

TABLE OF CONTENTS

Hazardous Waste Facilities Siting

Hazardous waste facilities siting regulations. 22a-116- 1

Definitions. 22a-116- 2

Permits for hazardous waste facilities 22a-116- 3

Construction and operation 22a-116- 4

Closure and post-closure 22a-116- 5

Post-closure use. 22a-116- 6

Disposal facility trust fund 22a-116- 7

Oversight and monitoring. 22a-116- 8

Cease and desist orders and emergency orders 22a-116- 9

Public availability of information 22a-116-10

Hazardous Waste Facilities Siting

Sec. 22a-116-1. Hazardous waste facilities siting regulations

This section shall be known and may be cited as ‘‘Hazardous Waste Facilities Siting Regulations.’’

(Effective April 16, 1982)

Sec. 22a-116-2. Definitions

The following terms not defined in section 22a-115 of the Connecticut General Statutes are defined as follows:

‘‘Department’’ or ‘‘DEP’’ means the department of environmental protection.

‘‘Existing hazardous waste facility’’ means a hazardous waste facility in operation, or which had received all necessary state permits for hazardous waste disposal as of July 1, 1981.

‘‘New hazardous waste facility’’ or ‘‘new facility’’ means a hazardous waste facility which had not received all necessary state permits for hazardous waste disposal prior to July 1, 1981.

‘‘Siting permit’’ means a single document consolidating all DEP permits, approvals, licenses, and authorizations necessary for the construction or modification of a hazardous waste facility.

(Effective April 16, 1982)

Sec. 22a-116-3. Permits for hazardous waste facilities

(a) **Requirements for permits.** All DEP permits, approvals, licenses, or authorizations necessary to initiate construction or modification of a hazardous waste facility and any person applying for any DEP required permits, approvals, licenses, or authorizations shall be subject to this section.

(b) **Application for siting permit.**

(1) Application for each siting permit shall be made by the owner or operator of the facility on forms furnished by the commissioner. Each application shall include all information required by statute and by the most current departmental regulations regarding such facility; however, nothing in these regulations shall prevent the commissioner from requiring additional information concerning an application if he determines that such additional information is necessary.

(2) An application will not be deemed to have been received by the department until all papers and documents required by statute, regulation or request of the commissioner in support of the application have been submitted in proper form. The department shall determine within sixty (60) days of submission of a prepared application whether it is complete, and shall so notify the applicant.

(3) Upon a determination that an application is incomplete, the applicant may resubmit the application with the additional information required by the department. The department shall determine within sixty (60) days of such resubmission whether the application is complete and shall so notify the applicant. Upon resubmission, the department may require further information only if

(A) such information is required by statute or regulation, or

(B) the need for the additional information was not apparent at the time of the prior determination that the application was incomplete.

(c) **Public hearing.** The commissioner shall hold a public hearing on an application, such hearing to commence not sooner than thirty (30) days and no later than sixty (60) days after his determination that an application is complete. Notice of hearing shall be published no fewer than ten (10) days before the date set for the

hearing in a newspaper having general circulation in the town where the facility is to be located.

(d) **Siting permit decision.**

(1) The commissioner shall consider all evidence offered at any public hearing, any reports from local, state, and federal agencies, all relevant facts and circumstances, and any additional requested information in making his tentative determination on a siting permit application. Such a determination shall be made by the commissioner within ninety (90) days of the close of the public hearing. A tentative determination to issue a siting permit shall be published by the commissioner in the Connecticut Law Journal within thirty (30) days of such a decision.

(2) The commissioner shall within thirty (30) days following the issuance of a certificate of public safety and necessity by the Connecticut siting council, render a final siting permit decision.

(e) **Denial of a siting permit.** A siting permit may be denied if the commissioner determines that:

(1) The engineering information and any other information submitted by the applicant indicates that the hazardous waste facility will not be constructed and operated in compliance with applicable statutes or regulations; or

(2) The facility is not consistent with all applicable regulations of the department of environmental protection.

(f) **Minor amendment of siting permits.** The commissioner may amend a siting permit for changes in the facility practices or equipment that would not in his judgment significantly alter the nature of the facility or the impact on the environment.

(g) **Conditions applicable to the siting permit.** A siting permit shall be effective for a fixed term not to exceed five (5) years. The commissioner may add such additional conditions to any siting permit as he deems necessary based upon the circumstances of the particular application.

(h) **Reapplication for and renewal of siting permits.** The procedure for obtaining a renewal of a siting permit is detailed in section 22a-7-4 of the Administrative Regulations of Connecticut State Agencies except that the commissioner may waive the one hundred twenty (120) calendar day requirement for good cause shown.

(i) **Revocation or suspension.** A siting permit may be revoked or suspended for failure to comply with the terms of the permit or violation of any applicable regulation or statute.

(j) **Transferability.** The holder of a siting permit may not transfer it without prior written permission of the commissioner.

(Effective April 16, 1982)

Sec. 22a-116-4. Construction and operation

All owners and operators of hazardous waste facilities are subject to the construction and operating requirements of sections 25-54cc(c)-23 through 33 and sections 25-54cc(c)-35 through 48 of the Regulations of Connecticut State Agencies and any other regulations of the department not inconsistent therewith.

(Effective April 16, 1982)

Sec. 22a-116-5. Closure and post-closure

All owners and operators of hazardous waste facilities are subject to closure and post-closure requirements of sections 25-54cc(c)-34 and 35 of the Regulations of Connecticut State Agencies.

(Effective April 16, 1982)

Sec. 22a-116-6. Post-closure use

At the conclusion of the post-closure period, the commissioner shall hold a hearing at which he will receive all information relevant to the future use of the closed hazardous waste facility. This information shall include all pertinent public and private records as well as testimony from the general public. A decision on any reasonable alternative use shall be made within ninety (90) days of the close of the hearing record.

(Effective April 16, 1982)

Sec. 22a-116-7. Disposal facility trust fund

By May first of each year, the commissioner shall determine the amount to be paid into the disposal facility trust fund for the following fiscal year by each hazardous waste facility. This sum shall be due to the commissioner in two equal installments on the following July 1 and January 1. The commissioner shall make available the derivation of the particular assessment for each facility.

(Effective April 16, 1982)

Sec. 22a-116-8. Oversight and monitoring

By May first of each year, the commissioner shall estimate the probable cost to the department of environmental protection of proper oversight and monitoring for the following fiscal year of each hazardous waste facility. This sum shall be due to the commissioner on July 1 of that year and shall be made a condition of the siting permit.

(Effective April 16, 1982)

Sec. 22a-116-9. Cease and desist orders and emergency orders

A cease and desist order and/or an emergency order shall become effective upon service by the commissioner. Following service of any such order, subsequent proceedings shall proceed in accordance with sections 22a-8-10 and 11 of the Regulations of Connecticut State Agencies.

(Effective April 16, 1982)

Sec. 22a-116-10. Public availability of information

(a) Any records, reports or other information obtained by the commissioner or any file with the department shall, pursuant to the provisions of sections 1-15, and 1-18a through 1-21k inclusive of the Connecticut General Statutes as amended, be made available to the public.

(b) The commissioner, when he deems it appropriate, may require any person requesting information under this section to pay the cost of reproducing such information.

(Effective April 16, 1982)