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AGENCY OF NATURAL RESOURCES

January 5, 2022

Charlene Dindo, Committee Assistant
Legislative Committee on Administrative Rules
Vermont State House
115 State Street
Montpelier, VT 05633-5301

RE: **Vermont Hazardous Waste Management Rules – Final Proposed Rule (Hearing 1/6/22)
Further Proposed Revisions in Response to Legislative Council Comments**

Dear Ms. Dindo,

ANR received comments from Legislative Council on 1/4/22 concerning the proposed revisions to this Rule. This memo summarizes ANR responses to these comments in so far as additional revisions are being proposed to address the comments. ANR respectfully requests LCAR approval of the proposed rule revisions with the additional changes made below. The additional changes will be made and appear in the Final Adopted Rule.

1. § 7-103 (definition of “**hazardous material**”): ANR will add “or” in between the words “chemical” and “substance” as recommended by LCAR.
2. § 7-103 (definition of “**storage**”): Based on a comment by Legislative Council, ANR proposes to revert to the definition of this term as it appears in the current rule, with the addition of the following new clarifying language (underlined below):

“**Storage**” means the actual or intended containment of wastes, either on a temporary basis or for a period of years; in such manner as not to constitute disposal of such wastes. Storage may be conducted by either generators or designated facilities. Hazardous waste that is being staged at a recycling facility for not more than three (3) days is not considered to be in storage.

This change maintains consistency with the statutory definition (10 V.S.A. § 6602) of “storage” and adds a phrase to clarify the application of activities and relevant requirements to specific types of facilities.

3. § 7-109(b)(4)(C)(i): ANR will replace “must” with “shall” as recommended by LCAR.

ANR representatives will be present at the hearing to address these changes or answer any other questions. Thank you.

Sincerely,

Jordan Gonda, Esq.
Associate General Counsel

