



Waste Management Division Hazardous Waste Management Bureau

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HAZARDOUS WASTE **SMALL QUANTITY GENERATOR** REQUIREMENTS IN NEW HAMPSHIRE

as provided in New Hampshire's Hazardous Waste Rules, Env-Hw 100-1200

- I. SMALL QUANTITY GENERATOR (SQG) DEFINITION:** An SQG is any generator who, in each and every calendar month, generates less than (Env-Hw 503.01):
- A. 100 kg (220 lbs) of hazardous waste;
 - B. 1 kg (2.2 lbs) of an acutely hazardous waste (must not accumulate over 2.2 lbs); and
 - C. 100 kg (220 lbs) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of acutely hazardous waste (must not accumulate over 220 lbs).
- II. REQUIREMENTS FOR HAZARDOUS WASTE GENERATORS:**
- A. Hazardous Waste Determination: All generators of a waste must determine if their waste is a hazardous waste and be able to document this determination by either testing or applying knowledge. (Env-Hw 502.01)
 - B. Notification: All generators must notify NHDES prior to conducting any hazardous waste activities covered under the Hazardous Waste Rules. The generator must notify NHDES verbally or in writing of any changes. (Env-Hw 504.01)
 - C. Identification Numbers: A generator must not treat, store, dispose, transport, or offer a hazardous waste for transportation without having received an EPA identification number or an emergency or temporary identification number. (Env-Hw 504.02)
 - D. Environmental and Health Requirements: While accumulating hazardous wastes, the generator must not use storage practices that pose a hazard to human health or the environment. (Env-Hw 506.01)
 - E. Declassification: A generator must notify the NHDES within 7 days of ceasing business operations at a particular site. EPA ID#'s can only be declassified if all hazardous waste has been removed from the site and the closure requirements of Env-Hw 506.03 have been met. (Env-Hw 505.04)
 - F. Storage Requirements:
 - 1) All hazardous waste must be placed in appropriate containers or tanks that are in good condition, chemically compatible with the waste stored in them, and remain closed at all times, except to add or remove waste;
 - 2) All hazardous waste containers must have a minimum of 2 feet aisle space on at least one side of each container and all hazardous waste labels must be visible without having to move the container;
 - 3) All hazardous waste must be stored on impervious surfaces (e.g., concrete and asphalt with no cracks or holes, NOT earth, wood or gravel);
 - 4) All hazardous waste stored near functional floor drains or manholes, or in or near a sink with a functional drain, must have secondary containment capable of holding the volume of the

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largest container present (not required for solid hazardous waste as long as the area is sloped or containers are elevated or otherwise protected from contact with accumulated liquid);

- 5) All hazardous waste stored outside must have secondary containment capable of holding any spills or leaks at 110% of the volume of largest container in storage area or 10% of the total volume of containers, whichever is greater (not required for solid hazardous waste as long as the area is sloped or containers are elevated or otherwise protected from contact with accumulated liquid);
- 6) All hazardous waste stored outside must be kept covered to prevent precipitation from coming into contact with tops of containers and keep the secondary containment structure free of rain, snow and ice; and
- 7) All hazardous waste stored outside must not be stored within 50 feet of surface water, 75 feet of private wells, 50 feet from storm drains, or within the protective radius of any public water supply well.

All storage requirements must comply with Env-Hw 507.02.

G. Storage Time Requirements: SQGs can accumulate up to 1,000 kg (2,200 lbs) of hazardous waste for greater than 90 days, as long as they comply with the requirements outlined in Sections II and III. (Env-Hw 507.03)

H. Packaging/Labeling/Pre-transport:

- 1) Before transporting or offering hazardous waste for transportation off-site, the generator must properly package the waste and mark and label each container in accordance with US Department of Transportation (DOT) regulations; and
- 2) Before offering hazardous waste for transportation, the generator must ensure that the transporter possesses a current and valid New Hampshire hazardous waste transporter registration, has been issued an EPA ID number, and each vehicle is placarded with an appropriate warning of the hazardous waste contained therein in compliance with DOT and rules adopted by the NH Department of Safety.

All packaging/labeling/pre-transport requirements must comply with Env-Hw 507.04.

I. Manifest Copy Distribution: The generator must sign and date the certification and ensure the transporters signature on the first copy of the manifest, retain one legible copy of the manifest with signatures, and forward one legible copy of the manifest with signatures to NHDES within five days of shipment (Env-Hw 510.02)

J. Delivery Of Hazardous Waste:

- 1) The wastes must be transported off-site by a transporter (registered with NHDES) to an authorized facility, using a uniform EPA hazardous waste manifest prepared in accordance with 40 CFR 262; or
- 2) The SQG may self-transport up to 55 gallons of their own non-acutely hazardous waste to:
 - (a) An authorized facility, only if waste is shipped accompanied by a uniform EPA hazardous waste manifest listing the SQG as the generator;
 - (b) Another site in New Hampshire that is owned and operated by the owner/operator of the SQG site, only if the SQG has notified NHDES of this activity and the site receiving the waste site counts the waste received towards its generator status; and

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- (c) A household hazardous waste collection event in New Hampshire, only if the waste is given directly to a registered transporter, permission is obtained in advance from the government entity sponsoring the event, and the waste is shipped accompanied by a uniform EPA hazardous waste manifest listing the SQG as the generator.

In all cases, the SQG must transport the waste in sealed and labeled containers which are compatible with the wastes received and meet DOT specifications, and the SQG has a mechanism for financial responsibility in the event of an accident. (Env-Hw 601.02(b))

- 3) The generator must receive a signed copy of the manifest from the designated facility. If the generator does not receive a signed copy within 35 days of the shipment, the generator must contact the operator of the designated facility or the transporter to determine the status of the hazardous waste shipment. If the generator does not receive a signed copy within 45 days of the shipment, the generator must contact NHDES.

All hazardous waste delivery requirements must comply with Env-Hw 511.01.

K. Recordkeeping and Reporting Requirements:

- 1) Generators must keep hazardous waste records for at least three years, including but not limited to, copies of each manifest (both the initial one from the transporter and the final one from the designated facility), quarterly activity reports, any test results, any waste analyses, any other waste determinations, and records of any hazardous waste spills or discharges; and
- 2) These records can be retained on electric media, but must be available during an inspection by NHDES.

All recordkeeping and reporting requirements must comply with Env-Hw 512.01.

L. Emergency/Remedial Action:

- 1) Any discharge of hazardous waste that poses a threat to human health or the environment must be reported immediately, not to exceed one hour from the discovery of the release, local emergency officials and to the NHDES emergency response telephone number at (603) 271-3899, Monday through Friday, 8 AM to 4 PM or the NH Department of Safety telephone number at (603) 223-4381, 24 hours/day;
- 2) The generator must also comply with the emergency procedures as specified in 40 CFR 265.56; and
- 3) The generator must immediately contain and clean up, within 24 hours, any hazardous waste discharge. If the discharge cannot be cleaned up within 24 hours, the generator must submit to NHDES, within five (5) days of the discharge, a clean-up plan for approval prior to implementation, which provides for:
 - (a) The protection of human health and the environment;
 - (b) The removal and proper disposal of the contamination source;
 - (c) Confirmatory analysis of the potentially affected media to demonstrate cleanup was successful; and
 - (d) Includes a timetable for completion of the clean-up plan.

All emergency and remedial actions must follow the requirements listed in Env-Hw 513.01 and Env-Hw 513.02.

III. **SQG REQUIREMENTS:** In addition to the requirements for all hazardous waste generators above,

SQGs must comply with the specific requirements applicable to them. (Env-Hw 508 and Env-Hw 514)

A. SQG Storage Requirements: An SQG whose quantity of waste accumulated on-site never exceeds 100 kgs (220 lbs) of hazardous waste or less than 1 kg (2.2 lbs) of an acutely hazardous waste may accumulate hazardous waste on-site for an indefinite length of time without a permit, provided the generator complies with the requirements for all hazardous waste generators and the following requirements:

- 1) Containers and tanks used for storing hazardous wastes must be clearly labeled with the following information at the time they are first used to store wastes:
 - (a) The words "hazardous waste;" and
 - (b) Words that identify the contents of the container.
- 2) Spill control (such as speedi-dry or absorbent rags) and fire control equipment (such as fire extinguishers) are maintained and located 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; and
- 3) "No Smoking" signs are posted near ignitable and reactive wastes.

All SQG Storage Requirements must comply with Env-Hw 508.02.

B. SQG Extended Quantity and Accumulation Provision: SQGs may accumulate up to 1,000 kgs (2,200 lbs) of non-acutely hazardous waste on site for an indefinite length of time without a permit, provided they comply with the requirements for all hazardous waste generators, the requirements listed above in Section A, and the following requirements once they accumulate more than 100 kgs (220 lbs):

- 1) Hazardous waste containers and tanks are managed appropriately and inspected weekly and daily, respectively, and any problems are remedied;
- 2) The hazardous container is under the control of a designated hazardous waste manager or emergency coordinator or designee;
- 3) An emergency coordinator is designated and available to take the responsibility for coordinating all emergency response measures at all times;
- 4) The generator posts the name and telephone number of the emergency coordinator, emergency telephone numbers, and the location of emergency equipment next to the telephone nearest each hazardous waste storage area;
- 5) 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;
- 6) The generator maintains an internal communication or alarm system and an external communication system (as described in 40 CFR Part 265.32), not more than 100 feet from each accumulation area, and accessible along a path unobstructed by any obstacles other than doors that are unlocked at all times;
- 7) 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;

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- 8) Upon reaching the 1,000 kg (2,200 lb) limit of non-acutely hazardous waste, all of the hazardous waste is shipped off-site by a registered transporter to an authorized facility within 90 days of the date that the limit is reached; and
- 9) The containers and tanks used for the storage must be clearly labeled with the date the on-site accumulation limit of 1,000 kg (2,200 lb) was reached and the EPA or state waste codes before transporting or offering hazardous waste for transportation off-site.

All SQG Extended Accumulation areas must comply with Env-Hw 508.03.

C. SQG Self-Certification Requirements: SQGs must self-certify their compliance with applicable hazardous waste rules, such that:

- 1) On or before October 1 of each year, NHDES must provide a self-certification form and explanatory information to each SQG whose declaration is due:
 - (a) On January 1, 2004 and every third year after (2016, 2019, 2022...) for SQGs in Rockingham and Strafford Counties;
 - (b) On January 1, 2005 and every third year after (2017, 2020, 2023...) for SQGs in Cheshire and Hillsborough Counties; and
 - (c) On January 1, 2006 and every third year after (2018, 2021, 2024...) for SQGs in Belknap, Carroll, Coos, Grafton, Merrimack, and Sullivan Counties.
- 2) If an SQG whose Self-Certification is due does not receive a self-certification form by October 10 of the year prior to the due date, the SQG must notify NHDES no later than October 20 and NHDES will email or mail a self-certification form and explanatory information to the SQG; and
- 3) Each SQG whose Self-Certification is due must complete the self-certification form provided by NHDES and return it to NHDES no later January 1 of the year that the form is due, along with the appropriate fee, an updated notification form (if any changes have been made), and a corrective action plan (if applicable).

This section references RSA 147-A:5, IV and Env-Hw 514.

IV. UNIVERSAL WASTE: If SQGs are generating Universal Wastes (certain batteries, pesticides, mercury containing devices, lamps/bulbs, cathode ray tubes, and automotive antifreeze), they can be managed under the less stringent requirements of Env-Hw 1100 and are not subject to the requirements in Env-Hw 500. Some of the requirements include, but are not limited to, not storing universal waste for more than one year, keeping waste in closed and labeled containers, keeping containers covered if stored outside, and maintaining shipping documents (such as a bill of lading).

V. USED OIL FOR RECYCLE: If SQGs are generating Used Oil for Recycle, it can be managed under the less stringent requirements of Env-Hw 807 and not subject to the requirements in Env-Hw 500. Some of the requirements include, but are not limited to, doing an initial used oil determination (for all non-automotive oil), not mixing any hazardous waste with oil, disposing of oil through a registered used oil marketer (using a bill of lading) or burning it in an on-site used oil burner (registered with NHDES), keeping oil in closed and labeled containers, and keeping containers covered if stored outside.

This Summary provides general information only and is not all inclusive. Should there be additional questions, please contact the New Hampshire Department of Environmental Services (NHDES), Waste Management Division at (603) 271-2942. For a complete description of the requirements, refer to New Hampshire's Hazardous Waste Rules (Env-Hw 100-1200), which may be obtained by contacting the NHDES Public Information Center at (603) 271-8876 or the NHDES website at www.des.nh.gov.

ANSWERS TO SOME COMMONLY ASKED QUESTIONS

1. Does a New Hampshire Small Quantity Generator (SQG) need to notify the State and obtain an EPA ID number?

All hazardous waste generators must notify the NHDES Waste Management Division prior to conducting any hazardous waste activities covered under New Hampshire's Hazardous Waste Rules, Env-Hw 100-1200. Regulations forbid a transporter or commercial facility from transporting or accepting hazardous waste from any generator who has not obtained an EPA ID number which is valid.

2. How much is 100 kilograms (kg)?

100 kilograms equals 220 pounds. For most hazardous waste liquids, that quantity is roughly equivalent to one-third to one-half of a 55-gallon drum. This might vary, however, depending upon the specific gravity of the liquid waste and the amount of sludge in the drum.

3. Under New Hampshire's Hazardous Waste Rules, Env-Hw 100-1200, what requirements must a generator comply with in going from a Small Quantity Generator (SQG) to a Full Quantity Generator (FQG)?

In addition to the requirements of Env-Hw Parts 501-507 (including shipping the waste off-site within 90 days of the beginning accumulation date) and Parts Env-Hw 510-515 (including attending annual training), FQGs shall comply with the accumulation and storage requirements in Env-Hw 509.02, which include:

- (a) Env-Hw 509.02(a)(1) - references 40 CFR Part 265.15 -General Inspection Requirements;
- (b) Env-Hw 509.02(a)(2) - references 40 CFR Part 265.16 Personnel Training;
- (c) Env-Hw 509.02(a)(3) - references 40 CFR Part 265.17 -General Requirements for Ignitable, Reactive or Incompatible Wastes;
- (d) Env-Hw 509.02(a)(4) - references 40 CFR Part 265 Subpart C Preparedness and Prevention;
- (e) Env-Hw 509.02(a)(5) - references 40 CFR Part 265 Subpart D Contingency Plan and Emergency Procedures;
- (f) Env-Hw 509.02(a)(6) - references 40 CFR Part 265 Subpart I Use and Management of Containers;
- (g) Env-Hw 509.02(a)(7) - references 40 CFR Part 265 Subpart J Tanks;
- (h) Env-Hw 509.02(b) - Emergency Postings;
- (i) Env-Hw 509.02(c) - Security Measures For Outdoor Hazardous Waste Storage Areas;
- (j) Env-Hw 509.03 – Satellite Accumulation Provisions; and
- (k) Env-Hw 509.04 – Certified Hazardous Waste Coordinator Requirements.

4. The Hazardous Waste Rule's 90-day storage limit may create a financial burden on companies that generate such small amounts of hazardous waste, because a full drum is not usually accumulated within the 90-day period. It is costly to ship a partially-filled drum. How can a generator store its own hazardous waste on-site beyond the 90-day time limit, without a storage permit, in order to accumulate a full drum?

An SQG may accumulate up to 1000 kg (2,200 lbs) of non-acutely hazardous waste on site for an indefinite period of time without a permit provided that they comply with the requirements of Env-Hw 508.02 and/or Env-Hw 508.03 Small Quantity Generator Extended Quantity and Accumulation Provision.

An FQG may accumulate 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 wastes initially accumulate without a standard permit or interim status and without complying with the 90-day time limit, provided the requirements of Env-Hw 509.03 - Full Quantity Generator Satellite Storage Provision are met.