

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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REVISION NOTE #1:

Document #9360, effective 1-28-09, readopted with amendments and renumbered as Chapter Env-Hw 100 those rules in former Part Env-Wm 101 and Part Env-Wm 110 that had contained organizational rules on management of hazardous waste, including definitions. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9360 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Wm 100.

The prior filings for the former rules in Env-Wm 100 containing organizational rules on management of hazardous waste included the following documents:

#5053, eff 1-24-91	#7194, eff 1-27-00	#8460-A, eff 10-28-05
#5886, eff 8-26-94	#7207-A, eff 2-26-00	#8713, INTERIM, eff 9-5-06
#6384-A, eff 11-26-96	#7317, eff 7-7-00	#8789, eff 1-5-07
#6385-A, eff 11-26-96	#7576, eff 10-13-01	

REVISION NOTE #2:

Document #10204, effective 10-19-12, was the next filing after Document #9360 that affected rules in Chapter Env-Hw 100. Document #10204 adopted Env-Hw 103.67 defining “household waste” and Env-Hw 104.26 defining “Pharmaceutical.” Document #10204 also readopted with amendments Env-Hw 103.57 defining “Full quantity generator (FQG)” and Env-Hw 104.74 defining “used oil”. Document #10204 also readopted with amendments Env-Hw 104.42 defining “Small quantity generator (SQG)” and Env-Hw 104.44 defining “Spent material”, and renumbered the rules as Env-Hw 104.43 and Env-Hw 104.44 respectively. Document #10204 also renumbered other existing definitions in Part Env-Hw 104.

Document #12343, effective 8-14-17, was the next filing after Document #10204 that affected rules in Chapter Env-Hw 100. Document #12343 adopted, readopted, readopted with amendments, or repealed the rules in Chapter Env-Hw 100. Document #12343 replaces all prior filings of the rules in the former Chapter Env-Hw 100.

The adoption and repeal of various rules by Document #12343 caused extensive renumbering of existing rules within the chapter. The new rules adopted in Chapter Env-Hw 100 by Document #12343 were Env-Hw 101.04 titled “References to Federal Regulations” and the following definitions:

Env-Hw 103.25 “Containment building”	Env-Hw 103.66 “Household”
Env-Hw 103.38 “Drip pad”	Env-Hw 103.67 “Household hazardous waste (HHW)”
Env-Hw 103.50 “Explosives or munitions emergency”	Env-Hw 104.02 “Land disposal”
Env-Hw 103.51 “Explosives or munitions emergency response”	Env-Hw 104.12 “Military munitions”
Env-Hw 103.52 “Explosives or munitions emergency response specialist”	Env-Hw 104.51 “State-only waste”

The former rules in Chapter Env-Hw 100 that were repealed by Document #12343 include the following definitions:

Env-Hw 103.40 “Electrochemical cell”	Env-Hw 104.15 “[NH] identification number”
Env-Hw 103.64 “Hazardous waste storage area”	Env-Hw 104.50 “Subsequent notification form”
Env-Hw 103.74 “Integral design”	Env-Hw 104.72 “Universal waste transfer facility”

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CHAPTER Env-Hw 100 ORGANIZATIONAL RULES

Statutory Authority: RSA 147-A:3

PART Env-Hw 101 PURPOSE AND APPLICABILITY

Env-Hw 101.01 Purpose. The purpose of the rules in subtitle Env-Hw is to implement the provisions of RSA 147-A that require hazardous waste to be managed and disposed properly, so as to minimize risks to the environment and public health and safety.

Source. (See Revision Note #1 [RN-1] and Revision Note #2 [RN-2] at p. iv) #12343, *eff 8-14-17*

Env-Hw 101.02 Applicability. Subtitle Env-Hw shall apply to the generation, management, and transportation of hazardous waste in New Hampshire.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 101.03 Use of Number and Gender.

(a) As used in the hazardous waste rules:

- (1) Words in the singular shall include the plural; and
- (2) Words in the plural shall include the singular.

(b) As used in federal regulations incorporated by reference, words in the masculine gender shall include the feminine and neutral genders.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 101.04 References to Federal Regulations.

(a) Unless otherwise specified, references to federal regulations within this subtitle shall be as follows:

- (1) All references to “Title 40 of the Code of Federal Regulations” or “40 CFR” shall be to the edition in effect on July 1, 2016; and
- (2) All references to “Title 49 of the Code of Federal Regulations” or “49 CFR” shall be to the edition in effect on October 1, 2016.

(b) References to other federal statutes and regulations contained in the text of the federal regulations incorporated by reference that are not specifically adopted by reference, including, but not limited to, references to the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act, shall be used to assist in interpreting the federal regulations only, but the authority and power of the analogous or related portions of New Hampshire statutes and rules shall apply in lieu of the cited federal statutes and regulations.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

PART Env-Hw 102 HAZARDOUS WASTE DEFINITIONS BASED ON FEDERAL LAW

Env-Hw 102.01 Hazardous Waste Definitions in Federal Law. Where federal provisions are adopted by reference, terms used shall be as defined in federal law unless otherwise specified in these rules.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 102.02 Modifications to Federal Hazardous Waste Definitions. The following terms, when used in federal regulations incorporated by reference, shall be substituted with the analogous New Hampshire terms as follows:

(a) Any reference to the “Regional Administrator” or “Administrator” in federal rules adopted by reference shall be deemed to mean the “commissioner, or designee,” except when used in 40 CFR 261.41, 262

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Subpart E, 262 Subpart H, 264.12(a), 265.12(a), 268.5, 268.6, 268.13, 268.40(b), 268.42(b), 268.44(a)-(g), 270.11(a)(3), 270.14(b)(20), 270.32(b)(2), and 270.51;

(b) Any reference to the “U.S. Environmental Protection Agency,” “Agency,” “United States Environmental Protection Agency,” “EPA Headquarters,” “EPA Region(s)” or “EPA” in federal rules adopted by reference shall be deemed to mean the “department,” except when used in:

- (1) 40 CFR 261.39(a)(5), 262 Subpart E, 262 Subpart H, 264.12(a)(2), 265.12(a)(2), 268.1(e)(3), 268.2(j), 268.5(g), 268.44(a)-(g), 270.11(a)(3), 270.32(a), 270.32(c), 270.51, 270.72(a)(5), and 270.72(b)(5); or
- (2) Any reference to EPA identification numbers, EPA hazardous waste numbers, EPA test methods, EPA forms, any EPA acknowledgment of consent, and any EPA publications, manuals, or guidance; and

(c) Any reference to any provision of RCRA in federal rules incorporated by reference shall be deemed to be a reference to the comparable New Hampshire statutory provision, except in 40 CFR 270.72(a)(5) and (b)(5) and 40 CFR 270.51(d) relative to EPA-issued RCRA permits, as listed in Table 1.1 Comparison of Federal and State Statutory Provisions, below:

Table 1.1 Comparison of Federal and State Statutory Provisions

RCRA (P.L. 94-580)	U.S.C.	NH RSA
1004(5)	42 U.S.C. 6903(5)	147-A:2, VII
1004(27)	42 U.S.C. 6903(27)	147-A:2, XVIII
3004	42 U.S.C. 6924	147-A:3, IV
3005	42 U.S.C. 6925	147-A:3, IX & 4
3006	42 U.S.C. 6926	91-A
3007	42 U.S.C. 6927	147-A:7; 91-A
3008	42 U.S.C. 6928	147-A:14, 16, 16-a, & 16-b
3010	42 U.S.C. 6930	147-A:3, IV & 3, VI
RCRA (P.L. 89-272)		
3013	42 U.S.C. 6934	147-A:3, VI & 3, VII
3019	42 U.S.C. 6939(a)	147-A:5
7003	42 U.S.C. 6973	147-A:13

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

PART Env-Hw 103 HAZARDOUS WASTE DEFINITIONS: A TO K

Env-Hw 103.01 “100-year flood” means a flood that has a one percent chance of being equaled or exceeded in any given year.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 103.02 “100-year floodplain” means an area that is subject to being flooded by a 100-year flood, as determined in accordance with 40 CFR 270.14(b)(11)(iii).

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 103.03 “Abandoned material” means any material that is:

- (a) Disposed of;
- (b) Burned or incinerated; or
- (c) Accumulated, stored, or treated, but not recycled, before or in lieu of being abandoned by being disposed of, burned, or incinerated.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

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Env-Hw 103.04 “Active fault zone” means a land area that, according to geological evidence, has exhibited movement along a fault within the past 10,000 years.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.05 “Active portion” means that portion of a hazardous waste facility where treatment, storage, or disposal operations are being or have been conducted on or after November 19, 1980. The term does not include any portion of a hazardous waste facility that has been closed in accordance with a closure plan approved in accordance with Env-Hw 707.03 and Env-Hw 708.02 or predecessor rules in subtitle Env-Wm or He-P.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.06 “Administrator” means “administrator” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.07 “Antifreeze” means a material having an ethylene glycol or propylene glycol base that is used full strength or diluted with water only as protection against freezing, overheating, and corrosion of the cooling system of an internal combustion engine.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.08 “Aquiclude” means an impermeable or poorly permeable bed, formation, or group of formations that impedes groundwater movement and does not yield water freely to a well or spring.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.09 “Aquifer” means “aquifer” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.10 “Authorized representative” means “authorized representative” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.11 “Battery” means “battery” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.12 “Board” means the hazardous waste facility siting board established pursuant to RSA 147-A:4-a.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.13 “Boiler” means “boiler” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.14 “Bulk shipment” means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.15 “By-product” means “by-product” as defined in 40 CFR 261.1(c)(3), as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.16 “Carcinogen” means any substance that causes cancer.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 103.17 “Cathode ray tube” means a glass tube used to provide the visual display in televisions, computer monitors, and certain scientific instruments, such as oscilloscopes.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.18 “Clean Air Act” means the Clean Air Act, 42 U.S.C. 7401, and amendments thereto.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.19 “Closure” means the act of securing a facility pursuant to Env-Hw 506 or Env-Hw 700, as applicable.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.20 “Commissioner” means the commissioner of the department of environmental services.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.21 “Confined aquifer” means “confined aquifer” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.22 “Constituent” means any substance, material, compound, or element that:

- (a) Is identified in Env-Hw 402.04, Env-Hw 402.05, or Env-Hw 403.06; or
- (b) Has resulted in a waste being listed in Env-Hw 402 by the department in accordance with Env-Hw 405.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.23 “Construction commenced” as used in the definition of “existing facility” means:

- (a) The owner or operator has obtained the federal, state of New Hampshire, and local approvals or permits necessary to begin physical construction; and
- (b) Either:
 - (1) A continuous on-site, physical construction program has begun; or
 - (2) The owner or operator has entered into contractual obligations that cannot be cancelled or modified for physical construction of the facility to be completed within a reasonable time.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.24 “Container” means “container” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.25 “Containment building” means “containment building” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.26 “Contingency plan” means “contingency plan” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.27 “Delisted” means that a hazardous waste is no longer considered by the department to be a listed waste.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.28 “Delisting” means the process specified in Env-Hw 406 by which a person can ask for a listed hazardous waste to be delisted.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 103.29 “Department” means the department of environmental services.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.30 “Designated facility” means:

(a) A hazardous waste treatment, storage, or disposal facility that has:

(1) Received a permit or interim status in accordance with Env-Hw 304 or 40 CFR Part 270 and 124, or is regulated under Env-Hw 802.01(c) or (d); and

(2) Been designated by a generator on a manifest as the place to which the hazardous waste covered by the manifest is to be delivered;

(b) A generator site designated on a manifest to receive waste as a return shipment from a facility that has rejected the waste in accordance with Env-Hw 704; or

(c) If the waste is to be brought to another state, a facility allowed by the receiving state to accept such waste.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.31 “Dike” means “dike” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.32 “Discarded material” means any material that is abandoned, recycled, or considered inherently waste-like, as those terms are defined in Env-Hw 103 or Env-Hw 104, or a military munition identified as a solid waste in 40 CFR 266.202.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.33 “Discharge” means the release of hazardous waste into or on any land, water, or air.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.34 “Displacement” means the relative movement of any 2 sides of a fault.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.35 “Disposal” means “disposal” as defined in RSA 147-A:2, III, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.36 “Disposal facility” means any location or part of a location where hazardous waste is intentionally placed and will remain after closure. The term includes landfills and land treatment facilities if the waste will remain after closure.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.37 “Do-it-yourself used oil” means oil that is derived from households, such as used oil generated by individuals through the maintenance of their personal vehicles.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.38 “Drip pad” means “drip pad” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.39 “Elementary neutralization unit” means a device that:

(a) Is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in Env-Hw 403 or are listed in Env-Hw 402 only for this reason; and

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(b) Meets the definition of tank, tank system, container, transport vehicle, or vessel in Env-Hw 103 or Env-Hw 104.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.40 “Empty container” means a container that meets the criteria of Env-Hw 401.03(b)(21).

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.41 “Energy recovery facility” means a facility that uses hazardous waste, fully or in part, as a source to produce a useful energy product.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.42 “EPA” means the United States environmental protection agency.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.43 “EPA acknowledgment of consent” means “EPA acknowledgment of consent” as defined in 40 CFR 262.51, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.44 “EPA hazardous waste number” means the number assigned by EPA to each EPA hazardous waste identified in Env-Hw 400.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.45 “EPA identification number” means the site specific number assigned by the department to a generator, transporter, transfer facility, or treatment, storage, and disposal facility upon approval of a notification form.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.46 “Equivalent method” means any testing or analytical method approved by the department under Env-Hw 401.05 or by the administrator under 40 CFR 260.20 and 260.21.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.47 “Excluded scrap metal” means “excluded scrap metal” as defined in 40 CFR 261.1(c)(9), as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.48 “Existing facility” means a facility that was in operation or for which construction commenced on or before July 1, 1980, or on the effective date of any statutory or regulatory amendments that render the facility subject to permit requirements under RCRA or RSA 147-A or rules adopted pursuant thereto.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.49 “Explosive reaction” means a violent expansion or bursting in the form of a sudden release of heat or pressure. The term does not include a slow or gradual buildup of heat or pressure.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.50 “Explosives or munitions emergency” means “explosives or munitions emergency” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.51 “Explosives or munitions emergency response” means “explosives or munitions emergency response” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 103.52 “Explosives or munitions emergency response specialist” means “explosives or munitions emergency response specialist” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.53 “Facility” means “facility” as defined in RSA 147-A:2, IV, as reprinted in Appendix C, except that where the hazardous waste rules apply to quarterly activity reports, payments into the hazardous waste cleanup fund, and administration of the fund for the siting program and household hazardous waste cleanup projects, “facility” means “facility” as defined in RSA 147-B:2, III, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.54 “Fault” means a fracture along which rocks on at least one side have been displaced.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.55 “Federal Clean Water Act” means 33 U.S.C. 1251 et seq. and amendments thereto.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.56 “Foreign consignee” means “consignee” as defined in 40 CFR 262.51, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.57 “Free liquids” means “free liquids” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.58 “Full quantity generator (FQG)” means any generator of hazardous waste who meets the criteria of Env-Hw 503.02.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.59 “Generator” means “generator” as defined in RSA 147-A:2, VI, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.60 “Government entity” means the state of New Hampshire and its political subdivisions including solid waste management districts and regional planning commissions.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.61 “Groundwater” means “ground water” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.62 “Handler” means a universal waste handler.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.63 “Hazardous waste” means “hazardous waste” as defined in RSA 147-A:2, VII, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.64 “Hazardous waste rules” means the rules in subtitle Env-Hw.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.65 “Home scrap metal” means “home scrap metal” as defined in 40 CFR 261.1(c)(11), as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 103.66 “Household” means a location in which humans reside on a permanent or temporary basis, including but not limited to single- and multi-family residences, bunkhouses and other crew quarters, ranger stations, motels and hotels, campgrounds, picnic grounds, and day-use recreation areas.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.67 “Household hazardous waste (HHW)” means household waste that would be hazardous waste if generated anywhere other than in a household.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.68 “Household hazardous waste (HHW) collection project” means any location that accumulates, collects, transfers, or otherwise manages HHW.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.69 “Household waste” means any refuse, garbage, trash, sanitary waste, or other waste comprised of materials typically generated by consumers in their homes, and that is actually generated in a household.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.70 “Incinerator” means any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.71 “Incompatible waste” means “incompatible waste” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.72 “Industrial furnace” means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

- (a) Cement kilns;
- (b) Lime kilns;
- (c) Aggregate kilns;
- (d) Phosphate kilns;
- (e) Coke ovens;
- (f) Blast furnaces;
- (g) Smelting, melting, and refining furnaces including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces;
- (h) Titanium dioxide chloride process oxidation reactors;
- (i) Methane reforming furnaces;
- (j) Pulping liquor recovery furnaces;
- (k) Combustion devices used in the recovery of sulfur values from spent sulfuric acid; or
- (l) Such other devices as the commissioner adds to this list through a rulemaking in accordance with the rulemaking procedures of RSA 541-A on the basis of one or more of the following factors:
 - (1) The design and use of the device primarily to accomplish recovery of material products;
 - (2) The use of the device to burn or reduce raw materials to make a material product;

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- (3) The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;
- (4) The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;
- (5) The use of the device in common industrial practice to produce a material product; and
- (6) Other factors, as applicable.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.73 “Inherently waste-like material” means:

(a) Materials identified by EPA hazardous waste numbers F020, F021 unless used as an ingredient to make a product at the site of generation, F022, F023, F026, and F028; or

(b) Materials that have been determined to be “inherently waste-like” by the department in accordance with Env-Hw 803.03(b)(5).

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.74 “Injection well” means “injection well” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.75 “Inner liner” means “inner liner” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 103.76 “International shipment” means “international shipment” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

PART Env-Hw 104 HAZARDOUS WASTE DEFINITIONS: L TO Z

Env-Hw 104.01 “Lamp” means “lamp” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.02 “Land disposal” means “land disposal” as defined in 40 CFR 268.2(c), as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.03 “Land treatment facility” means “land treatment facility” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.04 “Landfill” means a disposal facility or part of a facility where hazardous waste is placed in or on land and that is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, or a cave.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.05 “Leachate” means “leachate” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.06 “Liner” means “liner” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 104.07 “Location” as used in the definition of “facility” means all contiguous land and all structures and other appurtenances and improvements on the land.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.08 “Management” means “hazardous waste management” as defined in RSA 147-A:2, VIII, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.09 “Manifest” means “manifest” as defined in RSA 147-A:2, X, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.10 “Manifest tracking number” means the alphanumeric identification number comprised of a unique 3-letter suffix preceded by 9 numerical digits, which is preprinted, by a source approved by EPA pursuant to 40 CFR 262.21, in item 4 of the manifest.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.11 “Mercury-containing device” means any product or component, excluding batteries and lamps, that contains elemental mercury necessary for its operation and is housed within an outer casing. The term includes but is not limited to thermostats, intact mercury-containing ampules, thermocouples, thermometers, manometers, barometers, sphygmomanometers, electric switches and relays, gas flow regulators, water meters, and electric meters that contain mercury switches or relays.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.12 “Military munitions” means “military munitions” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.13 “Mining overburden returned to the mine site” means “mining overburden returned to the mine site” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.14 “Miscellaneous unit” means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well, containment building, corrective action management unit, staging pile, or unit eligible for a research, development, and demonstration permit under Env-Hw 304.05(d).

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.15 “New facility” means a facility that began construction or operation after July 1, 1980.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.16 “NH hazardous waste number” means the number assigned by the department to each New Hampshire hazardous waste identified in Env-Hw 400.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.17 “Notification form” means the “RCRA C Site Identification Form” used to notify the department of hazardous waste, used oil, and universal waste management activities.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.18 “Off-site” means any site that is not on-site.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 104.19 “On-site” means “on-site” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.20 “Operator” means “operator” as defined in RSA 147-A:2, XI, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.21 “Owner” means “owner” as defined in RSA 147-A:2, XI-a, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.22 “Permit” means an authorization, license, or equivalent control document issued by the department to implement the hazardous waste rules. The term includes limited permits and emergency permits. The term does not include interim status or any document that has not been the subject of final department action, such as a draft permit or proposed permit.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.23 “Permit-by-rule” means a permit for a facility or activity that is required to have a permit that exists by virtue of compliance with specific provisions of the hazardous waste rules.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.24 “Person” means “person” as defined in RSA 147-A:2, XII, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.25 “Personnel” means all individuals who work at or oversee the operation of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the hazardous waste rules.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.26 “Pesticide” means “pesticide” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.27 “Pharmaceutical” for purposes of RSA 147-A:2, VII(b) means any chemical product, vaccine, or allergenic that does not contain a radioactive component and is intended:

(a) For use in the diagnosis, cure, mitigation, treatment, or prevention of disease or injury in humans or animals; or

(b) To affect the structure or function of the body in humans or animals.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.28 “Pile” means “pile” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.29 “Point source” means “point source” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.30 “Processed scrap metal” means “processed scrap metal” as defined in 40 CFR 261.1(c)(10), as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.31 “Professional certification” means “certification” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 104.32 “Prompt scrap metal” means “prompt scrap metal” as defined in 40 CFR 261.1(c)(12), as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.33 “Publicly owned treatment works (POTW)” means a system used in the treatment of municipal sewage or industrial wastes of a liquid nature that is owned by a government entity.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.34 “RCRA” means “Act” or “RCRA” as defined by 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.35 “Reclaimed material” means a material that is processed to recover a usable product or that is regenerated, such as recovery of lead values from spent batteries and regeneration of spent solvents.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.36 “Recycled material” means any material that is used, reused, or reclaimed, as those terms are defined in Env-Hw 104.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.37 “Representative sample” means “representative sample” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.38 “Residence” means any structure routinely occupied as a dwelling or abode, including any seasonal dwelling that is used as a secondary residence and is routinely occupied by someone for greater than 90 days per year.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.39 “Run-off” means “run-off” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.40 “Run-on” means “run-on” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.41 “Scrap metal” means “scrap metal” as defined in 40 CFR 261.1(c)(6), as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.42 “Secondary material” means any material that is reclaimed and returned to the original process or processes in which it was generated where it is reused in the production process.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.43 “Site” means “site” as defined in 40 CFR 270.2, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.44 “Sludge” means “sludge” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.45 “Small quantity generator (SQG)” means any generator of hazardous waste who meets the criteria of Env-Hw 503.01.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 104.46 “Spent material” means “spent material” as defined in RSA 147-A:2, XII-a, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.47 “Spill” means the accidental spilling, leaking, pumping, pouring, emitting, or dumping of hazardous wastes or other materials that, when spilled into or on any land or water, become hazardous wastes.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.48 “Standard permit” means a permit issued to a facility in accordance with Env-Hw 304.01.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.49 “Standard temperature and pressure” means a temperature of 20°C, equivalent to 68°F, and a pressure of one atmosphere.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.50 “State” means “state” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.51 “State-only waste” means waste that is regulated under the hazardous waste rules but not regulated by EPA.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.52 “Storage” means “storage” as defined in RSA 147-A:2, XIII, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.53 “Surface impoundment” means “surface impoundment” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.54 “SW-846” means EPA publication “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Third Edition,” November 1986, as amended by Update I dated July 1992, Update II dated September 1994, Update IIA dated August 1993, Update IIB dated January 1995, Update III dated December 1996, Update IIIA dated April 1998, Update IIIB dated November 2004, and Update IV dated February 2007, available as noted in Appendix B.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.55 “Tank” means “tank” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.56 “Tank system” means “tank system” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.57 “Teratogen” means any substance that, during the development of an embryo, causes permanent structural or functional changes in the offspring.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.58 “Terne-plated oil filters” means oil filters that are plated with terne, an alloy of lead and tin.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 104.59 “Thermal treatment” means the treatment of hazardous waste using elevated temperatures as a primary means of changing the chemical, physical, or biological character of the waste.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.60 “Thermostat” means a temperature control device that contains metallic mercury in an ampule.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.61 “Totally enclosed treatment facility” means “totally enclosed treatment facility” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.62 “Trade secret” means “trade secret” as defined in RSA 147-A:2, XIV, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.63 “Transfer facility” means all land and structures, including loading docks and parking, storage, and other areas, where hazardous wastes in transit are transferred from vehicle to vehicle or are removed from a transport vehicle, and temporarily stored for 10 days or less.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.64 “Transport” means “transport” as defined in RSA 147-A:2, XV, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.65 “Transport vehicle” means “transport vehicle” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.66 “Transportation” means “transportation” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.67 “Transporter” means “transporter” as defined in RSA 147-A:2, XVI, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.68 “Treatability study” means “treatability study” as defined in 40 CFR 260.10, as reprinted in Appendix D, except that “§ 261.4 (e) and (f)” shall be replaced with “§ 261.4 (e) and (f) and Env-Hw 401.03(b)(14)”.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.69 “Treatment” means “treatment” as defined in RSA 147-A:2, XVII, as reprinted in Appendix C. The term includes the recovery of energy or residual resources from the waste.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.70 “Underground injection” means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well where the depth of the dug well is greater than the largest surface dimension, or into any pipe, conduit, or conveyance.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.71 “United States” means “United States” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

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Env-Hw 104.72 “Universal waste” means any of the following hazardous wastes that may be managed in accordance with Env-Hw 1100 in lieu of Env-Hw 300 through Env-Hw 700:

- (a) Batteries;
- (b) Pesticides;
- (c) Mercury-containing devices;
- (d) Lamps;
- (e) Cathode ray tubes; and
- (f) Antifreeze.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 104.73 “Universal waste handler” means:

- (a) A generator of universal waste; or
- (b) The owner or operator of a facility, including all contiguous property, who:
 - (1) Receives universal waste from other universal waste handlers;
 - (2) Accumulates universal waste; or
 - (3) Sends universal waste to another universal waste handler, a destination facility, or a foreign destination.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 104.74 “Universal waste transporter” means “universal waste transporter” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 104.75 “US DOT” means the United States department of transportation.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 104.76 “Used oil” means any oil that has been refined from crude oil and any synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 104.77 “Used oil collection center” means any site or facility that accepts used oil, aggregates used oil, or stores used oil, or any combination thereof.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 104.78 “Used oil sludge” means residues, such as tank bottoms, that separate from used oil due to gravity or other processing.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

Env-Hw 104.79 “Used or reused material” means a material that is:

(a) Employed as an ingredient including use as an intermediate in an industrial process to make a product, for example, distillation bottoms from one process used as feedstock in another process, but excluding a material from which distinct components are recovered as separate end products, such as when metals are recovered from metal-containing secondary materials; or

(b) Employed in a particular function or application as an effective substitute for a commercial product, for example, spent pickle liquor used as a phosphorous precipitant and sludge conditioner in wastewater treatment.

Source. (See RN-1 and RN-2 at p. iv) #12343, *eff 8-14-17*

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Env-Hw 104.80 “Vessel” means “vessel” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.81 “Washout” means the movement of hazardous waste from a facility as a result of flooding.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.82 “Waste” means “waste” as defined in RSA 147-A:2, XVIII, as reprinted in Appendix C.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

Env-Hw 104.83 “Wastewater treatment unit” means a device that:

(a) Is part of a wastewater treatment facility that is subject to regulation under either §402 or §307(b) of the Clean Water Act;

(b) Receives and treats or stores an influent wastewater that is a hazardous waste as identified in Env-Hw 400, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as identified in Env-Hw 400, or treats or stores a wastewater treatment sludge that is a hazardous waste as identified in Env-Hw 400; and

(c) Meets the definition of tank or tank system in Env-Hw 104.

Source. (See RN-1 and RN-2 at p. iv) #12343, eff 8-14-17

APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 101	RSA 147-A:3	40 CFR 260.3
Env-Hw 102	RSA 147-A:2 & 3, I	40 CFR 260.10
Env-Hw 103	RSA 147-A:2 & 3, I; RSA 147-B:2, III	40 CFR 260.10; 40 CFR 261.1(c); 40 CFR 273.9
Env-Hw 104	RSA 147-A:2 & 3, I	40 CFR 260.10; 40 CFR 261.1(c); 40 CFR 262:51; 40 CFR 268.2(c); 40 CFR 270.2; 40 CFR 273.9

APPENDIX B: INCORPORATION BY REFERENCE INFORMATION

Rule	Title	Obtain at:
Env-Hw 104.54	EPA publication “SW-846 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” Third Edition, November 1986, as amended by Update I dated July 1992, Update II dated September 1994, Update IIA dated August 1993, Update IIB dated January 1995, Update III dated December 1996, Update IIIA dated April 1998, Update IIIB dated November 2004, and Update IV dated February 2007	National Technical Information Service (NTIS) 5285 Port Royal Road Springfield, VA 22161 (800) 553-NTIS [(800)-553-6847] \$360 or Free online at: https://www.epa.gov/hw-sw846/sw-846-compendium

APPENDIX C: STATE STATUTORY DEFINITIONS

RSA 147-A:2

III. "Disposal" means the discharge, deposit, incineration, injection, dumping, spilling, leaking or placing of any waste into or onto any land or water so that the waste or any constituent of the waste may enter the environment, be emitted into the air, or be discharged into any waters, including groundwaters.

IV. "Facility" means a location at which hazardous waste is subjected to treatment, storage or disposal and may include a facility where hazardous waste has been generated.

VI. "Generator" means any person who owns or operates a facility where hazardous waste is generated.

VII. "Hazardous waste" means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes:

(a) Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

(b) Or which has been identified as a hazardous waste by the department using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended, or household pharmaceutical wastes collected pursuant to RSA 318-E.

VIII. "Hazardous waste management" means the systematic control of the generation, collection, sorting, storage, processing, treatment, recovery and disposal of hazardous waste.

X. "Manifest" means the form used for identifying the origin, quantity, composition, routing and destination of hazardous waste.

XI. "Operator" means any person who, either directly or indirectly, operates or otherwise controls or directs activities at a facility.

XI-a. "Owner" means any person who, either directly or indirectly owns a facility. The term "owner" does not include a person who, without participation in the management or actual operation of a facility, holds indicia of ownership primarily to protect a mortgage on real property on which a facility is located or a security interest in personal property located at the facility.

XII. "Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

XII-a. "Spent material" means any material that has been used and, as a result of contamination, can no longer serve the purpose for which it was produced without processing.

XIII. "Storage" means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous wastes.

XIV. "Trade secret" means any confidential formula, pattern, device or compilation of information which is used in the employer's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. A trade secret is known to the employer and those employees to whom it is necessary to confide it.

XV. "Transport" means the movement of hazardous wastes from the point of generation to any intermediate points and, finally, to the point of ultimate storage or disposal.

XVI. "Transporter" means any person who transports hazardous waste.

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XVII. "Treatment" means any process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize the waste or to render the waste not hazardous, safer for transport, amenable to recovery, amenable to storage or reduced in volume.

XVIII. "Waste" means any matter consisting of: garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other spent, discarded or abandoned material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include domestic sewage, irrigation return waters, wastewater discharges in compliance with applicable state or federal permits, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

RSA 147-B:2

III. "Facility" means any site, area or location where hazardous waste or hazardous materials are or have been treated, stored, generated, disposed of, or otherwise come to be located.

APPENDIX D: FEDERAL DEFINITIONS AND REGULATIONS

40 CFR 260.10

Act or *RCRA* means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. section 6901 *et seq.*

Administrator means the Administrator of the Environmental Protection Agency, or his designee.

Aquifer means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

Authorized representative means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

Battery means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

Boiler means an enclosed device using controlled flame combustion and having the following characteristics:

(1)(i) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(ii) The unit's combustion chamber and primary energy recovery sections(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

(iii) While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(iv) The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(2) The unit is one which the Regional Administrator has determined, on a case-by-case basis, to be a boiler, after considering the standards in § 260.32.

Certification means a statement of professional opinion based upon knowledge and belief.

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Confined aquifer means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

Container means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Containment building means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of subpart DD of parts 264 or 265 of this chapter.

Contingency plan means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Dike means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

Drip pad is an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

Explosives or munitions emergency means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

Explosives or munitions emergency response means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in place render-safe procedures, treatment or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

Explosives or munitions emergency response specialist means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include Department of Defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and DOD-certified civilian or contractor personnel; and other Federal, State, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses.

Free liquids means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

Ground water means water below the land surface in a zone of saturation.

Incompatible waste means a hazardous waste which is unsuitable for:

(1) Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

(2) Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

(See appendix V of parts 264 and 265 of this chapter for examples.)

Injection well means a well into which fluids are injected. (See also “underground injection”.)

Inner liner means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

International shipment means the transportation of hazardous waste into or out of the jurisdiction of the United States.

Lamp, also referred to as “universal waste lamp”, is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

Land treatment facility means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

Leachate means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

Liner means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

Military munitions means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (DOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices, managed under DOE’s nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

Mining overburden returned to the mine site means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

On-site means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, is also considered on-site property.

Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

- (1) Is a new animal drug under FFDCFA section 201(w), or
- (2) Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug, or
- (3) Is an animal feed under FFDCFA section 201(x) that bears or contains any substances described by paragraph (1) or (2) of this definition.

Pile means any non-containerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage and that is not a containment building.

Point source means any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Representative sample means a sample of a universe or whole (e.g., waste pile, lagoon, ground water) which can be expected to exhibit the average properties of the universe or whole.

Run-off means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

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Run-on means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

Sludge means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Surface impoundment or *impoundment* means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

Tank means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

Tank system means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

Totally enclosed treatment facility means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

Transport vehicle means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

Transportation means the movement of hazardous waste by air, rail, highway, or water.

Treatability Study means a study in which a hazardous waste is subjected to a treatment process to determine: (1) Whether the waste is amenable to the treatment process, (2) what pretreatment (if any) is required, (3) the optimal process conditions needed to achieve the desired treatment, (4) the efficiency of a treatment process for a specific waste or wastes, or (5) the characteristics and volumes of residuals from a particular treatment process. Also included in this definition for the purpose of the § 261.4 (e) and (f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A “treatability study” is not a means to commercially treat or dispose of hazardous waste.

United States means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Universal Waste Transporter means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

Vessel includes every description of watercraft, used or capable of being used as a means of transportation on the water.

Wipe means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

40 CFR 261.1(c)(3)

A “by-product” is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public’s use and is ordinarily used in the form it is produced by the process.

40 CFR 261.1(c)(6)

“Scrap metal” is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

40 CFR 261.1(c)(9)

“Excluded scrap metal” is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

40 CFR 261.1(c)(10)

“Processed scrap metal” is scrap metal which has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and, fines, drosses and related materials which have been agglomerated. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (§ 261.4(a)(14)).

40 CFR 261.1(c)(11)

“Home scrap metal” is scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.

40 CFR 261.1(c)(12)

“Prompt scrap metal” is scrap metal as generated by the metal working/fabrication industries and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap is also known as industrial or new scrap metal.

40 CFR 261.4(a)(1)(ii)

“Domestic Sewage” means untreated sanitary wastes that pass through a sewer system.

40 CFR 262.51

Consignee means the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

EPA Acknowledgement of Consent means the cable sent to EPA from the U.S. Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country’s consent to the shipment.

40 CFR 268.2(c)

Land disposal means placement in or on the land, except in a corrective action management unit or staging pile, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

40 CFR 270.2

Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

40 CFR 273.2(c)(2)

An unused battery becomes a waste on the date the handler decides to discard it.

40 CFR 273.3(c)(1)

A recalled pesticide described in paragraph (a)(1) of this section becomes a waste on the first date on which both of the following conditions apply:

- (i) The generator of the recalled pesticide agrees to participate in the recall; and
- (ii) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

40 CFR 273.3(c)(2)

An unused pesticide product described in paragraph (a)(2) of this section becomes a waste on the date the generator decides to discard it.

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40 CFR 273.4(c)(2)

Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

40 CFR 273.5(c)(2)

An unused lamp becomes a waste on the date the handler decides to discard it.

40 CFR 273.33(c)(2)

A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:

- (i) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;
- (ii) Removes the ampules only over or in a containment device (*e.g.*, tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
- (iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks of broken ampules from that containment device to a container that meets the requirements of 40 CFR 262.34;
- (iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34;
- (v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- (vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
- (vii) Stores removed ampules in closed, non-leaking containers that are in good condition;
- (viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation;

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