

CHAPTER Env-Hw 300 PERMITS

Statutory Authority: RSA 147-A:3; RSA 541-A:16, I(b)

PART Env-Hw 301 PURPOSE AND APPLICABILITY

Env-Hw 301.01 Purpose. The purpose of this chapter is to establish a hazardous waste management facility permit system pursuant to RSA 147-A.

Env-Hw 301.02 Applicability. This chapter shall apply to any person who holds a permit for or who is required to obtain a permit for a hazardous waste management facility.

PART Env-Hw 302 DEFINITIONS

Env-Hw 302.01 “Application” means the department's standard form or the EPA standard national form for applying for a permit, the information provided on and with the form, and the fee associated with the application, as applicable.

Env-Hw 302.02 “Draft permit” means a document prepared pursuant to Env-Hw 304.19 that reflects the department’s intent to issue, modify, revoke and reissue, or reissue a permit.

Env-Hw 302.03 “Emergency permit” means a permit that is issued to allow the treatment, storage, or disposal of hazardous waste when necessary to abate or avoid an imminent and substantial endangerment to human health or the environment.

Env-Hw 302.04 “Holocene” means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

Env-Hw 302.05 “Limited permit” means a permit issued to allow the operation of an elementary neutralization unit or wastewater treatment unit.

Env-Hw 302.06 “National Pollutant Discharge Elimination System (NPDES)” means the national permit program for imposing and enforcing pretreatment requirements pursuant to §§307, 318, 402 and 405 of the Clean Water Act, as amended, 33 U.S.C. §§1251 et seq.

PART Env-Hw 303 PERMIT REQUIREMENTS; EXEMPTIONS

Env-Hw 303.01 Requirement to Obtain a Permit.

(a) No person shall construct, modify or operate a facility without first obtaining a permit from the department or without qualifying for and maintaining interim status.

(b) An operator of an existing facility that files an interim status application with the department and otherwise qualifies for interim status in accordance with Env-Hw 304.02 may operate without a standard permit or transfer facility permit until the department makes a final determination on its standard permit or transfer facility permit application. An interim status facility shall comply with all requirements established by Env-Hw 304.02 in order to maintain interim status and shall submit an application for a standard permit or transfer facility permit in a timely fashion as required by Env-Hw 304.10(b).

(c) Unless exempted by Env-Hw 303.02, the operator of a new facility shall obtain a standard permit in accordance with all requirements of Env-Hw 304 before construction or operation of the facility begins.

(d) The operator of a facility, including a generator, who operates an elementary neutralization unit or wastewater treatment unit including an evaporation unit, shall obtain a limited permit for that unit in accordance with Env-Hw 304.04.

(e) The operator of a facility shall have a duly issued permit from the department throughout the facility’s active life, including closure and post-closure care, as applicable. Denial of a permit pursuant to this chapter for the active life of a facility shall not affect the requirement to prepare and implement a closure and post-closure plan.

(f) The operator of a facility holding one or more permits issued by other New Hampshire or federal programs shall also obtain a permit pursuant to this chapter unless specifically exempted by the hazardous waste rules.

(g) When a facility is owned by one person but is operated by another person, then:

- (1) The operator shall obtain the permit; and
- (2) The owner shall also sign the permit application.

Env-Hw 303.02 Exemptions.

(a) The operator of a transfer facility shall be exempt from the prohibitions of Env-Hw 304.09(d) and (e)(6).

(b) A generator managing hazardous waste in accordance with Env-Hw 500 shall be exempt from facility permit requirements.

(c) The operator of a facility that meets the requirements of Env-Hw 701.02(a)(6), (a)(8), and (a)(9) shall be exempt from facility permit requirements.

(d) A farmer who disposes of hazardous waste pesticides from the farmer's own use in accordance with Env-Hw 501.02(a) shall be exempt from facility permit requirements.

(e) A generator who has obtained a storage permit only for hazardous waste generated on site shall be exempt from any siting requirements of Env-Hw 304.09 that are more stringent than federal requirements, provided that all hazardous waste is stored in an enclosed area.

(f) An applicant for a transfer facility permit who provides technical documentation to demonstrate the facility meets the following conditions shall be exempt from Env-Hw 304.11(a)(8):

- (1) The facility is operated so that all waste handling occurs in an enclosed building with an impervious floor designed in accordance with the criteria specified in 40 CFR Part 264, Subpart I and Subpart J;
- (2) No hazardous waste containers, tanks, and transport vehicles are located or stored at any time outside of the transfer facility building; and
- (3) The location of the transfer facility does not contravene the siting requirements of Env-Hw 304.09.

(g) A generator who receives small quantity generator waste in accordance with Env-Hw 501.02(c) shall be exempt from facility permitting requirements.

(h) A government entity that sponsors a household hazardous waste collection project that receives hazardous waste from small quantity generators shall be exempt from facility permitting requirements, provided that the hazardous waste is:

- (1) Manifested in accordance with Env-Hw 510;
- (2) Received only during a one-day household hazardous waste collection event; and
- (3) Given directly by the small quantity generator to a New Hampshire registered hazardous waste transporter during a one-day collection event.

(i) Env-Hw 304 shall not apply to universal waste handlers and universal waste transporters handling universal waste, provided the waste is managed in accordance with Env-Hw 1100.

(j) A government entity that receives household hazardous waste from another government entity shall be exempt from facility permitting requirements provided it ships the household hazardous waste off site within 90 days after receipt.

(k) Subject to (l), below, and for the duration of the emergency response only, a person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

- (1) An unplanned discharge of a hazardous waste;
- (2) An imminent and substantial threat of a discharge of hazardous waste;
- (3) A discharge of a material that, when discharged, becomes a hazardous waste; or
- (4) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist.

(l) In the case of (k), above:

- (1) A person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all applicable permitting requirements for those activities; and
- (2) In the case of emergency responses involving military munitions, the requirements of 40 CFR 270.1(c)(3)(iii) shall apply.

(m) The owner and operator of a totally enclosed treatment facility as defined in Env-Hw 104 shall be exempt from the facility permit requirements of Env-Hw 304.

PART Env-Hw 304 PERMITTING HAZARDOUS WASTE FACILITIES

Env-Hw 304.01 Standard Permits. The department shall issue standard permits for treatment, storage and disposal facilities pursuant to RSA 147-A and all applicable sections of Env-Hw 304.

Env-Hw 304.02 Qualifying for Interim Status.

(a) To be granted and to maintain interim status authorization to operate, an existing facility shall:

- (1) Notify the department in accordance with Env-Hw 702.01;
- (2) Obtain an EPA identification number;
- (3) Submit interim status part A application information in accordance with 40 CFR 270.13 no later than the earliest of the following:
 - a. Six months after the publication date of regulations that first require the facility to comply with Env-Hw 700; or
 - b. Thirty days after the facility first becomes subject to the standards set forth in Env-Hw 700.
- (4) Comply with the transfer of ownership and relinquishment of property requirements of Env-Hw 304.28;
- (5) Comply with the emergency/remedial action requirements of Env-Hw 706;
- (6) Submit a completed standard permit or transfer facility permit application in accordance with Env-Hw 304.10; and
- (7) Implement all changes at the facility during interim status, including changes in facility operation, design, ownership, or operational control, only in accordance with 40 CFR 270.72.

(b) If the department has reason to believe upon examination of an interim status part A permit application that the application fails to meet the requirements of 40 CFR 270.13, the department shall notify the owner and the operator of the facility in writing of the apparent deficiency. Such notice shall specify the grounds for the department's belief that the application is deficient. The owner or operator of the facility shall,

within 30 days from receipt, respond to such a notification and explain or cure the alleged deficiency in the permit application.

(c) An existing facility that previously has been denied a facility permit or where authority to operate the facility previously had been terminated shall not qualify for interim status.

(d) During the interim status period the facility shall not:

- (1) Treat, store, or dispose of hazardous waste not specified in the permit application;
- (2) Employ processes not specified in the permit application; or
- (3) Exceed the design capacities specified in the permit application.

(e) During the interim status period, the facility shall comply with the interim status standards set forth in Env-Hw 700.

(f) All facility operators shall comply with the following requirements for updating interim status part A applications:

- (1) Updated interim status part A applications shall be filed with the department or the EPA as required by 40 CFR 270.10(g)(1);
- (2) Interim status shall only attach to activities expressly covered by the interim status part A application; and
- (3) An operator who does not file an updated interim status part A application for new or expanded activities as allowed by 40 CFR 270.72 shall not receive interim status for those activities.

(g) Interim status shall terminate upon:

- (1) The final administrative disposition of the standard or transfer facility permit application;
- (2) Failure to furnish a completed permit application on time;
- (3) Failure to furnish information required by Env-Hw 304.11 in a timely fashion; or
- (4) Failure to comply with the conditions of this part.

(h) For any land disposal facility that was in existence on the effective date of statutory amendments or amendments to the hazardous waste rules that cause the facility to be subject to the requirement to have a hazardous waste permit, interim status shall terminate 12 months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility:

- (1) Submits, in accordance with Env-Hw 304.10, an application for a standard permit for such facility no later than 12 months after the date on which the facility first becomes subject to such permit requirement; and
- (2) Certifies, as specified in Env-Hw 207, that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

Env-Hw 304.03 Permits-by-Rule. An owner or operator shall be deemed to have a permit-by-rule if the facility meets the conditions specified in 40 CFR 270.60(a) and (c).

Env-Hw 304.04 Limited Permits.

(a) This section shall apply to owners and operators of elementary neutralization units and wastewater treatment units provided that, in the case of elementary neutralization units that are transport vehicles or vessels or containers otherwise used to transport the waste after neutralization, neutralization occurs in these units while they remain stationary and before transport of the neutralized waste begins.

(b) This section shall not apply to the owner or operator of an elementary neutralization unit or wastewater treatment unit who is a small quantity generator as described in Env-Hw 503.01.

(c) A limited permit shall be granted only if the applicant meets the conditions specified in (d) through (i), below.

(d) The owner or operator shall not treat or store a hazardous waste in an elementary neutralization unit or a wastewater treatment unit without having received an EPA identification number in accordance with Env-Hw 504.

(e) The operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into or onto the elementary neutralization unit or wastewater treatment unit, unless:

(1) Physical contact with the waste contained in the unit will not injure unknowing or unauthorized persons or livestock that may enter the unit; and

(2) Disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock into or onto the unit will not cause a violation of the requirements of this section.

(f) The operator shall inspect the elementary neutralization unit or wastewater treatment unit in accordance with 40 CFR 265.15, except that the minimum inspection frequencies cited in 40 CFR 265.15(b)(4) shall not apply.

(g) The operator of an elementary neutralization unit or wastewater treatment unit shall ensure that:

(1) The unit is constructed of sturdy, leak-proof material;

(2) The unit is designed, constructed, and operated so as to prevent hazardous wastes from being spilled or leaked into or onto any land or water during the operating life of the unit; and

(3) The treatment process conducted in the unit does not:

a. Generate extreme heat or pressure, fire or explosion, or violent reaction;

b. Produce uncontrolled toxic mists, fumes, or gases in sufficient quantities to threaten human health;

c. Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosion;

d. Damage the structural integrity of the tank or equipment containing the waste;

e. Otherwise threaten human health or the environment; or

f. Include placement of hazardous wastes or treatment reagents if they could cause the unit or any of its equipment to rupture, leak, abnormally corrode, or otherwise fail before the end of its intended life.

(h) At closure, the operator of an elementary neutralization unit or wastewater treatment unit shall remove all hazardous waste and hazardous waste residues from the unit.

(i) Within 15 days after any spill or leakage of hazardous waste from an elementary neutralization unit or wastewater treatment unit, the operator of the unit shall submit a written report to the department that contains the following information:

(1) Name, address, and telephone number of the owner or operator;

(2) Name, address, and telephone number of the facility;

(3) Date, time, and nature of the incident;

(4) Name and quantity of materials involved;

(5) The extent of injuries, if any;

(6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(7) Estimated quantity and disposition of spilled or leaked material recovered after the incident.

(j) A limited permit shall be granted only for an elementary neutralization unit or wastewater treatment unit that:

(1) Meets the applicable definition for such a unit in Env-Hw 103 or Env-Hw 104;

(2) Is subject to and in compliance with a National Pollution Discharge Elimination System (NPDES) Permit if the unit discharges directly into surface waters;

(3) Meets the best engineering judgment for such units;

(4) Has been assigned an EPA identification number, unless the unit is totally enclosed with no hazardous waste sludges produced;

(5) Is in compliance with the manifesting requirements of Env-Hw 510; and

(6) Is in compliance with the recordkeeping and reporting requirements of Env-Hw 512, for a generator, or Env-Hw 705, for an owner or operator of a hazardous waste facility.

(k) A limited permit shall be granted for a wastewater evaporation unit only if the applicant demonstrates that:

(1) The facility uses an evaporation-type unit that removes wastewaters by an evaporation/heat process;

(2) The unit is permitted for air emission discharges or demonstrates on documents that air emission discharges from the evaporation unit do not significantly impact ambient air quality; and

(3) The facility complies with the requirements of (d) through (i), above.

(l) The operator of each unit subject to this section shall complete and submit:

(1) A limited permit application on a "Hazardous Waste Limited Permit Application" form obtained from the department that includes the following information:

a. Company name;

b. EPA identification number;

c. Street and mailing addresses, if different;

d. Main telephone number;

e. Contact person, title, telephone number, and, if available, email address;

f. Names and telephone numbers of the company owner and operator, if different;

g. Type and description of business operations;

h. Permit information;

i. A list of the types and quantities of wastes to be treated;

j. A detailed description of the processes that generate the wastes;

k. Process design drawings, plans, or flow diagrams;

l. A detailed description of how the wastes are treated;

m. Engineering design plans or manufacturer technical specifications for the treatment unit(s);

n. A copy of the inspection schedule for the treatment unit(s);

o. Analytical results, from analyses conducted no more than 12 months prior to submittal of the application, for a representative sample of:

1. Wastewater, before and after treatment; and
2. Treatment sludge, if applicable;

p. Treatment sludge generation and disposal information;

q. Wastewater recycling information;

r. A copy of the related, current wastewater discharge permit;

s. A copy of any related, current air resources division permits or documentation to demonstrate that the air emissions do not significantly impact air quality; and

t. The signature of the operator certifying, as specified in Env-Hw 207, the application and that the operator understands that the State of New Hampshire incurs no liability and makes no guarantees with respect to the facility's treatment systems, its wastewater or air emission discharges, or the compliance of such discharges with state or federal regulations; and

(2) The application fee specified in Env-Hw 304.07(d) or Env-Hw 304.07(e)(7), as applicable.

(m) A limited permit shall expire 5 years from the date of issuance.

(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.

Env-Hw 304.05 Special Permits.

(a) Emergency permits shall be issued in accordance with 40 CFR 270.61.

(b) Hazardous waste incinerator permits shall be issued in accordance with 40 CFR 270.62.

(c) Permits for land treatment demonstrations using field test or laboratory analyses shall be issued in accordance with 40 CFR 270.63.

(d) Research, development and demonstration permits shall be issued in accordance with 40 CFR 270.65.

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; and

(4) 40 CFR 265 Subparts 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.

Env-Hw 304.07 Fees.

- (a) As authorized by RSA 147-A:4, II, the applicant shall remit a non-refundable fee with each permit application.
- (b) The fee for a standard permit application shall be:
- (1) \$7,500 for a disposal facility;
 - (2) \$7,500 for a treatment facility;
 - (3) \$7,500 for a storage facility;
 - (4) \$4,500 for a generator storage facility that stores 1,000 kg or more for longer than 90 days; and
 - (5) \$2,000 for a generator storage facility that stores between 100 kg and 1,000 kg for longer than 90 days.
- (c) The fee for a transfer facility permit application shall be \$4,500.
- (d) The fee for a limited permit application shall be \$750.
- (e) The fee for a permit renewal or modification application shall be:
- (1) \$4,000 for standard permit for a disposal facility;
 - (2) \$4,000 for standard permit for a treatment facility;
 - (3) \$4,000 for standard permit for a storage facility;
 - (4) \$2,500 for standard permit for a generator storage facility that stores 1,000 kg or more for longer than 90 days;
 - (5) \$1,000 for a standard permit for a generator storage facility that stores between 100 kg and 1,000 kg for longer than 90 days;
 - (6) \$3,000 for a transfer facility permit; and
 - (7) \$400 for a limited permit.
- (f) Fees paid by check or money order shall be made payable to "Treasurer, State of New Hampshire".

Env-Hw 304.08 Siting Requirements for Existing Facilities.

- (a) An existing facility may remain located in a 100-year floodplain only if:
- (1) The facility is designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood; or
 - (2) The operator ensures that all waste can be removed safely to a location where the wastes will not be vulnerable to flood waters before flood waters can reach the facility.
- (b) Floodplain determinations shall be made in accordance with 40 CFR 270.14(b)(11)(iii).
- (c) No person shall place any hazardous waste in a salt dome formation, salt bed formation, underground mine, or cave.
- (d) No portion of a facility where treatment, storage, or disposal of hazardous waste is conducted shall be located within 61 meters or 200 feet of a fault that has had displacement in Holocene time.

Env-Hw 304.09 Siting Requirements for New Facilities.

- (a) No new facility shall be issued a permit unless the applicant demonstrates that the active portion of the facility shall be sited in compliance with Env-Hw 702.09.
- (b) Landfills, land treatment facilities, piles, and surface impoundments shall not be located within the 500-year floodplain.
- (c) Transfer, treatment, storage, and disposal facilities shall not be located within the 100-year floodplain.
- (d) Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted shall not be located within 61 meters or 200 feet of a fault that has had displacement in Holocene time.
- (e) Unless a facility is granted a waiver pursuant to Env-Hw 202 or is exempt pursuant to Env-Hw 303.02, the department shall not issue a permit to a new facility whose active portion is to be sited:
- (1) Within 1,000 feet of a residence as defined in Env-Hw 104 that exists at the time an applicant submits a permit application. For the purposes of this subparagraph, a residence shall be deemed to exist as soon as actual construction of the residence has begun;
 - (2) Within 1,000 feet for transfer facilities or within 3,000 feet for treatment, storage, or disposal facilities of a school, hospital, or home for the elderly that exists at the time an applicant submits a permit application, if such an institution:
 - a. Is a publicly owned institution and the municipality or other governing body has reached the level of planning whereby it has already committed specified funds toward the purchase or lease of a specific site for the project or toward construction of the project; or
 - b. Is privately owned and the owner has already begun construction on the project;
 - (3) Within 200 feet for transfer, treatment, or storage facilities or within 500 feet for incinerators, landfills, land treatment facilities, piles, or surface impoundments of an adjacent property line;
 - (4) Within an area that has hydrologic characteristics such that an accidental discharge of hazardous waste from the active portion could take less than one year to migrate through the ground to:
 - a. The property line of the parcel on which the facility is proposed to be built;
 - b. A down-gradient discharge of groundwater to a surface water described in (9), (10), or (12), below; or
 - c. An aquifer described in (6), below;
 - (5) For landfills, land treatment facilities, piles, and surface impoundments, within an area not underlain by an aquiclude as defined in Env-Hw 103 unless an artificial barrier is installed that has a hydraulic conductivity for water of 1×10^{-7} cm per second or less and that has sufficient thickness to function as an aquiclude;
 - (6) Within an area underlain by an aquifer occurring in non-bedrock formations capable of having a safe yield greater than 200,000 gallons per day;
 - (7) Within the following distance of the intake of a surface water that is a source, or the zone of contribution for a well that is a source, for a public water system as defined in RSA 485:1-a as of the time the applicant submits a permit application:
 - a. For landfills, land treatment facilities, piles, or surface impoundments, 5,000 feet;
 - b. For treatment, storage or other disposal facilities, 3,000 feet; or
 - c. For transfer facilities, 1,000 feet;

- (8) Within the watershed of a river designated as a Class A water pursuant to RSA 485-A:9 as of the time the applicant submits a permit application;
- (9) Within 250 feet for transfer facilities or within 500 feet for treatment, storage, or disposal facilities of the edge of a river or stream having a drainage area of one square mile or more;
- (10) Within 250 feet for transfer facilities or within 1,000 feet for treatment, storage, or disposal facilities of a pond, lake, or reservoir whose surface area exceeds 10 acres;
- (11) Within 1,500 feet for landfills, land treatment facilities, piles or surface impoundments, within 750 feet for treatment, storage and other disposal facilities, or within 250 feet for transfer facilities, of the edge of a river or stream whose normal width is 100 feet or more;
- (12) Within 250 feet for transfer facilities or within 1,000 feet for treatment, storage, or disposal facilities of a wetland as regulated by RSA 482-A whose surface area exceeds 25 acres;
- (13) Within the corridor of a river designated as a natural river pursuant to RSA 483; and
- (14) Within any salt dome formation, salt bed formation, underground mine or cave.

(f) Determination of safe yield pursuant to (e)(6), above, shall be made in accordance with accepted hydrogeological practices.

Env-Hw 304.10 Permit Application Process.

- (a) Before beginning construction or operation of a new facility, including a presently operating non-hazardous waste facility that proposes to treat, store, or dispose of hazardous waste on-site, the operator shall:
 - (1) Submit a standard permit or transfer facility permit application signed in accordance with (d), below, that contains the information required in Env-Hw 304.11 and, as applicable, Env-Hw 304.18; and
 - (2) Obtain a standard permit or transfer facility permit from the department.
- (b) The operator of an existing facility shall submit a complete standard permit or transfer facility permit application, signed in accordance with (d), below, to the department no later than 12 months from the date that the department receives the interim status part A application from the facility, unless subject to an earlier deadline as provided in Env-Hw 304.02(h).
- (c) Existing facilities that do not qualify for interim status shall submit a standard permit or transfer facility permit application to the department immediately upon becoming subject to the standards in Env-Hw 700.
- (d) Signatory requirements shall be as set forth in 40 CFR 270.11.

Env-Hw 304.11 Required Standard Permit and Transfer Facility Permit Application Information.

- (a) The applicant for a standard permit or a transfer facility permit shall submit the following information:
 - (1) The Part A application information required by 40 CFR 270.13, and the Part B application information required by 40 CFR 270.14(b) through (d);
 - (2) The name of a contact person for the site;
 - (3) For new land disposal facilities, the floodplain information required by 40 CFR 270.14(b)(11), including whether the facility is proposed to be located within a 500-year floodplain;
 - (4) Facility design plans and specifications, prepared and stamped approved by a New Hampshire registered professional engineer, including a scale drawing of the facility, showing the location of all past, present, and future treatment, storage, and disposal areas in sufficient detail to provide complete information to a contractor hired to build the facility even if the owner or operator intends to construct the facility without hiring a contractor;

- (5) Construction schedule for any new construction or planned modifications to existing structures;
- (6) If the applicant is leasing the property upon which the facility is located, a certification, as specified in Env-Hw 207, from the owner of the property verifying that such a lease exists and specifying the duration of that lease;
- (7) The results of a criminal records check and a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant, submitted in accordance with RSA 147-A:4, II-c, II-d and IV-a;
- (8) Unless exempt pursuant to Env-Hw 303.02(e) or (f), a hydrogeological analysis that includes the following:
- a. Information required by 40 CFR 264.97;
 - b. An accumulation and evaluation of published or existing hydrogeological information;
 - c. An accumulation and evaluation of geological structural controls at the site to determine the site's relationship to intermediate and regional flow systems;
 - d. An assessment of the geophysical characteristics of the underlying materials so that the hydrogeological characteristics of the site can be evaluated;
 - e. A determination of the configuration of the groundwater table, including groundwater gradients of the unconfined and, where appropriate, confined aquifers;
 - f. The saturated thickness of the aquifers and the hydraulic interconnection between them;
 - g. Field data to represent high and low water table conditions;
 - h. The location of groundwater monitoring wells that are designed and will be located so as to yield the following data from which site impacts can be determined:
 1. Test pits;
 2. Well logs;
 3. Boring logs; and
 4. Well construction specifications;
 - i. An evaluation of pump tests to determine hydraulic conductivity, migration rates, and aquifer transmissivities and storativities;
 - j. A determination of background water quality, and a submittal of the sampling and analysis methods used for such determination; and
 - k. A written confirmation from the department whether a groundwater permit is required;
- (9) If applicable, the information specified in 40 CFR 270.10(j), 40 CFR 270.15, 40 CFR 270.16, 40 CFR 270.17, 40 CFR 270.18, 40 CFR 270.19, 40 CFR 270.20, 40 CFR 270.21, 40 CFR 270.23, and 40 CFR 270.26; and
- (10) Any additional information necessary to demonstrate that human health, safety and the environment will be protected.

(b) As used in (a)(8)i., above, "transmissivity" means the rate at which water of a prevailing density and viscosity is transmitted through a unit width of aquifer or confining bed under a unit hydraulic gradient.

(c) As used in (a)(8)i., above, "storativity" means the volume of water taken into or released from storage per unit change in head per unit area.

Env-Hw 304.12 Application Recordkeeping Requirements.

(a) Each applicant shall keep records of all data used to complete the permit application and any information required to be submitted with the application for not less than 3 years from the date the applicant submitted the application.

(b) The retention period for all records required by this part shall be extended automatically while any enforcement action regarding the facility is pending.

Env-Hw 304.13 Pre-Submittal Conference. Upon the applicant's request, the department shall afford the applicant an opportunity to meet with the department before submitting an application in order to review the department's permit application requirements, including, if applicable, the siting requirements of Env-Hw 304.09.

Env-Hw 304.14 Submission of Application.

(a) The applicant shall submit:

- (1) The original and 3 copies of the application and all supporting materials required by Env-Hw 304.10;
- (2) A cover letter signed by the applicant certifying, as specified in Env-Hw 207, that the submitted application meets all necessary application requirements sufficient to render it technically adequate to undergo an engineering review; and
- (3) The fee required by Env-Hw 304.07.

(b) An applicant who wishes to apply for a waiver to any provision of Env-Hw 304.09(e) shall do so pursuant to Env-Hw 202 at the time the application is submitted. The department shall address the applicant's waiver request within its site evaluation.

Env-Hw 304.15 Determination of Completeness.

(a) Upon receipt of a permit application, the department shall determine whether the application is complete by carefully evaluating all technical information submitted by the applicant to ensure that the submitted information is adequate, accurate, and technically sufficient to meet the submittal requirements of the hazardous waste rules.

(b) The application shall not be deemed complete unless it clearly demonstrates that the proposed facility is capable of being operated safely and that the operation of the facility will not pose an unreasonable risk or threat to human health or the environment.

(c) If the application is deemed to be incomplete, the department shall suspend its review of the application and send a letter to the applicant that states the reason for incompleteness.

(d) The applicant shall resubmit the application only if all deficiencies noted by the department in the letter of incompleteness are addressed.

(e) If the department determines that a standard permit application is complete, the department shall review the application in accordance with Env-Hw 304.17 through Env-Hw 304.23. If the department determines that a transfer facility permit application is complete, the department shall review the application in accordance with Env-Hw 304.21 through Env-Hw 304.23.

Env-Hw 304.16 Notification Upon Receipt of Completed Applications.

(a) Upon determining that a standard permit application is complete according to the criteria set forth in Env-Hw 304.15, the department shall:

- (1) Send a letter to the applicant informing the applicant that the application is considered to be complete and will undergo the review process specified in Env-Hw 304.17;
- (2) Send written notification to the local governing body of the receipt of the completed application so that a municipal review committee can be appointed in accordance with RSA 147-C:2;

(3) For new facilities, send notification to the siting board along with the application for its review pursuant to RSA 147-A:4-a; and

(4) Within 15 days of determining that an application is complete, notify the general public as specified in Env-Hw 304.21 that the completed application is available for review.

(b) If the department determines that a transfer facility permit application is complete, a notification of the department's completeness determination shall be sent to:

(1) The applicant;

(2) The local governing body for the town in which the facility is proposed to be located; and

(3) The general public in accordance with Env-Hw 304.21.

Env-Hw 304.17 Evaluation of Complete Standard Permit Application.

(a) After the application is deemed complete in accordance with Env-Hw 304.15, the commissioner or designee shall assign a staff engineer to conduct a complete technical review of the application, including a determination as to whether the proposed facility could be sited or operated, or a proposed activity could be conducted, such that human health, safety, and the environment will be protected.

(b) The engineer assigned pursuant to (a), above, shall evaluate all information submitted with the application, all facility requirements, all information submitted during the public comment period and public hearings conducted in accordance with Env-Hw 304.21, and all information provided by the siting board pursuant to RSA 147-A:4-a.

Env-Hw 304.18 Result of Evaluation of Complete Application for New Treatment, Storage or Disposal Facilities. For any application for a new treatment, storage, or disposal facility, if the department determines that the permit application does not contain sufficient information to determine whether the proposed facility could be sited or operated, or the proposed activity could be conducted, such that human health, safety, and the environment will be protected, the applicant shall, upon request by the department, submit the following information:

(a) A health assessment that evaluates the hazardous nature of the wastes that will be handled at the facility and their potential impact on public health resulting from the operation of the facility, including the following:

(1) Data on the hazardous wastes regarding:

a. Known or suspected health effects associated with the wastes being handled, including information on acute toxicity, chronic toxicity, carcinogenicity, mutagenicity, teratogenicity and reproductive effects;

b. Environmental persistence in soil, air, and water;

c. Bioaccumulation potential;

d. Emission or discharge rates of the hazardous wastes or by-products from the facility;

e. Potential pathways of human exposure or environmental receptors to the hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures; and

f. Existing regulatory or suggested exposure limits for the hazardous wastes or their by-products; and

(2) Identification and discussion of the applicant's health and safety procedures and control measures intended to minimize the public health and safety risks associated with the facility's operation and location based on the health assessment;

(b) An ecological analysis of the potential adverse effects to the local biotic habitat due to accidental discharge of hazardous waste that describes the environment of the area of the facility and includes a biologist's

report that lists the wildlife species known to live in or migrate through the environmental area and evaluates the potential adverse biological effects of such a discharge upon said species;

(c) An air impact analysis that includes the following:

- (1) An identification of all pollutants and their emission rates from all emission points at the facility including mobile, fugitive, and stack emissions;
- (2) The seasonal emission variation;
- (3) Process and control technology information;
- (4) The ambient background concentrations for all pollutants;
- (5) Modeled ground-level concentrations for all pollutants using EPA guidelines; and
- (6) The impact on soils, vegetation, visibility, climate, meteorology, and terrain;

(d) A transportation impact and safety analysis that assesses the potential public health and environmental risks associated with transporting hazardous waste to the facility, with a focus upon those primary and alternate routes most likely to be used by transporters traveling to the facility from their point of exit off the nearest divided, limited-access highway, and frontage roadways providing immediate, direct access to the facility, that includes the following:

- (1) Identification of all routes and frontage roads by federal, state and/or local name within each of the major transportation corridors, and a map or maps that clearly depict each of these routes;
- (2) A description of each major transportation corridor and each frontage roadway in each route identified pursuant to (1), above, that includes all relevant information pertaining to the safe transportation of the types of hazardous wastes to be transported to and from the facility, including but not limited to type, width, and condition of the routes in question;
- (3) A description of the type, size, and configuration of vehicles expected to be transporting hazardous waste to the facility;
- (4) Identification of all road segments existing in each route identified pursuant to (1), above, that are structurally, functionally, or topologically deficient based on the latest American Association of State Highway and Transportation Officials (AASHTO) standards, New Hampshire department of transportation adjusted sufficiency ratings, and sound engineering judgment;
- (5) A discussion of all known or planned highway improvements that could affect each route identified pursuant to (1), above;
- (6) A general traffic study for each route identified pursuant to (1), above, including data pertaining to average daily traffic volumes and peak hour traffic volumes, as well as all appropriate capacity analyses, and to the proposed facility's impact upon the generation of new traffic and new traffic patterns;
- (7) Identification and engineering analysis of all accidents that have occurred within the previous 5 years along each route identified pursuant to (1), above, with particular emphasis placed upon those accidents that could have posed public health or environmental risks had they involved a vehicle transporting hazardous waste;
- (8) Identification of and an emergency response analysis for each location along each route identified pursuant to (1), above, where there is reasonable potential for the occurrence of future accidents and where there is reasonable potential for the occurrence of public health and environmental risks should such accidents involve a vehicle transporting hazardous waste; and
- (9) An analysis of improvements that might be incorporated along each route identified pursuant to (1), above, to reduce the risks associated with the transportation of hazardous wastes along said roads, such as the correction of topological or structural deficiencies or the upgrading of traffic control devices and signing.

Env-Hw 304.19 Preparation of Draft Permit and Fact Sheets.

- (a) If the department determines that the application demonstrates that the proposed facility could be sited and operated, or the proposed activity could be conducted, such that human health, safety, and the environment will be protected, the department shall prepare a draft permit based on the administrative record as defined by 40 CFR 124.9.
- (b) The draft permit shall contain the following information:
- (1) All required general and specific conditions;
 - (2) All compliance schedules;
 - (3) All monitoring requirements; and
 - (4) Standards for treatment, storage, and disposal, as applicable, and other permit conditions.
- (c) All draft permits prepared by the department shall be accompanied by a fact sheet that:
- (1) Briefly sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit;
 - (2) Describes the type of facility or transfer facility or activity covered by the draft permit;
 - (3) Identifies the type and quantity of wastes proposed to be treated or being treated, stored, disposed of, emitted, or discharged;
 - (4) Summarizes the basis for the draft permit conditions including applicable regulatory citations;
 - (5) Describes the procedures for making a final decision on the draft permit;
 - (6) Describes the procedures for public comment and hearing, including:
 - a. The beginning and ending date of the public comment period;
 - b. The mailing address and an email address to which comments may be sent;
 - c. The procedures for requesting a hearing and the nature of that hearing; and
 - d. Any other procedures by which the public may participate in the final decision;
 - (7) Lists the name and telephone number of an individual at the department to contact for further information; and
 - (8) Describes the reasons why any requested waivers or alternatives to required standards do or do not appear justified.
- (d) The department shall distribute and publish the fact sheet and the draft permit and make the fact sheet, the draft permit, and the rest of the administrative record available for public comment in accordance with Env-Hw 304.20 and Env-Hw 304.21.

Env-Hw 304.20 Review of Draft Permit by the Applicant.

- (a) The department shall provide a copy of the draft permit to the applicant for review. The applicant shall have 30 days from the date the department mailed the draft permit to the applicant to review the draft permit and submit comments and suggested revisions to the department.
- (b) If the applicant is unable to complete the review and submit comments within 30 days, the applicant may request the department to allow additional time. If the applicant requests additional time, the department and the applicant shall confer to determine a new deadline for submitting comments. This request shall not be subject to Env-Hw 202 relative to waivers.

(c) The department shall review all comments and suggested revisions submitted by the applicant. If the department determines that requested changes meet the requirements of Env-Hw 304 and Env-Hw 700, the department shall incorporate the suggested revisions into the draft permit.

(d) After the applicant's review has been completed and after any revisions have been incorporated into the draft permit, the department shall solicit public comments as specified in Env-Hw 304.21.

Env-Hw 304.21 Public Involvement in the Permitting Process.

(a) The department shall give public notice whenever:

- (1) A complete permit application has been received;
- (2) A draft permit has been prepared;
- (3) A notice of intent to terminate has been issued pursuant to Env-Hw 304.27;
- (4) A public hearing has been scheduled; or
- (5) An appeal has been filed with the waste management council.

(b) Public notice that a completed application or a notice of intent to terminate is available for public review shall allow for not less than 30 days after the date of the notice to submit public comment or request a public hearing, or both.

(c) Public notice that a draft permit has been prepared shall allow for not less than 45 days after the date of the notice to submit public comment or request a public hearing, or both.

(d) The department shall provide public notice by:

- (1) Publishing a notice in a newspaper of daily statewide circulation, in a local newspaper, on the department's website, and by broadcast over local radio stations;
- (2) Mailing a copy of the notice and, if available, a copy of the fact sheet and the draft permit to:
 - a. The applicant;
 - b. Each New Hampshire agency that implements any program(s) that could be affected by or is required to issue permits for the proposed facility, including but not limited to cultural and historic resources and coastal zone management;
 - c. Federal agencies having jurisdiction over fish and wildlife resources that could be affected by the proposed facility;
 - d. Each affected Indian tribe, if any;
 - e. Each unit of local government having jurisdiction over the area where the facility is to be located; and
 - f. Persons on a mailing list compiled from:
 1. Persons who have requested in writing to be on the list;
 2. Responses to a solicitation of persons on area lists of participants in past permit proceedings in the area; and
 3. Responses to notifications to the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals; and
- (3) Any other method calculated to give actual notice of the action in question to persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(e) During the comment period, any person may submit comments, request a non-adjudicative public hearing, or both, as follows:

(1) All comments and requests shall be in writing and identify the person submitting the comments or request by name and affiliation; and

(2) A request for a public hearing shall include a short statement regarding the need for a hearing.

(f) If a public hearing is to be held, the department shall give public notice of the hearing not less than 30 days before the hearing as specified in (d), above.

(g) All public notices issued pursuant to this section shall include the following information:

(1) The name and address of the department;

(2) The name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(3) A brief description of the business conducted at the facility or transfer facility or activity described in the permit application or draft permit;

(4) The locations where and times during which the permit application and other applicable documents are available for review;

(5) A statement that all information submitted by the applicant is available as part of the administrative record;

(6) The name, address, and telephone number of an individual at the department from whom interested persons may obtain further information, including a copy of the fact sheet, draft permit, and the application;

(7) A brief description of the public comment procedures, including:

a. A statement of how a hearing can be requested or, if a hearing has already been scheduled, the date, time, and place of the hearing; and

b. Other procedures by which the public may participate in the final permit decision;

(8) The date(s) of previous public notices relating to the topic, if any;

(9) A brief description of the nature of the hearing, if applicable; and

(10) Any additional information considered necessary or proper.

(h) If a final permit is issued, the department shall:

(1) Prepare a summary of the comments and the department's responses to the comments, which shall:

a. Identify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for that change; and

b. Describe and respond to comments on the fact sheet and on the draft permit that were raised during the comment periods or during the hearing; and

(2) Make the summary available to the public.

(i) Public hearings shall be as follows:

(1) A public hearing shall be mandatory for disposal facilities, or if the department receives written notice of opposition to a draft permit and a request for a hearing within 45 days after public notice is issued pursuant to (d), above;

(2) In all other cases, a public hearing shall be held if such a hearing will clarify one or more issues involved in the permit decision;

(3) All public hearings shall be conducted according to the procedures applicable to non-adjudicative proceedings specified in Env-C 200; and

(4) Whenever possible, all public hearings shall be held at a location near the proposed or existing facility.

Env-Hw 304.22 Permit Issuance.

(a) Prior to making a decision on an application, the department shall evaluate all duly-submitted information, including the completed application, all public comments received, all hearing testimony, and the draft permit if one was prepared.

(b) The department shall issue the permit in whole or in part or deny the application either in its entirety or only as to the active life of the facility based upon whether the information demonstrates compliance with the requirements of Env-Hw 700, RSA 147-A:4, II-a, RSA 147-A:4, II-d, and any other applicable provisions.

(c) The department shall not issue a standard permit unless the location has been approved by a siting board pursuant to RSA 147-A:4-a.

(d) The department shall inform the applicant of its decision no later than 90 days after the final date that the public may submit comments.

(e) A standard permit, transfer facility permit, or limited permit shall, subject to modification, suspension, or revocation by the department, be valid for 5 years unless a shorter term is requested by the applicant based on the anticipated need for the permit.

(f) Any permittee may seek renewal of a permit pursuant to Env-Hw 304.31.

(g) Issuance or denial of a standard permit or transfer facility permit shall terminate any interim status held by the facility.

(h) If an applicant is issued a standard permit or transfer facility permit, the owner or operator may begin construction of the facility in accordance with conditions of the permit.

(i) An owner or operator shall not commence operation of a new facility or any modified portion of an existing facility before:

(1) Construction has been completed;

(2) The department has received a letter signed by the owner or operator and a New Hampshire registered professional engineer certifying, as specified in Env-Hw 207, that the facility has been constructed in compliance with the standard permit or transfer facility conditions; and

(3) The department has verified the facility's compliance and has notified the owner or operator in writing that operation of the facility may begin.

Env-Hw 304.23 Permit Application Denial.

(a) If a permit application is denied, the following shall apply:

(1) The department shall send written notice of denial to the applicant by registered mail, return receipt requested;

(2) The notice of denial shall include a list of specific reasons for denial; and

(3) The applicant whose permit application has been denied may appeal such denial to the waste management council in accordance with Env-WMC 200.

(b) If a permit application is denied, the owner or operator may reapply to the department after making necessary modifications to the original permit application. The applicant shall submit the appropriate fee, as specified in Env-Hw 304.07(b) through (d), with any such reapplication.

Env-Hw 304.24 Permit Conditions and Schedules of Compliance.

(a) All facility permits shall contain terms and conditions necessary for the operator to comply with the hazardous waste rules.

(b) Permit conditions shall be in accordance with 40 CFR 270.30, 270.31, and 270.32.

(c) The department shall establish conditions to ensure compliance with all applicable requirements of RSA 147-A and the hazardous waste rules.

(d) Schedules of compliance shall be in accordance with 40 CFR 270.33.

(e) For purposes of this section, “schedule of compliance” means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements, such as actions, operations, or milestone events, leading to compliance with RSA 147-A and the hazardous waste rules.

Env-Hw 304.25 Permit Modification Requested by Permittee. Any permittee who seeks to modify a permit shall proceed as specified in 40 CFR 270.42(a) through (e), (g) and (h) and Appendix I to Section 270.42.

Env-Hw 304.26 Permit Modification or Revocation and Reissuance Initiated by the Department Including Modification or Revocation and Reissuance Requested by Third Parties.

(a) The department shall initiate a permit modification if cause as listed in 40 CFR 270.41(a) or (b), 7-1-05 edition, is shown.

(b) When a permit is modified pursuant to this section, only the conditions subject to modification shall be reopened when a draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the permit.

(c) The department shall initiate a permit revocation and reissuance proceeding if the criteria for permit revocation and reissuance established in 40 CFR 270.41(b), 7-1-05 edition, are met.

(d) When a permit is revoked and reissued pursuant to this section, the entire permit shall be subject to revision just as if the permit had expired and the permit reissued for a new term.

(e) The permittee shall comply with all conditions of the existing permit during modification proceedings or permit revocation and reissuance proceedings until a new final permit is issued.

(f) Suitability of the facility location shall not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists that was unknown at the time of permit issuance.

(g) Any interested third party may request modification or revocation and reissuance of a permit. All requests shall be in writing and contain facts or reasons supporting the request.

(h) The department shall follow the procedures set forth below when it initiates a permit modification or revocation and reissuance pursuant to this section:

(1) If necessary to assist the department’s decision to modify a permit, the permittee shall submit additional information and an updated application;

(2) In the case of a permit to be revoked and reissued, the permittee shall submit a new application and such additional information as is necessary to assist the department's decision;

- (3) The department shall prepare a draft permit incorporating the proposed changes in accordance with Env-Hw 304.20;
- (4) The department shall make the draft permit available to the permittee for review and allow for public comment in accordance with Env-Hw 304.21;
- (5) At the end of the public comment period, the department shall give the permittee an opportunity for an adjudicative hearing in accordance with the applicable provisions of RSA 541-A and Env-C 200 before modifying or revoking and reissuing the permit;
- (6) If a permittee wishes to request an adjudicative hearing, the permittee shall:
 - a. Submit a written request for a hearing to the department no later than 30 days after the department issues its draft permit; and
 - b. Include in the request a short and plain statement of the permittee's objections or concerns with regard to the department's proposed action, a summary of the permittee's compliance history and current compliance status, and any other relevant information;
- (7) If both a public hearing is requested during the public comment period and an adjudicative hearing is requested by the permittee pursuant to this section, the department shall determine whether to hold a single hearing or two separate hearings; and
- (8) If a single hearing is held, it shall be conducted as an adjudicative hearing in accordance with the applicable provisions in Env-C 200, and public notice shall be given in accordance with Env-Hw 304.21.

Env-Hw 304.27 Termination of Permits.

- (a) If the department receives information that indicates good cause, as defined in (b), below, exists to terminate a permit or refuse to renew a permit the department shall proceed in accordance with (d) through (k), below.
- (b) The following shall constitute good cause for permit termination or permit nonrenewal:
 - (1) Noncompliance by the permittee with any condition of the permit;
 - (2) The permittee's failure in the permit renewal application or during the permit renewal process to disclose fully all relevant facts, or the permittee's misrepresentation by act or omission of any relevant facts at any time;
 - (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit termination, suspension, or nonrenewal;
 - (4) Noncompliance by the permittee with any applicable standard, requirement, or provision set forth in the hazardous waste rules or RSA 147-A; or
 - (5) Noncompliance by the permittee with any administrative order, compliance schedule, judicial decree, or consent agreement issued pursuant to the hazardous waste rules or RSA 147-A.
- (c) Any person may request the termination or nonrenewal of a permit. All requests shall be in writing and shall contain facts or reasons supporting the request.
- (d) If the department decides to terminate or refuse to renew a permit, the department shall issue a notice of intent to terminate to the permittee.
- (e) The notice of intent to terminate shall:
 - (1) Contain the reasons supporting the department's decision to terminate or refuse renew;
 - (2) Be based upon the administrative record; and
 - (3) Include a fact sheet prepared in accordance with Env-Hw 304.19.

(f) The department shall give public notice of the notice of intent to terminate in accordance with Env-Hw 304.21.

(g) At the end of the public comment period specified in Env-Hw 304.21(b), the permittee may request an adjudicative hearing in accordance with the applicable provisions of RSA 541-A and Env-C 200.

(h) If a permittee wishes to request an adjudicative hearing, the permittee shall:

(1) Submit a written request for a hearing to the department no later than 30 days after the department issues its notice of intent to terminate; and

(2) Include in the request, a short and plain statement of the permittee's objections or concerns with regard to the department's proposed action, a summary of the permittee's compliance history and current compliance status, and any other relevant information.

(i) The department shall order the immediate suspension of a permit in whole or in part, if the department finds that public health, safety or welfare requires emergency action.

(j) An order of suspension shall act as a temporary termination or modification of the permit, as specified in the department's order and shall be immediately effective.

(k) The order shall be vacated if the department does not begin an adjudicative proceeding in accordance with the applicable provisions of RSA 541-A and Env-C 200 within 10 business days of the issuance of the suspension order.

Env-Hw 304.28 Transfer of Permits. Transfer of permits shall be in accordance with 40 CFR 270.40, 7-1-05 edition and RSA 147-A:4, IV-a.

Env-Hw 304.29 Appeals.

(a) The permittee may appeal to the waste management council in accordance with RSA 147-A:15 within 30 days of the issuance of a final decision of the department to:

(1) Grant or deny a permit application, in whole or in part;

(2) Grant or deny the permittee's request for permit modification;

(3) Modify or revoke and reissue a permit;

(4) Terminate a permit or refuse to renew a permit; or

(5) Suspend a permit.

(b) Any other person aggrieved by a final permitting decision of the department may appeal in accordance with (a), above, if that person has standing as determined pursuant to Env-WMC 200.

Env-Hw 304.30 Continuation of Expiring Permits.

(a) If a permittee wishes to continue a permitted activity after the expiration date of the permit, the permittee shall apply for and obtain a permit renewal.

(b) An expiring permit shall remain valid in accordance with 40 CFR 270.51(a)-(d) and RSA 541-A:30 if the permittee has submitted an application for renewal in accordance with Env-Hw 304.31.

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 before the permit expires.

(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 fees and 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).

APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulations Implemented
Env-Hw 301	RSA 147-A:3; RSA 147-A:4	40 CFR 124; 40 CFR 264.1; 40 CFR 265.1; 40 CFR 270.60
Env-Hw 302	RSA 147-A:3, VIII, IX, IX-a, XXV; RSA 147-A:4; RSA 541-A:30	40 CFR 124; 40 CFR 264.1; 40 CFR 265.1; 40 CFR 270.60
Env-Hw 303	RSA 147-A:3, VIII, IX, IX-a, XI, XXV; RSA 147-A:4; RSA 147-A:4-b; RSA 147-A:5, I	40 CFR 124; 40 CFR 264.1; 40 CFR 265.1; 40 CFR 270.60
Env-Hw 304	RSA 147-A:3, III, IV, VII-XI, XIII, XXV; RSA 147-A:4; RSA 147-A:4-a; RSA 147-A:4-b; RSA 147-A:5; RSA 147-A:15; RSA 147-C:2; RSA 541-A:30	40 CFR 124; 40 CFR 264.1; 40 CFR 265.1; 40 CFR 270.60