

CHAPTER Env-Hw 1000 HAZARDOUS WASTE CLEANUP FUND

Statutory Authority: RSA 147-B:7

PART Env-Hw 1001 APPLICABILITY

Env-Hw 1001.01 Applicability. This chapter shall govern the expenditure of money from the hazardous waste cleanup fund (HWC Fund) for the following purposes:

- (a) To respond to the discharge of hazardous waste;
- (b) To develop a state hazardous waste facility siting program; and
- (c) To encourage and facilitate the implementation of household hazardous waste (HHW) collection projects, as described herein.

PART Env-Hw 1002 FUND ADMINISTRATION

Env-Hw 1002.01 Fund Administration.

(a) Fees required by law to be deposited in the HWC Fund shall be deposited with the Treasurer, State of New Hampshire as specified in RSA 147-B:3.

(b) Expenditures of HWC Fund monies by the department shall be accounted for as specified in RSA 147-B:6, I-a through I-g.

PART Env-Hw 1003 HOUSEHOLD HAZARDOUS WASTE COLLECTION PROJECTS

Env-Hw 1003.01 Purpose and Applicability.

(a) The purpose of this part is to implement RSA 147-B:6, I-a, which authorizes use of the HWC Fund to support HHW collection projects.

(b) This part shall apply to HHW collection projects as defined in Env-Hw 103 and as limited by Env-Hw 401.03(b)(2) and Env-Hw 501.01(b).

Env-Hw 1003.02 Definitions.

(a) “Approved local or regional entity” means a legal entity, such as a town conservation commission, solid waste management district, regional planning council or commission, or non-profit organization, that has been authorized by a municipality to coordinate the municipality’s participation in one or more HHW collection projects.

(b) “Collection event” means:

- (1) For any HHW collection project that does not use a permanent HHW collection facility, the date on which and times during which the public may bring HHW to be collected; or
- (2) For any HHW collection project that does use a permanent HHW collection facility, any day and times during which the public may bring HHW to the facility.

(c) “Permanent HHW collection facility” means a structure, or portion thereof, in which collected HHW can be secured against unauthorized access and that is used for HHW collection projects.

(d) “Type I project” means a HHW collection project consisting of one HHW collection event per calendar year that serves one municipality.

(e) “Type II project” means a HHW collection project consisting of:

- (1) More than one HHW collection event per calendar year;
- (2) One collection event that serves more than one municipality; or

- (3) A combination of (1) and (2), above.
- (f) “Type III project” means a HHW collection project that:
- (1) Uses a permanent HHW facility to store partially-filled drums and containers between collection events; and
 - (2) Uses a third-party vendor such as a hazardous waste transporter for all of its collection events.
- (g) “Type IV project” means a HHW collection project that:
- (1) Uses a permanent HHW facility to store partially filled drums and containers between collection events; and
 - (2) Actively collects and stores HHW in the absence of a third-party vendor such as a hazardous waste transporter for one or more, but not all, of its collection events.

Env-Hw 1003.03 Eligible Applicants; Match Required.

- (a) Municipalities and approved local or regional entities shall be eligible to apply for HWC Fund monies for HHW collection projects.
- (b) A municipality may participate in multiple HHW collection projects, however a municipality’s population shall be counted toward only one grant application per year for purposes of calculating grant awards pursuant to Env-Hw 1003.08.
- (c) As required by RSA 147-B:6, I-a, recipients shall provide matching funds, on a dollar-for-dollar basis, equal to the total amount of HWC Fund monies received.

Env-Hw 1003.04 Purposes of Funding. Monies from the HWC Fund shall be used for the costs of disposal, supplies, contracted hazardous waste transportation, expenses associated with conducting the project’s educational component, or any combination thereof.

Env-Hw 1003.05 Application Requirements.

- (a) A municipality or approved local or regional entity seeking HWC Fund monies for a HHW collection project shall submit a completed application between October 1 and February 1 prior to the fiscal year in which the project is planned to occur.
- (b) An applicant shall submit the following on or with a “HHW Grant Application” form obtained from the department:
- (1) The applicant’s name and mailing address;
 - (2) The date of the application;
 - (3) If the applicant is an approved local or regional entity, the name and population of each municipality the applicant is representing;
 - (4) The name, title, daytime telephone number, and, if available, a fax number and email address for:
 - a. Each individual who will be a primary contact or secondary contact for the grant; and
 - b. The individual who will be the liaison to the public for the project;
 - (5) The proposed location, date, and time of each project for which funding is sought;
 - (6) If the project includes multiple collection sites, whether any of the sites have:
 - a. Any restrictions on who can use the site; or
 - b. Any limits on the amount of waste the project will accept;

- (7) Whether the project will accept HHW from residents of non-participating municipalities, at the residents' own expense;
- (8) Whether the project will accept hazardous waste from small businesses, schools, municipal departments, or other small quantity generators, at their own expense;
- (9) For each project for which funding is sought, the following:
 - a. An estimate of costs and revenues, including all costs identified in Env-Hw 1003.04;
 - b. The amount being requested from the HWC Fund; and
 - c. Sources and amounts of the required match;
- (10) A general description of the project, including:
 - a. How the applicant will allocate awarded funds;
 - b. How the applicant will fulfill the dollar-for-dollar match requirements of RSA 147-B:6, I-a; and
 - c. How and when the applicant will fulfill the public education requirements of RSA 147-B:6, I-a, including educating the public about the potential dangers and proper disposal of HHW as well as ways to reduce its generation;
- (11) Documentation demonstrating that the individual submitting the application is duly authorized to apply for fund monies, sign an agreement with the department, and expend funds for the project on behalf of the applicant; and
- (12) A statement certifying, as specified in Env-Hw 207, the information submitted.
- (c) The application shall be signed and dated by the individual identified pursuant to (b)(11), above.
- (d) The department shall make available:
 - (1) Guidance for completing the application and for planning and hosting a HHW collection project;
 - (2) A suggested warrant article for allocating matching funds;
 - (3) An example of documentation demonstrating authority to apply for the grant, as specified in (b)(11), above; and
 - (4) Examples of press releases, fliers, advertisements, and other educational materials to facilitate the required educational component.

Env-Hw 1003.06 Application Processing and Decision.

- (a) The department shall review each application for HWC Fund monies for HHW collection projects to determine whether it contains all the information and documents required by Env-Hw 1003.05.
- (b) If the application does not contain all information and documents required by Env-Hw 1003.05, the department shall notify the applicant of what is missing.
- (c) The department shall approve an application if it contains all of the information and documents required by Env-Hw 1003.05.
- (d) If an application is approved, the applicant shall be eligible to receive hazardous waste cleanup fund monies in the form of a grant award.
- (e) Grants shall be awarded and disbursed as specified in Env-Hw 1003.07 through Env-Hw 1003.10.

Env-Hw 1003.07 Basis of Department Allocation and Award Decisions.

(a) In fulfilling its hazardous waste cleanup fund administrative responsibilities, the department shall base its recommendation to the governor on the amount of fund money to make available for HHW collection projects on the following considerations:

- (1) The total amount of money available in the HWC Fund; and
- (2) Present and anticipated needs for spending HWC Fund money for site cleanup operations and emergency response actions.

(b) In determining how much HWC Fund money to allocate to each applicant in a fiscal year, the department shall allocate funds in the following order of priority:

- (1) Type IV projects;
- (2) Type III projects;
- (3) Type II projects; and
- (4) Type I projects.

Env-Hw 1003.08 Calculation of Grant Awards.

(a) The following definitions shall apply to the calculation of grant awards:

- (1) "Base rate" means the grant funding rate, in dollars per person;
- (2) "M_I" means a funding multiplier of 1.00 applicable to Type I projects;
- (3) "M_{II}" means a funding multiplier of 1.25 applicable to Type II projects;
- (4) "M_{III}" means a funding multiplier of 1.75 applicable to Type III projects;
- (5) "M_{IV}" means a funding multiplier of 2.00 applicable to Type IV projects;
- (6) "P_I" means the population to be served by all Type I projects in a given fiscal year;
- (7) "P_{II}" means the population to be served by all Type II projects in a given fiscal year;
- (8) "P_{III}" means the population to be served by all Type III projects in a given fiscal year;
- (9) "P_{IV}" means the population to be served by all Type IV projects in a given fiscal year; and
- (10) "Total grant funds available" means the amount of fund money made available for HHW collection projects in accordance with Env-Hw 1003.07(a).

(b) Each year the department shall determine the values for P_I, P_{II}, P_{III}, and P_{IV}, based on the applications approved for funding in accordance with Env-Hw 1003.06.

(c) Each year, the department shall calculate the base rate by dividing the total grant funds available by the sum of all of the following, as expressed in the formula below:

- (1) M_I multiplied by P_I;
- (2) M_{II} multiplied by P_{II};
- (3) M_{III} multiplied by P_{III}; and
- (4) M_{IV} multiplied by P_{IV}.

$$\text{Base Rate} = \text{Total Grant Funds Available} / ((M_I \times P_I) + (M_{II} \times P_{II}) + (M_{III} \times P_{III}) + (M_{IV} \times P_{IV}))$$

(d) The amount of a grant award for a specific HHW collection project shall be calculated by multiplying together all of the following:

- (1) The "base rate" as determined pursuant to (c), above;
- (2) The funding multiplier that corresponds to the project type, as specified in (a)(2) – (5), above; and
- (3) The population to be served by the project.

Env-Hw 1003.09 Agreement with the Department.

(a) To receive HWC Fund monies for a HHW collection project, the applicant shall enter into a written agreement with the department.

(b) The applicant shall administer the project in accordance with the terms and conditions set forth in the agreement, which shall specify:

- (1) For each collection event covered by the grant, the location, date, and time of the event;
- (2) The amount and source of the financial match for the grant;
- (3) The details of the public education program that will be undertaken; and
- (4) The amount of HWC Fund monies, calculated in accordance with Env-Hw 1003.08, to be awarded to the applicant upon completion of the project and submittal of the documentation required by Env-Hw 1003.10.

(c) If the project will include more than one municipality, the applicant shall submit a letter of commitment from each participating municipality before approvals can be granted as specified in (d), below.

(d) The agreement shall be approved and signed by the applicant and by the commissioner or designee. The agreement shall also be subject to approval by the governor and council and the New Hampshire department of justice, office of the attorney general, as applicable.

Env-Hw 1003.10 Disbursement of Grants.

(a) No later than 90 days after completion of the HHW collection project, the grant recipient shall submit all of the following to the department:

- (1) A letter, signed by the recipient's duly authorized representative:
 - a. Requesting disbursement of grant monies as specified in the agreement entered into pursuant to Env-Hw 1003.09(a); and
 - b. Certifying, as specified in Env-Hw 207, the information submitted;
- (2) Detailed cost and revenue information for the project, including:
 - a. All sources and amounts of revenue received in connection with the project; and
 - b. All costs incurred to conduct the project, including those related to public education and advertising;
- (3) Copies of invoices and itemized receipts from the following, as applicable:
 - a. Hazardous waste transporters;
 - b. Universal waste transporters;
 - c. Support services, such as police; and
 - d. Vendors used for public education and outreach;

- (4) Copies of the required educational and outreach materials;
- (5) Copies of completed hazardous waste manifests associated with the disposal of HHW collected by the project;
- (6) A completed HHW collection report form obtained from the department, that provides the following information for the collection event(s) covered by the grant:
- a. Grant recipient's name;
 - b. The name, telephone number, fax number, and if available, email address of the contact person for the grant if different than the person or persons specified in Env-Hw 1003.05(b)(3);
 - c. A list of all municipalities that participated in the collection event(s);
 - d. The locations and dates of the collection event(s);
 - e. The name, contact person, telephone number, and email address of the hazardous waste transporter for the event(s), as applicable;
 - f. The number of households that participated in the event(s);
 - g. The amounts of ignitable, reactive, toxic, and corrosive wastes collected and the total amount collected;
 - h. The total disposal cost;
 - i. A description of how each event was advertised, including newspaper, television, or radio advertisements;
 - j. A description of the outreach conducted for each event; and
 - k. A description of any positive or negative experiences, if the grant recipient chooses to provide such information; and
- (7) Tabulated participant survey results, if any, including the questions asked and responses provided.
- (b) If the grant recipient complies with (a), above, the department shall disburse the grant monies to the recipient.
- (c) If the recipient submits a request that does not include all of the information required by (a), above, the department shall notify the applicant of each deficiency.
- (d) If the recipient wishes to receive the grant monies, the recipient shall correct all deficiencies no later than 30 days from receipt of the notice provided pursuant to (c), above.
- (e) If the recipient does not correct all deficiencies within 30 days, the department shall not award any grant monies to the recipient.

APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulation(s) Implemented
Env-Hw 1000	RSA 147-B:6; RSA 147-B:7; RSA 147-B:13	n/a