

CHAPTER Env-Hw 600 REQUIREMENTS FOR HAZARDOUS WASTE TRANSPORTERS

Statutory Authority: RSA 147-A:3

PART Env-Hw 601 APPLICABILITY AND EXEMPTIONS

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.

(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; and

(4) Applicable rules adopted by the New Hampshire department of safety.

(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.

Env-Hw 601.02 Exemptions.

(a) This chapter shall not apply to the on-site transportation of hazardous wastes by generators or by owners or operators of permitted hazardous waste facilities.

(b) This chapter shall not apply to small quantity generators who self-transport 55 gallons or less of their own hazardous waste provided that:

(1) The waste is transported in:

a. Containers meeting the US DOT specifications for hazardous materials; and

b. Full, sealed, labeled containers that are compatible with the waste;

(2) Except as provided in Env-Hw 501.02(c), all manifest requirements of Env-Hw 510 and Env-Hw 604 are met;

(3) The generator has a mechanism for financial responsibility in the following amounts:

a. For bodily injury or death of each person in any one accident, \$50,000; and

b. For loss or damage in any one accident to the property of others, \$50,000; and

(4) Except as provided in Env-Hw 511.01(f), the waste is transported to a facility authorized under the destination state's rules to handle the hazardous waste.

(c) This chapter shall not apply to government entities that accumulate household hazardous waste and transport this waste in accordance with Env-Hw 501.02(b).

(d) This chapter shall not apply to universal waste handlers and universal waste transporters transporting universal waste, provided that the waste is managed in accordance with Env-Hw 1100.

(e) This chapter shall not apply to transportation during an explosives or munitions emergency response conducted in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv), 40 CFR 265.1(c)(11)(i)(D) or (iv), and 40 CFR 270.1(c)(3)(i)(D) or (iii), as applicable.

PART Env-Hw 602 TRANSPORTER REGISTRATION AND NOTIFICATION

Env-Hw 602.01 Transporter Registration Requirements.

(a) 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.

(b) A copy of the transporter's valid registration or registration confirmation letter shall be displayed or surrendered for examination upon request of any peace officer or authorized employee of the department.

Env-Hw 602.02 Notification; EPA Identification Number.

(a) A hazardous waste transporter who operates from a New Hampshire location shall notify the department prior to conducting any hazardous waste activities covered under the hazardous waste rules.

(b) Subject to (c), below, a transporter that has not previously notified the department shall do so within 30 days of the effective date of any statutory or regulatory amendments that require the transporter to be registered as a New Hampshire hazardous waste transporter.

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

(d) A transporter shall not transport hazardous wastes without having received an EPA identification number from the department, another state, or EPA.

Env-Hw 602.03 Notification Requirements.

(a) The notification required by Env-Hw 602.02 shall be given by completing and submitting to the department a notification form obtained from the department, that includes the following:

- (1) The information specified in Env-Hw 504.02(a), as applicable;
- (2) Whether the transporter proposes to operate a transfer facility at the site; and
- (3) A statement signed by the transporter's authorized representative certifying, as specified in Env-Hw 207, the information provided on the notification form.

(b) A transporter shall notify the department in writing of any changes to the information required by (a), above, within 30 days of such a change.

Env-Hw 602.04 Notification Determination.

(a) If the department, upon examination of a notification submitted as specified in Env-Hw 602.03, determines that the transporter has not provided all of the information required by Env-Hw 602.03, the department shall notify the transporter in writing of each deficiency.

(b) The transporter shall, no later than 30 days from receipt of the notice of deficiency, explain or correct the alleged deficiency.

(c) If the transporter does not respond within 30 days, the transporter shall submit a new notification prior to engaging in any regulated hazardous waste activities.

(d) If a transporter's notification is deemed complete, the department shall assign an EPA identification number to the transporter.

PART Env-Hw 603 REQUIREMENTS FOR SAFETY AND FOR IDENTIFYING WASTES AND VEHICLES

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) The applicable New Hampshire or EPA waste number(s); 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.

Env-Hw 603.02 Vehicle Identification.

- (a) A transporter shall display the following on both sides of each power or waste carrying unit used to transport hazardous waste:
- (1) The name of the transporter’s company, corporation, association, or proprietorship;
 - (2) The city and state where the transporter’s business office is located; and
 - (3) The transporter’s registration number.
- (b) The information required by (a), above, shall be in lettering that:
- (1) Is permanent and legible; and
 - (2) Contrasts with the background.
- (c) For (a)(1) and (3), above, the lettering shall be a minimum of 3 inches high.

(d) When a vessel or vehicle that has been registered and marked changes ownership, the registrant shall permanently remove the name and transporter registration number from both sides of all power and waste carrying units being transferred prior to or upon transfer.

Env-Hw 603.03 Security.

(a) A transporter shall secure all loads of hazardous waste when left unattended so as to minimize access by unauthorized individuals.

(b) Vehicles on which the cargo carrying portion can be closed and locked shall be closed and locked whenever the vehicle is left unattended.

Env-Hw 603.04 Personnel Training. A transporter shall comply with the training requirements specified in 49 CFR Part 172 Subpart H.

Env-Hw 603.05 Contingency Plan and Emergency Procedures.

(a) A transporter shall maintain a written current contingency plan and emergency procedures, as specified in (b), below, in each transport vehicle.

(b) The contingency plan and emergency procedures shall include the following information:

(1) A brief description of the actions the transporter will take in the event of a fire, explosion, or discharge of hazardous waste to the air, soil, or surface water;

(2) Names, addresses, and home and office telephone numbers of all persons employed by the transporter who are qualified to act as emergency coordinator;

(3) Telephone number of the department's emergency response team, as listed in Appendix E, Monday through Friday, 8:00 a.m. to 4:00 p.m.; and

(4) Telephone number of the New Hampshire state police headquarters communications unit, as listed in Appendix E, 24 hours per day.

Env-Hw 603.06 Preparedness and Prevention. A transporter shall:

(a) Comply with the preparedness and prevention requirements specified in 40 CFR Part 265 Subpart C if hazardous waste is stored in New Hampshire by the transporter for more than 24 hours; and

(b) Notify local emergency officials that hazardous waste is being stored in New Hampshire for greater than 24 hours.

Env-Hw 603.07 Financial Responsibility. A transporter shall meet the financial responsibility requirements of 49 CFR 387.9.

Env-Hw 603.08 Vehicle and Vessel Requirements. A transporter shall carry in each vehicle and with each vessel:

(a) A copy of the transporter's valid registration or registration confirmation letter, which shall be displayed and surrendered for examination upon request of any peace officer or department official or employee;

(b) A copy of the contingency plan and emergency procedures specified in Env-Hw 603.05; and

(c) Spill control equipment such as absorbent granular product or absorbent rags.

PART Env-Hw 604 MANIFESTS

Env-Hw 604.01 General Manifest Requirements.

- (a) Except as provided in Env-Hw 510.01(b) and subject to (h), below, a transporter shall not accept hazardous waste without a manifest signed and completed by the generator in accordance with Env-Hw 510.01(a), Env-Hw 510.02, and Env-Hw 510.03.
- (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) A transporter shall sign and date all manifests.
- (d) An initial transporter shall return a signed and dated copy of the manifest to the generator before leaving the generator's property.
- (e) A transporter shall ensure that 5 copies of the manifest accompany the waste at all times during transit.
- (f) A transporter who delivers a hazardous waste to another transporter shall:
- (1) Obtain the date of delivery and the handwritten signature of that transporter on the manifest;
 - (2) Duplicate one copy of the manifest and retain the duplicate in accordance with Env-Hw 607.01; and
 - (3) Give the remaining copies of the manifest to the accepting transporter.
- (g) Upon delivery to the designated or alternate facility, a transporter shall:
- (1) Obtain the date of delivery and the handwritten signature of the operator of the designated or alternate facility on the manifest;
 - (2) Retain one copy of the signed manifest in accordance with Env-Hw 607.01; and
 - (3) Give the remaining copies of the signed manifest to the operator of the facility.
- (h) 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.

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.

PART Env-Hw 605 RECEIPT OF LIQUID HAZARDOUS WASTE

Env-Hw 605.01 Requirements for Receipt of Liquid Hazardous Waste. Notwithstanding any other requirements of this chapter, when liquid hazardous waste is transferred to a tank on a transport vehicle, the transporter shall:

- (a) Measure by metering, sticking, or weighing, the amount of liquid hazardous waste collected and transferred to the tank; and
- (b) Record the amount of hazardous waste measured on the accompanying manifest.

PART Env-Hw 606 DELIVERY

Env-Hw 606.01 Requirements for Delivery.

- (a) A transporter shall deliver the entire quantity of hazardous waste that the transporter has accepted from a generator or a transporter to:
 - (1) A continuing transporter;
 - (2) The designated facility on the manifest, including a facility outside the United States; or
 - (3) The alternate facility designated by the generator, including a facility outside the United States, if the hazardous waste cannot be delivered to the designated facility because an emergency prevents delivery.
- (b) A transporter shall deliver hazardous waste as described in (a), above, within 10 days of the time the hazardous waste leaves the generator's facility.

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).

PART Env-Hw 607 RECORDKEEPING AND REPORTING

Env-Hw 607.01 Recordkeeping.

(a) A transporter shall keep a copy of each manifest signed by the generator, any prior transporters, themselves, and the next designated transporter or operator of the authorized facility for a period of 3 years from the date the hazardous waste was accepted by the initial transporter.

(b) Manifests may be retained on electronic media if available during inspection by the department.

Env-Hw 607.02 Annual Reporting for Transporting Used Oil. A registered transporter who transports used oil pursuant to Env-Hw 807.07 shall meet the annual reporting requirements of Env-Hw 807.07(e) through (h) for the used oil transportation activities.

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.

PART Env-Hw 608 EMERGENCY ACTION/REMEDIAL ACTION

Env-Hw 608.01 Immediate Discharge Response Actions.

(a) In the event of any discharge of hazardous waste or of a material that when discharged becomes a hazardous waste that poses a threat to human health or the environment, including but not limited to a discharge into storm drains or sanitary sewers, onto the land, or into the air, groundwater or surface waters, the transporter shall report the discharge:

- (1) Immediately, not to exceed one hour from the discovery of the release; and
- (2) To local emergency officials and to:
 - a. The department's emergency response team at the telephone number listed in Appendix E, Monday through Friday, 8:00 a.m. to 4:00 p.m.; or
 - b. The New Hampshire state police headquarters communications unit at the telephone number listed in Appendix E, 24 hours per day.

(b) A transporter who has discharged hazardous waste also shall comply with all other applicable requirements of 40 CFR 263.30(c) or (d), including providing any required reports and notifications.

Env-Hw 608.02 Discharge Cleanup.

(a) A transporter shall immediately contain and clean up, within 24 hours, any discharge of hazardous waste or material that when discharged becomes a hazardous waste, if that discharge occurs while the hazardous waste or material is under the control of the transporter.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours, the transporter shall submit within 5 days of the discharge a cleanup plan to the department for approval prior to implementation, except as provided in (e), below.

(c) The cleanup plan shall:

- (1) Provide for the protection of human health and the environment;
- (2) Provide for the removal and proper disposal of the contamination source;
- (3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the clean up is successful; and
- (4) Include a time table for completion.

(d) The department shall review the proposed cleanup plan and approve it if it determines that the cleanup plan meets the criteria set forth in (c), above.

(e) The transporter shall implement the cleanup plan as approved by the department pursuant to (d), above.

(f) To minimize contamination, reduce risk of exposure, and promote more timely response actions, the transporter may begin discharge response actions before the cleanup plan is submitted to or approved by the department, provided the transporter:

- (1) Incorporates the self-initiated response measures into the report submitted to the department pursuant to (g), below; and
- (2) Complies with all other applicable local, state, and federal requirements.

(g) Within 30 days of completion of the clean-up, the transporter shall submit a report to the department detailing the actions taken.

(h) If the complete clean up cannot be accomplished in accordance with (b) through (g), above, the transporter shall submit a scope of work proposal for a site investigation pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Env-Hw 608.03 Waiver of Manifest, Permit, and Registration Requirements for Emergency Response.

(a) In the event of a discharge during generation, transportation, treatment, storage, or disposal of a hazardous waste or of a material that becomes hazardous waste when discharged, the department shall, during the response to the event, waive any of the manifest, permit, registration, or other such requirements if the waiver:

- (1) Is necessary to facilitate a prompt response; and
- (2) Will protect human health and the environment.

(b) 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; or
- (3) A discharge of a material that, when discharged, becomes a hazardous waste.

(c) A person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all manifest, permit, registration, and other applicable requirements for those activities.

PART Env-Hw 609 REGISTRATION OF HAZARDOUS WASTE TRANSPORTERS

Env-Hw 609.01 Registration Process.

(a) An applicant for a transporter registration shall provide the following information on a “Hazardous Waste Transporter Annual Registration Form” obtained from the department:

- (1) The name, mailing address, and telephone number of the transporter;
- (2) The name, title, and, if available, email address of the contact person;
- (3) The transporter’s US DOT motor carrier census number or the interstate commerce commission number, and the transporter's EPA identification number;
- (4) Subject to (b), below, the transporter’s U.S. Research and Special Programs Administration (“RSPA”) registration number, if applicable; and
- (5) A statement signed by the transporter certifying, as specified in Env-Hw 207, that the transporter:
 - a. Complies with the financial responsibility requirements of 49 CFR 387.9; and
 - b. Has not demonstrated cause for suspension, revocation, refusal to renew, or denial of registration as specified in Env-Hw 610.02 or 610.03, as applicable.

(b) In lieu of (a)(4), above, a transporter may provide the hazardous materials registration number as assigned by the Pipelines and Hazardous Materials Safety Administration of the US DOT.

(c) A transporter seeking to renew a transporter registration shall submit the application on or before May 15 of the year for which registration is sought.

(d) If a registration application is incomplete, the department shall return the application to the applicant and notify the applicant in writing of each deficiency.

(e) Except as provided in Env-Hw 609.05, the department shall issue a transporter registration or a registration confirmation letter if a transporter has met the requirements of (a) through (c), above.

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

- (1) The name, address, EPA identification number, and phone number of the transporter's principal place of business and any regional offices, if applicable;
- (2) The names, addresses, titles, and dates of birth of all corporate officers and all stockholders owning greater than 10% of the transporter's outstanding shares or debt equity;
- (3) The names of all individuals or business firms that contract to perform part or all of the transportation of hazardous waste under the transporter's registration;
- (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:

- a. Generator name, site address, city, zip code, and EPA identification number, if applicable, regardless of generator classification;
 - b. Manifest tracking number;
 - c. Each transporter EPA identification number and state identification number;
 - d. Designated facility EPA identification number, site address, city, state, zip code;
 - e. For each waste stream, number and type of containers, total quantity, unit of measure, hazardous waste number and handling code;
 - f. Generator certification date, transporter signature date, continuing transporter signature date as applicable, and designated facility signature date;
 - g. Special handling instructions; and
 - h. Discrepancy indication.
- (5) A description of the transporter's introductory and continuing personnel training programs as required by 49 CFR 172 Subpart H;
- (6) A contingency plan and emergency procedures plan as required by Env-Hw 603.05;
- (7) A copy of the certificate of insurance or other proof of financial responsibility as required by (a)(5), above;
- (8) A list of currently valid hazardous waste transporter permits or registrations from other states, including the state, expiration date, and the years held;
- (9) Copies of any letters of commendation received by the transporter;
- (10) A list of any other names under which the company has been known or done business within the past 5 years;
- (11) Copies of any notices of violation, administrative orders, notices of suspension or denial, and civil or criminal actions completed or pending from or before state or federal agencies;
- (12) A list of any pending suits, including any civil suits in which the company is presently involved as a plaintiff or defendant;
- (13) A list of any environmental permits held by the transporter that have been revoked or suspended;
- (14) Information regarding any convictions or pleas of guilty or no contest to a felony committed by the transporter or, in the case of a corporation or business entity, of any of its officers, directors, partners, or persons or business entities holding 10 percent or more of its equity or debt liability who has pled guilty or no contest to a felony in any state or federal court during the 5 years before the date of the registration by the transporter; and
- (15) A signed statement certifying, as specified in Env-Hw 207, the information provided in (1) through (14).

Env-Hw 609.02 Transporter Registration.

- (a) A transporter registration shall:
 - (1) Not be transferable; and
 - (2) Expire on the date specified on the registration.

(b) Upon a change in ownership or operational control of a transporter, the transporter registration shall not be transferred to the entity or individual gaining ownership or operational control.

(c) For purposes of (b), above, the following events shall constitute a change in ownership or operational control, as applicable:

- (1) For a partnership, a change in the majority of general partners;
- (2) For a corporation, a transfer of all corporate assets or of a majority of voting shares to a new individual or entity;
- (3) For other organizations, a transfer of the control of the organization to a new individual or entity; and
- (4) For an individual, transfer of control to another individual or entity.

Env-Hw 609.03 Registration Modification. A transporter shall notify the department by providing updated information in writing within 15 days of any of the following:

- (a) A name change for the transporter;
- (b) A change in physical location or mailing address of the transporter;
- (c) A change of company contact of the transporter;
- (d) A change in telephone number of the transporter; and
- (e) A change in the EPA identification number of the transporter.

Env-Hw 609.04 Registration Suspension and Revocation.

(a) The department shall suspend, revoke, or refuse to renew a transporter's registration if the transporter does not demonstrate reliability, expertise, integrity and competence as specified in Env-Hw 610.02.

(b) Within 30 days of receiving a notice of the department's intent to suspend or revoke a transporter's registration, the person identified on the registration may request an oral hearing before the department. The oral hearing shall be conducted as an adjudicative proceeding in accordance with the applicable provisions of RSA 541-A and Env-C 200.

(c) Within 30 days of receipt of a notice of decision by the hearing officer regarding the suspension or revocation of the transporter's registration, the transporter may appeal the decision to the waste management council as specified in RSA 21-O:14.

(d) Within 5 days of suspension or revocation, the transporter shall return all original copies of the registration confirmation letter to the department.

(e) Within 15 days of suspension or revocation, the transporter shall:

- (1) Notify all New Hampshire customers served during the prior year that it is not authorized to transport hazardous waste; and
- (2) Publish a notice of suspension or revocation, as applicable, in a newspaper with statewide circulation.

Env-Hw 609.05 Registration Denial.

(a) If an applicant or registrant meets any of the criteria in RSA 147-A:6, V(d), Env-Hw 610.02, or Env-Hw 610.03, the department shall deny registration.

(b) If the applicant or registrant wishes to appeal a denial of registration, the appeal shall be filed with the waste management council as specified in RSA 21-O:14.

PART Env-Hw 610 STANDARDS FOR HAZARDOUS WASTE TRANSPORTERS AND APPLICANTS FOR TRANSPORTER REGISTRATION

Env-Hw 610.01 Background Investigations. The department shall conduct a background investigation of a registrant or applicant to determine whether the registrant or applicant has sufficient reliability, expertise, integrity, and competence to transport hazardous waste in and through New Hampshire.

Env-Hw 610.02 Registrant Integrity and Competence. The department shall suspend, revoke, or refuse to renew a transporter registration if the registrant does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste, as demonstrated by any of the following:

(a) The registrant transported hazardous waste without possessing a transporter registration that was current and in good standing;

(b) The registrant fails to demonstrate compliance with the financial responsibility requirements of 49 CFR 387.9;

(c) Issuance of the registration was based on material false or misleading information;

(d) The registrant's activities covered by the registration present an immediate and substantial threat to human health or the environment;

(e) The registrant failed to comply with an order issued by the department or by any state relative to hazardous waste transportation, including an order to undertake corrective measures, unless the registrant is complying with the order in accordance with a compliance schedule and is current with all items;

(f) The registrant failed to comply with an order issued by the department or by any state relative to a violation of any other statute administered by the department or by any state, unless the registrant is complying with the order in accordance with a compliance schedule and is current with all items;

(g) The registrant owes any administrative fines to the department or to any state, unless the fines are being paid in accordance with a payment schedule and the registrant is current with all payments;

(h) The registrant owes any fees to the department or to any state, unless the fees are being paid in accordance with a payment schedule and the registrant is current with all payments;

(i) The registrant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the penalties are being paid in accordance with a payment schedule and the registrant is current with all payments;

(j) The registrant failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the registrant is complying in accordance with a compliance schedule and is current with all items; or

(k) Within 5 years of the renewal registration application date, the registrant has been the subject of 2 or more administrative or civil enforcement actions or one criminal enforcement action, that have not been overturned on appeal, for any violation of:

(1) Any registration or permit issued by the department or by any state; or

(2) Any statute or rule implemented by the department or by any state.

Env-Hw 610.03 Applicant Integrity and Competence. The department shall deny a transporter registration if the applicant does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste, as demonstrated by any of the following:

(a) The applicant transported hazardous waste without possessing a transporter registration that was current and in good standing;

(b) The applicant fails to demonstrate compliance with the financial responsibility requirements of 49 CFR 387.9;

(c) The applicant failed to comply with an order issued by the department or by any state relative to hazardous waste transportation, including an order to undertake corrective measures, unless the applicant is complying with the order in accordance with a compliance schedule and is current with all items;

(d) The applicant failed to comply with an order issued by the department or by any state relative to a violation of any other statute administered by the department or any state, unless the applicant is complying with the order in accordance with a compliance schedule and is current with all items;

(e) The applicant owes any administrative fines to the department or to any state, unless the fines are being paid in accordance with a payment schedule and the applicant is current with all payments;

(f) The applicant owes any fees to the department or to any state, unless the fees are being paid in accordance with a payment schedule and the applicant is current with all payments;

(g) The applicant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the penalties are being paid in accordance with a payment schedule and the applicant is current with all payments;

(h) The applicant failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the applicant is complying with the order in accordance with a compliance schedule and is current with all items; or

(i) Within 5 years of the application date, the applicant has been the subject of 2 or more administrative or civil enforcement actions or one criminal enforcement action, that have not been overturned on appeal, for any violation of:

- (1) Any registration or permit issued by the department or by any state; or
- (2) Any statute or rule implemented by the department or by any state.

APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s) Implemented	Federal Regulations Implemented
Env-Hw 601	RSA 147-A:3, XXV; RSA 147-A:6	40 CFR 263.10
Env-Hw 602	RSA 147-A:3, VIII; RSA 147-A:6	40 CFR 263.11
Env-Hw 603	RSA 147-A:3, IV	40 CFR 263.10
Env-Hw 604	RSA 147-A:3, V	40 CFR 263 Subpart B
Env-Hw 605	RSA 147-A:3, IV	
Env-Hw 606	RSA 147-A:3, IV, V	40 CFR 263 Subpart B
Env-Hw 607	RSA 147-A:3, VI	40 CFR 263 Subpart B
Env-Hw 608	RSA 147-A:3, VII, XXV	40 CFR 263 Subpart C
Env-Hw 609	RSA 147-A:3, VIII, IX; RSA 147-A:6	
Env-Hw 610	RSA 147-A:3, IX; RSA 147-A:6	

APPENDIX B: INCORPORATION BY REFERENCE INFORMATION

[none for this chapter]

APPENDIX C: STATE STATUTORY DEFINITIONS

[none for this chapter]

APPENDIX D: FEDERAL DEFINITIONS AND REGULATIONS

[none for this chapter]

APPENDIX E: EMERGENCY TELEPHONE NUMBERS

Organization	Telephone Number	Days/Hours
DES Emergency Response Team	(603) 271-3899	Monday through Friday; 8 a.m. to 4 p.m.
N.H. State Police Headquarters Communications Unit	(603) 223-4381	Every day; 24 hours per day