
ENVIRONMENTAL Fact Sheet



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HW-27

2020

Hazardous Waste Small Quantity Generator Self-Certification Program

For more than 20 years, hazardous waste management in New Hampshire has been regulated under RSA 147-A and rules adopted pursuant to that statute as part of a system designed to protect human health and the environment. This system is consistent with the federal program under the Resource Conservation and Recovery Act (RCRA) and has the same “cradle to grave” philosophy that strives to prevent the release of harmful chemicals into water, land and air.

Despite the relatively small amount of hazardous waste generated by each individual small quantity generator (SQG), releases from SQGs have created about a third of the hazardous waste sites in New Hampshire. Over the years, many SQGs have been inspected by the New Hampshire Department of Environmental Services (NHDES) staff, but many more have never been inspected and continue to pose a threat to our groundwater resources. With about 2,500 hazardous waste generators in the state, it became clear that NHDES could not just continue the typical inspection and enforcement model to assure the compliance of such a large universe of generators. The state needed the SQGs to become more active environmental stewards, aware of the Hazardous Waste Rules and able to self-certify their compliance.

To address this inspection problem and improve compliance rates of SQGs, the New Hampshire Legislature amended RSA 147-A in 2003 to establish a SQG Self-Certification Program. The law, RSA 147-A:5, IV, requires SQGs to review their hazardous waste management procedures, conduct a self-inspection of their facility and certify compliance to NHDES. This program complements a requirement established in 2002, which requires full quantity generators (FQGs) to have a certified hazardous waste coordinator on staff at the facility. (See fact sheet HW-26 for information on the FQG Hazardous Waste Coordinator Certification Program.) NHDES will conduct follow-up inspections at a statistically valid number of the SQGs selected at random to measure their performance.

Who Must Comply?

The law applies to all small quantity generators in New Hampshire.

What is a SQG?

A New Hampshire small quantity generator is any “person” that owns or operates a facility and generates less than 220 pounds (100 kilograms, approximately 26 gallons of most liquids) of hazardous waste in each and every month. A “person” is defined as any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the state, or any interstate body.

How to Comply

RSA 147-A:5, IV requires SQGs to submit to NHDES every three years a self-certification declaration stating the facility is in compliance with SQG regulations. This declaration must be documented on the form provided by NHDES and submitted by the appropriate date. (See phased-in implementation below.)

The forms will be mailed or emailed to generators by October 1 preceding the implementation date for each of the three groups; the forms are also available at www.des.nh.gov. If for some reason a SQG does not receive the forms in the mail or through email, it is the SQG's obligation to request the forms or to download the forms from the website.

If the facility is *not* in compliance, it must complete the form, indicating any area(s) of non-compliance, and prepare a *Corrective Action Plan* describing the steps the facility will take to come into compliance, including a schedule. Both documents must be submitted by the appropriate deadline.

Completed forms must be sent to: NHDES, Waste Management Division – SQG Program, PO Box 95, Concord, NH 03302-0095. Checks should be made out to: *Treasurer, State of New Hampshire*.

Certification Period and Fees; Phased-In Implementation

The statute requires each SQG to certify compliance every three years and to pay a fee of \$90 per year, payable every three years at the time of certification. Prior to July 1, 2007, the statute required SQGs to submit a fee of \$60 per year. The program was implemented in three phases in order to create a manageable and consistent workload, as shown on the table below. Regardless of the date the first certification is due, every SQG will pay \$90 per year. Political subdivisions of the state are exempt from the fee, but not from the certification requirements.

SQGs in the following Counties	First Certification Due	Subsequent Certifications Due	Fee Due with Subsequent Certifications
Rockingham & Strafford	January 1, 2004	Jan.1, 2007 and every 3 years thereafter (2013, 2016, 2019 ...)	\$270
Cheshire & Hillsborough	January 1, 2005	Jan.1, 2008 and every 3 years thereafter (2014, 2017, 2020 ...)	\$270
Belknap, Carroll, Coos, Grafton, Merrimack, & Sullivan	January 1, 2006	Jan.1, 2009 and every 3 years thereafter (2015, 2018, 2021 ...)	\$270

What does NHDES do to help SQGs Comply with the Law?

NHDES maintains an outreach program to assist SQGs with their efforts. Guidance documents are available in hard copy and on-line, and NHDES sponsors workshops at various locations in the appropriate counties.

For more information

Questions regarding this fact sheet should be directed to the NHDES Hazardous Waste Management Bureau at (603) 271-2942 or toll-free within New Hampshire at 866-HAZWAST (M-F 8 a.m.-4 p.m.) or email hwcomp@des.nh.gov. For a complete description of the requirements, refer to the New Hampshire Hazardous Waste Rules, Env-Hw 100-1200, available from NHDES' website at www.des.nh.gov.