

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

TABLE OF CONTENTS

CHAPTER Env-Sw 900 MANAGEMENT OF CERTAIN WASTES

PART Env-Sw 901 ASBESTOS

- Env-Sw 901.01 Applicability
- Env-Sw 901.02 Collection, Storage and Transfer Requirements
- Env-Sw 901.03 Processing and Treatment Requirements
- Env-Sw 901.04 Disposal Requirements
- Env-Sw 901.05 Reuse Requirements and Limitations
- Env-Sw 901.06 Transportation, Packaging and Labeling Requirements
- Env-Sw 901.07 Testing and Reporting Requirements
- Env-Sw 901.08 Other Requirements

PART Env-Sw 902 ASH

- Env-Sw 902.01 Applicability
- Env-Sw 902.02 Collection, Storage and Transfer Requirements
- Env-Sw 902.03 Processing and Treatment Requirements
- Env-Sw 902.04 Disposal Requirements
- Env-Sw 902.05 Reuse Requirements and Limitations
- Env-Sw 902.06 Transportation, Packaging and Labeling Requirements
- Env-Sw 902.07 Testing and Reporting Requirements
- Env-Sw 902.08 Other Requirements

PART Env-Sw 903 CONTAMINATED SOILS

- Env-Sw 903.01 Applicability
- Env-Sw 903.02 Collection, Storage and Transfer Requirements
- Env-Sw 903.03 Processing and Treatment Requirements
- Env-Sw 903.04 Disposal Requirements
- Env-Sw 903.05 Reuse Requirements and Limitations
- Env-Sw 903.06 Transportation Requirements
- Env-Sw 903.07 Testing and Reporting Requirements

PART Env-Sw 904 INFECTIOUS WASTE

- Env-Sw 904.01 Applicability
- Env-Sw 904.02 Collection, Storage and Transfer Requirements
- Env-Sw 904.03 Processing and Treatment Requirements
- Env-Sw 904.04 Disposal Requirements
- Env-Sw 904.05 Reuse Requirements and Limitations
- Env-Sw 904.06 Transportation, Packaging and Labeling Requirements
- Env-Sw 904.07 Testing and Reporting Requirements
- Env-Sw 904.08 Other Requirements

PART Env-Sw 905 TIRES

- Env-Sw 905.01 Applicability
- Env-Sw 905.02 Collection, Storage and Transfer Requirements
- Env-Sw 905.03 Processing and Treatment Requirements
- Env-Sw 905.04 Disposal Requirements
- Env-Sw 905.05 Reuse Requirements and Limitations
- Env-Sw 905.06 Transportation Requirements
- Env-Sw 905.07 Testing and Reporting Requirements
- Env-Sw 905.08 Other Requirements

# NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

## CHAPTER Env-Sw 900 MANAGEMENT OF CERTAIN WASTES

Statutory Authority: RSA 149-M:7

### REVISION NOTE:

Document #8459, effective 10-28-05, readopted with amendments, renumbered, and redesignated former Chapter Env-Wm 2600 as Env-Sw 900, 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 900 identify the former subtitle Env-Wm and number for the respective rule prior to Document #8459.

### PART Env-Sw 901 ASBESTOS

#### Env-Sw 901.01 Applicability.

- (a) The rules in this part shall apply to the management of asbestos waste, both friable and non-friable.
- (b) The rules in this part shall apply to the management of material having the potential to be asbestos waste based on its visual appearance, form, function and other available information, unless testing in accordance with the analytical procedures in 40 CFR 61 determines the waste to be non-asbestos based.
- (c) The rules in this part shall apply to wastes and materials that are combined or mixed with asbestos waste.
- (d) The rules of this part shall apply from the point of waste origination to the point of waste disposal.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2601.01); ss by #10598, eff 7-1-14

#### Env-Sw 901.02 Collection, Storage and Transfer Requirements.

- (a) Collection, storage and transfer of asbestos waste shall be accomplished in a manner as to prevent the release of asbestos fibers to the environment, and in conformance with Env-Sw 400, 40 CFR 61, 29 CFR 1910, 29 CFR 1926, He-P 5000, Env-A 1800 and (b) through (f) below.
- (b) Collected asbestos waste that is friable or exhibits friable characteristics shall be processed or treated in accordance with Env-Sw 901.03 prior to storage, transfer or disposal.
- (c) Collected asbestos waste shall be packaged and labeled in accordance with Env-Sw 901.06 prior to storage or transfer.
- (d) Asbestos waste shall be stored only in areas:
  - (1) Restricted from public access;
  - (2) Protected from the elements, specifically including wind and water;
  - (3) Regularly monitored to assure site security; and
  - (4) Conspicuously posted with legible signs imprinted with the following:
    - a. "Danger";
    - b. "Asbestos waste storage area";
    - c. "Dust, cancer and lung disease hazard"; and

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

d. "Authorized personnel only."

(e) The permittee shall notify local fire officials as to the establishment and location of an asbestos storage facility requiring a standard permit to alert responding fire personnel of the potential hazard in the event of a fire.

(f) Asbestos waste shall be transferred only to facilities authorized to receive asbestos waste.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2601.02); ss by #10598, eff 7-1-14

Env-Sw 901.03 Processing and Treatment Requirements.

(a) Asbestos waste shall be processed or treated in accordance with Env-Sw 500 and this section, and in accordance with other applicable state rules and federal regulations including 40 CFR 61, 29 CFR 1910 and 1926, Env-A 1800 and He-P 5000.

(b) Prior to packaging, storage or disposal, asbestos waste that is friable or exhibits friable characteristics shall be treated to limit the potential for release of asbestos fibers using one or more of the following methods in accordance with 40 CFR 61 and Env-A 1800:

- (1) Spray with water or amended water;
- (2) Cover with an encapsulant or sealant, using an airless or electrostatic sprayer if the material is hydrophobic; or
- (3) Another method determined pursuant to Env-A 1800 to be functionally equivalent to the above, based on information submitted by the person responsible for the treatment.

(c) Facilities that process or treat asbestos waste shall collect, store and transfer the waste in accordance with Env-Sw 901.02.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2601.03); ss by #10598, eff 7-1-14

Env-Sw 901.04 Disposal Requirements.

(a) Asbestos waste shall be landfilled at authorized facilities only.

(b) Asbestos waste that is friable or exhibits friable characteristics shall not be landfilled prior to being:

- (1) Treated in accordance with Env-Sw 901.03; and
- (2) Packaged and labeled in accordance with Env-Sw 901.06.

(c) Facilities which landfill asbestos waste shall be equipped and staffed to manage the asbestos in conformance with the solid waste rules, including:

- (1) Personnel protective equipment pursuant to Env-Sw 901.08(a);
- (2) Staff trained pursuant to Env-Sw 901.08(a);

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (3) Equipment for wetting asbestos; and
- (4) Decontamination equipment.

(d) Prior to receiving asbestos waste, the landfill operator shall prepare a disposal area within the permitted footprint to allow the asbestos waste to be placed and immediately covered without release of asbestos fibers to the air and without direct contact between the asbestos waste and personnel and equipment.

(e) Containers of asbestos waste shall be unloaded at landfills in such a manner as to prevent:

- (1) Release of asbestos fibers;
- (2) Personal exposure to asbestos fibers; and
- (3) Direct contact with asbestos fibers by personnel and equipment.

(f) Non-rigid containers which have been exposed to asbestos waste shall be disposed with the asbestos waste.

(g) Following placement in the disposal area, asbestos waste shall be immediately covered with at least 3 feet of non-asbestos waste or 18 inches of soil.

(h) An asbestos waste disposal facility shall compile records pursuant to 40 CFR 61, to include a map or diagram of the disposal area identifying the location, depth, area and quantity of asbestos waste landfilled at the facility.

(i) Records specified by (h) above shall be maintained in accordance with Env-Sw 1105.06.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2601.04); ss by #10598, eff 7-1-14

Env-Sw 901.05 Reuse Requirements and Limitations.

(a) Asbestos waste shall not be reused.

(b) Reuse of containers used for storage or transportation of asbestos waste shall comply with Env-Sw 901.06 (d) through (f).

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2601.05); ss by #10598, eff 7-1-14

Env-Sw 901.06 Transportation, Packaging and Labeling Requirements.

(a) Prior to storage, transportation or disposal, asbestos waste shall be packaged and labeled in accordance with state rules and federal regulation, including as applicable, 40 CFR 61, 29 CFR 1910, 29 CFR 1926, Env-A 1800 and this section.

(b) Prior to being packaged, asbestos waste that is friable or exhibits friable characteristics shall be treated in accordance with Env-Sw 901.03.

(c) Bags used for disposal of friable asbestos waste shall be made of at least 6 mil polyethylene or a functional equivalent.

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (d) Bags identified in (c) above shall not be reused.
- (e) Containers receiving bulk unwrapped asbestos waste shall be lined with at least 20 mil polyethylene or its functional equivalent.
- (f) The liner material identified in (e) above shall not be reused.
- (g) A waste shipment record shall accompany all asbestos waste when transported, pursuant to the provisions of 40 CFR 61.
- (h) Asbestos waste transporters shall comply with United States Department of Transportation regulations and New Hampshire department of safety rules, as applicable.
- (i) Asbestos waste transporters shall notify the receiving landfill prior to delivering a shipment of asbestos waste, so as to provide the landfill operator with the opportunity to properly prepare the disposal area pursuant to Env-Sw 901.04.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2601.06); ss by #10598, eff 7-1-14

### Env-Sw 901.07 Testing and Reporting Requirements.

- (a) If during transportation a person spills one pound or more of asbestos waste that is friable or exhibits friable characteristics, the person shall immediately report the incident by telephone to the following agencies and entities:
  - (1) The department's air resources division and waste management division;
  - (2) The hazardous material team at the department of safety; and
  - (3) The national response center.
- (b) The analytical testing procedures specified in 40 CFR 61 shall be used to determine whether a waste is asbestos waste.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2601.07); ss by #10598, eff 7-1-14

### Env-Sw 901.08 Other Requirements.

- (a) Personnel handling asbestos waste shall be trained and equipped as required by 29 CFR 1910 and Env-A 1800.
- (b) Asbestos waste shall not be intentionally combined or mixed with other waste types prior to disposal.
- (c) Asbestos waste shall not be incinerated.
- (d) Asbestos waste and waste mixtures shall not be composted.
- (e) Asbestos waste and waste mixtures shall not be land applied.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2601.08); ss by #10598, eff 7-1-14

PART Env-Sw 902 ASH

Env-Sw 902.01 Applicability.

(a) Except as provided in (b) below, the rules in this part shall apply to management of bottom ash and fly ash from the point of origin to the point of final disposal.

(b) The rules in this part shall not apply to:

- (1) Ash generated by private residences from the combustion of wood or fossil fuel;
- (2) Ash from crematoriums;
- (3) Wood ash certified for distribution and use pursuant to Env-Sw 1700, provided it is distributed and used in accordance with the certification; and
- (4) Boiler slag from the combustion of coal managed in accordance with Env-Sw 302.03(b)(8).

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2602.01); ss by #10598, eff 7-1-14

Env-Sw 902.02 Collection, Storage and Transfer Requirements.

(a) Collection, storage and transfer of ash shall comply with Env-Sw 400 and this section.

(b) Ash shall be collected and stored in containers in a manner which:

- (1) Avoids the dispersion of ash residue, including particulates;
- (2) Is fire safe;
- (3) Prevents rain water infiltration; and
- (4) Collects and controls the free liquid that drains from the ash, if the ash is quenched or treated with applied liquids.

(c) Prior to transfer, ash generators shall comply with the hazardous waste determination requirements in Env-Hw 502 and thereby assure proper management of the ash as follows:

- (1) If the ash is determined to be a hazardous waste, it shall be managed as a hazardous waste in accordance with all applicable state rules and federal hazardous waste regulations; and
- (2) If the ash is determined to be non-hazardous, it shall be managed as a solid waste in accordance with this part.

(d) Ash shall not be transferred from the generator's collection area until cooled sufficiently as to eliminate the potential to cause fire and burn injury.

(e) The transfer of ash from one location to another shall comply with Env-Sw 902.06.

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(f) Prior to unloading, ash shipments received by a collection, storage and transfer facility shall be inspected by the receiving facility to determine whether the load is hot.

(g) Hot ash shall not be deposited at a receiving facility where it might start a fire or cause burn injury.

(h) Hot ash shall be segregated from combustible materials, contained and extinguished.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2602.02); ss by #10598, eff 7-1-14

### Env-Sw 902.03 Processing and Treatment Requirements.

(a) Processing and treatment of ash shall comply with Env-Sw 500 and this section.

(b) Processing and treatment of ash shall be carried out in a manner which:

(1) Avoids the dispersion of ash residue, including particulates;

(2) Is fire safe;

(3) Prevents rainwater infiltration; and

(4) Collects and controls the free liquid that drains from the ash, if quenched or treated with applied liquids.

(c) Prior to unloading, ash shipments received by a processing or treatment facility shall be inspected by the receiving facility to determine whether the load is hot.

(d) Hot ash shall not be deposited at a receiving facility where it might start a fire or cause burn injury.

(e) Hot ash shall be segregated from combustible materials, contained and extinguished.

Source. (See Revision Note at PART Heading for Env-Wm 101) #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05 (formerly Env-Wm 2602.03); ss by #10598, eff 7-1-14

### Env-Sw 902.04 Disposal Requirements.

(a) Ash shall be disposed only at authorized facilities.

(b) If disposed in a New Hampshire landfill, the facility shall be a lined facility meeting the requirements of Env-Sw 800 as follows:

(1) Ash from the combustion of municipal solid waste shall be disposed in double lined facilities only;

(2) Ash from the combustion of coal may be disposed in either a double lined facility or single lined facility as provided by (3) below; and

(3) Coal ash shall be disposed in a single lined facility only if:

a. The facility shall be a monofill; and

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

b. The required groundwater monitoring system shall be designed to serve as a leak detection system.

(c) Prior to unloading, ash shipments received by a New Hampshire landfill shall be inspected by the receiving facility to determine whether the load is hot.

(d) Hot ash shall not be deposited where it might start a fire or cause burn injury.

(e) Hot ash shall be segregated from combustible materials, contained and extinguished.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2602.04); ss by #10598, eff 7-1-14

Env-Sw 902.05 Reuse Requirements and Limitations. Ash and ash-derived products shall be certified in accordance with Env-Sw 1500 prior to distribution and use in New Hampshire.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2602.05); ss by #10598, eff 7-1-14

Env-Sw 902.06 Transportation, Packaging and Labeling Requirements.

(a) Ash shall be transported in a manner which shall prevent dispersion of ash residue, including particulates.

(b) Ash shall not be transported in or through New Hampshire unless the generator has first completed a hazardous waste determination in accordance with Env-Hw 502.

(c) Ash shall not be transported unless cooled sufficiently to eliminate the potential for fire or burn injury while in-transit and following delivery.

(d) Ash that is quenched or contains free liquid shall be transported in leak tight containers or shall be sufficiently dry prior to transport as to preclude the discharge of liquids from the transportation vehicle while in-transit.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2602.06); ss by #10598, eff 7-1-14

Env-Sw 902.07 Testing and Reporting Requirements.

(a) The ash generator shall comply with the hazardous waste determination requirements in Env-Hw 502 by developing and implementing a quality assurance/quality control (QA/QC) plan for ash sampling and analysis.

(b) The QA/QC plan for ash sampling and analysis shall specify:

(1) The procedures by which representative samples of ash will be obtained;

(2) The contaminants and parameters for which testing will be conducted;

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(3) The data analysis necessary to demonstrate the level of precision and accuracy are acceptable; and

(4) The testing methods.

(c) Ash testing results and QA/QC plan information shall be maintained by the ash generator and made available to department for inspection pursuant to Env-Sw 2000 and the hazardous waste rules.

Source. #6619-B, eff 10-29-97; ss by #6894-B, eff 12-1-98; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2602.07); ss by #10598, eff 7-1-14

### Env-Sw 902.08 Other Requirements.

(a) A New Hampshire facility that receives ash generated in another state shall obtain from the ash generator copies of the required hazardous waste determination.

(b) Information pursuant to (a) above shall be maintained by the permittee as part of the facility operating records pursuant to Env-Sw 1105.06.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2602.08); ss by #10598, eff 7-1-14

## PART Env-Sw 903 CONTAMINATED SOILS

### Env-Sw 903.01 Applicability.

(a) Except as provided by (b), below, the rules in this part shall apply to the management of soils with contamination, as defined in Env-Or 602.07, that are not regulated as hazardous waste.

(b) The rules in this part shall not apply to contaminated soils managed on-site pursuant to Env-Or 600.

Source. #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2603.01); ss by #10598, eff 7-1-14

### Env-Sw 903.02 Collection, Storage and Transfer Requirements.

(a) Collection, storage and transfer of contaminated soils shall comply with Env-Sw 400 and this section.

(b) Contaminated soils shall be collected and stored in leak tight containers or be underlain by impermeable surfaces or by other means to prevent the discharge of contaminants to groundwater and surrounding soils.

(c) Contaminated soils shall be stored under cover in a manner that protects the waste from exposure to precipitation or by a method that collects and manages all leachate generated.

(d) Contaminated soils shall be stored in accordance with applicable air and water quality rules and regulations.

(e) Prior to transfer, the generator shall comply with the testing requirements in Env-Sw 903.07 to assure proper management of the contaminated soils as follows:

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(1) If the contaminated soil is determined to be a hazardous waste, it shall be managed as a hazardous waste in accordance with all state rules and federal regulations for managing hazardous waste; and

(2) If the contaminated soil is determined to be non-hazardous, it shall be managed in accordance with the solid waste rules.

(f) Prior to receiving contaminated soils from off-site locations, a facility shall obtain documentation from the generator demonstrating compliance with (e) above.

(g) A facility that collects contaminated soils from off-site locations shall inspect the waste upon receipt and verify that the waste is the same waste as characterized by the generator in conformance with Env-Sw 903.07.

Source. #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2603.02); ss by #10598, eff 7-1-14

### Env-Sw 903.03 Processing and Treatment Requirements.

(a) Processing and treatment of contaminated soils shall comply with Env-Sw 500 and this section.

(b) A facility that processes or treats contaminated soils shall employ technologies demonstrated to successfully manage the specific contaminants present in the soil.

(c) A facility that processes or treats contaminated soils shall comply with the waste collection, storage and transfer requirements in Env-Sw 903.02.

(d) Contaminated soils shall be processed or treated in compliance with applicable air and water quality rules and regulations.

Source. #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2603.03); ss by #10598, eff 7-1-14

### Env-Sw 903.04 Disposal Requirements.

(a) The disposal of contaminated soils shall occur only at authorized facilities.

(b) Prior to disposal, contaminated soils shall be tested in accordance with Env-Sw 903.07 and the receiving facility's permit.

(c) Contaminated soil from out-of-state shall not be disposed in a NH landfill if it fails the disposal criteria of its state of origin.

Source. #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2603.04); ss by #10598, eff 7-1-14

### Env-Sw 903.05 Reuse Requirements and Limitations.

(a) Contaminated soils, if reused for purposes other than those provided in (b) below, shall not be distributed and used except in accordance with certification pursuant to Env-Sw 1500, subject to the following limitations:

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

- (1) The concentration of contaminants in the soil shall not exceed the soil remediation standards specified in Env-Or 606.19;
- (2) Notwithstanding Env-Or 606.19, the concentration of total petroleum hydrocarbons in the soil shall be less than 100 parts per million;
- (3) The soil shall not be distributed or used in any:
  - a. Residential applications;
  - b. Playground applications;
  - c. Application within a 100-year floodplain or wetland;
  - d. Application to land used for the production of crops for direct human consumption;
  - e. Application within a recharge area of any sole source drinking water supply; or
  - f. Application within 100 feet from any surface water; and
- (4) A person who distributes contaminated soil shall:
  - a. Comply with the testing and reporting requirements of Env-Sw 903.07; and
  - b. Maintain a record of all locations to which contaminated soil has been distributed and produce such records for inspection by the department upon request.

(b) Contaminated soil may be used as daily landfill cover at facilities permitted to dispose of the contaminated soil, provided that:

- (1) The material shall meet the requirements for alternative daily cover specified in Env-Sw 806.03; and
- (2) The material shall not be stored or otherwise placed outside the active footprint of the facility.

Source. #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2603.05); ss by #10598, eff 7-1-14

Env-Sw 903.06 Transportation Requirements.

- (a) Contaminated soil shall be transported using a standard bill of lading.
- (b) Contaminated soil shall be transported in a manner which shall prevent dispersion of the waste to the air, ground or waterways.
- (c) Contaminated soil shall not be transported from the site of generation prior to completing a hazardous waste determination pursuant to Env-Hw 502.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2603.06); ss by #10598, eff 7-1-14

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

### Env-Sw 903.07 Testing and Reporting Requirements.

(a) The generator of contaminated soil shall comply with the hazardous waste determination requirements in Env-Hw 502 and the other testing requirements in Env-Or 600, as applicable, prior to transferring the waste off-site if generated in New Hampshire or prior to transporting into New Hampshire if generated out-of-state.

(b) The generator shall produce records of testing pursuant to (a) above for inspection by the department.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2603.07); ss by #10598, eff 7-1-14

### PART Env-Sw 904 INFECTIOUS WASTE

#### Env-Sw 904.01 Applicability.

(a) The rules in this part shall apply to management of infectious waste and treated infectious waste which is not ash residue, from the point of origin to the point of final disposal, including the following:

- (1) Cultures and stocks of infectious agents and associated biologicals, including:
  - a. Cultures and stocks of infectious agents from research and industrial laboratories;
  - b. Wastes from the production of biologicals, discarded live and attenuated vaccines; and
  - c. Culture dishes and devices used to transfer, inoculate and mix cultures;
- (2) Pathological wastes, including tissues, organs, and body parts that were removed during surgery or autopsy;
- (3) Waste human blood and products of blood, including:
  - a. Serum, plasma and other blood components;
  - b. Containers contaminated with a. above which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals; and
  - c. Items saturated or dripping with human blood or items that were saturated or dripping with human blood that are now caked with dried human blood or blood components;
- (4) Sharps that have been used in human or animal patient care or in medical, research, or industrial laboratories, including hypodermic needles, syringes, pasteur pipettes, broken glass and scalpel blades;
- (5) Contaminated animal carcasses, body parts, and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals;
- (6) Wastes from human or animal patient care, surgery or autopsy that were in contact with infectious agents, including soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads, and surgical gloves;
- (7) Laboratory wastes from medical, pathological, pharmaceutical, or other research, commercial or industrial laboratories that were in contact with infectious agents, including slides and cover slips, disposable gloves, laboratory coats, and aprons;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(8) Dialysis wastes that were in contact with the blood of patients undergoing hemodialysis, including contaminated disposable equipment and supplies such as tubing, filters, disposable sheets, towels, gloves, aprons, and laboratory coats;

(9) Discarded medical equipment and parts that were in contact with infectious agents;

(10) Biological waste and discarded materials contaminated with blood, excretion, exudates or secretion from humans or animals who are isolated to protect others from communicable diseases;

(11) Any discarded preparations made from genetically altered living organisms and their products; and

(12) Such other waste material that results from the administration of medical care to a patient whether human or animal by a health care provider and is found by the director in consultation with the division of public health services or state veterinarian to pose a threat to human health or the environment due to its infectious nature.

(b) The rules in this part shall not apply to the following types of waste:

(1) Gloves, gowns, underpads or any other materials that come in contact with patients, but not saturated with blood, body fluids or secretions, through routine examination or patient care;

(2) Animal carcasses not included in (a)(5) above; and

(3) Household infectious waste, provided that:

a. Sharps shall be enclosed inside rigid, puncture-resistant containers;

b. Containers encasing sharps shall be sealed and labeled “not for recycling”; and

c. The waste shall be disposed at an authorized facility only.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2604.01); ss by #10598, eff 7-1-14

Env-Sw 904.02 Collection, Storage and Transfer Requirements.

(a) Collection, storage and transfer of infectious waste shall comply with Env-Sw 400 and this section.

(b) The waste shall be stored in a pre-designated location, protected from water, rain and wind.

(c) Storage containers and packaging shall be labeled conspicuously in a legible manner with the words “infectious waste,” or “biohazard waste,” or with the universal biohazard symbol.

(d) Waste stored at generator facilities shall be maintained in a nonputrescent state, using refrigeration when necessary.

(e) Waste shall not be stored at room temperatures in excess of 72 hours.

(f) Outdoor storage areas containing the waste, such as dumpsters, sheds, tractor trailers, or other storage areas, shall be locked to prevent unauthorized access.

(g) Access to on-site storage areas shall be limited to authorized persons.

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(h) The waste shall be stored in a manner that shall provide protection from animals and shall not provide a breeding place or a food source for insects or rodents.

(i) Storage containers and packaging shall be of sufficient structural integrity to ensure that the waste shall not be released to the environment during storage.

(j) The contents of damaged or ruptured containers shall be re-packaged.

(k) Infectious waste shall be transferred by the generator to authorized facilities only.

(l) Facilities which receive infectious waste from off-site generators shall not store the waste in excess of 7 days from date of receipt.

Source. #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2604.02); ss by #10598, eff 7-1-14

### Env-Sw 904.03 Processing and Treatment Requirements.

(a) Except as noted in Env-Sw 904.08, the generator of infectious waste shall assure that the waste is treated at an authorized facility to achieve high-level disinfection plus a 4 log 10 reduction of Bacillus subtilis or Bacillus stearothermophilus.

(b) Facilities that process or treat infectious waste in New Hampshire, including generator facilities, shall meet (a), above, in conformance with Env-Sw 500 and the following:

(1) All infectious waste managed by the facility shall be collected and stored as specified in Env-Sw 904.02, pending treatment in accordance with (a) above;

(2) If the facility processes or treats infectious waste by methods other than incineration, the efficacy of the processing or treatment method shall be demonstrated by testing as specified in Env-Sw 904.07; and

(3) If the facility is an incinerator that treats the infectious waste by combustion, the facility shall meet Env-Sw 700.

(c) Infectious waste treated under (a) above shall not be combined or mixed with other waste prior to disposal, unless authorized by the receiving disposal facility.

Source. #5172, eff 7-1-91; amd by #5297, eff 12-24-91; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2604.03); ss by #10598, eff 7-1-14

### Env-Sw 904.04 Disposal Requirements.

(a) Infectious waste shall not be landfilled in New Hampshire unless treated to achieve the standard specified in Env-Sw 904.03(a).

(b) Treated infectious waste shall be disposed at authorized facilities only.

(c) Notification shall be given by the transporter to the receiving facility prior to the disposal of treated infectious waste.

## NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) Liquid infectious waste may be disposed via a sanitary sewer, subject to the provisions of local sewer ordinances and regulations, only if the receiving wastewater treatment facility includes secondary treatment.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2604.04); ss by #10598, eff 7-1-14

### Env-Sw 904.05 Reuse Requirements and Limitations.

(a) Infectious waste shall not be reused or certified for distribution and use pursuant to Env-Sw 1500, except as provided in (b) below.

(b) Materials or equipment contaminated with infectious waste, for example surgical equipment, maintenance carts, bedding, waste containers and the like, may be salvaged and reused in-kind pursuant to Env-Sw 1503.04, subject to the following requirements:

(1) If reused within the generating facility, the materials and equipment shall be cleaned and disinfected prior to reuse to achieve the standards for disinfection prescribed by the facility's internal management protocol; and

(2) If sent off-site for reuse, the materials and equipment shall be cleaned and disinfected prior to leaving the generating facility to achieve at least the level of treatment specified in Env-Sw 904.03(a).

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2604.05); ss by #10598, eff 7-1-14

### Env-Sw 904.06 Transportation, Packaging and Labeling Requirements.

(a) Infectious waste transported off-site for treatment prior to disposal shall be transported in conformance with the United States Department of Transportation hazardous materials regulations as provided in 49 CFR 171-180 or as specified in (b) below.

(b) The transportation of infectious waste not subject to 49 CFR 171-180 shall be subject to the following:

(1) Sharps as described in Env-Sw 904.01(a)(4) shall be segregated and encased inside rigid, puncture-resistant containers;

(2) Infectious waste and sharps containers shall be placed in a sealed nonpermeable 3 mil polyethylene bag or equivalent, which is itself placed in a second bag of similar construction and sealed; and

(3) The outermost container or package shall be labeled with the following:

a. Clear markings indicating the contents which shall include the words "Infectious waste," or "Biohazard waste" or the universal biohazard symbol; and

b. The name, address and telephone number of the generator and transporter.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(c) Transporters shall notify the receiving facility prior to delivering infectious waste to a New Hampshire landfill.

Source. #5172, eff 7-1-91; ss by #6535, INTERIM, eff 7-1-97, EXPIRES: 10-29-97; ss by #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2604.06); ss by #10598, eff 7-1-14

Env-Sw 904.07 Testing and Reporting Requirements. Facilities, including generator facilities, which treat infectious waste by methods other than incineration shall be subject to the following:

(a) QA/QC efficacy testing shall be performed during initial facility operations to verify facility operating procedures meet Env-Sw 904.03(a);

(b) Following verification as specified in (a) above, the facility shall perform QA/QC efficacy testing no less than 4 times yearly, to demonstrate compliance with Env-Sw 904.03(a); and

(c) The facility shall maintain the records of QA/QC efficacy testing for a minimum of 3 years.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2604.07); ss by #10598, eff 7-1-14

Env-Sw 904.08 Other Requirements. Limbs and recognizable organs, excluding teeth and contiguous gum tissue, shall be disposed by incineration or interment.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2604.08); ss by #10598, eff 7-1-14

PART Env-Sw 905 TIRES

Env-Sw 905.01 Applicability. The rules in this part shall apply to the management of waste or scrap tires, from the point of waste origination to the point of waste disposal.

Source. #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2605.01); ss by #10598, eff 7-1-14

Env-Sw 905.02 Collection, Storage and Transfer Requirements.

(a) Tires shall be collected, stored and transferred in accordance with Env-Sw 400 and this section.

(b) Outdoor storage of tires shall be in:

(1) Covered trailers;

(2) Transfer containers; or

(3) In stockpiles as follows:

a. The diameter of the piles shall not exceed 25 feet;

b. The height of the piles shall not exceed 15 feet;

c. Fire lanes no less than 25 feet in width shall be maintained around each pile;

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

d. Each pile shall have a berm with a minimum height of 12 inches constructed around its perimeter capable of containing any pyrolitic oils or other liquids generated by fire; and

e. The stockpiling facility shall have equipment, cover material and other supplies, including water, sufficient to control a fire until the nearest fire company capable of extinguishing the fire arrives.

(c) Indoor storage shall conform to the applicable requirements of Saf-C 6000.

Source. #5172, eff 7-1-91, EXPIRED: 7-1-97

New. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2605.02); ss by #10598, eff 7-1-14

Env-Sw 905.03 Processing and Treatment Requirements.

(a) Chipping, shredding and other physical processing of tires shall comply with the requirements in Env-Sw 500 and this section.

(b) Collection and storage of tires by facilities that process or treat tires shall conform to Env-Sw 905.02.

(c) Processing of tires shall be done in a manner to limit noise, odor and fugitive dust emissions to the greatest extent possible.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2605.03); ss by #10598, eff 7-1-14

Env-Sw 905.04 Disposal Requirements.

(a) Waste tires shall be disposed at authorized facilities only.

(b) Tires shall be landfilled only in a manner that shall preclude movement of the tires after burial, such as by shredding, splitting or quartering the tires prior to landfilling or by filling the tires during landfilling.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2605.04); ); ss by #10598, eff 7-1-14

Env-Sw 905.05 Reuse Requirements and Limitations.

(a) Waste tires, if reused, shall be certified for distribution and use in accordance with Env-Sw 1500.

(b) Tires shall not be certified for distribution and use if distribution and use:

- (1) Constitutes a fire hazard;
- (2) Provides a habitat for breeding mosquito populations;
- (3) Constitutes a safety hazard;
- (4) Constitutes a nuisance; or
- (5) Violates any federal regulation or state rule.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2605.05); ss by #10598, eff 7-1-14

Env-Sw 905.06 Transportation Requirements. Tires, either whole or processed, shall be transported in a manner to prevent blowing or falling debris.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2605.06); ss by #10598, eff 7-1-14

Env-Sw 905.07 Testing and Reporting Requirements. Facilities managing tires shall comply with the reporting requirements specified in Env-Sw 400 through Env-Sw 1200, as applicable.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2605.07); ss by #10598, eff 7-1-14

Env-Sw 905.08 Other Requirements.

(a) The open burning of tires or processed tires shall be prohibited.

(b) Tires shall be managed in a manner as to avoid establishing habitat for breeding mosquito populations.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 900); ss by #8459, eff 10-28-05 (formerly Env-Wm 2605.08); ss by #10598, eff 7-1-14

APPENDIX

Rule Sections	State Statute(s) Implemented
Env-Sw 900	RSA 149-M:7;II and VIII; RSA 149-M:9,X;