Minutes
NEWMOA Conference Call
Outside/Outdoor Hazardous Waste Storage
March 13, 2012

Notes drafted by: Sean Carney, RIDEM and edited by Terri Goldberg, NEWMOA

Participants: NH (9); NY (~7) (Bill Yemen, Michelle C., Jim Groupy, Howard, Ed, & Nichole Croft); MA (John Downs, Keith Anderson, & Bill Sirull); Maine (5) (Mike Hudson); CT (8) (Ross Bunnell); RI (Sean Carney); VT (4) (Steve Simoes); NJ (3) (Mike, Bret, & Jeff), NEWMOA (Terri Goldberg)

Terri Goldberg (NEWMOA) began the call by stating that the topic was outside/outdoor storage requirements for hazardous waste. Terri stated that New Hampshire proposed the topic and has the lead on the call. Terri added that she sent a Word document to the Workgroup that was prepared by NH and contained specific questions and examples of outdoor HW storage areas.

Terri announced that the next HW call would be a webinar on April 3, 10:30 to review/discuss CT's online Generator Training, which is available on the CT DEP's website. She added that she sent an email with the registration information to the Workgroup. Lynn (VT) asked if each person needed to register in order to participate, and Terri replied that each workstation (PC) must be registered to gain access, not each individual person. Terri also notified the group that she set up a survey to gather information on topics for the upcoming Advanced HW Inspector Training this summer and she asked everyone to please complete the form online. Steve Simoes (VT) asked if the agenda for the inspector training was changed based on a recent email from Terri and she replied that she was waiting for responses from the group before modifying the agenda.

Indoor / Outdoor Hazardous Waste Storage

Todd Leedberg, NH DES introduced the topic and explained that NH has revised its HW regulations to include additional standards for generators that store HW outdoors. Todd stated that the regulation requires generators to complete/provide the following:

- Covered containers
- Secondary containment (liquid wastes)
- Stored away from storm drains
- Security measures, such as locked gates*
- Signage

* included some requirements of 40 CFR 265.14 but did not fully incorporate rule

Tim (NH) offered some background to the adoption of the "outdoor storage" standards and stated that NH Water Pollution regulations already contained these new requirements for exterior chemical storage. Tim explained that NH has encountered some unique situations in which they

found it difficult to delineate the difference between indoor and outdoor storage. Tim stating that some examples were provided in the email which NEWMOA sent to the group.

Bill Yemen (NY) asked if the subject rules were already promulgated and the requirements were added to the HW regulations.

Todd (NH) replied "yes" but added that NH was looking for feedback on different systems like small storage containers (e.g., bread box) manufacture units that are semi-permanent storage units.

Each state reported on their current regulatory requirements for outdoor HW storage as follows:

CT DEEP

Ross stated that CT has incorporated the CFR for generator requirements with some add-ons and would address the storage of HW containers outside as follows:

- LQG/SQG must provide secondary containment for liquid HW similar to the requirements in 40 CFR 264.175.
- Regulations do not require a "roofed structure" or security provisions like those contained in 40 CFR 265.14.
- Regulations define terms, such as "sufficiently impervious" for secondary containment since the term is not defined in CFR. Example would be a coating for concrete on which corrosive wastes are stored.
- In cases involving questionable (outdoor) storage, CT DEEP would apply the rule requiring generators to operate in a manner to prevent spills and/or releases of HW.
- CT DEEP included requirements for generators of used oil to store containers and tanks in secondary containment since they think the absence of this requirement was an oversight in the Federal program.

ME DEP

Mike Hudson reported as follows:

- ME DEP adopted the Federal requirements and incorporates by reference the container management standards in Subpart I and handles outdoor/outside storage similar to the way CT reported.
- No specific standards for outdoor storage in comparison to indoor storage, beyond the Federal requirements.
- Require generators storing liquid HW outdoors to provide sufficient containment system per 40 CFR 264.175 and system to handle a 25 year storm event. Also requires proper management of accumulated precipitation.

MassDEP

Bill Sirull reported as follows:

- Allows interior storage without secondary containment if building can act as a secondary containment device.
- Outdoor storage of liquid HW must have secondary containment that can handle 24 hr. precipitation and provide volume equivalent to 10 percent of volume of largest container or of total volume.
- General provision to prevent access of unauthorized persons to HW storage area. Typically require outdoor shed to be locked/secured unless entire property is fenced.
- VSQG is treated same as SQG/LQG for storage.

NH asked a question relating to the portability of a building that acts as secondary container (under MA rule) if it is a small outside building or shed.

Bill said no the standard for secondary containment would apply and a temporary building may not fulfill standard.

NJ DEP

- No specific standard for outdoor storage beyond the requirements of 40 CFR 265.14

NJ DEP questioned how other states can cite 40 CFR 264 (Interim Standards) when applying regulations to generators. Discussion ensued, and other states such as CT, ME, and RI reply that the standards contained in 264.175 are specifically incorporated into the state regulation.

NYS DEC

Bill Yemen reported as follows:

- Follow the Federal regulations but call in 265.14 standards for generators that store HW outdoors.
- Recommend that generators store HW indoors based on extra requirements contained in 264.175 for storm water control and management.

Referenced email with document prepared by NH and stated that a regulation for outdoor storage would be difficult to develop due to need to define indoor vs. outdoor. Referenced the dictionary definitions and stated that the state would have to define the terms in its regulations.

NYS DEC Region 4 asked about storage of liquid HW over a sole source aquifer, and Bill responded that for liquid HW indoor and outdoor storage would require secondary containment.

CT asked if NY's regulations require generators to comply with 265.14 (security), and NY responded no but generators are required to comply with 264.175 (containment).

RIDEM

Sean reported as follows:

RI regulations incorporate by reference most of the Federal program for generators but are also more stringent in some areas. For example, RI does not recognize CESQG and does not distinguish between SQG and LQG, except for biennial reporting. Sean added that RI also incorporates 264.175 and requires generators to design the secondary containment for outdoor storage to handle a 24 hr - 25 year storm event. Also requires generators to manage accumulated precipitation as potential HW. RI has not adopted 265.14 and does not have separate standards for outdoor storage beyond requirements of the Federal program.

VT DEC

Steve Simoes reported as follows:

- VT does not incorporate by reference but instead wrote out standards for generators into State regulations that are more stringent than Federal program.
- In addition to Federal container management requirements, VT added requirement to store HW on impervious surface if outdoors, requirement to protect HW from freezing, to provide fire protection equipment in storage areas, and to conduct daily inspections of storage areas.
- No fencing requirement for security.

Terri asked if EPA personnel on the call wanted to provide comments, and there was no response.

Terri asked if NH had questions for the participants and NH stated that it appeared the other states do not have requirements like NH. NH added that their Water Program has specific setbacks for wells and surface waters, and so NH modified its HW regulation to address the requirements of the Water regulations.

Ross (CT) stated that CT has had the requirement for secondary containment (SC) for a long time and has found that a properly operated and maintained SC system provides adequate protection, and so CT does not require additional controls for outdoor storage.

Terri then suggested that everyone open the document prepared by NH to view the different scenarios relating to outdoor storage. The group discussed the photos in the order of appearance in the document as follows:

1. <u>Photo of drums and tanks under a metal lean-to</u>

CT - No berm or impervious surface, would consider it outdoor storage.
VT - Expressed concern over potential for waste to freeze, would consider outdoor.
MA - Same concerns as CT; would consider it outdoor storage.
NJ - same as MA, but NJ stormwater program would have issues with lack of controls.

2. <u>Photo of drums in truck body</u>

MA - Asked if the type of waste was known, response it was HW based on labeling.

CT - No input on whether indoor or outdoor since not in CT regs, concern over lack of secondary containment, some trailers have adequate SC. No aisle space.
NJ - Confined space a problem, would require the drums to be removed from truck.
VT - Question if floor was impervious, but pointed out that drums are for solid waste so SC may not be required.
NH - Considered indoor storage but had similar concerns to those expressed by other states.

3. Photo of white metal shed with haz-mat labels

NH - This is a separate building that has a subfloor to provide SC, but the units can be moved (non-permanent structure).
MA - Would consider them as indoor storage which is allowed by MA regulations.

4. Photo of yellow plastic shed with black ramp

NH - Would call it indoor storage area b/c it has 4 walls, a roof, SC and it can be locked to provide security.
CT - Would consider it indoor if there is a SC sump of adequate volume
MA - Agreed with CT.
RI - Questioned whether the lack of stability of unit would allow it to be considered indoor storage.
NH - Stated that the stability of the unit is a factor that is under consideration for revision to the indoor/outdoor storage standard.
CT - In CT HW regulations have requirement for Generators to perform Closure 265.111, 113A-C, 114) when shutting down operations/facility and feel this type of unit would be easier to decontaminate and remove in place of a permanent shed.

5. Small yellow plastic unit holding drums with flip top

CT - Would view as indoor and it may meet SC requirement if volume was adequate. Expressed concern over the need/ability to remove drum in poor condition from this type of unit, but would see it as useful at certain facilities (i.e., small garages).
MA - It may meet SC requirements, but security looks like a problem.
VT - Okay with concept but may have a problem with waste not being protected from freezing if stored outdoors.
NY - NH may want to change terms from indoor/outdoor to level #1 and level #2 storage to avoid difficulty with defining terms in regulations.
CT - That's why CT focuses on technical standards (that apply to container/tank storage) vs. the location.
NH - The device would be considered outdoors because a person cannot enter it.

6. Grey/black plastic shed in snow bank

CT - Would rely on regulations to require generator to remove accumulated

precipitation from the unit, even though it's in solid form of snow.

RI - It does not appear that the generator is operating in manner to prevent spills and releases since the snow has been plowed into the shed.

MA - No visible signs that the shed has security (locked/unlocked)

Wrap Up

NH - It looks like some parts of 40 CFR 264.175 may provide some useful requirements that can support NH's outdoor storage requirements.

CT - Some generators may have practical problems if state tries to force indoor storage (as only option); especially if the size of the property or building limits the interior storage capacity of the facility. Also, if generators use roll-offs (WWT sludge) interior storage requirement may be very difficult to meet.