatment works or privately owned treatment works to which such waste is discharged, that local law does not prohibit such discharge, that all permits and other authorizations required by law have been obtained for such discharge, and that aerosol formation is minimized during such discharge to such sewer; or (iii) any other method which provides protection of the public health and the environment at least equivalent to that provided by the disposal methods specified in this subparagraph and which is first described in writing to the Commissioner and approved in writing by the Commissioner.

(4) No person shall:

(A) Deliver biomedical waste or cause biomedical waste to be delivered to any incinerator, whether located inside or outside of Connecticut, unless such incinerator complies with all applicable law; or

(B) Operate an incinerator at which biomedical waste is burned unless such incinerator complies with all applicable law, including but not limited to Sections 22a-174-1 through 22a-174-29 of the Regulations of Connecticut State Agencies.

(5) Biomedical waste incinerator residue shall be managed as a special waste in accordance with Section 22a-209-8 (f) of the Regulations of Connecticut State Agencies.

(6) A steam sterilizer used to decontaminate biomedical waste shall be operated in accordance with the following requirements:

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(A) In a gravity flow sterilizer, biomedical waste shall be subjected to a temperature of not less than 250° F (121° C) at 15 pounds per square inch of gauge pressure for no less than 60 minutes.

(B) In a vacuum type sterilizer, biomedical waste shall be subjected to a temperature of not less than 270° F (132° C) at 27 pounds per square inch gauge pressure for no less than 45 minutes.

(C) Notwithstanding subparagraphs (A) and (B) of this subdivision, a different combination of operational time, temperature and pressure may be utilized for steam sterilization of biomedical waste if such combination is first described in writing to the Commissioner and approved in writing by the Commissioner. The Commissioner will not grant approval unless such combination is proven on the basis of thorough tests, including tests of its capacity to kill *Bacillus stearothermophilus*, to completely and reliably kill all microorganisms in waste at design capacity.

(D) Biomedical waste shall be steam sterilized in its primary container. The primary container shall be placed in the sterilization chamber so that sufficient space is provided between the chamber walls and the container to allow the steam to penetrate the container. The primary container shall then be unsealed to allow the steam to penetrate the contents of the container.

(E) Unless a steam sterilizer is equipped to continuously monitor and record temperatures during the entire length of each sterilization cycle, the operator of such sterilizer shall affix to the primary container temperature-sensitive tape which will indicate when the desired temperature is reached. Biomedical waste shall not be considered decontaminated unless the temperature-sensitive tape indicates that a temperature of at least 250° F (121° C) was reached during the sterilization process. A steam sterilizer which is used for the first time after the effective date of this section shall automatically and continuously monitor and record temperatures throughout the entire length of each steam sterilization cycle.

(F) At least once during every forty hours of operation, tests shall be conducted to evaluate the effectiveness of the sterilization process, including tests of the capacity of such process to kill *Bacillus stearothermophilus*. A log shall be maintained recording the dates and results of such tests.

(G) At least once during every forty hours of operation, a sterilization unit shall be evaluated to determine whether it is operating properly with respect to temperature and pressure. A log shall be maintained recording the dates and results of such evaluations and the dates of calibration.

(H) For each sterilization unit a log shall be maintained recording, for each use, the date, time, operator, type and approximate amount of biomedical waste treated, the sterilization pressure reading and the post-sterilization reading on the temperature-sensitive tape.

(7) Unless it is physically altered so as to render it unrecognizable as biomedical waste, decontaminated biomedical waste shall be subject to the requirements of this section.

(8) If biomedical waste is treated or disposed of at the site where it was generated, the generator shall develop written procedures for each treatment or disposal method in use at

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such site and for ensuring compliance with such procedures. Such procedures shall be incorporated into the biomedical waste management plan required by subdivision (b) (3) of this section and shall (A) assure the effectiveness of any treatment method in use and reflect acceptable standards of practice; (B) provide for and conduct an ongoing program of staff training on the implementation of such procedures and the requirements of this section; and (C) provide for a quality assurance/quality control program to assure compliance with the biomedical management plan prepared pursuant to subsection (b) of this section.

(g) Requirements for Biomedical Waste Transporters.

(1) Other than an air carrier, no person shall transport or accept for transport biomedical waste unless such person has been issued a permit by the Commissioner under this subsection to transport biomedical waste.

(2) A small quantity generator may transport his own biomedical waste without a permit issued by the Commissioner under this subsection, provided that:

(A) Such generator complies with the requirements of subdivisions (1) through (5), (7) and (8) of subsection (b) of this section;

(B) The biomedical waste is transported to (i) a lawfully operating solid waste facility with which such generator has a written agreement to deliver his biomedical waste, or (ii) another place of business in Connecticut of such generator; and

(C) The biomedical waste is transported (i) exclusively by such generator or by an employee whom he has authorized in writing to transport such waste; and (ii) in a vehicle owned by such generator or such employee.

(D) Such generator complies with the requirements of subdivision (i) (4) of this section.

(3) A small quantity generator who causes biomedical waste to be transported by the U.S. Postal Service is exempt from the requirements of this subsection and subsections (h) and (i) of this section, provided that:

(A) Such biomedical waste consists only of discarded used sharps and discarded unused hypodermic needles, scalpels, suture needs and syringes;

(B) Each package of such waste is sent registered mail, return receipt requested, indicating the name and address of the person to whom the waste was sent, the date when it was delivered, and the signature of the recipient; and

(C) Complies with the requirements of subdivision (i) (5) of this section.

(4) An applicant for a permit under this subsection shall file his application with the Department on a form prescribed by the Commissioner. Such application shall include the following:

(A) The applicant's name, address, and business location.

(B) The manufacturer, model, year of manufacture, identification number, and cargo-carrying capacity of each vehicle, used or to be used by the applicant, proof of ownership of such vehicle, and proof of current registration for such vehicle with a state motor vehicle department or agency.

(C) The address of any transfer station or of any vehicle parking area used or to be used

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by the applicant pursuant to subdivision (15) of this subsection.

(D) The place or places where, and the manner in which, the applicant delivers or intends to deliver biomedical waste for treatment, storage, or disposal.

(E) Evidence of security from an insurer or surety authorized to do business in the State of Connecticut. Such security shall be in an amount of not less than \$100,000 and shall provide liability coverage for bodily injury and property damage, including liability for environmental restoration resulting from negligence in the operation, maintenance, or use of any motor vehicle for transportation of biomedical waste. Security required under this paragraph:

- (i) Shall remain in effect continuously while the permit is in effect;
- (ii) Provide for written notification of the insurer's or surety's intent to cancel at least 35 days before cancellation; and
- (iii) May be replaced by other security provided the liability of the retiring insurer or surety terminates on the effective date of the replacement security or at the end of the 35 day cancellation period required in subparagraph (E) (ii) of this subdivision, whichever is sooner.

(F) Evidence that biomedical waste transported by the applicant will be delivered to a lawfully permitted solid waste facility.

(G) Any other information reasonably required by the Commissioner to demonstrate that the applicant can be expected to safely transport biomedical waste and comply with all applicable provisions of this section during the term of the permit.

(5) A permit applicant shall make each vehicle and related equipment, and each vehicle parking area to be used by the applicant pursuant to subdivision (15) of this subsection, available for inspection by the Department in a safe and convenient location and at a reasonable time. The purpose of such inspection shall be to determine whether such vehicle complies with the requirements of subdivisions (3), (5), and (8) of subsection (e) of this section.

(6) The Commissioner shall decide whether to grant or deny a permit application based upon a review of the information and materials submitted by the applicant, the results of the vehicle inspection described in subdivision (4) of this subsection, and any other consideration authorized by law.

(7) The Commissioner shall notify an applicant in writing of the decision on the permit application. If an application is denied, the notice shall specify the reasons for denial. An application may be denied because the applicant has failed either to (A) comply with subdivision (4) or (5) of this subsection or (B) demonstrate that he can be expected to safely transport biomedical waste and comply with all applicable provisions of this section during the term of the permit. If the Commissioner grants an application the Department shall assign a permit number to the permittee.

(8) A biomedical waste transporter shall include his permit number on each tracking form.

(9) (A) A permit shall expire two years after the date of issuance. An application to

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renew a permit made no later than ninety days before the expiration date of such permit shall be deemed timely and sufficient for purposes of Section 4-182 (b) of the General Statutes.

(B) The Commissioner may revoke a permit issued under this subsection if the permittee (i) fails to comply with a statute, regulation or license administered, or order issued, by the Commissioner; (ii) fails to maintain in effect during the permit term the security specified in subparagraph (4) (E) of this subsection; or (iii) cannot be expected to safely transport biomedical waste or comply with all applicable provisions of this section during the term of the permit.

(10) A biomedical waste transporter shall notify the Department in writing of any change in majority ownership, name, address, or business location.

(11) A permit issued under this subsection is not transferable.

(12) Whenever any vehicle owned or operated by a biomedical waste transporter is involved in a spill of biomedical waste or whenever the vehicle is involved in an accident which renders the vehicle in non-compliance with this section, such transporter shall immediately notify both the Department and the director of health of the municipality in which the spill or accident occurred.

(13) Upon request of the Department, a biomedical waste transporter shall:

(A) Allow the Department to inspect tracking forms, shipment logs, reports, permits, licenses, billing records or other documents related to the transportation or other handling of biomedical waste.

(B) Allow the Department to inspect any vehicle or related equipment or any vehicle parking area used by the transporter pursuant to subdivision (15) of this subsection.

(C) Decontaminate, utilizing procedures described in subdivision (6) of subsection (e), or allow the Department to decontaminate at the owner's expense, any vehicle that has been in contact with biomedical waste, or take or allow the Department to take any other measures necessary to make such vehicle safe for inspection.

(14) A generator who transports his own biomedical waste from its original generation point to a central collection point shall be exempt from the requirements of subsections (e), (g), and (h) of this section, provided that:

(A) The biomedical waste is transported by the generator or an employee authorized in writing in a vehicle owned by such generator or employee;

(B) The original generation point and the central collection point or solid waste facility are located in Connecticut; and

(C) The generator compiles and retains a shipment log as required by subsection (i) (2) of this section.

(15) A biomedical waste transporter may store biomedical waste in the same vehicle he used to pick up and transport such waste from a generator only if:

(A) Such vehicle is parked at a location that

(i) Is under the direct control of the transporter, and

(ii) Has been approved for such use by the Commissioner in the transporter's biomedical

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waste transporter permit issued under this subsection;

(B) The location where such vehicle is parked is secured to prevent access thereto by any person other than the transporter and his employees;

(C) Such vehicle is parked at such location for no longer than 48 consecutive hours, excluding weekends and State holidays;

(D) The biomedical waste is stored in accordance with the provisions of subsection (c) of this section;

(E) Such vehicle complies with the provisions of subdivision (e) (3) of this section; and

(F) No biomedical waste is loaded on to or off of such vehicle during storage.

(h) Requirements for Tracking Biomedical Waste.

(1) Except as provided in this subsection, a generator who transports or offers for transport biomedical waste shall use the tracking form in Appendix I of this section to track the movement of such waste from its site of generation to a solid waste facility or facilities for purposes of storage, treatment or disposal.

(2) Except as provided in subdivisions (g) (2), (3), and (14) of this subsection, before transporting or offering or delivering for transport biomedical waste, a generator shall prepare at least the number of tracking form copies that will provide himself and each transporter with one copy, and the operator of each solid waste facility where the waste is to be treated, stored or disposed with two copies.

(3) When preparing the tracking form, a generator shall:

(A) Follow the instructions included in Appendix I of this section;

(B) On all copies of the tracking form, sign the certification statement by hand;

(C) On all copies of the tracking form, have the transporter write his signature and the date he accepts the waste;

(D) Retain one copy of the signed and dated tracking form.

(4) Notwithstanding any other provision of this section, when a generator offers or delivers biomedical waste directly to a rail transporter for transport to a non-rail transporter or solid waste facility in Connecticut, such generator shall forward at least three copies of the tracking form, completed in accordance with subdivision (3) of this subsection, to:

(A) Such non-rail transporter, if any; or

(B) The operator of such solid waste facility.

(5) A generator who offers or delivers biomedical waste to a transporter, other than a rail transporter, for transport to a facility outside Connecticut for treatment, storage, or disposal shall request that the operator of such facility provide written confirmation to such generator that the waste was received. If the generator does not receive such confirmation within 45 days from the date he offered or delivered the waste for transport, he shall submit an exception report as required pursuant to subdivision (i) (11) of this section.

(6) (A) A transporter shall not accept biomedical waste unless it is accompanied by a tracking form completed in accordance with Appendix I of this section.

(B) Notwithstanding subparagraph (A) of this subdivision, a non-rail transporter may accept from a rail transporter biomedical waste that is not accompanied by a tracking form,

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provided that such non-rail transporter complies with subdivisions (8) and (13) of this subsection before delivering the waste to the next transporter or solid waste facility.

(7) Before accepting biomedical waste that is accompanied by a tracking form, a transporter shall:

(A) Verify that the tracking form accurately reflects the number of containers and the weight in pounds of all (i) untreated and (ii) decontaminated biomedical waste accepted;

(B) On all copies of the tracking form, provide his handwritten signature and the date he accepted the waste from the generator or prior transporter, as applicable; and

(C) If the transporter is the first transporter of the waste, return a copy of the signed and dated tracking form to the generator before accepting the waste, or if the transporter is a subsequent transporter of the waste, return a copy of the signed and dated tracking form to the prior transporter before accepting the waste; and

(D) Retain one copy of the signed and dated tracking form.

(8) A transporter, other than a rail transporter, shall ensure that the tracking form accompanies the biomedical waste during transport.

(9) When a transporter, other than a rail transporter, delivers biomedical waste to another transporter or a solid waste facility in Connecticut, the delivering transporter shall:

(A) On all copies of the tracking form, obtain the date of delivery and the handwritten signature of the accepting transporter or the operator of the solid waste facility;

(B) Retain one copy of the signed and dated tracking form; and

(C) Give the remaining copies of the signed and dated tracking form to the accepting transporter or the owner of the facility.

(10) When a transporter, other than a rail transporter, delivers biomedical waste to a transporter outside Connecticut or facility outside Connecticut, the delivering transporter shall:

(A) Verify that the waste has been delivered to the accepting transporter or operator of the facility;

(B) On all copies of the tracking form, have the accepting transporter or facility operator write his signature and the date he accepts the waste, or if the accepting transporter or facility operator will not provide his signature, the delivering transporter shall write his own signature and the date he delivers the waste;

(C) Retain one copy of the signed and dated tracking form; and

(D) Return all remaining copies of the signed and dated tracking form by mail to the generator.

(11) A rail transporter shall ensure that a shipping paper accompanies each shipment of biomedical waste during transport and contains all the information required on the tracking form, other than that required by Boxes 7, 10, and 15. A rail transporter who accepts biomedical waste from a prior rail transporter and delivers such waste to a subsequent rail transporter is not required to sign the shipping paper relating to such shipment of waste.

(12) When a rail transporter delivers biomedical waste to a solid waste facility in Connecticut, such transporter shall:

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(A) Have the operator of the solid waste facility write his signature and the date he accepts the waste on all copies of the tracking form which was forwarded by the generator or the first non-rail transporter to the solid waste facility, or, if the tracking form has not been received by the solid waste facility, on the shipping paper; and

(B) Retain a copy of the signed and dated tracking form or shipping paper, as applicable.

(13) When a non-rail transporter accepts biomedical waste from a rail transporter, such non-rail transporter shall:

(A) Write his signature and the date he accepts the waste on all copies of the tracking form which was forwarded by the generator or first non-rail transporter to the accepting non-rail transporter, or, if the tracking form has not been received by the accepting non-rail transporter, on the shipping paper;

(B) Leave a copy of the signed and dated shipping paper with the rail transporter, if applicable; and

(C) Retain a copy of the signed and dated shipping paper or tracking form, as applicable.

(14) A transporter who accepts biomedical waste from a small quantity generator who does not voluntarily use the tracking form need not comply with the requirements of subdivision (6) of this subsection, provided that:

(A) Such transporter compiles a log containing the following information for each shipment of biomedical waste he accepts from a small quantity generator:

(i) The generator's name and address;

(ii) The number of containers and total weight of (1) untreated and (2) decontaminated waste accepted; and

(iii) The date the waste is accepted;

(B) Such transporter carries such log in his vehicle while transporting the waste to the next transporter or solid waste facility, as applicable;

(C) Such transporter signs and dates the generator's log required under subdivision (i) (3) of this subsection; and

(D) Such transporter complies with subdivision (17) of this subsection.

(15) Except as provided in subdivision (14) of this subsection, a transporter shall deliver the entire quantity of biomedical waste that he accepts from a generator or prior transporter to:

(A) The solid waste facility identified on the tracking form, or

(B) The next transporter, if any.

(16) When biomedical waste cannot be delivered in accordance with subdivision (15) of this subsection, a biomedical waste transporter shall:

(A) Contact the generator for further directions;

(B) Revise the tracking form according to the generator's instructions; and

(C) Deliver the entire quantity of biomedical waste according to the generator's instructions.

(17) A transporter shall initiate a tracking form, in accordance with the provisions of subdivisions (2) and (3) of this subsection, for all biomedical waste accepted from each

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small quantity generator who does not voluntarily use the tracking form.

(18) (A) A transporter may consolidate multiple shipments of biomedical waste on a single tracking form, provided that each such shipment weighs less than 220 pounds and such transporter initiates a new tracking form for such consolidated waste in accordance with the provisions of subdivisions (2) and (3) of this subsection.

(B) When a transporter receives from a solid waste facility a copy of a tracking form which he initiated pursuant to subparagraph (A) of this subdivision, and which the operator of such facility signed and dated in accordance with subdivision (20) of this subsection, such transporter shall:

(i) Attach a copy of the tracking form received from the solid waste facility to the copy of the tracking form originally prepared by the generator;

(ii) Retain a copy of the tracking form received from the solid waste facility; and

(iii) Return a copy of the tracking form received from the solid waste facility, together with a copy of the tracking form originally prepared by the generator, to the generator within 15 days of receiving the tracking form from the solid waste facility.

(19) For each tracking form initiated pursuant to subparagraph (18) (A) of this subsection, a transporter shall compile a consolidation log reflecting all shipments of biomedical waste consolidated on that form. The consolidation log shall accompany the tracking form during transportation of the waste and shall contain the following information for each shipment:

(A) Name and address of generator;

(B) Date on which the shipment was accepted by such transporter;

(C) Number of containers and the weight in pounds of all (i) untreated and (ii) decontaminated biomedical waste in the shipment; and

(D) Name, address and state biomedical waste transporter permit number of each previous transporter, if any.

(20) When a solid waste facility accepts biomedical waste accompanied by a tracking form, the operator of such facility shall:

(A) Indicate in Box 23 of all copies of the tracking form any of the following:

(i) Any variation between the number of containers reportedly shipped by the generator and the number actually received by such solid waste facility;

(ii) Any variation between the number of containers of (i) untreated and (ii) decontaminated biomedical waste reportedly shipped by the generator and the number actually received by the solid waste facility;

(iii) Any containers that are broken, torn, or leaking; and

(iv) Lack of any required information or signatures on the tracking form;

(B) On all copies of the tracking form, write the delivery date of the waste and his handwritten signature, such signature constituting certification that the waste reflected on the tracking form was actually accepted by such solid waste facility;

(C) Before the transporter leaves the facility, give him at least one copy of the signed and dated tracking form;

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(D) Within 15 days of accepting the waste, send a copy of the signed and dated tracking form to the generator or transporter who initiated the tracking form; and

(E) Retain a copy of the signed and dated tracking form.

(21) (A) When a solid waste facility accepts biomedical waste from a rail transporter before receiving the tracking form forwarded by the generator or first non-rail transporter, the operator of the solid waste facility shall:

(i) Provide on the rail transporter's shipping paper the information described in subparagraphs (20) (A) and (B) of this subsection;

(ii) Before accepting the waste, give the rail transporter at least one copy of the signed and dated shipping paper;

(iii) Within 15 days of accepting the waste, send a copy of the signed and dated shipping papers to the generator or first non-rail transporter who initiated the shipping paper; and

(iv) Retain a copy of the signed and dated shipping paper.

(B) Upon receiving a tracking form forwarded by a generator or first non-rail transporter, the operator of a solid waste facility shall: (i) provide on the tracking form the information described in subparagraphs (20) (A) and (B) of this subsection, (ii) within 15 days of receiving such tracking form send a copy of the signed and dated tracking form to the generator or first non-rail transporter who initiated the tracking form, and (iii) retain a copy thereof.

(22) When the operator of a solid waste facility accepts biomedical waste and (i) discovers any condition described in subparagraph (20) (A) of this subsection or (ii) the waste is unaccompanied by a tracking form, such operator shall attempt to resolve the problem with the generator or transporter. If such operator is unable to resolve the problem, he shall submit a letter, within 15 days of accepting the waste, to the Department describing the nature of the problem and his attempts to resolve it. The letter shall be accompanied by a legible copy of the tracking form or shipping paper in question when the problem is of the type specified in subparagraph (20) (A) of this subsection. If the problem is of the type specified in subparagraph (20) (A) (iv) of this subsection, the operator shall specify in his letter the number of containers and the weight in pounds of all (A) untreated and (B) decontaminated biomedical waste accepted, and the name and address of each generator and transporter of the waste.

(i) Recordkeeping and Reporting Requirements for Generators, Transporters, and Solid Waste Facilities.

(1) Except as provided in subdivisions (3), (4) and (5) of this subsection a generator shall retain a copy of each tracking form signed in accordance with subparagraphs (h) (3) (B) and (C) of this section for at least three years from the date he offers or delivers biomedical waste to a transporter.

(2) A generator who seeks under subdivision (g) (14) of this section to be exempt from the requirements of subsections (e), (g), and (h) of this section shall comply with the following requirements:

(A) At the original generation point such generator shall compile a shipment log which

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includes an entry for each shipment of biomedical waste, and shall retain each such entry for at least three years from the date the waste is transported.

(B) Each entry in the shipment log required in subparagraph (A) of this subdivision shall consist of the following:

- (i) The date the biomedical waste is transported from the original generation point;
- (ii) The weight of (i) untreated and (ii) decontaminated biomedical waste transported;
- (iii) The address or location of the central collection point or solid waste facility, as applicable; and
- (iv) The signature of the individual who transports the waste.

(C) At the central collection point such generator shall compile a shipment log which includes an entry for each shipment of biomedical waste, and shall retain each such entry for at least three years from the date the waste is received at the central collection point from the original generation point.

(D) Each entry in the shipment log required in subparagraph (C) of this subdivision shall consist of the following:

- (i) The date the biomedical waste is received at the central collection point;
- (ii) The weight of (1) untreated and (2) decontaminated biomedical waste received;
- (iii) The address or location of original generation point; and
- (iv) The signature of the individual who manages the central collection point.

(3) A small quantity generator who uses the services of a transporter to transport biomedical waste and who does not voluntarily prepare the tracking form is subject to the following recordkeeping requirements:

(A) Such small quantity generator shall compile a log which includes an entry for each shipment of biomedical waste, and shall maintain each such entry for three years from the date the waste is accepted by the transporter.

(B) Each entry in the log required in subparagraph (A) of this subdivision shall consist of:

- (i) The transporter's name and address;
- (ii) The transporter's state biomedical waste transporter permit number;
- (iii) The weight of (1) untreated and (2) decontaminated biomedical waste transported;
- (iv) The date the waste is delivered to the transporter; and
- (v) The signature of the transporter or his employee, as applicable, who accepts the waste.

(4) A small quantity generator who transports biomedical waste pursuant to subdivision (g) (2) of this section shall comply with the following requirements:

(A) Such small quantity generator shall compile a log which includes an entry for each such shipment of biomedical waste, and shall retain each such entry for at least three years from the date the generator transports the waste off his site.

(B) Each entry in the log required in subparagraph (A) of this subdivision shall consist of the following:

- (i) The name and address of the solid waste facility to which the biomedical waste is

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transported;

- (ii) The weight of (1) untreated and (2) decontaminated biomedical waste transported;
- (iii) The date the biomedical waste is transported; and
- (iv) The signature of the individual who transports the waste.

(5) A small quantity generator who seeks under subdivision (g) (3) of this section to be exempt from the requirements of subsections (h) and (i) of this section shall:

(A) For each shipment, retain the original U.S. Postal Service receipt and the return mail receipt for at least three years from the date the waste is shipped;

(B) Compile a log which includes an entry for each shipment of biomedical waste and maintain each such entry for at least three years from the date the waste is mailed. Each entry in such log shall consist of:

- (i) The weight of (1) untreated and (2) decontaminated biomedical waste mailed;
- (ii) The date the biomedical waste is mailed; and
- (iii) The name and address of the solid waste facility to which the biomedical waste is mailed.

(6) A generator who treats his own biomedical waste on his site shall compile an operating log which includes an entry for each treatment cycle. Each such entry shall be maintained for three years from the date the waste is treated and shall consist of:

- (A) The date and time the treatment cycle begins and ends, and
- (B) The weight in pounds of biomedical waste treated during each treatment cycle.

(7) A generator who accepts for treatment at his site biomedical waste generated by another generator or generators shall compile an operating log which includes an entry for each shipment of biomedical waste accepted. Each such entry shall be maintained for three years from the date the waste is accepted and shall consist of:

- (A) The date the waste was accepted;
- (B) The name and address of the generator who generated the waste;
- (C) The weight of (i) untreated and (ii) decontaminated biomedical waste accepted; and
- (D) The signature of the individual accepting the waste.

(8) A generator who accepts for treatment at his site biomedical waste generated by another generator or generators subject to the requirements of subsection (h) of this section shall retain copies of the tracking form for three years from the date he accepts waste from such other generator or generators.

(9) A generator who treats his own biomedical waste on his site or who accepts for treatment at his site biomedical waste generated by another generator or generators shall prepare an annual report based on entries recorded in the operating log described in subdivision (6) of this subsection, and stating the total number of treatment cycles performed and the total weight of biomedical waste treated. The annual report shall be submitted to the Commissioner no later than February 15 of each year and shall cover the preceding calendar year. In addition to providing the said information, the generator shall include in the annual report the following information:

- (A) His name and address and the address where he treats biomedical waste, if different;

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(B) Type of generator he is (for example, general acute-care hospital or clinical laboratory);

(C) Name and telephone number of contact person; and

(D) With respect to each other generator from whom the treating generator accepts biomedical waste:

(i) Type of generator (for example, acute-care hospital or clinical laboratory); and

(ii) Name and telephone number of a contact person.

(E) A statement, signed and dated by the treating generator, which reads: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify under penalty of law that based on reasonable investigation, including my inquiry of those persons immediately responsible for obtaining the information, the submitted information is true, accurate and complete."

(10) A generator who does not, within 35 days of the date he delivers biomedical waste for transport, receive a copy of a signed tracking form from the solid waste facility to which such waste is to be delivered shall contact such facility and each known transporter of the waste to determine the status of the waste.

(11) A generator who does not, within 45 days of the date he delivers biomedical waste for transport, receive a copy of a signed tracking form from the solid waste facility to which such waste is to be delivered shall submit an exception report to the Commissioner. Such exception report shall be postmarked on or before the 46th day after the date the generator delivered the waste for transport and shall include:

(A) A legible copy of the tracking form as signed and dated by the generator and by the transporter accepting the waste; and

(B) A letter signed by the generator explaining the efforts he has taken to locate the waste and the results of such efforts.

(12) A generator shall retain a copy of an exception report submitted pursuant to subdivision (11) of this subsection for at least three years from its postmark date.

(13) A transporter shall, for each shipment of biomedical waste he transports, retain a copy of each tracking form signed by the generator, himself, any previous transporter, if applicable, and the person to whom he delivers the waste for at least three years from the date he delivers the waste.

(14) A transporter who accepts biomedical waste that is not accompanied by a generator-initiated tracking form shall, with respect to such waste, retain a copy of the tracking form and related consolidation log initiated by such transporter for at least three years from the date he accepts the waste.

(15) A transporter who accepts biomedical waste that is accompanied by a generator-initiated tracking form and who subsequently consolidates the waste to a single tracking form pursuant to subdivision (h) (18) of this section shall:

(A) Retain a copy of the generator-initiated tracking form for at least three years from the date he accepts the waste; and

(B) Retain a copy of the tracking form which he initiated and which is signed by the

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operator of the solid waste facility or subsequent transporter, as applicable, that accepts the waste for at least three years from the date such operator accepts the waste.

(16) A transporter who accepts biomedical waste that is generated in Connecticut or transported to Connecticut for storage, treatment or disposal shall, by each February 15, submit to the Commissioner a report identifying for the previous calendar year: each generator from whom the transporter accepted such waste and each solid waste facility to which the transporter delivered biomedical waste. Such report shall also include the following:

(A) The transporter's name, address and Connecticut biomedical waste transporter permit number;

(B) The name and telephone number of a contact person for the transporter;

(C) The name, address and type of each generator, by state, from whom the transporter accepted biomedical waste;

(D) The total number of generators, by state, from whom the transporter accepted biomedical waste;

(E) The weight in pounds of (i) untreated and (ii) decontaminated biomedical waste the transporter accepted from each generator, by state;

(F) The name and address of each solid waste facility, by state, to which the transporter delivered biomedical waste generated in Connecticut;

(G) The name and address of each solid waste facility in Connecticut to which the transporter delivered biomedical waste generated outside of Connecticut;

(H) The total weight in pounds of (i) untreated and (ii) decontaminated biomedical waste from all generators, by state, which the transporter delivered to a solid waste facility in Connecticut for treatment or disposal;

(I) The total weight in pounds of (i) untreated and (ii) decontaminated biomedical waste from all generators, by state, which the transporter delivered in Connecticut to another transporter;

(J) The total weight in pounds of (i) untreated and (ii) decontaminated biomedical waste from all generators, by state, which the transporter delivered to a solid waste facility in Connecticut for transfer or storage;

(K) The total weight in pounds of (i) untreated and (ii) decontaminated biomedical waste from all generators in Connecticut which the transporter delivered to a transporter outside of Connecticut or a solid waste facility outside of Connecticut;

(L) The total number of solid waste facilities, by state, to which the transporter delivered biomedical waste; and

(M) A statement, signed and dated by the transporter, which is identical to that set forth in subparagraph (9) (E) of this subsection.

(17) A transporter who initiates a tracking form pursuant to subdivision (h) (17) or (h) (18) of this section is subject to the requirements of subdivisions (10), (11), and (12) of this subsection, except that the 35- and 45-day periods referred to in such subdivisions begin on the day such transporter accepts the biomedical waste in question.

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(18) The operator of a solid waste facility that accepts biomedical waste shall retain (A) records compiled pursuant to subdivision (19) of this section and (B) copies of tracking forms and letters retained pursuant to subdivisions (h) (20), (21), and (22) of this section for at least three years from the date such operator accepts the waste.

(19) The operator of a solid waste facility that accepts biomedical waste shall compile written records containing (A) the name and address of each small quantity generator who delivers biomedical waste to such facility pursuant to subdivision (g) (2) of this section, (B) the date each waste shipment pursuant to such subdivision was delivered, (C) the weight in pounds of each such shipment and (D) the signature of the solid waste facility employee who accepted each such shipment.

(20) The operator of a solid waste facility that accepts biomedical waste in accordance with subparagraph (h) (21) (A) of this section shall retain his copy of the signed and dated shipping paper for three years from the date he accepts the waste.

(See Appendix I on following page.)

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§APPENDIX I

Department of Environmental Protection

Sec. APPENDIX I.

MEDICAL WASTE TRACKING FORM		INSTRUCTIONS	
1. Generator's Name and Mailing Address		INSTRUCTIONS FOR COMPLETING MEDICAL WASTE TRACKING FORM Copy 1 — GENERATOR COPY: Mailed by Destination Facility to Generator Copy 2 — DESTINATION FACILITY COPY: Retained by Destination Facility Copy 3 — TRANSPORTER COPY: Retained by Transporter Copy 4 — GENERATOR COPY: Retained by Generator As required under 40 CFR Part 259: 1. This multi-copy (4-page) shipping document must accompany each shipment of regulated medical waste generated in a covered State. 2. Items numbered 1-14 must be completed before the generator can sign the certification. Items 4, 7, 10, 12, & 13 are optional unless required by the State. Item 22 must be completed by the destination facility. For assistance in completing this form, contact your nearest State office or Regional EPA office, or call (800) 424-9346.	
2. Tracking Form Number	3. Telephone Number ()	17. Transporter 2 or Intermediate Handler (Name and address)	18. Telephone Number ()
4. State Permit or ID No.	5. Transporter's Name and Mailing Address	19. State Transporter Permit or ID No.	
6. Telephone Number ()	7. State Transporter Permit or ID No.	20. Transporter 2 or Intermediate Handler (Certification of Receipt of Medical Waste as described in items 11, 12, & 13)	
EPA Med. Waste ID No.	8. Destination Facility Name and Address	21. New Tracking Form Number (for consolidation or remanifestation)	
9. Telephone Number ()	10. State Permit or ID No.	22. Destination Facility (Certification of Receipt of Medical Waste as described in items 11, 12, & 13) ☐ Received in accordance with items 11, 12, & 13	
11. US EPA Waste Description	12. Total No. Containers	23. Discrepancy Box (Any discrepancies should be noted by item number and initials)	
a. Regulated Medical Waste (Unopened)	13. Total Weight or Volume		
b. Regulated Medical Waste (Treated)			
c. State Regulated Medical Waste*			
14. Special Handling Instructions and Additional Information			
15. Generator's Certification: Under penalty of criminal and civil prosecution for the making or submission of false statements, representations or omissions, I declare on behalf of the generator that the contents of the certification are true and accurately described above and are classified, packaged, marked, and labeled in accordance with all applicable State and Federal laws and regulations, and that I have been authorized in writing to make such declarations by the person in charge of the generator's operation.			
Printed/Typed Name _____ Signature _____ Date _____		Printed/Typed Name _____ Signature _____ Date _____	

This appendix describes each section (box) of the biomedical waste tracking form and provides mandatory instructions for completing each of these sections. The generator shall complete Boxes 1–15, the transporter shall complete Boxes 16–21, and the operator of the solid waste facility shall complete Boxes 22–23. The transporter may assist the generator in completing any of the boxes, but the generator is responsible for ensuring the accuracy of information entered on the form and must sign Box 15 after Boxes 1–14 are completed.

Box 1. Generator's Name and Mailing Address. Enter the name and mailing address of the generator. The mailing address shall be the address to which the solid waste facility

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will return the signed copy of the tracking form, and should be for the location where the generator's tracking forms will be handled for purposes of recordkeeping and exception reporting (e.g., the company's billing office, corporate headquarters, or the actual site of generation).

While the address entered here need not identify the particular site of generation, the generator shall maintain his records so that individual waste shipments (identified by a unique tracking form number assigned by the generator, discussed next) can be associated with the actual sites of generation.

Box 2. Tracking Form Number. This is the unique number that the generator shall assign to each shipment of biomedical waste. It will ensure that each individual shipment can be identified and independently tracked from the site of generation. (The number may be the date of shipment or some other notation that the generator wishes to utilize.)

Box 3. Generator Telephone Number. Enter the telephone number of a contact person for the generator who can provide additional information about the shipment in the event of an emergency or in the event that the transporter or solid waste facility requires it for other reasons (e.g., to inform the generator that an alternative waste disposal facility must be used).

Box 4. State Generator Permit or ID Number. This box is not applicable under current state law and should be left blank.

Box 5. Transporter's Name, Mailing Address and U.S. Environmental Protection Agency ("EPA") Medical Waste Identification Number. Indicate in this space the name and address of the transporter who will be the first transporter of the biomedical waste which is the subject of the tracking form. The address shall be the business mailing address of the transporter. The transporter shall fill in his EPA Medical Waste Identification Number for the State in which the waste was generated. If a number has not yet been assigned, the transporter shall leave this box blank. The EPA Medical Waste Identification Number is assigned by EPA when the transporter notifies EPA.

Box 6. Transporter Telephone Number. Enter the telephone number of the transporter that the generator or solid waste facility operator may call to obtain information regarding a biomedical waste shipment.

Box 7. State Transporter Permit or ID Number. Enter the biomedical waste transporter permit number issued to transporter pursuant to subsection (g) of this section.

Box 8. Solid Waste Facility Name and Address. Enter the name and site address of the solid waste facility to which the biomedical waste is to be delivered. The site address is necessary to inform the transporter where the waste must be delivered. (If the generator does not have this information, the transporter may complete this section, but only before the generator signs the form. Transfer stations and other temporary storage facilities used by transporters for storage of waste during transport shall not be listed here as the solid waste facility.)

Box 9. Solid Waste Facility Telephone Number. Enter the solid waste facility's telephone number which a generator or transporter may call to obtain information regarding

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a biomedical waste shipment.

Box 10. State Solid Waste Facility Permit or ID Number. Enter the solid waste facility permit number assigned by Department of Environmental Protection pursuant to Section 22a-208a of the General Statutes. If the solid waste facility is located outside Connecticut, enter the facility permit or other identification number assigned by the State in which the facility is located.

Box 11. U.S. Environmental Protection Agency Waste Description. In Box 11 (A), indicate untreated biomedical waste. In Box 11 (B), indicate decontaminated biomedical waste. In Box 11 (C), indicate chemotherapy waste. The generator shall determine and indicate the type(s) of his waste before completing Boxes 12 and 13.

Box 12. Total Number of Containers. Enter the total number of containers (e.g., bags, boxes, pails, drums, etc.) for each applicable waste type in the corresponding space.

Box 13. Total Weight or Volume. Enter the total weight of the waste, by applicable waste type, in the corresponding space. If the waste is oversized and is not packaged in a standard container, a volumetric measure may be used; however, the unit of measure shall be noted in that space as well.

Box 14. Special Handling Instructions and Additional Information. Generators may use this space to indicate special transportation, treatment, storage, or disposal information or bill of lading information, including alternative treatment and/or disposal facility information, if necessary. Generators may also include in this box a written request for the solid waste facility to certify disposal of the waste through signature and dating within this box. (Note: The signature in the solid waste facility Certification Box (Box 22) is only to be used to acknowledge receipt of the waste at the time of delivery to the facility.)

For out-of-State shipments, generators shall enter in this space the point of departure (city and State) for those wastes destined for facilities outside of Connecticut. This space may also be used if there is need to identify a third transporter.

This space should also be used to provide special instructions or additional information regarding oversized biomedical waste that cannot be easily packaged in plastic bags or standard containers. In these instances, enter a description of the waste, including whether the waste is untreated or decontaminated, the number of pieces, and the approximate total weight.

Box 15. Generator's Certification. This statement, when signed by the generator, certifies that (i) all information required to be provided by that generator is accurate (including any information provided by the transporter in Boxes 1–14), (ii) all wastes indicated on the tracking form are properly prepared for transport, and (iii) all applicable State and Federal requirements have been met. The generator shall enter his name into this statement and read it, sign it by hand, and date it. The individual signing the statement must be authorized in writing to make the required declarations by the generator.

Box 16. Transporter 1 Certification of Receipt. The first transporter shall acknowledge acceptance of a biomedical waste shipment from the generator by signing the form in this box and recording the date of acceptance. Before doing so, a transporter shall indicate in

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Box 23 of the tracking form any circumstances of the type described in subparagraph (h) (20) (A) of this section. In those instances when a transporter initiates a tracking form, he shall complete Boxes 1–15 and if he is also the first transporter as identified in Box 5 (Transporter’s Name and Mailing Address), he shall acknowledge receipt as transporter 1.

Box 17. Transporter 2 Name, Address, and U.S. Environmental Protection Agency Medical Waste Identification Number. In the event the waste shipment is to be transported by a second transporter, such second transporter shall enter in this box his name and business mailing address and his U.S. Environmental Protection Agency Medical Waste Identification Number if it is available.

Box 18. Transporter 2 Telephone Number. Enter the second transporter’s telephone number to be used when checking or investigating the status of a shipment.

Box 19. Transporter 2 State Transporter Permit or ID Number. In this box, a second transporter shall enter his biomedical waste transporter permit number assigned under subsection (g) of this section, or, if such second transporter is an out-of-state transporter, he shall enter any permit or other identification number assigned to him by such other state.

Box 20. Transporter 2 or Intermediate Handler Certification of Receipt. A second transporter shall acknowledge acceptance of the waste shipment by entering his name and the date of acceptance and signing the form. Before doing so, he shall indicate in Box 23 of the tracking form any circumstances of the type described in subparagraph (h) (20) (A) of this section.

Box 21. New Tracking Form Number. If a biomedical waste transporter consolidates multiple biomedical shipments on a new tracking form, a new tracking form number shall be recorded in this box on the original generator’s form.

Box 22. Solid Waste Facility. The operator of a solid waste facility shall acknowledge acceptance of biomedical waste by printing or typing his name and date of acceptance and signing in this box. Before doing so, he shall complete Box 23, as applicable, or, if there is nothing to record in Box 23, he shall place a check next to the statement “received in accordance with items 11, 12 and thirteen.”

If biomedical waste is delivered to a solid waste facility other than that indicated in Box 8, the operator of the solid waste facility that accepted the waste shall complete Box 22 in the manner described in the foregoing paragraph and shall type or print his address, telephone number, and permit number assigned pursuant to Section 22a-208a of the General Statutes.

Box 23. Discrepancy Box. In Box 23 the operator of the solid waste facility shall indicate any circumstances of the type described in subparagraph (h) (20) (A) of this section. (Note: In some instances, due to the consolidation provisions of subdivisions (h) (18) and (19) of this section, transporters may also need to complete this box.)

(Effective March 21, 1990)

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Sec. 22a-209-16. Fees for transfer of a permit to construct or a permit to operate a solid waste facility

(a) **Authority.** This section is adopted under the authority of subdivision (a) (10) of Section 22a-6 of the General Statutes and Section 22a-208a of the General Statutes.

(b) **Transfer fee.**

(1) The fee for transfer of a permit to construct or operate a solid waste facility shall be \$500.00. The fee shall be submitted simultaneously with the request for transfer, and the permit shall not be transferred prior to payment of the fee and approval of the transfer by the Commissioner, as required by Section 22a-209-4 of the Regulations of Connecticut State Agencies. The fee provided in this section shall be non-refundable.

(2) Within thirty (30) days after issuance of notice from the Commissioner that the actual cost of reviewing and acting on a request has substantially exceeded the amount of the fee as specified in this section, the applicant shall submit the difference between the fee which it has paid and the actual costs to the Commissioner.

(3) The transfer fee shall be paid by certified check or money order payable to the Department of Environmental Protection. The certified check or money order shall state on its face, "Solid Waste Transfer Fee."

(Effective July 13, 1993)

Sec. 22a-209-17. Mercury-containing lamps

(a) **Applicability**

Notwithstanding any other provision of sections 22a-209-1 to 22a-209-16, inclusive, of the regulations of Connecticut State Agencies, mercury-containing lamps, as defined in section 22a-209-17(b) of the regulations of Connecticut State Agencies, shall be subject to regulation under this section. Mercury-containing lamps that are subject to regulation under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies are not subject to regulation under this section, but remain subject to regulation under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies.

(b) **Definitions.** When used in section 22a-209-17 of the Regulations of Connecticut State Agencies, including the provisions of the Code of Federal Regulations which are incorporated by reference in this section:

(1) "Administrator" and "Regional Administrator" means the Commissioner of Environmental Protection, or the commissioner's designee.

(2) "CFR" or "Code of Federal Regulations" in reference to all or any portion of 40 CFR 273, Standards for Managing Universal Waste, means the Code of Federal Regulations revised as of July 1, 2000.

(3) "EPA", "U.S. Environmental Protection Agency", "EPA region", "EPA regional office", and "Regional EPA office" means the Connecticut Department of Environmental Protection, except that "EPA" when used in the terms "EPA identification numbers," "EPA test methods," "EPA publications," and "EPA forms," means the U.S. Environmental Protection Agency.

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(4) “Lamp”, “lamps”, “lamp as described in section 273.9” or “universal waste lamp” as used in 40 CFR 273, means “mercury-containing lamp” as defined in section 22a-209-17(b) of the Regulations of Connecticut State Agencies, except when section 22a-209-17 of the Regulations of Connecticut State Agencies specifies otherwise.

(5) “Mercury-Containing Lamp” means the bulb or tube portion of an electric lighting device that contains mercury in any amount. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of mercury containing lamps include, but are not limited to, fluorescent, high intensity discharge, neon, high pressure sodium, mercury vapor and metal halide lamps. The term “mercury-containing lamp” does not include lamps that are subject to regulation under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies.

(c) Management Standards

(1) The provisions of 40 CFR 273, applicable to lamps, are hereby incorporated by reference in their entirety, except as provided in subdivision (2) of this subsection and except for the provisions of this subdivision which are not incorporated.

(A) 40 CFR 273.5 (b)(2) (which relates to an exemption for lamps that are not hazardous); and

(B) 40 CFR 273, Subpart G (which relates to petitions for universal wastes).

(2) The following provisions of this subdivision applicable to lamps are incorporated by reference with the specified changes:

(A) 40 CFR 273.5(b)(1)

— delete “under part 261 of this chapter”

(B) 40 CFR 273.9

— in the definition of generator, delete “hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste” and replace with “or whose act first causes a mercury-containing lamp”

— in the definition of “Large Quantity Handler” and “Small Quantity Handler” the term “lamp” shall include lamps subject to regulation under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies and “mercury-containing lamps” subject to regulation under section 22a-209-17(b) of the Regulations of Connecticut State Agencies

(C) 40 CFR 273.13(d)(1)

— delete “lack of evidence” and replace with “be capable of preventing”

— delete “under reasonably foreseeable conditions”

(D) 40 CFR 273.13(d)(2)

— delete “that could cause the release of mercury or other hazardous constituents to the environment”

— delete “lack of evidence” and replace with “be capable of preventing”

— delete “under reasonably foreseeable conditions”

(E) 40 CFR 273.18(h)

— delete “may” and replace with “shall”

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— delete “any way that is in”

(F) 40 CFR 273.32 (b) (4) and (5)

— the term “lamp” shall include lamps subject to regulation under section 22a-449(c)-113 of the Regulations of Connecticut State Agencies and “mercury-containing lamps” subject to regulation under section 22a-209-17(b) of the Regulations of Connecticut State Agencies

(G) 40 CFR 273.33(d)(1)

— delete “lack evidence of” and replace with “be capable of preventing”

— delete “under reasonably foreseeable conditions”

(H) 40 CFR 273.33(d)(2)

— delete “that could cause the release of mercury or other hazardous constituents to the environment”

— delete “lack evidence of” and replace with “be capable of preventing”

— delete “under reasonably foreseeable conditions”

(I) 40 CFR 273.38(h)

— delete “may” and replace with “shall”

— delete “any way that it is in”

(J) 40 CFR 273.60(a)

— at the beginning of the paragraph insert “In addition to all applicable provisions of the Connecticut General Statutes, including but not limited to, section 22a-209e of the Connecticut General Statutes,”

— when any part of the Code of Federal Regulations cited in 40 CFR 273.60(a) (e.g., 40 CFR 264, 265, 266, 268, 270 and 124) makes reference to the term “hazardous waste,” such reference shall mean “mercury-containing lamp” as that term is defined in section 22a-209-17(b) of the Regulations of Connecticut State Agencies. In addition, notwithstanding any reference in 40 CFR 273.60(a), any permit issued to a destination facility under this section, (e.g., a permit for the treatment, disposal or recycling of a mercury-containing lamp as that term is defined in section 22a-209-17(b) of the Regulations of Connecticut State Agencies) shall be issued using the procedures applicable to solid waste facilities, not hazardous waste facilities.

— at the end of this paragraph, delete “:” and replace with “.”

(K) 40 CFR 273.61(d)

— delete “may” and replace with “shall”

— delete “any way that it is in”

(Adopted effective October 31, 2001; Amended June 27, 2002)