

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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REVISION NOTE:

Document #8459, effective 10-28-05, readopted with amendments, renumbered, and redesignated former Chapter Env-Wm 2400 as Env-Sw 700, pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. The source notes for each section of Env-Sw 700 identify the former subtitle Env-Wm and number for the respective rule prior to Document #8459.

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CHAPTER Env-Sw 700 INCINERATION FACILITY REQUIREMENTS

Statutory Authority: RSA 149-M:7

PART Env-Sw 701 APPLICABILITY

Env-Sw 701.01 Applicability.

(a) The rules in this chapter shall apply to processing/treatment (P/T) facilities that incinerate solid waste, including waste-derived fuel not certified for distribution and use as fuel pursuant to Env-Sw 1500.

(b) The requirements in this chapter shall apply as the complement of the P/T facility requirements in Env-Sw 500.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note (RN) at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2401.01); ss by #10596, eff 7-1-14

PART Env-Sw 702 INCINERATOR PERMIT APPLICATION REQUIREMENTS

Env-Sw 702.01 Permit Required.

(a) A permit issued pursuant to the solid waste rules shall be required for construction, operation and closure of an incinerator, unless exempt pursuant to Env-Sw 302.03 or Env-Sw 708.

(b) The type of permit required shall be as specified in Env-Sw 302.

Source. #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2402.01); ss by #10596, eff 7-1-14

Env-Sw 702.02 Permit Application Requirements. Incinerator permit applications shall conform to the permit application requirements in:

- (a) Env-Sw 314 for a standard permit;
- (b) Env-Sw 313 for an emergency permit;
- (c) Env-Sw 312 for a research and development permit; and
- (d) Env-Sw 311 for a permit-by-notification.

Source. #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2402.02); ss by #10596, eff 7-1-14

PART Env-Sw 703 SITING REQUIREMENTS

Env-Sw 703.01 Siting Requirements. Incinerators shall be sited in conformance with Env-Sw 1003, Env-Sw 1102, Env-Sw 1203, and Env-Sw 503, as applicable.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2403.01); ss by #10596, eff 7-1-14

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PART Env-Sw 704 DESIGN REQUIREMENTS

Env-Sw 704.01 Applicability.

- (a) The design requirements in this part shall apply to all incinerators, except:
- (1) Permit-exempt incinerators identified in Env-Sw 302.03 or Env-Sw 708;
  - (2) Permit-by-notification incinerators having an active life of 90 days or less;
  - (3) Research and development incinerators as provided by Env-Sw 312.02(b); and
  - (4) Emergency permit incinerators as provided by Env-Sw 313.02(b).

(b) The design requirements in this part shall apply as the complement of the design requirements in Env-Sw 1004 for all facilities, Env-Sw 1103 for facilities having an active life longer than 90 days, Env-Sw 1200 for permit-by-notification facilities, Env-Sw 504, and, depending on the type of waste managed, Env-Sw 900.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05 (formerly Env-Wm 2404.01); ss by #10596, eff 7-1-14

Env-Sw 704.02 General Design Requirements. An incinerator shall be designed to operate in conformance with Env-Sw 705.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2404.02); ss by #10596, eff 7-1-14

Env-Sw 704.03 Combustion Unit. The design of the combustion unit shall comply with state rules and federal regulations for controlling air pollution, including RSA 125-C.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2404.03); ss by #10596, eff 7-1-14

PART Env-Sw 705 OPERATING REQUIREMENTS

Env-Sw 705.01 Applicability.

- (a) The operating requirements in this part shall apply to all incinerators, except:
- (1) Permit-exempt incinerators identified in Env-Sw 302.03 or Env-Sw 708;
  - (2) Permit-by-notification incinerators, having an active life of 90 days or less;
  - (3) Research and development permit incinerators, as provided by Env-Sw 313.02(b); and
  - (4) Emergency permit incinerators, as provided by Env-Sw 313.02(b).

(b) The operating requirements in this part shall apply as the complement of the operating requirements in Env-Sw 1005 for all facilities, Env-Sw 1105 for facilities having an active life longer than 90 days, Env-Sw 1204 for permit-by-notification facilities, Env-Sw 505 and, depending on the type of waste managed, Env-Sw 900.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2405.01); ss by #10596, eff 7-1-14

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Env-Sw 705.02 General Operating Requirements. The operation of an incinerator shall comply with state rules and federal regulations for controlling air pollution, including RSA 125-C.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2405.02); ss by #10596, eff 7-1-14

Env-Sw 705.03 Additional Signs and Postings.

(a) The permittee shall post signs, at a conspicuous place or places adjacent to the incinerator, stating the following information based on the provisions of the facility permit:

- (1) Authorized wastes;
- (2) Prohibited wastes;
- (3) Ash residue and waste storage limitations; and
- (4) Instructions for ash residue storage and disposal.

(b) Emergency procedures, including the telephone number for emergency assistance, shall be posted at a conspicuous place or places adjacent to the incinerator.

(c) A copy of the operating instructions manual for the combustion unit shall be maintained in close proximity to the incinerator so as to be readily available for reference.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p.i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2405.03); ss by #10596, eff 7-1-14

Env-Sw 705.04 Combustion Requirements. An incinerator shall combust waste in a manner and to a degree that results in an ash residue that contains little to no combustible materials.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p.i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2405.04); ss by #10596, eff 7-1-14

Env-Sw 705.05 Ash Residue Management. Ash residue shall be managed in accordance with Env-Sw 902.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2405.05); ss by #10596, eff 7-1-14

Env-Sw 705.06 Prohibitions. The following wastes shall not be incinerated:

- (a) Wet cell batteries, pursuant to RSA 149-M:27, II;
- (b) Leaf or yard waste, except as provided in RSA 149-M:27, III;
- (c) Video display devices, central processing units from computers, or non-mobile video game display media recorders or players, pursuant to RSA 149-M:27, IV;
- (d) Mercuric oxide batteries, pursuant to RSA 149-M:28, IV;

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(e) Mercury-added products, pursuant to RSA 149-M:58, I; and

(f) Wood components of construction and demolition debris, or any mixture or derivation from said component, unless allowed under RSA 125-C:10-c, II.

Source. #10596, eff 7-1-14; amd by #12627, eff 9-27-18

PART Env-Sw 706 CLOSURE REQUIREMENTS

Env-Sw 706.01 Closure Requirements. Incinerators shall be closed in accordance with:

- (a) Env-Sw 1006;
- (b) Env-Sw 1106;
- (c) Env-Sw 506; and
- (d) Env-Sw 900, as applicable based on type of waste.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2406.01); ss by #10596, eff 7-1-14

PART Env-Sw 707 PERMIT-BY-NOTIFICATION INCINERATORS

Env-Sw 707.01 Purpose. The purpose of the rules in this part is to identify incinerators eligible for a permit-by-notification pursuant to Env-Sw 311.

Source. #5172, eff 7-1-91; ss by #6535, INT, eff 7-1-97, EXP: 10-29-97; ss by #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2407.01); ss by #10596, eff 7-1-14

PART Env-Sw 708 PERMIT-EXEMPT INCINERATORS

Env-Sw 708.01 Purpose. The purpose of the rules in this part is to identify incinerators which are - permit exempt, pursuant to Env-Sw 302.03(b)(2).

Source. #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2408.01); ss by #10596, eff 7-1-14

Env-Sw 708.02 General Conditions for Exemption.

(a) The incinerators described in this part shall be exempt from obtaining a permit, subject to the following conditions:

- (1) The facility shall comply with:
  - a. The universal facility requirements in Env-Sw 1000; and
  - b. The waste specific requirements in Env-Sw 900, as applicable based on the type of waste managed by the facility; and
- (2) All waste managed at the facility shall be actively managed.

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(b) A permit exemption shall not affect a person's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the permit-exempt activities.

Source. #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2408.02); ss by #10596, eff 7-1-14

Env-Sw 708.03 Animal Crematoriums. Subject to Env-Sw 708.02, no permit shall be required for an animal crematorium, provided that the facility shall be used only for the incineration of animal carcasses not classified as infectious waste under Env-Sw 904.01(a)(5).

Source. #6619-B, eff 10-29-97; (See RN at p. i); ss by #8459, eff 10-28-05 (formerly Env-Wm 2408.03); ss by #10596, eff 7-1-14

**APPENDIX A: STATE STATUTES IMPLEMENTED**

<b>Rule Sections</b>	<b>State Statute(s) Implemented</b>
Env-Sw 700	RSA 149-M:6, III; RSA 149-M:7, II, III, V, VIII, XIV; RSA 149-M:9