

**DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
AGENCY OF NATURAL RESOURCES  
STATE OF VERMONT**

**PROCEDURE ADDRESSING IMPLEMENTATION OF 10 V.S.A. §6606c  
REQUIREMENTS FOR UNREGULATED HAZARDOUS WASTE DIVERSION AT  
SOLID WASTE MANAGEMENT FACILITIES**

**October 7, 1994**

**ADOPTED:**

**Signature**  
**Barbara Ripley, Secretary**  
**Agency of Natural Resources**

**Oct. 13, 1994**  
**Date**

**PROCEDURE TO VERIFY IMPLEMENTATION OF 10 V.S.A. §6606C  
REQUIREMENTS FOR UNREGULATED HAZARDOUS WASTE DIVERSION AT  
SOLID WASTE MANAGEMENT FACILITIES IN VERMONT**

Background

Through action of the 1991 Vermont General Assembly, legislation codified in Title 24, Vermont Statutes Annotated (24 V.S.A.) § 2202a(c)(4) explicitly requires municipalities, solid waste districts and regional planning commissions to complete plans by July 1, 1992, for the management of the unregulated hazardous wastes in their solid waste streams. The basic principal underlying the requirement for a waste diversion program plan element is recognition that certain waste materials pose sufficient short-term and long-term hazards in their handling, transportation and disposal that they should not be discarded with solid wastes.

Because the legislature understood that all Vermonters' behavior would need to change for waste diversion to succeed, an inclusive public process was mandated to develop needed consensus on how unregulated hazardous waste diversion should proceed. This planning effort was to include advisory committees, citizens and business people, as well as the owners and operators of those solid waste management facilities which receive mixed solid wastes. The end-product plans for removing landfill banned and unregulated hazardous wastes from the solid waste stream would then be included in regional plans and in district or municipal solid waste implementation plans.

Also, through actions of the 1991 Vermont General Assembly codified at 10 V.S.A. 6606c, after January 1, 1993, the owners and operators of solid waste management facilities are obligated to implement the unregulated hazardous waste diversion element of their regional plan or applicable solid waste implementation plan. Similarly, by this same date, the Agency of Natural Resources is required to develop and implement a program plan to determine compliance by solid waste facilities with their regional or solid waste implementation plans.

The procedures put forth in this document have been developed to fulfill the 10 V.S.A. § 6606c requirement for an Agency program plan. However, this program plan does not supersede or alter any of the solid waste planning and management obligations created under either of the following or their related Titles:

- Title 10 V.S.A. Conservation and Development Chapter 159 Waste Management
- Title 24 V.S.A. Municipal and County Government Chapter 61 Regulatory Provisions; Police powers of Municipalities

Implementation of 24 V.S.A. § 2202a Requirements

In January of 1992, the Agency developed guidelines for planning entities to use when developing unregulated hazardous waste components for their solid waste implementation plans. That guidance document outlined what considerations would have to be included in an unregulated hazardous waste plan component for it to be approved by the Agency.

Implementation of 10 V.S.A. § 6606c State Program Plan Requirements

The necessary precondition for Agency review of solid waste management facility unregulated hazardous waste activities under 10 VSA 6606c is an unregulated hazardous waste diversion program element in a regional plan or solid waste implementation plan. Accordingly, the following Agency program plan is established to define a system for determining whether municipal, regional or district solid waste implementation plan programs are being carried out by their waste disposal facilities.

**State Role**

The Agency will:

- provide technical assistance to facilities, regions, districts, and municipalities on methods for testing and identifying hazardous wastes.
- provide educational materials to the public concerning landfill bans and unregulated hazardous waste reduction or diversion
- maintain a listing of municipal, district and regional plans with approved waste diversion plan elements
- prepare summaries of each diversion plan's requirements
- notify those responsible entities that have not yet developed plans
- through the public notice process for waste facility certification, review input from districts and municipalities about appropriate conditions to be placed in solid waste facility certifications for management of unregulated hazardous wastes.
- include within facility operating permits conditions requiring removal and proper on-site management of landfill banned wastes and implementation of the unregulated hazardous waste diversion elements of applicable local, district or regional plans in accordance with 10 V.S.A. § 6606c.
- require in facility certifications quarterly reports documenting how the facility is implementing local, district or regional plan requirements applicable to its operations under 10 V.S.A. § 6605(b)(3)
- for those districts and facilities which employ waste sampling as part of their waste management plans or to comply with specific permit requirements, review the waste sampling plans and periodically oversee facility load inspections

**Municipality, Facility and Hauler Roles**

The exact nature of solid waste stream sampling at any given solid waste facility will depend on the requirements of the facility's operating permit and its applicable regional or local solid waste implementations plan. Whether sampling occurs at transfer stations or disposal facilities, close cooperation between the waste haulers, facilities, and local and State government will be needed for the Legislature's unregulated hazardous waste diversion goals to be realized. Necessary cooperations are anticipated to be found in the following areas:

Local, District and regional authorities will

- have plans that contain waste diversion elements
- provide guidance to MSW facilities on how to implement unregulated hazardous waste plan provisions
- educate citizens and businesses about landfill bans and unregulated hazardous waste management or diversion
- monitor plan implementation
- work with facilities and haulers to identify and remove sources of MSW contamination by banned wastes or unregulated hazardous waste
- ensure infrastructure exists to manage diverted wastes

Solid waste haulers will

- adhere to relevant local, district and regional solid waste ordinances and licensing requirements
- cooperate with local, district and regional authorities to identify customers suspected of contaminating MSW with hazardous wastes.

Facilities accepting MSW will

- implement all facility operating permit requirements applicable to unregulated hazardous waste diversion
- implement all applicable local, district and regional unregulated hazardous waste diversion plan requirements

General Considerations

The Agency of Natural Resources prefers solid waste management programs which employ "front end" education and source separation of unregulated hazardous wastes to those programs which rely on "back end" load checking and waste sorting to protect the integrity of solid waste facility operations.

The purpose of unregulated hazardous waste diversion is to protect the air quality and the groundwater of the state by allowing operators of solid waste management facilities to implement appropriate procedures to remove hazardous materials from the solid waste stream before these wastes are landfilled or incinerated. Diversion practices, when implemented, should not create disincentives to identification and segregation of banned wastes.

The intent of so called "back end" sampling programs, such as those specified by 10 VSA § 6606c, is to progressively reduce unregulated hazardous waste content in municipal solid waste streams. Because these activities are expensive and difficult to integrate into normal waste facility operations, they cannot be expected to provide a cost effective means for achieving unregulated hazardous waste diversion. Rather, waste stream sampling should be coupled with reasonable access to unregulated hazardous waste collection programs and with broad local educational programs for pollution prevention, waste minimization and product substitution. Nevertheless, depending on the waste disposal facility, some degree of random sampling of mixed solid waste is needed:

1. to provide municipalities and districts with feedback on the effectiveness of their educational programs;

2. to identify for haulers and municipalities those firms and individuals who continue to discard hazardous waste in their solid wastes, and;
3. if necessary, to provide a "last chance" means for removing landfill banned wastes from the facility.

Other Unregulated Hazardous Waste Management Considerations (Unless specified otherwise by a Solid Waste Implementation Plan)

For CESQGs, access to lined landfills for small quantities of their hazardous wastes will be governed by the individual facilities' certifications and the Solid Waste Implementation Plan for the region where the landfill is located.

Wastes banned from landfills under 10 VSA §§ 6621a and 6621b, when found in the trash, can usually be presumed to have come from households.

All solid waste disposal facilities are anticipated to operate some type of load checking program, the extent of which will depend on the type of facility and the unregulated waste diversion plan applicable to the facility. Although certifications for some existing unlined landfills require screening of 10% of the incoming waste or 10% of each load received, numerical quotas may not be appropriate when other diversion options are being effectively pursued.

All load checking will be conducted by properly trained and equipped personnel

Double sorting and inspection of the solid waste stream will not be required. For example, where solid wastes are collected at transfer stations before shipment to disposal facilities, segregation of unregulated hazardous waste and banned materials will not be required at the transfer station, if the disposal facility provides for waste diversion. The reverse would also apply.

When suspected non-household hazardous waste is found in the trash, it shall be presumed to have originated from a CESQG. The Hazardous Materials Management Division will be notified if the source is identified otherwise.

When waste banned from landfill disposal by statute, by solid waste implementation plan, or by facility certification conditions is found in the trash, **it will be removed** and managed in accordance with the facility certification or applicable solid waste implementation plan.

Solid waste management facilities which segregate landfill banned and unregulated hazardous wastes from the solid waste stream will have specific conditions in their facility certifications relating to these activities. These conditions will be consistent with Vermont Hazardous Waste Management Regulations and other Agency policy.

The solid waste management facilities which produce hazardous wastes from operation and maintenance of their equipment or which segregate and collect hazardous wastes from trash will file a Notification of Hazardous Waste Activity form with the Hazardous Materials Management Division.

Solid waste management facilities which operate CESQG hazardous waste collection programs will keep records of how much of each hazardous waste type they have received and its source. These records shall be made available to the Hazardous Materials Management Division on request.

Handling Unregulated Hazardous Waste Diverted from the Waste Stream

Unless more than 2200 pounds of CESQG hazardous wastes are diverted per month at a solid waste management facility, the facility may manage these collected wastes and any other unregulated hazardous wastes in generally the same manner as a CESQG. Specifically, the wastes must be:

- stored under cover and on an impervious surface;
- stored in closed containers which do not leak;
- kept separate from any incompatible materials; and,
- if ignitable or reactive, stored 50 feet from the property line.

When a solid waste management facility collects more than 2200 pounds of CESQG hazardous wastes per month, it will be required to manage these wastes in the same manner as any large quantity generator of hazardous waste. The specific standards which must be met are contained in Section 7-309 of the Vermont Hazardous Waste Management Regulations, effective August 15, 1991.