

Effective November 23, 2019, Env-Hw 304.04(n) reads as follows:Env-Hw 304.04 Limited Permits.

(n) The permittee shall apply for a permit renewal by submitting an application as specified in (l), above, to the department before the limited permit expires.

Effective November 23, 2019, Env-Hw 304.06 reads as follows:Env-Hw 304.06 Effect of a Permit.

(a) After a permit is issued, the permittee shall comply with the express terms and conditions of the permit and all of the following, provided that in the case of a conflict, the requirement that is more protective of human health, safety, and the environment shall apply:

- (1) New Hampshire and federal statutes;
- (2) Rules adopted by the department;
- (3) 40 CFR Part 268, restricting the placement of wastes in or on the land;
- (4) 40 CFR 264 leak detection system requirements, as described in 40 CFR 270.4(a)(1)(iii); and
- (5) 40 CFR 265 Subpart AA, BB, or CC, limiting air emissions.

(b) A permit shall not convey any:

- (1) Property rights of any sort; or
- (2) Exclusive privileges.

(c) A permit shall not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or rules.

Effective November 23, 2019, Env-Hw 304.31 reads as follows:Env-Hw 304.31 Permit Renewal.

(a) The operator of a facility that has a valid permit who wishes to renew the permit shall submit an application for renewal in accordance with Env-Hw 304.10 and Env-Hw 304.11:

- (1) At least 180 days before the permit expires, for a standard permit; or
- (2) Before the permit expires, for a transfer facility permit.

(b) An applicant who wishes to request an extension of time of the application submittal deadline shall submit a request for waiver in accordance with Env-Hw 202.

(c) Except for limited permit renewals, an application for permit renewal shall be treated as a new application for purposes of review, except that denial of the permit renewal shall be in accordance with Env-Hw 304.27. Limited permit renewals shall be in accordance with Env-Hw 304.04(n).

Effective November 23, 2019, Env-Hw 401.02 intro and (a) through (c) are cited and read as follows:Env-Hw 401.02 Definitions. For purposes of Env-Hw 401.03, the following definitions shall apply:

- (a) “Airbag waste” means any hazardous waste airbag modules or hazardous waste airbag inflators;
- (b) “Airbag waste collection facility” means any facility that receives airbag waste from airbag handlers subject to regulation under Env-Hw 401.03(k) and that accumulates the waste for more than 10 days;
- (c) “Airbag waste handler” means any person, by site, who generates airbag waste that is subject to regulation under the hazardous waste rules;

Effective November 23, 2019, Env-Hw 401.03 (a) intro, (a)(7), (b) intro, (b)(9), (b)(22) intro, (b)(22)a., (b)(23) intro, (b)(23)a., (b)(26) intro, (b)(26)a., (b)(34), (b)(35) intro, (b)(35)a., (b)(36), (g) intro, (g)(8), (k), and (l) are cited and read as follows:

Env-Hw 401.03 Exemptions.

(a) The following materials shall not be hazardous wastes under the hazardous waste rules provided any conditions or prohibitions specified below are met:

(7) Spent sulfuric acid used as a feedstock in an industrial furnace to produce virgin sulfuric acid, provided that the spent sulfuric acid is not accumulated speculatively as defined in Env-Hw 811.01;

(b) The following materials shall be exempt from regulation under the hazardous waste rules, subject to any conditions, prohibitions, or other limitations specified:

(9) Waste that consists of discarded arsenical-treated wood or wood products that fail the test for the toxicity characteristic for EPA hazardous waste numbers D004 through D017 and that is not a hazardous waste for any other reason, provided the waste is generated by persons who use the arsenical-treated wood and wood products for these materials' intended end use;

(22) Petroleum-contaminated media and debris that:

a. Fail the test for the toxicity characteristic of EPA hazardous waste numbers D018 through D043 only, as set forth in Env-Hw 403.06;

(23) Manufactured gas plant contaminated media and debris that:

a. Fail the test for the toxicity characteristic of EPA hazardous waste number D018 only, as set forth in Env-Hw 403.06; and

(26) Used oil di-electric fluid containing PCBs in concentrations of 50 parts per million or greater, provided that the used oil di-electric fluid:

a. Would only have been identified because it is listed as NH01 or because it fails the test for the toxicity characteristic of EPA hazardous waste numbers D018 through D043 specified in Env-Hw 403.06; and

(34) The following materials, provided they do not exhibit any hazardous waste characteristic specified in Env-Hw 403:

a. Subject to (h), below, hazardous debris as defined in 40 CFR 268, 7-1-16 edition, that has been treated using one of the required extraction or destruction technologies specified in Table 1 of 40 CFR 268.45, 7-1-16 edition; and

b. Debris as defined in 40 CFR 268, 7-1-16 edition, that is not regulated under Env-Hw 401.01(b)(2);

(35) Subject to (i), below, leachate or gas condensate collected from landfills where certain solid wastes have been disposed, provided that:

a. The solid wastes disposed would meet one or more of the listing descriptions for EPA hazardous waste numbers K169, K170, K171, K172, K174, K175, K176, K177, K178, and K181 if the wastes had been generated after the effective date of the listing;

(36) Industrial ethyl alcohol that is reclaimed, except that exports and imports of such recyclable materials shall comply with the requirements of 40 CFR 262 Subpart H;

(g) For the purposes of (a)(11) and (b)(28), above, solvent-contaminated wipes shall be exempt from regulation under the hazardous waste rules, from the point of generation, provided that:

(8) At the point of being sent for cleaning on site or of being transported off site for cleaning or disposal, the solvent-contaminated wipes contain no free liquids; and

(k) Subject to (l), below, airbag waste at an airbag waste handler or during transport to an airbag waste collection facility or designated facility shall be exempt from regulation under the hazardous waste rules provided that:

(1) The airbag waste is accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days;

(2) The airbag waste is packaged in a container designed to address the risk posed by the airbag waste and labeled "Airbag Waste – Do Not Reuse";

(3) The airbag waste is sent directly to either:

a. An airbag waste collection facility in the United States under the control of:

1. A vehicle manufacturer or its authorized representative; or

2. An authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration; or

b. A designated facility;

(4) The transport of the airbag waste complies with all applicable US DOT regulations in 49 CFR Parts 171 through 180 during transit; and

(5) The airbag waste handler maintains at the handler facility, for no less than 3 years, records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility.

(l) For the purposes of (k), above:

(1) The recordkeeping requirements of (k)(5) shall be as follows:

a. Records of off-site shipments shall contain at a minimum for each shipment:

1. The name of the transporter;

2. The date of the shipment;

3. The name and address of the receiving facility; and

4. The quantities of airbag modules and airbag inflators, as applicable, in the shipment;

b. Confirmations of receipt shall include:

1. The name and address of the receiving facility;

2. The quantities of airbag modules and airbag inflators, as applicable, received; and

3. The date of receipt; and

c. Shipping records and confirmations of receipt shall be made available for inspection upon request and may be satisfied by routine business records, including but not limited to:

1. Electronic or paper financial records;

2. Bills of lading;

3. Copies of US DOT shipping papers; or

4. Electronic confirmations of receipt;

- (2) Upon arrival at an airbag waste collection facility or designated facility:
- Airbag waste shall be subject to all applicable hazardous waste rules; and
 - The facility receiving airbag waste shall be considered the hazardous waste generator for the purposes of the hazardous waste rules and shall comply with the requirements of Env-Hw 500; and
- (3) Reuse in vehicles of defective airbag modules or defective airbag inflators subject to a recall under the National Highway Traffic Safety Administration shall be prohibited.

Effective November 23, 2019, Env-Hw 401.06 intro and (j) are cited and read as follows:

Env-Hw 401.06 Test Methods for Analyzing Hazardous Wastes. Test methods for analyzing hazardous wastes shall be as specified in the following publications, as incorporated by reference in 40 CFR 260.11 and available as noted in Appendix B:

- (j) “Flammable and Combustible Liquids Code,” NFPA 30, 1977 or 1981;

Effective November 23, 2019, Env-Hw 402.04(b), Table 4.1 EPA Acutely Hazardous Wastes, with respect to the entries for “P075”, is cited and reads as follows:

Env-Hw 402.04 Acutely Hazardous Wastes.

- (b) EPA-listed acutely hazardous wastes shall be as listed in Table 4.1, below, subject to the note in (c), below:

Table 4.1 EPA Acutely Hazardous Wastes

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P075	154-11-5	Nicotine & salts (This listing does not include patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies.)
P075	154-11-5	Pyridine, 3-(1-methyl-3pyrrolidinyl)-, (S)-, & salts (This listing does not include patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies.)

Effective November 23, 2019, Env-Hw 402.06(a), Table 4.5 EPA Generic Industrial Process Wastes, eff. 8-14-17 (doc. #12346), with respect to the entries for “F019”, “F028”, and “F032”, is cited and reads as follows:

Env-Hw 402.06 Generic Industrial Process Wastes.

- (a) EPA-listed generic industrial process wastes shall be as listed in Table 4.5 below:

Table 4.5 EPA Generic Industrial Process Wastes

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Generic:		
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum. Chemical conversion coating processes are coloring, chromating, phosphating, and immersion plating. The F019 listing does not include wastewater treatment sludges from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion	(T)

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
	coating process. Subject to the definitions and requirements of 40 CFR 261.31(b)(4), wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process are not included in the F019 listing at the point of generation if the wastes are not placed outside on the land prior to shipment to a landfill for disposal and are disposed of in: an out-of-state solid waste municipal or industrial landfill unit that is equipped with a single clay liner and is permitted, licensed or otherwise authorized by the state; an out-of-state landfill unit subject to, or otherwise meeting, the landfill requirements in 40 CFR 258.40, 40 CFR 264.301 or 40 CFR 265.301; or a New Hampshire landfill that is permitted to accept the waste under RSA 149-M or is regulated under Env-Hw 707 or Env-Hw 708.	
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027.	(T)
F032	Except as provided in 40 CFR 261.35, wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations, except wastewaters that have not come into contact with process contaminants, and except potentially cross-contaminated wastes that either have had the F032 EPA hazardous waste number deleted in accordance with 40 CFR 261.35, or that are otherwise currently regulated as F034 or F035 hazardous wastes, provided the generator does not resume or initiate use of chlorophenolic formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)

Effective November 23, 2019, Env-Hw 403.03 reads as follows:

Env-Hw 403.03 Ignitability.

(a) A waste that exhibits the characteristic of ignitability shall be assigned the EPA hazardous waste number of D001.

(b) A waste shall be classified under these rules as ignitable if a representative sample of the waste has any of the following characteristics:

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F) as determined by:

a. A Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, available as noted in Appendix B;

b. A Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78, available as noted in Appendix B; or

c. An equivalent test method approved by the administrator of EPA pursuant to 40 CFR 260.20 and 40 CFR 260.21;

- (2) It is not a liquid and is capable, under standard temperatures and pressure, of causing fire through friction, absorption of moisture, or spontaneous chemical changes, and when ignited, it burns so vigorously and persistently that it creates a hazard;
- (3) It is an ignitable compressed gas as specified in 40 CFR 261.21(a)(3); or
- (4) It is an oxidizer as specified in 40 CFR 261.21(a)(4).

Effective November 23, 2019, Env-Hw 501.01 reads as follows:

Env-Hw 501.01 Applicability.

(a) Unless specifically exempted Env-Hw 501.02, this chapter shall apply to any person who generates hazardous wastes, including:

- (1) The owner or operator of any permitted facility that initiates a shipment of hazardous waste or waste residues;
- (2) Any person who imports hazardous waste into the United States; and
- (3) Any person who generates or accumulates any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any hazardous waste, as identified in Env-Hw 404.

(b) With respect to household hazardous waste collected or accumulated at a household hazardous waste collection project, as specified in Env-Hw 401.03(b)(2), or by curbside collection, the owner, operator, or person so designated in a contractual agreement shall be the generator. Unacceptable wastes shall either be returned to the household that generated them or held by the operator until the generating household can make alternative disposal arrangements.

(c) Any person who exports or imports hazardous waste shall notify the department as required in Env-Hw 504 and shall comply with Env-Hw 510.06.

Effective November 23, 2019, Env-Hw 501.02(c) and (h) are cited and read as follows:

Env-Hw 501.02 Exemptions.

(c) Env-Hw 510 shall not apply to small quantity generators transporting their own hazardous waste in accordance with Env-Hw 601.02(b)(1) and (b)(3) to another facility in New Hampshire, provided that:

- (1) The receiving facility:
 - a. Is under the control of the same person as the small quantity generator site;
 - b. Has notified the department of this activity in accordance with Env-Hw 504;
 - c. Counts the waste received towards its generator status in accordance with Env-Hw 503;
 - d. Is a full quantity generator; and
 - e. Complies with the biennial reporting requirements of Env-Hw 512.04; and
- (2) In addition to the container labeling requirements of Env-Hw 508.02 and Env-Hw 508.03, as applicable, the small quantity generator labels or marks the containers with an indication of the hazards of the contents, including but not limited to:
 - a. The following word(s) as applicable to the hazardous waste characteristic(s) of the waste:
 - 1. “Ignitable”;
 - 2. “Corrosive”;

3. “Reactive”; and

4. “Toxic”;

b. Hazard communication consistent with US DOT requirements for labeling or placarding at 49 CFR 172 Subpart E or F, respectively;

c. A hazard statement or pictogram consistent with the United States Occupational Safety and Health Administration hazard communication standard at 29 CFR 1910.1200; or

d. A chemical hazard label consistent with the National Fire Protection Association Code 704.

(h) A generator who manages all hazardous waste in accordance with Env-Hw 503.03, and as a result generates no waste that counts toward generator classification, shall not be subject to the requirements in Env-Hw 500 except those specified in Env-Hw 501, Env-Hw 502, and Env-Hw 503.03.

Effective November 23, 2019, Env-Hw 501.03 reads as follows:

Env-Hw 501.03 Definitions. For purposes of this chapter, the following definitions shall apply:

(a) “Central accumulation area” means any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to the requirements of Env-Hw 507, Env-Hw 508.02, Env-Hw 508.03 or Env-Hw 509.02, or any combination thereof;

(b) “Control” for purposes of SQG self-transport requirements, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to control such generators;

(c) “Recognized trader” means “recognized trader” as defined in 40 CFR 260.10, as reprinted in Appendix D; and

(d) “Satellite accumulation area” means any on-site hazardous waste accumulation area with hazardous waste accumulating in containers subject to the requirements of Env-Hw 507 and Env-Hw 509.03.

Effective November 23, 2019, Env-Hw 503.03(b) through (d) are cited and read as follows:

Env-Hw 503.03 Classification Calculation.

(b) For purposes of (a)(2), above, “managed immediately upon generation” means that treatment begins within 24 hours after the hazardous waste is generated and:

(1) Treatment is conducted in the tank, tank system, or container in which the hazardous waste was generated;

(2) The hazardous waste is conveyed via permanent piping directly from the tank in which it was generated to the treatment unit without intermediate accumulation of the hazardous waste; or

(3) The hazardous waste is transferred directly from the container in which it was generated into the treatment unit without intermediate accumulation of the hazardous waste.

(c) For purposes of (a)(3), above, “without prior storage or accumulation” means that the recycling process begins within 24 hours after the hazardous waste is generated and:

(1) The recycling process is conducted in the tank, tank system, or container in which the hazardous waste was generated;

(2) The hazardous waste is conveyed via permanent piping directly from the tank in which it was generated to the recycling unit without intermediate accumulation of the hazardous waste; or

(3) The hazardous waste is transferred directly from the container in which it was generated into the recycling unit without intermediate accumulation of the hazardous waste.

(d) Wastes with EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027, listed in Env-Hw 402.06, shall be counted as acutely hazardous wastes when calculating generator classification.

Effective November 23, 2019, Env-Hw 504.01 reads as follows:

Env-Hw 504.01 EPA Identification Number Required.

(a) A generator shall notify the department in accordance with Env-Hw 504.02 prior to conducting any activities regulated by the hazardous waste rules.

(b) Subject to (c), below, a generator shall notify the department in accordance with Env-Hw 504.02 within 30 days of the effective date of any statutory or regulatory amendment requiring a new or updated notification.

(c) If a statute sets a different deadline for notification, the statutory deadline shall control.

(d) A generator shall not generate, treat, store, dispose, transport, or offer a hazardous waste for transportation without having received an EPA identification number from the department.

(e) Subject to Env-Hw 504.02(c), an EPA identification number issued to a generator shall be valid for activities regulated by the hazardous waste rules only at the specific site for which the number was issued.

(f) In the case of a full quantity generator who intends to receive small quantity generator waste pursuant to Env-Hw 501.02(c), the notification required by (a), above, shall be provided to the department at least 30 days prior to receiving the first shipment.

(g) A recognized trader shall not arrange for import or export of hazardous waste without having received an EPA identification number from the department.

Effective November 23, 2019, Env-Hw 504.02(a) intro, (a)(13), (a)(15), and (g) are cited and read as follows:

Env-Hw 504.02 Notification Requirements for an EPA Identification Number.

(a) Except as otherwise provided in Env-Hw 504.04, Env-Hw 505.01(a), Env-Hw 505.02, Env-Hw 505.04, or (c), below, a generator shall provide the notification required by Env-Hw 504.01 by submitting the following, as applicable, to the department on a notification form obtained from the department:

(13) For each waste stream, a narrative description, estimated quantity of hazardous waste generated per month, and all applicable EPA and NH hazardous waste numbers;

(15) For full quantity generators who intend to receive small quantity generator waste pursuant to Env-Hw 501.02(c), the following information for each small quantity generator:

- a. Site name;
- b. Street address;
- c. EPA identification number; and
- d. Name, telephone number, and, if available, email address of a contact person.

(g) A recognized trader shall provide the notification required by Env-Hw 504.01(g) by submitting to the department, on a notification form obtained from the department, the applicable information listed in (a), above, and an indication of the recognized trader's intent to be an importer, an exporter, or both.

Effective November 23, 2019, Env-Hw 504.04 reads as follows:Env-Hw 504.04 Notification Requirements for a Temporary EPA Identification Number.

- (a) A non-recurrent generator of hazardous waste that is required to manifest hazardous waste due to a one-time cleanup shall obtain a temporary EPA identification number.
- (b) A one-time cleanup shall include, but not be limited to, removal of:
- (1) Off-specification materials;
 - (2) Underground storage tanks; and
 - (3) Contaminated soil due to a spill.
- (c) A generator shall request a temporary EPA identification number by providing to the department, orally or in writing, the following information:
- (1) Generator name and mailing address;
 - (2) Street address where the waste is being generated;
 - (3) Contact person, title, telephone number, and if available, email address; and
 - (4) Waste description, all applicable EPA and NH hazardous waste numbers, and estimated amount to be transported.
- (d) The department shall issue a temporary EPA identification number if the generator provides all of the information specified in (c), above.
- (e) A temporary EPA identification number shall be valid for no longer than 30 days. If the waste cannot be removed within 30 days due to temporary, unforeseen, or uncontrollable circumstances, an extension shall be granted by the department upon request of the generator.

Effective November 23, 2019, Env-Hw 505.01 reads as follows:Env-Hw 505.01 Subsequent Notification.

- (a) A generator shall notify the department orally or in writing of any changes to the information provided pursuant to Env-Hw 504.02(a)(1), (2), (7), (11), (12), (13), (14), or any combination thereof, within 30 days of the effective date of any change.
- (b) A generator shall notify the department, on a notification form obtained from the department, of any changes to the information required in Env-Hw 504.02(a)(3), (8), (9), (10), (15), Env-Hw 504.02(g), or any combination thereof, within 30 days of the effective date of any change.

Effective November 23, 2019, Env-Hw 507.03(c) is cited and reads as follows:Env-Hw 507.03 Accumulation Time.

- (c) A generator of wastewater treatment sludges from electroplating operations that meet the EPA hazardous waste number F006 pursuant to Env-Hw 401.02 may accumulate F006 waste for more than 90 days, but not more than 180 days, provided the criteria of 40 CFR 262.34(g), 7-1-16 edition, are met.

Effective November 23, 2019, Env-Hw 508.03 intro and (d) are cited and read as follows:

Env-Hw 508.03 Small Quantity Generator Extended Quantity and Accumulation. A small quantity generator may accumulate 100 kilograms or more, equivalent to 220 pounds or more, of non-acutely hazardous waste on site in containers or tanks for greater than 90 days without a permit provided that:

- (d) Hazardous waste tanks are inspected and managed in accordance with 40 CFR Part 265 Subpart J – Tanks, but not including 40 CFR 265.197(c), 40 CFR 265.200, and 40 CFR 265.202;

Effective November 23, 2019, Env-Hw 509.02(a) intro, (a)(7), (d) intro, (d)(4), and (I) are cited and read as follows:

Env-Hw 509.02 Full Quantity Generator Accumulation Requirements.

(a) Full quantity generators shall comply with the following standards:

(7) 40 CFR 265, Subpart J, tanks, except 40 CFR 265.197(c) and 40 CFR 265.200;

(d) A full quantity generator shall clearly label or mark containers and tanks used for the accumulation of hazardous wastes with the following information at the time they are first used to accumulate wastes:

(4) All applicable EPA and NH hazardous waste numbers.

(I) A full quantity generator who receives hazardous waste from a small quantity generator pursuant to Env-Hw 501.02(c) shall:

(1) Maintain the following records for each shipment received:

- a. The name, site address, and contact information for the small quantity generator;
- b. A description of the waste received, including the quantity; and
- c. The date of receipt;

(2) Manage the hazardous waste in accordance with the requirements of Env-Hw 509.01; and

(3) Label or mark containers and tanks storing wastes received from small quantity generators:

- a. With an indication of the hazards of the contents, as specified in Env-Hw 501.02(c)(2);
- b. For purposes of Env-Hw 509.02(d)(1), with:
 1. The date the hazardous waste was received from the small quantity generator; or
 2. The earliest date any hazardous waste in the container was accumulated on site, if the full quantity generator is consolidating incoming hazardous waste from a small quantity generator either with its own hazardous waste or with hazardous waste from other small quantity generators; and
- c. In accordance with Env-Hw 509.02(d)(2) through (d)(4).

Effective November 23, 2019, Env-Hw 509.03 intro, (h) intro, (h)(1) intro, and (h)(1)b. are cited and read as follows:

Env-Hw 509.03 Full Quantity Generator Satellite Accumulation Provision. A full quantity generator may accumulate for greater than 90 days as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where the wastes initially accumulate without having to obtain a standard permit or interim status and without having to comply with the container labeling and marking requirements of Env-Hw 509.02(d), the preparedness and prevention requirements of Env-Hw 509.02(a)(4), and the emergency posting requirements of Env-Hw 509.02(b), provided that:

(h) When the amount of hazardous waste in a satellite accumulation area reaches the accumulation limit specified in this section, the generator:

- (1) Immediately labels or marks the hazardous waste containers with the following:
 - b. All applicable EPA and NH hazardous waste numbers;

Effective November 23, 2019, Env-Hw 510.01 through Env-Hw 510.06 read as follows:Env-Hw 510.01 General Requirements.

(a) Except as provided in (b), below, when shipping a hazardous waste off-site, a generator shall prepare a manifest in accordance with 40 CFR 262.20(a) through (c), 40 CFR 262.21(a) through (g)(1), 40 CFR 262.21(h) through (m), this chapter, and in the case of an electronic manifest, 40 CFR 262.24(a) through (f) and 40 CFR 262.25.

(b) Subject to (c), below, the requirements of 40 CFR 262 Subpart B and the marking requirements of Env-Hw 507.03(b)(3) shall not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way.

(c) When transporting hazardous waste as in (b), above, a generator shall comply with the immediate response actions and discharge cleanup requirements of Env-Hw 608.01 and Env-Hw 608.02 in the event of a discharge of hazardous waste on a public or private right-of-way.

(d) A generator shall:

(1) Determine whether the destination state for a shipment regulates any additional wastes as hazardous wastes beyond those regulated federally;

(2) Determine whether the destination state for a shipment requires the generator to submit any copies of the manifest to the state; and

(3) Based on its findings with respect to (1) and (2), comply with the requirements of the destination state, as applicable.

(e) A full quantity generator who initiates a shipment of hazardous waste shall certify on the manifest that the waste minimization statement required by 40 CFR 262.27(a) is true.

(f) A small quantity generator who initiates a shipment of hazardous waste shall certify on the manifest that the waste minimization statement required by 40 CFR 262.27(b) is true.

Env-Hw 510.02 Manifest Copy Distribution and Signatory Requirements.

(a) If waste is to be shipped using a paper manifest, a generator shall:

(1) Sign and date by hand the certification on the first copy of the manifest form and ensure that the signature imprint and date are legible on all copies;

(2) Obtain the date of acceptance and handwritten signature of the initial transporter;

(3) Produce one legible copy of the manifest with signatures as described in (a)(1) and (a)(2) if the destination state does not require a copy of the manifest and 2 legible copies if the destination state does require a copy;

(4) Retain one copy of the manifest with signatures as described in (a)(1) and (a)(2), above;

(5) Submit, within 5 days of shipment, one copy of the manifest as described in (a)(3), above, to:

a. The destination state if required by that destination state; and

b. The department; and

(6) Provide 4 copies of the manifest to the transporter to accompany the shipment.

(b) If waste is to be shipped using an electronic manifest that has been printed for a generator's signature, the generator shall:

- (1) Sign and date by hand the certification on the manifest;
 - (2) Obtain the handwritten signature of the initial transporter;
 - (3) Produce 2 legible copies of the manifest with signatures as described in (b)(1) and (b)(2), above, if the destination state does not require a copy of the manifest and 3 legible copies if the destination state does require a copy;
 - (4) Retain one copy of the manifest with signatures as described in (b)(1) and (b)(2), above;
 - (5) Submit, within 5 days of shipment, one copy of the manifest as described in (b)(3), above, to:
 - a. The destination state if required by that destination state; and
 - b. The department; and
 - (6) Provide the manifest to the transporter to accompany the shipment.
- (c) If waste is to be shipped using an electronic manifest that the generator will sign electronically, the generator shall:
- (1) Sign the electronic manifest in accordance with 40 CFR 262.25; and
 - (2) Provide one printed copy of the electronic manifest to the transporter to accompany the shipment.

Env-Hw 510.03 Manifest Information.

- (a) The manifest shall contain all of the information required by 40 CFR 262.20(a).
- (b) For manifest item 13, in addition to all applicable EPA and NH hazardous waste numbers, a generator who claims an exemption from a hazardous waste cleanup fund fee shall identify wastes using the following exemption codes, as applicable:
 - (1) “NHX1” for wastes that are destined for recycling and are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, III;
 - (2) “NHX2” for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, VI;
 - (3) “NHX3” for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, IV;
 - (4) “NHX4” for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, I;
 - (5) “NHX5” for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, II; and
 - (6) “NHX6” for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, V.
- (c) A generator who claims an exemption from a hazardous waste cleanup fund fee shall provide, upon request, the following documentation, as applicable:
 - (1) For exemption code “NHX1”, a certification from the receiving facility that the waste was or will be recycled; and

- (2) For exemption codes “NHX2” through “NHX6”, documentation that demonstrates eligibility for the exemption.

Env-Hw 510.04 Manifest Errors/Corrections.

- (a) The generator shall initial and date any corrections to a paper manifest prior to shipment.
- (b) If a paper manifest is rendered unusable, the manifest shall be voided and destroyed.
- (c) If an error on a paper or electronic manifest is detected after the waste has been shipped, the generator shall:
- (1) Advise the operator of the receiving facility of the error no more than one business day after detection of the error and ensure that the error is corrected, either by:
 - a. Confirming in the electronic manifest system that the operator of the receiving facility made the correction; or
 - b. Obtaining written confirmation from the operator of the receiving facility that the correction was made; or
 - (2) Subject to (d), below, submit data corrections via the electronic manifest system by following the procedures in 40 CFR 264.71(l):
 - a. No more than one business day after detection of the error; or
 - b. If the operator of the receiving facility has not yet certified receipt of the waste by signing item 20 on the manifest, no more than one business day after the receiving facility has certified receipt.
- (d) In the case of (c)(2), above, if a generator makes corrections involving:
- (1) The addition of the fee exemption codes provided in Env-Hw 510.03 to a waste(s) on a manifest, the department shall acknowledge such changes only as specified in Env-Hw 512.02(j)(2); or
 - (2) The type or quantity of waste on a manifest, the department shall acknowledge such changes only if the generator provides to the department documentation that the operator of the receiving facility agrees with the change.

Env-Hw 510.05 Rail or Water Shipments.

- (a) For bulk shipments of hazardous waste that occur solely by water and for rail shipments of hazardous waste that originate at the site of generation, the generator shall comply with this section instead of with Env-Hw 510.02(a)(5), (a)(6), (b)(5), (b)(6), and (c)(3), as applicable.
- (b) For bulk shipments of hazardous waste that occur solely by water, if waste is to be shipped using a paper manifest, the generator shall, within 5 days of shipment, send:
- (1) To the owner or operator of the designated facility, or to the last water transporter to handle the waste in the United States if exported by water, 3 copies of the dated and signed manifest;
 - (2) To the department, one copy of the dated and signed manifest; and
 - (3) To the destination state, one copy of the dated and signed manifest if the shipment remains within the United States and the destination state requires a copy.
- (c) For rail shipments of hazardous waste that originate at the site of generation, if waste is to be shipped using a paper manifest, the generator shall, within 5 days of shipment, send:

- (1) To the following, 3 copies of the dated and signed manifest:
 - a. The next non-rail transporter, if any;
 - b. The designated facility if transported solely by rail; or
 - c. The last rail transporter to handle the waste in the United States if exported by rail;
 - (2) To the department, one copy of the dated and signed manifest; and
 - (3) To the destination state, one copy of the dated and signed manifest if the shipment remains within the United States and the destination state requires a copy.
- (d) For bulk shipments of hazardous waste that occur solely by water and for rail shipments of hazardous waste that originate at the site of generation, if waste is to be shipped using an electronic manifest that has been printed for a generator's signature, the generator shall, within 5 days of shipment, send:
- (1) To the department, one copy of the dated and signed manifest; and
 - (2) To the destination state, one copy of the dated and signed manifest if the shipment remains within the United States and the destination state requires a copy.

Env-Hw 510.06 International Shipments.

- (a) Any person who exports or imports hazardous waste, except NH-only waste, shall comply with 40 CFR 262 Subpart H.
- (b) In accordance with 40 CFR 262.82, exports and imports of hazardous waste shall be subject to the level of control specified in "Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure and Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure," as incorporated by reference in 40 CFR 260.11(g) and available as noted in Appendix B.

Effective November 23, 2019, Env-Hw 511.01 and Env-Hw 511.02 read as follows:

Env-Hw 511.01 Delivery.

- (a) A generator shall not deliver or offer hazardous waste to:
 - (1) A facility that has not obtained an EPA identification number; or
 - (2) A transporter that does not possess an EPA identification number and a current and valid New Hampshire hazardous waste transporter registration.
- (b) Except as provided in (f), below, a generator shall deliver hazardous waste only to a facility authorized under the destination state's rules to handle the hazardous waste.
- (c) Except as provided in (f), below, the generator shall contact the operator of the designated facility, or the transporter if unable to contact the operator, to determine the status of a hazardous waste shipment if:
 - (1) Waste was shipped using a paper manifest and the generator does not receive a copy of the manifest from the operator within 35 days of shipment;
 - (2) Waste was shipped using an electronic manifest that was printed for the generator's signature and either:
 - a. The generator has not received a copy of the manifest from the operator within 35 days of shipment; or

- b. The generator subsequently accesses the electronic manifest system, and the electronic manifest system indicates that the shipment has not been received by the facility within 35 days of shipment; or
- (3) Waste was shipped using an electronic manifest and the electronic manifest system indicates that the shipment has not been received by the facility within 35 days of shipment.
- (d) The generator shall submit an exception report to the department within 45 days of shipment if:
 - (1) The generator does not receive a copy of the manifest with the hand-written signature of the operator of the designated facility; or
 - (2) The electronic manifest system indicates that the shipment has not been received by the facility.
- (e) Exception reports submitted pursuant to (d), above, shall include:
 - (1) A legible copy of the manifest for which the generator does not have confirmation of delivery; and
 - (2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.
- (f) A small quantity generator shall not be required to register as a hazardous waste transporter to transport 55 gallons or less of hazardous waste generated at its site to the following locations, provided the requirements of Env-Hw 601.02(b)(1) through (4) are satisfied:
 - (1) A site that meets the conditions of Env-Hw 501.02(c);
 - (2) A one-day household hazardous waste collection event sponsored by a government entity if:
 - a. A hazardous waste manifest, identifying the small quantity generator as both the generator and the first transporter, accompanies the waste at all times;
 - b. The waste is given directly to a New Hampshire registered hazardous waste transporter during the collection event; and
 - c. Permission is obtained in advance from the government entity sponsoring the collection event; or
 - (3) A facility authorized under the destination state's rules to handle the waste.

Env-Hw 511.02 Inability to Deliver.

- (a) If a transporter is unable to deliver all or part of a hazardous waste shipment, or if a facility rejects all or part of a hazardous waste shipment, the generator shall either designate an alternate authorized facility or instruct the transporter or operator to return the waste to the generator.
- (b) If a waste shipment is returned, the generator shall:
 - (1) Ensure that the paper or electronic manifest is completed in accordance with 40 CFR 264.72(f) and 40 CFR 265.72(f), as applicable;
 - (2) Sign:
 - a. Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - b. Item 20 of the manifest, if the transporter returned the shipment using a new manifest;
 - (3) Provide a copy of the manifest to the transporter; and

(4) Comply with the applicable accumulation requirements of this chapter.

(c) If a returned shipment is accompanied by a paper manifest or an electronic manifest that was printed for the generator's signature, the generator shall submit a copy of the manifest, signed as specified in (b)(2), above, to the department within 5 days of receipt of the returned shipment.

(d) Within 30 days of receipt of a returned shipment accompanied by a paper manifest, the generator shall send a copy of the manifest to the designated facility that returned the shipment to the generator.

(e) If the designated facility uses a new manifest to forward a waste shipment to an alternate facility as specified in (a), above, the generator shall comply with the shipment tracking requirements of Env-Hw 511.01(c) and (d) by:

(1) Ensuring that the manifest copy received by the generator has the signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and

(2) Starting the 35- and 45-day timeframes on the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

Effective November 23, 2019, Env-Hw 512.01 through Env-Hw 512.04 read as follows:

Env-Hw 512.01 Recordkeeping.

(a) A generator shall keep the following records, as applicable, for at least 3 years:

(1) Subject to (d) through (f), below, all manifest copies, including the original generator copy and the copy certified by the designated facility or the foreign consignee, for 3 years from the date of signature by the generator;

(2) A copy of each quarterly activity report and biennial report, for 3 years from the due date of the report;

(3) A copy of each exception report;

(4) A copy of each notification of intent to export;

(5) A copy of each EPA acknowledgment of consent;

(6) Records on any test results, waste analyses, or other waste determinations, made in accordance with Env-Hw 401.03(j) or Env-Hw 502.01, for 3 years from the date that the waste was last sent to be recycled or for treatment, storage or disposal;

(7) Records of any hazardous waste spills or discharges;

(8) Records of the inspections required by Env-Hw 509.02, for 3 years from the date of the inspection;

(9) Records pertaining to the use of drip pads as required by Env-Hw 509.02(e);

(10) Records pertaining to the use of containment buildings as required by Env-Hw 509.02(f);

(11) Records pertaining to land disposal restrictions as required by Env-Hw 509.05, for 3 years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal; and

(12) Records pertaining to hazardous waste received from small quantity generators as required by Env-Hw 509.02(l)(1), for 3 years from the date of receipt of the waste.

(b) The time period specified in (a), above, shall be automatically extended while any enforcement action is pending.

(c) Manifests may be retained on electronic media provided the records are available during an inspection by the department.

(d) Except as specified in (e) and (f), below, a generator may rely on the electronic manifest system to satisfy manifest recordkeeping requirements in (a)(1), above, only if the generator has registered in the electronic manifest system and has established access to manifest records stored therein.

(e) For shipments of waste using an electronic manifest that was printed for the generator's signature, the generator shall retain the paper copy of the electronic manifest with the generator's signature for 3 years from the date of signature by the generator.

(f) For shipments of waste using a paper manifest, a generator who has registered in the electronic manifest system shall retain the original generator copy of the manifest as specified in (a)(1), above, until such time as the generator verifies, in the electronic manifest system, receipt of the shipment by the receiving facility.

Env-Hw 512.02 Quarterly Reporting.

(a) The department shall compile a hazardous waste quarterly activity report summarizing hazardous waste manifest information from the electronic manifest system and mail or email the report to each generator who ships hazardous waste off-site using a manifest.

(b) If a generator ships hazardous waste off-site using a manifest and has not received a quarterly activity report within 45 days following the last day of the previous quarter, the generator shall ask the department to send a new report.

(c) Unless exempt under (d), below, a generator who receives a hazardous waste quarterly activity report from the department shall return a certified copy of the report to the department.

(d) Political subdivisions that generate less than 660 pounds of hazardous waste in a 3-month period shall be exempt from submitting a quarterly report pursuant to (c), above.

(e) A generator who generates equal to or greater than 660 pounds of hazardous waste in a 3-month period shall pay the quarterly hazardous waste generator fee established in RSA 147-B:8, subject to the exemptions established in RSA 147-B:9, to the department for deposit into the hazardous waste cleanup fund.

(f) The reporting quarters shall be as follows:

- (1) 1st Quarter - January 1 to March 31;
- (2) 2nd Quarter - April 1 to June 30;
- (3) 3rd Quarter - July 1 to September 30; and
- (4) 4th Quarter - October 1 to December 31.

(g) Quarterly activity reports shall include the following:

- (1) Reporting quarter;
- (2) Name, mailing address, site location, and EPA identification number of the generator;
- (3) Weight in pounds of the hazardous waste manifested during the reporting quarter, summarized by manifest tracking number and EPA or NH hazardous waste number;
- (4) Weight in pounds of the quarter's manifested hazardous waste that is exempt from fees pursuant to RSA 147-B:9; and

- (5) Fee due to the state of New Hampshire.
- (h) The generator shall:
 - (1) Review the reports for accuracy;
 - (2) Correct any errors;
 - (3) Notify the department of any needed corrections within 30 days of receipt of the report; and
 - (4) Certify, as specified in Env-Hw 207, the report.
- (i) The generator shall submit to the department each quarterly activity report along with the appropriate fee within 30 days of receipt.
- (j) Fees required by RSA 147-B:8 shall be assessed based on the weight of hazardous wastes calculated from information from the electronic manifest system, as follows:
 - (1) The assessed weight of hazardous wastes shall be calculated from information from the electronic manifest system; and
 - (2) If the generator inadvertently omits an exemption code in manifest item 13 as required by Env-Hw 510.03(b)(1), the hazardous waste shall not be exempt from the fee unless the generator corrects the error by:
 - a. For exemption code “NHX1”, having the receiving facility submit a certification to the department that the waste was or will be recycled; or
 - b. For exemption codes “NHX2” through “NHX6”, submitting documentation that demonstrates eligibility for the exemption.
- (k) Failure to submit the fees due as specified in (j), above, within 60 days of the due date shall result in the assessment of interest pursuant to RSA 147-B:8, at the rate established by RSA 336:1, II.
- (l) Fees paid by check or money order shall be:
 - (1) Made payable to “Treasurer, State of New Hampshire”; and
 - (2) Delivered or mailed to the department.
- (m) For credit card payments, the generator shall provide such information as is needed by the department to process the transaction and the mailing or email address to which the receipt is to be sent.

Env-Hw 512.03 Export and Import Recordkeeping and Reporting.

- (a) An exporter shall:
 - (1) Meet the recordkeeping requirements of 40 CFR 262.83(i);
 - (2) File an annual report with the administrator of EPA, by March 1 of each year, that is based on exports made during the previous calendar year, as specified in 40 CFR 262.83(g); and
 - (3) In lieu of the requirements of 40 CFR 262.42, if applicable, meet the exception reporting requirements of 40 CFR 262.83(h).
- (b) An importer shall meet the recordkeeping requirements of 40 CFR 262.84(h).

Env-Hw 512.04 Biennial Reporting.

- (a) On even-numbered years, the department shall prepare a biennial report as required in 40 CFR 262.41 on behalf of each generator that is required to report biennially, based on information provided on notification forms, manifest information in the electronic manifest system, and quarterly reports.
- (b) If a generator is subject to biennial reporting requirements and has not received a biennial report from the department by February 1 of an even-numbered year, the generator shall ask the department to send a new biennial report.
- (c) The generator shall:
- (1) Review the biennial report for accuracy;
 - (2) Correct any errors;
 - (3) Notify the department of any needed corrections by March 1 of that year;
 - (4) Provide the department with any additional information necessary to complete the biennial report as required in 40 CFR 262.41; and
 - (5) Submit to the department a complete and certified copy of the biennial report by March 1 of that year, certified as specified in Env-Hw 207.

Effective November 23, 2019, Env-Hw 513.03 reads as follows:

Env-Hw 513.03 Waiver of Permit Requirements for Emergency Response. Subject to Env-Hw 303.02(l), a person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to the situations described in Env-Hw 303.02(k).

Effective November 23, 2019, Env-Hw 601.01 reads as follows:

Env-Hw 601.01 Applicability.

- (a) This chapter shall apply to all persons transporting hazardous wastes within or through New Hampshire, including hazardous waste destined for recycling, and to all persons transporting hazardous waste that is being imported from or exported to any other country for purposes of recovery or disposal.
- (b) A transporter also shall comply with:
- (1) Generator requirements of Env-Hw 500, if the transporter:
 - a. Transports hazardous waste into the United States from abroad; or
 - b. Mixes hazardous wastes of different US DOT shipping descriptions by placing them into a single container;
 - (2) Transfer facility requirements of Env-Hw 300 and Env-Hw 700, if the transporter operates a transfer facility as defined in Env-Hw 104;
 - (3) Storage facility requirements of Env-Hw 300 and Env-Hw 700, if the transporter stores hazardous waste in excess of 10 days;
 - (4) Applicable rules adopted by the New Hampshire department of safety; and
 - (5) Applicable requirements of 40 CFR 262 Subpart H, including, but not limited to, requirements for movement documents for importing and exporting hazardous waste.
- (c) This chapter shall apply to the transportation of military munitions classified as solid waste under 40 CFR 266.202 only to the extent specified in 40 CFR 266.203.

Effective November 23, 2019, Env-Hw 602.01 reads as follows:

Env-Hw 602.01 Transporter Registration Requirements. No person shall transport hazardous waste into or within the state of New Hampshire without having a transporter registration issued by the department in accordance with Env-Hw 609.

Effective November 23, 2019, Env-Hw 603.01 reads as follows:

Env-Hw 603.01 Packaging, Labeling, and Placarding.

(a) A transporter shall package and label all hazardous waste before and during shipment in accordance with (c) and (d), below, and Saf-C 600.

(b) A transporter shall comply with the packaging standards in Saf-C 600 if:

- (1) A hazardous waste is removed from its container and placed in another container; or
- (2) Additional hazardous waste is added to a container.

(c) Prior to and during transportation, the transporter shall ensure that each container is labeled and clearly marked with:

- (1) The words “Hazardous Waste”;
- (2) All applicable EPA and NH hazardous waste numbers; and
- (3) All applicable US DOT required information as set forth in 49 CFR Part 172.

(d) If a label is destroyed or mutilated, if hazardous waste is removed from its container, or if additional hazardous waste is added to the containers, the transporter shall remove or obliterate all previous labels and, as appropriate:

- (1) Replace the label with a duplicate label; or
- (2) Attach a label stating information pertaining to the hazardous waste now contained in that container.

(e) A transporter shall placard each vehicle with an appropriate warning of the hazardous waste contained therein as set forth in Saf-C 600.

(f) A tank, barrel, drum, or other packaging of hazardous waste that is not a part of a vehicle shall be secured against movement within the vehicle on which it is being transported.

(g) A transporter shall ensure that all containers of hazardous waste are sealed prior to and during transport.

Effective November 23, 2019, Env-Hw 604.01 reads as follows:

Env-Hw 604.01 General Manifest Requirements.

(a) Except as provided in Env-Hw 510.01(b) and subject to (c) and (d), below, a transporter shall comply with the manifest requirements of 40 CFR 263.20(a) through (g).

(b) A transporter shall verify that the generator EPA identification number on the manifest is valid for the transportation of the hazardous waste listed on the manifest.

(c) When transporting hazardous waste as authorized by Env-Hw 510.01(b), a transporter shall comply with the immediate response actions and discharge cleanup requirements of Env-Hw 608.01 and Env-Hw 608.02 in the event of a discharge of hazardous waste on a public or private right-of-way.

- (d) The export requirements of 40 CFR 263.20(a)(2) shall not apply to NH-only wastes.
- (e) Electronic manifest signatures shall meet the criteria described in 40 CFR 263.25.

(f) If a transporter makes a post-receipt manifest data correction pursuant to 40 CFR 263.20(a)(9) that pertains to a shipment that was accompanied by a paper manifest or a manifest that was printed for the generator's signature, the transporter shall notify the generator of the correction.

Effective November 23, 2019, Env-Hw 604.02 through Env-Hw 604.04 are repealed:

~~Env Hw 604.02 Changes to Manifests. A transporter shall initial and date any changes to the manifest made by the transporter.~~

~~Env Hw 604.03 Rail and Water Shipments.~~

~~(a) Each rail and water shipment shall comply with US DOT regulations.~~

~~(b) A shipping paper containing all the information required on the manifest, excluding the generator certification and signatures, and, for exports, an EPA acknowledgment of consent, shall accompany the hazardous waste at all times.~~

~~(c) A transporter of a rail or water shipment shall carry either a manifest or shipping paper and retain the manifest or shipping paper in accordance with Env Hw 607.03.~~

~~(d) Env Hw 604.01(e), (f) and (g) shall not apply to a transporter of bulk shipments delivered by water to the designated facility if:~~

- ~~(1) The transporter delivering the hazardous waste to the initial bulk shipment water transporter:

 - a. Obtains the date of delivery and signature of the water transporter on the manifest;
 - b. Forwards the manifest to the designated facility; and
 - c. Retains a copy of the signed manifest in accordance with Env Hw 607.01;~~

~~(2) The final water transporter delivering the hazardous waste to the designated facility obtains the date of delivery and handwritten signature of the operator of the designated facility on either the manifest or the shipping paper; and~~

~~(3) Each water transporter retains a copy of the manifest or shipping paper in accordance with Env Hw 607.03.~~

~~(e) For rail shipments, a transporter shall comply with Env Hw 604.01(e), (f) and (g) or the following requirements:~~

- ~~(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter shall:

 - a. Sign and date the manifest or shipping paper, acknowledging acceptance of the hazardous waste;
 - b. Return a copy to the delivering non-rail transporter; and
 - c. Forward the remaining copies to:
 - 1. The next non-rail transporter, if any;
 - 2. The designated facility, if the shipment is delivered to that facility by rail; or
 - 3. The last rail transporter designated to handle the hazardous waste in the United States;~~

~~(2) When delivering hazardous waste to a non-rail transporter, a rail transporter shall obtain the date of delivery and handwritten signature of the non-rail transporter on the manifest;~~

~~(3) Before accepting hazardous waste from a rail transporter, a non-rail transporter shall sign and date the manifest and provide a copy to the rail transporter;~~

~~(4) The final rail transporter delivering the hazardous waste to the designated facility shall obtain the date of delivery and handwritten signature of the operator on the manifest, or on the shipping paper if the manifest has not been received by the facility; and~~

~~(5) Each rail transporter shall retain a copy of the manifest and the shipping paper, as applicable, as specified in Env Hw 607.03.~~

~~Env-Hw 604.04 International Shipments.~~

- ~~(a) A transporter shall comply with 40 CFR 262 Subpart H, including but not limited to 40 CFR 262.84 for movement documents, if the hazardous waste is:~~
- ~~(1) Exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in 40 CFR 262.58(a)(1), for purposes of recovery;~~
 - ~~(2) Not a state-only waste; and~~
 - ~~(3) Subject to:

 - ~~a. The manifesting requirements of Env-Hw 510;~~
 - ~~b. The universal waste management standards of Env-Hw 1100; or~~
 - ~~c. The export requirements in the spent lead-acid battery management standards of 40 CFR 266, Subpart G.~~~~
- ~~(b) For exports that are not subject to 40 CFR 262 Subpart H, a transporter shall:~~
- ~~(1) Ensure that the hazardous waste is accompanied by an EPA acknowledgment of consent attached to the manifest or shipping paper in accordance with 40 CFR 263.20(a)(2); and~~
 - ~~(2) Not accept hazardous waste intended for export if the transporter knows the shipment does not conform to the EPA acknowledgment of consent.~~
- ~~(c) A transporter who transports hazardous waste out of the United States shall:~~
- ~~(1) Sign and date the manifest in the international shipments block to indicate the date the hazardous waste left the United States;~~
 - ~~(2) Retain one copy of the manifest in accordance with Env-Hw 607.04;~~
 - ~~(3) Return a signed copy of the manifest to the generator; and~~
 - ~~(4) Give a copy of the manifest to a U.S. customs official at the point of departure from the United States.~~

Effective November 23, 2019, Env-Hw 606.01 reads as follows:

Env-Hw 606.01 Requirements for Delivery. A transporter shall comply with 40 CFR 263.21 with regard to compliance with the manifest.

Effective November 23, 2019, Env-Hw 606.02 is repealed:

~~Env-Hw 606.02 Inability to Deliver. If a transporter is unable to deliver all or part of a hazardous waste shipment, the transporter shall:~~

- ~~(a) Contact the generator;~~
- ~~(b) Return the hazardous waste to the generator or deliver the hazardous waste to an alternate authorized facility designated by the generator; and~~
- ~~(c) Comply with 40 CFR 263.21(b).~~

Effective November 23, 2019, Env-Hw 607.01 reads as follows:

Env-Hw 607.01 Recordkeeping.

- (a) A transporter shall comply with the recordkeeping requirements of 40 CFR 263.22.
- (b) Manifests may be retained on electronic media if available during inspection by the department.

Effective November 23, 2019, Env-Hw 607.03 through Env-Hw 607.05 are repealed:

~~Env-Hw 607.03 Rail and Water Shipments.~~

~~(a) In the case of bulk shipments delivered by water to a designated facility, a water transporter shall retain a copy of the manifest or shipping paper signed by the next transporter or designated facility for a period of 3 years from the date of acceptance by the initial transporter.~~

~~(b) In the case of rail shipments, a rail transporter shall retain documents for 3 years from the date the hazardous waste was accepted by the initial transporter, as follows:~~

- ~~(1) The initial rail transporter shall retain a copy of the manifest and the shipping paper;~~
- ~~(2) Intermediate rail transporters shall retain a copy of the manifest or the shipping paper; and~~

~~(3) The final rail transporter shall retain a copy of the signed manifest or the shipping paper if signed by the designated facility in lieu of the manifest.~~

~~Env-Hw 607.04 Export Shipments. A transporter who transports hazardous waste out of the United States shall keep a copy of the manifest indicating that the hazardous waste left the United States for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.~~

~~Env-Hw 607.05 Retention of Records During Enforcement Actions. The periods of retention specified in this part shall be extended automatically while any enforcement action regarding the regulated activities is pending.~~

Effective November 23, 2019, Env-Hw 608.03 reads as follows:

Env-Hw 608.03 Waiver of Permit Requirements for Emergency Response. Subject to Env-Hw 303.02(l), a person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to the situations described in Env-Hw 303.02(k).

Effective November 23, 2019, Env-Hw 609.01(f) intro, (f)(4) intro, and (f)(4)e. are cited and read as follows:

Env-Hw 609.01 Registration Process.

(f) A transporter shall provide, upon request of the department, the following:

(4) For all transportation services provided to New Hampshire customers in any requested time period in the previous 3 years, a summary report on a searchable electronic document or other machine readable file that includes, but is not limited to, the following information for each shipment of hazardous waste regulated under the hazardous waste rules:

e. For each waste stream, number and type of containers, total quantity, unit of measure, all applicable EPA and NH hazardous waste numbers, and management method code;

Effective November 23, 2019, Env-Hw 701.01 reads as follows:

Env-Hw 701.01 Applicability. This chapter shall apply to:

(a) Owners and operators of all facilities, unless exempt under Env-Hw 800 or Env-Hw 701.02;

(b) A person disposing of hazardous waste by means of ocean disposal pursuant to a permit issued under the Marine Protection, Research, and Sanctuaries Act only to the extent the person is deemed to have a permit-by-rule under Env-Hw 300;

(c) An operator of a POTW that treats, stores, or disposes of hazardous waste only to the extent the operator is deemed to have a permit-by-rule under Env-Hw 300;

(d) An owner and operator of a facility that treats, stores, or disposes of hazardous wastes in accordance with 40 CFR Part 268, 7-1-16 edition, as incorporated by reference in Env-Hw 1200; and

(e) The storage of military munitions classified as solid waste pursuant to 40 CFR 266.202 only to the extent identified in 40 CFR 266.205, but this chapter shall apply to the treatment and disposal of hazardous waste military munitions.

Effective November 23, 2019, Env-Hw 701.03 reads as follows:

Env-Hw 701.03 Prohibitions.

(a) Underground injection of hazardous waste shall be prohibited.

(b) Wastes with EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027 shall not be managed at facilities subject to Env-Hw 707, unless:

- (1) The wastewater treatment sludge is generated in a surface impoundment as a part of the plant's wastewater treatment system;
- (2) The waste is stored in tanks or containers;
- (3) The waste is stored or treated in waste piles that meet the requirements of Env-Hw 707.04(e);
- (4) The waste is burned in an incinerator that is certified pursuant to the standards and procedures in Env-Hw 707.04(h); or
- (5) The waste is burned in a facility that thermally treats the waste in a device other than an incinerator and that is certified pursuant to the standards and procedures in Env-Hw 707.04(i).

Effective November 23, 2019, Env-Hw 703.01 and 703.02 read as follows:

Env-Hw 703.01 General Manifest Requirements.

(a) Upon receipt of a hazardous waste accompanied by a manifest, the owner, operator or responsible agent of the designated facility shall comply with 40 CFR 264.71(a), (b), and (d) through (k) and 40 CFR 265.71(a), (b), and (d) through (k), as applicable.

(b) The export and import requirements of 40 CFR 264.71(a)(3) and (d) and 40 CFR 265.71(a)(3) and (d) shall not apply to a NH-only waste.

Env-Hw 703.02 Manifest Errors/Discrepancies.

(a) An owner, operator, or responsible agent shall comply with the manifest discrepancy requirements of 40 CFR 264.72(a) through (c) and 40 CFR 265.72(a) through (c), as applicable.

(b) An owner, operator, or responsible agent shall correct the following discrepancies:

- (1) Significant differences, as that term is defined in 40 CFR 264.72(b) and 40 CFR 265.72(b), as applicable;
- (2) Incorrect or missing EPA identification numbers, generator names and addresses; and
- (3) Missing fee exemption codes as provided in Env-Hw 510.03.

(c) Post-receipt manifest data corrections shall be made in accordance with 40 CFR 264.71(l) and 40 CFR 265.71(l), as applicable.

(d) If a post-receipt manifest data correction pertains to a shipment that was accompanied by a paper manifest or a manifest that was printed for the generator's signature, the owner, operator, or responsible agent shall notify the generator of the correction.

Effective November 23, 2019, Env-Hw 703.03 and Env-Hw 703.04 are repealed:

~~Env Hw 703.03 Rail or Water Shipments. If a facility receives from a rail or bulk shipment water transporter hazardous waste accompanied by a shipping document in accordance with Env Hw 604.03, the operator, or the operator's agent, shall:~~

- ~~(a) Inspect the shipment and compare it with the description on the manifest or shipping paper;~~
- ~~(b) Note any discrepancies on the manifest or shipping paper on each copy in accordance with Env Hw 703.02;~~
- ~~(c) Sign and date each copy of the manifest or shipping paper to certify that the hazardous waste covered by the manifest or shipping paper was received;~~

- ~~(d) Immediately give the rail or water transporter one copy of the manifest or shipping paper; and~~
~~(e) Within 30 days after the delivery, send to the generator a copy of the signed and dated manifest or, if the manifest has not been received within 30 days after delivery, a signed and dated copy of the shipping paper; and~~
~~(f) If the manifest has not been received within 30 days after delivery, the operator, or operator's agent, shall sign, date and return the manifest to the generator upon receipt.~~

Env-Hw 703.04 International Shipments.

~~(a) Notwithstanding any other provisions of the hazardous waste rules, a facility that imports or exports hazardous waste, except state-only waste, shall comply with 40 CFR 262 Subparts E and F, 40 CFR 264.71(a)(3), and 40 CFR 265.71(a)(3), as applicable, except as provided in (b), below.~~

~~(b) A facility that exports or imports hazardous waste shall comply with 40 CFR 262 Subpart H if the hazardous waste is:~~

- ~~(1) Exported to or imported from any of the countries listed in 40 CFR 262.58(a)(1) for purposes of recovery;~~
- ~~(2) Not a state-only waste; and~~
- ~~(3) Subject to:

 - ~~a. The manifesting requirements of Env-Hw 510;~~
 - ~~b. The universal waste management requirements of Env-Hw 1100; or~~
 - ~~c. The export requirements in the spent lead-acid battery management standards of 40 CFR 266, Subpart G.~~~~

~~(c) Within 3 business days of receiving a shipment subject to 40 CFR 262, Subpart H, the owner or operator shall provide copies of the movement document to the parties specified in 40 CFR 264.71(d) and 40 CFR 265.71(d), as applicable.~~

Effective November 23, 2019, Env-Hw 704.01 reads as follows:

Env-Hw 704.01 Rejected Shipments. If an operator rejects all or part of a hazardous waste shipment or identifies a container residue that exceeds the quantity limits for empty containers set forth in Env-Hw 401.03(d), the operator shall comply with the manifest discrepancy requirements of 40 CFR 264.72(d) through (g) and 40 CFR 265.72(d) through (g), as applicable.

Effective November 23, 2019, Env-Hw 705.01 (b) intro, (b)(2) intro, (b)(2)b., (b)(16), (b)(17), and (c) are cited and read as follows:

Env-Hw 705.01 Recordkeeping.

(b) The following information shall be recorded by the operator as it becomes available:

- (2) A description and the quantity of each hazardous waste shipment received, treated, stored, or disposed of at the facility, including:
 - b. If listed in Env-Hw 402 or a characteristic waste under Env-Hw 403, the waste's EPA and NH hazardous waste numbers, as applicable;

(16) Records of monitoring, testing, or analytical data as required by 40 CFR 264.73(b)(18), for 5 years;

(17) The information required by 40 CFR 264.73(b)(19) and 40 CFR 265.73(b)(15), as applicable; and

(c) Except as specified in (b)(1), (3), (7), (15), and (16), the information required by (b), above, shall be maintained in the operating record until closure of the facility, unless requirements specify they must be kept for a longer period of time.

Effective November 23, 2019, Env-Hw 705.02(c), (e) intro and (e)(4) are cited and read as follows:Env-Hw 705.02 Quarterly Reporting.

(c) For each facility that meets the criteria in (b), above, the department shall compile a hazardous waste quarterly activity report summarizing the facility's hazardous waste manifest information from the electronic manifest system and then mail or email the report to the facility. If a facility meets the criteria of (b), above, and has not received a quarterly activity report within 45 days following the last day of the previous quarter, the facility shall contact the department and the department shall send a new report.

(e) A facility quarterly report shall include the following information:

(4) The EPA and NH hazardous waste numbers, as applicable, for each waste received by the facility from out-of-state sources; and

Effective November 23, 2019, Env-Hw 705.03 reads as follows:Env-Hw 705.03 Biennial Reporting.

(a) On even-numbered years, the department shall prepare a biennial report as required by 40 CFR 264.75 or 40 CFR 265.75, as applicable, on behalf of each facility, other than a transfer facility, based on information provided on notification forms, manifest information in the electronic manifest system, and quarterly reports. Transfer facilities shall not be subject to biennial reporting requirements.

(b) If a facility has not received a biennial report from the department by February 1 of an even-numbered year, the facility shall ask the department to send a new biennial report.

(c) The operator shall:

(1) Review the biennial report for accuracy;

(2) Correct any errors;

(3) Notify the department of any needed corrections by March 1 of that year;

(4) Provide the department with any additional information necessary to complete the biennial report as required in 40 CFR 264.75 or 40 CFR 265.75, as applicable; and

(5) Submit to the department a complete copy of the biennial report by March 1 of that year, including a signed statement by the operator certifying, as specified in Env-Hw 207, the information in the report.

Effective November 23, 2019, Env-Hw 706.03 reads as follows:

Env-Hw 706.03 Waiver of Permit Requirements for Emergency Response. Subject to Env-Hw 701.02(c), a person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to the situations described in Env-Hw 701.02(a)(8).

Effective November 23, 2019, Env-Hw 804.01 reads as follows:Env-Hw 804.01 Requirements.

(a) Recyclable materials, as defined in Env-Hw 801.02(c), shall be managed as set forth in Env-Hw 804 unless specifically exempt as specified in Env-Hw 401.03(b)(36) through (40).

(b) Except as set forth in Env-Hw 804.02, a person who manages recyclable materials shall comply with the following requirements:

(1) A generator of recyclable materials shall be subject to Env-Hw 500;

- (2) A transporter of recyclable materials shall be subject to Env-Hw 600;
- (3) An owner or operator of a facility that stores recyclable materials before they are recycled, including a facility that also recycles the materials, shall be subject to Env-Hw 300 and Env-Hw 700; and
- (4) An owner or operator of a facility that recycles recyclable materials without storing the materials before they are recycled shall be subject to the following:
 - a. Notification requirements as set forth in Env-Hw 702;
 - b. Manifest requirements as set forth in Env-Hw 703; and
 - c. Biennial reporting requirements as set forth in Env-Hw 705.03.

Effective November 23, 2019, Env-Hw 807.06(b) intro and (15) are cited and read as follows:

Env-Hw 807.06 Standards for Generators of Used Oil Being Recycled.

- (b) A generator who stores used oil on-site shall comply with the following requirements:
 - (15) Generators shall maintain on file copies of:
 - a. All bills of lading for 3 years from the date of shipment; and
 - b. Used oil analyses for 3 years from the date that the used oil was last generated, stored, or burned on site.

Effective November 23, 2019, Env-Hw 808.02 through Env-Hw 808.04 read as follows:

Env-Hw 808.02 Generator Requirements. Any person who generates recyclable materials used for precious metal recovery shall comply with:

- (a) The notification requirements of Env-Hw 504;
- (b) The manifest requirements of Env-Hw 510;
- (c) As applicable, either:
 - (1) The small quantity generator self-certification requirements of Env-Hw 514; or
 - (2) The certified hazardous waste coordinator requirements of Env-Hw 509.04;
- (d) The notification requirements of Env-Hw 1200; and
- (e) For precious metals exported to or imported from other countries for recovery, 40 CFR 262 Subpart H and 40 CFR 265.12.

Env-Hw 808.03 Transporter Requirements. Any person who transports recyclable materials used for precious metal recovery shall comply with:

- (a) The notification requirements of Env-Hw 602;
- (b) The manifest requirements of Env-Hw 604;
- (c) The delivery requirements of Env-Hw 606;
- (d) The registration requirements of Env-Hw 609; and
- (e) For precious metals exported to or imported from other countries for recovery, 40 CFR 262 Subpart H and 40 CFR 265.12.

Env-Hw 808.04 Storage Facility Requirements. Any person who stores recyclable materials used for precious metal recovery shall:

- (a) Comply with:
 - (1) The notification requirements of Env-Hw 702;
 - (2) The manifest requirements of Env-Hw 703; and
 - (3) For precious metals exported to or imported from other countries for recovery, 40 CFR 262 Subpart H and 40 CFR 265.12; and
- (b) To document that the materials are not being accumulated speculatively, as determined under Env-Hw 811, maintain records of:
 - (1) The amount of materials stored at the beginning of the calendar year;
 - (2) The amount of materials generated or received during the calendar year; and
 - (3) The amount of materials remaining at the end of the calendar year.

Effective November 23, 2019, Env-Hw 809.01 through Env-Hw 809.05 read as follows:

Env-Hw 809.01 Applicability.

- (a) This part shall apply to any person who:
 - (1) Generates or collects spent lead-acid batteries destined for reclamation;
 - (2) Transports spent lead-acid batteries destined for reclamation;
 - (3) Reclaims spent lead-acid batteries; or
 - (4) Exports or imports spent lead-acid batteries for reclamation.
- (b) The reclamation of spent lead-acid batteries through regeneration, such as by electrolyte replacement, shall be subject to Env-Hw 400 and Env-Hw 502, but shall not otherwise be subject to the hazardous waste rules.

Env-Hw 809.02 Requirements for Persons Who Generate, Collect, or Store but Do Not Reclaim. Any person who generates, collects, or stores spent lead-acid batteries destined for reclamation, other than through regeneration, but does not reclaim them shall:

- (a) Store the batteries in a manner designed to ensure that the battery housings do not break or leak acid onto the soil or into any groundwaters or surface waters; and
- (b) Comply with Env-Hw 400, Env-Hw 502, and the applicable requirements of Env-Hw 1200.

Env-Hw 809.03 Transporter Requirements. A transporter of lead-acid batteries destined for reclamation, other than through regeneration, shall:

- (a) Ensure that the batteries are loaded and braced so as to prevent damage and short circuits while in transit;
- (b) Comply with 49 CFR 173.159(e), Saf-C 600, Env-Hw 400, Env-Hw 502, and the applicable requirements of Env-Hw 1200; and
- (c) If transporting within the United States to export the batteries for reclamation in a foreign country, comply with the applicable requirements of 40 CFR 262 Subpart H.

Env-Hw 809.04 Reclamation Facility Requirements. An owner or operator of a facility at which spent lead-acid batteries are reclaimed other than through regeneration shall:

- (a) Comply with Env-Hw 400, Env-Hw 502, and the applicable requirements of Env-Hw 1200; and
- (b) If spent lead-acid batteries are stored at the facility prior to reclamation, the owner or operator shall be subject to the:
 - (1) Storage facility permit requirements specified in Env-Hw 300; and
 - (2) Facility requirements specified in Env-Hw 700, except for:
 - a. The waste analysis requirements of Env-Hw 707.03(a)(2) and Env-Hw 708.02(a)(2); and
 - b. The manifest requirements of Env-Hw 703.

Env-Hw 809.05 Exporter Requirements. An exporter of spent lead-acid batteries destined for reclamation in a foreign country shall be subject to Env-Hw 400, Env-Hw 502, Env-Hw 504, and 40 CFR 262 Subpart H.

Effective November 23, 2019, Env-Hw 809.06 reads as follows:

Env-Hw 809.06 Importer Requirements.

- (a) An importer of spent lead-acid batteries that will be reclaimed other than through regeneration shall comply with Env-Hw 400, Env-Hw 502, Env-Hw 504, the applicable requirements of Env-Hw 1200, and 40 CFR 262 Subpart H.
- (b) In addition to the requirements in (a), above, an importer who stores spent lead-acid batteries before reclaiming them other than through regeneration shall be subject to Env-Hw 809.04(b).

Effective November 23, 2019, Env-Hw 1101.02 reads as follows:

Env-Hw 1101.02 Applicability.

- (a) This chapter shall apply to persons managing universal wastes.
- (b) Persons who manage universal waste that is imported from a foreign country or another state into New Hampshire shall be subject to the following requirements immediately after the waste enters New Hampshire:
 - (1) A universal waste handler shall be subject to Env-Hw 502.01 and Env-Hw 1102 and the applicable requirements of Env-Hw 1103, Env-Hw 1104, Env-Hw 1105, and Env-Hw 1109 through Env-Hw 1114;
 - (2) A universal waste transporter shall be subject to Env-Hw 1106; and
 - (3) An owner or operator of a destination facility shall be subject to Env-Hw 1107.
- (c) A person who manages universal waste that is imported from a foreign country into the United States shall be subject to (b), above, in addition to 40 CFR Part 262 Subpart H.
- (d) Nothing in this chapter shall be construed to mean that a universal waste handler is required to manage universal waste batteries in a manner that differs from the requirements of 40 CFR 273.

Effective November 23, 2019, Env-Hw 1102.08 reads as follows:Env-Hw 1102.08 International Shipments.

(a) Except as provided in (b), below, a universal waste handler who exports universal waste to a foreign destination shall comply with 40 CFR Part 262 Subpart H.

(b) A universal waste handler who exports cathode ray tubes, shredded cathode ray tubes, or cathode ray tube components to a foreign destination shall comply with the applicable requirements of 40 CFR 261.39(a)(5)(i) through (xi), 261.40, and 261.41, but shall not be required to comply with 40 CFR 261.39(a)(1) through (4).

Effective November 23, 2019, Env-Hw 1104.05 reads as follows:Env-Hw 1104.05 Tracking Universal Waste Shipments Received.

(a) A large quantity handler or very large quantity handler shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document, of each shipment of universal waste received at the accumulation site.

(b) The record for each shipment of universal waste received shall include the following information:

- (1) The name and address of the originating handler or foreign shipper from whom the universal waste was sent;
- (2) The quantity of each type of universal waste received; and
- (3) The date of receipt of the shipment of universal waste.

(c) The records required by (a) and (b), above, shall be retained for at least 3 years from the date the universal waste shipment to which the record relates is received.

Effective November 23, 2019, Env-Hw 1104.06 reads as follows:Env-Hw 1104.06 Tracking Universal Waste Shipments Shipped Off-site.

(a) A large quantity handler or very large quantity handler shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document, of each shipment of universal waste sent by the handler to another facility.

(b) The record for each shipment of universal waste sent shall include the following information:

- (1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;
- (2) The quantity of each type of universal waste; and
- (3) The date the shipment of universal waste left the handler's facility.

(c) The records required by (a) and (b), above, shall be retained for at least 3 years from the date the universal waste shipment to which it relates left the handler's facility.

Effective November 23, 2019, Env-Hw 1106.07 reads as follows:Env-Hw 1106.07 International Shipments.

(a) Except as provided in (b), below, a universal waste transporter transporting a shipment of universal waste to a foreign destination shall be subject to 40 CFR Part 262 Subpart H.

(b) A universal waste transporter who transports cathode ray tubes or shredded cathode ray tubes or components to a foreign destination shall comply with the applicable requirements of 40 CFR 261.39(a)(5)(i) through (xi), 261.40, and 261.41, but shall not be required to comply with 40 CFR 261.39(a)(1) through (4).

Effective November 23, 2019, Env-Hw 1107.03 reads as follows:

Env-Hw 1107.03 Tracking Universal Waste Shipments.

(a) The owner or operator of a destination facility shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document, of each shipment of universal waste received at the facility.

(b) The record for each shipment of universal waste received shall include the following information:

- (1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
- (2) The quantity of each type of universal waste received; and
- (3) The date of receipt of the shipment of universal waste.

(c) The owner or operator of a destination facility shall retain the records described in (a) and (b), above, for at least 3 years from the date of receipt of a shipment of universal waste.

Effective November 23, 2019, the section heading for Env-Hw 1109.02 reads as follows:

Env-Hw 1109.02 Generation of Waste Batteries.

Effective November 23, 2019, Env-Hw 1110.04 reads as follows:

Env-Hw 1110.04 Requirements for Management of Universal Waste Pesticides. A universal waste handler shall contain universal waste pesticides in one or more of the following:

- (a) A container that complies with Env-Hw 1102.03(c);
- (b) A container that does not comply with Env-Hw 1102.03(c), provided that the non-compliant container is overpacked in a container that complies with Env-Hw 1102.03(c);
- (c) A tank that complies with 40 CFR 265 Subpart J, except for 40 CFR 265.197(c) and 40 CFR 265.200; or
- (d) A transport vehicle or vessel that complies with Env-Hw 1102.03(c).

Effective November 23, 2019, the section heading for Env-Hw 1111.02 reads as follows:

Env-Hw 1111.02 Generation of Waste Mercury-Containing Devices.

Effective November 23, 2019, Env-Hw 1111.03 reads as follows:

Env-Hw 1111.03 Requirements for Management of Universal Waste Mercury-Containing Devices.

(a) A universal waste handler shall contain, using a container that meets the requirements of Env-Hw 1102.03(c), any mercury-containing device that shows evidence of leakage, spillage, or damage that could cause leakage.

(b) A universal waste handler shall not remove mercury-containing ampules from universal waste mercury-containing devices unless the handler complies with 40 CFR 273.33(c)(2), as reprinted in Appendix D, except that:

- (1) Containers of mercury resulting from spills or leaks from broken ampules shall meet the requirements of Env-Hw 507; and
 - (2) Removed intact ampules shall be stored in containers that meet the requirements of Env-Hw 1102.03(c).
- (c) An intact mercury-containing ampule that has been removed in accordance with (b), above, may be handled as a universal waste.
- (d) A universal waste handler who removes mercury-containing ampules from mercury-containing devices shall determine whether the following materials exhibit a characteristic of hazardous waste identified in Env-Hw 403:
- (1) Mercury cleanup residues or other wastes resulting from spills or leaks; and
 - (2) Other waste generated as a result of the removal of mercury-containing ampules, such as remaining thermostat units.
- (e) If the mercury residues or other waste described in (d), above, or any combination thereof, exhibit a characteristic of hazardous waste, the handler shall:
- (1) Be considered the generator of the mercury residues, or other waste, or both; and
 - (2) Comply with all applicable requirements of Env-Hw 400 through Env-Hw 800.

Effective November 23, 2019, the section heading for Env-Hw 1112.02 reads as follows:

Env-Hw 1112.02 Generation of Waste Lamps.

Effective November 23, 2019, the section heading for Env-Hw 1113.02 reads as follows:

Env-Hw 1113.02 Generation of Waste Cathode Ray Tubes.

Effective November 23, 2019, Env-Hw 1201.02 and Env-Hw 1201.03 read as follows:

Env-Hw 1201.02 Applicability. This chapter shall apply to any person who generates or transports hazardous waste and to any owner or operator of hazardous waste treatment, storage, and disposal facilities, except as provided in Env-Hw 1201.03 or in 40 CFR Part 268, 7-1-16 edition, as incorporated by reference in Env-Hw 1202.01.

Env-Hw 1201.03 Exemptions. This chapter shall not apply to:

- (a) NH-only wastes; or
- (b) Wastes generated by small quantity generators, as defined in Env-Hw 104.

Effective November 23, 2019, Env-Hw 1202.01 reads as follows:

Env-Hw 1202.01 Federal Requirements Incorporated. Except as specified in Env-Hw 1202.02, the federal land disposal requirements in 40 CFR Part 268, 7-1-16 edition, are incorporated by reference.

APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 304.04(n), 304.06, 304.31	RSA 147-A:3, III, IV, VIII-X, XIII, XXV; RSA 147-A:4; RSA 147-A:5	40 CFR 124; 40 CFR 264.1; 40 CFR 265.1; 40 CFR 270
Env-Hw 401.02(a)-(c); 401.03(a)(7), (b)(9), (b)(22)a., (b)(23)a., (b)(26)a., (b)(34)a. & b., (b)(35), (b)(36), (g)(8), (k), & (l)	RSA 147-A:3, I, II, IV & VI	40 CFR 261
Env-Hw 401.06(j); 402.04(b)	RSA 147-A:3, I, II	40 CFR 261
Env-Hw 402.06(a)	RSA 147-A:3, I, II, IV & VI	40 CFR 261
Env-Hw 403.03	RSA 147-A:3, I, II	40 CFR 261
Env-Hw 501.01; 501.02(c) & (h); 501.03	RSA 147-A:3, IV, VI	40 CFR 262.10
Env-Hw 503.03(b)-(d)	RSA 147-A:3, IV, VI	40 CFR 262.13
Env-Hw 504.01; 504.02(a) intro, (a)(13), (a)(15) & (g); 504.04	RSA 147-A:3, VI, XXVIII; RSA 147-A:6-a	40 CFR 262.10; 40 CFR 262.17; 40 CFR 262.18
Env-Hw 505.01	RSA 147-A:3, VI	40 CFR 262.18
Env-Hw 507.03(c)	RSA 147-A:3, III, IV, XIII	40 CFR 262.16; 40 CFR 262.17
Env-Hw 508.03 intro & (d)	RSA 147-A:3, III, IV, VI, XIII	40 CFR 262.14
Env-Hw 509.02(a) intro. & (7), (d) intro. & (4) & (l)	RSA 147-A:3, III, IV, VI, XIII	40 CFR 262.17
Env-Hw 509.03 intro., (h) intro. (h)(1) intro. & (h)(1)b.	RSA 147-A:3, III, IV, VI, XIII	40 CFR 262.15
Env-Hw 510.01; 510.02	RSA 147-A:3, IV, V; RSA 147-B:7; RSA 147-B:8	40 CFR 262 Subpart B
Env-Hw 510.03	RSA 147-A:3, IV, V; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9	40 CFR 262 Subpart B
Env-Hw 510.04; 510.05	RSA 147-A:3, IV, V; RSA 147-B:7; RSA 147-B:8	40 CFR 262 Subpart B
Env-Hw 510.06	RSA 147-A:3, IV, V; RSA 147-B:7; RSA 147-B:8	40 CFR 262 Subparts B & H
Env-Hw 511.01; 511.02	RSA 147-A:3, III-VI	40 CFR 262.17; 40 CFR 262.18; 40 CFR 262 Subpart B
Env-Hw 512.01	RSA 147-A:3, I-VII, XIII; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9	40 CFR 262 Subparts D & H
Env-Hw 512.02	RSA 147-A:3, I-VI; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9; RSA 147-B:11	40 CFR 262 Subpart D
Env-Hw 512.03	RSA 147-A:3, I-VI	40 CFR 262 Subparts D & H
Env-Hw 512.04	RSA 147-A:3, I-VI	40 CFR 262 Subpart D
Env-Hw 513.03	RSA 147-A:3, III, IV, VI, VII, XXV; RSA 147-A:11	40 CFR 262.16, 40 CFR 262.17
Env-Hw 601.01	RSA 147-A:3, XXV; RSA 147-A:6	40 CFR 263.10
Env-Hw 602.01	RSA 147-A:3, VIII; RSA 147-A:6	
Env-Hw 603.01	RSA 147-A:3, IV	40 CFR 263.10
Env-Hw 604.01; 604.02-604.04 (repealed)	RSA 147-A:3, V	40 CFR 263 Subpart B
Env-Hw 606.01; 606.02 (repealed)	RSA 147-A:3, IV, V	40 CFR 263 Subpart B
Env-Hw 607.01; 607.03-607.05 (repealed)	RSA 147-A:3, VI	40 CFR 263 Subpart B
Env-Hw 608.03	RSA 147-A:3, VII, XXV	40 CFR 263 Subpart C

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 609.01(f) intro., (f)(4) intro.(f)(4)e.	RSA 147-A:3, VIII, IX; RSA 147-A:6	
Env-Hw 701.01; 701.03	RSA 147-A:3, III, IV, XXV	40 CFR 264; 40 CFR 265
Env-Hw 703.01; 703.02; 704.01; 702.03 & 703.04 (repealed)	RSA 147-A:3, V, VI	40 CFR 264 Subpart E; 40 CFR 265 Subpart E
Env-Hw 705.01(b) intro., (b)(2) intro. & (b)(2)b.; (b)(16); (b)(17) & (c); 705.02(c) & (e)(4); 705.03	RSA 147-A:3, III - VI; RSA 147-B:8	40 CFR 264 Subpart E; 40 CFR 265 Subpart E
Env-Hw 706.03	RSA 147-A:3, III, IV, VI, VII, XXV; RSA 147-A:11	40 CFR 264.56; 40 CFR 265.56
Env-Hw 804.01	RSA 147-A:3, IV	40 CFR 261; 40 CFR 266
Env-Hw 807.06(b) intro. & (15)	RSA 147-A:3, I, IV, VI	40 CFR 261; 40 CFR 279
Env-Hw 808.02	RSA 147-A:3, III, IV, V, VI; RSA 147-A:5, III, IV	40 CFR 266
Env-Hw 808.03; 808.04	RSA 147-A:3, III, IV, V, VI	40 CFR 266
Env-Hw 809.01	RSA 147-A:3, III, IV	40 CFR 266
Env-Hw 809.02; 809.03	RSA 147-A:3, IV	40 CFR 266
Env-Hw 809.04	RSA 147-A:3, III, IV	40 CFR 266
Env-Hw 809.05; 809.06	RSA 147-A:3, IV, VI	40 CFR 266
Env-Hw 1101.02	RSA 147-A:3, IV	40 CFR 273
Env-Hw 1102.08; 1104.05; 1104.06; 1106.07; 1107.03	RSA 147-A:3, IV, VI	40 CFR 273
Env-Hw 1109.02 (heading change)	RSA 147-A:3, IV	40 CFR 273
Env-Hw 1110.04	RSA 147-A:3, IV, XIII	40 CFR 273
Env-Hw 1111.02 (heading change); 1111.03; 1112.02 (heading change); 1113.02 (heading change)	RSA 147-A:3, IV	40 CFR 273
Env-Hw 1201.02; 1201.03; 1202.01	RSA 147-A:3, IV & VI	40 CFR 268

APPENDIX B: INCORPORATION BY REFERENCE INFORMATION

Rule Section(s)	Reference	Source
Env-Hw 403.03(b)(1)b.	“ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester,” ASTM Standard D-3278-78	IHS Markit 15 Inverness Way East Englewood, CO 80112 (303) 397-7956; (800) 854-7179 https://global.ihs.com/doc_detail.cfm?item_s_key=00017442&item_key_date=211231&rid=GS \$75
Env-Hw 403.03(b)(1)a.	“ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester,” ASTM Standard D-93-79 or D-93-80	American Society for Testing and Materials 100 Barr Harbor Dr West Conshohocken, PA 19428-2959 (877) 909-2786 https://www.astm.org/DATABASE.CAR/T/HISTORICAL/D93-80E1.htm \$65
Env-Hw 401.06(j)	“Flammable and Combustible Liquids Code,” NFPA 30, 1977 or 1981	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269 (617) 770-3000 Free online at: http://www.nfpa.org/Assets/files/AboutTheCodes/30/TCRF-1977-325M-30-395-329.pdf
Env-Hw 510.06(b)	“Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure and Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure”	Organization for Economic Cooperation and Development, Environment Directorate 2 rue Andre´ Pascal 75775 Paris Cedex 16 France Tel: +33 1 45 24 82 00 Free online at: https://www.oecd.org/env/waste/guidance-manual-control-transboundary-movements-recoverable-wastes.pdf