The State of New Hampshire
Department of Environmental Services
Thomas S. Burack, Commissioner

Celebrating 25 Years of Protecting New Hampshire's Environment

January 24, 2012

The Honorable James Garrity, Chair
Science, Technology and Energy Committee
Legislative Office Building, Room 304
Concord, New Hampshire 03301

Subject: HB 1477, Relative to the definition of spent materials.

Dear Chairman Garrity:

Thank you for the opportunity to comment on House Bill 1477. The Department of Environmental Services administers the Hazardous Waste Management Act, RSA Chapter 147-A, which provides for the proper identification, management, and disposal of hazardous wastes in New Hampshire. This bill proposes to amend the definition of "spent materials" in RSA 147-A:2, XII-a., in order to mirror the definition that exists under federal hazardous waste law. DES believes that the change in definition would not change the regulatory framework for hazardous wastes in the state. We have met and discussed the bill with representatives of BAE Systems, who requested this legislation. It is DES's understanding that BAE requested the amendment in order to provide clarity. As such, DES does not object to the change.

New Hampshire's Hazardous Waste Management Program is duly authorized by the U.S. Environmental Protection Agency and is implemented in place of the Federal Resource Conservation and Recovery Act, Subtitle C. Once authorized, both state and federal compliance inspectors enforce the state's rules. The term "spent materials" is part of a group of definitions that exist to determine how hazardous wastes are regulated under the law. The proposed change in the state definition would make it identical to wording in the federal definition. DES has reviewed the proposed change and believes it would result in no substantive changes in how hazardous wastes would be regulated.

Thank you again for the opportunity to comment on HB 1477. If you have any questions or require additional information please contact Mike Wimsatt, Director of the Waste Management Division, at 271-1997.

Sincerely,

Thomas S. Burack
Commissioner

cc: Members of the Science, Technology and Environment Committee
Representatives Ohm, Lebrun, Krasucki, Seidel, and Whitehead
Representatives Griffin, B. Palmer, E. Hogan, and Twombly
Senator Luther
Senator Lambert

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