



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**STATE OF CONNECTICUT  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – February 13, 2015  
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee

**House Bill No. 5406– AN ACT AUTHORIZING AN INCREASE IN THE MAXIMUM AMOUNT OF HAZARDOUS WASTE STORED AT CERTAIN COMMERCIAL FACILITIES**

Thank you for the opportunity to present testimony regarding **House Bill No. 5406 – An Act Authorizing an Increase in the Maximum Amount of Hazardous Waste Stored at Certain Commercial Facilities (Committee Bill)**. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

This proposal would allow smaller-sized generators of hazardous waste (referred to as “small quantity generators” or “SQGs”) to store up to 6,000 kilograms (13,200 pounds) of hazardous waste, as opposed to the currently-allowed maximum of 1,000 kilograms (2,200 pounds). To put this in real-world terms, this means that small businesses such as auto body shops, dry cleaners, auto servicing facilities, and small manufacturers would be allowed to store as many as 30 drums of hazardous waste at a time rather than the currently-allowed maximum of 5 drums. Thus this proposal, should it become law, would pose a significantly increased hazard for many reasons, including those outlined below.

By way of background, the federal hazardous waste regulations were, by design, intended to be strengthened by states to suit their particular needs and concerns. As the federal Environmental Protection Agency (EPA) often reminds us, these federal rules are intended to be “floor” and not a “ceiling” for individual states. As a result, many states have modified the federal hazardous waste regulations to address concerns that are unique to their state. As described in further detail below, Connecticut’s reliance on groundwater for drinking water supplies, high population density, large number of hazardous waste generators, and past history of industrial pollution all make the 1,000 kilogram limit on the storage of hazardous waste by SQGs appropriate for Connecticut. Specifically:

- Connecticut relies heavily on groundwater for its drinking water supplies. Connecticut ranks 5th in shallowest groundwater levels measured. Currently, over 44% of the population uses groundwater for this purpose, and about 95% of the land area is either used for groundwater-based drinking water supplies or is presumed to be usable as such without treatment. About one third of this densely-populated State’s residents get their drinking water from groundwater sources. Industrial pollutants have contaminated approximately 1,500 wells affecting 250,000 State residents. It is

important for Connecticut to minimize the threat that hazardous waste poses to drinking water supplies. One important way that Connecticut has done this is by limiting the amount of waste that SQGs can accumulate to 1,000 kilograms.

- Connecticut is densely populated, and its most populated, urban areas often correlate with high numbers of hazardous waste generators, including SQGs. Twenty-six towns and cities in Connecticut have over twenty SQGs. Of these, three have over fifty SQGs. This poses a significant potential for cumulative risk to the disproportionately poor and minority residents of the state's largest cities.
- There are approximately 1,500 SQGs in Connecticut. Many of these SQGs are located in or abutting commercially or residentially zoned areas, rather than industrially-zoned areas. This means that SQGs may be storing hazardous waste in close proximity to the public. Under this bill, it is conceivable that SQGs could be allowed to store up to 30 drums of hazardous waste immediately adjacent to an apartment building, school, hospital, daycare, convalescent home and other sensitive areas. This obviously increases the likelihood of exposure to the public in the event of a spill, fire, or explosion associated with this hazardous waste.
- Connecticut has been greatly impacted by hazardous waste mismanagement. There are over 100 known hazardous waste land disposal sites in Connecticut. There are also many thousands of sites in Connecticut that have been impacted by releases of industrial pollutants. While some of these sites are historic in nature, many occurred or were made worse after the advent of hazardous waste regulation. These sites are a major source of groundwater contamination in Connecticut, and a burden on public funds for clean-up. One important way that Connecticut has prevented additional contamination is by limiting the amount of waste that SQGs can accumulate to 1,000 kilograms, which, among other things, facilitates indoor storage of hazardous waste drums.

DEEP has, and will continue to, work closely with the regulated community on compliance assistance to help reduce their regulatory burden – while still maintaining high environmental standards. DEEP's RCRA-related compliance assistance efforts and tools include the following:

- DEEP has created the first in the nation on-line RCRA training program. This training tool is designed to cover all RCRA Large Quantity Generator requirements and is also entirely applicable for small businesses and RCRA Small Quantity Generators who want a comprehensive training tool. Completion of the training can be done over a series of days or weeks and is equivalent to multi-day private sector training courses that cost \$500 to \$1,000 per person. In addition to the on-line training, we have a comprehensive and detailed Small Quantity Generator Guidance document available on-line and in print.
- In 2013, DEEP pushed EPA to pilot a RCRA small business enforcement policy, which gave DEEP the flexibility to waive penalties in certain cases. Over the past year, DEEP has waived several hundred thousand dollars in penalties for five separate small businesses that acted quickly and responsibly to correct violations, when there was no prior history of noncompliance in the RCRA program.
- DEEP's waste division maintains an extensive compliance assistance program with a toll-free "engineer of the day" help line, and offers compliance assistance audits for new and expanding businesses. In 2013, DEEP created a "welcome wagon" for new RCRA generators so when a company first registers as a generator of hazardous waste, DEEP calls the company and then follows up with a letter providing an overview of DEEP's assistance programs, and other useful information and tools.
- DEEP continues to host Hazardous Waste Advisory Committee meetings to inform and educate the

regulated community on new or emerging RCRA issues.

For the reasons states above, DEEP opposes this proposal. If passed into law, this bill would increase potential hazards to human health and the environment posed by the storage of hazardous waste at smaller-sized hazardous waste generators.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov) (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or [Elizabeth.McAuliffe@ct.gov](mailto:Elizabeth.McAuliffe@ct.gov)).