

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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**REVISION NOTE:**

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 500 as Env-Hw 500. 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 #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 500. The numerals of the rules remained unchanged, except that the former Env-Wm 506.01 was readopted with amendments and renumbered as Env-Hw 506.01 through Env-Hw 506.03. Except for Env-Hw 506.02 and Env-Hw 506.03, the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

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CHAPTER Env-Hw 500 REQUIREMENTS FOR HAZARDOUS WASTE GENERATORS

Statutory Authority: RSA 147-A:3

PART Env-Hw 501 APPLICABILITY, EXEMPTIONS, AND DEFINITIONS

Env-Hw 501.01 Applicability.

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

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

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

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See Revision Note [RN] at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 501.02 Exemptions.

(a) Farmers who dispose of hazardous waste pesticide residues from their own use shall be exempt from this chapter provided they triple rinse each emptied pesticide container in accordance with Env-Hw 401.03(d)(3) and dispose of the pesticide residues on their own farm in a manner consistent with the disposal instructions on the pesticide label.

(b) The packaging, manifest, and delivery requirements of Env-Hw 507.04(a), Env-Hw 510, and Env-Hw 511, respectively, shall not apply to government entities transporting household hazardous wastes to a household hazardous waste collection project, a permitted transfer facility, or a permitted treatment, storage or disposal facility, provided:

- (1) The government entity has obtained prior approval from the household hazardous waste collection project, transfer facility, or treatment, storage or disposal facility receiving the wastes;
- (2) The household hazardous wastes being managed have been separated by US DOT hazard class, as specified in 49 CFR 177.848 (b), (c), (d), and (e), prior to transport;
- (3) The household hazardous wastes being managed have been:
  - a. Loose-packed or over-packed in containers meeting US DOT specifications for hazardous materials, as defined in 49 CFR 178; or
  - b. Packaged in strong outside containers, as defined in 49 CFR 171.8, if the waste is in its original container and less than 8 gallons;
- (4) The containers or strong outside containers required by (3), above, have been labeled with the following information:
  - a. US DOT hazard classes as specified in 49 CFR 173.2;
  - b. Date the waste was collected; and

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- c. Name of the original government entity that collected the waste;
  - (5) Each container has been sealed and secured for transport in a manner that prevents leakage, spillage, and releases to the environment;
  - (6) The wastes are transported only in a vehicle that is:
    - a. Owned and registered by a government entity; and
    - b. Operated by a government entity employee;
  - (7) During transport, the government employee transporting the wastes retains a bill of lading describing the contents of the vehicle;
  - (8) Each individual who transports 55 gallons or more of household hazardous wastes has had a minimum of 24 hours of initial training in function-specific hazardous waste handling, safety, hazard communication, and emergency procedures and 8 hours of annual refresher training; and
  - (9) The receiving facility counts the waste toward its generator status in accordance with Env-Hw 503.
- (c) Env-Hw 510 shall not apply to small quantity generators transporting their own hazardous waste in accordance with Env-Hw 601.02(b)(1) and (b)(3) to another facility in New Hampshire that:
- (1) Is owned or operated by the owner or operator of the small quantity generator site;
  - (2) Has notified the department of this activity in accordance with Env-Hw 504; and
  - (3) Counts the waste received towards its generator status in accordance with Env-Hw 503.
- (d) Env-Hw 507, Env-Hw 508, Env-Hw 509, Env-Hw 511, and Env-Hw 513 shall not apply to transporters while they are collecting only curbside household hazardous wastes.
- (e) This chapter, except for Env-Hw 502.01, shall not apply to universal waste handlers and universal waste transporters handling universal waste, provided that the waste is managed in accordance with Env-Hw 1100.
- (f) Env-Hw 515 shall not apply to a generator operating under a temporary EPA identification number pursuant to Env-Hw 504.04.
- (g) This chapter shall not apply to any person responding to an explosives or munitions emergency 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.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; amd by #10494, eff 1-1-14; ss by #12347, eff 8-14-17

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

- (a) “Central accumulation area” means any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to the requirements of Env-Hw 507, Env-Hw 508.02, Env-Hw 508.03 or Env-Hw 509.02, or any combination thereof; and
- (b) “Satellite accumulation area” means any on-site hazardous waste accumulation area with hazardous waste accumulating in containers subject to the requirements of Env-Hw 507 and Env-Hw 509.03.

Source. #12347, eff 8-14-17

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PART Env-Hw 502 HAZARDOUS WASTE DETERMINATION

Env-Hw 502.01 Hazardous Waste Determination.

(a) All generators of waste shall determine if that waste is a hazardous waste as set forth in Env-Hw 401.01 using the following steps:

- (1) The generator shall determine whether the waste is exempt from regulation under Env-Hw 401.03;
- (2) The generator shall determine if the waste is listed as a hazardous waste in Env-Hw 402; and
- (3) To comply with Env-Hw 1200, or if the waste is not listed in Env-Hw 402, the generator shall determine whether the waste is a characteristic hazardous waste identified in Env-Hw 403 or is a hazardous waste mixture or other material regulated under Env-Hw 401.01 or Env-Hw 404, by either:
  - a. Testing the waste according to the hazardous waste determination methods set forth in Env-Hw 401.04 and Env-Hw 403; or
  - b. Applying knowledge of the hazardous nature or characteristics of the waste based on the materials or processes used to generate the waste.

(b) If a determination is made in accordance with (a)(3)b., above, the generator shall compile a written record of the basis for the determination that includes all information used to make the determination, such as a description of the process generating the waste, safety data sheets, and other information material to the determination.

(c) The generator shall maintain documentation of waste determinations as specified in Env-Hw 512.01.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

PART Env-Hw 503 GENERATOR CLASSIFICATIONS

Env-Hw 503.01 Small Quantity Generators. A small quantity generator shall be a generator who, in each and every calendar month, generates less than:

- (a) One hundred kilograms or 220 pounds of hazardous waste;
- (b) One kilogram or 2.2 pounds of an acutely hazardous waste; and
- (c) One hundred kilograms or 220 pounds of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of any acutely hazardous waste.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 503.02 Full Quantity Generators. A full quantity generator shall be a generator who:

- (a) Generates equal to or greater than a total of 100 kilograms or 220 pounds of hazardous waste in any single month;
- (b) Accumulates greater than 1,000 kilograms or 2,200 pounds of hazardous waste at any time;
- (c) Generates equal to or greater than one kilogram or 2.2 pounds of an acutely hazardous waste in any single month;

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- (d) Accumulates equal to or greater than one kilogram or 2.2 pounds of an acutely hazardous waste at any time;
- (e) Generates equal to or greater than 100 kilograms or 220 pounds of spill cleanup material contaminated with acutely hazardous waste in any single month;
- (f) Accumulates equal to or greater than 100 kilograms or 220 pounds of spill cleanup material contaminated with acutely hazardous waste at any time;
- (g) Uses a drip pad, as defined in Env-Hw 103, to convey wood preserving waste to an associated collection system; or
- (h) Accumulates hazardous waste in a containment building, as defined in Env-Hw 103.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 503.03 Classification Calculation.

- (a) In determining the quantity of hazardous waste generated, a generator may exclude:
  - (1) Hazardous waste that is exempt from the hazardous waste rules pursuant to Env-Hw 401.03;
  - (2) Subject to (b), below, hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in Env-Hw 103 or Env-Hw 104, as applicable;
  - (3) Subject to (c), below, hazardous waste that is recycled on-site by a process regulated under Env-Hw 804.01(b)(4), without prior storage or accumulation;
  - (4) Used oil, as defined in Env-Hw 104, that is recycled in accordance with Env-Hw 807;
  - (5) Spent lead acid batteries managed in accordance with Env-Hw 809;
  - (6) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was counted once;
  - (7) Hazardous waste produced by on-site treatment, including reclamation, of a hazardous waste, so long as the hazardous waste that is treated was counted once;
  - (8) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once;
  - (9) Universal waste managed in accordance with Env-Hw 1100; and
  - (10) The weight of a container or inner liner from a container of hazardous waste, including a container or inner liner that is not deemed empty as specified in Env-Hw 401.03(d), provided that:
    - a. The weight of the hazardous waste, including any residue remaining in a non-empty container or inner liner, is counted; and
    - b. The non-empty container and inner liner are managed as hazardous waste.
- (b) For purposes of (a)(2), above, “managed immediately upon generation” means that:
  - (1) The hazardous waste is conveyed via permanent piping directly from the tank in which it was generated to the treatment unit without intermediate accumulation of the hazardous waste; and
  - (2) Treatment begins within 24 hours after the hazardous waste is generated.

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(c) For purposes of (a)(3), above, “without prior storage or accumulation” means that:

- (1) The hazardous waste is conveyed via permanent piping directly from the tank in which it was generated to the recycling unit without intermediate accumulation of the hazardous waste; and
- (2) The recycling process begins within 24 hours after the hazardous waste is generated.

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

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

PART Env-Hw 504 NOTIFICATION; EPA IDENTIFICATION NUMBER

Env-Hw 504.01 EPA Identification Number Required.

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

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

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

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

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

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

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

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

- (1) Site name;
- (2) Site mailing address;
- (3) Street address of the site;
- (4) EPA identification number;
- (5) The effective date of the commencement or change in hazardous waste activity;
- (6) Whether the notification is an initial notification required by this part or subsequent notification required by Env-Hw 505;
- (7) Name, title, telephone number, and, if available, email address of a contact person;

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- (8) The name, address, and telephone number of the legal owner of the site property and the date on which that person or entity became the owner;
- (9) The name, address, and telephone number of the operator of the site and the date on which that person or entity became the operator;
- (10) Whether the property owner and, if different from the property owner, the operator, is a(n);
  - a. Private person or entity;
  - b. Federal or state agency;
  - c. State political subdivision; or
  - d. Other category of property owner;
- (11) Generator classification, as determined in accordance with Env-Hw 503;
- (12) Type and description of regulated activity, including the applicable North American Industry Classification System (NAICS) codes;
- (13) For each waste stream, a narrative description, estimated quantity of hazardous waste generated per month, and all applicable EPA or NH hazardous waste numbers;
- (14) For full quantity generators, the name and certificate number of the certified hazardous waste coordinator, as defined in Env-Hw 515.03(b), who is the primary contact for the facility; and
- (15) A statement signed by the generator's authorized representative, certifying, as specified in Env-Hw 207, the information provided on the notification form and that all attachments were prepared under the direction or supervision of the generator's authorized representative in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

(b) A generator shall submit a separate notification for each site where activities regulated by the hazardous waste rules are conducted.

(c) A transporter who becomes a generator as specified in Env-Hw 501.01(b), by collecting curbside household hazardous waste, shall obtain an EPA identification number that is non-site specific by submitting to the department at least 30 days prior to the collection, the following information:

- (1) Generator name;
- (2) Generator mailing address;
- (3) A contact person, title, telephone number, and, if available, email address;
- (4) A description of the regulated activity;
- (5) A description of the area(s) to be serviced;
- (6) The start date and expected completion date of the collection; and
- (7) The waste handling instructions provided by the generator to the household specifying how the household should handle its waste prior to acceptance by the generator.

(d) The following shall constitute a change in ownership of the generator and so requires the generator to file a new initial notification:

- (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;

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(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.

(e) Pursuant to RSA 147-A:6-a, I, each initial notification of hazardous waste activity filed by a new generator shall be accompanied by a non-refundable fee of \$150.

(f) Pursuant to RSA 147-A:6-a, II, political subdivisions of the state shall be exempt from paying the fee in (e), above.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; amd by #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 504.03 Notification Determination for an EPA Identification Number.

(a) If the department, upon examination of a notification, determines that the generator has not provided all of the information required by Env-Hw 504.02(a) or (c), as applicable, and the fee required by Env-Hw 504.02(e), the department shall notify the generator of each deficiency.

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

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

(d) If a notification is deemed complete, the department shall issue an EPA identification number.

(e) An EPA identification number shall remain valid until the department receives a request from the generator to:

(1) Inactivate the number, as specified in Env-Hw 505.02; or

(2) Declassify the number, as specified in Env-Hw 505.04.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 504.04 Notification Requirements for a Temporary EPA Identification Number.

(a) A non-recurrent generator of hazardous waste that is required to manifest hazardous waste due to a one-time cleanup shall obtain a temporary EPA identification number.

(b) A one-time cleanup shall include, but not be limited to, removal of:

(1) Off-specification materials;

(2) Underground storage tanks; and

(3) Contaminated soil due to a spill.

(c) A generator shall request a temporary EPA identification number by providing to the department, orally or in writing, the following information:

(1) Generator name and mailing address;

(2) Street address where the waste is being generated;

(3) Contact person, title, telephone number, and if available, email address; and

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(4) Waste description, EPA/state waste number, and estimated amount to be transported.

(d) The department shall issue a temporary EPA identification number if the generator provides all of the information specified in (c), above.

(e) A temporary EPA identification number shall be valid for no longer than 30 days. If the waste cannot be removed within 30 days due to temporary, unforeseen, or uncontrollable circumstances, an extension shall be granted by the department upon request of the generator.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17 (formerly Env-Hw 505.03)

PART Env-Hw 505 SUBSEQUENT NOTIFICATION; INACTIVATION; REACTIVATION; DECLASSIFICATION

REVISION NOTE 2:

*Document #12347, effective 8-14-17, adopted, readopted, or readopted with amendments all of the rules in Chapter Env-Hw 500. Document #12347 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Hw 500.*

*Document #12347 made extensive changes to the existing rules in the former Part Env-Hw 505, including the readoption with amendments and renumbering of the former Env-Hw 505.03 titled “Emergency and Temporary Identification Numbers” as Env-Hw 504.04 titled “Notification Requirements for a Temporary EPA Identification Number.”*

*The filings for the former rules in Env-Hw 505 prior to Document #12347 include the following documents:*

- |                           |                               |
|---------------------------|-------------------------------|
| <i>#5053, eff 1-24-91</i> | <i>#7578, eff 10-13-01</i>    |
| <i>#5886, eff 8-26-94</i> | <i>#9215, INT, eff 8-1-08</i> |
| <i>#7333, eff 8-1-00</i>  | <i>#9367, eff 1-28-09</i>     |

*See the Revision Note at p. ii explaining the history of the former rules under the subtitle Env-Wm prior to Document #9367, effective 1-28-09. The existing rules in Env-Hw 500 that were last affected by Document #9367 did not expire on 1-28-17 but were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #12347, effective 8-14-17.*

Env-Hw 505.01 Subsequent Notification.

(a) A generator shall notify the department orally or in writing of any changes to the information provided pursuant to Env-Hw 504.02(a)(1), (2), (7), (11), (12), (13), (14), or any combination thereof, within 30 days of the effective date of any change.

(b) A generator shall notify the department, on a notification form obtained from the department, of any changes to the information required in Env-Hw 504.02(a)(3), (8), (9), or (10), within 30 days of the effective date of any change.

Source. (See RN at p. ii and Revision Note 2 [RN2] at p. 8) #12347, eff 8-14-17

Env-Hw 505.02 Inactivation of EPA Identification Numbers.

(a) A generator who ceases activities regulated by the hazardous waste rules but continues business operations at a particular site may inactivate the site's EPA identification number if:

- (1) All hazardous waste has been removed from the site; and
- (2) The generator has met the requirements of Env-Hw 506.

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(b) To inactivate an EPA identification number, a generator shall request inactivation by submitting to the department the following information on an "Inactivation/Declassification Form" obtained from the department:

- (1) EPA identification number;
- (2) Effective date of inactivation;
- (3) Generator name;
- (4) Generator mailing address;
- (5) Street address of the site;
- (6) Contact person, title, telephone number, and if available, email address; and
- (7) A statement signed by the generator's authorized representative certifying, as specified in Env-Hw 207, that:
  - a. All hazardous waste has been removed from the site; and
  - b. The generator has met the requirements of Env-Hw 506.

(c) The department shall inactivate an EPA identification number upon receipt of the information in (b), above.

(d) A generator shall not generate, treat, store, dispose, transport, or offer a hazardous waste for transportation while the generator's EPA identification number is inactive.

(e) An EPA identification number shall remain inactive until the department receives a request from the generator to:

- (1) Reactivate the number, as specified in Env-Hw 505.03; or
- (2) Declassify the number, as specified in Env-Hw 505.04.

Source. (See RN at p. ii & RN2 at p. 8) #12347, eff 8-14-17

Env-Hw 505.03 Reactivation of EPA Identification Numbers.

(a) If a generator with an inactive EPA identification number intends to resume activities regulated by the hazardous waste rules, the generator shall reactivate the number prior to engaging in any regulated activities by completing and submitting a notification form in accordance with Env-Hw 504.02.

(b) Reactivation of an EPA identification number shall be subject to the non-refundable fee of \$150 required in Env-Hw 504.02(e) only if ownership of the generator changed during the period of inactivation.

(c) For purposes of (b), above, the events described in Env-Hw 504.02(d) shall constitute a change in ownership.

(d) Upon receipt of a notification form to reactivate an inactive EPA identification number, the department shall process the notification in accordance with Env-Hw 504.03.

Source. (See RN at p. ii & RN2 at p. 8) #12347, eff 8-14-17

Env-Hw 505.04 Declassification.

(a) A generator shall notify the department within 7 days after ceasing business operations, including activities regulated by the hazardous waste rules, at a particular site.

(b) A generator who ceases activities regulated by the hazardous waste rules but continues business operations at a particular site may declassify the site's EPA identification number if:

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- (1) All hazardous waste has been removed from the site; and
- (2) The generator has met the requirements of Env-Hw 506.

(c) To declassify an EPA identification number, a generator shall request declassification by submitting to the department the following information on an "Inactivation/Declassification Form" obtained from the department:

- (1) All of the information required by Env-Hw 505.02(b);
- (2) Mailing address for future correspondence;
- (3) Whether the property has been sold or leased to another company that will generate hazardous waste, if known;
- (4) Reason for declassification;
- (5) If the generator is relocating:
  - a. New street address;
  - b. Whether hazardous waste will be generated; and
  - c. Whether the generator has notified the department of activities regulated by the hazardous waste rules at the new location; and
- (6) A statement signed by the generator's authorized representative certifying, as specified in Env-Hw 207, that:
  - a. All hazardous waste has been removed from the site; and
  - b. The generator has met the requirements of Env-Hw 506.

(d) The department shall declassify an EPA identification number if the requirements in (a) through (c), above, are met.

(e) If a generator with a declassified EPA identification number intends to resume activities regulated by the hazardous waste rules, the generator shall notify the department prior to engaging in any regulated activities by completing and submitting a notification form in accordance with Env-Hw 504.02, including the non-refundable fee of \$150 required in Env-Hw 504.02(e).

Source. (See RN at p. ii & RN2 at p. 8) #12347, eff 8-14-17

PART Env-Hw 506 ENVIRONMENTAL AND HEALTH REQUIREMENTS

Env-Hw 506.01 Hazard Minimization.

(a) While accumulating hazardous wastes, a generator shall not use storage practices that pose a hazard to human health or the environment.

(b) A generator shall:

- (1) Comply with all surface water standards as specified in the Federal Clean Water Act and the Federal Safe Drinking Water Act;
- (2) Comply with all air emission limits specified in the Federal Clean Air Act and New Hampshire implementation plans;
- (3) Prevent exposure of workers to chemicals in violation of Occupational Safety and Health Administration standards or New Hampshire RSA 277-A; and

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- (4) Prevent exposure of humans or the environment to harmful quantities of hazardous waste or its constituents.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 506.02 Soil or Groundwater Contamination; Disposal of Hazardous Waste and Contaminated Materials Due to Closure or Cessation of Operations.

(a) If soil or groundwater contamination is detected at a generator's site, the generator shall comply with Env-Hw 702.13.

(b) When disposing of hazardous waste or disposing of or decontaminating equipment, structures, soils, or any combination thereof, due to the closure or cessation of operation of its generating facility, a generator shall be exempt from all requirements in Subparts G and H of 40 CFR Part 265 except for:

- (1) The closure performance standard set forth in 40 CFR 265.111; and
- (2) The requirements of 40 CFR 265.114.

Source. (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 506.03 Management of Wastes Upon Cessation of Operations. A generator who ceases operation of its generating facility shall continue to manage its hazardous wastes in accordance with all applicable generator standards. Failure to continue such management shall be deemed disposal of hazardous waste subject to Env-Hw 300 and Env-Hw 700.

Source. (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

PART Env-Hw 507 ACCUMULATION REQUIREMENTS

Env-Hw 507.01 Accumulation Requirements.

(a) Except as provided in (b) and (c), below, all hazardous waste shall be accumulated in containers or tanks, in accordance with Env-Hw 507.02 through Env-Hw 507.04.

(b) Full quantity generators using drip pads as specified in Env-Hw 503.02(g) shall comply with Env-Hw 507.03 and Env-Hw 509.02(a)(8).

(c) Full quantity generators using containment buildings as specified in Env-Hw 503.02(h) shall comply with Env-Hw 507.03 and Env-Hw 509.02(a)(9).

Source. #12347, eff 8-14-17

Env-Hw 507.02 Requirements for Containers and Tanks.

(a) Containers and tanks used to accumulate hazardous waste shall be:

- (1) In good condition;
- (2) Chemically compatible with the waste stored therein such that no leakage or deterioration of the container or tank occurs; and
- (3) Closed at all times except to add or remove waste.

(b) While accumulating hazardous waste in a container, a generator shall:

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- (1) Provide a minimum of 2 feet of aisle space to allow for inspection of at least one side of each container; and
- (2) Position each container so that its hazardous waste label or marking is not hidden by walls or other containers and can be easily read without having to move any containers.

(c) Hazardous waste containers shall be stored on impervious surfaces. Impervious surfaces shall include concrete and asphalt unless cracks or holes are present, and shall not include earthen, wooden, or gravel surfaces.

(d) Except as provided in (e), below, hazardous waste containers shall not be stored in an area with functional floor drains or manholes, or in or near a sink with a functional drain present, unless secondary containment is provided around all hazardous waste containers in the area capable of containing the volume of the largest capacity hazardous waste container present.

(e) The containment system required by (d), above, or by (f)(3), below, shall not be required for areas that store containers holding only wastes that do not contain free liquids provided that:

- (1) The area is sloped or is otherwise designed to drain and remove liquid resulting from precipitation; or
- (2) The containers are elevated or otherwise protected from contact with accumulated liquid.

(f) Hazardous waste containers stored outside shall:

- (1) Be covered to prevent precipitation from coming in contact with the tops of the containers except when being moved to another location;
- (2) Be kept closed at all times except when the generator is actively adding wastes to or removing wastes from a container;
- (3) Except as provided in (e), above, have secondary containment that:
  - a. Is adequate to hold any spills or leaks at 110% of the volume of the largest container in the area or 10% of the total volume of containers, whichever is greater; and
  - b. Is covered to keep the secondary containment structure free of rain, snow, and ice; and
- (4) Not be stored within any of the following set-backs, subject to (g), below:
  - a. For surface waters, 50 feet;
  - b. For private wells, 75 feet;
  - c. The protective radius of any public water supply well; or
  - d. For storm drains, 50 feet.

(g) If a more protective set-back is required by any other state statute or rule, the more protective set-back shall apply.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17 (formerly Env-Hw 507.01)

Env-Hw 507.03 Accumulation Time.

(a) Except as provided in Env-Hw 508.02, Env-Hw 508.03, Env-Hw 509.03, and (c), below, a generator shall not be required to obtain a storage permit to accumulate hazardous waste that is generated on-

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site so long as the waste is shipped off-site within 90 days of the date on which accumulation of the waste begins.

(b) Except as provided in Env-Hw 508.02, Env-Hw 508.03, Env-Hw 509.03, and (c), below, a generator who accumulates hazardous waste for greater than 90 days shall be deemed an operator of a storage facility and so subject to all facility requirements in Env-Hw 300 and Env-Hw 700 unless the generator has requested and the department has granted:

- (1) A waiver of the 90-day period as provided in Env-Hw 202; or
- (2) An extension of the 90-day period, as provided in (e) through (g), below.

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

(d) A generator who accumulates F006 waste on-site for greater than 180 days or who accumulates more than 20,000 kilograms of F006 waste on-site shall be deemed an operator of a storage facility and be subject to all facility requirements in Env-Hw 300 and Env-Hw 700 unless the generator has requested and the department has granted:

- (1) A waiver, as provided in Env-Hw 202, of the 20,000 kilograms limit if the limit will be exceeded due to unforeseen, temporary, and uncontrollable circumstances; or
- (2) An extension of the 180 day period, as provided in (e) through (g), below.

(e) A generator who wishes to obtain an extension pursuant to (b)(2) or (d)(2), above, shall submit a written request for an extension that explains the circumstances warranting such an extension.

(f) The department shall grant the requested extension if hazardous wastes will remain on-site due to unforeseen, temporary, and uncontrollable circumstances.

(g) An extension granted by the department pursuant to (b)(2) or (d)(2), above, shall be limited to 30 days.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17 (formerly Env-Hw 507.02)

Env-Hw 507.04 Packaging/Labeling/Pre-transport.

(a) Before transporting or offering hazardous waste for transportation off-site, a generator shall:

- (1) Package the waste in US DOT containers as specified in 49 CFR 173, 178, and 179;
- (2) Mark and label each container in accordance with the applicable US DOT hazardous materials regulations in 49 CFR Part 172; and
- (3) Mark each container of 119 gallons or less in accordance with 49 CFR 172.304, including the following:
  - a. The generator's name and physical address;
  - b. The generator's EPA identification number;
  - c. The manifest tracking number; and
  - d. The following statement: "HAZARDOUS WASTE - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency".

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(b) Before transporting or offering hazardous waste for transportation off-site, a generator shall determine that:

- (1) The transporter possesses a current and valid New Hampshire hazardous waste transporter registration and an EPA identification number; and
- (2) The transport vehicle is placarded in accordance with US DOT regulations for hazardous materials under 49 CFR 172, subpart F and rules adopted by the New Hampshire department of safety.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; amd by #8714, INT, eff 9-5-06, EXP: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17 (formerly Env-Hw 507.03)

PART Env-Hw 508 SMALL QUANTITY GENERATORS

Env-Hw 508.01 Small Quantity Generators. In addition to the requirements of Env-Hw 501 through Env-Hw 507 and Env-Hw 510 through Env-Hw 514, small quantity generators shall comply with the specific quantity and accumulation requirements of Env-Hw 508.02 or Env-Hw 508.03, as applicable.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7966, INT, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 508.02 Small Quantity Generator Accumulation Requirements. A small quantity generator may accumulate on site less than 100 kilograms or 220 pounds of hazardous waste, or less than one kilogram or 2.2 pounds of an acutely hazardous waste in containers or tanks for greater than 90 days without a permit, provided that:

(a) The quantity of hazardous waste accumulated on-site never reaches or exceeds 100 kilograms or 220 pounds of hazardous waste or one kilogram or 2.2 pounds of an acutely hazardous waste;

(b) The generator maintains the following equipment not more than 100 feet from the hazardous waste and accessible along a path unobstructed by any obstacles other than doors, which shall be unlocked at all times:

- (1) Spill control equipment, such as speedi-dry or absorbent rags; and
- (2) Fire control equipment, such as fire extinguishers;

(c) The generator posts a “No Smoking” sign near ignitable or reactive wastes;

(d) The generator clearly labels or marks each container and tank used for the accumulation of hazardous wastes with the following information at the time the container or tank is first used to accumulate wastes:

- (1) The words “hazardous waste”; and
- (2) Words that identify the contents; and

(e) The hazardous wastes are transported off-site in accordance with Env-Hw 510 and Env-Hw 511.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

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

(a) The quantity of hazardous waste accumulated on-site does not exceed 1,000 kilograms, equivalent to 2,200 pounds, of hazardous waste or one kilogram, equivalent to 2.2 pounds, of acutely hazardous waste;

(b) The generator meets the requirements of Env-Hw 508.02(b) through (e);

(c) Hazardous waste containers are inspected weekly and managed in accordance with 40 CFR Part 265 Subpart I – Use and Management of Containers, but not including 40 CFR 265.178;

(d) Hazardous waste tanks are inspected and managed in accordance with 40 CFR Part 265 Subpart J – Tanks, but not including 40 CFR 265.197(c), 40 CFR 265.200, 40 CFR 265.201, and 40 CFR 265.202;

(e) For any inspection required by (c) or (d), above, the generator remedies any leaks or deterioration discovered during an inspection on a schedule that ensures the problem does not lead to an environmental or human health hazard;

(f) The hazardous waste is under the control of a designated hazardous waste manager or emergency coordinator or designee;

(g) At all times there is at least one employee designated as the emergency coordinator who is either on the premises or on call, with the responsibility for coordinating all emergency response measures;

(h) The generator posts the following information next to the telephone nearest each central accumulation area:

(1) The name and emergency telephone number(s) of the emergency coordinator and, if applicable, the emergency coordinator's designee;

(2) The telephone numbers of the fire department, police department, hospital, and state of New Hampshire and local emergency response teams that may be called upon to provide emergency services; and

(3) The location of fire extinguishers and spill control material, and, if present, fire alarm;

(i) The generator ensures that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies;

(j) The generator maintains the following equipment, not more than 100 feet from each central accumulation area, and accessible along a path unobstructed by any obstacles other than doors that are unlocked at all times:

(1) An internal communication or alarm system, as described in 40 CFR 265.32(a); and

(2) An external communication system, as described in 40 CFR 265.32(b);

(k) The generator makes good faith efforts to make arrangements with local fire officials to familiarize them with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;

(l) Within 90 days of reaching the on-site accumulation limit of 1,000 kilograms or 2,200 pounds of non-acutely hazardous waste, the generator ships all hazardous wastes off-site in accordance with Env-Hw 510 and Env-Hw 511, to a facility authorized under the destination state's rules to handle the waste; and

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(m) The generator clearly labels or marks containers and tanks used for the accumulation of hazardous waste with the date the on-site accumulation limit of 1,000 kilograms or 2,200 pounds of non-acutely hazardous waste is reached.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; amd by #10739, eff 12-2-14; ss by #12347, eff 8-14-17

PART Env-Hw 509 FULL QUANTITY GENERATORS

Env-Hw 509.01 Full Quantity Generator Requirements. Full quantity generators shall comply with:

- (a) Env-Hw 501 through Env-Hw 507;
- (b) Env-Hw 510 through Env-Hw 513;
- (c) The accumulation requirements in Env-Hw 509.02 and Env-Hw 509.03;
- (d) The certified hazardous waste coordinator requirements in Env-Hw 509.04; and
- (e) The land disposal restrictions requirements in Env-Hw 509.05.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 509.02 Full Quantity Generator Accumulation Requirements.

- (a) Full quantity generators shall comply with the following standards:
  - (1) 40 CFR 265.15, general inspection requirements;
  - (2) Subject to (g) through (i), below, 40 CFR 265.16, personnel training;
  - (3) 40 CFR 265.17, general requirements for ignitable, reactive or incompatible wastes;
  - (4) Subject to (j) and (k), below, 40 CFR 265, Subpart C, preparedness and prevention;
  - (5) 40 CFR 265, Subpart D, contingency plan and emergency procedures;
  - (6) 40 CFR 265, Subpart I, use and management of containers;
  - (7) 40 CFR 265, Subpart J, tanks, except 40 CFR 265.197(c), 40 CFR 265.200, and 40 CFR 265.201;
  - (8) 40 CFR 265, Subpart W, drip pads; and
  - (9) 40 CFR 265, Subpart DD, containment buildings.
- (b) A full quantity generator shall post a list of the steps to take if an emergency occurs and the following information at the nearest telephone to each central accumulation area:
  - (1) The names and emergency telephone numbers of the emergency coordinators;
  - (2) The telephone numbers of the fire department, police department, hospital, and state of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24 hour response team designated to provide emergency services whose telephone number is posted; and

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(3) The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.

(c) A full quantity generator shall provide the following security measures at all outdoor central accumulation areas:

(1) An artificial or natural barrier, such as a fence in good repair, that completely surrounds the central accumulation area to prevent the unauthorized or unknowing entry of individuals or livestock;

(2) A means to control entry, at all times, through gates or other entrances to the central accumulation area such as an attendant, television monitor, locked entrance, or controlled roadway access to the area; and

(3) A sign stating "Danger - Unauthorized Personnel Keep Out" at each entrance to the central accumulation area. Existing signs with other than the aforementioned words may be used if the sign clearly indicates that only authorized personnel are allowed to enter the area and that entry can be dangerous.

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

(1) The beginning accumulation date;

(2) The words "hazardous waste";

(3) Words that identify the contents; and

(4) The EPA or state waste number, as applicable.

(e) A full quantity generator shall not be required to obtain a storage permit to use a drip pad to accumulate and convey hazardous wood preserving wastes that are generated on site provided that:

(1) The wastes are shipped off site within 90 days of the date when accumulation of the waste first began, unless the generator requests and the department grants an extension of the 90-day period as provided in Env-Hw 507.03(e) through (g); and

(2) The generator maintains the following records at the facility:

a. A written description of procedures the generator will follow to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

b. Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(f) A full quantity generator shall not be required to obtain a storage permit to accumulate, in a containment building, hazardous waste that is generated on site provided that:

(1) Prior to operation of the containment building, the generator obtains a professional certification from a licensed NH professional engineer that the building is constructed in accordance with the design standards specified in 40 CFR 265.1101 and is fit to operate as intended;

(2) The generator maintains the professional engineer certification described in (f)(1), above, in the generator's operating record;

(3) The waste is shipped off site within 90 days of the date the accumulation begins, unless the generator requests and the department grants an extension of the 90-day period as provided in Env-Hw 507.03(e) through (g); and

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- (4) The generator maintains the following records at the facility:
- a. All of the following:
    1. A written description of procedures the generator will follow to ensure that each waste volume remains in the unit for no more than 90 days;
    2. A written description of the facility's waste generation and management practices showing that they are consistent with meeting the 90 day accumulation limit; and
    3. Documentation that the procedures are complied with; or
  - b. Documentation that the containment building is emptied at least once every 90 days.

(g) As incorporated by reference in (a)(2), above, and used in 40 CFR 265.16(a)(2), "a person trained in hazardous waste management procedures" means:

- (1) An outside hazardous waste management trainer;
- (2) An in-house employee who has completed a hazardous waste management course or who provides documentation to demonstrate his/her own capabilities as in-house trainer; or
- (3) A trainer who teaches a basic course or module offered by the department pursuant to Env-Hw 515.

(h) As incorporated by reference in (a)(2), above, and used in 40 CFR 265.16(c), "an annual review of the initial training" means review training that is received each year no more than 90 days prior to and no more than 90 days after the anniversary date of the initial training, such that training is received every 12 months on average, subject to (i), below.

(i) Provided that an annual review of initial training meets the requirements of 40 CFR 265.16(c), if such review training is received more than 90 days prior to the anniversary date of the initial training, the anniversary date for purposes of future compliance with paragraph (h), above, shall be the date on which such review training is received.

(j) As incorporated by reference in (a)(4), above, and used in 40 CFR Part 265.35, "required aisle space" means not less than 2 feet to allow for inspection of at least one side of each container.

(k) As incorporated by reference in (a)(4), above, and used in 40 CFR Part 265.32, "required equipment" means the equipment required at each central accumulation area, not more than 100 feet from each area and accessible along a path unobstructed by any obstacles other than doors, which shall be unlocked at all times.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; amd by #10494, eff 1-1-14; amd by #10739, eff 12-2-14; ss by #12347, eff 8-14-17

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

(a) The hazardous waste containers are under the control of the operator of the process generating the waste;

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(b) The operator of the process generating the hazardous waste has been trained as specified in Env-Hw 509.02(a)(2), except that, in lieu of the annual training requirements specified in 40 CFR 265.16, the training interval shall be 3 years;

(c) The generator meets the environmental and health requirements of Env-Hw 506;

(d) The generator meets the accumulation requirements of Env-Hw 507;

(e) The generator manages incompatible wastes pursuant to 40 CFR 265.177;

(f) At the time the containers are first used to accumulate wastes, the generator clearly labels or marks hazardous waste containers with:

(1) The words "hazardous waste"; and

(2) Words that identify the contents of the containers;

(g) For satellite accumulation areas that have accumulated greater than 10 gallons of hazardous waste, in lieu of the weekly inspections required by Env-Hw 509.02(a)(6), the generator inspects the containers at least monthly for leaks and for deterioration caused by corrosion and other factors;

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

(1) Immediately labels or marks the hazardous waste containers with the following:

a. The date the accumulation limit was reached; and

b. The EPA or state waste number, as applicable;

(2) Moves the hazardous waste to a designated central accumulation area within 3 days of reaching the accumulation limit; and

(3) Ships the hazardous waste off-site within 90 days of the date the accumulation limit was reached; and

(i) For the inspections required in (g), above, the generator remedies any leaks or deterioration discovered during an inspection on a schedule that prevents an environmental or human health hazard.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See RN at p. ii) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

Env-Hw 509.04 Certified Hazardous Waste Coordinator Requirements.

(a) Unless exempt pursuant to Env-Hw 501.02(f), a full quantity generator shall, subject to (b), below, have at least one hazardous waste coordinator certified by the department pursuant to Env-Hw 515 on staff and physically at the facility where the hazardous waste is generated for an average, calculated on an annual basis, of no less than 30 hours per week or 75% of the generator's standard work week if the generator's standard work week is less than 40 hours.

(b) A full quantity generator shall not be without a hazardous waste coordinator physically at the facility where the hazardous waste is generated, due to illness, vacation, or any other reason, for more than 30 consecutive working days or more than 45 total working days during any calendar year, exclusive of Saturdays, Sundays, or state and federal holidays.

(c) A full quantity generator shall make available to the department upon request documentation to demonstrate that it is in compliance with (a) and (b), above.

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(d) For the purposes of (a) and (b), above, the certified hazardous waste coordinator may be an employee of the generator or a third party contractor hired by the generator.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 509.05 Land Disposal Restrictions. A full quantity generator shall comply with Env-Hw 1200.

Source. #12347, eff 8-14-17

PART Env-Hw 510 MANIFEST REQUIREMENTS

Env-Hw 510.01 General Requirements.

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

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

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

(d) A generator shall:

- (1) Determine whether the destination state for a shipment regulates any additional wastes as hazardous wastes beyond those regulated federally;
- (2) Determine whether the destination state for a shipment requires the generator to submit any copies of the manifest to the state; and
- (3) Based on its findings with respect to (1) and (2), comply with the requirements of the destination state, as applicable.

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

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

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INT, eff 9-5-06, EXP: 3-4-07; ss by #8790, eff 1-5-07; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 510.02 Manifest Copy Distribution and Signatory Requirements. A generator shall:

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

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

(c) Produce one legible photocopy of the manifest with signatures as described in (a) and (b) if the destination state does not require a copy of the manifest and 2 legible photocopies if the destination state does require a copy;

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- (d) Retain one copy of the manifest with signatures as described in (a) and (b), above;
- (e) Submit, within 5 days of shipment, one of the photocopies of the manifest, or a facsimile or electronic copy thereof, as described in (c), above, to:
  - (1) The destination state if required by that destination state; and
  - (2) The department; and
- (f) Provide 5 copies of the manifest to the transporter to accompany the shipment.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INT, eff 9-5-06, EXP: 3-4-07; ss by #8790, eff 1-5-07; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 510.03 Manifest Information. The manifest shall:

- (a) Contain all of the information required in the Appendix to 40 CFR Part 262, except that the word “wastes” shall be substituted for “waste codes” under the instructions for manifest item 27;
- (b) For manifest item 13, in addition to all applicable federal and state waste codes, identify wastes using the following exemption codes, as applicable:
  - (1) “NHX1” for wastes that are destined for recycling and are exempt from the hazardous waste cleanup fee based on RSA 147-B:9, III;
  - (2) “NHX2” for wastes that are exempt from the hazardous waste cleanup fee based on RSA 147-B:9, VI;
  - (3) “NHX3” for wastes that are exempt from the hazardous waste cleanup fee based on RSA 147-B:9, IV;
  - (4) “NHX4” for wastes that are exempt from the hazardous waste cleanup fee based on RSA 147-B:9, I;
  - (5) “NHX5” for wastes that are exempt from the hazardous waste cleanup fee based on RSA 147-B:9, II; and
  - (6) “NHX6” for wastes that are exempt from the hazardous waste cleanup fee based on RSA 147-B:9, V; and
- (c) Be signed in accordance with 40 CFR Part 262 and Env-Hw 510.02(a).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #8714, INT, eff 9-5-06, EXP: 3-4-07; ss by #8790, eff 1-5-07; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 510.04 Errors/Discrepancies.

- (a) The generator shall initial and date any corrections to the manifest prior to shipment.
- (b) If the manifest is rendered unusable, the manifest shall be voided and destroyed.
- (c) If an error on the manifest is detected after the waste has been shipped, the generator shall immediately contact the facility and advise the operator of the error.

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(d) For discrepancies involving the type or quantity of waste manifested, the department shall acknowledge such changes only if the facility has corrected the manifest or submitted a discrepancy report in accordance with Env-Hw 703.02.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 510.05 Rail or Water Shipments.

(a) For bulk shipments of hazardous waste that occur solely by water and for rail shipments of hazardous waste that originate at the site of generation, the generator shall comply with this section instead of with Env-Hw 510.02(e) and (f).

(b) For bulk shipments of hazardous waste that occur solely by water, the generator shall, within 5 days of shipment, send:

- (1) To the owner or operator of the designated facility, or to the last water transporter to handle the waste in the United States if exported by water, 4 copies of the dated and signed manifest;
- (2) To the department, one copy of the dated and signed manifest; and
- (3) To the destination state, one copy of the dated and signed manifest, if the shipment remains within the United States and the destination state requires a copy.

(c) For rail shipments of hazardous waste that originate at the site of generation, the generator shall, within 5 days of shipment, send:

- (1) To the following, 4 copies of the dated and signed manifest:
  - a. The next non-rail transporter, if any;
  - b. The designated facility if transported solely by rail; or
  - c. The last rail transporter to handle the waste in the United States if exported by rail;
- (2) To the department, one copy of the dated and signed manifest; and
- (3) To the destination state, one copy of the dated and signed manifest if the shipment remains within the United States and the destination state requires a copy.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 510.06 International Shipments.

(a) Notwithstanding any other provisions of the hazardous waste rules, any person who imports or exports hazardous waste, except state-only waste, shall meet the requirements of 40 CFR 262 Subparts E and F, except as provided in (b), below.

(b) Any person who exports or imports hazardous waste shall comply with 40 CFR 262 Subpart H if the hazardous waste is:

- (1) Not a state-only waste;
- (2) Subject to:
  - a. The manifesting requirements of Env-Hw 510;
  - b. The universal waste management requirements in Env-Hw 1100; or

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c. The export requirements in the spent lead-acid battery management standards of 40 CFR 266, Subpart G; and

(3) Exported to or imported from the countries listed in 40 CFR 262.58(a)(1) for purposes of recovery.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #8714, INT, eff 9-5-06, EXP: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

PART Env-Hw 511 DELIVERY OF HAZARDOUS WASTE

Env-Hw 511.01 Delivery.

(a) A generator shall not deliver or offer hazardous waste to:

(1) A facility that has not obtained an EPA identification number; or

(2) A transporter that does not possess an EPA identification number and a current and valid New Hampshire hazardous waste transporter registration.

(b) Except as provided in (f), below, a generator shall deliver hazardous waste only to a facility authorized under the destination state's rules to handle the hazardous waste.

(c) Except as provided in (f), below, if the generator does not receive a copy of the manifest from the operator of the designated facility within 35 days of shipment, the generator shall contact the operator to determine the status of the hazardous waste shipment. If the generator is unable to contact the operator, then the generator shall contact the transporter.

(d) If the generator does not receive a copy of the manifest with the hand-written signature of the operator of the designated facility, then the generator shall submit an exception report to the department within 45 days of shipment.

(e) Exception reports submitted pursuant to (d), above, shall include:

(1) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(f) A small quantity generator shall not be required to register as a hazardous waste transporter to transport 55 gallons or less of hazardous waste generated at its site to the following locations, provided the requirements of Env-Hw 601.02(b)(1)-(4) are satisfied:

(1) A site that meets the conditions of Env-Hw 501.02(c);

(2) A one-day household hazardous waste collection event sponsored by a government entity if:

a. A hazardous waste manifest, identifying the small quantity generator as both the generator and the first transporter, accompanies the waste at all times;

b. The waste is given directly to a New Hampshire registered hazardous waste transporter during the collection event; and

c. Permission is obtained in advance from the government entity sponsoring the collection event; or

(3) A facility authorized under the destination state's rules to handle the waste.

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- (g) If a designated facility fails to submit a copy of a manifest to the department, the generator shall:
- (1) Notify the operator of the designated facility that the department requires the designated facility to submit copies of manifests to the department pursuant to 40 CFR 264.71(e) and 40 CFR 265.71(e); and
  - (2) Either:
    - a. Ensure that a completed copy of the manifest is submitted by the facility to the department; or
    - b. Submit a completed copy to the department.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #8714, INT, eff 9-5-06, EXP: 3-4-07; ss by #8790, eff 1-5-07; (See RN at p. ii) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

Env-Hw 511.02 Inability to Deliver.

(a) If a transporter is unable to deliver all or part of a hazardous waste shipment, or if a facility rejects all or part of a hazardous waste shipment, the generator shall either designate an alternate authorized facility or instruct the transporter or operator to return the waste.

(b) If a waste shipment is returned, the generator shall:

(1) Ensure that the manifest is completed in accordance with 40 CFR 264.72(f) and 40 CFR 265.72(f), as applicable;

(2) Sign:

a. Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

b. Item 20 of the manifest, if the transporter returned the shipment using a new manifest; and

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

(c) The generator shall forward a copy of the certification of receipt to the department within 5 days of receipt.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #8714, INT, eff 9-5-06, EXP: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

PART Env-Hw 512 RECORDKEEPING AND REPORTING REQUIREMENTS

Env-Hw 512.01 Recordkeeping.

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

(1) All manifest copies, including the original generator copy and the copy certified by the designated facility or the foreign consignee, for 3 years from the date of signature by the generator.

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

(3) A copy of each exception report;

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

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- (5) A copy of each EPA acknowledgment of consent;
- (6) Records on any test results, waste analyses, or other waste determinations, made in accordance with Env-Hw 401.03(j) or Env-Hw 502.01, for 3 years from the date that the waste was last sent to be recycled or for treatment, storage or disposal;
- (7) Records of any hazardous waste spills or discharges;
- (8) Records of the inspections required by Env-Hw 509.02, for 3 years from the date of the inspection;
- (9) Records pertaining to the use of drip pads as required by Env-Hw 509.02(e);
- (10) Records pertaining to the use of containment buildings as required by Env-Hw 509.02(f); and
- (11) Records pertaining to land disposal restrictions as required by Env-Hw 509.05, for 3 years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

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

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

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 512.02 Quarterly Reporting.

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

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

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

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

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

(f) The reporting quarters shall be as follows:

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

(g) Quarterly activity reports shall include the following:

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- (1) Reporting quarter;
  - (2) Name, mailing address, site location, and EPA identification number of the generator;
  - (3) Weight in pounds of the hazardous waste manifested during the reporting quarter, summarized by manifest tracking number and EPA or state waste number;
  - (4) Weight in pounds of the quarter's manifested hazardous waste that is exempt from fees pursuant to RSA 147-B:9; and
  - (5) Fee due to the state of New Hampshire.
- (h) The generator shall:
- (1) Review the reports for accuracy;
  - (2) Correct any errors;
  - (3) Notify the department of any needed corrections within 30 days of receipt of the report; and
  - (4) Certify, as specified in Env-Hw 207, the report.
- (i) The generator shall submit to the department each quarterly activity report along with the appropriate fee within 30 days of receipt.
- (j) Fees required by RSA 147-B:8 shall be assessed based on the weight of hazardous wastes calculated from information written on the generator's manifests, as follows:
- (1) The assessed weight of hazardous wastes shall be calculated from information written on the generator's manifests; and
  - (2) If the generator inadvertently omits an exemption code in manifest item 13 as required by Env-Hw 510.03(b)(1), the hazardous waste shall not be exempt from the fee unless the generator corrects the error by:
    - a. For exemption code "NHX1", having the receiving facility submit a certification to the department that the waste was or will be recycled; or
    - b. For exemption codes "NHX2" through "NHX6", submitting documentation that demonstrates eligibility for the exemption.
- (k) Failure to submit the fees due as specified in (j), above, within 60 days of the due date shall result in the assessment of interest pursuant to RSA 147-B:8, at the rate established by RSA 336:1, II.
- (l) Fees paid by check or money order shall be:
- (1) Made payable to "Treasurer, State of New Hampshire"; and
  - (2) Delivered or mailed to the department.
- (m) For credit card payments, the generator shall provide such information as is needed by the department to process the transaction and the mailing or email address to which the receipt is to be sent.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; amd by #8714, INT, eff 9-5-06, EXP: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

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Env-Hw 512.03 Export Recordkeeping and Reporting.

(a) A person who is a primary exporter, as defined in 40 CFR 262.51, or who initiates the movement documentation under 40 CFR 262.84 shall also:

- (1) Meet the recordkeeping requirements of 40 CFR 262.57 or 40 CFR 262.87(c), as applicable;
- (2) File an annual report with the administrator of EPA, by March 1 of each year, that is based on exports made during the previous calendar year and includes the information specified in 40 CFR 262.56 or 40 CFR 262.87(a), as applicable; and
- (3) In lieu of the requirements of 40 CFR 262.42, if applicable, meet the exception reporting requirements of 40 CFR 262.55 or 40 CFR 262.87(b), as applicable.

(b) The annual report and exception report, as applicable, shall be submitted to:

Office of Enforcement and Compliance Assurance  
Office of Federal Activities, International Compliance Assurance Division (2254A)  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

(c) The annual report, if hand delivered, shall be sent to:

Office of Enforcement and Compliance Assurance  
Office of Federal Activities, International Compliance Assurance Division  
Environmental Protection Agency  
Ariel Rios Building, Room 6144  
12th Street and Pennsylvania Avenue, NW  
Washington, DC 20004

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 512.04 Biennial Reporting.

(a) On even-numbered years, the department shall prepare a biennial report as required in 40 CFR 262.41 on behalf of each generator that is required to report biennially, based on information provided on notification forms, manifests and quarterly reports.

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

(c) The generator shall:

- (1) Review the biennial report for accuracy;
- (2) Correct any errors;
- (3) Notify the department of any needed corrections by March 1 of that year;
- (4) Provide the department with any additional information necessary to complete the biennial report as required in 40 CFR 262.41; and
- (5) Submit to the department a complete and certified copy of the biennial report by March 1 of that year, certified as specified in Env-Hw 207.

Source. #10205, eff 10-19-12; ss by #12347, eff 8-14-17

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Env-Hw 512.05 Additional Reporting. A generator who also operates a treatment, storage or disposal facility at the same location shall submit additional biennial report information as required by Env-Hw 705.03.

Source. #12347, eff 8-14-17

PART Env-Hw 513 EMERGENCY ACTION; REMEDIAL ACTION

Env-Hw 513.01 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 generator 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 a.m. to 4 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) The generator also shall comply with the emergency procedures specified in 40 CFR 265.56.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

Env-Hw 513.02 Discharge Cleanup.

(a) The generator shall immediately contain and cleanup, within 24 hours, any discharge of hazardous waste or material that, when discharged, becomes a hazardous waste.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours, then within 5 days of the discharge the generator shall submit 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 cleanup is successful; and
  - (4) Include a time table for completion of the cleanup plan.

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

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

- (1) Incorporates the self-initiated measures into the report submitted to the department pursuant to (f), below; and

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(2) Complies with all other applicable local, state, and federal requirements.

(f) Within 30 days of completion of the cleanup, the generator shall submit a report to the department detailing the actions taken.

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

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 513.03 Waiver of Manifest and Permit Requirements for Emergency Response.

(a) In the event of an accidental discharge during generation, transportation, treatment, storage, or disposal of a hazardous waste or material, the department shall, during the response to the event, waive any of the manifest and permit 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 applicable permitting requirements for those activities.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INT, eff 8-1-08; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

PART Env-Hw 514 SMALL QUANTITY GENERATOR SELF-CERTIFICATION

Env-Hw 514.01 Purpose and Applicability.

(a) The purpose of this part is to implement RSA 147-A:5, IV relative to self-certification of compliance with applicable hazardous waste rules by small quantity generators (SQGs) of hazardous waste.

(b) This part shall apply to any hazardous waste generator that generates, for every month of the generator's operations, less than 100 kilograms or 220 pounds of hazardous waste per month.

(c) Nothing in this part shall eliminate or otherwise affect the obligation of an SQG to comply with all applicable requirements of RSA 147-A and the hazardous waste rules.

Source. #7966, INT, eff 9-26-03, EXP: 3-24-04  
New. #8415, eff 8-19-05; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

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Env-Hw 514.02 Definitions. For purposes of this part, the following definitions shall apply:

- (a) “Declaration” means a completed self-certification form and any attachments thereto;
- (b) “Fees that are due” means the non-refundable fees required by RSA 147-A:5, IV(b) that are due for the 3 years following the year in which the declaration is due;
- (c) “Self-certification form” means the “Small Quantity Generator Self-Certification and Declaration of Compliance Form” an SQG completes to certify compliance with applicable hazardous waste rules;
- (d) “Small quantity generator (SQG)” means a generator who generates less than 100 kilograms or 220 pounds of hazardous waste in each and every calendar month;
- (e) “SQG whose declaration is due” means:
  - (1) In 2018 and every third year thereafter, SQGs in Rockingham and Strafford counties;
  - (2) In 2016 and every third year thereafter, SQGs in Hillsborough and Cheshire counties; and
  - (3) In 2017 and every third year thereafter, SQGs in Merrimack, Coos, Carroll, Belknap, Sullivan, and Grafton counties; and
- (f) “Year in which the declaration is due” means:
  - (1) For SQGs in Rockingham and Strafford counties, 2018 and every third year thereafter;
  - (2) For SQGs in Hillsborough and Cheshire counties, 2016 and every third year thereafter; and
  - (3) For SQGs in Merrimack, Coos, Carroll, Belknap, Sullivan, and Grafton counties, 2017 and every third year thereafter.

Source. #7966, INT, eff 9-26-03, EXP: 3-24-04

New. #8415, eff 8-19-05; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

Env-Hw 514.03 Self-Certification Procedures.

- (a) On or before October 1 of each year, the department shall email, if available, or mail a self-certification form and explanatory information to each SQG whose declaration is due.
- (b) Subject to (d) below, any SQG whose declaration is due who does not receive a self-certification form by October 10 of the year in which the declaration is due shall notify the department no later than October 20 of that same year.
- (c) Upon receiving notification pursuant to (b), above, the department shall email, if available, or mail a self-certification form and explanatory information to the SQG.
- (d) An SQG whose declaration is due may download the self-certification form and explanatory information from the department’s website in lieu of requesting a paper copy from the department.
- (e) An SQG whose declaration is due shall complete the self-certification form provided by the department and return it to the department no later than January 1 of the year immediately following the year in which the declaration is due, together with:
  - (1) The fees that are due, if any, as specified in RSA 147-A:5, IV(b) through (e);
  - (2) A notification form, if a subsequent notification as specified in Env-Hw 505.01 is necessary; and
  - (3) The corrective action plan required by Env-Hw 514.06, if applicable.

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(f) An SQG whose declaration is due shall send or deliver the declaration, corrective action plan, if any, and the applicable fee to:

Department of Environmental Services, Waste Management Division  
Attn: SQG Self-Certification Program  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095

(g) Payment shall be made in the form of cash, check, money order, or credit card.

(h) Checks and money orders shall be made payable to "Treasurer, State of NH".

(i) For credit card payments, the SQG shall provide such information as is needed by the department to process the transaction and the mailing or email address to which the receipt is to be sent.

Source. #7966, INT, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See RN at p. ii) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

Env-Hw 514.04 Self-Certification Form: SQG Identification and Description. An SQG whose declaration is due shall provide the following identifying and descriptive information on the self-certification form for each facility operated by the SQG:

- (a) The facility's business name;
- (b) The facility's mailing address;
- (c) The facility's street address if different than the facility's mailing address;
- (d) The municipality and county in which the facility is located;
- (e) The facility's EPA identification number;
- (f) The name and title of the individual completing the self-certification form on behalf of the SQG, the individual's daytime telephone number if different from the SQG's and, if available, an email address;
- (g) The date or dates on which the self-certification inspection and the file review were conducted;
- (h) The name and telephone number of the owner of the property, if other than the SQG;
- (i) Whether the facility:
  - (1) Only generates used oil for recycle or universal waste, or both;
  - (2) Only generates hazardous waste through recovery of silver from the use of photo-fixer solution;
  - (3) Has ceased generating hazardous waste;
  - (4) Generates equal to or greater than 100 kilograms or 220 pounds of hazardous waste per month, generates or accumulates equal to or greater than 1 kilogram or 2.2 pounds of acutely hazardous waste per month, or both;
  - (5) Generates and accumulates less than 100 kilograms or 220 pounds of hazardous waste per month; or
  - (6) Is a political subdivision of the state.

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- (j) A list of the hazardous wastes generated;
- (k) A description of how the SQG's hazardous waste is generated;
- (l) The amount of hazardous waste generated monthly for each of the 12 months prior to the declaration being completed;
- (m) The amount of hazardous waste currently accumulated at the facility; and
- (n) Whether the hazardous waste determination was done by testing, by knowledge of the process and materials used, or by relying on advice from a transporter or consultant.

Source. #7966, INT, eff 9-26-03, EXP: 3-24-04

New. #8415, eff 8-19-05; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 514.05 Self-Certification Form: Self-Certification of Compliance.

(a) Subject to Env-Hw 514.06, an SQG whose declaration is due shall verify through appropriate inspections and record reviews that the SQG is in compliance with the following rules, if applicable to the SQG's operations, and certify such compliance on the self-certification form:

- (1) Env-Hw 505.01 relative to subsequent notification;
- (2) Env-Hw 505.04 relative to filing an "Inactivation/Declassification Form" if the SQG has ceased business operations, including activities regulated by the hazardous waste rules, at the location identified on the SQG's original notification form;
- (3) Env-Hw 507.02 relative to requirements for containers and tanks;
- (4) Env-Hw 507.04 relative to labeling containers and tanks containing hazardous waste and shipping hazardous waste off-site;
- (5) Env-Hw 508.02 relative to quantity of accumulation and preparedness and prevention;
- (6) Env-Hw 508.03 relative to extended accumulation;
- (7) Env-Hw 510.01 through Env-Hw 510.06 relative to manifests;
- (8) Env-Hw 511.01 relative to delivery of hazardous wastes to an authorized facility;
- (9) Env-Hw 512.01 relative to maintaining records; and
- (10) Env-Hw 513.01 relative to reporting discharges of hazardous waste.

(b) The SQG's owner or authorized representative shall sign and date the self-certification form and certify, as specified in Env-Hw 207, that the individual signing the form is familiar with the rules listed in (a), above, and with the SQG's operations and procedures with respect to hazardous waste at the facility covered by the declaration.

Source. #7966, INT, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 514.06 Corrective Action Plan.

(a) If, at the time the declaration is due, an SQG is not in compliance with one or more of the rules identified in Env-Hw 514.05(a), the SQG shall submit a corrective action plan, as described in (b) and (c), below, with the declaration.

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(b) For each instance of non-compliance, the corrective action plan shall identify:

- (1) The rule with which the SQG is not in compliance;
- (2) The action(s) the SQG has taken to date, if any, and the action(s) the SQG will take to come into compliance;
- (3) The schedule on which the remaining corrective action(s) will be implemented; and
- (4) The procedures adopted by the SQG to prevent a recurrence of the non-compliance.

(c) The corrective action plan shall also specify the date by which all remaining corrective actions shall be completed, which shall be as soon as practicable but in no event later than 90 days from the date the declaration is due, unless an extension is requested and granted pursuant to (e) and (f), below.

(d) Within 30 days of completing all actions included in the corrective action plan, the SQG shall submit a statement of completion to the department that includes:

- (1) A description of the corrective actions taken to comply with the corrective action plan;
- (2) The date each corrective action was completed; and
- (3) A certification, as specified in Env-Hw 207, that the corrective action has been completed in accordance with the corrective action plan.

(e) If a corrective action cannot be completed within 90 days of the date the declaration is due, the SQG may submit a written request for an extension explaining the circumstances warranting such an extension.

(f) The department shall grant an extension requested pursuant to (e), above, if the corrective action cannot be completed within 90 days due to circumstances that are beyond the control of the SQG.

Source. #7966, INT, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See RN at p. ii) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 514.07 Interest on Unpaid Fees.

(a) As specified in RSA 147-A:5, IV(c), if the self-certification fee is not paid within 60 days of the due date, interest shall be assessed.

(b) The interest rate shall be the rate established by RSA 336:1, II.

Source. #10205, eff 10-19-12; ss by #12347, eff 8-14-17

PART Env-Hw 515 HAZARDOUS WASTE COORDINATOR CERTIFICATION

Env-Hw 515.01 Purpose. The purpose of this part is to implement RSA 147-A:5, III relative to hazardous waste coordinator certification.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.02 Applicability.

(a) This part shall apply to hazardous waste coordinators, as identified in RSA 147-A:5, III(a).

(b) Nothing in this part shall eliminate or otherwise affect the obligation of a generator to comply with all applicable requirements of RSA 147-A and the hazardous waste rules.

(c) A hazardous waste generator or any other person may participate in the hazardous waste coordinator certification program administered by the department in accordance with this part. Any person

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who voluntarily participates shall be subject to all program requirements, except that the person may withdraw from the program at any time without penalty.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.03 Definitions.

(a) “Basic course” means the initial training course administered by the department that provides the hazardous waste management information needed to pass the examination required by Env-Hw 515.05.

(b) “Certified hazardous waste coordinator” means an individual who holds a hazardous waste coordinator certification that is current and in good standing.

(c) “Hazardous waste coordinator certification” means the certification granted to an individual by the department upon completing the requirements set forth in Env-Hw 515.04, Env-Hw 515.06, and Env-Hw 515.07, as applicable.

(d) “Hazardous waste coordinator certification program” means the training, education, and certification program administered by the department to implement the requirements of RSA 147-A:5, III.

(e) “Initial certification” means the hazardous waste coordinator certification granted to an individual:

- (1) Who has not previously been certified by the department; or
- (2) Whose certification expired prior to obtaining a renewal.

(f) “Module” means a training course, other than a basic course, that is offered by the department to fulfill the continuing education requirement for renewal of certification.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.04 Application for Certification. An applicant for an initial certification or a renewal certification shall submit the following to the department:

(a) A completed signed “Hazardous Waste Coordinator Certification Training Application” form that includes:

- (1) The applicant’s name, mailing address, and daytime telephone number and, if available, the applicant’s email address and fax number;
- (2) If applicable, the name, facility address, EPA identification number, and generator classification of the generator with which the applicant is employed;
- (3) If the application is for initial certification, the date and location of the basic course the applicant wishes to attend;
- (4) If the application is for renewal of a current certification, the current certification number and the date and location of the basic course or module the applicant wishes to attend; and
- (5) A statement certifying, as specified in Env-Hw 207, the information provided in the application;

(b) The course fee specified in RSA 147-A:5, III(a) and established by the department pursuant to Env-Hw 515.05(a); and

(c) The application fee of \$125 specified in RSA 147-A:5, III(b).

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

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Env-Hw 515.05 Courses and Examinations.

- (a) The department shall:
  - (1) Administer basic courses, modules, and for initial certifications, written examinations to determine the knowledge, ability and judgment of the applicants for initial coordinator certification; and
  - (2) Charge a reasonable fee, pursuant to RSA 147-A:5, III(a), sufficient to cover the actual costs of administering a basic course or module.
- (b) Unless otherwise arranged for purposes of retaking an examination pursuant to (e)(1), below, examinations shall be administered at the conclusion of a basic course attended by the applicant.
- (c) The examinations shall be graded on a pass/fail basis, with a score of 70% correct, or greater, constituting a passing grade.
- (d) An applicant who does not successfully pass the examination shall not be issued a hazardous waste coordinator certification.
- (e) An applicant who fails the examination may, within one year of the date of the examination:
  - (1) Retake the examination one time without a payment of an application fee and without repeating a basic course; or
  - (2) Submit a new application pursuant to Env-Hw 515.04, without payment of the application fee, attend another basic course, subject to payment of the course fee, and retake the examination at the conclusion of the basic course.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.06 Issuance of Initial Certification.

- (a) The department shall issue an initial hazardous waste coordinator certification to an applicant if the applicant:
  - (1) Submits a complete application for initial certification as specified in Env-Hw 515.04;
  - (2) Attends a basic course administered by the department pursuant to Env-Hw 515.05; and
  - (3) Passes a written examination administered by the department pursuant to Env-Hw 515.05.
- (b) The department shall not issue an initial certification if:
  - (1) The requirements of paragraph (a), above, are not satisfied;
  - (2) There exist any grounds that would constitute good cause to deny an application pursuant to Env-C 209.02; or
  - (3) There exist any grounds that would constitute good cause to suspend, revoke, or refuse to renew an application pursuant to Env-Hw 515.09 or Env-C 209.03.
- (c) An initial certification shall be:
  - (1) Issued in writing in the form of a certificate that contains a unique identification number, the name of the certification holder, and the expiration date of the certification;
  - (2) Effective for a period of one year from the date of issuance, unless revoked or suspended pursuant to Env-Hw 515.09;
  - (3) Subject to renewal pursuant to Env-Hw 515.07; and

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- (4) Non-transferable to another individual.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.07 Issuance of Renewal Certification.

(a) The department shall issue a renewal hazardous waste coordinator certification to an applicant if the applicant:

- (1) Submits a complete application for renewal pursuant to Env-Hw 515.04 at any time prior to the expiration date of the certification being renewed; and
- (2) Attends a basic course or a module no more than 90 days after the expiration date of the certification being renewed.

(b) The department shall not issue a renewal certification if:

- (1) The requirements of (a), above, are not satisfied; or
- (2) There exist any grounds that would constitute good cause to suspend, revoke, or refuse to renew an application pursuant to Env-Hw 515.09 or Env-C 209.03.

(c) A renewal certification shall be:

(1) Issued in writing in the form of a certificate containing a unique identification number, the name of the certification holder, and the expiration date of the certification;

(2) Unless revoked or suspended pursuant to Env-Hw 515.09, effective for a period of one year from:

- a. The expiration date of the expiring certification, if the applicant attends a basic course or module no more than 90 days prior to, or no more than 90 days after the expiration date of the certification being renewed; or
- b. The date that the applicant attends a basic course or module if the applicant attends such course or module more than 90 days prior to the expiration date of the certification being renewed; and

(3) Non-transferable to another person.

(d) Subject to Env-Hw 515.09, the certification of an applicant who submits a complete application for renewal in accordance with (a)(1), above, but who has not attended a basic course or module prior to the expiration date of the expiring certification shall be extended until the applicant attends a basic course or module or 90 days, whichever is less.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.08 Expired Hazardous Waste Coordinator Certification.

(a) A hazardous waste coordinator whose certification has expired shall not be eligible for issuance of a renewal certification pursuant to Env-Hw 515.07.

(b) A hazardous waste coordinator whose certification has expired who wishes to be re-certified shall apply for issuance of an initial certification in accordance with Env-Hw 515.04 and Env-Hw 515.06.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.09 Suspension, Revocation, or Refusal to Renew Certification.

(a) If the department receives information that indicates that good cause, as defined in (d), below, exists to suspend or revoke the certification, the department shall proceed in accordance with the provisions of RSA 541-A that are applicable to adjudicative proceedings and Env-C 209.

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- (b) After proceeding in accordance with (a), above, the department shall:
- (1) Revoke the certificate if it determines that the reason that good cause exists cannot be corrected to conform to applicable requirements and revoking the certificate will provide greater protection to public health and safety than renewing the certificate; or
  - (2) Suspend the certificate, subject to (d), below, if it determines that the reason that good cause exists can be corrected to conform to applicable requirements.
- (c) If certification is suspended pursuant to (b)(2), above, the department shall not reinstate certification until:
- (1) The underlying problem identified in (a), above, has been corrected; and
  - (2) The certification holder submits either a written request to the department requesting that certification be reinstated or, if the suspended certification has also expired, an application for initial certification pursuant to Env-Hw 515.04.
- (d) Good cause to suspend, revoke, or refuse to renew a hazardous waste coordinator certification shall include the following:
- (1) The certified hazardous waste coordinator obtained or attempted to obtain certification through fraud, deceit, or falsification;
  - (2) The certified hazardous waste coordinator knowingly violated the hazardous waste rules, conditions of a hazardous waste permit, or other rules or permits related to protection of the environment; or
  - (3) Any grounds set forth in Env-C 209.03.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

**APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED**

<b>Rule Section(s)</b>	<b>State Statute(s)</b>	<b>Federal Regulation(s)</b>
Env-Hw 501	RSA 147-A:3, IV, VI; RSA 147-A:5, III	40 CFR 261.9; 40 CFR 262.10; 40 CFR 262.70
Env-Hw 502	RSA 147-A:3, I, III	40 CFR 262.11
Env-Hw 503	RSA 147-A:3, IV, VI	40 CFR 261.5
Env-Hw 504	RSA 147-A:3, VI, XXVIII; RSA 147-A:5, III; RSA 147-A:6-a	40 CFR 262.12
Env-Hw 505	RSA 147-A:3, VI	
Env-Hw 506	RSA 147-A:3, III, IV	40 CFR 262.34(a)
Env-Hw 507	RSA 147-A:3, III, IV, XIII	40 CFR 262 Subpart C
Env-Hw 508	RSA 147-A:3, III, IV, VI, XIII, XXVII; RSA 147-A:5, IV	40 CFR 261.5
Env-Hw 509	RSA 147-A:3, III, IV, VI, XIII, XXVI; RSA 147-A:5, III	40 CFR 262
Env-Hw 510	RSA 147-A:3, IV, V; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9	40 CFR 262 Subparts B, E, F, H; Appendix to 40 CFR 262
Env-Hw 511	RSA 147-A:3, III-VI	40 CFR 262.12(c); 40 CFR 262.34(m)
Env-Hw 512	RSA 147-A:3, I-VII, XIII; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9; RSA 147-B:11	40 CFR 262 Subparts D, E, H

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<b>Rule Section(s)</b>	<b>State Statute(s)</b>	<b>Federal Regulation(s)</b>
Env-Hw 513	RSA 147-A:3, III, IV, VI, VII, XXV; RSA 147-A:11	40 CFR 262.34
Env-Hw 514	RSA 147-A:5, IV	
Env-Hw 515	RSA 147-A:5, III	

**APPENDIX B: INCORPORATION BY REFERENCE INFORMATION**  
[NONE IN THIS CHAPTER]

**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.

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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.

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.

*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 FFDCA 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 FFDCA 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.

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*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.

*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

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(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.

**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**

<b>Organization</b>	<b>Telephone Number</b>	<b>Days/Hours</b>
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