

State of Vermont  
Department of Environmental Conservation  
Waste Management & Prevention Division  
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### VT DEC Hazardous Waste Management Program Statement on Enforcement Discretion

The following statement is issued in accordance with the Agency of Natural Resources COVID – 19 State of Emergency Enforcement and Compliance Guidance Document, dated March 31, 2020 (Guidance Document). The Guidance Document is available at [https://anr.vermont.gov/about\\_us/emergency-information](https://anr.vermont.gov/about_us/emergency-information). The exercise of enforcement discretion described in the following statement is contingent on affected projects meeting all applicable criteria of the Guidance Document.

For the reasons set forth below, the following message will be provided to hazardous waste generators, relating to the Department of Environmental Conservation's exercise of enforcement discretion during the COVID-19 pandemic:

The Vermont Hazardous Waste Management Regulations (VHWMR) require specific timelines for generators of hazardous waste to conduct certain hazardous waste management activities. Because of the COVID-19 pandemic, the Department of Environmental Conservation (DEC) recognizes that hazardous waste generators and Transfer/Storage facilities may face staff shortages and/or scheduling difficulties which may make compliance with certain provisions of the VHWMR challenging. In recognition of this temporary situation, the DEC may exercise its discretion and forego enforcement of the following hazardous waste management standards:

1. Regarding compliance with the 180/90-day short-term storage area (STSA) time limit requirements, for Small Quantity Generators (SQGs) and Large Quantity Generators (LQGs):

Generators may hold hazardous waste in STSAs for periods longer than 180/90 days (SQG/LQG) if they are unable to schedule timely off-site waste shipments due to COVID-19. While generators should consider planning hazardous waste shipments in advance of when they normally might, extensions of up to thirty (30) days of short-term storage time limits should be requested pursuant to Section 7-311(c) of the Vermont Hazardous Waste Management Regulations.

2. Regarding the requirement for daily inspection of short-term storage areas by SQGs and LQGs, and of permitted storage areas at designated hazardous waste facilities:

If unable to complete daily inspections due to COVID-19, Generators and facilities may reduce inspection frequency to at least weekly.

The Agency is hereby exercising enforcement discretion pursuant to the Guidance Document for any instance of non-compliance relating management of hazardous waste provided:

- a. The noncompliance does not present a significant threat to human health or the environment;
- b. The generator takes all reasonable steps to prevent and/or mitigate the noncompliance;



- c. The generator notifies the Agency of the noncompliance as soon as possible; and
- d. The generator comes into compliance as soon as possible or enters into a schedule to return to compliance with the Agency.

Any report concerning an incident of non-compliance should be sent to [marc.roy@vermont.gov](mailto:marc.roy@vermont.gov), or by phone at 802-522-0275. Any report submitted shall include the generator ID and reference to the condition not met. This statement shall expire at the end of the Governor's declaration of a state of emergency related to the outbreak of COVID-19.