

**NEWMOA Conference call
October 12, 2010**

Topic: 10-Day Transfer Facilities

New York

Adhere to EPA hazardous waste regulations in step with 40 CFR 263, with the only exception is an added requirement for secondary containment.

In July received an inquiry on: what is or is not acceptable for acceptance at a 10-day transfer facility - who can operate one and is there any exception for non-hazardous waste. According to 40 CFR 263.12 transfer stations must be owned or operated by a transportation company. April 15, 2005 Federal Register and 263.11953 guidance restrict state ability to restrict ownership and imposes requirements regardless of any existing DOT pre-emption.

In New York, non-hazardous requirements are stricter, only allow 5-day transfers. Transporters are required to get a transporter permit. Waste oil is NOT a hazardous waste in New York. New York regulations don't require the use of manifest for VSQG/CESQG's. In Part 264 there are requirements for transfer that restricts to 5 days and can be interpreted as more stringent than LQG requirements.

Rhode Island

Have several temporary transfer storage facilities. Only allow 72 hours excluding Sundays and Rhode Island state holidays. Must be a permitted hazardous waste transporter and don't allow consolidation.

Connecticut

Adopt 40 CFR by reference with exceptions, and didn't adopt 40 CFR 263.12. State regulations have transporter requirements that require a permit for greater than 72 hours, not in conveyance, physically removed from vehicle or transferred to another vehicle. Have statutory requirements for the permit fee depending on the type of facility and activity.

Have 3 facilities in the state performing 10-day transfers. Permits are more restrictive than EPA requirements and incorporate NFPA and DOT requirements.

Maine

Not on call

Massachusetts

On call, but not presenting

New Hampshire

Only allow at permitted facilities, must follow transfer station design requirements and must specify type of wastes accepted – do not have to be a transporter and can consolidate - can store or bulk waste for up to 10 days. Permit fee is \$4500 for initial and \$3000 for renewal. The

permits mirror the requirements of 40 CFR 264, but do not require a waste analysis plan. Transporters storing greater than 72 hours are required to have a preparedness and prevention plan.

New Jersey

Do not adhere to EPA regulations - have state regulations that are more restrictive. Only allow transporters that have a license to operate a 10-day facility. Licensing includes a detailed personal history disclosure, finger printing and investigation by State Police. Have logging requirements: DOT shipping description, manifest number, in and out, the ID no. of the equipment, notation where the waste was stored, if stored or bulked.

Allow commingling with identical DOT shipping descriptions. If the load is rejected the transporter becomes the generator. Allow the transfer of liquids, consolidation of partially full containers of solids (with restrictions, control of emissions), but do not allow the consolidation of solids from one empty container to another empty container. Non-putrescible solid waste removed along with hazardous waste in non-bulk packages is allowed to be managed with hazardous waste 10-day waste.

Have approximately 30 facilities and they are inspected quarterly.

Vermont

Not on call