



RECORD OF CERTIFIED WASTE-DERIVED PRODUCT APPROVAL

Granted by the NH Department of Environmental Services, Waste Management Division (Department) pursuant to RSA 149-M and Chapter Env-Sw 1500 of the New Hampshire Solid Waste Rules (Rules)

I. **PRODUCT IDENTIFICATION:**

Certified Waste Derived Product No.: 25

Common Name: Clean, Shucked Clam or Mollusk Shells

Name and address of person having proprietary control of product: None / Not Proprietary.

Trade Name, if any: None

General Description of Waste Content: Shucked clam or mollusk shells

General Product Use / Purpose: Driveway and walkway wearing course or ornamental groundcover.

II. **FILE REFERENCE/RECORD OF APPLICATION FOR CERTIFICATION:**

Applicant Name: Town of Seabrook

Applicant Mailing Address: P.O. Box 456, Seabrook, NH 03874

Applicant Principal Business Address: Same.

Date(s) Received: October 19, 2011, December 15, 2011 & February 22, 2012

WMD Document Log #(s): 2011706, 9749 & 10192

III. **PRODUCT SPECIFICATIONS AND AUTHORIZED USES:** Driveway and walkway surface wearing course, or ornamental groundcover. See page 2 for specification details.

IV. **RESTRICTIONS / LIMITATIONS:** Distribution and use of this certified waste-derived product is subject to the general requirements and limitations specified in Env-Sw 1502.04 and the additional restrictions and limitations provided on page 2.

V. **AUTHORIZATION & SIGNATURE:** The waste-derived product identified above is hereby certified for distribution and use, subject to all terms, conditions and limitations. Accordingly, per Env-Sw 1502.02(a), the specified waste-derived product, if actively managed and used in accordance with the applicable provisions of the certification, shall be deemed not a solid waste and therefore not subject to regulation by the Rules. Per Env-Sw 1502.02, it is the specified waste-derived product, but not the waste used to make the product, which is certified and thereby deemed not a solid waste.

Per Env-Sw 1502.02, this certification shall not constitute an endorsement by the Department of the waste-derived product; shall not mean the product is benign to the environment, public health and safety or that the product will perform according to consumer expectations or manufacturer or distributor representations; shall not constitute authorization for a facility producing the product to be exempt from the Rules; shall not eliminate 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 and local permits, ordinances, laws, approvals or conditions relating to producing, distributing, or using the product; and shall not exempt a person from the provisions of RSA 149-M and the Rules when the certified waste-derived product resumes the status of a solid waste, including when it ceases to be actively managed or is otherwise abandoned or discarded. No liability is incurred by the State of New Hampshire by reason of this approval. This approval is based on information and representations provided to the Department in the application identified in Section II above. No warranty/guarantee is intended or implied by reason of any advice given by the Department or its staff. This certification may be revoked or suspended in accordance with Part Env-Sw 1509 of the Rules. Failure to comply may result in civil or criminal penalties or administrative fine.

A handwritten signature in black ink, appearing to read "Michael J. Wimsatt".

Michael J. Wimsatt, P.G., Director
Waste Management Division

6/1/12
Effective Date



Section III continued: Product Specifications and Authorized Uses: Subject to the restrictions and limitations provided in Sections IV and V of this approval, clam or mollusk shells (product) shall be deemed certified for distribution and use in the State of New Hampshire as either a driveway and walkway surface wearing course or ornamental groundcover, provided the product meets the following specifications:

1. The product shall be comprised of shells that are shucked and cleaned of residual clam/mollusk meat and water, and free of trash and other foreign material.
2. The product may be in the form of either whole, broken, or crushed shells, or a combination thereof depending on the applicable specific end-use requirement or construction technical specification.

Section IV continued: Restrictions / Limitations:

1. This approval shall not apply to use of the product as:
 - a. Structural fill or as the sole bearing course for driveways and walkways;
 - b. Erosion and sediment control, or in diversions, drainage ditches, gullies, non-vegetative swales, or ravines; or
 - c. Any other use not explicitly authorized herein.
2. This approval shall be subject to the general requirements and limitations specified in Env-Sw 1502.04, including but not limited to:
 - a. The product shall not be distributed or used except in compliance with all applicable state and federal laws;
 - b. Distributors and users of the product shall manage the product in conformance with the universal environmental performance standards in Env-Sw 1002;
 - c. Distributors of the product shall disclose the following information to consumers:
 - i. The content and nature of the waste contained in the product;
 - ii. The proper uses of the materials and any restrictions related thereto;
 - iii. Any hazards that might result from use of the waste-derived product as directed;
 - iv. Proper disposal methods; and
 - v. Other such information as may be required by applicable state or federal marketing or consumer protection laws.
3. Certification of this waste-derived product shall not limit the ability of a political subdivision or governmental unit of the State to further restrict use of this product or require more restrictive specifications.