

GLOSSARY

Abbreviations and Acronyms

§	Section
ABEL	EPA's computer model for analyzing the ability of a Respondent that is not an individual or a municipality to pay a monetary penalty (<i>see also</i> INDIPAY and MUNIPAY).
AGO	New Hampshire Attorney General's Office, specifically the AGO Environmental Protection Bureau
ARD	DES Air Resources Division
AO	Administrative Order (A legally enforceable document issued unilaterally by DES that requires the Respondent to act (<i>e.g.</i> , to undertake specified corrective actions) or to refrain from acting in response to specifically identified violations of environmental laws - ref. Chapter V, § C.6.)
AOC	Administrative Order by Consent (An AO issued by DES with the consent (and signature) of the Respondent - ref. Chapter V, § C.5.)
AST	Above-ground [petroleum] Storage Tank
BEN	EPA's computer model for calculating the economic benefit realized by a Respondent as a result of delaying or avoiding costs of compliance.
CFR	Code of Federal Regulations (The compilation of provisions drafted and adopted by a federal agency via an administrative rulemaking process.)
DES	New Hampshire Department of Environmental Services
<i>e.g.</i>	for example
EMS	Environmental Management System (<i>see</i> definitions)
Env-	New Hampshire Code of Administrative Rules, Title for rules adopted by DES. Usually only used with subtitles to denote rules relating to air (Env-A), waste (Env-Wm), water (Env-Ws), the Air Resources Council (Env-AC), Waste Management Council (Env-WMC), Water Council (Env-WC), or Wetlands Council (Env-WtC), or applicable to DES as a whole (Env-C, for Commissioner's Office). (Note that rules relating to wetlands are still designated as "Wt", and rules of the Water Well Board are designated "We".)
EPA	United States Environmental Protection Agency

FC	Field Citation (An alternative form of notifying a Respondent that an administrative fine is being sought - ref. Chapter V, § C.7.)
FOD Fund	Fuel Oil Discharge Fund (The Fund established under RSA 146-E to provide financial assistance to owners of facilities that store heating fuel, including above-ground bulk storage facilities and on-premise-use storage.)
ICA	Illegal Competitive Advantage (Part of economic benefit - ref. Chapter VI, § B.1.)
<i>i.e.</i>	that is
IHO	Imminent Hazard Order (An AO issued by certain programs in DES - ref. Chapter V, § C.6.)
INDIPAY	EPA's computer model for analyzing a individual's ability to pay a monetary penalty.
LOD	Letter of Deficiency (A letter to the Respondent which identifies violations that DES believes to have occurred and the applicable environmental laws, and which requests the Respondent to come into compliance with applicable requirements - ref. Chapter V, § C.2.)
LOC	Letter of Compliance (A letter that closes out an LOD based upon a determination that compliance has been achieved - ref. Chapter V, § C.2.)
LUST	Leaking Underground [petroleum] Storage Tank
MFR	Motion for Reconsideration (The first step in an appeal of an administrative fine - ref. Chapter V, § C.7.c.)
MOD Fund	Motor Oil Discharge Fund (The Fund established under RSA 146-F to provide financial assistance to owners of facilities that store motor oil or used motor oil.)
MUNIPAY	EPA's computer model for analyzing a municipality's ability to pay a monetary penalty.
NOC	Notice of Compliance (A notice that closes out an AO or an AOC based upon a determination that compliance has been achieved - ref. Chapter V, § C.6.d or § C.5.d, respectively.)
NOD	Notice of Decision (The official decision in an administrative fine case - ref. Chapter V, § C.7.b.)
NOF	Notice of Findings (A letter to the Respondent that identifies violations that DES believes exists and that requests a response in order to determine the most appropriate follow-up action - ref. Chapter V, § C.3.)

NPDES	National Pollutant Discharge Elimination System (The federal program regulating discharges to surface waters; analogous state authority is at RSA 485-A:13.)
NPF/H	Notice of Proposed Administrative Fine and Hearing (A notice that an administrative fine is being sought, which specifies the violations for which the fine is being sought and includes the date of a scheduled hearing - ref. Chapter V, § C.7.)
NPV	Notice of Past Violations (A letter that identifies the violations believed to have occurred, acknowledges that the violations have been corrected, and confirms that no further action related to the listed violations is required.)
OC	Office of the Commissioner
ODD	Oil Discharge and Disposal (Usually used in conjunction either with the Fund established under RSA 146-D to provide financial assistance to owners of facilities that store motor fuel in underground storage tanks or aboveground storage tanks or with the Board created under RSA 146-D to administer the Fund.)
P2	Pollution Prevention
PI	Preliminary Injunction
PIC	DES Public Information Center
PIP	DES Public Information and Permitting Unit
PPA	Performance Partnership Agreement (The written agreement between DES and EPA which specifies, inter alia, the compliance assurance activities which DES and EPA agree to undertake in New Hampshire.)
PSA	Public Service Announcement
RCRA	Resource Conservation and Recovery Act (The federal law which regulates various waste-related activities, such as hazardous waste (Subtitle C), solid waste (Subtitle D), and underground petroleum storage (Subtitle I). Analogous state authority is at RSA 147-A (hazardous waste), RSA 149-M (solid waste; broader than the federal program), and RSA 146-C (underground petroleum storage).)
RFE	Referral for Enforcement (A request by DES for the AGO to prosecute an enforcement action against an identified Respondent - ref. Chapter V, § 8.)
RSA	New Hampshire Revised Statutes Annotated
SBTAP	Small Business Technical Assistance Program

SEP	Supplemental Environmental Project (An environmentally-beneficial project that a Respondent agrees to undertake as part of a settlement of an enforcement action - ref. Chapter VI, § C.5.b.)
TRO	Temporary Restraining Order
UST	Underground [petroleum] Storage Tank
VLAP	Volunteer Lake Assessment Program
VRAP	Volunteer River Assessment Program
WD	DES Water Division
WMD	DES Waste Management Division
We	New Hampshire Code of Administrative Rules, Title for rules adopted by the NH Water Well Board
Wt	New Hampshire Code of Administrative Rules, Title for rules adopted by DES relating to wetlands. (See Env- for other DES rules.)

Definitions

T “Assistance” means any education, technical assistance, or financial assistance provided by DES or any other government agency or private entity. (See also financial assistance, technical assistance.)

T “Brownfields” means abandoned, idled, or under-used industrial and commercial facilities or sites where expansion or redevelopment is complicated by real or perceived environmental contamination.

T “Compliance action” means any administrative or civil action initiated by or on behalf of DES which is intended to cause a person to comply with any environmental law but which does not seek a monetary penalty, such as a letter of deficiency, administrative order, or civil injunction action.

T “Cost recovery action” means any administrative or civil action initiated by or on behalf of DES which is intended to recover costs incurred by DES in conducting site investigation and remediation, including administrative costs and any other costs recoverable under any environmental law.

T “Division” means a DES division, e.g., the ARD, WD, or WMD.

T “Economic benefit” means a direct or indirect monetary benefit realized as a result of or in connection with a violation, including a competitive advantage, avoided costs, or cash or other consideration (including but not limited to financial instruments, real estate, or goods of any kind), or any interest in any of the foregoing.

T “Enforcement action” means any compliance action, license action, or penalty action.

T “Environmental Management System” means the part of the overall management of an organization that focuses on developing, implementing, achieving, and maintaining the organization’s environmental policy. An EMS is a systematic approach, built on a continuous improvement “plan-do-check-act” model, to addressing the environmental aspects of the organization. The basic elements of an EMS are: (a) understanding of organization’s environmental impact and the requirements to which it is subject; (b) understanding the organization’s operations and procedures as they impact the environment; (c) training employees; (d) monitoring environmental performance; and (e) reviewing performance and taking corrective action.

T “Environmental laws” means RSA 125-C, RSA 125-D, RSA 125-I, RSA 125-J, those portions of RSA 141-E implemented by DES, RSA 146-A, RSA 146-C, RSA 147-A, RSA 147-B, RSA 149-M, RSA 481, RSA 482, RSA 482-A, RSA 482-B, RSA 483, RSA 483-B, RSA 485, RSA 485-A, RSA 485-C, RSA 487, and any other statute under which DES has enforcement authority, as well as rules adopted under such statutes and any licenses issued under such statutes and rules, as such statutes, rules, and licenses may have been or may be interpreted or otherwise applied by a court of competent jurisdiction.

T “Financial assistance” means grants and low-interest loans provided by or through DES in order to help pay for activities designed to attain, ensure, or promote compliance with environmental laws.

T “Investigation” means the actions taken by DES to determine whether a specific site, facility, or activity is in compliance with environmental laws, and includes file reviews, inspections, interviews, and other research.

T “License” means “license” as defined by RSA 541-A:1, VIII, namely “the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission required by law.” “License” as used herein includes all forms of operator certification issued by DES.

T “License action” means an adjudicative proceeding initiated by DES to suspend, revoke, or refuse to renew a license.

T “License holder” means the person to whom DES has issued a license.

T “Major deviation from requirement” (for air violations) means the violator deviated from a requirement of a statute or rule to such an extent that there is substantial non-compliance.

T “Major deviation from requirement” (for fines calculated pursuant to Env-C 610) means:

- (1) The respondent has deviated from the requirement of a statute or rule to such an extent that there is substantial noncompliance, analogous to less than half of the requirements being met; or**
- (2) The respondent acted or failed to act where the respondent knew or should have known that the action or inaction would cause a deviation from a requirement.**

T “Major potential for harm” (for air violations) means a substantial likelihood of causing unhealthful air quality.

T “Minor deviation from requirement” (for air violations) means the violator deviated partially from a requirement of a statute or rule such that most of the requirement was met.

T “Minor deviation from requirement”(for fines calculated pursuant to Env-C 610) means the respondent deviated partially from a statute or rule but most requirements are implemented as intended, analogous to more than half of the requirements being met.

T “Minor potential for harm” (for air violations) means a small likelihood of causing unhealthful air quality.

T “Moderate deviation from requirement” (for air violations) means the violator significantly deviated from a requirement of a statute or rule but some requirements were implemented as intended, such that approximately half the requirements were met.

T “Moderate deviation from requirement”(for fines calculated pursuant to Env-C 610) means the respondent significantly deviated from the requirements but some requirements were implemented as intended, analogous to half of the requirements being met.

T “Moderate potential for harm” (for air violations) means a moderate likelihood of causing unhealthful air quality.

T “Multi-media” means involving more than one medium, such as air, land, or water, and/or involving more than one DES program.

T “Penalty action” means any administrative, civil, or criminal action initiated by or on behalf of DES and intended to impose a monetary penalty or incarceration for violation of any environmental law.

T “Person” generally means any individual; any business entity, including a trust, firm, joint stock company, corporation (including limited liability corporations and government corporations), partnership, or association (including professional associations); or any political subdivision of the state. For the legal definition of “person” applicable to a particular enforcement action, the appropriate environmental law must be consulted.

T “Potential for harm” (for fines calculated pursuant to Env-C 610) means the likelihood that the violation will cause harm to human health or welfare or the environment, determined in accordance with Env-C 610.

T “Program” means a subgroup of DES that has the primary initial responsibility for implementing and ensuring compliance with a particular statutory requirement or group of requirements (together with any associated rules and licenses), *e.g.*, the Wetlands program, the Solid Waste program, the Vapor Recovery program.

T “Regulations” means the administrative provisions drafted and adopted by a federal agency.

T “Respondent” means a person against whom DES has initiated or will initiate an enforcement action.

T “Responsible Party” means a person who is legally responsible for having violated or caused a violation of an environmental law or who is otherwise legally responsible for remediation of a site or facility where a violation of an environmental law occurred.

T “Right-to-Know Law” means RSA 91-A, Access to Public Records and Meetings.

T “Rules” means the provisions drafted and adopted by a state agency via the RSA 541-A administrative rulemaking process.

T “Site/facility representative” means a person who owns or otherwise controls or is in charge of a site, facility, or activity.

T “Site Specific Program” means the program implemented pursuant to RSA 485-A:17 to control erosion during terrain alteration activities.

T “Stipulated penalty” means a specified amount of money that a party agrees to pay, without opportunity for hearing or appeal, if certain conditions arise (such as not meeting a deadline) as part of a settlement of an AO or administrative fine or as part of an AOC.

T “Technical assistance” means site-, activity-, or facility-specific compliance-related advice, including inspection reports provided to the Respondent that identify violations and/or needed corrective actions.