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How to avoid the Connecticut Transfer Act

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It is commonly known the Transfer Act impedes the redevelopment of former commercial and industrial properties in Connecticut by creating an uneven playing field compared to those not subject to the Act. Therefore the question is: Is there a way to avoid the Transfer Act?

The first step is to evaluate how is a property included or classified as an "Establishment" per the Act. In brief this means any real property at which any business operation from which:

- * More than one hundred kilograms of hazardous waste (220 lbs.) is generated in any one month (except as the result of remediation of polluted soil, groundwater, or sediment)
- * Facilities associated with hazardous waste processing/management
- * Dry Cleaners
- * Furniture Stripping Operations
- * Vehicle Body Repair Facilities

Upon examination of this definition, for particular types of facilities there is no means to avoid the Transfer Act. However, the large majority of facilities are classified as "Establishments" because they generate more than 100 kg of hazardous waste in any one month. Hence the obvious answer to avoiding the Connecticut Transfer Act for most facilities is "Don't generate hazardous waste above 100 kg in any month"! Often this can be accomplished more easily than thought with developing an overall facility hazardous waste management strategy/program utilizing various methods such as:

- * Tracking of Hazardous Waste Accumulation Rates
- * Material Segregation
- * Material Substitution
- * Using Various Regulatory Exemptions

Utilizing these methods typically results in numerous other benefits such as reduced regulatory burdens, cost reductions and/or handling of less toxic chemicals. An often asked question is "By using regulatory exemptions isn't this presenting a bad image for the business?" The answer is "Absolutely No"! Quite to the contrary. Regulatory exemptions were incorporated to encourage particular activities such as reduction, reuse and recycling of materials, all methods advocated by regulatory agencies.

If a facility has previously generated quantities of hazardous waste and is classified as an "Establishment" unfortunately the site must go through the Transfer Act process. However, once the Transfer Act process has been completed the classification process begins anew. Hence these types of facilities have the ability to avoid Transfer Act requirements for subsequent property transfers by not being re-classified as an "Establishment".

Further information on hazardous waste is available from the Connecticut State Hazardous Waste Advisory Committee Information and Schedule webpage available

at:http://www.ct.gov/dep/cwp/view.asp?a=2718&q=425388&depNav_GID=1639

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