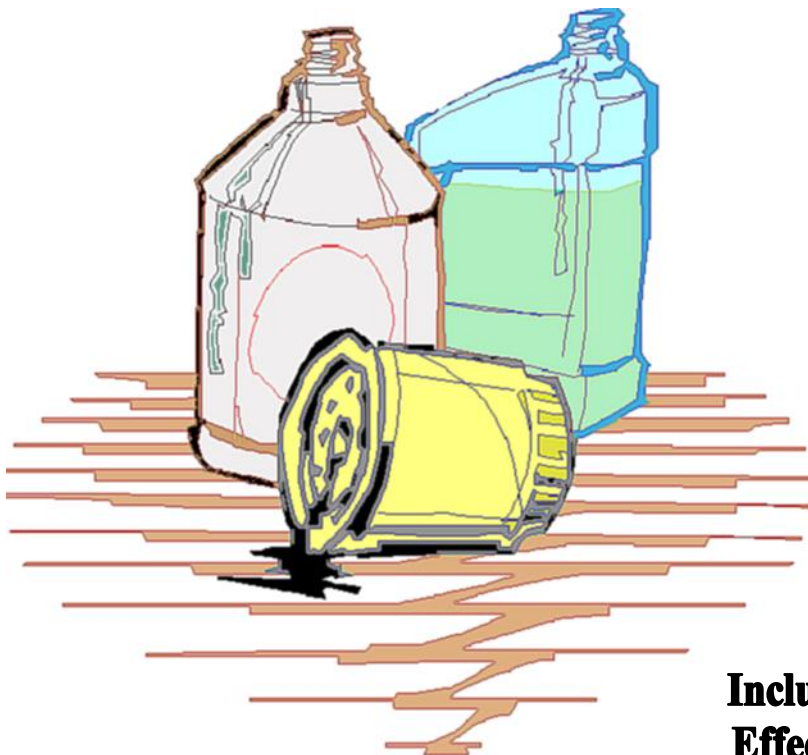




Waste Management Division

HAZARDOUS WASTE RULES



**Includes Revisions
Effective 11-23-19**

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CHAPTER Env-Hw 100 ORGANIZATIONAL RULES

Statutory Authority: RSA 147-A:3

REVISION NOTE #1:

Document #9360, effective 1-28-09, readopted with amendments and renumbered as Chapter Env-Hw 100 those rules in former Part Env-Wm 101 and Part Env-Wm 110 that had contained organizational rules on management of hazardous waste, including definitions. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9360 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Wm 100.

The prior filings for the former rules in Env-Wm 100 containing organizational rules on management of hazardous waste included the following documents:

#5053, eff 1-24-91	#7317, eff 7-7-00
#5886, eff 8-26-94	#7576, eff 10-13-01
#6384-A, eff 11-26-96	#8460-A, eff 10-28-05
#6385-A, eff 11-26-96	#8713, INTERIM, eff 9-5-06
#7194, eff 1-27-00	#8789, eff 1-5-07
#7207-A, eff 2-26-00	

REVISION NOTE #2:

Document #10204, effective 10-19-12, was the next filing after Document #9360 that affected rules in Chapter Env-Hw 100. Document #10204 adopted Env-Hw 103.67 defining “Household waste” and Env-Hw 104.26 defining “Pharmaceutical.” Document #10204 also readopted with amendments Env-Hw 103.57 defining “Full quantity generator (FQG)” and Env-Hw 104.74 defining “Used oil”. Document #10204 also readopted with amendments Env-Hw 104.42 defining “Small quantity generator (SQG)” and Env-Hw 104.44 defining “Spent material”, and renumbered the rules as Env-Hw 104.43 and Env-Hw 104.44 respectively. Document #10204 also renumbered other existing definitions in Part Env-Hw 104.

Document #12343, effective 8-14-17, was the next filing after Document #10204 that affected rules in Chapter Env-Hw 100. Document #12343 adopted, readopted, readopted with amendments, or repealed the rules in Chapter Env-Hw 100. Document #12343 replaced all prior filings of the rules in the former Chapter Env-Hw 100.

The adoption and repeal of various rules by Document #12343 caused extensive renumbering of existing rules within the chapter. The new rules adopted in Chapter Env-Hw 100 by Document #12343 were Env-Hw 101.04 titled “References to Federal Regulations” and the following definitions:

Env-Hw 103.25 “Containment building”
Env-Hw 103.38 “Drip pad”
Env-Hw 103.50 “Explosives or munitions emergency”
Env-Hw 103.51 “Explosives or munitions emergency response”
Env-Hw 103.52 “Explosives or munitions emergency response specialist”
Env-Hw 103.66 “Household”
Env-Hw 103.67 “Household hazardous waste (HHW)”
Env-Hw 104.02 “Land disposal”
Env-Hw 104.12 “Military munitions”
Env-Hw 104.51 “State-only waste”

The former rules in Chapter Env-Hw 100 that were repealed by Document #12343 include the following definitions:

Env-Hw 103.40 “Electrochemical cell”

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Env-Hw 103.64 “Hazardous waste storage area”
Env-Hw 103.74 “Integral design”
Env-Hw 104.15 “New Hampshire identification number”
Env-Hw 104.50 “Subsequent notification form”
Env-Hw 104.72 “Universal waste transfer facility”

REVISION NOTE #3:

Document #12920, effective 11-23-19, adopted, readopted with amendment, or repealed various rules in Chapter Env-Hw 100.

Document #12920 adopted Env-Hw 101.05 titled “Applicability of Manifest Requirements”, Env-Hw 103.39 defining “Electronic manifest”, Env-Hw 103.40 defining “Electronic manifest system”, Env-Hw 103.55 defining “Exporter”, and Env-Hw 103.72 defining “Importer.” Document #12920 also repealed Env-Hw 103.56 defining “Foreign consignee”, and readopted with amendments the following rules:

Env-Hw 101.04 References to Federal Definitions.
Env-Hw 102.02 Modifications to Federal Hazardous Waste Definitions.
Env-Hw 103.43, defining “EPA acknowledgement of consent”, and renumbered as Env-Hw 103.45.
Env-Hw 104.02, defining “Land disposal.”
Env-Hw 104.51, defining “NH-only waste”, and renumbered as Env-Hw 104.17.
Env-Hw 104.17, defining “Notification form,” and renumbered as Env-Hw 104.18.

The adoption, repeal, and readoption with amendment of various rules by Document #12920 caused extensive renumbering of existing rules in Chapter Env-Hw 100 which had been filed under Document #12343, effective 8-14-17, but not included in Document #12920. Their effective date remained as 8-14-17. The source notes of renumbered rules below indicate the former rule number.

As organizational rules the rules in Chapter Env-Hw 100 will not expire except pursuant to RSA 541-A:17, II.

PART Env-Hw 101 PURPOSE AND APPLICABILITY

Env-Hw 101.01 Purpose. The purpose of the rules in subtitle Env-Hw is to implement the provisions of RSA 147-A that require hazardous waste to be managed and disposed properly, so as to minimize risks to the environment and public health and safety.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 101.02 Applicability. Subtitle Env-Hw shall apply to the generation, management, and transportation of hazardous waste in New Hampshire.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 101.03 Use of Number and Gender.

(a) As used in the hazardous waste rules:

- (1) Words in the singular shall include the plural; and
- (2) Words in the plural shall include the singular.

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(b) As used in federal regulations incorporated by reference, words in the masculine gender shall include the feminine and neutral genders.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 101.04 References to Federal Regulations.

(a) Unless otherwise specified, references to federal regulations within this subtitle shall be as follows:

- (1) All references to “Title 29 of the Code of Federal Regulations” or “29 CFR” shall be to the edition in effect on July 1, 2019;
- (2) All references to “Title 40 of the Code of Federal Regulations” or “40 CFR” shall be to the edition in effect on July 1, 2019; and
- (3) All references to “Title 49 of the Code of Federal Regulations” or “49 CFR” shall be to the edition in effect on October 1, 2019.

(b) References to other federal statutes and regulations contained in the text of the federal regulations incorporated by reference that are not specifically adopted by reference, including, but not limited to, references to the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act, shall be used to assist in interpreting the federal regulations only, but the authority and power of the analogous or related portions of New Hampshire statutes and rules shall apply in lieu of the cited federal statutes and regulations.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; ss by #12920, *eff 11-23-19* (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 101.05 Applicability of Manifest Requirements.

(a) The manifest requirements of 40 CFR 260.4, reprinted in Appendix D, shall apply in any case in which the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires the waste to be tracked on a hazardous waste manifest.

(b) The manifest requirements of 40 CFR 260.5, reprinted in Appendix D, shall apply in any case in which a state requires a RCRA manifest to be used under state law to track the shipment and transportation of a state-only regulated waste, as such term is defined in 40 CFR 260.5(a), to a receiving facility.

Source. #12920, *eff 11-23-19* (See Revision Note #3 at chapter heading for Env-Hw 100)

PART Env-Hw 102 HAZARDOUS WASTE DEFINITIONS BASED ON FEDERAL LAW

Env-Hw 102.01 Hazardous Waste Definitions in Federal Law. Where federal provisions are adopted by reference, terms used shall be as defined in federal law unless otherwise specified in these rules.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 102.02 Modifications to Federal Hazardous Waste Definitions. The following terms, when used in federal regulations incorporated by reference, shall be substituted with the analogous New Hampshire terms as follows:

(a) Any reference to the “Regional Administrator” or “Administrator” in federal rules adopted by reference shall be deemed to mean the “commissioner, or designee,” except when used in 40 CFR 262 Subpart H, 264.12(a), 265.12(a), 268.5, 268.6, 268.13, 268.40(b), 268.42(b), 268.44(a) through (g), 270.11(a)(3), 270.14(b)(20), 270.32(b)(2), and 270.51;

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(b) Any reference to the “U.S. Environmental Protection Agency,” “Agency,” “United States Environmental Protection Agency,” “EPA Headquarters,” “EPA Region(s)” or “EPA” in federal rules adopted by reference shall be deemed to mean the “department,” except when used in:

(1) 40 CFR 260.2(c) and (d), 261.39(a)(5), 261.41, 262 Subpart H, 264.12(a)(2), 265.12(a)(2), 268.1(e)(3), 268.2(j), 268.5(g), 268.44(a) through (g), 270.11(a)(3), 270.32(a), 270.32(c), 270.51, 270.72(a)(5), and 270.72(b)(5); or

(2) Any reference to EPA identification numbers, EPA hazardous waste numbers, EPA test methods, EPA forms, any EPA acknowledgment of consent, any EPA publications, manuals, or guidance, and EPA’s electronic manifest system; and

(c) Any reference to any provision of RCRA in federal rules incorporated by reference shall be deemed to be a reference to the comparable New Hampshire statutory provision, except in 40 CFR 270.72(a)(5) and (b)(5) and 40 CFR 270.51(d) relative to EPA-issued RCRA permits, as listed in Table 1.1 Comparison of Federal and State Statutory Provisions, below:

Table 1.1 Comparison of Federal and State Statutory Provisions

RCRA (P.L. 94-580)	U.S.C.	NH RSA
1004(5)	42 U.S.C. 6903(5)	147-A:2, VII
1004(27)	42 U.S.C. 6903(27)	147-A:2, XVIII
3004	42 U.S.C. 6924	147-A:3, IV
3005	42 U.S.C. 6925	147-A:3, IX & 4
3006	42 U.S.C. 6926	91-A
3007	42 U.S.C. 6927	147-A:7; 91-A
3008	42 U.S.C. 6928	147-A:14, 16, 16-a, & 16-b
3010	42 U.S.C. 6930	147-A:3, IV & 3, VI
RCRA (P.L. 89-272)		
3013	42 U.S.C. 6934	147-A:3, VI & 3, VII
3019	42 U.S.C. 6939(a)	147-A:5
7003	42 U.S.C. 6973	147-A:13

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; ss by #12920, *eff 11-23-19* (See Revision Note #3 at chapter heading for Env-Hw 100)

PART Env-Hw 103 HAZARDOUS WASTE DEFINITIONS: A TO K

Env-Hw 103.01 “100-year flood” means a flood that has a one percent chance of being equaled or exceeded in any given year.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.02 “100-year floodplain” means an area that is subject to being flooded by a 100-year flood, as determined in accordance with 40 CFR 270.14(b)(11)(iii).

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.03 “Abandoned material” means any material that is:

- (a) Disposed of;
- (b) Burned or incinerated; or

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(c) Accumulated, stored, or treated, but not recycled, before or in lieu of being abandoned by being disposed of, burned, or incinerated.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.04 “Active fault zone” means a land area that, according to geological evidence, has exhibited movement along a fault within the past 10,000 years.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.05 “Active portion” means that portion of a hazardous waste facility where treatment, storage, or disposal operations are being or have been conducted on or after November 19, 1980. The term does not include any portion of a hazardous waste facility that has been closed in accordance with a closure plan approved in accordance with Env-Hw 707.03 and Env-Hw 708.02 or predecessor rules in subtitle Env-Wm or He-P.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.06 “Administrator” means “administrator” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.07 “Antifreeze” means a material having an ethylene glycol or propylene glycol base that is used full strength or diluted with water only as protection against freezing, overheating, and corrosion of the cooling system of an internal combustion engine.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.08 “Aquiclude” means an impermeable or poorly permeable bed, formation, or group of formations that impedes groundwater movement and does not yield water freely to a well or spring.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.09 “Aquifer” means “aquifer” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.10 “Authorized representative” means “authorized representative” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.11 “Battery” means “battery” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

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Env-Hw 103.12 “Board” means the hazardous waste facility siting board established pursuant to RSA 147-A:4-a.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.13 “Boiler” means “boiler” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.14 “Bulk shipment” means the bulk transportation of hazardous waste that is loaded or carried on board a vessel without containers or labels.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.15 “By-product” means “by-product” as defined in 40 CFR 261.1(c)(3), as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.16 “Carcinogen” means any substance that causes cancer.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.17 “Cathode ray tube” means a glass tube used to provide the visual display in televisions, computer monitors, and certain scientific instruments, such as oscilloscopes.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.18 “Clean Air Act” means the Clean Air Act, 42 U.S.C. 7401, and amendments thereto.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.19 “Closure” means the act of securing a facility pursuant to Env-Hw 506 or Env-Hw 700, as applicable.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.20 “Commissioner” means the commissioner of the department of environmental services.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.21 “Confined aquifer” means “confined aquifer” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.22 “Constituent” means any substance, material, compound, or element that:

(a) Is identified in Env-Hw 402.04, Env-Hw 402.05, or Env-Hw 403.06; or

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(b) Has resulted in a waste being listed in Env-Hw 402 by the department in accordance with Env-Hw 405.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.23 “Construction commenced” as used in the definition of “existing facility” means:

(a) The owner or operator has obtained the federal, state of New Hampshire, and local approvals or permits necessary to begin physical construction; and

(b) Either:

(1) A continuous on-site, physical construction program has begun; or

(2) The owner or operator has entered into contractual obligations that cannot be cancelled or modified for physical construction of the facility to be completed within a reasonable time.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.24 “Container” means “container” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.25 “Containment building” means “containment building” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.26 “Contingency plan” means “contingency plan” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.27 “Delisted” means that a hazardous waste is no longer considered by the department to be a listed waste.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.28 “Delisting” means the process specified in Env-Hw 406 by which a person can ask for a listed hazardous waste to be delisted.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.29 “Department” means the department of environmental services.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.30 “Designated facility” means:

(a) A hazardous waste treatment, storage, or disposal facility that has:

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- (1) Received a permit or interim status in accordance with Env-Hw 304 or 40 CFR Part 270 and 124, or is regulated under Env-Hw 802.01(c) or (d); and
- (2) Been designated by a generator on a manifest as the place to which the hazardous waste covered by the manifest is to be delivered;

(b) A generator site designated on a manifest to receive waste as a return shipment from a facility that has rejected the waste in accordance with Env-Hw 704; or

(c) If the waste is to be brought to another state, a facility allowed by the receiving state to accept such waste.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.31 “Dike” means “dike” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.32 “Discarded material” means any material that is abandoned, recycled, or considered inherently waste-like, as those terms are defined in Env-Hw 103 or Env-Hw 104, or a military munition identified as a solid waste in 40 CFR 266.202.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.33 “Discharge” means the release of hazardous waste into or on any land, water, or air.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.34 “Displacement” means the relative movement of any 2 sides of a fault.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.35 “Disposal” means “disposal” as defined in RSA 147-A:2, III, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.36 “Disposal facility” means any location or part of a location where hazardous waste is intentionally placed and will remain after closure. The term includes landfills and land treatment facilities if the waste will remain after closure.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.37 “Do-it-yourself used oil” means oil that is derived from households, such as used oil generated by individuals through the maintenance of their personal vehicles.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 103.38 “Drip pad” means “drip pad” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

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Env-Hw 103.39 “Electronic manifest” means “electronic manifest (or e-Manifest)” as defined in 40 CFR 260.10, reprinted in Appendix D.

Source. #12920, *eff 11-23-19* (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.40 “Electronic manifest system” means “electronic manifest system (or e-Manifest system)” as defined in 40 CFR 260.10, reprinted in Appendix D.

Source. #12920, *eff 11-23-19* (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.41 “Elementary neutralization unit” means a device that:

(a) Is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic defined in Env-Hw 403 or are listed in Env-Hw 402 only for this reason; and

(b) Meets the definition of tank, tank system, container, transport vehicle, or vessel in Env-Hw 103 or Env-Hw 104.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.39, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.42 “Empty container” means a container that meets the criteria of Env-Hw 401.03(b)(21).

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.40, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.43 “Energy recovery facility” means a facility that uses hazardous waste, fully or in part, as a source to produce a useful energy product.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.41, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.44 “EPA” means the United States environmental protection agency.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.42, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.45 “EPA acknowledgment of consent” means “EPA acknowledgment of consent” as defined in 40 CFR 262.81, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; ss by #12920, *eff 11-23-19* (formerly Env-Hw 103.43) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 103.46 “EPA hazardous waste number” means the number assigned by EPA to each EPA hazardous waste identified in Env-Hw 400.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.44, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.47 “EPA identification number” means the site specific number assigned by the department to a generator, transporter, transfer facility, or treatment, storage, and disposal facility upon approval of a notification form.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.45, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.48 “Equivalent method” means any testing or analytical method approved by the department under Env-Hw 401.05 or by the administrator under 40 CFR 260.20 and 260.21.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.46, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.49 “Excluded scrap metal” means “excluded scrap metal” as defined in 40 CFR 261.1(c)(9), as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.47, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.50 “Existing facility” means a facility that was in operation or for which construction commenced on or before July 1, 1980, or on the effective date of any statutory or regulatory amendments that render the facility subject to permit requirements under RCRA or RSA 147-A or rules adopted pursuant thereto.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.48, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.51 “Explosive reaction” means a violent expansion or bursting in the form of a sudden release of heat or pressure. The term does not include a slow or gradual buildup of heat or pressure.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.49, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.52 “Explosives or munitions emergency” means “explosives or munitions emergency” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.50, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 103.53 “Explosives or munitions emergency response” means “explosives or munitions emergency response” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.51, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.54 “Explosives or munitions emergency response specialist” means “explosives or munitions emergency response specialist” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.52, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.55 “Exporter” means “exporter” as defined in 40 CFR 262.81, as reprinted in Appendix D.

Source. #12920, *eff 11-23-19* (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.56 “Facility” means “facility” as defined in RSA 147-A:2, IV, as reprinted in Appendix C, except that where the hazardous waste rules apply to quarterly activity reports, payments into the hazardous waste cleanup fund, and administration of the fund for the siting program and household hazardous waste cleanup projects, “facility” means “facility” as defined in RSA 147-B:2, III, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.53, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.57 “Fault” means a fracture along which rocks on at least one side have been displaced.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.54, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.58 “Federal Clean Water Act” means 33 U.S.C. 1251 *et seq.* and amendments thereto.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.55, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.59 “Free liquids” means “free liquids” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.57, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 103.60 “Full quantity generator (FQG)” means any generator of hazardous waste who meets the criteria of Env-Hw 503.02.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.58, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.61 “Generator” means “generator” as defined in RSA 147-A:2, VI, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.59, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.62 “Government entity” means the state of New Hampshire and its political subdivisions including solid waste management districts and regional planning commissions.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.60, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.63 “Groundwater” means “ground water” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.61, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.64 “Handler” means a universal waste handler.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.62, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.65 “Hazardous waste” means “hazardous waste” as defined in RSA 147-A:2, VII, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.63, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.66 “Hazardous waste rules” means the rules in subtitle Env-Hw.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.64, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 103.67 “Home scrap metal” means “home scrap metal” as defined in 40 CFR 261.1(c)(11), as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.65, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.68 “Household” means a location in which humans reside on a permanent or temporary basis, including but not limited to single- and multi-family residences, bunkhouses and other crew quarters, ranger stations, motels and hotels, campgrounds, picnic grounds, and day-use recreation areas.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.66, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.69 “Household hazardous waste (HHW)” means household waste that would be hazardous waste if generated anywhere other than in a household.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.67, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.70 “Household hazardous waste (HHW) collection project” means any location that accumulates, collects, transfers, or otherwise manages HHW.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.68, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.71 “Household waste” means any refuse, garbage, trash, sanitary waste, or other waste comprised of materials typically generated by consumers in their homes, and that is actually generated in a household.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.69, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.72 “Importer” means “importer” as defined in 40 CFR 262.81, as reprinted in Appendix D.

Source. #12920, *eff 11-23-19* (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.73 “Incinerator” means any enclosed device using controlled flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.70, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 103.74 “Incompatible waste” means “incompatible waste” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.71, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.75 “Industrial furnace” means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame devices to accomplish recovery of materials or energy:

- (a) Cement kilns;
- (b) Lime kilns;
- (c) Aggregate kilns;
- (d) Phosphate kilns;
- (e) Coke ovens;
- (f) Blast furnaces;
- (g) Smelting, melting, and refining furnaces including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces;
- (h) Titanium dioxide chloride process oxidation reactors;
- (i) Methane reforming furnaces;
- (j) Pulping liquor recovery furnaces;
- (k) Combustion devices used in the recovery of sulfur values from spent sulfuric acid; or
- (l) Such other devices as the commissioner adds to this list through a rulemaking in accordance with the rulemaking procedures of RSA 541-A on the basis of one or more of the following factors:

- (1) The design and use of the device primarily to accomplish recovery of material products;
- (2) The use of the device to burn or reduce raw materials to make a material product;
- (3) The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;
- (4) The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;
- (5) The use of the device in common industrial practice to produce a material product; and
- (6) Other factors, as applicable.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.72, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 103.76 “Inherently waste-like material” means:

(a) Materials identified by EPA hazardous waste numbers F020, F021 unless used as an ingredient to make a product at the site of generation, F022, F023, F026, and F028; or

(b) Materials that have been determined to be “inherently waste-like” by the department in accordance with Env-Hw 803.03(b)(5).

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.73, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.77 “Injection well” means “injection well” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.74, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.78 “Inner liner” means “inner liner” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.75, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 103.79 “International shipment” means “international shipment” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 103.76, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

PART Env-Hw 104 HAZARDOUS WASTE DEFINITIONS: L TO Z

Env-Hw 104.01 “Lamp” means “lamp” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.02 “Land disposal” means “land disposal” as defined in 40 CFR 268.2(c), 7-1-16 edition, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; ss by #12920, *eff 11-23-19* (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.03 “Land treatment facility” means “land treatment facility” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

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Env-Hw 104.04 “Landfill” means a disposal facility or part of a facility where hazardous waste is placed in or on land and that is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, or a cave.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.05 “Leachate” means “leachate” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.06 “Liner” means “liner” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.07 “Location” as used in the definition of “facility” means all contiguous land and all structures and other appurtenances and improvements on the land.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.08 “Management” means “hazardous waste management” as defined in RSA 147-A:2, VIII, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.09 “Manifest” means “manifest” as defined in RSA 147-A:2, X, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.10 “Manifest tracking number” means the alphanumeric identification number comprised of a unique 3-letter suffix preceded by 9 numerical digits, which is preprinted, by a source approved by EPA pursuant to 40 CFR 262.21, in item 4 of the manifest.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.11 “Mercury-containing device” means any product or component, excluding batteries and lamps, that contains elemental mercury necessary for its operation and is housed within an outer casing. The term includes but is not limited to thermostats, intact mercury-containing ampules, thermocouples, thermometers, manometers, barometers, sphygmomanometers, electric switches and relays, gas flow regulators, water meters, and electric meters that contain mercury switches or relays.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.12 “Military munitions” means “military munitions” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

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Env-Hw 104.13 “Mining overburden returned to the mine site” means “mining overburden returned to the mine site” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.14 “Miscellaneous unit” means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well, containment building, corrective action management unit, staging pile, or unit eligible for a research, development, and demonstration permit under Env-Hw 304.05(d).

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.15 “New facility” means a facility that began construction or operation after July 1, 1980.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.16 “NH hazardous waste number” means the number assigned by the department to each New Hampshire hazardous waste identified in Env-Hw 400.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.17 “NH-only waste” means waste that is regulated under the hazardous waste rules but not regulated by EPA.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; ss by #12920, *eff 11-23-19* (formerly Env-Hw 104.51) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.18 “Notification form” means the “RCRA C Site Identification Form” used to notify the department of hazardous waste, used oil, universal waste management activities, and electronic manifest activities.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; ss by #12920, *eff 11-23-19* (formerly Env-Hw 104.17) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.19 “Off-site” means any site that is not on-site.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.18, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.20 “On-site” means “on-site” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.19, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 104.21 “Operator” means “operator” as defined in RSA 147-A:2, XI, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.20, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.22 “Owner” means “owner” as defined in RSA 147-A:2, XI-a, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.21, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.23 “Permit” means an authorization, license, or equivalent control document issued by the department to implement the hazardous waste rules. The term includes limited permits and emergency permits. The term does not include interim status or any document that has not been the subject of final department action, such as a draft permit or proposed permit.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.22, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.24 “Permit-by-rule” means a permit for a facility or activity that is required to have a permit that exists by virtue of compliance with specific provisions of the hazardous waste rules.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.23, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.25 “Person” means “person” as defined in RSA 147-A:2, XII, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.24, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.26 “Personnel” means all individuals who work at or oversee the operation of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the hazardous waste rules.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.25, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.27 “Pesticide” means “pesticide” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.26, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.28 “Pharmaceutical” for purposes of RSA 147-A:2, VII(b) means any chemical product, vaccine, or allergenic that does not contain a radioactive component and is intended:

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(a) For use in the diagnosis, cure, mitigation, treatment, or prevention of disease or injury in humans or animals; or

(b) To affect the structure or function of the body in humans or animals.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.27, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.29 “Pile” means “pile” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.28, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.30 “Point source” means “point source” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.29, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.31 “Processed scrap metal” means “processed scrap metal” as defined in 40 CFR 261.1(c)(10), as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.30, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.32 “Professional certification” means “certification” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.31, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.33 “Prompt scrap metal” means “prompt scrap metal” as defined in 40 CFR 261.1(c)(12), as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.32, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.34 “Publicly owned treatment works (POTW)” means a system used in the treatment of municipal sewage or industrial wastes of a liquid nature that is owned by a government entity.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.33, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 104.35 “RCRA” means “Act” or “RCRA” as defined by 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.34, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.36 “Reclaimed material” means a material that is processed to recover a usable product or that is regenerated, such as recovery of lead values from spent batteries and regeneration of spent solvents.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.35, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.37 “Recycled material” means any material that is used, reused, or reclaimed, as those terms are defined in Env-Hw 104.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.36, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.38 “Representative sample” means “representative sample” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.37, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.39 “Residence” means any structure routinely occupied as a dwelling or abode, including any seasonal dwelling that is used as a secondary residence and is routinely occupied by someone for greater than 90 days per year.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.38, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.40 “Run-off” means “run-off” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.39, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.41 “Run-on” means “run-on” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.40, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 104.42 “Scrap metal” means “scrap metal” as defined in 40 CFR 261.1(c)(6), as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.41, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.43 “Secondary material” means any material that is reclaimed and returned to the original process or processes in which it was generated where it is reused in the production process.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.42, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.44 “Site” means “site” as defined in 40 CFR 270.2, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.43, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.45 “Sludge” means “sludge” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.44, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.46 “Small quantity generator (SQG)” means any generator of hazardous waste who meets the criteria of Env-Hw 503.01.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.45, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.47 “Spent material” means “spent material” as defined in RSA 147-A:2, XII-a, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.46, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.48 “Spill” means the accidental spilling, leaking, pumping, pouring, emitting, or dumping of hazardous wastes or other materials that, when spilled into or on any land or water, become hazardous wastes.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.47, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

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Env-Hw 104.49 “Standard permit” means a permit issued to a facility in accordance with Env-Hw 304.01.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.48, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.50 “Standard temperature and pressure” means a temperature of 20°C, equivalent to 68°F, and a pressure of one atmosphere.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.49, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.51 “State” means “state” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*; (formerly Env-Hw 104.50, renumbered by #12920) (See Revision Note #3 at chapter heading for Env-Hw 100)

Env-Hw 104.52 “Storage” means “storage” as defined in RSA 147-A:2, XIII, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.53 “Surface impoundment” means “surface impoundment” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.54 “SW-846” means EPA publication “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Third Edition,” November 1986, as amended by Update I dated July 1992, Update II dated September 1994, Update IIA dated August 1993, Update IIB dated January 1995, Update III dated December 1996, Update IIIA dated April 1998, Update IIIB dated November 2004, and Update IV dated February 2007, available as noted in Appendix B.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.55 “Tank” means “tank” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.56 “Tank system” means “tank system” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

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Env-Hw 104.57 “Teratogen” means any substance that, during the development of an embryo, causes permanent structural or functional changes in the offspring.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.58 “Terne-plated oil filters” means oil filters that are plated with terne, an alloy of lead and tin.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.59 “Thermal treatment” means the treatment of hazardous waste using elevated temperatures as a primary means of changing the chemical, physical, or biological character of the waste.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.60 “Thermostat” means a temperature control device that contains metallic mercury in an ampule.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.61 “Totally enclosed treatment facility” means “totally enclosed treatment facility” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.62 “Trade secret” means “trade secret” as defined in RSA 147-A:2, XIV, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.63 “Transfer facility” means all land and structures, including loading docks and parking, storage, and other areas, where hazardous wastes in transit are transferred from vehicle to vehicle or are removed from a transport vehicle, and temporarily stored for 10 days or less.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.64 “Transport” means “transport” as defined in RSA 147-A:2, XV, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.65 “Transport vehicle” means “transport vehicle” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

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Env-Hw 104.66 “Transportation” means “transportation” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.67 “Transporter” means “transporter” as defined in RSA 147-A:2, XVI, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.68 “Treatability study” means “treatability study” as defined in 40 CFR 260.10, as reprinted in Appendix D, except that “§ 261.4 (e) and (f)” shall be replaced with “§ 261.4 (e) and (f) and Env-Hw 401.03(b)(14)”.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.69 “Treatment” means “treatment” as defined in RSA 147-A:2, XVII, as reprinted in Appendix C. The term includes the recovery of energy or residual resources from the waste.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.70 “Underground injection” means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well where the depth of the dug well is greater than the largest surface dimension, or into any pipe, conduit, or conveyance.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.71 “United States” means “United States” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.72 “Universal waste” means any of the following hazardous wastes that may be managed in accordance with Env-Hw 1100 in lieu of Env-Hw 300 through Env-Hw 700:

- (a) Batteries;
- (b) Pesticides;
- (c) Mercury-containing devices;
- (d) Lamps;
- (e) Cathode ray tubes; and
- (f) Antifreeze.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

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Env-Hw 104.73 “Universal waste handler” means:

- (a) A generator of universal waste; or
- (b) The owner or operator of a facility, including all contiguous property, who:
 - (1) Receives universal waste from other universal waste handlers;
 - (2) Accumulates universal waste; or
 - (3) Sends universal waste to another universal waste handler, a destination facility, or a foreign destination.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.74 “Universal waste transporter” means “universal waste transporter” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.75 “US DOT” means the United States department of transportation.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.76 “Used oil” means any oil that has been refined from crude oil and any synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.77 “Used oil collection center” means any site or facility that accepts used oil, aggregates used oil, or stores used oil, or any combination thereof.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.78 “Used oil sludge” means residues, such as tank bottoms, that separate from used oil due to gravity or other processing.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.79 “Used or reused material” means a material that is:

- (a) Employed as an ingredient including use as an intermediate in an industrial process to make a product, for example, distillation bottoms from one process used as feedstock in another process, but excluding a material from which distinct components are recovered as separate end products, such as when metals are recovered from metal-containing secondary materials; or

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(b) Employed in a particular function or application as an effective substitute for a commercial product, for example, spent pickle liquor used as a phosphorous precipitant and sludge conditioner in wastewater treatment.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.80 “Vessel” means “vessel” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.81 “Washout” means the movement of hazardous waste from a facility as a result of flooding.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.82 “Waste” means “waste” as defined in RSA 147-A:2, XVIII, as reprinted in Appendix C.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

Env-Hw 104.83 “Wastewater treatment unit” means a device that:

(a) Is part of a wastewater treatment facility that is subject to regulation under either §402 or §307(b) of the Clean Water Act;

(b) Receives and treats or stores an influent wastewater that is a hazardous waste as identified in Env-Hw 400, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as identified in Env-Hw 400, or treats or stores a wastewater treatment sludge that is a hazardous waste as identified in Env-Hw 400; and

(c) Meets the definition of tank or tank system in Env-Hw 104.

Source. (See Revision Note #1 and Revision Note #2 at chapter heading for Env-Hw 100) #12343, *eff 8-14-17*

CHAPTER Env-Hw 200 PROCEDURAL RULES

Statutory Authority: RSA 147-A:3; RSA 541-A:16, I(b) & (c)

REVISION NOTE:

Document #9361-A, effective 1-28-09, readopted with amendments and renumbered as Part Env-Hw 201 through Part Env-Hw 203 the rules in former Part Env-Wm 211 through Part Env-Wm 213 that had contained procedural rules on hazardous waste management in the areas of applicability and purpose, waivers, and claims of confidentiality.

Document #9361-B, effective 1-28-09, readopted with amendments and renumbered as Part Env-Hw 204 through Part Env-Hw 206 the rules in former Part Env-Wm 214 through Part Env-Wm 216 that had contained procedural rules on hazardous waste management in the area of non-adjudicative hearings, adjudicative hearings, and rulemaking petitions.

Document #9442, effective 3-27-09, repealed the former Env-Wm 201.01 on applicability, which was the last procedural rule on hazardous waste management formerly in Chapter Env-Wm 200.

Document #9361-A, Document #9361-B, and Document #9442 replace all prior filings for procedural rules on hazardous waste formerly in Chapter Env-Wm 200. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05.

The prior filings for the former procedural rules in Env-Wm 200 on hazardous waste management include the following documents:

#5053, eff 1-24-91	#7333, eff 8-1-00
#5886, eff 8-26-94	#7577, eff 10-13-01
#6384-B, eff 11-26-96	#8461-A, eff 10-28-05
#7207-B, eff 2-26-00	#9215, INTERIM, eff 8-1-08

PART Env-Hw 201 APPLICABILITY AND PURPOSE

Env-Hw 201.01 Purpose. The purpose of this chapter is to establish the procedural requirements for waivers and claims of confidentiality specific to the hazardous waste rules.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

Env-Hw 201.02 Applicability. This chapter shall apply to all procedures undertaken pursuant to RSA 147-A and the hazardous waste rules.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

PART Env-Hw 202 WAIVERS

Env-Hw 202.01 Applicability.

(a) Any person who is or would be directly and adversely affected by the strict application of a hazardous waste rule and who wishes to obtain a waiver shall do so in accordance with this part.

(b) A waiver may be requested from any of the following requirements that is more stringent than the corresponding federal requirement:

- (1) Small quantity generator requirements of Env-Hw 500;
- (2) Used oil requirements of Env-Hw 807;
- (3) Classification as a regulated waste for certain recycled materials as defined by 40 CFR 260.30;

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- (4) Classification as a boiler as defined in Env-Hw 103;
- (5) Siting requirements of Env-Hw 304.09; and
- (6) Any requirement in the hazardous waste rules that is more stringent than any requirement imposed by EPA in 40 CFR 260 through 280.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

Env-Hw 202.02 Waiver Requests. The person requesting a waiver shall provide the following information in writing to the department:

- (a) An identification of the facility or activity to which the request relates;
- (b) An identification of the specific section of the rules from which a waiver is sought;
- (c) A full explanation of why a waiver is being requested, including a description of the operational and economic consequences of complying with the rule as written;
- (d) A full explanation of any alternate procedure, method, or other activity that is proposed to be substituted for the procedure, method, or other activity required by the rule from which a waiver is being sought, if any;
- (e) Results of all tests, studies, or other data generated to determine the need for a waiver;
- (f) A full explanation of how the requirement for which the waiver is requested is more stringent than the corresponding federal requirement;
- (g) A full explanation of why the person believes that having the waiver granted will meet the criteria specified in Env-Hw 202.04;
- (h) For a temporary waiver, the duration of the waiver requested and the proposed time frame and manner in which full compliance will be achieved; and
- (i) For any waiver from the siting requirements specified in Env-Hw 304.09, information demonstrating that the engineering safeguards of the facility are designed to ensure normal operation, prevention of public health threatening accidents, and mitigation of hazardous waste discharges to the environment, which may include studies demonstrating that the site has characteristics or features making it unlikely that the facility will pose environmental and public health risks.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

Env-Hw 202.03 Timing of Request; Review Process.

- (a) A request for waiver from the siting requirements of Env-Hw 304.09 shall be made at the time of application submittal under Env-Hw 304.14. The department shall address the applicant's waiver request within the site evaluation required by Env-Hw 304.14(b), which is subject to public review under Env-Hw 304.21.
- (b) Other requests for waivers that relate to a permit application shall be submitted to the department with the application or as soon thereafter as the need is identified. The department shall consider the request as part of the application.
- (c) Any request that is not covered by (a) or (b), above, shall be submitted to the department as soon as the need for the waiver is known.

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(d) Upon receipt of a request for a waiver, the department shall review the submitted information. If the request does not contain all information required by Env-Hw 202.02, the department shall notify the applicant of what information is needed to complete the request.

(e) If a complete request does not provide sufficient information to allow the department to independently conclude that the criteria in Env-Hw 202.04 will be met, the department shall so inform the person who filed the waiver request and offer the person an opportunity to supply additional information. If the person does not supply additional information that is sufficient to allow the department to conclude the applicable criteria are met, the department shall deny the waiver request.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

Env-Hw 202.04 Waiver Criteria.

(a) The department shall grant a waiver if it determines that:

- (1) The requested waiver would not result in conditions that are likely to threaten public health or cause degradation of the environment;
- (2) The economic, technological, and safety benefits of granting a waiver are greater than the benefits of not granting a waiver;
- (3) The requested waiver would not result in less stringent requirements than the federal requirements;
- (4) With respect to classification of recycled materials as a regulated waste as specified in 40 CFR 260.30, the criteria set forth in 40 CFR 260.31 are also satisfied; and
- (5) With respect to waivers to be classified as a boiler, the criteria set forth in 40 CFR 260.32 are also satisfied.

(b) A waiver shall be granted only if the information submitted by the applicant allows the department to independently conclude that the criteria specified in (a), above, are met.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

Env-Hw 202.05 Waiver Issuance or Denial.

(a) The department shall notify the person requesting the waiver in writing of the department's determination.

(b) If the waiver request is part of a permit application, the granted waiver shall be incorporated into the permit if the permit application is approved.

(c) With respect to waiver requests from classification as a regulated waste under 40 CFR 260.30, and waiver requests to be classified as a boiler, the department shall follow the review and notification procedures set forth in 40 CFR 260.33(b).

(d) If the waiver request is denied, the notice sent pursuant to (a), above, shall include the reason(s) for the denial and information on how to appeal the decision.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

Env-Hw 202.06 Compliance with Waiver Conditions.

(a) If a waiver is granted, the department shall include such conditions as are necessary to ensure that the criteria specified in Env-Hw 202.04 will be met for the duration of the waiver.

(b) Any petitioner granted a waiver or temporary waiver shall comply with the conditions set forth in the waiver or temporary waiver and with all applicable sections of the hazardous waste rules.

(c) Failure to comply with the conditions of a waiver or temporary waiver shall constitute grounds for modification as specified in Env-Hw 304.26, or suspension or revocation as specified in Env-Hw 304.27, as well as enforcement actions as set forth in RSA 147-A.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

PART Env-Hw 203 CLAIMS OF CONFIDENTIALITY

Env-Hw 203.01 Purpose. The purpose of this part is to provide a mechanism by which persons submitting information to the department can protect trade secrets.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

Env-Hw 203.02 Procedure for Asserting Claim. Any person submitting information to the department that the person reasonably and in good faith believes constitutes a trade secret as defined in Env-Hw 104 or confidential business information as defined in Env-C 208.03 shall assert a claim of confidentiality with respect to the submitted information in accordance with Env-C 208.04.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17

Env-Hw 203.03 Exceptions. No claim of confidentiality shall be made with respect to the following:

- (a) Any non-confidential information specified in Env-C 208.06;
- (b) The name and address of any applicant for a permit;
- (c) Information contained on hazardous waste manifests or electronic manifests, as specified in 40 CFR 260.2(c); and
- (d) Information contained on hazardous waste export and import documents, as specified in 40 CFR 260.2(d).

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-A, eff 1-28-09; ss by #12344-A, eff 8-14-17; ss by #12921, eff 11-23-19

PART Env-Hw 204 NON-ADJUDICATIVE HEARINGS

Env-Hw 204.01 Non-Adjudicative Hearings. Non-adjudicative hearings shall be conducted in accordance with the applicable provisions of Env-C 200.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-B, eff 1-28-09; ss by #12344-A, eff 8-14-17

PART Env-Hw 205 ADJUDICATIVE HEARINGS

Env-Hw 205.01 Adjudicative Hearings. Adjudicative hearings shall be conducted in accordance with the applicable provisions of Env-C 200.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-B, eff 1-28-09; ss by #12344-A, eff 8-14-17

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PART Env-Hw 206 RULEMAKING PETITIONS

Env-Hw 206.01 Rulemaking Petitions. Any person may petition the commissioner to amend or repeal any provision in the hazardous waste rules in accordance with Env-C 207 and 40 CFR 260.20.

Source. (See Revision Note at chapter heading for Env-Hw 200) #9361-B, eff 1-28-09; ss by #12344-A, eff 8-14-17

PART Env-Hw 207 CERTIFICATIONS

Env-Hw 207.01 Purpose. The purpose of this rule is to impose a requirement that all submissions to the department pursuant to rules with the subtitle Env-Hw be truthful, complete, and not misleading to the best of the signer's knowledge and belief. This requirement is in addition to any other specific certifications contained in other rules in this subtitle, and it further imposes a requirement that those specific certifications also be true, complete, and not misleading to the best of the signer's knowledge.

Source. #12344-B, eff 8-14-17

Env-Hw 207.02 Certification Oath or Affirmation. Whenever any individual submits information to the department and that applicant is required to provide a certification regarding the contents of that submission, that certification shall represent the signer's oath or affirmation that:

(a) To the best of the signer's knowledge and belief, the contents of the submission are true, complete, and not misleading;

(b) He or she understands that a violation of any certification within this subtitle will subject that individual to the penalties found in Env-Hw 207.04; and

(c) Any additional, specific certification required in rules in this subtitle are made both on their own terms and that they are, to the best of the signer's knowledge and belief, true, complete, and not misleading.

Source. #12344-B, eff 8-14-17

Env-Hw 207.03 Methods of Certification.

(a) When making a certification as part of completing a department form, the signer shall sign and date the form beneath a certification statement describing the requirements of Env-Hw 207.02 and any other relevant certifications.

(b) When making a certification as part of a written application, letter, or any other submission to the department other than a form described in (a) above, the signer shall certify the contents of the application by signing and dating under a statement containing a citation to Env-Hw 207.02 and any law or rule containing any additional certifications.

Source. #12344-B, eff 8-14-17

Env-Hw 207.04 Penalties. If the department finds the contents of a submission certified, as required in rules in this subtitle, were untrue, incomplete, or misleading, or if any other certification imposed by rules in this subtitle is violated, that submission shall constitute grounds for:

(a) Denying the application or other request supported by the certification;

(b) Revoking or suspending any permit or other department approval that was granted based on such certification;

(c) If the certifier is a professional engineer, referring the matter to the office of professional licensure and certification established by RSA 310-A:1; and

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(d) Seeking to impose the penalties specified in New Hampshire for falsification in official matters, currently RSA 641.

Source. #12344-B, eff 8-14-17

CHAPTER Env-Hw 300 PERMITS

Statutory Authority: RSA 147-A:3; RSA 541-A:16, I(b)

REVISION NOTE:

Document #9362, effective 1-28-09, readopted with amendments and renumbered the permit rules on hazardous waste management, formerly in Part Env-Wm 301 and Part Env-Wm 351 through Part Env-Wm 353 (Part Env-Wm 352 reserved), under a new subtitle as Env-Hw 300. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9362 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 300.

The prior filings for the former rules in Env-Wm 300 on hazardous waste included the following documents:

#5053, eff 1-24-91
#5886, eff 8-26-94
#6619-B, eff 10-29-97
#7207-B, eff 2-26-00
#7333, eff 8-1-00
#7578, eff 10-13-01
#8462-A, eff 10-28-05
#9215, INTERIM, eff 8-1-08

PART Env-Hw 301 PURPOSE AND APPLICABILITY

Env-Hw 301.01 Purpose. The purpose of this chapter is to establish a hazardous waste management facility permit system pursuant to RSA 147-A.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 301.02 Applicability. This chapter shall apply to any person who holds a permit for or who is required to obtain a permit for a hazardous waste management facility.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

PART Env-Hw 302 DEFINITIONS

Env-Hw 302.01 “Application” means the department's standard form or the EPA standard national form for applying for a permit, the information provided on and with the form, and the fee associated with the application, as applicable.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 302.02 “Draft permit” means a document prepared pursuant to Env-Hw 304.19 that reflects the department’s intent to issue, modify, revoke and reissue, or reissue a permit.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

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Env-Hw 302.03 “Emergency permit” means a permit that is issued to allow the treatment, storage, or disposal of hazardous waste when necessary to abate or avoid an imminent and substantial endangerment to human health or the environment.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 302.04 “Holocene” means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 302.05 “Limited permit” means a permit issued to allow the operation of an elementary neutralization unit or wastewater treatment unit.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 302.06 “National Pollutant Discharge Elimination System (NPDES)” means the national permit program for imposing and enforcing pretreatment requirements pursuant to §§307, 318, 402 and 405 of the Clean Water Act, as amended, 33 U.S.C. §§1251 *et seq.*

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

PART Env-Hw 303 PERMIT REQUIREMENTS; EXEMPTIONS

Env-Hw 303.01 Requirement to Obtain a Permit.

(a) No person shall construct, modify or operate a facility without first obtaining a permit from the department or without qualifying for and maintaining interim status.

(b) An operator of an existing facility that files an interim status application with the department and otherwise qualifies for interim status in accordance with Env-Hw 304.02 may operate without a standard permit or transfer facility permit until the department makes a final determination on its standard permit or transfer facility permit application. An interim status facility shall comply with all requirements established by Env-Hw 304.02 in order to maintain interim status and shall submit an application for a standard permit or transfer facility permit in a timely fashion as required by Env-Hw 304.10(b).

(c) Unless exempted by Env-Hw 303.02, the operator of a new facility shall obtain a standard permit in accordance with all requirements of Env-Hw 304 before construction or operation of the facility begins.

(d) The operator of a facility, including a generator, who operates an elementary neutralization unit or wastewater treatment unit including an evaporation unit, shall obtain a limited permit for that unit in accordance with Env-Hw 304.04.

(e) The operator of a facility shall have a duly issued permit from the department throughout the facility’s active life, including closure and post-closure care, as applicable. Denial of a permit pursuant to this chapter for the active life of a facility shall not affect the requirement to prepare and implement a closure and post-closure plan.

(f) The operator of a facility holding one or more permits issued by other New Hampshire or federal programs shall also obtain a permit pursuant to this chapter unless specifically exempted by the hazardous waste rules.

(g) When a facility is owned by one person but is operated by another person, then:

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- (1) The operator shall obtain the permit; and
- (2) The owner shall also sign the permit application.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 303.02 Exemptions.

(a) The operator of a transfer facility shall be exempt from the prohibitions of Env-Hw 304.09(d) and (e)(6).

(b) A generator managing hazardous waste in accordance with Env-Hw 500 shall be exempt from facility permit requirements.

(c) The operator of a facility that meets the requirements of Env-Hw 701.02(a)(6), (a)(8), and (a)(9) shall be exempt from facility permit requirements.

(d) A farmer who disposes of hazardous waste pesticides from the farmer's own use in accordance with Env-Hw 501.02(a) shall be exempt from facility permit requirements.

(e) A generator who has obtained a storage permit only for hazardous waste generated on site shall be exempt from any siting requirements of Env-Hw 304.09 that are more stringent than federal requirements, provided that all hazardous waste is stored in an enclosed area.

(f) An applicant for a transfer facility permit who provides technical documentation to demonstrate the facility meets the following conditions shall be exempt from Env-Hw 304.11(a)(8):

(1) The facility is operated so that all waste handling occurs in an enclosed building with an impervious floor designed in accordance with the criteria specified in 40 CFR Part 264, Subpart I and Subpart J;

(2) No hazardous waste containers, tanks, and transport vehicles are located or stored at any time outside of the transfer facility building; and

(3) The location of the transfer facility does not contravene the siting requirements of Env-Hw 304.09.

(g) A generator who receives small quantity generator waste in accordance with Env-Hw 501.02(c) shall be exempt from facility permitting requirements.

(h) A government entity that sponsors a household hazardous waste collection project that receives hazardous waste from small quantity generators shall be exempt from facility permitting requirements, provided that the hazardous waste is:

(1) Manifested in accordance with Env-Hw 510;

(2) Received only during a one-day household hazardous waste collection event; and

(3) Given directly by the small quantity generator to a New Hampshire registered hazardous waste transporter during a one-day collection event.

(i) Env-Hw 304 shall not apply to universal waste handlers and universal waste transporters handling universal waste, provided the waste is managed in accordance with Env-Hw 1100.

(j) A government entity that receives household hazardous waste from another government entity shall be exempt from facility permitting requirements provided it ships the household hazardous waste off site within 90 days after receipt.

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(k) Subject to (l), below, and for the duration of the emergency response only, a person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

- (1) An unplanned discharge of a hazardous waste;
- (2) An imminent and substantial threat of a discharge of hazardous waste;
- (3) A discharge of a material that, when discharged, becomes a hazardous waste; or
- (4) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist.

(l) In the case of (k), above:

- (1) A person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all applicable permitting requirements for those activities; and
- (2) In the case of emergency responses involving military munitions, the requirements of 40 CFR 270.1(c)(3)(iii) shall apply.

(m) The owner and operator of a totally enclosed treatment facility as defined in Env-Hw 104 shall be exempt from the facility permit requirements of Env-Hw 304.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

PART Env-Hw 304 PERMITTING HAZARDOUS WASTE FACILITIES

Env-Hw 304.01 Standard Permits. The department shall issue standard permits for treatment, storage and disposal facilities pursuant to RSA 147-A and all applicable sections of Env-Hw 304.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.02 Qualifying for Interim Status.

(a) To be granted and to maintain interim status authorization to operate, an existing facility shall:

- (1) Notify the department in accordance with Env-Hw 702.01;
- (2) Obtain an EPA identification number;
- (3) Submit interim status part A application information in accordance with 40 CFR 270.13 no later than the earliest of the following:
 - a. Six months after the publication date of regulations that first require the facility to comply with Env-Hw 700; or
 - b. Thirty days after the facility first becomes subject to the standards set forth in Env-Hw 700.
- (4) Comply with the transfer of ownership and relinquishment of property requirements of Env-Hw 304.28;
- (5) Comply with the emergency/remedial action requirements of Env-Hw 706;

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(6) Submit a completed standard permit or transfer facility permit application in accordance with Env-Hw 304.10; and

(7) Implement all changes at the facility during interim status, including changes in facility operation, design, ownership, or operational control, only in accordance with 40 CFR 270.72.

(b) If the department has reason to believe upon examination of an interim status part A permit application that the application fails to meet the requirements of 40 CFR 270.13, the department shall notify the owner and the operator of the facility in writing of the apparent deficiency. Such notice shall specify the grounds for the department's belief that the application is deficient. The owner or operator of the facility shall, within 30 days from receipt, respond to such a notification and explain or cure the alleged deficiency in the permit application.

(c) An existing facility that previously has been denied a facility permit or where authority to operate the facility previously had been terminated shall not qualify for interim status.

(d) During the interim status period the facility shall not:

- (1) Treat, store, or dispose of hazardous waste not specified in the permit application;
- (2) Employ processes not specified in the permit application; or
- (3) Exceed the design capacities specified in the permit application.

(e) During the interim status period, the facility shall comply with the interim status standards set forth in Env-Hw 700.

(f) All facility operators shall comply with the following requirements for updating interim status part A applications:

- (1) Updated interim status part A applications shall be filed with the department or the EPA as required by 40 CFR 270.10(g)(1);
- (2) Interim status shall only attach to activities expressly covered by the interim status part A application; and
- (3) An operator who does not file an updated interim status part A application for new or expanded activities as allowed by 40 CFR 270.72 shall not receive interim status for those activities.

(g) Interim status shall terminate upon:

- (1) The final administrative disposition of the standard or transfer facility permit application;
- (2) Failure to furnish a completed permit application on time;
- (3) Failure to furnish information required by Env-Hw 304.11 in a timely fashion; or
- (4) Failure to comply with the conditions of this part.

(h) For any land disposal facility that was in existence on the effective date of statutory amendments or amendments to the hazardous waste rules that cause the facility to be subject to the requirement to have a hazardous waste permit, interim status shall terminate 12 months after the date on which the facility first becomes subject to such permit requirement unless the owner or operator of such facility:

- (1) Submits, in accordance with Env-Hw 304.10, an application for a standard permit for such facility no later than 12 months after the date on which the facility first becomes subject to such permit requirement; and

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(2) Certifies, as specified in Env-Hw 207, that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.03 Permits-by-Rule. An owner or operator shall be deemed to have a permit-by-rule if the facility meets the conditions specified in 40 CFR 270.60(a) and (c).

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.04 Limited Permits.

(a) This section shall apply to owners and operators of elementary neutralization units and wastewater treatment units provided that, in the case of elementary neutralization units that are transport vehicles or vessels or containers otherwise used to transport the waste after neutralization, neutralization occurs in these units while they remain stationary and before transport of the neutralized waste begins.

(b) This section shall not apply to the owner or operator of an elementary neutralization unit or wastewater treatment unit who is a small quantity generator as described in Env-Hw 503.01.

(c) A limited permit shall be granted only if the applicant meets the conditions specified in (d) through (i), below.

(d) The owner or operator shall not treat or store a hazardous waste in an elementary neutralization unit or a wastewater treatment unit without having received an EPA identification number in accordance with Env-Hw 504.

(e) The operator shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into or onto the elementary neutralization unit or wastewater treatment unit, unless:

(1) Physical contact with the waste contained in the unit will not injure unknowing or unauthorized persons or livestock that may enter the unit; and

(2) Disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock into or onto the unit will not cause a violation of the requirements of this section.

(f) The operator shall inspect the elementary neutralization unit or wastewater treatment unit in accordance with 40 CFR 265.15, except that the minimum inspection frequencies cited in 40 CFR 265.15(b)(4) shall not apply.

(g) The operator of an elementary neutralization unit or wastewater treatment unit shall ensure that:

(1) The unit is constructed of sturdy, leak-proof material;

(2) The unit is designed, constructed, and operated so as to prevent hazardous wastes from being spilled or leaked into or onto any land or water during the operating life of the unit; and

(3) The treatment process conducted in the unit does not:

a. Generate extreme heat or pressure, fire, explosion, or violent reaction;

b. Produce uncontrolled toxic mists, fumes, or gases in sufficient quantities to threaten human health;

c. Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosion;

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- d. Damage the structural integrity of the tank or equipment containing the waste;
- e. Otherwise threaten human health or the environment; or
- f. Include placement of hazardous wastes or treatment reagents if they could cause the unit or any of its equipment to rupture, leak, abnormally corrode, or otherwise fail before the end of its intended life.

(h) At closure, the operator of an elementary neutralization unit or wastewater treatment unit shall remove all hazardous waste and hazardous waste residues from the unit.

(i) Within 15 days after any spill or leakage of hazardous waste from an elementary neutralization unit or wastewater treatment unit, the operator of the unit shall submit a written report to the department that contains the following information:

- (1) Name, address, and telephone number of the owner or operator;
- (2) Name, address, and telephone number of the facility;
- (3) Date, time, and nature of the incident;
- (4) Name and quantity of materials involved;
- (5) The extent of injuries, if any;
- (6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- (7) Estimated quantity and disposition of spilled or leaked material recovered after the incident.

(j) A limited permit shall be granted only for an elementary neutralization unit or wastewater treatment unit that:

- (1) Meets the applicable definition for such a unit in Env-Hw 103 or Env-Hw 104;
- (2) Is subject to and in compliance with a National Pollution Discharge Elimination System (NPDES) Permit if the unit discharges directly into surface waters;
- (3) Meets the best engineering judgment for such units;
- (4) Has been assigned an EPA identification number, unless the unit is totally enclosed with no hazardous waste sludges produced;
- (5) Is in compliance with the manifesting requirements of Env-Hw 510; and
- (6) Is in compliance with the recordkeeping and reporting requirements of Env-Hw 512, for a generator, or Env-Hw 705, for an owner or operator of a hazardous waste facility.

(k) A limited permit shall be granted for a wastewater evaporation unit only if the applicant demonstrates that:

- (1) The facility uses an evaporation-type unit that removes wastewaters by an evaporation/heat process;
- (2) The unit is permitted for air emission discharges or demonstrates on documents that air emission discharges from the evaporation unit do not significantly impact ambient air quality; and
- (3) The facility complies with the requirements of (d) through (i), above.

(l) The operator of each unit subject to this section shall complete and submit:

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- (1) A limited permit application on a “Hazardous Waste Limited Permit Application” form obtained from the department that includes the following information:
- a. Company name;
 - b. EPA identification number;
 - c. Street and mailing addresses, if different;
 - d. Main telephone number;
 - e. Contact person, title, telephone number, and, if available, email address;
 - f. Names and telephone numbers of the company owner and operator, if different;
 - g. Type and description of business operations;
 - h. Permit information;
 - i. A list of the types and quantities of wastes to be treated;
 - j. A detailed description of the processes that generate the wastes;
 - k. Process design drawings, plans, or flow diagrams;
 - l. A detailed description of how the wastes are treated;
 - m. Engineering design plans or manufacturer technical specifications for the treatment unit(s);
 - n. A copy of the inspection schedule for the treatment unit(s);
 - o. Analytical results, from analyses conducted no more than 12 months prior to submittal of the application, for a representative sample of:
 - 1. Wastewater, before and after treatment; and
 - 2. Treatment sludge, if applicable;
 - p. Treatment sludge generation and disposal information;
 - q. Wastewater recycling information;
 - r. A copy of the related, current wastewater discharge permit;
 - s. A copy of any related, current air resources division permits or documentation to demonstrate that the air emissions do not significantly impact air quality; and
 - t. The signature of the operator certifying, as specified in Env-Hw 207, the application and that the operator understands that the State of New Hampshire incurs no liability and makes no guarantees with respect to the facility’s treatment systems, its wastewater or air emission discharges, or the compliance of such discharges with state or federal regulations; and
- (2) The application fee specified in Env-Hw 304.07(d) or Env-Hw 304.07(e)(7), as applicable.
- (m) A limited permit shall expire 5 years from the date of issuance.

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(n) The permittee shall apply for a permit renewal by submitting an application as specified in (l), above, to the department before the limited permit expires.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 304.05 Special Permits.

(a) Emergency permits shall be issued in accordance with 40 CFR 270.61.

(b) Hazardous waste incinerator permits shall be issued in accordance with 40 CFR 270.62.

(c) Permits for land treatment demonstrations using field test or laboratory analyses shall be issued in accordance with 40 CFR 270.63.

(d) Research, development and demonstration permits shall be issued in accordance with 40 CFR 270.65.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.06 Effect of a Permit.

(a) After a permit is issued, the permittee shall comply with the express terms and conditions of the permit and all of the following, provided that in the case of a conflict, the requirement that is more protective of human health, safety, and the environment shall apply:

- (1) New Hampshire and federal statutes;
- (2) Rules adopted by the department;
- (3) 40 CFR Part 268, restricting the placement of wastes in or on the land;
- (4) 40 CFR 264 leak detection system requirements, as described in 40 CFR 270.4(a)(1)(iii); and
- (5) 40 CFR 265 Subpart AA, BB, or CC, limiting air emissions.

(b) A permit shall not convey any:

- (1) Property rights of any sort; or
- (2) Exclusive privileges.

(c) A permit shall not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or rules.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 304.07 Fees.

(a) As authorized by RSA 147-A:4, II, the applicant shall remit a non-refundable fee with each permit application.

(b) The fee for a standard permit application shall be:

- (1) \$7,500 for a disposal facility;
- (2) \$7,500 for a treatment facility;

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- (3) \$7,500 for a storage facility;
 - (4) \$4,500 for a generator storage facility that stores 1,000 kg or more for longer than 90 days; and
 - (5) \$2,000 for a generator storage facility that stores between 100 kg and 1,000 kg for longer than 90 days.
- (c) The fee for a transfer facility permit application shall be \$4,500.
- (d) The fee for a limited permit application shall be \$750.
- (e) The fee for a permit renewal or modification application shall be:
- (1) \$4,000 for standard permit for a disposal facility;
 - (2) \$4,000 for standard permit for a treatment facility;
 - (3) \$4,000 for standard permit for a storage facility;
 - (4) \$2,500 for a standard permit for a generator storage facility that stores 1,000 kg or more for longer than 90 days;
 - (5) \$1,000 for a standard permit for a generator storage facility that stores between 100 kg and 1,000 kg for longer than 90 days;
 - (6) \$3,000 for a transfer facility permit; and
 - (7) \$400 for a limited permit.
- (f) Fees paid by check or money order shall be made payable to “Treasurer, State of New Hampshire”.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.08 Siting Requirements for Existing Facilities.

- (a) An existing facility may remain located in a 100-year floodplain only if:
- (1) The facility is designed, constructed, operated, and maintained to prevent washout of any hazardous waste by a 100-year flood; or
 - (2) The operator ensures that all waste can be removed safely to a location where the wastes will not be vulnerable to flood waters before flood waters can reach the facility.
- (b) Floodplain determinations shall be made in accordance with 40 CFR 270.14(b)(11)(iii).
- (c) No person shall place any hazardous waste in a salt dome formation, salt bed formation, underground mine, or cave.
- (d) No portion of a facility where treatment, storage, or disposal of hazardous waste is conducted shall be located within 61 meters or 200 feet of a fault that has had displacement in Holocene time.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.09 Siting Requirements for New Facilities.

- (a) No new facility shall be issued a permit unless the applicant demonstrates that the active portion of the facility shall be sited in compliance with Env-Hw 702.09.

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(b) Landfills, land treatment facilities, piles, and surface impoundments shall not be located within the 500-year floodplain.

(c) Transfer, treatment, storage, and disposal facilities shall not be located within the 100-year floodplain.

(d) Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted shall not be located within 61 meters or 200 feet of a fault that has had displacement in Holocene time.

(e) Unless a facility is granted a waiver pursuant to Env-Hw 202 or is exempt pursuant to Env-Hw 303.02, the department shall not issue a permit to a new facility whose active portion is to be sited:

(1) Within 1,000 feet of a residence as defined in Env-Hw 104 that exists at the time an applicant submits a permit application. For the purposes of this subparagraph, a residence shall be deemed to exist as soon as actual construction of the residence has begun;

(2) Within 1,000 feet for transfer facilities or within 3,000 feet for treatment, storage, or disposal facilities of a school, hospital, or home for the elderly that exists at the time an applicant submits a permit application, if such an institution:

a. Is a publicly owned institution and the municipality or other governing body has reached the level of planning whereby it has already committed specified funds toward the purchase or lease of a specific site for the project or toward construction of the project; or

b. Is privately owned and the owner has already begun construction on the project;

(3) Within 200 feet for transfer, treatment, or storage facilities or within 500 feet for incinerators, landfills, land treatment facilities, piles, or surface impoundments of an adjacent property line;

(4) Within an area that has hydrologic characteristics such that an accidental discharge of hazardous waste from the active portion could take less than one year to migrate through the ground to:

a. The property line of the parcel on which the facility is proposed to be built;

b. A down-gradient discharge of groundwater to a surface water described in (9), (10), or (12), below; or

c. An aquifer described in (6), below;

(5) For landfills, land treatment facilities, piles, and surface impoundments, within an area not underlain by an aquiclude as defined in Env-Hw 103 unless an artificial barrier is installed that has a hydraulic conductivity for water of 1×10^{-7} cm per second or less and that has sufficient thickness to function as an aquiclude;

(6) Within an area underlain by an aquifer occurring in non-bedrock formations capable of having a safe yield greater than 200,000 gallons per day;

(7) Within the following distance of the intake of a surface water that is a source, or the zone of contribution for a well that is a source, for a public water system as defined in RSA 485:1-a as of the time the applicant submits a permit application:

a. For landfills, land treatment facilities, piles, or surface impoundments, 5,000 feet;

b. For treatment, storage or other disposal facilities, 3,000 feet; or

c. For transfer facilities, 1,000 feet;

(8) Within the watershed of a river designated as a Class A water pursuant to RSA 485-A:9 as of the time the applicant submits a permit application;

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(9) Within 250 feet for transfer facilities or within 500 feet for treatment, storage, or disposal facilities of the edge of a river or stream having a drainage area of one square mile or more;

(10) Within 250 feet for transfer facilities or within 1,000 feet for treatment, storage, or disposal facilities of a pond, lake, or reservoir whose surface area exceeds 10 acres;

(11) Within 1,500 feet for landfills, land treatment facilities, piles or surface impoundments, within 750 feet for treatment, storage and other disposal facilities, or within 250 feet for transfer facilities, of the edge of a river or stream whose normal width is 100 feet or more;

(12) Within 250 feet for transfer facilities or within 1,000 feet for treatment, storage, or disposal facilities of a wetland as regulated by RSA 482-A whose surface area exceeds 25 acres;

(13) Within the corridor of a river designated as a natural river pursuant to RSA 483; or

(14) Within any salt dome formation, salt bed formation, underground mine or cave.

(f) Determination of safe yield pursuant to (e)(6), above, shall be made in accordance with accepted hydrogeological practices.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12345, eff 8-14-17

Env-Hw 304.10 Permit Application Process.

(a) Before beginning construction or operation of a new facility, including a presently operating non-hazardous waste facility that proposes to treat, store, or dispose of hazardous waste on-site, the operator shall:

(1) Submit a standard permit or transfer facility permit application signed in accordance with (d), below, that contains the information required in Env-Hw 304.11 and, as applicable, Env-Hw 304.18; and

(2) Obtain a standard permit or transfer facility permit from the department.

(b) The operator of an existing facility shall submit a complete standard permit or transfer facility permit application, signed in accordance with (d), below, to the department no later than 12 months from the date that the department receives the interim status part A application from the facility, unless subject to an earlier deadline as provided in Env-Hw 304.02(h).

(c) Existing facilities that do not qualify for interim status shall submit a standard permit or transfer facility permit application to the department immediately upon becoming subject to the standards in Env-Hw 700.

(d) Signatory requirements shall be as set forth in 40 CFR 270.11.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.11 Required Standard Permit and Transfer Facility Permit Application Information.

(a) The applicant for a standard permit or a transfer facility permit shall submit the following information:

(1) The Part A application information required by 40 CFR 270.13, and the Part B application information required by 40 CFR 270.14(b) through (d);

(2) The name of a contact person for the site;

(3) For new land disposal facilities, the floodplain information required by 40 CFR 270.14(b)(11), including whether the facility is proposed to be located within a 500-year floodplain;

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- (4) Facility design plans and specifications, prepared and stamped approved by a New Hampshire registered professional engineer, including a scale drawing of the facility, showing the location of all past, present, and future treatment, storage, and disposal areas in sufficient detail to provide complete information to a contractor hired to build the facility even if the owner or operator intends to construct the facility without hiring a contractor;
- (5) Construction schedule for any new construction or planned modifications to existing structures;
- (6) If the applicant is leasing the property upon which the facility is located, a certification, as specified in Env-Hw 207, from the owner of the property verifying that such a lease exists and specifying the duration of that lease;
- (7) The results of a criminal records check and a performance history of the applicant and of its officers and directors relative to the operation, financial security, and ownership of all facilities owned or operated by the applicant, submitted in accordance with RSA 147-A:4, II-c, II-d and IV-a;
- (8) Unless exempt pursuant to Env-Hw 303.02(e) or (f), a hydrogeological analysis that includes the following:
 - a. Information required by 40 CFR 264.97;
 - b. An accumulation and evaluation of published or existing hydrogeological information;
 - c. An accumulation and evaluation of geological structural controls at the site to determine the site's relationship to intermediate and regional flow systems;
 - d. An assessment of the geophysical characteristics of the underlying materials so that the hydrogeological characteristics of the site can be evaluated;
 - e. A determination of the configuration of the groundwater table, including groundwater gradients of the unconfined and, where appropriate, confined aquifers;
 - f. The saturated thickness of the aquifers and the hydraulic interconnection between them;
 - g. Field data to represent high and low water table conditions;
 - h. The location of groundwater monitoring wells that are designed and will be located so as to yield the following data from which site impacts can be determined:
 1. Test pits;
 2. Well logs;
 3. Boring logs; and
 4. Well construction specifications;
 - i. An evaluation of pump tests to determine hydraulic conductivity, migration rates, and aquifer transmissivities and storativities;
 - j. A determination of background water quality, and a submittal of the sampling and analysis methods used for such determination; and
 - k. A written confirmation from the department whether a groundwater permit is required;

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(9) If applicable, the information specified in 40 CFR 270.10(j), 40 CFR 270.15, 40 CFR 270.16, 40 CFR 270.17, 40 CFR 270.18, 40 CFR 270.19, 40 CFR 270.20, 40 CFR 270.21, 40 CFR 270.23, and 40 CFR 270.26; and

(10) Any additional information necessary to demonstrate that human health, safety and the environment will be protected.

(b) As used in (a)(8)i., above, “transmissivity” means the rate at which water of a prevailing density and viscosity is transmitted through a unit width of aquifer or confining bed under a unit hydraulic gradient.

(c) As used in (a)(8)i., above, “storativity” means the volume of water taken into or released from storage per unit change in head per unit area.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12345, eff 8-14-17

Env-Hw 304.12 Application Recordkeeping Requirements.

(a) Each applicant shall keep records of all data used to complete the permit application and any information required to be submitted with the application for not less than 3 years from the date the applicant submitted the application.

(b) The retention period for all records required by this part shall be extended automatically while any enforcement action regarding the facility is pending.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17 (formerly Env-Hw 304.13)

Env-Hw 304.13 Pre-Submittal Conference. Upon the applicant’s request, the department shall afford the applicant an opportunity to meet with the department before submitting an application in order to review the department’s permit application requirements, including, if applicable, the siting requirements of Env-Hw 304.09.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17 (formerly Env-Hw 304.14)

Env-Hw 304.14 Submission of Application.

(a) The applicant shall submit:

(1) The original and 3 copies of the application and all supporting materials required by Env-Hw 304.10;

(2) A cover letter signed by the applicant certifying, as specified in Env-Hw 207, that the submitted application meets all necessary application requirements sufficient to render it technically adequate to undergo an engineering review; and

(3) The fee required by Env-Hw 304.07.

(b) An applicant who wishes to apply for a waiver to any provision of Env-Hw 304.09(e) shall do so pursuant to Env-Hw 202 at the time the application is submitted. The department shall address the applicant’s waiver request within its site evaluation.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17 (formerly Env-Hw 304.15)

Env-Hw 304.15 Determination of Completeness.

(a) Upon receipt of a permit application, the department shall determine whether the application is complete by carefully evaluating all technical information submitted by the applicant to ensure that the submitted information is adequate, accurate, and technically sufficient to meet the submittal requirements of the hazardous waste rules.

(b) The application shall not be deemed complete unless it clearly demonstrates that the proposed facility is capable of being operated safely and that the operation of the facility will not pose an unreasonable risk or threat to human health or the environment.

(c) If the application is deemed to be incomplete, the department shall suspend its review of the application and send a letter to the applicant that states the reason for incompleteness.

(d) The applicant shall resubmit the application only if all deficiencies noted by the department in the letter of incompleteness are addressed.

(e) If the department determines that a standard permit application is complete, the department shall review the application in accordance with Env-Hw 304.17 through Env-Hw 304.23. If the department determines that a transfer facility permit application is complete, the department shall review the application in accordance with Env-Hw 304.21 through Env-Hw 304.23.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12345, eff 8-14-17 (formerly Env-Hw 304.16)

Env-Hw 304.16 Notification Upon Receipt of Completed Applications.

(a) Upon determining that a standard permit application is complete according to the criteria set forth in Env-Hw 304.15, the department shall:

(1) Send a letter to the applicant informing the applicant that the application is considered to be complete and will undergo the review process specified in Env-Hw 304.17;

(2) Send written notification to the local governing body of the receipt of the completed application so that a municipal review committee can be appointed in accordance with RSA 147-C:2;

(3) For new facilities, send notification to the siting board along with the application for its review pursuant to RSA 147-A:4-a; and

(4) Within 15 days of determining that an application is complete, notify the general public as specified in Env-Hw 304.21 that the completed application is available for review.

(b) If the department determines that a transfer facility permit application is complete, a notification of the department's completeness determination shall be sent to:

(1) The applicant;

(2) The local governing body for the town in which the facility is proposed to be located; and

(3) The general public in accordance with Env-Hw 304.21.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17 (formerly Env-Hw 304.17)

Env-Hw 304.17 Evaluation of Complete Standard Permit Application.

(a) After the application is deemed complete in accordance with Env-Hw 304.15, the commissioner or designee shall assign a staff engineer to conduct a complete technical review of the application, including a determination as to whether the proposed facility could be sited or operated, or a proposed activity could be conducted, such that human health, safety, and the environment will be protected.

(b) The engineer assigned pursuant to (a), above, shall evaluate all information submitted with the application, all facility requirements, all information submitted during the public comment period and public hearings conducted in accordance with Env-Hw 304.21, and all information provided by the siting board pursuant to RSA 147-A:4-a.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17 (formerly Env-Hw 304.18)

Env-Hw 304.18 Result of Evaluation of Complete Application for New Treatment, Storage or Disposal Facilities. For any application for a new treatment, storage, or disposal facility, if the department determines that the permit application does not contain sufficient information to determine whether the proposed facility could be sited or operated, or the proposed activity could be conducted, such that human health, safety, and the environment will be protected, the applicant shall, upon request by the department, submit the following information:

(a) A health assessment that evaluates the hazardous nature of the wastes that will be handled at the facility and their potential impact on public health resulting from the operation of the facility, including the following:

(1) Data on the hazardous wastes regarding:

- a. Known or suspected health effects associated with the wastes being handled, including information on acute toxicity, chronic toxicity, carcinogenicity, mutagenicity, teratogenicity and reproductive effects;
- b. Environmental persistence in soil, air, and water;
- c. Bioaccumulation potential;
- d. Emission or discharge rates of the hazardous wastes or by-products from the facility;
- e. Potential pathways of human exposure or environmental receptors to the hazardous waste or hazardous constituents and on the potential magnitude and nature of such exposures; and
- f. Existing regulatory or suggested exposure limits for the hazardous wastes or their by-products; and

(2) Identification and discussion of the applicant's health and safety procedures and control measures intended to minimize the public health and safety risks associated with the facility's operation and location based on the health assessment;

(b) An ecological analysis of the potential adverse effects to the local biotic habitat due to accidental discharge of hazardous waste that describes the environment of the area of the facility and includes a biologist's report that lists the wildlife species known to live in or migrate through the environmental area and evaluates the potential adverse biological effects of such a discharge upon said species;

(c) An air impact analysis that includes the following:

- (1) An identification of all pollutants and their emission rates from all emission points at the facility including mobile, fugitive, and stack emissions;
- (2) The seasonal emission variation;

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- (3) Process and control technology information;
- (4) The ambient background concentrations for all pollutants;
- (5) Modeled ground-level concentrations for all pollutants using EPA guidelines; and
- (6) The impact on soils, vegetation, visibility, climate, meteorology, and terrain;

(d) A transportation impact and safety analysis that assesses the potential public health and environmental risks associated with transporting hazardous waste to the facility, with a focus upon those primary and alternate routes most likely to be used by transporters traveling to the facility from their point of exit off the nearest divided, limited-access highway, and frontage roadways providing immediate, direct access to the facility, that includes the following:

- (1) Identification of all routes and frontage roads by federal, state and/or local name within each of the major transportation corridors, and a map or maps that clearly depict each of these routes;
- (2) A description of each major transportation corridor and each frontage roadway in each route identified pursuant to (1), above, that includes all relevant information pertaining to the safe transportation of the types of hazardous wastes to be transported to and from the facility, including but not limited to type, width, and condition of the routes in question;
- (3) A description of the type, size, and configuration of vehicles expected to be transporting hazardous waste to the facility;
- (4) Identification of all road segments existing in each route identified pursuant to (1), above, that are structurally, functionally, or topologically deficient based on the latest American Association of State Highway and Transportation Officials (AASHTO) standards, New Hampshire department of transportation adjusted sufficiency ratings, and sound engineering judgment;
- (5) A discussion of all known or planned highway improvements that could affect each route identified pursuant to (1), above;
- (6) A general traffic study for each route identified pursuant to (1), above, including data pertaining to average daily traffic volumes and peak hour traffic volumes, as well as all appropriate capacity analyses, and to the proposed facility's impact upon the generation of new traffic and new traffic patterns;
- (7) Identification and engineering analysis of all accidents that have occurred within the previous 5 years along each route identified pursuant to (1), above, with particular emphasis placed upon those accidents that could have posed public health or environmental risks had they involved a vehicle transporting hazardous waste;
- (8) Identification of and an emergency response analysis for each location along each route identified pursuant to (1), above, where there is reasonable potential for the occurrence of future accidents and where there is reasonable potential for the occurrence of public health and environmental risks should such accidents involve a vehicle transporting hazardous waste; and
- (9) An analysis of improvements that might be incorporated along each route identified pursuant to (1), above, to reduce the risks associated with the transportation of hazardous wastes along said roads, such as the correction of topological or structural deficiencies or the upgrading of traffic control devices and signing.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17 (formerly Env-Hw 304.12)

Env-Hw 304.19 Preparation of Draft Permit and Fact Sheet.

(a) If the department determines that the application demonstrates that the proposed facility could be sited and operated, or the proposed activity could be conducted, such that human health, safety, and the environment will be protected, the department shall prepare a draft permit based on the administrative record as defined by 40 CFR 124.9.

(b) The draft permit shall contain the following information:

- (1) All required general and specific conditions;
- (2) All compliance schedules;
- (3) All monitoring requirements; and
- (4) Standards for treatment, storage, and disposal, as applicable, and other permit conditions.

(c) All draft permits prepared by the department shall be accompanied by a fact sheet that:

- (1) Briefly sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit;
- (2) Describes the type of facility or transfer facility or activity covered by the draft permit;
- (3) Identifies the type and quantity of wastes proposed to be treated or being treated, stored, disposed of, emitted, or discharged;
- (4) Summarizes the basis for the draft permit conditions including applicable regulatory citations;
- (5) Describes the procedures for making a final decision on the draft permit;
- (6) Describes the procedures for public comment and hearing, including:
 - a. The beginning and ending date of the public comment period;
 - b. The mailing address and an email address to which comments may be sent;
 - c. The procedures for requesting a hearing and the nature of that hearing; and
 - d. Any other procedures by which the public may participate in the final decision;
- (7) Lists the name and telephone number of an individual at the department to contact for further information; and
- (8) Describes the reasons why any requested waivers or alternatives to required standards do or do not appear justified.

(d) The department shall distribute and publish the fact sheet and the draft permit and make the fact sheet, the draft permit, and the rest of the administrative record available for public comment in accordance with Env-Hw 304.20 and Env-Hw 304.21.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.20 Review of Draft Permit by the Applicant.

(a) The department shall provide a copy of the draft permit to the applicant for review. The applicant shall have 30 days from the date the department mailed the draft permit to the applicant to review the draft permit and submit comments and suggested revisions to the department.

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(b) If the applicant is unable to complete the review and submit comments within 30 days, the applicant may request the department to allow additional time. If the applicant requests additional time, the department and the applicant shall confer to determine a new deadline for submitting comments. This request shall not be subject to Env-Hw 202 relative to waivers.

(c) The department shall review all comments and suggested revisions submitted by the applicant. If the department determines that requested changes meet the requirements of Env-Hw 304 and Env-Hw 700, the department shall incorporate the suggested revisions into the draft permit.

(d) After the applicant's review has been completed and after any revisions have been incorporated into the draft permit, the department shall solicit public comments as specified in Env-Hw 304.21.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.21 Public Involvement in the Permitting Process.

(a) The department shall give public notice whenever:

- (1) A complete permit application has been received;
- (2) A draft permit has been prepared;
- (3) A notice of intent to terminate has been issued pursuant to Env-Hw 304.27;
- (4) A public hearing has been scheduled; or
- (5) An appeal has been filed with the waste management council.

(b) Public notice that a completed application or a notice of intent to terminate is available for public review shall allow for not less than 30 days after the date of the notice to submit public comment or request a public hearing, or both.

(c) Public notice that a draft permit has been prepared shall allow for not less than 45 days after the date of the notice to submit public comment or request a public hearing, or both.

(d) The department shall provide public notice by:

- (1) Publishing a notice in a newspaper of daily statewide circulation, in a local newspaper, on the department's website, and by broadcast over local radio stations;
- (2) Mailing a copy of the notice and, if available, a copy of the fact sheet and the draft permit to:
 - a. The applicant;
 - b. Each New Hampshire agency that implements any program(s) that could be affected by or is required to issue permits for the proposed facility, including but not limited to cultural and historic resources and coastal zone management;
 - c. Federal agencies having jurisdiction over fish and wildlife resources that could be affected by the proposed facility;
 - d. Each affected Indian tribe, if any;
 - e. Each unit of local government having jurisdiction over the area where the facility is to be located; and
 - f. Persons on a mailing list compiled from:
 1. Persons who have requested in writing to be on the list;

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2. Responses to a solicitation of persons on area lists of participants in past permit proceedings in the area; and

3. Responses to notifications to the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals; and

(3) Any other method calculated to give actual notice of the action in question to persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(e) During the comment period, any person may submit comments, request a non-adjudicative public hearing, or both, as follows:

(1) All comments and requests shall be in writing and identify the person submitting the comments or request by name and affiliation; and

(2) A request for a public hearing shall include a short statement regarding the need for a hearing.

(f) If a public hearing is to be held, the department shall give public notice of the hearing not less than 30 days before the hearing as specified in (d), above.

(g) All public notices issued pursuant to this section shall include the following information:

(1) The name and address of the department;

(2) The name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(3) A brief description of the business conducted at the facility or transfer facility or activity described in the permit application or draft permit;

(4) The locations where and times during which the permit application and other applicable documents are available for review;

(5) A statement that all information submitted by the applicant is available as part of the administrative record;

(6) The name, address, and telephone number of an individual at the department from whom interested persons may obtain further information, including a copy of the fact sheet, draft permit, and the application;

(7) A brief description of the public comment procedures, including:

a. A statement of how a hearing can be requested or, if a hearing has already been scheduled, the date, time, and place of the hearing; and

b. Other procedures by which the public may participate in the final permit decision;

(8) The date(s) of previous public notices relating to the topic, if any;

(9) A brief description of the nature of the hearing, if applicable; and

(10) Any additional information considered necessary or proper.

(h) If a final permit is issued, the department shall:

(1) Prepare a summary of the comments and the department's responses to the comments, which shall:

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- a. Identify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for that change; and
- b. Describe and respond to comments on the fact sheet and on the draft permit that were raised during the comment period or during the hearing; and

(2) Make the summary available to the public.

(i) Public hearings shall be as follows:

(1) A public hearing shall be mandatory for disposal facilities, or if the department receives written notice of opposition to a draft permit and a request for a hearing within 45 days after public notice is issued pursuant to (d), above;

(2) In all other cases, a public hearing shall be held if such a hearing will clarify one or more issues involved in the permit decision;

(3) All public hearings shall be conducted according to the procedures applicable to non-adjudicative proceedings specified in Env-C 200; and

(4) Whenever possible, all public hearings shall be held at a location near the proposed or existing facility.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.22 Permit Issuance.

(a) Prior to making a decision on an application, the department shall evaluate all duly-submitted information, including the completed application, all public comments received, all hearing testimony, and the draft permit if one was prepared.

(b) The department shall issue the permit in whole or in part or deny the application either in its entirety or only as to the active life of the facility based upon whether the information demonstrates compliance with the requirements of Env-Hw 700, RSA 147-A:4, II-a, RSA 147-A:4, II-d, and any other applicable provisions.

(c) The department shall not issue a standard permit unless the location has been approved by a siting board pursuant to RSA 147-A:4-a.

(d) The department shall inform the applicant of its decision no later than 90 days after the final date that the public may submit comments.

(e) A standard permit, transfer facility permit, or limited permit shall, subject to modification, suspension, or revocation by the department, be valid for 5 years unless a shorter term is requested by the applicant based on the anticipated need for the permit.

(f) Any permittee may seek renewal of a permit pursuant to Env-Hw 304.31.

(g) Issuance or denial of a standard permit or transfer facility permit shall terminate any interim status held by the facility.

(h) If an applicant is issued a standard permit or transfer facility permit, the owner or operator may begin construction of the facility in accordance with conditions of the permit.

(i) An owner or operator shall not commence operation of a new facility or any modified portion of an existing facility before:

(1) Construction has been completed;

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(2) The department has received a letter signed by the owner or operator and a New Hampshire registered professional engineer certifying, as specified in Env-Hw 207, that the facility has been constructed in compliance with the standard permit or transfer facility permit conditions; and

(3) The department has verified the facility's compliance and has notified the owner or operator in writing that operation of the facility may begin.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.23 Permit Application Denial.

(a) If a permit application is denied, the following shall apply:

(1) The department shall send written notice of denial to the applicant by registered mail, return receipt requested;

(2) The notice of denial shall include a list of specific reasons for denial; and

(3) The applicant whose permit application has been denied may appeal such denial to the waste management council in accordance with Env-WMC 200.

(b) If a permit application is denied, the owner or operator may reapply to the department after making necessary modifications to the original permit application. The applicant shall submit the appropriate fee, as specified in Env-Hw 304.07(b) through (d), with any such reapplication.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.24 Permit Conditions and Schedules of Compliance.

(a) All facility permits shall contain terms and conditions necessary for the operator to comply with the hazardous waste rules.

(b) Permit conditions shall be in accordance with 40 CFR 270.30, 270.31, and 270.32.

(c) The department shall establish conditions to ensure compliance with all applicable requirements of RSA 147-A and the hazardous waste rules.

(d) Schedules of compliance shall be in accordance with 40 CFR 270.33.

(e) For purposes of this section, "schedule of compliance" means a schedule of remedial measures included in a permit, including an enforceable sequence of interim requirements, such as actions, operations, or milestone events, leading to compliance with RSA 147-A and the hazardous waste rules.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.25 Permit Modification Requested by Permittee. Any permittee who seeks to modify a permit shall proceed as specified in 40 CFR 270.42(a) through (e), (g), and (h) and Appendix I to Section 270.42.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.26 Permit Modification or Revocation and Reissuance Initiated by the Department Including Modification or Revocation and Reissuance Requested by Third Parties.

(a) The department shall initiate a permit modification if cause as listed in 40 CFR 270.41(a) or (b), 7-1-05 edition, is shown.

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(b) When a permit is modified pursuant to this section, only the conditions subject to modification shall be reopened when a draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the permit.

(c) The department shall initiate a permit revocation and reissuance proceeding if the criteria for permit revocation and reissuance established in 40 CFR 270.41(b), 7-1-05 edition, are met.

(d) When a permit is revoked and reissued pursuant to this section, the entire permit shall be subject to revision just as if the permit had expired and the permit reissued for a new term.

(e) The permittee shall comply with all conditions of the existing permit during modification proceedings or permit revocation and reissuance proceedings until a new final permit is issued.

(f) Suitability of the facility location shall not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists that was unknown at the time of permit issuance.

(g) Any interested third party may request modification or revocation and reissuance of a permit. All requests shall be in writing and contain facts or reasons supporting the request.

(h) The department shall follow the procedures set forth below when it initiates a permit modification or revocation and reissuance pursuant to this section:

(1) If necessary to assist the department's decision to modify a permit, the permittee shall submit additional information and an updated application;

(2) In the case of a permit to be revoked and reissued, the permittee shall submit a new application and such additional information as is necessary to assist the department's decision;

(3) The department shall prepare a draft permit incorporating the proposed changes in accordance with Env-Hw 304.20;

(4) The department shall make the draft permit available to the permittee for review and allow for public comment in accordance with Env-Hw 304.21;

(5) At the end of the public comment period, the department shall give the permittee an opportunity for an adjudicative hearing in accordance with the applicable provisions of RSA 541-A and Env-C 200 before modifying or revoking and reissuing the permit;

(6) If a permittee wishes to request an adjudicative hearing, the permittee shall:

a. Submit a written request for a hearing to the department no later than 30 days after the department issues its draft permit; and

b. Include in the request a short and plain statement of the permittee's objections or concerns with regard to the department's proposed action, a summary of the permittee's compliance history and current compliance status, and any other relevant information;

(7) If both a public hearing is requested during the public comment period and an adjudicative hearing is requested by the permittee pursuant to this section, the department shall determine whether to hold a single hearing or two separate hearings; and

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(8) If a single hearing is held, it shall be conducted as an adjudicative hearing in accordance with the applicable provisions in Env-C 200, and public notice shall be given in accordance with Env-Hw 304.21.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.27 Termination of Permits.

(a) If the department receives information that indicates good cause, as defined in (b), below, exists to terminate a permit or refuse to renew a permit the department shall proceed in accordance with (d) through (k), below.

(b) The following shall constitute good cause for permit termination or permit nonrenewal:

- (1) Noncompliance by the permittee with any condition of the permit;
- (2) The permittee's failure in the permit renewal application or during the permit renewal process to disclose fully all relevant facts, or the permittee's misrepresentation by act or omission of any relevant facts at any time;
- (3) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit termination, suspension, or nonrenewal;
- (4) Noncompliance by the permittee with any applicable standard, requirement, or provision set forth in the hazardous waste rules or RSA 147-A; or
- (5) Noncompliance by the permittee with any administrative order, compliance schedule, judicial decree, or consent agreement issued pursuant to the hazardous waste rules or RSA 147-A.

(c) Any person may request the termination or nonrenewal of a permit. All requests shall be in writing and shall contain facts or reasons supporting the request.

(d) If the department decides to terminate or refuse to renew a permit, the department shall issue a notice of intent to terminate to the permittee.

(e) The notice of intent to terminate shall:

- (1) Contain the reasons supporting the department's decision to terminate or refuse renewal;
- (2) Be based upon the administrative record; and
- (3) Include a fact sheet prepared in accordance with Env-Hw 304.19.

(f) The department shall give public notice of the notice of intent to terminate in accordance with Env-Hw 304.21.

(g) At the end of the public comment period specified in Env-Hw 304.21(b), the permittee may request an adjudicative hearing in accordance with the applicable provisions of RSA 541-A and Env-C 200.

(h) If a permittee wishes to request an adjudicative hearing, the permittee shall:

- (1) Submit a written request for a hearing to the department no later than 30 days after the department issues its notice of intent to terminate; and
- (2) Include in the request, a short and plain statement of the permittee's objections or concerns with regard to the department's proposed action, a summary of the permittee's compliance history and current compliance status, and any other relevant information.

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(i) The department shall order the immediate suspension of a permit in whole or in part, if the department finds that public health, safety or welfare requires emergency action.

(j) An order of suspension shall act as a temporary termination or modification of the permit, as specified in the department's order and shall be immediately effective.

(k) The order shall be vacated if the department does not begin an adjudicative proceeding in accordance with the applicable provisions of RSA 541-A and Env-C 200 within 10 business days of the issuance of the suspension order.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.28 Transfer of Permits. Transfer of permits shall be in accordance with 40 CFR 270.40, 7-1-05 edition and RSA 147-A:4, IV-a.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.29 Appeals.

(a) The permittee may appeal to the waste management council in accordance with RSA 147-A:15 within 30 days of the issuance of a final decision of the department to:

- (1) Grant or deny a permit application, in whole or in part;
- (2) Grant or deny the permittee's request for permit modification;
- (3) Modify or revoke and reissue a permit;
- (4) Terminate a permit or refuse to renew a permit; or
- (5) Suspend a permit.

(b) Any other person aggrieved by a final permitting decision of the department may appeal in accordance with (a), above, if that person has standing as determined pursuant to Env-WMC 200.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.30 Continuation of Expiring Permits.

(a) If a permittee wishes to continue a permitted activity after the expiration date of the permit, the permittee shall apply for and obtain a permit renewal.

(b) An expiring permit shall remain valid in accordance with 40 CFR 270.51(a)-(d) and RSA 541-A:30 if the permittee has submitted an application for renewal in accordance with Env-Hw 304.31.

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17

Env-Hw 304.31 Permit Renewal.

(a) The operator of a facility that has a valid permit who wishes to renew the permit shall submit an application for renewal in accordance with Env-Hw 304.10 and Env-Hw 304.11:

- (1) At least 180 days before the permit expires, for a standard permit; or
- (2) Before the permit expires, for a transfer facility permit.

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(b) An applicant who wishes to request an extension of time of the application submittal deadline shall submit a request for waiver in accordance with Env-Hw 202.

(c) Except for limited permit renewals, an application for permit renewal shall be treated as a new application for purposes of review, except that denial of the permit renewal shall be in accordance with Env-Hw 304.27. Limited permit renewals shall be in accordance with Env-Hw 304.04(n).

Source. (See Revision Note at chapter heading for Env-Hw 300) #9362, eff 1-28-09; ss by #12345, eff 8-14-17; ss by #12922, eff 11-23-19

CHAPTER Env-Hw 400 IDENTIFICATION AND LISTING OF HAZARDOUS WASTES

Statutory Authority: RSA 147-A:3

REVISION NOTE:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 400 as Env-Hw 400. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 400. The numerals of the rules remained unchanged, and the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

PART Env-Hw 401 PURPOSE, APPLICABILITY, DEFINITIONS, EXEMPTIONS, AND METHODS

Env-Hw 401.01 Purpose and Applicability.

(a) The purpose of this chapter is to identify those wastes that are subject to regulation as hazardous wastes.

(b) Unless a waste is exempt from regulation pursuant to Env-Hw 401.03, it shall be a hazardous waste when any of the following events occur:

(1) In the case of a waste listed in Env-Hw 402, when the waste first meets the listing description set forth in Env-Hw 402;

(2) In the case of a mixture of any waste or material with one or more hazardous wastes listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a), when the listed hazardous waste is first added to the mixture; and

(3) In the case of any waste or a mixture of any waste or material with any waste exhibiting a hazardous waste characteristic identified in Env-Hw 403, when the waste or mixture exhibits any of the characteristics identified in Env-Hw 403 or by the department in accordance with Env-Hw 405.03, except as provided in (d), below.

(c) A hazardous waste shall remain a hazardous waste unless and until it meets all of the following criteria:

(1) Subject to (f), below, the waste does not exhibit any of the characteristics of hazardous waste identified in Env-Hw 403;

(2) If the waste is a federally listed waste identified in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a), or a waste that contains or is derived from any of those federally listed wastes, the EPA has excluded the waste in accordance with 40 CFR 260.20 and 40 CFR 260.22 and the department has delisted the waste pursuant to Env-Hw 406; and

(3) If the waste is a New Hampshire-listed waste identified in Env-Hw 402.04(d), Env-Hw 402.05(d), Env-Hw 402.06(c) or Env-Hw 402.07(b), the department has delisted the waste pursuant to Env-Hw 406.

(d) Subject to (e), below, any mixture resulting from the combination of a waste that is exempt pursuant to Env-Hw 401.03(b)(7) and any other non-exempt waste exhibiting a characteristic of hazardous waste pursuant to Env-Hw 403 shall be a hazardous waste if:

(1) The mixture exhibits a characteristic that would not have been exhibited by the exempt waste alone if mixing had not occurred; or

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- (2) The mixture continues to exhibit any characteristic that was exhibited by the non-exempt waste prior to being mixed with the exempt waste.
- (e) For purposes of applying the toxicity characteristic to the mixture described in (d), above, the mixture shall be a hazardous waste if:
- (1) The mixture exceeds the maximum concentration for any contaminant identified in Env-Hw 403.06(d) that would not have been exceeded by the exempt waste alone if mixing had not occurred; or
- (2) The mixture continues to exceed the maximum concentration for any contaminant exceeded by the non-exempt waste prior to being mixed with the exempt waste.
- (f) A waste that exhibits a characteristic of hazardous waste at the point of generation and that is not exempt pursuant to Env-Hw 401.03 shall be subject to the requirements of Env-Hw 1200, even if it no longer exhibits a characteristic at the point of land disposal.

Source. #5886, eff 8-26-94; ss by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 401.02 Definitions. For purposes of Env-Hw 401.03, the following definitions shall apply:

- (a) “Airbag waste” means any hazardous waste airbag modules or hazardous waste airbag inflators;
- (b) “Airbag waste collection facility” means any facility that receives airbag waste from airbag handlers subject to regulation under Env-Hw 401.03(k) and that accumulates the waste for more than 10 days;
- (c) “Airbag waste handler” means any person, by site, who generates airbag waste that is subject to regulation under the hazardous waste rules;
- (d) “Domestic sewage” means “domestic sewage” as defined in 40 CFR 261.4(a)(1)(ii), as reprinted in Appendix D;
- (e) “No free liquids” means:
- (1) Free liquids are not present in solvent-contaminated wipes as determined by the paint filter liquids test, test method 9095B in EPA publication SW-846, as specified in Env-Hw 104, available as noted in Appendix B; and
- (2) Free liquids are not present in a container holding wipes;
- (f) “Point source” means “point source” as defined in 40 CFR 260.10, as reprinted in Appendix D;
- (g) “Solvent-contaminated wipe” means a wipe that, after being used in a cleaning or degreasing process:
- (1) Meets one or more of the following criteria:
- a. The wipe contains one or more of the F001 through F005 solvents listed in Env-Hw 402.06(a) or the corresponding P- or U-listed solvents found in Env-Hw 402.04(b) or Env-Hw 402.05(b), respectively;
- b. The wipe exhibits a hazardous characteristic found in Env-Hw 403 when that characteristic results from a solvent listed in Env-Hw 402.04(b), Env-Hw 402.05(b) or Env-Hw 402.06(a); or

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c. The wipe exhibits only the hazardous waste characteristic of ignitability as found in Env-Hw 403.03 due to the presence of one or more solvents that are not listed in Env-Hw 402.04(b), Env-Hw 402.05(b) or Env-Hw 402.06(a); and

(2) Does not contain listed waste other than solvents or used oil, or both, and does not exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents;

(h) “Use in a cleaning or degreasing process” means use of a wipe to remove oil or other contaminants from machinery, equipment, work stations, or product components or for the cleanup of solvent spills of less than 12 fluid ounces;

(i) “Virgin lubricating products” means unused motor, engine, gear, machine, and transmission oils; and

(j) “Wipe” means “wipe” as defined in 40 CFR 260.10, as reprinted in Appendix D.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 401.03 Exemptions.

(a) The following materials shall not be hazardous wastes under the hazardous waste rules provided any conditions or prohibitions specified below are met:

(1) Domestic sewage;

(2) Wastewater discharges that are industrial point source discharges in compliance with applicable New Hampshire permits and rules and federal permits and regulations under section 402 of the Clean Water Act, as amended;

(3) Irrigation return waters;

(4) Source, special nuclear, or nuclear by-product material as defined by the Atomic Energy Act of 1954 as amended, 42 USC 2011 et seq.;

(5) Material subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process;

(6) Pulping liquors, also known as black liquors, that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process and not accumulated speculatively as defined in Env-Hw 811.01;

(7) Spent sulfuric acid used as a feedstock in an industrial furnace to produce virgin sulfuric acid, provided that the spent sulfuric acid is not accumulated speculatively as defined in Env-Hw 811.01;

(8) Secondary materials, as defined in Env-Hw 104, provided:

a. Only tank storage is involved and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;

b. Reclamation does not involve controlled flame combustion such as occurs in boilers, industrial furnaces, or incinerators;

c. The secondary materials are never accumulated in such tanks for over 12 months without being reclaimed; and

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- d. The reclaimed material is not used to produce a fuel or to produce products that are used in a manner constituting disposal;
- (9) Excluded scrap metal, as defined in Env-Hw 103, provided it is being recycled;
- (10) Shredded circuit boards being recycled, provided they are:
- a. Stored in containers sufficient to prevent a release to the environment prior to recovery; and
 - b. Free of mercury switches, mercury relays, and nickel-cadmium batteries and lithium batteries;
- (11) Solvent-contaminated wipes that are cleaned for reuse, provided:
- a. The generator either launders or dry cleans the solvent-contaminated wipes on site or sends the solvent-contaminated wipes to be cleaned by a laundry or dry cleaner:
 - 1. That is located in New Hampshire, or in a state that has adopted the exclusion at 40 CFR 261.4(a)(26); and
 - 2. Whose discharge, if any, is regulated under sections 301 and 402 or section 307 of the Clean Water Act;
 - b. The generator maintains at its site the following documentation:
 - 1. The name and address of the laundry or dry cleaner that is receiving the solvent-contaminated wipes;
 - 2. Documentation of compliance with (g)(2), below; and
 - 3. A written description of the process the generator uses to ensure that solvent-contaminated wipes contain no free liquids when laundered or dry cleaned on site or transported off site for laundering or dry cleaning; and
 - c. The requirements of (g), below, are met;
- (12) Spent wood preserving solutions that have been reclaimed and are being reused for their original intended purpose and wastewaters from the wood preserving process that have been reclaimed and are being reused to treat wood, provided the requirements of 40 CFR 261.4(a)(9)(iii) are satisfied;
- (13) Non-wastewater splash condenser dross residue from the treatment of K061 waste in high temperature metals recovery units, provided the residue is shipped in drums if shipped off site for recovery and is not land disposed before or after recovery;
- (14) When recycled in the manner and under the conditions as described in 40 CFR 261.4(a)(12)(i):
- a. Oil-bearing hazardous secondary materials that are generated at a petroleum refinery and are inserted into the petroleum refining process, as those terms are defined in 40 CFR 261.4(a)(12)(i), unless the material is placed on the land or speculatively accumulated before being recycled; and
 - b. Recovered oil, as defined in 40 CFR 261.4(a)(12)(ii);
- (15) Petrochemical-recovered oil from an associated organic chemical manufacturing facility, as defined in 40 CFR 261.4(a)(18), where the recovered oil will be inserted into the petroleum refining process along with normal petroleum refinery process streams, provided that the requirements of 40 CFR 261.4(a)(18) are met; and

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(16) Spent caustic solutions from petroleum-refining liquid treating processes that are used as a feedstock to produce cresylic or naphthenic acid, unless the material is placed on the land or accumulated speculatively as described in Env-Hw 811.01.

(b) The following materials shall be exempt from regulation under the hazardous waste rules, subject to any conditions, prohibitions, or other limitations specified:

- (1) Household wastes, subject to (b)(2), below;
- (2) Household hazardous wastes, until such time as they are collected, whether as part of a household hazardous waste collection project or otherwise;
- (3) Agricultural wastes that are returned to the soil as fertilizers for growing agricultural crops and raising animals;
- (4) Mining overburden returned to the mine site;
- (5) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or fossil fuels;
- (6) Wastes that fail the test for the toxicity characteristic because chromium is present, or that are listed in Env-Hw 402 due to the presence of chromium, and meet the criteria of 40 CFR 261.4(b)(6)(i), and are:
 - a. Listed in 40 CFR 261.4(b)(6)(ii); or
 - b. Subject to a waiver obtained by the generator in accordance with Env-Hw 202;
- (7) Subject to (c), below, solid waste from the extraction, beneficiation, and processing of ores and minerals including coal, phosphate rock, and overburden from the mining of uranium ore;
- (8) Cement kiln dust waste;
- (9) Waste that consists of discarded arsenical-treated wood or wood products that fail the test for the toxicity characteristic for EPA hazardous waste numbers D004 through D017 and that is not a hazardous waste for any other reason, provided the waste is generated by persons who use the arsenical-treated wood and wood products for these materials' intended end use;
- (10) Used chlorofluorocarbon (CFC) refrigerants from totally-enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use CFCs as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use;
- (11) Non-terne-plated used oil filters that are not mixed with wastes listed in Env-Hw 402, provided the oil filters have been gravity hot-drained using one of the following methods:
 - a. Puncturing the filter anti-drainback valve or the filter dome end and hot-draining;
 - b. Hot-draining and crushing;
 - c. Dismantling and hot-draining; or
 - d. Any other equivalent hot-draining method that will remove the used oil from the filter;
- (12) Hazardous waste generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or a manufacturing process unit or an associated non-waste-treatment manufacturing unit before it exits the unit in which it was generated, unless:

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- a. The unit is a surface impoundment; or
 - b. The hazardous waste remains in the unit for greater than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials;
- (13) Samples of solid or hazardous wastes, water, soil, or air that are collected for the sole purpose of testing to determine its characteristics or composition, provided the samples are being stored or transported in accordance with 40 CFR 261.4(d);
- (14) Treatability study samples and samples undergoing treatability studies at laboratories and testing facilities of up to 250 kg of non-acute hazardous waste and up to 1 kg of acute hazardous waste and as set forth in 40 CFR 261.4(e) and (f);
- (15) Materials that are reclaimed from wastes and that are used beneficially, unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal;
- (16) Waste pickle liquor sludges generated by lime stabilization of spent pickle liquor from the iron and steel industry Standard Industry Classification, Codes 331 and 332, or compatible North American Industry Classification System (NAICS) codes, even though they are generated from the treatment, storage, or disposal of a hazardous waste, provided they do not exhibit a hazardous waste characteristic specified in Env-Hw 403;
- (17) The following wastes, provided that they do not exhibit a hazardous waste characteristic specified in Env-Hw 403:
- a. Used oil sludges derived from collection, storage, treatment, or processing of used oils, provided the sludges are sent to a facility authorized to receive them; and
 - b. Waters separated from used oil by gravity separation or other physical or chemical means, unless the waters contain greater than 5 percent oil;
- (18) Spill absorbent materials, soil, and debris from the cleanup of spills of virgin fuel oil and virgin lubricating products, provided that the spill absorbent materials, soil, and debris do not exhibit a hazardous waste characteristic specified Env-Hw 403;
- (19) Spill absorbent materials, soil, and debris from the cleanup of used oil spills, provided:
- a. The used oil was not previously mixed with any other hazardous waste listed in Env-Hw 402; and
 - b. No hazardous waste characteristic specified in Env-Hw 403 is exhibited by the spill absorbent materials, soil, or debris;
- (20) Spill absorbent materials, soil, and debris from the cleanup of spills of virgin gasoline, provided that the spill absorbent materials, soil, and debris do not exhibit a hazardous waste characteristic as set forth in Env-Hw 403;
- (21) Containers and inner liners from containers of hazardous waste, provided that the containers and inner liners are empty pursuant to (d), below;
- (22) Petroleum-contaminated media and debris that:
- a. Fail the test for the toxicity characteristic of EPA hazardous waste numbers D018 through D043 only, as set forth in Env-Hw 403.06;
 - b. Are generated from releases of underground storage tanks subject to Env-Or 400; and
 - c. Are managed in accordance with Env-Or 600;

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- (23) Manufactured gas plant contaminated media and debris that:
- a. Fail the test for the toxicity characteristic of EPA hazardous waste number D018 only, as set forth in Env-Hw 403.06; and
 - b. Are treated in an incinerator or a thermal desorption unit that is authorized under the destination state's rules;
- (24) Wood ash from the burning of wood products that is only hazardous due to the corrosivity characteristic as set forth in Env-Hw 403.04(b)(3);
- (25) Nitroglycerine, listed as P081, provided that it:
- a. Was to be used for medicinal purposes; and
 - b. Does not exhibit a hazardous waste characteristic as set forth in Env-Hw 403;
- (26) Used oil di-electric fluid containing PCBs in concentrations of 50 parts per million or greater, provided that the used oil di-electric fluid:
- a. Would only have been identified because it is listed as NH01 or because it fails the test for the toxicity characteristic of EPA hazardous waste numbers D018 through D043 specified in Env-Hw 403.06; and
 - b. Is managed in compliance with all applicable requirements of 40 CFR Part 761;
- (27) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products;
- (28) Solvent-contaminated wipes that are sent for disposal, provided:
- a. The solvent-contaminated wipes are not hazardous waste due to the presence of trichloroethylene;
 - b. The generator maintains at its site the following documentation:
 1. The name and address of the disposal facility that is receiving the solvent-contaminated wipes;
 2. Documentation of compliance with (g)(2), below; and
 3. A written description of the process the generator uses to ensure that solvent-contaminated wipes contain no free liquids, when being transported for disposal;
 - c. The generator sends the solvent-contaminated wipes for disposal to an authorized out-of-state facility where the exclusion at 40 CFR 261.4(b)(18) has been adopted or to one of the following facilities in New Hampshire:
 1. A municipal waste combustor or other combustion facility that is regulated under section 129 of the Clean Air Act;
 2. A hazardous waste combustor, boiler, or industrial furnace that is regulated under Env-Hw 707, Env-Hw 708 or 40 CFR part 266 subpart H; or
 3. A hazardous waste landfill that is regulated under Env-Hw 707 or Env-Hw 708; and
 - d. The requirements of (g), below, are met;

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- (29) Wipes contaminated with used oil, provided the used oil was not previously mixed with and does not otherwise contain any other hazardous wastes listed in Env-Hw 402, and provided the wipes do not exhibit any hazardous waste characteristic specified in Env-Hw 403;
- (30) Waste derived from burning any of the materials exempt from regulation under (b)(38), below, even though it is generated from the treatment, storage, or disposal of a hazardous waste, provided it does not exhibit any hazardous waste characteristic specified in Env-Hw 403;
- (31) Subject to (h), below, non-wastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061, K062, or F006 waste, provided the conditions of 40 CFR 261.3(c)(2)(ii)(C)(1) and (2) are met, even though the residues are generated from the treatment, storage, or disposal of a hazardous waste, provided the residues do not exhibit any hazardous waste characteristic specified in Env-Hw 403;
- (32) Biological treatment sludge from the treatment of any of the following wastes listed in Env-Hw 402.07, provided the sludge does not exhibit any hazardous waste characteristic specified in Env-Hw 403:
- a. Organic waste, including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates, from the production of carbamates and carbamoyl oximes, listed as K156; or
 - b. Wastewaters from the production of carbamates and carbamoyl oximes, listed as K157;
- (33) Catalyst inert support media separated from one of the following wastes listed in Env-Hw 402.07, provided they do not exhibit any hazardous waste characteristic specified in Env-Hw 403:
- a. Spent hydrotreating catalyst, listed as K171; or
 - b. Spent hydrorefining catalyst, listed as K172;
- (34) The following materials, provided they do not exhibit any hazardous waste characteristic specified in Env-Hw 403:
- a. Subject to (h), below, hazardous debris as defined in 40 CFR 268, 7-1-16 edition, that has been treated using one of the required extraction or destruction technologies specified in Table 1 of 40 CFR 268.45, 7-1-16 edition; and
 - b. Debris as defined in 40 CFR 268, 7-1-16 edition, that is not regulated under Env-Hw 401.01(b)(2);
- (35) Subject to (i), below, leachate or gas condensate collected from landfills where certain solid wastes have been disposed, provided that:
- a. The solid wastes disposed would meet one or more of the listing descriptions for EPA hazardous waste numbers K169, K170, K171, K172, K174, K175, K176, K177, K178, and K181 if the wastes had been generated after the effective date of the listing;
 - b. The solid wastes described in a., above, were disposed prior to the effective date of the listing;
 - c. The leachate or gas condensate does not exhibit any hazardous waste characteristic specified in Env-Hw 403 and is not derived from any other listed hazardous waste in Env-Hw 402; and
 - d. Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is in compliance with §307(b) or §402 of the Clean Water Act;

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(36) Industrial ethyl alcohol that is reclaimed, except that exports and imports of such recyclable materials shall comply with the requirements of 40 CFR 262 Subpart H;

(37) Scrap metal being recycled that is not otherwise exempt under (a)(9), above;

(38) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, or transportation practices;

(39) Coke and coal tar from the iron and steel industry that contains EPA hazardous waste number K087 from the iron and steel production process; and

(40) Mercury-containing dental amalgam waste generated by small quantity generators, provided the waste is being recycled and the generator meets the requirements of Env-Wq 306.

(c) The exemption at (b)(7), above, shall not include spent potliners from primary aluminum reduction, which shall be regulated as K088 hazardous wastes.

(d) For the purposes of (b)(21), above, containers and inner liners shall be deemed empty under the following conditions:

(1) For those containers or inner liners that have held hazardous waste other than compressed gas or acutely hazardous waste identified in Env-Hw 402.04, when all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, such as pouring, pumping, or aspirating, and:

a. No more than one inch of residue remains on the bottom of the container or inner liner; or

b. The amount of residue remaining in the container or inner liner is:

1. No more than 3 percent by weight of the total capacity of the container if the container is less than or equal to 119 gallons in size; or

2. No more than 0.3 percent by weight of the total capacity of the container if the container is greater than 119 gallons in size;

(2) For those containers that have held a hazardous waste that is a compressed gas, when the pressure in the container approaches atmospheric pressure; and

(3) For those containers or inner liners that have held acutely hazardous waste, when:

a. The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;

b. The container or inner liner has been cleansed by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or

c. In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container has been removed.

(e) Residues removed from empty containers shall be subject to regulation under the hazardous waste rules as set forth in Env-Hw 404.04.

(f) The following listed hazardous wastes shall be exempt from regulation under the hazardous waste rules, except that wastes exempt under this paragraph are subject to the land disposal restrictions of Env-Hw 1200, as applicable, even if the wastes no longer exhibit a characteristic at the point of land disposal:

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- (1) A hazardous waste that is listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) solely because it exhibits one or more characteristics of ignitability, corrosivity, or reactivity as specified in Env-Hw 403.03 through 403.05, respectively, if the waste no longer exhibits any characteristic of hazardous waste specified in Env-Hw 403;
 - (2) A waste or material mixed with any hazardous waste that is listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) solely because it exhibits one or more characteristics of ignitability, corrosivity, or reactivity, as regulated under Env-Hw 401.01(b)(2), if the mixture no longer exhibits any characteristic of hazardous waste identified in Env-Hw 403;
 - (3) Any waste generated from treating, storing, or disposing of a hazardous waste that is listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) solely because it exhibits one or more characteristics of ignitability, corrosivity, or reactivity, as regulated under Env-Hw 401.01(c)(2) and Env-Hw 404.03, if the waste no longer exhibits any characteristic of hazardous waste specified in Env-Hw 403; and
 - (4) Any mixture of a waste exempt from regulation under Env-Hw 401.03(b)(7) and a hazardous waste listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a) solely because it exhibits one or more characteristics of ignitability, corrosivity or reactivity, as regulated under Env-Hw 401.01(b)(2), if the mixture no longer exhibits any characteristic of hazardous waste specified in Env-Hw 403 for which the hazardous waste was listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a) or Env-Hw 402.07(a).
- (g) For the purposes of (a)(11) and (b)(28), above, solvent-contaminated wipes shall be exempt from regulation under the hazardous waste rules, from the point of generation, provided that:
- (1) Solvent-contaminated wipes and any containers in which they are stored contain only those solvents that were absorbed during use of such wipes in a cleaning or degreasing process;
 - (2) No more than 180 days after the date on which a generator begins to accumulate solvent-contaminated wipes in any container, all solvent-contaminated wipes in that container are removed and sent for cleaning or disposal;
 - (3) Solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers;
 - (4) Any container in which solvent-contaminated wipes are accumulated, stored, or transported is able to contain free liquids;
 - (5) Containers in which solvent-contaminated wipes are accumulated or stored are closed at all times except when it is necessary to add or remove solvent-contaminated wipes;
 - (6) Containers in which solvent-contaminated wipes are accumulated, stored, or transported are clearly labeled or marked with the words "Excluded Solvent-Contaminated Wipes";
 - (7) When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container is sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;
 - (8) At the point of being sent for cleaning on site or of being transported off site for cleaning or disposal, the solvent-contaminated wipes contain no free liquids; and
 - (9) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes are managed in accordance with the hazardous waste rules.

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(h) A person claiming the exemption in (b)(31) or (b)(34)a., above, shall document the claim in accordance with (j), below, and prove, by clear and convincing evidence, that the material meets all of the exemption requirements.

(i) With regard to the exemption in (b)(35), above, leachate or gas condensate shall not be exempt if it is stored or managed in a surface impoundment prior to discharge, except as provided in 40 CFR 261.4(b)(15)(v).

(j) A person who claims that a certain material is not a hazardous waste or is exempt from regulation under the hazardous waste rules, including Env-Hw 803.05, shall provide, upon request, the documentation specified in 40 CFR 261.2(f).

(k) Subject to (l), below, airbag waste at an airbag waste handler or during transport to an airbag waste collection facility or designated facility shall be exempt from regulation under the hazardous waste rules provided that:

(1) The airbag waste is accumulated in a quantity of no more than 250 airbag modules or airbag inflators, for no longer than 180 days;

(2) The airbag waste is packaged in a container designed to address the risk posed by the airbag waste and labeled "Airbag Waste – Do Not Reuse";

(3) The airbag waste is sent directly to either:

a. An airbag waste collection facility in the United States under the control of:

1. A vehicle manufacturer or its authorized representative; or

2. An authorized party administering a remedy program in response to a recall under the National Highway Traffic Safety Administration; or

b. A designated facility;

(4) The transport of the airbag waste complies with all applicable US DOT regulations in 49 CFR Parts 171 through 180 during transit; and

(5) The airbag waste handler maintains at the handler facility, for no less than 3 years, records of all off-site shipments of airbag waste and all confirmations of receipt from the receiving facility.

(l) For the purposes of (k), above:

(1) The recordkeeping requirements of (k)(5) shall be as follows:

a. Records of off-site shipments shall contain at a minimum for each shipment:

1. The name of the transporter;

2. The date of the shipment;

3. The name and address of the receiving facility; and

4. The quantities of airbag modules and airbag inflators, as applicable, in the shipment;

b. Confirmations of receipt shall include:

1. The name and address of the receiving facility;

2. The quantities of airbag modules and airbag inflators, as applicable, received; and

3. The date of receipt; and

c. Shipping records and confirmations of receipt shall be made available for inspection upon request and may be satisfied by routine business records, including but not limited to:

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1. Electronic or paper financial records;
 2. Bills of lading;
 3. Copies of US DOT shipping papers; or
 4. Electronic confirmations of receipt;
- (2) Upon arrival at an airbag waste collection facility or designated facility:
- a. Airbag waste shall be subject to all applicable hazardous waste rules; and
 - b. The facility receiving airbag waste shall be considered the hazardous waste generator for the purposes of the hazardous waste rules and shall comply with the requirements of Env-Hw 500; and
- (3) Reuse in vehicles of defective airbag modules or defective airbag inflators subject to a recall under the National Highway Traffic Safety Administration shall be prohibited.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; amd by #7207-B, eff 2-26-00; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; amd by #8714, INTERIM, eff 9-5-06, EXPIRED: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; amd by #10739, eff 12-2-14; ss by #12346, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 401.04 Hazardous Waste Determination Methods. Sampling and analysis of waste for the purpose of identifying the waste as a hazardous or non-hazardous waste shall conform with the procedures specified in 40 CFR 261 Appendix I, EPA publication "SW-846," as specified in Env-Hw 104 and available as noted in Appendix B, additional methods specified in Env-Hw 400, or equivalent procedures approved by EPA in accordance with 40 CFR 260.20 and 260.21 or by the department in accordance with Env-Hw 401.05.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 401.05 Petitions for Equivalent Testing or Analytical Methods.

(a) Any person seeking to add an analytical method to Env-Hw 400 or Env-Hw 800 with respect to hazardous waste regulated by New Hampshire but not by EPA may petition for a rule change to allow use of a new testing method. The person shall demonstrate that the proposed method is equal or superior to the corresponding method required by Env-Hw 400 or Env-Hw 800 in terms of its sensitivity, accuracy and reproducibility.

(b) Each petition submitted pursuant to (a), above, shall include the information required by 40 CFR 260.20(b) and 40 CFR 260.21(b).

Source. #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

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Env-Hw 401.06 Test Methods for Analyzing Hazardous Wastes. Test methods for analyzing hazardous wastes shall be as specified in the following publications, as incorporated by reference in 40 CFR 260.11 and available as noted in Appendix B:

- (a) “ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester,” ASTM Standard D-3278-78;
- (b) “ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester,” ASTM Standard D-93-79 or D-93-80;
- (c) “ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography,” ASTM Standard D-1946-82;
- (d) “ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method),” ASTM Standard D-2382-83;
- (e) “ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis,” ASTM Standard E-169-87;
- (f) “ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis,” ASTM Standard E 168-88;
- (g) “ASTM Standard Practice for Packed Column Gas Chromatography,” ASTM Standard E-260-85;
- (h) “ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography,” ASTM Standard D-2267-88;
- (i) “APTI Course 415: Control of Gaseous Emissions,” EPA publication EPA-450/2-81-005, December 1981;
- (j) “Flammable and Combustible Liquids Code,” NFPA 30, 1977 or 1981;
- (k) “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA publication SW-846, as specified in Env-Hw 104;
- (l) “Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised,” October 1992, EPA Publication No. EPA-450/R-92-019;
- (m) “ASTM Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals,” ASTM Standard E926-88, Test Method C-Bomb, Acid Digestion Method;
- (n) API Publication 2517, “Evaporative Loss from External Floating-Roof Tanks,” Third Edition, February 1989; and
- (o) “ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenoscope,” ASTM Standard D 2879-92.

Source. #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17; amd by #12922, eff 11-23-19

PART Env-Hw 402 LISTED HAZARDOUS WASTES

Env-Hw 402.01 Hazard Codes.

(a) Unless otherwise specified elsewhere in this chapter, this part shall identify the type of hazard presented by a waste using the following hazard codes:

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- (1) For ignitable waste, the hazard code shall be “(I)”;
- (2) For corrosive waste, the hazard code shall be “(C)”;
- (3) For reactive waste, the hazard code shall be “(R)”;
- (4) For toxicity characteristic waste, the hazard code shall be “(E)”;
- (5) For acutely hazardous waste, the hazard code shall be “(H)”;
- (6) For toxic waste, the hazard code shall be “(T).”

(b) 40 CFR 261 Appendix VII shall be used to identify the constituent that causes the administrator to list a waste as a toxicity characteristic waste (E) or toxic waste (T) when listed in Env-Hw 402.06(a) or Env-Hw 402.07(a).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #6384-B, eff 11-26-96; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 402.02 Hazardous Waste Numbers.

(a) Every applicable EPA and NH hazardous waste number assigned to each hazardous waste listed in this part, shown preceding the name of the waste in Table 4.1 through Table 4.9, shall be used in complying with the notification, labeling, manifest, and recordkeeping and reporting requirements of the hazardous waste rules, unless otherwise specified in Env-Hw 807.

(b) The hazardous waste numbers assigned by EPA and New Hampshire for listed hazardous wastes shall be as set forth in Env-Hw 402.04, Env-Hw 402.05, Env-Hw 402.06, and Env-Hw 402.07.

Source. #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 402.03 Lists of Hazardous Wastes.

(a) The materials or items specified in Env-Hw 402 shall be considered hazardous wastes:

- (1) When they are discarded or intended to be discarded as defined in Env-Hw 103;
- (2) When they are mixed with discarded oil or used oil or other material and applied to the land for dust suppression or road treatment;
- (3) When they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use; or
- (4) When, in lieu of their original intended use, they are produced for use as a fuel, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

(b) For the purposes of dust suppression and road treatment, “discarded oil” means virgin oil that has been discarded prior to being used.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

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Env-Hw 402.04 Acutely Hazardous Wastes.

(a) The following materials, when waste, shall be considered acutely hazardous waste:

(1) Any commercial chemical product or manufacturing chemical intermediate, having the generic name listed in (b) or (d), below, or any off-specification chemical product or intermediate that, if it met specifications, would have the generic name listed in (b) or (d), below;

(2) Any residue remaining in a container or in an inner liner removed from a container that has held any material having the generic name listed in (b) and (d), below, unless the container is empty as defined in Env-Hw 401.03(d); or

(3) Any material listed in Env-Hw 402.06 that is identified with the symbol "H".

(b) EPA-listed acutely hazardous wastes shall be as listed in Table 4.1, below, subject to the note in (c), below:

Table 4.1 EPA Acutely Hazardous Wastes

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide,N-(aminothioxomethyl)-
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-),bis(cyano-C)-,potassium
P010	7778-39-4	Arsenic acid H ₃ AsO ₄
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsonous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl-
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-methylamino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha,alpha-dimethyl
P014	108-98-5	Benzenethiol

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	181-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, & salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone
P018	357-57-3	Brucine
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino) carbonyl]oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P189	55285-14-8	Carbamic acid, [(dibutylamino)- thio]methyl-, 2,3-dihydro-2,2-dimethyl- 7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]- 5-methyl-1H- pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1- (1-methylethyl)-1H- pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl) thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P202	64-00-6	m-Cumenyl methylcarbamate
P030	-----	Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6- dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O, O -Diethyl O -pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1, 4,4a,5,8,8a, -hexahydro-,(1alpha,4alpha,4abeta,5 alpha,8alpha,8abeta)-

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a,-[hexachloro]hexahydro-(1alpha,4alpha,4abeta,5beta,8beta,8abeta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-(1aalpha,2beta,2aalpha,3beta,6beta,6aalpha,7beta,7aalpha)-
P051	¹ 72-20-8	2,7:3,6-Dimethanonaphth [2,3-b] oxirene,3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha,2beta,2abeta,3alpha,6alpha,6abeta,7beta,7aalpha)-,& metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha,alpha-Dimethylphenethylamine
P191	644-64-4	Dimetilan
P047	¹ 534-52-1	4,6-Dinitro-o-cresol, & salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramidate, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O- [(methylamino)-carbonyl]oxime
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, & metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-[[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester
P066	16752-77-5	Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Famphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetanate hydrochloride
P197	17702-57-7	Formparanate
P065	628-86-4	Fulminic acid, mercury(2+) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P192	119-38-0	Isolan
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamodithioato-S,S')-,
P196	15339-36-3	Manganese dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato- O)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis[chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[(methylamino)carbonyl]oxy]phenyl]-
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6, 9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8- heptachloro-3a,4,7,7a-tetrahydro-
P199	2032-65-7	Methiocarb
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	824-83-9	Methyl isocyanate
P069	75-86-5	2-Methylactonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P128	315-18-4	Mexacarbate
P072	86-88-4	alpha Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ , (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) ₂
P075	¹ 54-11-5	Nicotine & salts (This listing does not include patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies.)
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide N0
P078	10102-44-0	Nitrogen oxide N0 ₂
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3- dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P048	51-28-5	Phenol, 2,4-dinitro-
P047	¹ 534-52-1	Phenol, 2-methyl-4,6-dinitro-, & salts
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl-[2-methylamino)-2-oxoethyl] ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl) ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P070	116-06-3	Propanal, 2-methyl-2(methylthio)-, O-[(methylamino)carbonyl]oxime
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	¹ 54-11-5	Pyridine, 3-(1-methyl-3pyrrolidinyl)-, (S)-, & salts (This listing does not include patches, gums, and lozenges that are FDA-approved over-the-counter nicotine replacement therapies.)

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8- trimethyl-, methylcarbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium(1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	¹ 57-24-9	Strychnidin-10-one, & salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	¹ 57-24-9	Strychnine, & salts
P115	7446-18-6	Sulfuric acid, dithallium(1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl ₂ O ₃
P114	12039-52-0	Thallium(1) selenite
P115	7446-18-6	Thallium(1) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide [(H ₂ N)C(S)] ₂ NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P185	26419-73-8	Tirpate
P123	8001-35-2	Toxaphene
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V ₂ O ₅
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	¹ 81-81-2	Warfarin, & salts, when present at concentrations greater than 0.3%
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-,
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN) ₂
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10% (R,T)
P205	137-30-4	Ziram

(c) In Table 4.1, the superscript number "1" shall indicate that the chemical abstracts number is given for the parent compound only.

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(d) New Hampshire-listed acutely hazardous wastes shall be as listed in Table 4.2 below:

Table 4.2 New Hampshire Acutely Hazardous Wastes

NH Hazardous Waste Number	Hazardous Waste
NH03	Strontium sulfide
NH04 to NH11	Reserved

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 402.05 Toxic Hazardous Wastes.

(a) The following materials, when waste, shall constitute toxic hazardous waste:

- (1) Any commercial chemical product or manufacturing chemical intermediate, having the generic name listed in (b) or (d), below, or any off-specification chemical product or intermediate that, if it met specification, would have the generic name listed in (b) or (d), below; or
- (2) Any residue remaining in a container or in an inner liner removed from a container that has held any material having the generic name listed in (b), below, unless the container is empty as defined in Env-Hw 401.03(d).

(b) EPA-listed toxic hazardous wastes shall be as listed in Table 4.3 below:

Table 4.3 EPA Toxic Hazardous Wastes

EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U394	30558-43-1	A2213
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U240	'94-75-7	Acetic acid (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium (1+) salt
See F027	93-76-5	Acetic acid,(2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino [2',3':3,4] pyrrolo [1,2-a] indole-4,7-dione,6-amino-8-[[aminocarbonyl]oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1aS-(1alpha,8beta,8alpha,8beta)]-
U280	101-27-9	Barban
U278	22781-23-3	Bendiocarb
U364	22961-82-6	Bendiocarb phenol
U271	17804-35-2	Benomyl
U157	56-49-5	Benz [j] aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz [c] acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3	Benz [a] anthracene
U094	57-97-6	Benz [a] anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis[N,N- dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, 4,4'-methylenebis[2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I,T)
U038	510-15-6	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis (2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene) bis [4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl(R,T)
U239	1330-20-7	Benzene, dimethyl-(I)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U056	110-82-7	Benzene, hexahydro-(I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-chloro
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-,
U203	94-59-7	1,3 Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3 Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3 Benzodioxole, 5-propyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U064	189-55-9	Benzo[rst]pentaphene
U248	'81-81-2	2H-1-Benzopyran-2-one, 4 hydroxy-3- (3-oxo-1-phenyl-butyl)-, and salts when present at concentrations of 0.3% or less
U022	50-32-8	Benzo[a]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzotrichloride (C,R,T,)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4-4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[1,1'-Biphenyl]-4-4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4-4'-diamine, 3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-[[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7alpha]]-
U031	71-36-3	n-Butyl alcohol (I)

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U271	17804-35-2	Carbamic acid, [1-[(butylamino)carbonyl]-1H- benzimidazol-2-yl]-, methyl ester
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl ester
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis (iminocarbonothioyl)]bis-, dimethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U114	¹ 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts & esters
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U279	63-25-2	Carbaryl
U372	10605-21-7	Carbendazim
U367	1563-38-8	Carbofuran phenol
U215	6533-73-9	Carbonic acid, dithallium(1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha & gamma isomers
U026	494-03-1	Chlornaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U050	218-01-9	Chrysene
U051	-----	Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide (CN)Br
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	194-75-7	2,4-D, salts and esters
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U395	5952-26-1	Diethylene glycol, dicarbamate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha,alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propylnitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U404	121-44-8	Ethanamine, N,N-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-
U117	60-29-7	Ethane, 1,1'-oxybis- (I)
U025	111-44-4	Ethane, 1,1'-oxybis[2-chloro-
U184	76-01-7	Ethane, pentachloro-
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U218	62-55-5	Ethanethioamide
U226	71-55-6	Ethane, 1,1,1-trichloro-
U227	79-00-5	Ethane, 1,1,2-trichloro-
U410	59669-26-0	Ethanimidothioic acid, N,N'- [thiobis[(methylimino)carbonyloxy]]bis-, dimethyl ester
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2- oxo-, methyl ester
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U004	98-86-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-,(E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether (I)

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U114	¹ 111-54-6	Ethylenebisdithiocarbamic acid, salts & esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether
U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro- (I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-,D-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino) -carbonyl]amino]-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H ₂ S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpine
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl-(I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8, 8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen -2-one, 1,1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
U247	72-43-5	Methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methyl chloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-,(8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthalenamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium(1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine, N,N-bis (2-chloroethyl)tetrahydro-, 2-oxide
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxyaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U186	504-60-9	1,3-Pentadiene (I)
U161	108-10-1	Pentanol, 4-methyl-
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6-trichloro-
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-
U145	7446-27-7	Phosphoric acid, lead(2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorous sulfide (R)
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U193	1120-71-4	1,3-Propane sultone
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-1	2-Propenamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propham
U411	114-26-1	Propoxur
U387	52888-80-9	Prosulfocarb
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl) amino]-
U164	56-04-2	4(1H)-Pyrimidinone,2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS ₂ (R,T)
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium(I) acetate
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium(I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium(I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U226	71-55-6	1,1,1-Trichloroethane
U227	79-00-5	1,1,2-Trichloroethane

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EPA Hazardous Waste Number	Chemical Abstracts Number	Hazardous Waste
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
U248	¹ 81-81-2	Warfarin, & salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid,11,17-dimethoxy -18-[(3,4,5-trimethoxybenzoyl)oxy]-,methyl ester,(3beta,16beta,17alpha,18beta,20alpha)-
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10% or less

(c) In Table 4.3, the superscript number “1” shall indicate that the chemical abstracts number is given for the parent compound only.

(d) New Hampshire-listed toxic wastes shall be as listed in Table 4.4 below:

Table 4.4 New Hampshire Toxic Wastes

NH Hazardous Waste Number	Hazardous Waste
NH12 to NH50	Reserved

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12346, eff 8-14-17

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Env-Hw 402.06 Generic Industrial Process Wastes.

(a) EPA-listed generic industrial process wastes shall be as listed in Table 4.5 below:

Table 4.5 EPA Generic Industrial Process Wastes

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Generic:		
F001	The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; all spent solvent mixtures/blends used in degreasing containing, before use, a total of 10 percent or more, by volume, of one or more of the above halogenated solvents or those solvents listed in F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F002	The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane, and 1,1,2-trichloroethane; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F003	The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; all spent solvent mixtures/blends containing, before use, one or more of the above non-halogenated solvents, and, a total of 10 percent or more, by volume, of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I), subject to (b), below
F004	The following spent non-halogenated solvents: Cresols and cresylic acid, and nitrobenzene; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
F005	The following spent non-halogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of 10 percent or more, by volume, of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I,T)

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Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
F006	Wastewater treatment sludges from common and precious metals electroplating, anodizing, chemical etching and milling, bright dipping, electropolishing, electrochemical machining, and cleaning and stripping when associated with these processes, except as follows: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. Wastewater treatment sludges from chemical conversion coating or electroless plating are not included in the F006 listing.	(T)
F007	Spent cyanide plating bath solutions from electroplating operations.	(R,T)
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.	(R,T)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.	(R,T)
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.	(R,T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.	(R,T)
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum. Chemical conversion coating processes are coloring, chromating, phosphating, and immersion plating. The F019 listing does not include wastewater treatment sludges from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. Subject to the definitions and requirements of 40 CFR 261.31(b)(4), wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process are not included in the F019 listing at the point of generation if the wastes are not placed outside on the land prior to shipment to a landfill for disposal and are disposed of in: an out-of-state solid waste municipal or industrial landfill unit that is equipped with a single clay liner and is permitted, licensed or otherwise authorized by the state; an out-of-state landfill unit subject to, or otherwise meeting, the landfill requirements in 40 CFR 258.40, 40 CFR 264.301 or 40 CFR 265.301; or a New Hampshire landfill that is permitted to accept the waste under RSA 149-M or is regulated under Env-Hw 707 or Env-Hw 708.	(T)
F020	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use, as a reactant, chemical intermediate, or component in a formulating process, of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. Wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol are not included in the F020 listing.	(H)
F021	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process, of pentachlorophenol, or of intermediates used to produce its derivatives.	(H)

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Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
F022	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process, of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.	(H)
F023	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production of materials on equipment previously used for the production or manufacturing use as a reactant, chemical intermediate, or component in a formulating process, of tri- and tetrachlorophenols. Wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol are not included in the F023 listing.	(H)
F024	Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from 1 to and including 5, with varying amounts and positions of chlorine substitution. This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in Env-Hw 402.06 and 402.07.	(T)
F025	Condensed light ends, spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from 1 to and including 5, with varying amounts and positions of chlorine substitution.	(T)
F026	Wastes, except wastewater and spent carbon from hydrogen chloride purification, from the production of materials on equipment previously used for the manufacturing use, as a reactant, chemical intermediate, or component in a formulating process, of tetra-, penta-, or hexachlorobenzene under alkaline conditions.	(H)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. Formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component are not included in the F027 listing.	(H)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027.	(T)

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Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
F032	Except as provided in 40 CFR 261.35, wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations, except wastewaters that have not come into contact with process contaminants, and except potentially cross-contaminated wastes that either have had the F032 EPA hazardous waste number deleted in accordance with 40 CFR 261.35, or that are otherwise currently regulated as F034 or F035 hazardous wastes, provided the generator does not resume or initiate use of chlorophenolic formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
F034	Wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations, except wastewaters that have not come into contact with process contaminants. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
F035	Wastewaters, process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use inorganic preservatives containing arsenic or chromium, except wastewaters that have not come into contact with process contaminants. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
F037	Petroleum refinery primary oil/water/solids separation sludge as specified in 40 CFR 261.31(a), (b)(1), (b)(2) and (b)(3)(i).	(T)
F038	Petroleum refinery secondary (emulsified) oil/water/solids separation sludge as specified in 40 CFR 261.31(a), (b)(1), (b)(2) and (b)(3)(ii).	(T)
F039	Leachate resulting from the land disposal of more than one restricted waste classified as hazardous under Env-Hw 400. Leachate resulting from the disposal of one or more of the following EPA hazardous wastes and no other hazardous wastes retains its EPA hazardous waste numbers and is not included in the F039 listing: F020, F021, F022, F026, F027, and/or F028.	(T)

(b) The hazard codes (I, T) shall be used to specify mixtures of F003 with F001, F002, F004, and F005 wastes, which would then contain ignitable and toxic constituents.

(c) New Hampshire-listed generic process wastes shall be as listed in Table 4.6 below:

Table 4.6 New Hampshire Generic Industrial Process Wastes

NH Hazardous Waste Number	Hazardous Waste	Hazard Code
NH01	Used Oil	(T)
NH51 to NH74	Reserved	

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by

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#9367, eff 1-28-09; ss by #12346, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 402.07 Specific Industrial Process Wastes.

(a) EPA-listed specific industrial process wastes shall be as listed in Table 4.7 below:

Table 4.7 EPA Specific Industrial Process Wastes

Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(R,T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)

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Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production for trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/ aniline production.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1- dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from immediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)

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Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K149	Distillation bottoms from the production of alpha- or methyl-chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. This waste does not include still bottoms from the distillation of benzyl chloride.	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- or methyl- chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- or methyl- chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.	(T)
K158	Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. This listing does not include K125 or K126 wastes.	(R,T)

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Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer, including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater, unless the sludges meet the conditions specified in 40 CFR 261.32(a).	(T)
K175	Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process.	(T)
K181	Nonwastewaters from the production of dyes and/or pigments, including nonwastewaters commingled at the point of generation with nonwastewaters from other processes, that meet the listing description for K181 as provided in 40 CFR 261.32(a) through (d).	(T)
Inorganic Chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
K176	Baghouse filters from the production of antimony oxide, including filters from the production of intermediates such as antimony metal or crude antimony oxide.	(E)
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates such as antimony metal or crude antimony oxide.	(T)
K178	Residues from manufacturing and manufacturing-site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process.	(T)
Pesticides:		
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclo-pentadiene in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D	(T)

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Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K099	Untreated wastewater from the production of 2,4-D	(T)
K123	Process wastewater, including supernates, filtrates and washwaters, from the production of ethylenebisdithiocarbamic acid and its salt.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K169	Crude oil storage tank sediment from petroleum refining operations.	(T)
K170	Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations.	(T)
K171	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. This listing does not include inert support media.	(I,T)
K172	Spent hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. This listing does not include inert support media.	(I,T)
Iron and Steel:		
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC codes 331 and 332).	(C,T)
Primary aluminum:		
K088	Spent potliners from primary aluminum reduction.	(T)
Secondary Lead:		
K069	Emission control dust/sludge from secondary lead smelting.	(T)

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Industry and EPA Hazardous Waste Number	Hazardous Waste	Hazard Code
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
Veterinary Pharmaceuticals:		
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
Ink Formulation:		
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.	(T)
Coking:		
K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including but not limited to, collecting sump residues from the production of coke from coal tar or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)
K144	Wastewater sump residues from light oil refining, including but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)
K148	Residues from coal tar distillation, including but not limited to, still bottoms.	(T)

(b) New Hampshire specific industrial process wastes shall be as listed in Table 4.8 below:

Table 4.8 New Hampshire Specific Industrial Process Wastes

NH Hazardous Waste Number	Hazardous Waste
NH75 to NH97	Reserved

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367,

eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12346, eff 8-14-17

PART Env-Hw 403 CHARACTERISTIC HAZARDOUS WASTES

Env-Hw 403.01 Characteristic Hazardous Wastes.

(a) A waste shall be a characteristic hazardous waste if it exhibits any of the characteristics identified in Env-Hw 403.03 through Env-Hw 403.06.

(b) For purposes of Env-Hw 403 and Env-Hw 405.03, a sample of waste obtained using a sampling method appropriate for the waste, as specified in 40 CFR 261 Appendix I, shall be a representative sample as defined in Env-Hw 104.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 403.02 Hazardous Waste Numbers.

(a) Characteristic hazardous wastes shall be assigned the EPA hazardous waste numbers and NH hazardous waste number as set forth in Env-Hw 403.03 through Env-Hw 403.06.

(b) Every applicable EPA and NH hazardous waste number assigned to each hazardous waste characteristic shall be used in complying with the notification, labeling, manifest and recordkeeping and reporting requirements of Env-Hw 500 through Env-Hw 800.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 403.03 Ignitability.

(a) A waste that exhibits the characteristic of ignitability shall be assigned the EPA hazardous waste number of D001.

(b) A waste shall be classified under these rules as ignitable if a representative sample of the waste has any of the following characteristics:

- (1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60°C (140°F) as determined by:
 - a. A Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, available as noted in Appendix B;
 - b. A Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78, available as noted in Appendix B; or
 - c. An equivalent test method approved by the administrator of EPA pursuant to 40 CFR 260.20 and 40 CFR 260.21;
- (2) It is not a liquid and is capable, under standard temperatures and pressure, of causing fire through friction, absorption of moisture, or spontaneous chemical changes, and when ignited, it burns so vigorously and persistently that it creates a hazard;
- (3) It is an ignitable compressed gas as specified in 40 CFR 261.21(a)(3); or

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(4) It is an oxidizer as specified in 40 CFR 261.21(a)(4).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 403.04 Corrosivity.

(a) A waste that exhibits the characteristic of corrosivity shall be assigned the EPA hazardous waste number of D002 if it meets the criteria set forth in (b)(1) or (2), below, and the NH hazardous waste number of NH02 if it meets the criteria set forth in (b)(3), below.

(b) A waste shall be classified under these rules as corrosive if a representative sample has any of the following characteristics:

(1) It is aqueous and has a pH of less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using either method 9040 in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B, or an equivalent test method approved by the administrator of EPA under the procedures set forth in 40 CFR 260.20 and 40 CFR 260.21;

(2) It is a liquid and corrodes steel (SAE 1020) at a rate of greater than 6.35 mm or 0.250 inch per year at a test temperature of 55°C (130°F) as determined by method 1110A in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B, or an equivalent test method approved by the administrator of EPA under the procedures set forth in 40 CFR 260.20 and 40 CFR 260.21; or

(3) It is a non-aqueous waste that when mixed 50% by weight with distilled water, or a gaseous material that when mixed with distilled water to form a 2 molar solution, yields a pH less than or equal to 2 or greater than or equal to 12.5 as measured with a pH meter using the protocol specified in method 9045D of EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12346, eff 8-14-17

Env-Hw 403.05 Reactivity.

(a) A waste that exhibits the characteristic of reactivity shall be assigned the EPA hazardous waste number of D003.

(b) A waste shall be considered reactive if a representative sample has any of the following characteristics:

(1) It is unstable and readily undergoes violent change without detonation under standard conditions of temperature and pressure;

(2) It reacts violently with water or air;

(3) It forms potentially explosive mixtures with water or air;

(4) If mixed with water or exposed to air, it generates toxic gases, fumes, or vapors in a quantity sufficient to present a danger to human health or the environment;

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- (5) It is a cyanide- or sulfide-bearing waste that, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, fumes, or vapors in a quantity sufficient to present a danger to human health or the environment;
- (6) It is capable of detonation or explosive reaction if it is subjected to an initiating force, or if heated in confinement;
- (7) It is capable of detonation or an explosive decomposition or reaction at standard temperature and pressure; or
- (8) It is a forbidden explosive as defined by 49 CFR 173.54, or a division 1.1 explosive as defined by 49 CFR 173.50(b)(1), or a division 1.2 explosive as defined by 49 CFR 173.50(b)(2), or a division 1.3 explosive as defined by 49 CFR 173.50(b)(3).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 403.06 Toxicity Characteristic.

(a) A waste shall be considered to exhibit the characteristic of toxicity if, using the toxicity characteristic leaching procedure, test method 1311 in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B, the extract from a representative sample of the waste contains any of the contaminants listed in (d), below, at a concentration equal to or greater than the respective value in that table.

(b) Where the waste contains less than 0.5 percent filterable solids, the waste, by itself, after filtering, shall be considered to be the extract.

(c) A waste that exhibits the characteristic of toxicity shall be assigned the EPA hazardous waste numbers specified in (d), below, which correspond to the toxic contaminants causing it to be hazardous.

(d) Contaminants, EPA hazardous waste numbers, and maximum allowable concentrations shall be as listed in Table 4.9 below:

Table 4.9 Maximum Concentration of Contaminants for the Toxicity Characteristic

EPA Hazardous Waste Number	Contaminant	Chemical Abstract Number	Regulatory Level (milligrams per liter)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	200.0
D024	m-Cresol	108-39-4	200.0

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EPA Hazardous Waste Number	Contaminant	Chemical Abstract Number	Regulatory Level (milligrams per liter)
D025	p-Cresol	106-44-5	200.0
D026	Cresol	200.0
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene	106-46-7	7.5
D028	1,2-Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7
D030	2,4-Dinitrotoluene	121-14-2	0.13
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide)	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	0.13
D033	Hexachlorobutadiene	87-68-3	0.5
D034	Hexachloroethane	67-72-1	3.0
D008	Lead	7439-92-1	5.0
D013	Lindane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	5.0
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	79-01-6	0.5
D041	2,4,5-Trichlorophenol	95-95-4	400.0
D042	2,4,6-Trichlorophenol	88-06-2	2.0
D017	2,4,5-TP (Silvex)	93-72-1	1.0
D043	Vinyl chloride	75-01-4	0.2

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

PART Env-Hw 404 OTHER HAZARDOUS WASTES

Env-Hw 404.01 Hazardous Waste Mixtures. Mixing, neutralizing, diluting, or otherwise treating any hazardous waste or other material regulated under Env-Hw 400 shall constitute hazardous waste treatment. Any such treatment shall comply with all permit requirements and facility standards.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578,

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eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12346, eff 8-14-17

Env-Hw 404.02 Spill Residues and Contaminated Soil, Water, and Debris. Any residue or contaminated soil, water, or other debris resulting from the spill or cleanup of a spill into or on any land or water of any hazardous waste or any material listed in Env-Hw 402 shall be regulated as a hazardous waste mixture in accordance with Env-Hw 401.01(b)(2).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 404.03 Treatment, Storage, or Disposal Residues.

(a) All waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate, including precipitation run-off that exhibits a hazardous characteristic, shall be regulated as a hazardous waste except as provided by Env-Hw 401.03(b)(16), Env-Hw 401.03(b)(30) - (b)(34), or Env-Hw 401.03(f).

(b) Materials that are reclaimed from wastes and that are used beneficially shall not be wastes and so shall not be considered hazardous wastes unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12346, eff 8-14-17

Env-Hw 404.04 Hazardous Waste Residues in Empty Containers.

(a) Hazardous waste residue remaining in either an empty container or an inner liner removed from an empty container, as described in Env-Hw 401.03(d), shall not be subject to regulation under the hazardous waste rules, provided that the residue is not mixed with any other material and remains in its original container or inner liner.

(b) Any hazardous waste residue or mixture of residue with other material that leaves the confines of a container after the container has been determined to be empty in accordance with Env-Hw 401.03(d), including wash waters, solvents, and other materials generated in the process of cleaning and purging, shall be subject to regulation under Env-Hw 401.01(b) as a hazardous waste mixture.

Source. #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

PART Env-Hw 405 LISTING AND IDENTIFYING ADDITIONAL HAZARDOUS WASTES

Env-Hw 405.01 Procedure for Listing New Hampshire-Listed Wastes.

(a) The department shall list a waste as a New Hampshire-listed hazardous waste in Env-Hw 402.04 or Env-Hw 402.05 if the department determines, on its own initiative or based on a showing by the public or industry, that the waste meets the criteria set forth in Env-Hw 405.02.

(b) If the department determines that a waste should be listed, the department shall undertake a rulemaking as specified in RSA 541-A to modify the appropriate rule in this chapter.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 405.02 Criteria for Listing a Hazardous Waste.

(a) The department shall list a waste as a New Hampshire acutely hazardous waste in Env-Hw 402.04(d) only upon determining that the waste meets one of the following criteria:

- (1) It has been found to be fatal to humans in low doses;
- (2) In the absence of data on human toxicity, it has been shown in studies to have:
 - a. An oral LD 50 toxicity (rat) of less than 50 milligrams per kilogram;
 - b. An inhalation LC 50 toxicity (rat) of less than 2 milligrams per liter; or
 - c. A dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram; or
- (3) Is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness.

(b) The department shall list a waste as a New Hampshire toxic hazardous waste in Env-Hw 402.05(d) if the waste contains any of the toxic constituents listed in 40 CFR 261 Appendix VIII and, after considering the following factors, the department concludes that the waste could pose a substantial hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed:

- (1) The nature of the toxicity presented by the constituent;
- (2) The concentration of the constituent in the waste;
- (3) The potential of the constituent or any toxic degradation product of the constituent to migrate from the waste into the environment under the types of improper management considered in (b)(7), below;
- (4) The persistence of the constituent or any toxic degradation product of the constituent;
- (5) The potential for the constituent or any toxic degradation product of the constituent to degrade into non-harmful constituents and the rate of degradation;
- (6) The degree to which the constituent or any degradation product of the constituent bioaccumulates in ecosystems;
- (7) The plausible types of improper management to which the waste could be subjected;
- (8) The quantities of the waste generated at individual generation sites or on a regional or national basis;
- (9) The nature and severity of the human health and environmental damage that has occurred as a result of the improper management of wastes containing the constituent;
- (10) Action taken by other governmental agencies or regulatory programs based on the health or environmental hazard posed by the waste or waste constituent; and

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(11) Such other factors relevant to the determination as brought to the department's attention by any person or agency.

(c) The department shall list classes or types of waste as hazardous waste if it has reason to believe that individual wastes, within the class or type of waste, typically or frequently are hazardous under the definition of hazardous waste found in RSA 147-A:2, VII.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400); ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 405.03 Criteria for Identifying Characteristic Wastes. The department shall identify and define a characteristic of hazardous waste only upon determining that:

(a) A waste that exhibits the characteristic may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed; and

(b) The characteristic can be:

(1) Measured by an available standardized test method that is within the capability of generators of waste or private sector laboratories that are available to serve generators of waste; or

(2) Detected by generators of waste through their knowledge of their waste.

Source. #5886, eff 8-26-95; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

PART Env-Hw 406 DELISTING HAZARDOUS WASTES

Env-Hw 406.01 Requests for Delisting.

(a) Any person may petition the department to delist a hazardous waste generated at a particular facility if:

(1) The waste is listed in Env-Hw 402.04(d), Env-Hw 402.05(d), Env-Hw 402.06(c), or Env-Hw 402.07(b); or

(2) The waste is listed in Env-Hw 402.04(b), Env-Hw 402.05(b), Env-Hw 402.06(a), or Env-Hw 402.07(a), and EPA has excluded the waste generated at the facility pursuant to 40 CFR 260.20 and 40 CFR 260.22 and listed it in 40 CFR 261 Appendix IX.

(b) A delisting petition shall only apply to a hazardous waste generated at the individual facility named in the petition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading

for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 406.02 Requirements for a Delisting Petition.

- (a) To request a delisting, the petitioner shall provide the following information to the department:
- (1) The petitioner's name and address;
 - (2) The location of the facility generating the waste for which the delisting is requested, along with a plot plan identifying the facility and surrounding properties located within 1,000 feet of the facility;
 - (3) A statement of the delisting action requested;
 - (4) A statement of the petitioner's interest in the delisting action requested;
 - (5) A statement of the petitioner's need and justification for the delisting action requested;
 - (6) A description of the waste for which the delisting is requested including a statement as to which category of waste in Env-Hw 402.01 it may be classified;
 - (7) An estimate of the average and the maximum quantities of the waste for which the delisting is requested generated monthly and annually;
 - (8) A description and flow diagram of the process generating the waste for which delisting is requested;
 - (9) A list, description, and schematic diagram for each process that may contribute waste, wastewater, or rinse water to the waste for which delisting is requested;
 - (10) A complete list of all raw materials, and, where known, intermediates, by-products, and products used in the manufacturing process grouped by sub-process;
 - (11) Copies of manufacturer's material safety data sheets and supplier's technical specification sheets for all materials including but not limited to solvents, acid cleaners, surface preparation agents, and paints used in the petitioner's manufacturing processes;
 - (12) An assessment of whether the manufacturing processes, facility operations, or feed materials can or might produce a waste that is not covered by the petition;
 - (13) A description of all tests performed on the waste for which delisting is requested and copies of all analytical results;
 - (14) A description of the methodologies and equipment used to obtain representative samples of the waste;
 - (15) A description of sample handling and preparation techniques, including those for extraction, containerization, and preservation of samples;
 - (16) Sampling and testing dates;
 - (17) The name and address of laboratory facilities sampling or testing the wastes for which delisting is requested;
 - (18) The names and qualifications of those doing the sampling and/or testing of the waste for which delisting is requested;

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- (19) The names, model numbers, year of manufacture, and last date of calibration of all instruments used in performing the tests referred to in (a)(13), above; and
- (20) A plan for treatment, storage, or disposal of the delisted waste if delisting of the waste is to be permitted by the department.
- (b) The petitioner shall:
- (1) Collect a sufficient number of representative samples, but in no case fewer than 4, over a period of time sufficient to represent the variability and the uniformity of the waste;
 - (2) Provide a signed statement certifying, as specified in Env-Hw 207, that the number of samples collected and analyzed is representative of any variation in constituent concentrations in the waste over time; and
 - (3) A statement, signed by the generator of the waste or the generator's authorized representative, certifying, as specified in Env-Hw 207, the information submitted in accordance with (a), above.
- (c) If hazardous waste constituents listed in Table 4.9 of Env-Hw 403, other than those for which delisting is requested, might be present in the waste stream, the petitioner shall:
- (1) Analyze the representative samples of the waste stream to quantify all hazardous waste constituents in the waste stream; and
 - (2) Submit a description and the results of all analyses performed to the department.
- (d) The petitioner shall perform the following tests on representative samples of the waste and include the analytical results of such tests with the petition:
- (1) Total organic carbon and report results on the representative samples using Method 415.1 - Total Organic Carbon (Combustion or Oxidation) of Methods for Chemical Analysis of Water and Wastes as printed by the U.S. Environmental Protection Agency, March 1979, available as noted in Appendix B;
 - (2) For wastes containing or generated by processes using cyanide:
 - a. If a liquid waste, total and free cyanide or cyanide amenable to chlorination using method 9010C in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B;
 - b. If a solid or semi-solid waste, a cyanide extraction procedure from EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B, to determine the total soluble and insoluble cyanide; and
 - c. If the cyanide tests run in a. and b., above, indicate that there is an interference in the waste producing non-representative concentrations, then a detailed explanation of this interference shall be submitted;
 - (3) If an organic waste, the total quantities of all hazardous constituents using methods 8260 and 8270 in EPA publication SW-846, as specified in Env-Hw 104 and available as noted in Appendix B; and
 - (4) If a reactive waste, representative waste samples shall be tested using the Department of the Army's Detonation Test, Ignition and Unconfined Burning Test, Thermal Stability Test, Card Gap

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Test, and Impact Sensitivity Test as set forth in Department of Army publication number TB700-2, available as noted in Appendix B.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 406.03 Review of Petition for Delisting.

(a) Subject to Env-Hw 406.04 through Env-Hw 406.07, below, the department shall grant a delisting if:

- (1) The petition includes all of the information in Env-Hw 406.02;
- (2) The requirements in (b), below, are met; and
- (3) None of the circumstances in (c), below, exist.

(b) To support a delisting, the petition shall demonstrate the following:

- (1) The waste produced by a particular generating facility fails to meet any of the criteria under which the waste was listed as a hazardous waste;
- (2) Based on the factors set forth in 40 CFR 261.11(a)(3), the waste is not capable of posing a significant present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise mismanaged;
- (3) The waste for which delisting is requested is not ignitable, corrosive, reactive, or toxic, as described in Env-Hw 403;
- (4) The waste does not contain any of the hazardous waste constituents listed in Appendix VIII of 40 CFR 261, using the appropriate test methods prescribed in 40 CFR 261 Appendix I, or although containing one or more of the constituents in Appendix VII or Appendix VIII, that the waste does not meet the criteria of Env-Hw 405.02(b);
- (5) The waste does not meet the criteria of 40 CFR 261.11(a)(2); and
- (6) All test methods and procedures are in conformance with the procedures, methods, and requirements referenced in Env-Hw 406.02(b) through (d) and in 40 CFR 260.11 and 40 CFR Part 261, or with any other method approved by EPA prior to filing a petition for delisting.

(c) The department shall not grant a delisting if:

- (1) A 40 CFR Part 261 Appendix VIII toxicant is:
 - a. Used as a raw material or intermediate;
 - b. Used in the process as a catalyst, reactant, inhibitor, binder, or enhancer; or
 - c. Produced as a by-product or product;
- (2) Analytical data presented in the petition discloses that hazardous levels of toxicants are contained in the waste;
- (3) Process chemistry of reactions conducted at the facility indicates the formation of toxic by-product contaminants;
- (4) Industry study data shows presence of other toxic constituents;

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- (5) Other data collected through review of scientific, toxicological, and industrial literature or operational data collected by the department during an inspection indicates the presence of additional hazardous constituents;
- (6) The petitioner has a history of non-compliance; or
- (7) Other information brought to the department's attention by any person or agency demonstrates that delisting would not be sufficiently protective of human health, safety, or the environment.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 406.04 Requests for Additional Information.

(a) If the department determines that the information required by Env-Hw 406.02(a) has been submitted but is insufficient for the department to determine whether the criteria in Env-Hw 406.03(b) have been met, the department shall notify the petitioner in writing of the additional information believed by the department to be necessary to evaluate the petition.

(b) The notice shall specify the information needed and the deadline for submitting the information, as determined based on the type and volume of information.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 400) ss by #9367, eff 1-28-09; ss by #12346, eff 8-14-17

Env-Hw 406.05 Denial of Petition for Delisting. The department shall deny a petition if:

- (a) The department determines that the requirements in Env-Hw 406.03(a) and (b) are not met;
- (b) The department determines that any of the circumstances in Env-Hw 406.03(c) exist; or
- (c) The petitioner fails to provide additional information requested by the department pursuant to Env-Hw 406.04.

Source. #12346, eff 8-14-17

Env-Hw 406.06 Conditional Delisting.

(a) The department shall grant a delisting with such conditions as are necessary to ensure that the requirements of Env-Hw 406.03 are met.

(b) Conditions shall be based on the need for the petitioner to demonstrate periodically that the delisted waste is being managed in such a way that it does not pose a present or potential threat to human health or the environment including:

- (1) Scheduled analytical testing on the delisted waste and reporting results;
- (2) Quality assurance/quality control monitoring of the processes producing the delisted waste and reporting results; and
- (3) For disposed wastes, design standards such as groundwater monitoring.

Source. #12346, eff 8-14-17 (formerly Env-Hw 406.03)

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Env-Hw 406.07 Partial Delisting. The department shall delist only part of the hazardous waste for which the petition is submitted if variability of the waste justifies this action.

Source. #12346, eff 8-14-17 (formerly Env-Hw 406.04)

CHAPTER Env-Hw 500 REQUIREMENTS FOR HAZARDOUS WASTE GENERATORS

Statutory Authority: RSA 147-A:3

REVISION NOTE:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 500 as Env-Hw 500. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 500. The numerals of the rules remained unchanged, except that the former Env-Wm 506.01 was readopted with amendments and renumbered as Env-Hw 506.01 through Env-Hw 506.03. Except for Env-Hw 506.02 and Env-Hw 506.03, the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

PART Env-Hw 501 APPLICABILITY, EXEMPTIONS, AND DEFINITIONS

Env-Hw 501.01 Applicability.

(a) Unless specifically exempted Env-Hw 501.02, this chapter shall apply to any person who generates hazardous wastes, including:

- (1) The owner or operator of any permitted facility that initiates a shipment of hazardous waste or waste residues;
- (2) Any person who imports hazardous waste into the United States; and
- (3) Any person who generates or accumulates any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any hazardous waste, as identified in Env-Hw 404.

(b) With respect to household hazardous waste collected or accumulated at a household hazardous waste collection project, as specified in Env-Hw 401.03(b)(2), or by curbside collection, the owner, operator, or person so designated in a contractual agreement shall be the generator. Unacceptable wastes shall either be returned to the household that generated them or held by the operator until the generating household can make alternative disposal arrangements.

(c) Any person who exports or imports hazardous waste shall notify the department as required in Env-Hw 504 and shall comply with Env-Hw 510.06.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 501.02 Exemptions.

(a) Farmers who dispose of hazardous waste pesticide residues from their own use shall be exempt from this chapter provided they triple rinse each emptied pesticide container in accordance with Env-Hw 401.03(d)(3) and dispose of the pesticide residues on their own farm in a manner consistent with the disposal instructions on the pesticide label.

(b) The packaging, manifest, and delivery requirements of Env-Hw 507.04(a), Env-Hw 510, and Env-Hw 511, respectively, shall not apply to government entities transporting household hazardous wastes to a household hazardous waste collection project, a permitted transfer facility, or a permitted treatment, storage or disposal facility, provided:

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- (1) The government entity has obtained prior approval from the household hazardous waste collection project, transfer facility, or treatment, storage or disposal facility receiving the wastes;
 - (2) The household hazardous wastes being managed have been separated by US DOT hazard class, as specified in 49 CFR 177.848 (b), (c), (d), and (e), prior to transport;
 - (3) The household hazardous wastes being managed have been:
 - a. Loose-packed or over-packed in containers meeting US DOT specifications for hazardous materials, as defined in 49 CFR 178; or
 - b. Packaged in strong outside containers, as defined in 49 CFR 171.8, if the waste is in its original container and less than 8 gallons;
 - (4) The containers or strong outside containers required by (3), above, have been labeled with the following information:
 - a. US DOT hazard classes as specified in 49 CFR 173.2;
 - b. Date the waste was collected; and
 - c. Name of the original government entity that collected the waste;
 - (5) Each container has been sealed and secured for transport in a manner that prevents leakage, spillage, and releases to the environment;
 - (6) The wastes are transported only in a vehicle that is:
 - a. Owned and registered by a government entity; and
 - b. Operated by a government entity employee;
 - (7) During transport, the government employee transporting the wastes retains a bill of lading describing the contents of the vehicle;
 - (8) Each individual who transports 55 gallons or more of household hazardous wastes has had a minimum of 24 hours of initial training in function-specific hazardous waste handling, safety, hazard communication, and emergency procedures and 8 hours of annual refresher training; and
 - (9) The receiving facility counts the waste toward its generator status in accordance with Env-Hw 503.
- (c) Env-Hw 510 shall not apply to small quantity generators transporting their own hazardous waste in accordance with Env-Hw 601.02(b)(1) and (b)(3) to another facility in New Hampshire, provided that:
- (1) The receiving facility:
 - a. Is under the control of the same person as the small quantity generator site;
 - b. Has notified the department of this activity in accordance with Env-Hw 504;
 - c. Counts the waste received towards its generator status in accordance with Env-Hw 503;
 - d. Is a full quantity generator; and
 - e. Complies with the biennial reporting requirements of Env-Hw 512.04; and
 - (2) In addition to the container labeling requirements of Env-Hw 508.02 and Env-Hw 508.03, as applicable, the small quantity generator labels or marks the containers with an indication of the hazards of the contents, including but not limited to:

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- a. The following word(s) as applicable to the hazardous waste characteristic(s) of the waste:
 1. “Ignitable”;
 2. “Corrosive”;
 3. “Reactive”; and
 4. “Toxic”;
- b. Hazard communication consistent with US DOT requirements for labeling or placarding at 49 CFR 172 Subpart E or F, respectively;
- c. A hazard statement or pictogram consistent with the United States Occupational Safety and Health Administration hazard communication standard at 29 CFR 1910.1200; or
- d. A chemical hazard label consistent with the National Fire Protection Association Code 704.

(d) Env-Hw 507, Env-Hw 508, Env-Hw 509, Env-Hw 511, and Env-Hw 513 shall not apply to transporters while they are collecting only curbside household hazardous wastes.

(e) This chapter, except for Env-Hw 502.01, shall not apply to universal waste handlers and universal waste transporters handling universal waste, provided that the waste is managed in accordance with Env-Hw 1100.

(f) Env-Hw 515 shall not apply to a generator operating under a temporary EPA identification number pursuant to Env-Hw 504.04.

(g) This chapter shall not apply to any person responding to an explosives or munitions emergency in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv), 40 CFR 265.1(c)(11)(i)(D) or (iv), and 40 CFR 270.1(c)(3)(i)(D) or (iii), as applicable.

(h) A generator who manages all hazardous waste in accordance with Env-Hw 503.03, and as a result generates no waste that counts toward generator classification, shall not be subject to the requirements in Env-Hw 500 except those specified in Env-Hw 501, Env-Hw 502, and Env-Hw 503.03.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; amd by #10494, eff 1-1-14; ss by #12347, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 501.03 Definitions. For purposes of this chapter, the following definitions shall apply:

(a) “Central accumulation area” means any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to the requirements of Env-Hw 507, Env-Hw 508.02, Env-Hw 508.03 or Env-Hw 509.02, or any combination thereof;

(b) “Control” for purposes of SQG self-transport requirements, means the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to control such generators;

(c) “Recognized trader” means “recognized trader” as defined in 40 CFR 260.10, as reprinted in Appendix D; and

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(d) “Satellite accumulation area” means any on-site hazardous waste accumulation area with hazardous waste accumulating in containers subject to the requirements of Env-Hw 507 and Env-Hw 509.03.

Source. #12347, eff 8-14-17; ss by #12922, eff 11-23-19

PART Env-Hw 502 HAZARDOUS WASTE DETERMINATION

Env-Hw 502.01 Hazardous Waste Determination.

(a) All generators of waste shall determine if that waste is a hazardous waste as set forth in Env-Hw 401.01 using the following steps:

- (1) The generator shall determine whether the waste is exempt from regulation under Env-Hw 401.03;
- (2) The generator shall determine if the waste is listed as a hazardous waste in Env-Hw 402; and
- (3) To comply with Env-Hw 1200, or if the waste is not listed in Env-Hw 402, the generator shall determine whether the waste is a characteristic hazardous waste identified in Env-Hw 403 or is a hazardous waste mixture or other material regulated under Env-Hw 401.01 or Env-Hw 404, by either:
 - a. Testing the waste according to the hazardous waste determination methods set forth in Env-Hw 401.04 and Env-Hw 403; or
 - b. Applying knowledge of the hazardous nature or characteristics of the waste based on the materials or processes used to generate the waste.

(b) If a determination is made in accordance with (a)(3)b., above, the generator shall compile a written record of the basis for the determination that includes all information used to make the determination, such as a description of the process generating the waste, safety data sheets, and other information material to the determination.

(c) The generator shall maintain documentation of waste determinations as specified in Env-Hw 512.01.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

PART Env-Hw 503 GENERATOR CLASSIFICATIONS

Env-Hw 503.01 Small Quantity Generators. A small quantity generator shall be a generator who, in each and every calendar month, generates less than:

- (a) One hundred kilograms or 220 pounds of hazardous waste;
- (b) One kilogram or 2.2 pounds of an acutely hazardous waste; and
- (c) One hundred kilograms or 220 pounds of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of any acutely hazardous waste.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

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Env-Hw 503.02 Full Quantity Generators. A full quantity generator shall be a generator who:

- (a) Generates equal to or greater than a total of 100 kilograms or 220 pounds of hazardous waste in any single month;
- (b) Accumulates greater than 1,000 kilograms or 2,200 pounds of hazardous waste at any time;
- (c) Generates equal to or greater than one kilogram or 2.2 pounds of an acutely hazardous waste in any single month;
- (d) Accumulates equal to or greater than one kilogram or 2.2 pounds of an acutely hazardous waste at any time;
- (e) Generates equal to or greater than 100 kilograms or 220 pounds of spill cleanup material contaminated with acutely hazardous waste in any single month;
- (f) Accumulates equal to or greater than 100 kilograms or 220 pounds of spill cleanup material contaminated with acutely hazardous waste at any time;
- (g) Uses a drip pad, as defined in Env-Hw 103, to convey wood preserving waste to an associated collection system; or
- (h) Accumulates hazardous waste in a containment building, as defined in Env-Hw 103.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 503.03 Classification Calculation.

- (a) In determining the quantity of hazardous waste generated, a generator may exclude:
 - (1) Hazardous waste that is exempt from the hazardous waste rules pursuant to Env-Hw 401.03;
 - (2) Subject to (b), below, hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities as defined in Env-Hw 103 or Env-Hw 104, as applicable;
 - (3) Subject to (c), below, hazardous waste that is recycled on-site by a process regulated under Env-Hw 804.01(b)(4), without prior storage or accumulation;
 - (4) Used oil, as defined in Env-Hw 104, that is recycled in accordance with Env-Hw 807;
 - (5) Spent lead acid batteries managed in accordance with Env-Hw 809;
 - (6) Hazardous waste when it is removed from on-site accumulation, so long as the hazardous waste was counted once;
 - (7) Hazardous waste produced by on-site treatment, including reclamation, of a hazardous waste, so long as the hazardous waste that is treated was counted once;
 - (8) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once;
 - (9) Universal waste managed in accordance with Env-Hw 1100; and
 - (10) The weight of a container or inner liner from a container of hazardous waste, including a container or inner liner that is not deemed empty as specified in Env-Hw 401.03(d), provided that:

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- a. The weight of the hazardous waste, including any residue remaining in a non-empty container or inner liner, is counted; and
- b. The non-empty container and inner liner are managed as hazardous waste.

(b) For purposes of (a)(2), above, “managed immediately upon generation” means that treatment begins within 24 hours after the hazardous waste is generated and:

- (1) Treatment is conducted in the tank, tank system, or container in which the hazardous waste was generated;
- (2) The hazardous waste is conveyed via permanent piping directly from the tank in which it was generated to the treatment unit without intermediate accumulation of the hazardous waste; or
- (3) The hazardous waste is transferred directly from the container in which it was generated into the treatment unit without intermediate accumulation of the hazardous waste.

(c) For purposes of (a)(3), above, “without prior storage or accumulation” means that the recycling process begins within 24 hours after the hazardous waste is generated and:

- (1) The recycling process is conducted in the tank, tank system, or container in which the hazardous waste was generated;
- (2) The hazardous waste is conveyed via permanent piping directly from the tank in which it was generated to the recycling unit without intermediate accumulation of the hazardous waste; or
- (3) The hazardous waste is transferred directly from the container in which it was generated into the recycling unit without intermediate accumulation of the hazardous waste.

(d) Wastes with EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027, listed in Env-Hw 402.06, shall be counted as acutely hazardous wastes when calculating generator classification.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12347, eff 8-14-17; amd by #12922, eff 11-23-19

PART Env-Hw 504 NOTIFICATION; EPA IDENTIFICATION NUMBER

Env-Hw 504.01 EPA Identification Number Required.

(a) A generator shall notify the department in accordance with Env-Hw 504.02 prior to conducting any activities regulated by the hazardous waste rules.

(b) Subject to (c), below, a generator shall notify the department in accordance with Env-Hw 504.02 within 30 days of the effective date of any statutory or regulatory amendment requiring a new or updated notification.

(c) If a statute sets a different deadline for notification, the statutory deadline shall control.

(d) A generator shall not generate, treat, store, dispose, transport, or offer a hazardous waste for transportation without having received an EPA identification number from the department.

(e) Subject to Env-Hw 504.02(c), an EPA identification number issued to a generator shall be valid for activities regulated by the hazardous waste rules only at the specific site for which the number was issued.

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(f) In the case of a full quantity generator who intends to receive small quantity generator waste pursuant to Env-Hw 501.02(c), the notification required by (a), above, shall be provided to the department at least 30 days prior to receiving the first shipment.

(g) A recognized trader shall not arrange for import or export of hazardous waste without having received an EPA identification number from the department.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 504.02 Notification Requirements for an EPA Identification Number.

(a) Except as otherwise provided in Env-Hw 504.04, Env-Hw 505.01(a), Env-Hw 505.02, Env-Hw 505.04, or (c), below, a generator shall provide the notification required by Env-Hw 504.01 by submitting the following, as applicable, to the department on a notification form obtained from the department:

- (1) Site name;
- (2) Site mailing address;
- (3) Street address of the site;
- (4) EPA identification number;
- (5) The effective date of the commencement or change in hazardous waste activity;
- (6) Whether the notification is an initial notification required by this part or subsequent notification required by Env-Hw 505;
- (7) Name, title, telephone number, and, if available, email address of a contact person;
- (8) The name, address, and telephone number of the legal owner of the site property and the date on which that person or entity became the owner;
- (9) The name, address, and telephone number of the operator of the site and the date on which that person or entity became the operator;
- (10) Whether the property owner and, if different from the property owner, the operator, is a(n);
 - a. Private person or entity;
 - b. Federal or state agency;
 - c. State political subdivision; or
 - d. Other category of property owner;
- (11) Generator classification, as determined in accordance with Env-Hw 503;
- (12) Type and description of regulated activity, including the applicable North American Industry Classification System (NAICS) codes;
- (13) For each waste stream, a narrative description, estimated quantity of hazardous waste generated per month, and all applicable EPA and NH hazardous waste numbers;
- (14) For full quantity generators, the name and certificate number of the certified hazardous waste coordinator, as defined in Env-Hw 515.03(b), who is the primary contact for the facility;

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(15) For full quantity generators who intend to receive small quantity generator waste pursuant to Env-Hw 501.02(c), the following information for each small quantity generator:

- a. Site name;
- b. Street address;
- c. EPA identification number; and
- d. Name, telephone number, and, if available, email address of a contact person; and

(16) A statement signed by the generator's authorized representative, certifying, as specified in Env-Hw 207, the information provided on the notification form and that all attachments were prepared under the direction or supervision of the generator's authorized representative in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

(b) A generator shall submit a separate notification for each site where activities regulated by the hazardous waste rules are conducted.

(c) A transporter who becomes a generator as specified in Env-Hw 501.01(b), by collecting curbside household hazardous waste, shall obtain an EPA identification number that is non-site specific by submitting to the department at least 30 days prior to the collection, the following information:

- (1) Generator name;
- (2) Generator mailing address;
- (3) A contact person, title, telephone number, and, if available, email address;
- (4) A description of the regulated activity;
- (5) A description of the area(s) to be serviced;
- (6) The start date and expected completion date of the collection; and
- (7) The waste handling instructions provided by the generator to the household specifying how the household should handle its waste prior to acceptance by the generator.

(d) The following shall constitute a change in ownership of the generator and so requires the generator to file a new initial notification:

- (1) For a partnership, a change in the majority of general partners;
- (2) For a corporation, a transfer of all corporate assets or of a majority of voting shares to a new individual or entity;
- (3) For other organizations, a transfer of the control of the organization to a new individual or entity; and
- (4) For an individual, transfer of control to another individual or entity.

(e) Pursuant to RSA 147-A:6-a, I, each initial notification of hazardous waste activity filed by a new generator shall be accompanied by a non-refundable fee of \$150.

(f) Pursuant to RSA 147-A:6-a, II, political subdivisions of the state shall be exempt from paying the fee in (e), above.

(g) A recognized trader shall provide the notification required by Env-Hw 504.01(g) by submitting to the department, on a notification form obtained from the department, the applicable information listed in (a), above, and an indication of the recognized trader's intent to be an importer, an exporter, or both.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; amd by #10494, eff 1-1-14; ss by #12347, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 504.03 Notification Determination for an EPA Identification Number.

(a) If the department, upon examination of a notification, determines that the generator has not provided all of the information required by Env-Hw 504.02(a) or (c), as applicable, and the fee required by Env-Hw 504.02(e), the department shall notify the generator of each deficiency.

(b) The owner or operator shall, no later than 30 days from receipt of the notice of deficiency, explain or correct the deficiency.

(c) If the generator does not respond within 30 days, the generator shall submit a new notification prior to engaging in any activities regulated by the hazardous waste rules.

(d) If a notification is deemed complete, the department shall issue an EPA identification number.

(e) An EPA identification number shall remain valid until the department receives a request from the generator to:

- (1) Inactivate the number, as specified in Env-Hw 505.02; or
- (2) Declassify the number, as specified in Env-Hw 505.04.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 504.04 Notification Requirements for a Temporary EPA Identification Number.

(a) A non-recurrent generator of hazardous waste that is required to manifest hazardous waste due to a one-time cleanup shall obtain a temporary EPA identification number.

(b) A one-time cleanup shall include, but not be limited to, removal of:

- (1) Off-specification materials;
- (2) Underground storage tanks; and
- (3) Contaminated soil due to a spill.

(c) A generator shall request a temporary EPA identification number by providing to the department, orally or in writing, the following information:

- (1) Generator name and mailing address;
- (2) Street address where the waste is being generated;
- (3) Contact person, title, telephone number, and if available, email address; and

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(4) Waste description, all applicable EPA and NH hazardous waste numbers, and estimated amount to be transported.

(d) The department shall issue a temporary EPA identification number if the generator provides all of the information specified in (c), above.

(e) A temporary EPA identification number shall be valid for no longer than 30 days. If the waste cannot be removed within 30 days due to temporary, unforeseen, or uncontrollable circumstances, an extension shall be granted by the department upon request of the generator.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17 (formerly Env-Hw 505.03); ss by #12922, eff 11-23-19

PART Env-Hw 505 SUBSEQUENT NOTIFICATION; INACTIVATION; REACTIVATION; DECLASSIFICATION

REVISION NOTE:

Document #12347, effective 8-14-17, adopted, readopted, or readopted with amendments all of the rules in Chapter Env-Hw 500. Document #12347 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Hw 500.

Document #12347 made extensive changes to the existing rules in the former Part Env-Hw 505, including the readoption with amendments and renumbering of the former Env-Hw 505.03 titled “Emergency and Temporary Identification Numbers” as Env-Hw 504.04 titled “Notification Requirements for a Temporary EPA Identification Number.”

The filings for the former rules in Env-Hw 505 prior to Document #12347 include the following documents:

#5053, eff 1-24-91	#7578, eff 10-13-01
#5886, eff 8-26-94	#9215, INTERIM, eff 8-1-08
#7333, eff 8-1-00	#9367, eff 1-28-09

See the Revision Note at the chapter heading for Env-Hw 500 explaining the history of the former rules under the subtitle Env-Wm prior to Document #9367, effective 1-28-09. The existing rules in Env-Hw 500 that were last affected by Document #9367 did not expire on 1-28-17 but were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #12347, effective 8-14-17.

Env-Hw 505.01 Subsequent Notification.

(a) A generator shall notify the department orally or in writing of any changes to the information provided pursuant to Env-Hw 504.02(a)(1), (2), (7), (11), (12), (13), (14), or any combination thereof, within 30 days of the effective date of any change.

(b) A generator shall notify the department, on a notification form obtained from the department, of any changes to the information required in Env-Hw 504.02(a)(3), (8), (9), (10), (15), Env-Hw 504.02(g), or any combination thereof, within 30 days of the effective date of any change.

Source. (See Revision Note at chapter heading for Env-Hw 500 and Revision Note at part heading for Env-Hw 505) #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 505.02 Inactivation of EPA Identification Numbers.

(a) A generator who ceases activities regulated by the hazardous waste rules but continues business operations at a particular site may inactivate the site's EPA identification number if:

- (1) All hazardous waste has been removed from the site; and
- (2) The generator has met the requirements of Env-Hw 506.

(b) To inactivate an EPA identification number, a generator shall request inactivation by submitting to the department the following information on an "Inactivation/Declassification Form" obtained from the department:

- (1) EPA identification number;
- (2) Effective date of inactivation;
- (3) Generator name;
- (4) Generator mailing address;
- (5) Street address of the site;
- (6) Contact person, title, telephone number, and if available, email address; and
- (7) A statement signed by the generator's authorized representative certifying, as specified in Env-Hw 207, that:
 - a. All hazardous waste has been removed from the site; and
 - b. The generator has met the requirements of Env-Hw 506.

(c) The department shall inactivate an EPA identification number upon receipt of the information in (b), above.

(d) A generator shall not generate, treat, store, dispose, transport, or offer a hazardous waste for transportation while the generator's EPA identification number is inactive.

(e) An EPA identification number shall remain inactive until the department receives a request from the generator to:

- (1) Reactivate the number, as specified in Env-Hw 505.03; or
- (2) Declassify the number, as specified in Env-Hw 505.04.

Source. (See Revision Note at chapter heading for Env-Hw 500 and Revision Note at part heading for Env-Hw 505) #12347, eff 8-14-17

Env-Hw 505.03 Reactivation of EPA Identification Numbers.

(a) If a generator with an inactive EPA identification number intends to resume activities regulated by the hazardous waste rules, the generator shall reactivate the number prior to engaging in any regulated activities by completing and submitting a notification form in accordance with Env-Hw 504.02.

(b) Reactivation of an EPA identification number shall be subject to the non-refundable fee of \$150 required in Env-Hw 504.02(e) only if ownership of the generator changed during the period of inactivation.

(c) For purposes of (b), above, the events described in Env-Hw 504.02(d) shall constitute a change in ownership.

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(d) Upon receipt of a notification form to reactivate an inactive EPA identification number, the department shall process the notification in accordance with Env-Hw 504.03.

Source. (See Revision Note at chapter heading for Env-Hw 500 and Revision Note at part heading for Env-Hw 505) #12347, eff 8-14-17

Env-Hw 505.04 Declassification.

(a) A generator shall notify the department within 7 days after ceasing business operations, including activities regulated by the hazardous waste rules, at a particular site.

(b) A generator who ceases activities regulated by the hazardous waste rules but continues business operations at a particular site may declassify the site's EPA identification number if:

(1) All hazardous waste has been removed from the site; and

(2) The generator has met the requirements of Env-Hw 506.

(c) To declassify an EPA identification number, a generator shall request declassification by submitting to the department the following information on an "Inactivation/Declassification Form" obtained from the department:

(1) All of the information required by Env-Hw 505.02(b);

(2) Mailing address for future correspondence;

(3) Whether the property has been sold or leased to another company that will generate hazardous waste, if known;

(4) Reason for declassification;

(5) If the generator is relocating:

a. New street address;

b. Whether hazardous waste will be generated; and

c. Whether the generator has notified the department of activities regulated by the hazardous waste rules at the new location; and

(6) A statement signed by the generator's authorized representative certifying, as specified in Env-Hw 207, that:

a. All hazardous waste has been removed from the site; and

b. The generator has met the requirements of Env-Hw 506.

(d) The department shall declassify an EPA identification number if the requirements in (a) through (c), above, are met.

(e) If a generator with a declassified EPA identification number intends to resume activities regulated by the hazardous waste rules, the generator shall notify the department prior to engaging in any regulated activities by completing and submitting a notification form in accordance with Env-Hw 504.02, including the non-refundable fee of \$150 required in Env-Hw 504.02(e).

Source. (See Revision Note at chapter heading for Env-Hw 500 and Revision Note at part heading for Env-Hw 505) #12347, eff 8-14-17

PART Env-Hw 506 ENVIRONMENTAL AND HEALTH REQUIREMENTS

Env-Hw 506.01 Hazard Minimization.

(a) While accumulating hazardous wastes, a generator shall not use storage practices that pose a hazard to human health or the environment.

(b) A generator shall:

- (1) Comply with all surface water standards as specified in the Federal Clean Water Act and the Federal Safe Drinking Water Act;
- (2) Comply with all air emission limits specified in the Federal Clean Air Act and New Hampshire implementation plans;
- (3) Prevent exposure of workers to chemicals in violation of Occupational Safety and Health Administration standards or New Hampshire RSA 277-A; and
- (4) Prevent exposure of humans or the environment to harmful quantities of hazardous waste or its constituents.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 506.02 Soil or Groundwater Contamination; Disposal of Hazardous Waste and Contaminated Materials Due to Closure or Cessation of Operations.

(a) If soil or groundwater contamination is detected at a generator's site, the generator shall comply with Env-Hw 702.13.

(b) When disposing of hazardous waste or disposing of or decontaminating equipment, structures, soils, or any combination thereof, due to the closure or cessation of operation of its generating facility, a generator shall be exempt from all requirements in Subparts G and H of 40 CFR Part 265 except for:

- (1) The closure performance standard set forth in 40 CFR 265.111; and
- (2) The requirements of 40 CFR 265.114.

Source. (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 506.03 Management of Wastes Upon Cessation of Operations. A generator who ceases operation of its generating facility shall continue to manage its hazardous wastes in accordance with all applicable generator standards. Failure to continue such management shall be deemed disposal of hazardous waste subject to Env-Hw 300 and Env-Hw 700.

Source. (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

PART Env-Hw 507 ACCUMULATION REQUIREMENTS

Env-Hw 507.01 Accumulation Requirements.

(a) Except as provided in (b) and (c), below, all hazardous waste shall be accumulated in containers or tanks, in accordance with Env-Hw 507.02 through Env-Hw 507.04.

(b) Full quantity generators using drip pads as specified in Env-Hw 503.02(g) shall comply with Env-Hw 507.03 and Env-Hw 509.02(a)(8).

(c) Full quantity generators using containment buildings as specified in Env-Hw 503.02(h) shall comply with Env-Hw 507.03 and Env-Hw 509.02(a)(9).

Source. #12347, eff 8-14-17

Env-Hw 507.02 Requirements for Containers and Tanks.

(a) Containers and tanks used to accumulate hazardous waste shall be:

- (1) In good condition;
- (2) Chemically compatible with the waste stored therein such that no leakage or deterioration of the container or tank occurs; and
- (3) Closed at all times except to add or remove waste.

(b) While accumulating hazardous waste in a container, a generator shall:

- (1) Provide a minimum of 2 feet of aisle space to allow for inspection of at least one side of each container; and
- (2) Position each container so that its hazardous waste label or marking is not hidden by walls or other containers and can be easily read without having to move any containers.

(c) Hazardous waste containers shall be stored on impervious surfaces. Impervious surfaces shall include concrete and asphalt unless cracks or holes are present, and shall not include earthen, wooden, or gravel surfaces.

(d) Except as provided in (e), below, hazardous waste containers shall not be stored in an area with functional floor drains or manholes, or in or near a sink with a functional drain present, unless secondary containment is provided around all hazardous waste containers in the area capable of containing the volume of the largest capacity hazardous waste container present.

(e) The containment system required by (d), above, or by (f)(3), below, shall not be required for areas that store containers holding only wastes that do not contain free liquids provided that:

- (1) The area is sloped or is otherwise designed to drain and remove liquid resulting from precipitation; or
- (2) The containers are elevated or otherwise protected from contact with accumulated liquid.

(f) Hazardous waste containers stored outside shall:

- (1) Be covered to prevent precipitation from coming in contact with the tops of the containers except when being moved to another location;
- (2) Be kept closed at all times except when the generator is actively adding wastes to or removing wastes from a container;
- (3) Except as provided in (e), above, have secondary containment that:

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- a. Is adequate to hold any spills or leaks at 110% of the volume of the largest container in the area or 10% of the total volume of containers, whichever is greater; and
- b. Is covered to keep the secondary containment structure free of rain, snow, and ice; and

(4) Not be stored within any of the following set-backs, subject to (g), below:

- a. For surface waters, 50 feet;
- b. For private wells, 75 feet;
- c. The protective radius of any public water supply well; or
- d. For storm drains, 50 feet.

(g) If a more protective set-back is required by any other state statute or rule, the more protective set-back shall apply.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17 (formerly Env-Hw 507.01)

Env-Hw 507.03 Accumulation Time.

(a) Except as provided in Env-Hw 508.02, Env-Hw 508.03, Env-Hw 509.03, and (c), below, a generator shall not be required to obtain a storage permit to accumulate hazardous waste that is generated on-site so long as the waste is shipped off-site within 90 days of the date on which accumulation of the waste begins.

(b) Except as provided in Env-Hw 508.02, Env-Hw 508.03, Env-Hw 509.03, and (c), below, a generator who accumulates hazardous waste for greater than 90 days shall be deemed an operator of a storage facility and so subject to all facility requirements in Env-Hw 300 and Env-Hw 700 unless the generator has requested and the department has granted:

- (1) A waiver of the 90-day period as provided in Env-Hw 202; or
- (2) An extension of the 90-day period, as provided in (e) through (g), below.

(c) A generator of wastewater treatment sludges from electroplating operations that meet the EPA hazardous waste number F006 pursuant to Env-Hw 401.02 may accumulate F006 waste for more than 90 days, but not more than 180 days, provided the criteria of 40 CFR 262.34(g), 7-1-16 edition, are met.

(d) A generator who accumulates F006 waste on-site for greater than 180 days or who accumulates more than 20,000 kilograms of F006 waste on-site shall be deemed an operator of a storage facility and be subject to all facility requirements in Env-Hw 300 and Env-Hw 700 unless the generator has requested and the department has granted:

- (1) A waiver, as provided in Env-Hw 202, of the 20,000 kilograms limit if the limit will be exceeded due to unforeseen, temporary, and uncontrollable circumstances; or
- (2) An extension of the 180 day period, as provided in (e) through (g), below.

(e) A generator who wishes to obtain an extension pursuant to (b)(2) or (d)(2), above, shall submit a written request for an extension that explains the circumstances warranting such an extension.

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(f) The department shall grant the requested extension if hazardous wastes will remain on-site due to unforeseen, temporary, and uncontrollable circumstances.

(g) An extension granted by the department pursuant to (b)(2) or (d)(2), above, shall be limited to 30 days.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17 (formerly Env-Hw 507.02); amd by #12922, eff 11-23-19

Env-Hw 507.04 Packaging/Labeling/Pre-transport.

(a) Before transporting or offering hazardous waste for transportation off-site, a generator shall:

- (1) Package the waste in US DOT containers as specified in 49 CFR 173, 178, and 179;
- (2) Mark and label each container in accordance with the applicable US DOT hazardous materials regulations in 49 CFR Part 172; and
- (3) Mark each container of 119 gallons or less in accordance with 49 CFR 172.304, including the following:
 - a. The generator's name and physical address;
 - b. The generator's EPA identification number;
 - c. The manifest tracking number; and
 - d. The following statement: "HAZARDOUS WASTE - Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency".

(b) Before transporting or offering hazardous waste for transportation off-site, a generator shall determine that:

- (1) The transporter possesses a current and valid New Hampshire hazardous waste transporter registration and an EPA identification number; and
- (2) The transport vehicle is placarded in accordance with US DOT regulations for hazardous materials under 49 CFR 172, subpart F and rules adopted by the New Hampshire department of safety.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17 (formerly Env-Hw 507.03)

PART Env-Hw 508 SMALL QUANTITY GENERATORS

Env-Hw 508.01 Small Quantity Generators. In addition to the requirements of Env-Hw 501 through Env-Hw 507 and Env-Hw 510 through Env-Hw 514, small quantity generators shall comply with the specific quantity and accumulation requirements of Env-Hw 508.02 or Env-Hw 508.03, as applicable.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 508.02 Small Quantity Generator Accumulation Requirements. A small quantity generator may accumulate on site less than 100 kilograms or 220 pounds of hazardous waste, or less than one kilogram or 2.2 pounds of an acutely hazardous waste in containers or tanks for greater than 90 days without a permit, provided that:

- (a) The quantity of hazardous waste accumulated on-site never reaches or exceeds 100 kilograms or 220 pounds of hazardous waste or one kilogram or 2.2 pounds of an acutely hazardous waste;
- (b) The generator maintains the following equipment 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:
 - (1) Spill control equipment, such as speedi-dry or absorbent rags; and
 - (2) Fire control equipment, such as fire extinguishers;
- (c) The generator posts a “No Smoking” sign near ignitable or reactive wastes;
- (d) The generator clearly labels or marks each container and tank used for the accumulation of hazardous wastes with the following information at the time the container or tank is first used to accumulate wastes:
 - (1) The words “hazardous waste”; and
 - (2) Words that identify the contents; and
- (e) The hazardous wastes are transported off-site in accordance with Env-Hw 510 and Env-Hw 511.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 508.03 Small Quantity Generator Extended Quantity and Accumulation. A small quantity generator may accumulate 100 kilograms or more, equivalent to 220 pounds or more, of non-acutely hazardous waste on site in containers or tanks for greater than 90 days without a permit provided that:

- (a) The quantity of hazardous waste accumulated on-site does not exceed 1,000 kilograms, equivalent to 2,200 pounds, of hazardous waste or one kilogram, equivalent to 2.2 pounds, of acutely hazardous waste;
- (b) The generator meets the requirements of Env-Hw 508.02(b) through (e);
- (c) Hazardous waste containers are inspected weekly and managed in accordance with 40 CFR Part 265 Subpart I – Use and Management of Containers, but not including 40 CFR 265.178;

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(d) Hazardous waste tanks are inspected and managed in accordance with 40 CFR Part 265 Subpart J – Tanks, but not including 40 CFR 265.197(c), 40 CFR 265.200, and 40 CFR 265.202;

(e) For any inspection required by (c) or (d), above, the generator remedies any leaks or deterioration discovered during an inspection on a schedule that ensures the problem does not lead to an environmental or human health hazard;

(f) The hazardous waste is under the control of a designated hazardous waste manager or emergency coordinator or designee;

(g) At all times there is at least one employee designated as the emergency coordinator who is either on the premises or on call, with the responsibility for coordinating all emergency response measures;

(h) The generator posts the following information next to the telephone nearest each central accumulation area:

(1) The name and emergency telephone number(s) of the emergency coordinator and, if applicable, the emergency coordinator's designee;

(2) The telephone numbers of the fire department, police department, hospital, and state of New Hampshire and local emergency response teams that may be called upon to provide emergency services; and

(3) The location of fire extinguishers and spill control material, and, if present, fire alarm;

(i) 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;

(j) The generator maintains the following equipment, not more than 100 feet from each central accumulation area, and accessible along a path unobstructed by any obstacles other than doors that are unlocked at all times:

(1) An internal communication or alarm system, as described in 40 CFR 265.32(a); and

(2) An external communication system, as described in 40 CFR 265.32(b);

(k) 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;

(l) Within 90 days of reaching the on-site accumulation limit of 1,000 kilograms or 2,200 pounds of non-acutely hazardous waste, the generator ships all hazardous wastes off-site in accordance with Env-Hw 510 and Env-Hw 511, to a facility authorized under the destination state's rules to handle the waste; and

(m) The generator clearly labels or marks containers and tanks used for the accumulation of hazardous waste with the date the on-site accumulation limit of 1,000 kilograms or 2,200 pounds of non-acutely hazardous waste is reached.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; amd by #10739, eff 12-2-14; ss by #12347, eff 8-14-17; amd by #12922, eff 11-23-19

PART Env-Hw 509 FULL QUANTITY GENERATORS

Env-Hw 509.01 Full Quantity Generator Requirements. Full quantity generators shall comply with:

- (a) Env-Hw 501 through Env-Hw 507;
- (b) Env-Hw 510 through Env-Hw 513;
- (c) The accumulation requirements in Env-Hw 509.02 and Env-Hw 509.03;
- (d) The certified hazardous waste coordinator requirements in Env-Hw 509.04; and
- (e) The land disposal restrictions requirements in Env-Hw 509.05.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 509.02 Full Quantity Generator Accumulation Requirements.

- (a) Full quantity generators shall comply with the following standards:
 - (1) 40 CFR 265.15, general inspection requirements;
 - (2) Subject to (g) through (i), below, 40 CFR 265.16, personnel training;
 - (3) 40 CFR 265.17, general requirements for ignitable, reactive or incompatible wastes;
 - (4) Subject to (j) and (k), below, 40 CFR 265, Subpart C, preparedness and prevention;
 - (5) 40 CFR 265, Subpart D, contingency plan and emergency procedures;
 - (6) 40 CFR 265, Subpart I, use and management of containers;
 - (7) 40 CFR 265, Subpart J, tanks, except 40 CFR 265.197(c) and 40 CFR 265.200;
 - (8) 40 CFR 265, Subpart W, drip pads; and
 - (9) 40 CFR 265, Subpart DD, containment buildings.
- (b) A full quantity generator shall post a list of the steps to take if an emergency occurs and the following information at the nearest telephone to each central accumulation area:
 - (1) The names and emergency telephone numbers of the emergency coordinators;
 - (2) The telephone numbers of the fire department, police department, hospital, and state of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24 hour response team designated to provide emergency services whose telephone number is posted; and
 - (3) The location of fire extinguishers and spill control material, and, if present, fire and internal emergency alarms.
- (c) A full quantity generator shall provide the following security measures at all outdoor central accumulation areas:

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(1) An artificial or natural barrier, such as a fence in good repair, that completely surrounds the central accumulation area to prevent the unauthorized or unknowing entry of individuals or livestock;

(2) A means to control entry, at all times, through gates or other entrances to the central accumulation area such as an attendant, television monitor, locked entrance, or controlled roadway access to the area; and

(3) A sign stating “Danger - Unauthorized Personnel Keep Out” at each entrance to the central accumulation area. Existing signs with other than the aforementioned words may be used if the sign clearly indicates that only authorized personnel are allowed to enter the area and that entry can be dangerous.

(d) A full quantity generator shall clearly label or mark containers and tanks used for the accumulation of hazardous wastes with the following information at the time they are first used to accumulate wastes:

(1) The beginning accumulation date;

(2) The words “hazardous waste”;

(3) Words that identify the contents; and

(4) All applicable EPA and NH hazardous waste numbers.

(e) A full quantity generator shall not be required to obtain a storage permit to use a drip pad to accumulate and convey hazardous wood preserving wastes that are generated on site provided that:

(1) The wastes are shipped off site within 90 days of the date when accumulation of the waste first began, unless the generator requests and the department grants an extension of the 90-day period as provided in Env-Hw 507.03(e) through (g); and

(2) The generator maintains the following records at the facility:

a. A written description of procedures the generator will follow to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

b. Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal.

(f) A full quantity generator shall not be required to obtain a storage permit to accumulate, in a containment building, hazardous waste that is generated on site provided that:

(1) Prior to operation of the containment building, the generator obtains a professional certification from a licensed New Hampshire professional engineer that the building is constructed in accordance with the design standards specified in 40 CFR 265.1101 and is fit to operate as intended;

(2) The generator maintains the professional engineer certification described in (f)(1), above, in the generator's operating record;

(3) The waste is shipped off site within 90 days of the date the accumulation begins, unless the generator requests and the department grants an extension of the 90-day period as provided in Env-Hw 507.03(e) through (g); and

(4) The generator maintains the following records at the facility:

a. All of the following:

1. A written description of procedures the generator will follow to ensure that each waste volume remains in the unit for no more than 90 days;

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2. A written description of the facility's waste generation and management practices showing that they are consistent with meeting the 90-day accumulation limit; and
3. Documentation that the procedures are complied with; or

b. Documentation that the containment building is emptied at least once every 90 days.

(g) As incorporated by reference in (a)(2), above, and used in 40 CFR 265.16(a)(2), "a person trained in hazardous waste management procedures" means:

- (1) An outside hazardous waste management trainer;
- (2) An in-house employee who has completed a hazardous waste management course or who provides documentation to demonstrate his/her own capabilities as in-house trainer; or
- (3) A trainer who teaches a basic course or module offered by the department pursuant to Env-Hw 515.

(h) As incorporated by reference in (a)(2), above, and used in 40 CFR 265.16(c), "an annual review of the initial training" means review training that is received each year no more than 90 days prior to and no more than 90 days after the anniversary date of the initial training, such that training is received every 12 months on average, subject to (i), below.

(i) Provided that an annual review of initial training meets the requirements of 40 CFR 265.16(c), if such review training is received more than 90 days prior to the anniversary date of the initial training, the anniversary date for purposes of future compliance with paragraph (h), above, shall be the date on which such review training is received.

(j) As incorporated by reference in (a)(4), above, and used in 40 CFR Part 265.35, "required aisle space" means not less than 2 feet to allow for inspection of at least one side of each container.

(k) As incorporated by reference in (a)(4), above, and used in 40 CFR Part 265.32, "required equipment" means the equipment required at each central accumulation area, not more than 100 feet from each area and accessible along a path unobstructed by any obstacles other than doors, which shall be unlocked at all times.

(l) A full quantity generator who receives hazardous waste from a small quantity generator pursuant to Env-Hw 501.02(c) shall:

- (1) Maintain the following records for each shipment received:
 - a. The name, site address, and contact information for the small quantity generator;
 - b. A description of the waste received, including the quantity; and
 - c. The date of receipt;
- (2) Manage the hazardous waste in accordance with the requirements of Env-Hw 509.01; and
- (3) Label or mark containers and tanks storing wastes received from small quantity generators:
 - a. With an indication of the hazards of the contents, as specified in Env-Hw 501.02(c)(2);
 - b. For purposes of Env-Hw 509.02(d)(1), with:
 1. The date the hazardous waste was received from the small quantity generator; or
 2. The earliest date any hazardous waste in the container was accumulated on site, if the full quantity generator is consolidating incoming hazardous waste from a small quantity generator either with its own hazardous waste or with hazardous waste from other small quantity generators; and

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c. In accordance with Env-Hw 509.02(d)(2) through (d)(4).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; amd by #10494, eff 1-1-14; amd by #10739, eff 12-2-14; ss by #12347, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 509.03 Full Quantity Generator Satellite Accumulation Provision. A full quantity generator may accumulate for greater than 90 days 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 the wastes initially accumulate without having to obtain a standard permit or interim status and without having to comply with the container labeling and marking requirements of Env-Hw 509.02(d), the preparedness and prevention requirements of Env-Hw 509.02(a)(4), and the emergency posting requirements of Env-Hw 509.02(b), provided that:

(a) The hazardous waste containers are under the control of the operator of the process generating the waste;

(b) The operator of the process generating the hazardous waste has been trained as specified in Env-Hw 509.02(a)(2), except that, in lieu of the annual training requirements specified in 40 CFR 265.16, the training interval shall be 3 years;

(c) The generator meets the environmental and health requirements of Env-Hw 506;

(d) The generator meets the accumulation requirements of Env-Hw 507;

(e) The generator manages incompatible wastes pursuant to 40 CFR 265.177;

(f) At the time the containers are first used to accumulate wastes, the generator clearly labels or marks hazardous waste containers with:

(1) The words "hazardous waste"; and

(2) Words that identify the contents of the containers;

(g) For satellite accumulation areas that have accumulated greater than 10 gallons of hazardous waste, in lieu of the weekly inspections required by Env-Hw 509.02(a)(6), the generator inspects the containers at least monthly for leaks and for deterioration caused by corrosion and other factors;

(h) When the amount of hazardous waste in a satellite accumulation area reaches the accumulation limit specified in this section, the generator:

(1) Immediately labels or marks the hazardous waste containers with the following:

a. The date the accumulation limit was reached; and

b. All applicable EPA and NH hazardous waste numbers;

(2) Moves the hazardous waste to a designated central accumulation area within 3 days of reaching the accumulation limit; and

(3) Ships the hazardous waste off-site within 90 days of the date the accumulation limit was reached; and

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(i) For the inspections required in (g), above, the generator remedies any leaks or deterioration discovered during an inspection on a schedule that prevents an environmental or human health hazard.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 509.04 Certified Hazardous Waste Coordinator Requirements.

(a) Unless exempt pursuant to Env-Hw 501.02(f), a full quantity generator shall, subject to (b), below, have at least one hazardous waste coordinator certified by the department pursuant to Env-Hw 515 on staff and physically at the facility where the hazardous waste is generated for an average, calculated on an annual basis, of no less than 30 hours per week or 75% of the generator's standard work week if the generator's standard work week is less than 40 hours.

(b) A full quantity generator shall not be without a hazardous waste coordinator physically at the facility where the hazardous waste is generated, due to illness, vacation, or any other reason, for more than 30 consecutive working days or more than 45 total working days during any calendar year, exclusive of Saturdays, Sundays, or state and federal holidays.

(c) A full quantity generator shall make available to the department upon request documentation to demonstrate that it is in compliance with (a) and (b), above.

(d) For the purposes of (a) and (b), above, the certified hazardous waste coordinator may be an employee of the generator or a third party contractor hired by the generator.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 509.05 Land Disposal Restrictions. A full quantity generator shall comply with Env-Hw 1200.

Source. #12347, eff 8-14-17

PART Env-Hw 510 MANIFEST REQUIREMENTS

Env-Hw 510.01 General Requirements.

(a) Except as provided in (b), below, when shipping a hazardous waste off-site, a generator shall prepare a manifest in accordance with 40 CFR 262.20(a) through (c), 40 CFR 262.21(a) through (g)(1), 40 CFR 262.21(h) through (m), this chapter, and in the case of an electronic manifest, 40 CFR 262.24(a) through (f) and 40 CFR 262.25.

(b) Subject to (c), below, the requirements of 40 CFR 262 Subpart B and the marking requirements of Env-Hw 507.03(b)(3) shall not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way.

(c) When transporting hazardous waste as in (b), above, a generator shall comply with the immediate response actions and discharge cleanup requirements of Env-Hw 608.01 and Env-Hw 608.02 in the event of a discharge of hazardous waste on a public or private right-of-way.

(d) A generator shall:

(1) Determine whether the destination state for a shipment regulates any additional wastes as hazardous wastes beyond those regulated federally;

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- (2) Determine whether the destination state for a shipment requires the generator to submit any copies of the manifest to the state; and
 - (3) Based on its findings with respect to (1) and (2), comply with the requirements of the destination state, as applicable.
- (e) A full quantity generator who initiates a shipment of hazardous waste shall certify on the manifest that the waste minimization statement required by 40 CFR 262.27(a) is true.
- (f) A small quantity generator who initiates a shipment of hazardous waste shall certify on the manifest that the waste minimization statement required by 40 CFR 262.27(b) is true.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 510.02 Manifest Copy Distribution and Signatory Requirements.

- (a) If waste is to be shipped using a paper manifest, a generator shall:
- (1) Sign and date by hand the certification on the first copy of the manifest form and ensure that the signature imprint and date are legible on all copies;
 - (2) Obtain the date of acceptance and handwritten signature of the initial transporter;
 - (3) Produce one legible copy of the manifest with signatures as described in (a)(1) and (a)(2) if the destination state does not require a copy of the manifest and 2 legible copies if the destination state does require a copy;
 - (4) Retain one copy of the manifest with signatures as described in (a)(1) and (a)(2), above;
 - (5) Submit, within 5 days of shipment, one copy of the manifest as described in (a)(3), above, to:
 - a. The destination state if required by that destination state; and
 - b. The department; and
 - (6) Provide 4 copies of the manifest to the transporter to accompany the shipment.
- (b) If waste is to be shipped using an electronic manifest that has been printed for a generator's signature, the generator shall:
- (1) Sign and date by hand the certification on the manifest;
 - (2) Obtain the handwritten signature of the initial transporter;
 - (3) Produce 2 legible copies of the manifest with signatures as described in (b)(1) and (b)(2), above, if the destination state does not require a copy of the manifest and 3 legible copies if the destination state does require a copy;
 - (4) Retain one copy of the manifest with signatures as described in (b)(1) and (b)(2), above;
 - (5) Submit, within 5 days of shipment, one copy of the manifest as described in (b)(3), above, to:
 - a. The destination state if required by that destination state; and
 - b. The department; and
 - (6) Provide the manifest to the transporter to accompany the shipment.

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(c) If waste is to be shipped using an electronic manifest that the generator will sign electronically, the generator shall:

- (1) Sign the electronic manifest in accordance with 40 CFR 262.25; and
- (2) Provide one printed copy of the electronic manifest to the transporter to accompany the shipment.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 510.03 Manifest Information.

(a) The manifest shall contain all of the information required by 40 CFR 262.20(a).

(b) For manifest item 13, in addition to all applicable EPA and NH hazardous waste numbers, a generator who claims an exemption from a hazardous waste cleanup fund fee shall identify wastes using the following exemption codes, as applicable:

- (1) "NHX1" for wastes that are destined for recycling and are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, III;
- (2) "NHX2" for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, VI;
- (3) "NHX3" for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, IV;
- (4) "NHX4" for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, I;
- (5) "NHX5" for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, II; and
- (6) "NHX6" for wastes that are exempt from the hazardous waste cleanup fund fee based on RSA 147-B:9, V.

(c) A generator who claims an exemption from a hazardous waste cleanup fund fee shall provide, upon request, the following documentation, as applicable:

- (1) For exemption code "NHX1", a certification from the receiving facility that the waste was or will be recycled; and
- (2) For exemption codes "NHX2" through "NHX6", documentation that demonstrates eligibility for the exemption.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 510.04 Manifest Errors/Corrections.

(a) The generator shall initial and date any corrections to a paper manifest prior to shipment.

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- (b) If a paper manifest is rendered unusable, the manifest shall be voided and destroyed.
- (c) If an error on a paper or electronic manifest is detected after the waste has been shipped, the generator shall:
 - (1) Advise the operator of the receiving facility of the error no more than one business day after detection of the error and ensure that the error is corrected, either by:
 - a. Confirming in the electronic manifest system that the operator of the receiving facility made the correction; or
 - b. Obtaining written confirmation from the operator of the receiving facility that the correction was made; or
 - (2) Subject to (d), below, submit data corrections via the electronic manifest system by following the procedures in 40 CFR 264.71(l):
 - a. No more than one business day after detection of the error; or
 - b. If the operator of the receiving facility has not yet certified receipt of the waste by signing item 20 on the manifest, no more than one business day after the receiving facility has certified receipt.
- (d) In the case of (c)(2), above, if a generator makes corrections involving:
 - (1) The addition of the fee exemption codes provided in Env-Hw 510.03 to a waste(s) on a manifest, the department shall acknowledge such changes only as specified in Env-Hw 512.02(j)(2); or
 - (2) The type or quantity of waste on a manifest, the department shall acknowledge such changes only if the generator provides to the department documentation that the operator of the receiving facility agrees with the change.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 510.05 Rail or Water Shipments.

- (a) For bulk shipments of hazardous waste that occur solely by water and for rail shipments of hazardous waste that originate at the site of generation, the generator shall comply with this section instead of with Env-Hw 510.02(a)(5), (a)(6), (b)(5), (b)(6), and (c)(3), as applicable.
- (b) For bulk shipments of hazardous waste that occur solely by water, if waste is to be shipped using a paper manifest, the generator shall, within 5 days of shipment, send:
 - (1) To the owner or operator of the designated facility, or to the last water transporter to handle the waste in the United States if exported by water, 3 copies of the dated and signed manifest;
 - (2) To the department, one copy of the dated and signed manifest; and
 - (3) To the destination state, one copy of the dated and signed manifest if the shipment remains within the United States and the destination state requires a copy.
- (c) For rail shipments of hazardous waste that originate at the site of generation, if waste is to be shipped using a paper manifest, the generator shall, within 5 days of shipment, send:
 - (1) To the following, 3 copies of the dated and signed manifest:

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- a. The next non-rail transporter, if any;
 - b. The designated facility if transported solely by rail; or
 - c. The last rail transporter to handle the waste in the United States if exported by rail;
- (2) To the department, one copy of the dated and signed manifest; and
 - (3) To the destination state, one copy of the dated and signed manifest if the shipment remains within the United States and the destination state requires a copy.
- (d) For bulk shipments of hazardous waste that occur solely by water and for rail shipments of hazardous waste that originate at the site of generation, if waste is to be shipped using an electronic manifest that has been printed for a generator's signature, the generator shall, within 5 days of shipment, send:
- (1) To the department, one copy of the dated and signed manifest; and
 - (2) To the destination state, one copy of the dated and signed manifest if the shipment remains within the United States and the destination state requires a copy.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 510.06 International Shipments.

- (a) Any person who exports or imports hazardous waste, except NH-only waste, shall comply with 40 CFR 262 Subpart H.
- (b) In accordance with 40 CFR 262.82, exports and imports of hazardous waste shall be subject to the level of control specified in "Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure and Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure," as incorporated by reference in 40 CFR 260.11(g) and available as noted in Appendix B.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

PART Env-Hw 511 DELIVERY OF HAZARDOUS WASTE

Env-Hw 511.01 Delivery.

- (a) A generator shall not deliver or offer hazardous waste to:
- (1) A facility that has not obtained an EPA identification number; or
 - (2) A transporter that does not possess an EPA identification number and a current and valid New Hampshire hazardous waste transporter registration.
- (b) Except as provided in (f), below, a generator shall deliver hazardous waste only to a facility authorized under the destination state's rules to handle the hazardous waste.
- (c) Except as provided in (f), below, the generator shall contact the operator of the designated facility, or the transporter if unable to contact the operator, to determine the status of a hazardous waste shipment if:

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- (1) Waste was shipped using a paper manifest and the generator does not receive a copy of the manifest from the operator within 35 days of shipment;
 - (2) Waste was shipped using an electronic manifest that was printed for the generator's signature and either:
 - a. The generator has not received a copy of the manifest from the operator within 35 days of shipment; or
 - b. The generator subsequently accesses the electronic manifest system, and the electronic manifest system indicates that the shipment has not been received by the facility within 35 days of shipment; or
 - (3) Waste was shipped using an electronic manifest and the electronic manifest system indicates that the shipment has not been received by the facility within 35 days of shipment.
- (d) The generator shall submit an exception report to the department within 45 days of shipment if:
- (1) The generator does not receive a copy of the manifest with the hand-written signature of the operator of the designated facility; or
 - (2) The electronic manifest system indicates that the shipment has not been received by the facility.
- (e) Exception reports submitted pursuant to (d), above, shall include:
- (1) A legible copy of the manifest for which the generator does not have confirmation of delivery; and
 - (2) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.
- (f) A small quantity generator shall not be required to register as a hazardous waste transporter to transport 55 gallons or less of hazardous waste generated at its site to the following locations, provided the requirements of Env-Hw 601.02(b)(1) through (4) are satisfied:
- (1) A site that meets the conditions of Env-Hw 501.02(c);
 - (2) A one-day household hazardous waste collection event sponsored by a government entity if:
 - a. A hazardous waste manifest, identifying the small quantity generator as both the generator and the first transporter, accompanies the waste at all times;
 - b. The waste is given directly to a New Hampshire registered hazardous waste transporter during the collection event; and
 - c. Permission is obtained in advance from the government entity sponsoring the collection event; or
 - (3) A facility authorized under the destination state's rules to handle the waste.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 511.02 Inability to Deliver.

- (a) If a transporter is unable to deliver all or part of a hazardous waste shipment, or if a facility rejects

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all or part of a hazardous waste shipment, the generator shall either designate an alternate authorized facility or instruct the transporter or operator to return the waste to the generator.

(b) If a waste shipment is returned, the generator shall:

(1) Ensure that the paper or electronic manifest is completed in accordance with 40 CFR 264.72(f) and 40 CFR 265.72(f), as applicable;

(2) Sign:

a. Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or

b. Item 20 of the manifest, if the transporter returned the shipment using a new manifest;

(3) Provide a copy of the manifest to the transporter; and

(4) Comply with the applicable accumulation requirements of this chapter.

(c) If a returned shipment is accompanied by a paper manifest or an electronic manifest that was printed for the generator's signature, the generator shall submit a copy of the manifest, signed as specified in (b)(2), above, to the department within 5 days of receipt of the returned shipment.

(d) Within 30 days of receipt of a returned shipment accompanied by a paper manifest, the generator shall send a copy of the manifest to the designated facility that returned the shipment to the generator.

(e) If the designated facility uses a new manifest to forward a waste shipment to an alternate facility as specified in (a), above, the generator shall comply with the shipment tracking requirements of Env-Hw 511.01(c) and (d) by:

(1) Ensuring that the manifest copy received by the generator has the signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and

(2) Starting the 35- and 45-day timeframes on the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

PART Env-Hw 512 RECORDKEEPING AND REPORTING REQUIREMENTS

Env-Hw 512.01 Recordkeeping.

(a) A generator shall keep the following records, as applicable, for at least 3 years:

(1) Subject to (d) through (f), below, all manifest copies, including the original generator copy and the copy certified by the designated facility or the foreign consignee, for 3 years from the date of signature by the generator;

(2) A copy of each quarterly activity report and biennial report, for 3 years from the due date of the report;

(3) A copy of each exception report;

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- (4) A copy of each notification of intent to export;
- (5) A copy of each EPA acknowledgment of consent;
- (6) Records on any test results, waste analyses, or other waste determinations, made in accordance with Env-Hw 401.03(j) or Env-Hw 502.01, for 3 years from the date that the waste was last sent to be recycled or for treatment, storage or disposal;
- (7) Records of any hazardous waste spills or discharges;
- (8) Records of the inspections required by Env-Hw 509.02, for 3 years from the date of the inspection;
- (9) Records pertaining to the use of drip pads as required by Env-Hw 509.02(e);
- (10) Records pertaining to the use of containment buildings as required by Env-Hw 509.02(f);
- (11) Records pertaining to land disposal restrictions as required by Env-Hw 509.05, for 3 years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal; and
- (12) Records pertaining to hazardous waste received from small quantity generators as required by Env-Hw 509.02(l)(1), for 3 years from the date of receipt of the waste.

(b) The time period specified in (a), above, shall be automatically extended while any enforcement action is pending.

(c) Manifests may be retained on electronic media provided the records are available during an inspection by the department.

(d) Except as specified in (e) and (f), below, a generator may rely on the electronic manifest system to satisfy manifest recordkeeping requirements in (a)(1), above, only if the generator has registered in the electronic manifest system and has established access to manifest records stored therein.

(e) For shipments of waste using an electronic manifest that was printed for the generator's signature, the generator shall retain the paper copy of the electronic manifest with the generator's signature for 3 years from the date of signature by the generator.

(f) For shipments of waste using a paper manifest, a generator who has registered in the electronic manifest system shall retain the original generator copy of the manifest as specified in (a)(1), above, until such time as the generator verifies, in the electronic manifest system, receipt of the shipment by the receiving facility.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 512.02 Quarterly Reporting.

(a) The department shall compile a hazardous waste quarterly activity report summarizing hazardous waste manifest information from the electronic manifest system and mail or email the report to each generator who ships hazardous waste off-site using a manifest.

(b) If a generator ships hazardous waste off-site using a manifest and has not received a quarterly activity report within 45 days following the last day of the previous quarter, the generator shall ask the department to send a new report.

(c) Unless exempt under (d), below, a generator who receives a hazardous waste quarterly activity report from the department shall return a certified copy of the report to the department.

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(d) Political subdivisions that generate less than 660 pounds of hazardous waste in a 3-month period shall be exempt from submitting a quarterly report pursuant to (c), above.

(e) A generator who generates equal to or greater than 660 pounds of hazardous waste in a 3-month period shall pay the quarterly hazardous waste generator fee established in RSA 147-B:8, subject to the exemptions established in RSA 147-B:9, to the department for deposit into the hazardous waste cleanup fund.

(f) The reporting quarters shall be as follows:

- (1) 1st Quarter - January 1 to March 31;
- (2) 2nd Quarter - April 1 to June 30;
- (3) 3rd Quarter - July 1 to September 30; and
- (4) 4th Quarter - October 1 to December 31.

(g) Quarterly activity reports shall include the following:

- (1) Reporting quarter;
- (2) Name, mailing address, site location, and EPA identification number of the generator;
- (3) Weight in pounds of the hazardous waste manifested during the reporting quarter, summarized by manifest tracking number and EPA or NH hazardous waste number;
- (4) Weight in pounds of the quarter's manifested hazardous waste that is exempt from fees pursuant to RSA 147-B:9; and
- (5) Fee due to the state of New Hampshire.

(h) The generator shall:

- (1) Review the reports for accuracy;
- (2) Correct any errors;
- (3) Notify the department of any needed corrections within 30 days of receipt of the report; and
- (4) Certify, as specified in Env-Hw 207, the report.

(i) The generator shall submit to the department each quarterly activity report along with the appropriate fee within 30 days of receipt.

(j) Fees required by RSA 147-B:8 shall be assessed based on the weight of hazardous wastes calculated from information from the electronic manifest system, as follows:

- (1) The assessed weight of hazardous wastes shall be calculated from information from the electronic manifest system; and
- (2) If the generator inadvertently omits an exemption code in manifest item 13 as required by Env-Hw 510.03(b)(1), the hazardous waste shall not be exempt from the fee unless the generator corrects the error by:
 - a. For exemption code "NHX1", having the receiving facility submit a certification to the department that the waste was or will be recycled; or
 - b. For exemption codes "NHX2" through "NHX6", submitting documentation that demonstrates eligibility for the exemption.

(k) Failure to submit the fees due as specified in (j), above, within 60 days of the due date shall result

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in the assessment of interest pursuant to RSA 147-B:8, at the rate established by RSA 336:1, II.

(l) Fees paid by check or money order shall be:

- (1) Made payable to “Treasurer, State of New Hampshire”; and
- (2) Delivered or mailed to the department.

(m) For credit card payments, the generator shall provide such information as is needed by the department to process the transaction and the mailing or email address to which the receipt is to be sent.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 512.03 Export and Import Recordkeeping and Reporting.

(a) An exporter shall:

- (1) Meet the recordkeeping requirements of 40 CFR 262.83(i);
- (2) File an annual report with the administrator of EPA, by March 1 of each year, that is based on exports made during the previous calendar year, as specified in 40 CFR 262.83(g); and
- (3) In lieu of the requirements of 40 CFR 262.42, if applicable, meet the exception reporting requirements of 40 CFR 262.83(h).

(b) An importer shall meet the recordkeeping requirements of 40 CFR 262.84(h).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 512.04 Biennial Reporting.

(a) On even-numbered years, the department shall prepare a biennial report as required in 40 CFR 262.41 on behalf of each generator that is required to report biennially, based on information provided on notification forms, manifest information in the electronic manifest system, and quarterly reports.

(b) If a generator is subject to biennial reporting requirements and has not received a biennial report from the department by February 1 of an even-numbered year, the generator shall ask the department to send a new biennial report.

(c) The generator shall:

- (1) Review the biennial report for accuracy;
- (2) Correct any errors;
- (3) Notify the department of any needed corrections by March 1 of that year;
- (4) Provide the department with any additional information necessary to complete the biennial report as required in 40 CFR 262.41; and

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(5) Submit to the department a complete and certified copy of the biennial report by March 1 of that year, certified as specified in Env-Hw 207.

Source. #10205, eff 10-19-12; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 512.05 Additional Reporting. A generator who also operates a treatment, storage or disposal facility at the same location shall submit additional biennial report information as required by Env-Hw 705.03.

Source. #12347, eff 8-14-17

PART Env-Hw 513 EMERGENCY ACTION; REMEDIAL ACTION

Env-Hw 513.01 Immediate Discharge Response Actions.

(a) In the event of any discharge of hazardous waste or of a material that when discharged becomes a hazardous waste that poses a threat to human health or the environment, including but not limited to a discharge into storm drains or sanitary sewers, onto the land, or into the air, groundwater, or surface waters, the generator shall report the discharge:

- (1) Immediately, not to exceed one hour from the discovery of the release; and
- (2) To local emergency officials and to:
 - a. The department's emergency response team at the telephone number listed in Appendix E, Monday through Friday, 8 a.m. to 4 p.m.; or
 - b. The New Hampshire state police headquarters communications unit at the telephone number listed in Appendix E, 24 hours per day.

(b) The generator also shall comply with the emergency procedures specified in 40 CFR 265.56.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

Env-Hw 513.02 Discharge Cleanup.

(a) The generator shall immediately contain and cleanup, within 24 hours, any discharge of hazardous waste or material that, when discharged, becomes a hazardous waste.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours, then within 5 days of the discharge the generator shall submit a cleanup plan to the department for approval prior to implementation, except as provided in (e), below.

(c) The cleanup plan shall:

- (1) Provide for the protection of human health and the environment;
- (2) Provide for the removal and proper disposal of the contamination source;
- (3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the cleanup is successful; and
- (4) Include a time table for completion of the cleanup plan.

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(d) The department shall review the proposed cleanup plan and approve the plan if it determines that the plan meets the criteria set forth in (c), above.

(e) To minimize contamination, reduce risk of exposure, or promote more timely response actions, the generator may begin discharge response actions before the cleanup plan is submitted to or approved by the department, provided the generator:

(1) Incorporates the self-initiated measures into the report submitted to the department pursuant to (f), below; and

(2) Complies with all other applicable local, state, and federal requirements.

(f) Within 30 days of completion of the cleanup, the generator shall submit a report to the department detailing the actions taken.

(g) If the complete cleanup cannot be accomplished in accordance with (b) through (f), above, the generator shall submit a scope of work proposal for site investigations pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 513.03 Waiver of Permit Requirements for Emergency Response. Subject to Env-Hw 303.02(l), a person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to the situations described in Env-Hw 303.02(k).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17; ss by #12922, eff 11-23-19

PART Env-Hw 514 SMALL QUANTITY GENERATOR SELF-CERTIFICATION

Env-Hw 514.01 Purpose and Applicability.

(a) The purpose of this part is to implement RSA 147-A:5, IV relative to self-certification of compliance with applicable hazardous waste rules by small quantity generators (SQGs) of hazardous waste.

(b) This part shall apply to any hazardous waste generator that generates, for every month of the generator's operations, less than 100 kilograms or 220 pounds of hazardous waste per month.

(c) Nothing in this part shall eliminate or otherwise affect the obligation of an SQG to comply with all applicable requirements of RSA 147-A and the hazardous waste rules.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 514.02 Definitions. For purposes of this part, the following definitions shall apply:

(a) "Declaration" means a completed self-certification form and any attachments thereto;

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(b) “Fees that are due” means the non-refundable fees required by RSA 147-A:5, IV(b) that are due for the 3 years following the year in which the declaration is due;

(c) “Self-certification form” means the “Small Quantity Generator Self-Certification and Declaration of Compliance Form” an SQG completes to certify compliance with applicable hazardous waste rules;

(d) “Small quantity generator (SQG)” means a generator who generates less than 100 kilograms or 220 pounds of hazardous waste in each and every calendar month;

(e) “SQG whose declaration is due” means:

(1) In 2018 and every third year thereafter, SQGs in Rockingham and Strafford counties;

(2) In 2016 and every third year thereafter, SQGs in Hillsborough and Cheshire counties; and

(3) In 2017 and every third year thereafter, SQGs in Merrimack, Coos, Carroll, Belknap, Sullivan, and Grafton counties; and

(f) “Year in which the declaration is due” means:

(1) For SQGs in Rockingham and Strafford counties, 2018 and every third year thereafter;

(2) For SQGs in Hillsborough and Cheshire counties, 2016 and every third year thereafter; and

(3) For SQGs in Merrimack, Coos, Carroll, Belknap, Sullivan, and Grafton counties, 2017 and every third year thereafter.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

Env-Hw 514.03 Self-Certification Procedures.

(a) On or before October 1 of each year, the department shall email, if available, or mail a self-certification form and explanatory information to each SQG whose declaration is due.

(b) Subject to (d) below, any SQG whose declaration is due who does not receive a self-certification form by October 10 of the year in which the declaration is due shall notify the department no later than October 20 of that same year.

(c) Upon receiving notification pursuant to (b), above, the department shall email, if available, or mail a self-certification form and explanatory information to the SQG.

(d) An SQG whose declaration is due may download the self-certification form and explanatory information from the department’s website in lieu of requesting a paper copy from the department.

(e) An SQG whose declaration is due shall complete the self-certification form provided by the department and return it to the department no later than January 1 of the year immediately following the year in which the declaration is due, together with:

(1) The fees that are due, if any, as specified in RSA 147-A:5, IV(b) through (e);

(2) A notification form, if a subsequent notification as specified in Env-Hw 505.01 is necessary; and

(3) The corrective action plan required by Env-Hw 514.06, if applicable.

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(f) An SQG whose declaration is due shall send or deliver the declaration, corrective action plan, if any, and the applicable fee to:

Department of Environmental Services, Waste Management Division
Attn: SQG Self-Certification Program
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

(g) Payment shall be made in the form of cash, check, money order, or credit card.

(h) Checks and money orders shall be made payable to "Treasurer, State of NH".

(i) For credit card payments, the SQG shall provide such information as is needed by the department to process the transaction and the mailing or email address to which the receipt is to be sent.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12347, eff 8-14-17

Env-Hw 514.04 Self-Certification Form: SQG Identification and Description. An SQG whose declaration is due shall provide the following identifying and descriptive information on the self-certification form for each facility operated by the SQG:

(a) The facility's business name;

(b) The facility's mailing address;

(c) The facility's street address if different than the facility's mailing address;

(d) The municipality and county in which the facility is located;

(e) The facility's EPA identification number;

(f) The name and title of the individual completing the self-certification form on behalf of the SQG, the individual's daytime telephone number if different from the SQG's and, if available, an email address;

(g) The date or dates on which the self-certification inspection and the file review were conducted;

(h) The name and telephone number of the owner of the property, if other than the SQG;

(i) Whether the facility:

(1) Only generates used oil for recycle or universal waste, or both;

(2) Only generates hazardous waste through recovery of silver from the use of photo-fixer solution;

(3) Has ceased generating hazardous waste;

(4) Generates equal to or greater than 100 kilograms or 220 pounds of hazardous waste per month, generates or accumulates equal to or greater than 1 kilogram or 2.2 pounds of acutely hazardous waste per month, or both;

(5) Generates and accumulates less than 100 kilograms or 220 pounds of hazardous waste per month; or

(6) Is a political subdivision of the state.

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- (j) A list of the hazardous wastes generated;
- (k) A description of how the SQG's hazardous waste is generated;
- (l) The amount of hazardous waste generated monthly for each of the 12 months prior to the declaration being completed;
- (m) The amount of hazardous waste currently accumulated at the facility; and
- (n) Whether the hazardous waste determination was done by testing, by knowledge of the process and materials used, or by relying on advice from a transporter or consultant.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 514.05 Self-Certification Form: Self-Certification of Compliance.

(a) Subject to Env-Hw 514.06, an SQG whose declaration is due shall verify through appropriate inspections and record reviews that the SQG is in compliance with the following rules, if applicable to the SQG's operations, and certify such compliance on the self-certification form:

- (1) Env-Hw 505.01 relative to subsequent notification;
- (2) Env-Hw 505.04 relative to filing an "Inactivation/Declassification Form" if the SQG has ceased business operations, including activities regulated by the hazardous waste rules, at the location identified on the SQG's original notification form;
- (3) Env-Hw 507.02 relative to requirements for containers and tanks;
- (4) Env-Hw 507.04 relative to labeling containers and tanks containing hazardous waste and shipping hazardous waste off-site;
- (5) Env-Hw 508.02 relative to quantity of accumulation and preparedness and prevention;
- (6) Env-Hw 508.03 relative to extended accumulation;
- (7) Env-Hw 510.01 through Env-Hw 510.06 relative to manifests;
- (8) Env-Hw 511.01 relative to delivery of hazardous wastes to an authorized facility;
- (9) Env-Hw 512.01 relative to maintaining records; and
- (10) Env-Hw 513.01 relative to reporting discharges of hazardous waste.

(b) The SQG's owner or authorized representative shall sign and date the self-certification form and certify, as specified in Env-Hw 207, that the individual signing the form is familiar with the rules listed in (a), above, and with the SQG's operations and procedures with respect to hazardous waste at the facility covered by the declaration.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

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Env-Hw 514.06 Corrective Action Plan.

(a) If, at the time the declaration is due, an SQG is not in compliance with one or more of the rules identified in Env-Hw 514.05(a), the SQG shall submit a corrective action plan, as described in (b) and (c), below, with the declaration.

(b) For each instance of non-compliance, the corrective action plan shall identify:

- (1) The rule with which the SQG is not in compliance;
- (2) The action(s) the SQG has taken to date, if any, and the action(s) the SQG will take to come into compliance;
- (3) The schedule on which the remaining corrective action(s) will be implemented; and
- (4) The procedures adopted by the SQG to prevent a recurrence of the non-compliance.

(c) The corrective action plan shall also specify the date by which all remaining corrective actions shall be completed, which shall be as soon as practicable but in no event later than 90 days from the date the declaration is due, unless an extension is requested and granted pursuant to (e) and (f), below.

(d) Within 30 days of completing all actions included in the corrective action plan, the SQG shall submit a statement of completion to the department that includes:

- (1) A description of the corrective actions taken to comply with the corrective action plan;
- (2) The date each corrective action was completed; and
- (3) A certification, as specified in Env-Hw 207, that the corrective action has been completed in accordance with the corrective action plan.

(e) If a corrective action cannot be completed within 90 days of the date the declaration is due, the SQG may submit a written request for an extension explaining the circumstances warranting such an extension.

(f) The department shall grant an extension requested pursuant to (e), above, if the corrective action cannot be completed within 90 days due to circumstances that are beyond the control of the SQG.

Source. #7966, INTERIM, eff 9-26-03, EXPIRED: 3-24-04

New. #8415, eff 8-19-05; (See Revision Note at chapter heading for Env-Hw 500) ss by #9367, eff 1-28-09; ss by #12347, eff 8-14-17

Env-Hw 514.07 Interest on Unpaid Fees.

(a) As specified in RSA 147-A:5, IV(c), if the self-certification fee is not paid within 60 days of the due date, interest shall be assessed.

(b) The interest rate shall be the rate established by RSA 336:1, II.

Source. #10205, eff 10-19-12; ss by #12347, eff 8-14-17

PART Env-Hw 515 HAZARDOUS WASTE COORDINATOR CERTIFICATION

Env-Hw 515.01 Purpose. The purpose of this part is to implement RSA 147-A:5, III relative to hazardous waste coordinator certification.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

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Env-Hw 515.02 Applicability.

- (a) This part shall apply to hazardous waste coordinators, as identified in RSA 147-A:5, III(a).
- (b) Nothing in this part shall eliminate or otherwise affect the obligation of a generator to comply with all applicable requirements of RSA 147-A and the hazardous waste rules.
- (c) A hazardous waste generator or any other person may participate in the hazardous waste coordinator certification program administered by the department in accordance with this part. Any person who voluntarily participates shall be subject to all program requirements, except that the person may withdraw from the program at any time without penalty.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.03 Definitions.

- (a) “Basic course” means the initial training course administered by the department that provides the hazardous waste management information needed to pass the examination required by Env-Hw 515.05.
- (b) “Certified hazardous waste coordinator” means an individual who holds a hazardous waste coordinator certification that is current and in good standing.
- (c) “Hazardous waste coordinator certification” means the certification granted to an individual by the department upon completing the requirements set forth in Env-Hw 515.04, Env-Hw 515.06, and Env-Hw 515.07, as applicable.
- (d) “Hazardous waste coordinator certification program” means the training, education, and certification program administered by the department to implement the requirements of RSA 147-A:5, III.
- (e) “Initial certification” means the hazardous waste coordinator certification granted to an individual:
 - (1) Who has not previously been certified by the department; or
 - (2) Whose certification expired prior to obtaining a renewal.
- (f) “Module” means a training course, other than a basic course, that is offered by the department to fulfill the continuing education requirement for renewal of certification.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.04 Application for Certification. An applicant for an initial certification or a renewal certification shall submit the following to the department:

- (a) A completed signed “Hazardous Waste Coordinator Certification Training Application” form that includes:
 - (1) The applicant’s name, mailing address, and daytime telephone number and, if available, the applicant’s email address and fax number;
 - (2) If applicable, the name, facility address, EPA identification number, and generator classification of the generator with which the applicant is employed;
 - (3) If the application is for initial certification, the date and location of the basic course the applicant wishes to attend;
 - (4) If the application is for renewal of a current certification, the current certification number and the date and location of the basic course or module the applicant wishes to attend; and

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- (5) A statement certifying, as specified in Env-Hw 207, the information provided in the application;
- (b) The course fee specified in RSA 147-A:5, III(a) and established by the department pursuant to Env-Hw 515.05(a); and
- (c) The application fee of \$125 specified in RSA 147-A:5, III(b).

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.05 Courses and Examinations.

- (a) The department shall:
 - (1) Administer basic courses, modules, and for initial certifications, written examinations to determine the knowledge, ability and judgment of the applicants for initial coordinator certification; and
 - (2) Charge a reasonable fee, pursuant to RSA 147-A:5, III(a), sufficient to cover the actual costs of administering a basic course or module.
- (b) Unless otherwise arranged for purposes of retaking an examination pursuant to (e)(1), below, examinations shall be administered at the conclusion of a basic course attended by the applicant.
- (c) The examinations shall be graded on a pass/fail basis, with a score of 70% correct, or greater, constituting a passing grade.
- (d) An applicant who does not successfully pass the examination shall not be issued a hazardous waste coordinator certification.
- (e) An applicant who fails the examination may, within one year of the date of the examination:
 - (1) Retake the examination one time without a payment of an application fee and without repeating a basic course; or
 - (2) Submit a new application pursuant to Env-Hw 515.04, without payment of the application fee, attend another basic course, subject to payment of the course fee, and retake the examination at the conclusion of the basic course.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.06 Issuance of Initial Certification.

- (a) The department shall issue an initial hazardous waste coordinator certification to an applicant if the applicant:
 - (1) Submits a complete application for initial certification as specified in Env-Hw 515.04;
 - (2) Attends a basic course administered by the department pursuant to Env-Hw 515.05; and
 - (3) Passes a written examination administered by the department pursuant to Env-Hw 515.05.
- (b) The department shall not issue an initial certification if:
 - (1) The requirements of paragraph (a), above, are not satisfied;
 - (2) There exist any grounds that would constitute good cause to deny an application pursuant to Env-C 209.02; or

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- (3) There exist any grounds that would constitute good cause to suspend, revoke, or refuse to renew an application pursuant to Env-Hw 515.09 or Env-C 209.03.
- (c) An initial certification shall be:
- (1) Issued in writing in the form of a certificate that contains a unique identification number, the name of the certification holder, and the expiration date of the certification;
 - (2) Effective for a period of one year from the date of issuance, unless revoked or suspended pursuant to Env-Hw 515.09;
 - (3) Subject to renewal pursuant to Env-Hw 515.07; and
 - (4) Non-transferable to another individual.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.07 Issuance of Renewal Certification.

- (a) The department shall issue a renewal hazardous waste coordinator certification to an applicant if the applicant:
- (1) Submits a complete application for renewal pursuant to Env-Hw 515.04 at any time prior to the expiration date of the certification being renewed; and
 - (2) Attends a basic course or a module no more than 90 days after the expiration date of the certification being renewed.
- (b) The department shall not issue a renewal certification if:
- (1) The requirements of (a), above, are not satisfied; or
 - (2) There exist any grounds that would constitute good cause to suspend, revoke, or refuse to renew an application pursuant to Env-Hw 515.09 or Env-C 209.03.
- (c) A renewal certification shall be:
- (1) Issued in writing in the form of a certificate containing a unique identification number, the name of the certification holder, and the expiration date of the certification;
 - (2) Unless revoked or suspended pursuant to Env-Hw 515.09, effective for a period of one year from:
 - a. The expiration date of the expiring certification, if the applicant attends a basic course or module no more than 90 days prior to, or no more than 90 days after the expiration date of the certification being renewed; or
 - b. The date that the applicant attends a basic course or module if the applicant attends such course or module more than 90 days prior to the expiration date of the certification being renewed; and
 - (3) Non-transferable to another person.
- (d) Subject to Env-Hw 515.09, the certification of an applicant who submits a complete application for renewal in accordance with (a)(1), above, but who has not attended a basic course or module prior to the expiration date of the expiring certification shall be extended until the applicant attends a basic course or module or 90 days, whichever is less.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.08 Expired Hazardous Waste Coordinator Certification.

(a) A hazardous waste coordinator whose certification has expired shall not be eligible for issuance of a renewal certification pursuant to Env-Hw 515.07.

(b) A hazardous waste coordinator whose certification has expired who wishes to be re-certified shall apply for issuance of an initial certification in accordance with Env-Hw 515.04 and Env-Hw 515.06.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

Env-Hw 515.09 Suspension, Revocation, or Refusal to Renew Certification.

(a) If the department receives information that indicates that good cause, as defined in (d), below, exists to suspend or revoke the certification, the department shall proceed in accordance with the provisions of RSA 541-A that are applicable to adjudicative proceedings and Env-C 209.

(b) After proceeding in accordance with (a), above, the department shall:

(1) Revoke the certificate if it determines that the reason that good cause exists cannot be corrected to conform to applicable requirements and revoking the certificate will provide greater protection to public health and safety than renewing the certificate; or

(2) Suspend the certificate, subject to (d), below, if it determines that the reason that good cause exists can be corrected to conform to applicable requirements.

(c) If certification is suspended pursuant to (b)(2), above, the department shall not reinstate certification until:

(1) The underlying problem identified in (a), above, has been corrected; and

(2) The certification holder submits either a written request to the department requesting that certification be reinstated or, if the suspended certification has also expired, an application for initial certification pursuant to Env-Hw 515.04.

(d) Good cause to suspend, revoke, or refuse to renew a hazardous waste coordinator certification shall include the following:

(1) The certified hazardous waste coordinator obtained or attempted to obtain certification through fraud, deceit, or falsification;

(2) The certified hazardous waste coordinator knowingly violated the hazardous waste rules, conditions of a hazardous waste permit, or other rules or permits related to protection of the environment; or

(3) Any grounds set forth in Env-C 209.03.

Source. #10494, eff 1-1-14; ss by #12347, eff 8-14-17

CHAPTER Env-Hw 600 REQUIREMENTS FOR HAZARDOUS WASTE TRANSPORTERS

Statutory Authority: RSA 147-A:3

REVISION NOTE #1:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 600 as Env-Hw 600. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Wm 600. The numerals of the rules remained unchanged, and the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

REVISION NOTE #2:

Document #12922, effective 11-23-19, readopted with amendments, repealed, or amended various rules in Chapter Env-Hw 600. Rule Env-Hw 609.01 titled "Registration Process" was amended. The following rules in Chapter Env-Hw 600 were readopted with amendments:

- Env-Hw 601.01 Applicability.
- Env-Hw 602.01 Transporter Registration Requirements.
- Env-Hw 603.01 Packaging, Labeling, and Placarding.
- Env-Hw 604.01 General Manifest Requirements.
- Env-Hw 606.01 Requirements for Delivery.
- Env-Hw 607.01 Recordkeeping.
- Env-Hw 608.03 Waiver of Manifest, Permit, and Registration Requirements for
Emergency Response.

Document #12922 repealed the following rules in Chapter Env-Hw 600:

- Env-Hw 604.02 Changes to Manifests.
- Env-Hw 604.03 Rail and Water Shipments.
- Env-Hw 604.04 International Shipments.
- Env-Hw 606.02 Inability to Deliver.
- Env-Hw 607.03 Rail and Water Shipments.
- Env-Hw 607.04 Export Shipments.
- Env-Hw 607.05 Retention of Records During Enforcement Actions.

PART Env-Hw 601 APPLICABILITY AND EXEMPTIONS

- Env-Hw 601.01 Applicability.

(a) This chapter shall apply to all persons transporting hazardous wastes within or through New Hampshire, including hazardous waste destined for recycling, and to all persons transporting hazardous waste that is being imported from or exported to any other country for purposes of recovery or disposal.

(b) A transporter also shall comply with:

- (1) Generator requirements of Env-Hw 500, if the transporter:
 - a. Transports hazardous waste into the United States from abroad; or
 - b. Mixes hazardous wastes of different US DOT shipping descriptions by placing them into a single container;
- (2) Transfer facility requirements of Env-Hw 300 and Env-Hw 700, if the transporter operates a transfer facility as defined in Env-Hw 104;

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- (3) Storage facility requirements of Env-Hw 300 and Env-Hw 700, if the transporter stores hazardous waste in excess of 10 days;
- (4) Applicable rules adopted by the New Hampshire department of safety; and
- (5) Applicable requirements of 40 CFR 262 Subpart H, including, but not limited to, requirements for movement documents for importing and exporting hazardous waste.

(c) This chapter shall apply to the transportation of military munitions classified as solid waste under 40 CFR 266.202 only to the extent specified in 40 CFR 266.203.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 600)

Env-Hw 601.02 Exemptions.

(a) This chapter shall not apply to the on-site transportation of hazardous wastes by generators or by owners or operators of permitted hazardous waste facilities.

(b) This chapter shall not apply to small quantity generators who self-transport 55 gallons or less of their own hazardous waste provided that:

- (1) The waste is transported in:
 - a. Containers meeting the US DOT specifications for hazardous materials; and
 - b. Full, sealed, labeled containers that are compatible with the waste;
- (2) Except as provided in Env-Hw 501.02(c), all manifest requirements of Env-Hw 510 and Env-Hw 604 are met;
- (3) The generator has a mechanism for financial responsibility in the following amounts:
 - a. For bodily injury or death of each person in any one accident, \$50,000; and
 - b. For loss or damage in any one accident to the property of others, \$50,000; and
- (4) Except as provided in Env-Hw 511.01(f), the waste is transported to a facility authorized under the destination state's rules to handle the hazardous waste.

(c) This chapter shall not apply to government entities that accumulate household hazardous waste and transport this waste in accordance with Env-Hw 501.02(b).

(d) This chapter shall not apply to universal waste handlers and universal waste transporters transporting universal waste, provided that the waste is managed in accordance with Env-Hw 1100.

(e) This chapter shall not apply to transportation during an explosives or munitions emergency response conducted in accordance with 40 CFR 264.1(g)(8)(i)(D) or (iv), 40 CFR 265.1(c)(11)(i)(D) or (iv), and 40 CFR 270.1(c)(3)(i)(D) or (iii), as applicable.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17

PART Env-Hw 602 TRANSPORTER REGISTRATION AND NOTIFICATION

Env-Hw 602.01 Transporter Registration Requirements. No person shall transport hazardous waste into or within the state of New Hampshire without having a transporter registration issued by the department in accordance with Env-Hw 609.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 600)

Env-Hw 602.02 Notification; EPA Identification Number.

(a) A hazardous waste transporter who operates from a New Hampshire location shall notify the department prior to conducting any hazardous waste activities covered under the hazardous waste rules.

(b) Subject to (c), below, a transporter that has not previously notified the department shall do so within 30 days of the effective date of any statutory or regulatory amendments that require the transporter to be registered as a New Hampshire hazardous waste transporter.

(c) If a statute sets a different deadline for notification, the statutory deadline shall control.

(d) A transporter shall not transport hazardous wastes without having received an EPA identification number from the department, another state, or EPA.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 603.01) (See Revision Note at part heading for Env-Hw 603)

Env-Hw 602.03 Notification Requirements.

(a) The notification required by Env-Hw 602.02 shall be given by completing and submitting to the department a notification form obtained from the department, that includes the following:

- (1) The information specified in Env-Hw 504.02(a), as applicable;
- (2) Whether the transporter proposes to operate a transfer facility at the site; and
- (3) A statement signed by the transporter's authorized representative certifying, as specified in Env-Hw 207, the information provided on the notification form.

(b) A transporter shall notify the department in writing of any changes to the information required by (a), above, within 30 days of such a change.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 603.02) (See Revision Note at part heading for Env-Hw 603)

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Env-Hw 602.04 Notification Determination.

(a) If the department, upon examination of a notification submitted as specified in Env-Hw 602.03, determines that the transporter has not provided all of the information required by Env-Hw 602.03, the department shall notify the transporter in writing of each deficiency.

(b) The transporter shall, no later than 30 days from receipt of the notice of deficiency, explain or correct the alleged deficiency.

(c) If the transporter does not respond within 30 days, the transporter shall submit a new notification prior to engaging in any regulated hazardous waste activities.

(d) If a transporter's notification is deemed complete, the department shall assign an EPA identification number to the transporter.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 603.03) (See Revision Note at part heading for Env-Hw 603)

PART Env-Hw 603 REQUIREMENTS FOR SAFETY AND FOR IDENTIFYING WASTES AND VEHICLES

REVISION NOTE:

Document #12348, effective 8-14-17, readopted, readopted with amendments, or repealed all of the rules in Chapter Env-Hw 600. Document #12347 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Hw 600.

Document #12348 made extensive changes to the existing rules in the former Part Env-Hw 603. These included the amendment of paragraphs (a) and (b) in Env-Hw 603.04 titled "EPA Identification Number" and insertion, respectively, as paragraph (d) in Env-Hw 602.02 titled "Notification; EPA Identification Number" and paragraph (d) in Env-Hw 602.04 titled "Notification Determination". The former Env-Hw 603.07 titled "Department of Safety Rules" was repealed and inserted as subparagraph (b)(4) in Env-Hw 601.01 titled "Applicability." Document #12348 also extensively renumbered rules in the former Part Env-Hw 603, including renumbering of certain rules from Env-Hw 603 as rules in Env-Hw 602. The former rule numbers are indicated in the source notes for rules in Env-Hw 602 and Env-Hw 603.

The filings for the former rules Env-Hw 603.04 and Env-Hw 603.07 prior to Document #12348 include the following documents:

#5053, eff 1-24-91
#5886, eff 8-26-94
#7333, eff 8-1-00

#9215, INTERIM, eff 8-1-08
#9367, eff 1-28-09

See the Revision Note #1 at the chapter heading for Env-Hw 600 explaining the history of the former rules under the subtitle Env-Wm prior to Document #9367, effective 1-28-09. The existing rules in Env-Hw 600 that were last affected by Document #9367 did not expire on 1-28-17 but were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #12348, effective 8-14-17.

Env-Hw 603.01 Packaging, Labeling, and Placarding.

(a) A transporter shall package and label all hazardous waste before and during shipment in accordance with (c) and (d), below, and Saf-C 600.

(b) A transporter shall comply with the packaging standards in Saf-C 600 if:

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- (1) A hazardous waste is removed from its container and placed in another container; or
- (2) Additional hazardous waste is added to a container.

(c) Prior to and during transportation, the transporter shall ensure that each container is labeled and clearly marked with:

- (1) The words "Hazardous Waste";
- (2) All applicable EPA and NH hazardous waste numbers; and
- (3) All applicable US DOT required information as set forth in 49 CFR Part 172.

(d) If a label is destroyed or mutilated, if hazardous waste is removed from its container, or if additional hazardous waste is added to the containers, the transporter shall remove or obliterate all previous labels and, as appropriate:

- (1) Replace the label with a duplicate label; or
- (2) Attach a label stating information pertaining to the hazardous waste now contained in that container.

(e) A transporter shall placard each vehicle with an appropriate warning of the hazardous waste contained therein as set forth in Saf-C 600.

(f) A tank, barrel, drum, or other packaging of hazardous waste that is not a part of a vehicle shall be secured against movement within the vehicle on which it is being transported.

(g) A transporter shall ensure that all containers of hazardous waste are sealed prior to and during transport.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 603.05) (See Revision Note at part heading for Env-Hw 603); ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 600)

Env-Hw 603.02 Vehicle Identification.

(a) A transporter shall display the following on both sides of each power or waste carrying unit used to transport hazardous waste:

- (1) The name of the transporter's company, corporation, association, or proprietorship;
- (2) The city and state where the transporter's business office is located; and
- (3) The transporter's registration number.

(b) The information required by (a), above, shall be in lettering that:

- (1) Is permanent and legible; and
- (2) Contrasts with the background.

(c) For (a)(1) and (3), above, the lettering shall be a minimum of 3 inches high.

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(d) When a vessel or vehicle that has been registered and marked changes ownership, the registrant shall permanently remove the name and transporter registration number from both sides of all power and waste carrying units being transferred prior to or upon transfer.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 603.06) (See Revision Note at part heading for Env-Hw 603)

Env-Hw 603.03 Security.

(a) A transporter shall secure all loads of hazardous waste when left unattended so as to minimize access by unauthorized individuals.

(b) Vehicles on which the cargo carrying portion can be closed and locked shall be closed and locked whenever the vehicle is left unattended.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 603.08) (See Revision Note at part heading for Env-Hw 603)

Env-Hw 603.04 Personnel Training. A transporter shall comply with the training requirements specified in 49 CFR Part 172 Subpart H.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 603.09) (See Revision Note at part heading for Env-Hw 603)

Env-Hw 603.05 Contingency Plan and Emergency Procedures.

(a) A transporter shall maintain a written current contingency plan and emergency procedures, as specified in (b), below, in each transport vehicle.

(b) The contingency plan and emergency procedures shall include the following information:

- (1) A brief description of the actions the transporter will take in the event of a fire, explosion, or discharge of hazardous waste to the air, soil, or surface water;
- (2) Names, addresses, and home and office telephone numbers of all persons employed by the transporter who are qualified to act as emergency coordinator;
- (3) Telephone number of the department's emergency response team, as listed in Appendix E, Monday through Friday, 8:00 a.m. to 4:00 p.m.; and
- (4) Telephone number of the New Hampshire state police headquarters communications unit, as listed in Appendix E, 24 hours per day.

Source. #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12348, eff 8-14-17 (formerly

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Env-Hw 603.10) (See Revision Note at part heading for Env-Hw 603)

Env-Hw 603.06 Preparedness and Prevention. A transporter shall:

(a) Comply with the preparedness and prevention requirements specified in 40 CFR Part 265 Subpart C if hazardous waste is stored in New Hampshire by the transporter for more than 24 hours; and

(b) Notify local emergency officials that hazardous waste is being stored in New Hampshire for greater than 24 hours.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 603.11) (See Revision Note at part heading for Env-Hw 603)

Env-Hw 603.07 Financial Responsibility. A transporter shall meet the financial responsibility requirements of 49 CFR 387.9.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 603.12) (See Revision Note at part heading for Env-Hw 603)

Env-Hw 603.08 Vehicle and Vessel Requirements. A transporter shall carry in each vehicle and with each vessel:

(a) A copy of the transporter's valid registration or registration confirmation letter, which shall be displayed and surrendered for examination upon request of any peace officer or department official or employee;

(b) A copy of the contingency plan and emergency procedures specified in Env-Hw 603.05; and

(c) Spill control equipment such as absorbent granular product or absorbent rags.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17 (formerly Env-Hw 609.06) (See Revision Note at part heading for Env-Hw 603)

PART Env-Hw 604 MANIFESTS

Env-Hw 604.01 General Manifest Requirements.

(a) Except as provided in Env-Hw 510.01(b) and subject to (c) and (d), below, a transporter shall comply with the manifest requirements of 40 CFR 263.20(a) through (g).

(b) A transporter shall verify that the generator EPA identification number on the manifest is valid for the transportation of the hazardous waste listed on the manifest.

(c) When transporting hazardous waste as authorized by Env-Hw 510.01(b), a transporter shall comply with the immediate response actions and discharge cleanup requirements of Env-Hw 608.01 and Env-Hw 608.02 in the event of a discharge of hazardous waste on a public or private right-of-way.

(d) The export requirements of 40 CFR 263.20(a)(2) shall not apply to NH-only wastes.

(e) Electronic manifest signatures shall meet the criteria described in 40 CFR 263.25.

(f) If a transporter makes a post-receipt manifest data correction pursuant to 40 CFR 263.20(a)(9) that pertains to a shipment that was accompanied by a paper manifest or a manifest that was printed for the generator's signature, the transporter shall notify the generator of the correction.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12348, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 600)

PART Env-Hw 605 RECEIPT OF LIQUID HAZARDOUS WASTE

Env-Hw 605.01 Requirements for Receipt of Liquid Hazardous Waste. Notwithstanding any other requirements of this chapter, when liquid hazardous waste is transferred to a tank on a transport vehicle, the transporter shall:

(a) Measure, by metering, sticking, or weighing, the amount of liquid hazardous waste collected and transferred to the tank; and

(b) Record the amount of hazardous waste measured on the accompanying manifest.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17

PART Env-Hw 606 DELIVERY

Env-Hw 606.01 Requirements for Delivery. A transporter shall comply with 40 CFR 263.21 with regard to compliance with the manifest.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 600)

PART Env-Hw 607 RECORDKEEPING AND REPORTING

Env-Hw 607.01 Recordkeeping.

(a) A transporter shall comply with the recordkeeping requirements of 40 CFR 263.22.

(b) Manifests may be retained on electronic media if available during inspection by the department.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 600)

Env-Hw 607.02 Annual Reporting for Transporting Used Oil. A registered transporter who transports used oil pursuant to Env-Hw 807.07 shall meet the annual reporting requirements of Env-Hw 807.07(e) through (h) for the used oil transportation activities.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #6385-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17

PART Env-Hw 608 EMERGENCY ACTION/REMEDIAL ACTION

Env-Hw 608.01 Immediate Discharge Response Actions.

(a) In the event of any discharge of hazardous waste or of a material that when discharged becomes a hazardous waste that poses a threat to human health or the environment, including but not limited to a discharge into storm drains or sanitary sewers, onto the land, or into the air, groundwater or surface waters, the transporter shall report the discharge:

(1) Immediately, not to exceed one hour from the discovery of the release; and

(2) To local emergency officials and to:

a. The department's emergency response team at the telephone number listed in Appendix E, Monday through Friday, 8:00 a.m. to 4:00 p.m.; or

b. The New Hampshire state police headquarters communications unit at the telephone number listed in Appendix E, 24 hours per day.

(b) A transporter who has discharged hazardous waste also shall comply with all other applicable requirements of 40 CFR 263.30(c) or (d), including providing any required reports and notifications.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12348, eff 8-14-17

Env-Hw 608.02 Discharge Cleanup.

(a) A transporter shall immediately contain and clean up, within 24 hours, any discharge of hazardous waste or material that when discharged becomes a hazardous waste, if that discharge occurs while the hazardous waste or material is under the control of the transporter.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours, the transporter shall submit within 5 days of the discharge a cleanup plan to the department for approval prior to implementation, except as provided in (e), below.

(c) The cleanup plan shall:

(1) Provide for the protection of human health and the environment;

(2) Provide for the removal and proper disposal of the contamination source;

(3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the cleanup is successful; and

(4) Include a time table for completion.

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(d) The department shall review the proposed cleanup plan and approve it if it determines that the cleanup plan meets the criteria set forth in (c), above.

(e) The transporter shall implement the cleanup plan as approved by the department pursuant to (d), above.

(f) To minimize contamination, reduce risk of exposure, and promote more timely response actions, the transporter may begin discharge response actions before the cleanup plan is submitted to or approved by the department, provided the transporter:

(1) Incorporates the self-initiated response measures into the report submitted to the department pursuant to (g), below; and

(2) Complies with all other applicable local, state, and federal requirements.

(g) Within 30 days of completion of the cleanup, the transporter shall submit a report to the department detailing the actions taken.

(h) If the complete cleanup cannot be accomplished in accordance with (b) through (g), above, the transporter shall submit a scope of work proposal for a site investigation pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17

Env-Hw 608.03 Waiver of Permit Requirements for Emergency Response. Subject to Env-Hw 303.02(l), a person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to the situations described in Env-Hw 303.02(k).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 600)

PART Env-Hw 609 REGISTRATION OF HAZARDOUS WASTE TRANSPORTERS

Env-Hw 609.01 Registration Process.

(a) An applicant for a transporter registration shall provide the following information on a “Hazardous Waste Transporter Annual Registration Form” obtained from the department:

(1) The name, mailing address, and telephone number of the transporter;

(2) The name, title, and, if available, email address of the contact person;

(3) The transporter’s US DOT motor carrier census number or the interstate commerce commission number, and the transporter's EPA identification number;

(4) Subject to (b), below, the transporter’s U.S. Research and Special Programs Administration “(RSPA)” registration number, if applicable; and

(5) A statement signed by the transporter certifying, as specified in Env-Hw 207, that the transporter:

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- a. Complies with the financial responsibility requirements of 49 CFR 387.9; and
 - b. Has not demonstrated cause for suspension, revocation, refusal to renew, or denial of registration as specified in Env-Hw 610.02 or 610.03, as applicable.
- (b) In lieu of (a)(4), above, a transporter may provide the hazardous materials registration number as assigned by the Pipelines and Hazardous Materials Safety Administration of the US DOT.
- (c) A transporter seeking to renew a transporter registration shall submit the application on or before May 15 of the year for which registration is sought.
- (d) If a registration application is incomplete, the department shall return the application to the applicant and notify the applicant in writing of each deficiency.
- (e) Except as provided in Env-Hw 609.05, the department shall issue a transporter registration or a registration confirmation letter if a transporter has met the requirements of (a) through (c), above.
- (f) A transporter shall provide, upon request of the department, the following:
- (1) The name, address, EPA identification number, and phone number of the transporter's principal place of business and any regional offices, if applicable;
 - (2) The names, addresses, titles, and dates of birth of all corporate officers and all stockholders owning greater than 10% of the transporter's outstanding shares or debt equity;
 - (3) The names of all individuals or business firms that contract to perform part or all of the transportation of hazardous waste under the transporter's registration;
 - (4) For all transportation services provided to New Hampshire customers in any requested time period in the previous 3 years, a summary report on a searchable electronic document or other machine readable file that includes, but is not limited to, the following information for each shipment of hazardous waste regulated under the hazardous waste rules:
 - a. Generator name, site address, city, zip code, and EPA identification number, if applicable, regardless of generator classification;
 - b. Manifest tracking number;
 - c. Each transporter EPA identification number and state identification number;
 - d. Designated facility EPA identification number, site address, city, state, zip code;
 - e. For each waste stream, number and type of containers, total quantity, unit of measure, all applicable EPA and NH hazardous waste numbers, and management method code;
 - f. Generator certification date, transporter signature date, continuing transporter signature date as applicable, and designated facility signature date;
 - g. Special handling instructions; and
 - h. Discrepancy indication.
 - (5) A description of the transporter's introductory and continuing personnel training programs as required by 49 CFR 172 Subpart H;
 - (6) A contingency plan and emergency procedures plan as required by Env-Hw 603.05;
 - (7) A copy of the certificate of insurance or other proof of financial responsibility as required by (a)(5), above;

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- (8) A list of currently valid hazardous waste transporter permits or registrations from other states, including the state, expiration date, and the years held;
- (9) Copies of any letters of commendation received by the transporter;
- (10) A list of any other names under which the company has been known or done business within the past 5 years;
- (11) Copies of any notices of violation, administrative orders, notices of suspension or denial, and civil or criminal actions completed or pending from or before state or federal agencies;
- (12) A list of any pending suits, including any civil suits in which the company is presently involved as a plaintiff or defendant;
- (13) A list of any environmental permits held by the transporter that have been revoked or suspended;
- (14) Information regarding any convictions or pleas of guilty or no contest to a felony committed by the transporter or, in the case of a corporation or business entity, of any of its officers, directors, partners, or persons or business entities holding 10 percent or more of its equity or debt liability who has pled guilty or no contest to a felony in any state or federal court during the 5 years before the date of the registration by the transporter; and
- (15) A signed statement certifying, as specified in Env-Hw 207, the information provided in (1) through (14).

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12348, eff 8-14-17; amd by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 600)

Env-Hw 609.02 Transporter Registration.

- (a) A transporter registration shall:
 - (1) Not be transferable; and
 - (2) Expire on the date specified on the registration.
- (b) Upon a change in ownership or operational control of a transporter, the transporter registration shall not be transferred to the entity or individual gaining ownership or operational control.
- (c) For purposes of (b), above, the following events shall constitute a change in ownership or operational control, as applicable:
 - (1) For a partnership, a change in the majority of general partners;
 - (2) For a corporation, a transfer of all corporate assets or of a majority of voting shares to a new individual or entity;
 - (3) For other organizations, a transfer of the control of the organization to a new individual or entity; and
 - (4) For an individual, transfer of control to another individual or entity.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw

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600) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12348, eff 8-14-17

Env-Hw 609.03 Registration Modification. A transporter shall notify the department by providing updated information in writing within 15 days of any of the following:

- (a) A name change for the transporter;
- (b) A change in physical location or mailing address of the transporter;
- (c) A change of company contact of the transporter;
- (d) A change in telephone number of the transporter; and
- (e) A change in the EPA identification number of the transporter.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12348, eff 8-14-17

Env-Hw 609.04 Registration Suspension and Revocation.

(a) The department shall suspend, revoke, or refuse to renew a transporter's registration if the transporter does not demonstrate reliability, expertise, integrity and competence as specified in Env-Hw 610.02.

(b) Within 30 days of receiving a notice of the department's intent to suspend or revoke a transporter's registration, the person identified on the registration may request an oral hearing before the department. The oral hearing shall be conducted as an adjudicative proceeding in accordance with the applicable provisions of RSA 541-A and Env-C 200.

(c) Within 30 days of receipt of a notice of decision by the hearing officer regarding the suspension or revocation of the transporter's registration, the transporter may appeal the decision to the waste management council as specified in RSA 21-O:14.

(d) Within 5 days of suspension or revocation, the transporter shall return all original copies of the registration confirmation letter to the department.

(e) Within 15 days of suspension or revocation, the transporter shall:

- (1) Notify all New Hampshire customers served during the prior year that it is not authorized to transport hazardous waste; and
- (2) Publish a notice of suspension or revocation, as applicable, in a newspaper with statewide circulation.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17

Env-Hw 609.05 Registration Denial.

(a) If an applicant or registrant meets any of the criteria in RSA 147-A:6, V(d), Env-Hw 610.02, or Env-Hw 610.03, the department shall deny registration.

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(b) If the applicant or registrant wishes to appeal a denial of registration, the appeal shall be filed with the waste management council as specified in RSA 21-O:14.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12348, eff 8-14-17

PART Env-Hw 610 STANDARDS FOR HAZARDOUS WASTE TRANSPORTERS AND APPLICANTS FOR TRANSPORTER REGISTRATION

Env-Hw 610.01 Background Investigations. The department shall conduct a background investigation of a registrant or applicant to determine whether the registrant or applicant has sufficient reliability, expertise, integrity, and competence to transport hazardous waste in and through New Hampshire.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #12348, eff 8-14-17

Env-Hw 610.02 Registrant Integrity and Competence. The department shall suspend, revoke, or refuse to renew a transporter registration if the registrant does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste, as demonstrated by any of the following:

- (a) The registrant transported hazardous waste without possessing a transporter registration that was current and in good standing;
- (b) The registrant fails to demonstrate compliance with the financial responsibility requirements of 49 CFR 387.9;
- (c) Issuance of the registration was based on material false or misleading information;
- (d) The registrant's activities covered by the registration present an immediate and substantial threat to human health or the environment;
- (e) The registrant failed to comply with an order issued by the department or by any state relative to hazardous waste transportation, including an order to undertake corrective measures, unless the registrant is complying with the order in accordance with a compliance schedule and is current with all items;
- (f) The registrant failed to comply with an order issued by the department or by any state relative to a violation of any other statute administered by the department or by any state, unless the registrant is complying with the order in accordance with a compliance schedule and is current with all items;
- (g) The registrant owes any administrative fines to the department or to any state, unless the fines are being paid in accordance with a payment schedule and the registrant is current with all payments;
- (h) The registrant owes any fees to the department or to any state, unless the fees are being paid in accordance with a payment schedule and the registrant is current with all payments;
- (i) The registrant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the penalties are being paid in accordance with a payment schedule and the registrant is current with all payments;
- (j) The registrant failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the registrant is complying in accordance with a compliance schedule and is current with all items; or

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(k) Within 5 years of the renewal registration application date, the registrant has been the subject of 2 or more administrative or civil enforcement actions or one criminal enforcement action, that have not been overturned on appeal, for any violation of:

- (1) Any registration or permit issued by the department or by any state; or
- (2) Any statute or rule implemented by the department or by any state.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12348, eff 8-14-17

Env-Hw 610.03 Applicant Integrity and Competence. The department shall deny a transporter registration if the applicant does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste, as demonstrated by any of the following:

(a) The applicant transported hazardous waste without possessing a transporter registration that was current and in good standing;

(b) The applicant fails to demonstrate compliance with the financial responsibility requirements of 49 CFR 387.9;

(c) The applicant failed to comply with an order issued by the department or by any state relative to hazardous waste transportation, including an order to undertake corrective measures, unless the applicant is complying with the order in accordance with a compliance schedule and is current with all items;

(d) The applicant failed to comply with an order issued by the department or by any state relative to a violation of any other statute administered by the department or any state, unless the applicant is complying with the order in accordance with a compliance schedule and is current with all items;

(e) The applicant owes any administrative fines to the department or to any state, unless the fines are being paid in accordance with a payment schedule and the applicant is current with all payments;

(f) The applicant owes any fees to the department or to any state, unless the fees are being paid in accordance with a payment schedule and the applicant is current with all payments;

(g) The applicant owes any civil or criminal penalties imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the penalties are being paid in accordance with a payment schedule and the applicant is current with all payments;

(h) The applicant failed to comply with any civil or criminal restoration or restitution order imposed as a result of a judicial action taken to enforce any statute or rule implemented by the department or by any state, unless the applicant is complying with the order in accordance with a compliance schedule and is current with all items; or

(i) Within 5 years of the application date, the applicant has been the subject of 2 or more administrative or civil enforcement actions or one criminal enforcement action, that have not been overturned on appeal, for any violation of:

- (1) Any registration or permit issued by the department or by any state; or
- (2) Any statute or rule implemented by the department or by any state.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 600) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12348, eff 8-14-17

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CHAPTER Env-Hw 700 REQUIREMENTS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES/HAZARDOUS WASTE TRANSFER FACILITIES

Statutory Authority: RSA 147-A:3; RSA 147-B:7

REVISION NOTE #1:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 700 as Env-Hw 700. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Wm 700. The numerals of the rules remained unchanged, and the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

REVISION NOTE #2:

Document #12922, effective 11-23-19, readopted with amendments, repealed, or amended various rules in Chapter Env-Hw 700. Rules Env-Hw 705.01 titled "Recordkeeping" and Env-Hw 705.02 titled "Quarterly Reporting" were amended. The following rules in Chapter Env-Hw 700 were readopted with amendments:

- Env-Hw 701.01 Applicability.
- Env-Hw 701.03 Prohibitions.
- Env-Hw 703.01 General Manifest Requirements.
- Env-Hw 703.02 Manifest Errors/Discrepancies.
- Env-Hw 704.01 Rejected Shipments.
- Env-Hw 705.03 Biennial Reporting.
- Env-Hw 706.03 Waiver of Manifest and Permit Requirements for Emergency Response.

Document #12922 repealed the following rules in Chapter Env-Hw 700, and renumbered the former Env-Hw 703.05 as Env-Hw 703.03:

- Env-Hw 703.03 Rail or Water Shipments.
- Env-Hw 703.04 International Shipments.

PART Env-Hw 701 APPLICABILITY, EXEMPTIONS, AND PROHIBITIONS

Env-Hw 701.01 Applicability. This chapter shall apply to:

- (a) Owners and operators of all facilities, unless exempt under Env-Hw 800 or Env-Hw 701.02;
- (b) A person disposing of hazardous waste by means of ocean disposal pursuant to a permit issued under the Marine Protection, Research, and Sanctuaries Act only to the extent the person is deemed to have a permit-by-rule under Env-Hw 300;
- (c) An operator of a POTW that treats, stores, or disposes of hazardous waste only to the extent the operator is deemed to have a permit-by-rule under Env-Hw 300;
- (d) An owner and operator of a facility that treats, stores, or disposes of hazardous wastes in accordance with 40 CFR Part 268, 7-1-16 edition, as incorporated by reference in Env-Hw 1200; and
- (e) The storage of military munitions classified as solid waste pursuant to 40 CFR 266.202 only to the extent identified in 40 CFR 266.205, but this chapter shall apply to the treatment and disposal of hazardous waste military munitions.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter

heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17; ss by #12922, 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 700)

Env-Hw 701.02 Exemptions.

(a) This chapter shall not apply to:

- (1) A full quantity generator who accumulates hazardous waste on-site for 90 days or less, except as provided in Env-Hw 507.03 and Env-Hw 509.03, and who does not dispose of hazardous waste on-site;
- (2) A small quantity generator who accumulates waste in accordance with Env-Hw 507.03 and Env-Hw 508;
- (3) The owner or operator of a solid waste facility, as defined in RSA 149-M:4, IX and permitted by the department pursuant to RSA 149-M to manage non-hazardous solid waste, provided that:
 - a. The facility does not accept hazardous waste for transfer, treatment, storage, or disposal and does not transfer, treat, store, or dispose of hazardous waste; and
 - b. If the facility recovers energy from the combustion of solid waste from any source other than a household, it does not combust any hazardous waste, including but not limited to ash and baghouse filters, produced from the operation of the facility;
- (4) The owner or operator of an elementary neutralization unit or wastewater treatment unit that meets the requirements of Env-Hw 304.04;
- (5) A New Hampshire registered transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of 40 CFR 262.30 for a period of less than 10 days, provided that the wastes are en route to the facility designated on the manifest, and that all wastes remain on the registered vehicle and wastes are not transferred or removed from the vehicle;
- (6) The owner or operator of a facility managing recyclable materials described in Env-Hw 401.03(b)(36) - (40) and Env-Hw 804.02 except to the extent that Env-Hw 700 requirements are referred to in Env-Hw 804 through Env-Hw 809;
- (7) A farmer who disposes of hazardous waste pesticide residues from his/her own use, provided he/she triple rinses each emptied pesticide container in accordance with Env-Hw 401.03(d)(3), and disposes of the pesticide residues on their own farm in a manner consistent with the disposal instructions on the pesticide label;
- (8) Subject to (c), below, a person engaged in treatment or containment activities during immediate response to:
 - a. A discharge of hazardous waste;
 - b. An imminent and substantial threat of a discharge of hazardous waste;
 - c. A discharge of a material that, when discharged, becomes a hazardous waste; or
 - d. An immediate threat to human health, public safety, property, or the environment, from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosive or munitions emergency response specialist;
- (9) The addition of absorbent to waste in a container provided that the absorbent does not change the chemical properties of the waste and the requirements of 40 CFR 264.1(g)(10) are met;

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- (10) A generator who receives small quantity generator waste in accordance with Env-Hw 501.02(c);
- (11) A household hazardous waste collection project that receives hazardous waste from small quantity generators, provided that:
- a. The project is a one-day household hazardous waste collection event;
 - b. The waste is accompanied by a manifest in accordance with Env-Hw 510; and
 - c. The small quantity generator gives the waste directly to a New Hampshire registered hazardous waste transporter during the one-day collection event;
- (12) A government entity that receives household hazardous waste from another government entity provided the receiving entity manages the waste in accordance with the applicable generator requirements of Env-Hw 500 and ships the waste off-site within 90 days after receipt;
- (13) A universal waste handler or a universal waste transporter who handles universal waste, provided that the waste is managed in accordance with Env-Hw 1100; and
- (14) The owner or operator of a totally enclosed treatment facility as defined in Env-Hw 104.
- (b) Env-Hw 705.01(b)(1) through (6) and (9) through (16), Env-Hw 705.02, Env-Hw 705.03, Env-Hw 707.03(a)(2) and (10), and Env-Hw 708.02(a)(2) shall not apply to transfer facilities.
- (c) In the case of treatment or containment activities during immediate response to a situation specified in (a)(8), above:
- (1) A facility owner and operator shall comply with Env-Hw 708.02(a)(9) and Env-Hw 708.02(a)(10), except that the owner and operator of an existing facility shall comply with 40 CFR 265.54 instead of 40 CFR 264.54;
 - (2) A person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over shall be subject to Env-Hw 300 and this chapter; and
 - (3) In the case of an explosives or munitions emergency response, including emergencies involving military munitions, the requirements of 40 CFR 264.1(g)(8)(iv), 40 CFR 265.1(c)(11)(iv), and 40 CFR 270.1(c)(3)(iii) shall apply.
- (d) Env-Hw 703 and Env-Hw 704 shall not apply to owners and operators of:
- (1) On-site facilities that do not receive any hazardous waste from off-site sources; or
 - (2) Off-site facilities with respect to waste military munitions that are exempt from manifest requirements under 40 CFR 266.203(a).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 701.03 Prohibitions.

- (a) Underground injection of hazardous waste shall be prohibited.
- (b) Wastes with EPA hazardous waste numbers F020, F021, F022, F023, F026, and F027 shall not be managed at facilities subject to Env-Hw 707, unless:

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- (1) The wastewater treatment sludge is generated in a surface impoundment as a part of the plant's wastewater treatment system;
- (2) The waste is stored in tanks or containers;
- (3) The waste is stored or treated in waste piles that meet the requirements of Env-Hw 707.04(e);
- (4) The waste is burned in an incinerator that is certified pursuant to the standards and procedures in Env-Hw 707.04(h); or
- (5) The waste is burned in a facility that thermally treats the waste in a device other than an incinerator and that is certified pursuant to the standards and procedures in Env-Hw 707.04(i).

Source. #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17; ss by #12922, 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 700)

PART Env-Hw 702 GENERAL REQUIREMENTS FOR FACILITY OPERATORS

Env-Hw 702.01 Notification.

- (a) An operator of a facility shall notify the department prior to conducting any hazardous waste activities that are subject to the hazardous waste rules.
- (b) An operator of an existing facility shall notify the department within 30 days of the effective date of any statutory or regulatory amendment that requires the facility to have a hazardous waste permit.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.02 Notification Information Requirements.

- (a) The notification required by Env-Hw 702.01 shall be given by completing and submitting to the department a notification form obtained from the department that includes the following:
 - (1) The information specified in Env-Hw 504.02(a), as applicable; and
 - (2) A statement signed by the facility's authorized representative certifying, as specified in Env-Hw 207, the information provided on the notification form.
- (b) The operator shall notify the department, on a notification form obtained from the department, of any changes to the information required by (a), above, within 30 days of the effective date of any change.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.03 Notification Determination.

- (a) If the department, upon examination of a notification submitted as specified in Env-Hw 702.02, determines that the operator has not provided all of the information required by Env-Hw 702.02, the department shall notify the operator in writing of each deficiency.

(b) The operator shall, no later than 30 days from receipt of the notice of deficiency, explain or correct the alleged deficiency.

(c) If the operator does not respond within 30 days, the operator shall submit a new notification.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.04 EPA Identification Number.

(a) An operator of a facility or transfer facility shall not generate, receive, transfer, treat, store, or dispose of hazardous waste without having received an EPA identification number. If a notification from a facility or transfer facility is deemed complete, the department shall assign an EPA identification number to the facility or transfer facility.

(b) A separate number shall be obtained for each site location.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.05 Facility Permits. The operator of a new or existing facility shall comply with the permitting requirements of Env-Hw 300.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.06 Public Notification Plan. The operator of a facility or transfer facility shall develop and follow a plan describing methods to inform the public of the status of the activities undertaken at the facility or transfer facility.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.07 Transfer of Ownership/Relinquishment of Property Rights. The operator of a facility seeking to have its permit transferred to a new operator shall comply with 40 CFR 270.40, 7-1-05 edition, and RSA 147-A:4, IV.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.08 Environmental and Health Requirements. Notwithstanding any provisions in this chapter, the operator of a facility shall:

(a) Meet all surface water standards as specified in the Federal Clean Water Act and New Hampshire statutes according to RSA 485-A, and groundwater criteria established by the Federal Safe Drinking Water Act and Env-Or 600;

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- (b) Meet all air emission limits specified in the Federal Clean Air Act, RSA 125-C, and state implementation plans;
- (c) Prevent exposure of facility workers to chemicals in violation of Occupational Safety and Health Administration regulations; and
- (d) Prevent exposure of humans or the environment to harmful quantities of hazardous waste or its constituents.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.09 General Design Requirements. A facility shall:

- (a) Be designed and operated to minimize the possibility of any unplanned releases of hazardous waste or constituents;
- (b) Have diversion structures capable of diverting all surface water run-off and run-on from the active portions of the facility for a 24-hour, 100-year storm;
- (c) Be located above the 100-year flood level, unless it is an existing facility:
 - (1) That is designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood; or
 - (2) Whose operator ensures that all waste can be removed safely before floodwaters can reach the facility to a location where the wastes will not be vulnerable to flood waters; and
- (d) Be designed so that all surface run-off from active portions of the facility is collected and contained before it is discharged from a point source, and is handled in accordance with the Federal Clean Water Act and New Hampshire RSA 485-A.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.10 Groundwater Monitoring.

- (a) An operator of a facility with a surface impoundment, landfill, or land treatment operation shall install and operate a groundwater monitoring/release detection system capable of detecting the potential migration in groundwater of hazardous waste or waste constituents outside the boundaries of the facility, as specified below:
 - (1) Facilities that were in existence on July 1, 1980, shall implement a groundwater monitoring/release detection program in accordance with 40 CFR 265 Subpart F;
 - (2) Facilities that become subject to this chapter due to statutory or regulatory amendments shall implement a groundwater monitoring/release detection program in accordance with 40 CFR 265 Subpart F within one year of the effective date of the statutory or regulatory amendments; and
 - (3) New facilities shall implement a groundwater monitoring/release detection program in accordance with 40 CFR 264 Subpart F.

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(b) Groundwater monitoring/release detection shall comply with RSA 485-C:13, Env-Or 700, and either 40 CFR 264 Subpart F or 40 CFR 265 Subpart F, as specified in (a), above, provided that in the case of a conflict, the more protective requirement shall apply.

(c) Unless a release detection permit is required pursuant to RSA 485-C:13, the department shall waive any of the requirements of (b), above, if:

- (1) The operator requests such a waiver in writing as specified in Env-Hw 202; and
- (2) The operator provides documentation that the criteria for granting a waiver as specified in Env-Hw 202 are satisfied.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.11 Other Monitoring.

(a) The department shall review the groundwater monitoring/release detection plan proposed pursuant to Env-Hw 702.10(b) and all resulting data.

(b) The department shall review the design and operations of all hazardous waste facilities and transfer facilities other than those specified in Env-Hw 702.10(a) to determine whether the design and operation might allow any hazardous waste or constituent to migrate off-site.

(c) The department shall require the installation and operation of a monitoring system, including monitoring of air emissions, groundwater contamination, and leachate detection as appropriate to the migration vectors identified by the department, for:

- (1) A facility identified in Env-Hw 702.10(a), if the groundwater monitoring/release detection plan proposed pursuant to Env-Hw 702.10(b) is not adequate to detect the off-site migration of all hazardous wastes or constituents; or
- (2) A facility or transfer facility not identified in Env-Hw 702.10(a) whose design and/or operation might allow a hazardous waste or constituent to migrate off site.

(d) For a monitoring system specified in (c), above, the department shall specify in writing:

- (1) The monitoring system required;
- (2) The frequency of analysis required; and
- (3) The sampling and evaluation procedures and criteria to be used.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.12 Alternate Monitoring Plan. If the department requires a monitoring system pursuant to Env-Hw 702.11(c), the owner or operator may apply for a waiver or may submit for approval an alternate monitoring plan.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See

Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 702.13 Monitoring Response.

(a) Upon detection of contamination of any groundwater, surface water, air, or soil, the owner or operator of a facility shall immediately notify the department's emergency response team at the telephone number listed in Appendix E, Monday through Friday, from 8 a.m. to 4 p.m., and the New Hampshire state police headquarters communications unit at the telephone number listed in Appendix E at all other times.

(b) Within 10 days of notification, the operator shall:

- (1) Collect and evaluate samples on a more frequent basis;
- (2) Take preventive actions, such as requiring more stringent operational procedures;
- (3) Take remedial actions, including on-site relocation of wastes;
- (4) File a report, within 30 days of notification, identifying the causes of contamination and delineating if they are accidental, due to operating or design failures, or of unknown cause;
- (5) Provide evidence that the contamination can be mitigated by actions not previously mentioned; and
- (6) Temporarily cease operations so that the causes can be found and corrected.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12349, eff 8-14-17

PART Env-Hw 703 RECEIPT OF WASTE

Env-Hw 703.01 General Manifest Requirements.

(a) Upon receipt of a hazardous waste accompanied by a manifest, the owner, operator or responsible agent of the designated facility shall comply with 40 CFR 264.71(a), (b), and (d) through (k) and 40 CFR 265.71(a), (b), and (d) through (k), as applicable.

(b) The export and import requirements of 40 CFR 264.71(a)(3) and (d) and 40 CFR 265.71(a)(3) and (d) shall not apply to a NH-only waste.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by 8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12349, eff 8-14-17; ss by #12922, 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 700)

Env-Hw 703.02 Manifest Errors/Discrepancies.

(a) An owner, operator, or responsible agent shall comply with the manifest discrepancy requirements of 40 CFR 264.72(a) through (c) and 40 CFR 265.72(a) through (c), as applicable.

(b) An owner, operator, or responsible agent shall correct the following discrepancies:

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- (1) Significant differences, as that term is defined in 40 CFR 264.72(b) and 40 CFR 265.72(b), as applicable;
- (2) Incorrect or missing EPA identification numbers, generator names and addresses; and
- (3) Missing fee exemption codes as provided in Env-Hw 510.03.

(c) Post-receipt manifest data corrections shall be made in accordance with 40 CFR 264.71(l) and 40 CFR 265.71(l), as applicable.

(d) If a post-receipt manifest data correction pertains to a shipment that was accompanied by a paper manifest or a manifest that was printed for the generator's signature, the owner, operator, or responsible agent shall notify the generator of the correction.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17; ss by #12922, 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 700)

Env-Hw 703.03 Unmanifested Waste Report.

(a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or shipping paper for water or rail shipments, and if the waste is not excluded from the manifest requirement by the hazardous waste rules, the operator shall submit an unmanifested waste report to the department within 15 days of such acceptance.

(b) The unmanifested waste report shall contain the following information:

- (1) The name, address and EPA identification number of the facility;
- (2) The name, address and EPA identification number of the generator and transporter, if available;
- (3) The date of receipt;
- (4) For each unmanifested hazardous waste, its quantity and a description by type and source;
- (5) For each unmanifested hazardous waste, the method of treatment, storage, or disposal;
- (6) A full explanation of why the waste was unmanifested; and
- (7) A statement signed by the operator or a responsible agent certifying, as specified in Env-Hw 207, the information in the report.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17; (formerly Env-Hw 703.05, renumbered by #12922) (See Revision Note #2 at chapter heading for Env-Hw 700)

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PART Env-Hw 704 REJECTED SHIPMENTS

Env-Hw 704.01 Rejected Shipments. If an operator rejects all or part of a hazardous waste shipment or identifies a container residue that exceeds the quantity limits for empty containers set forth in Env-Hw 401.03(d), the operator shall comply with the manifest discrepancy requirements of 40 CFR 264.72(d) through (g) and 40 CFR 265.72(d) through (g), as applicable.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17; ss by #12922, 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 700)

PART Env-Hw 705 RECORDKEEPING AND REPORTING

Env-Hw 705.01 Recordkeeping.

(a) The operator of a facility other than a transfer facility shall keep a written operating record at the facility as set forth in (b) through (d), below.

(b) The following information shall be recorded by the operator as it becomes available:

- (1) A copy of each shipping document and manifest, including movement documents for shipments subject to 40 CFR 262, Subpart H, for at least 3 years from the date of delivery;
- (2) A description and the quantity of each hazardous waste shipment received, treated, stored, or disposed of at the facility, including:
 - a. The waste's common name;
 - b. If listed in Env-Hw 402 or a characteristic waste under Env-Hw 403, the waste's EPA and NH hazardous waste numbers, as applicable;
 - c. The waste's physical form, such as liquid, sludge, solid, or contained gas;
 - d. If not listed in Env-Hw 402, the process that produced the waste;
 - e. The estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in 40 CFR 264 Appendix I, Table 1; and
 - f. The method, by handling code as specified in 40 CFR 264 Appendix I, Table 2, and date of treatment, storage, or disposal;
- (3) A copy of each quarterly and biennial activity report for 3 years;
- (4) The method, location, and date of treatment, storage, and disposal;
- (5) The location of each hazardous waste within the facility and the quantity at each location, including:
 - a. For disposal facilities, the location and quantity of each hazardous waste, recorded on a map or diagram of each cell or disposal area; and
 - b. For all facilities, cross-references to specific manifest tracking numbers, if the waste was accompanied by a manifest;
- (6) Monitoring, testing and analytical data as required by Env-Hw 707 and Env-Hw 708, and for the post-closure care period for disposal facilities;

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- (7) An operating log, for 3 years, that specifies:
 - a. The time and date of facility inspections;
 - b. The inspector's name;
 - c. Notation of observation;
 - d. Dates and nature of maintenance; and
 - e. Remedial actions taken;
 - (8) Records of all abnormal events, including:
 - a. Actions requiring contingency plan implementation;
 - b. Explanations of manifest discrepancies;
 - c. Description of unmanifested wastes received; and
 - d. Any unplanned releases of hazardous waste to the environment;
 - (9) Adjustments to plans submitted;
 - (10) Adjustments and calculations of closure and for disposal facilities, post-closure cost estimates prepared in accordance with Env-Hw 707.03(a)(11) or Env-Hw 708.02(a)(12);
 - (11) Records of the dates and designation of all hazardous wastes or those wastes rendered not hazardous that are shipped off-site for further treatment, storage, or disposal;
 - (12) For off-site facilities, notices to generators as required by Env-Hw 708.02(a)(1);
 - (13) Records of corrective action as required by Env-Hw 708.02(a)(11) and for disposal facilities, for the full post-closure period;
 - (14) Records of the quantities and date of placement of each shipment of hazardous waste placed in land disposal units as required by 40 CFR 264.73(b)(10) and 40 CFR 265.73(b)(8), as applicable;
 - (15) The information required by 40 CFR 264.73(b)(11) through (16) and 40 CFR 265.73(b)(9) through (14), as applicable, for 3 years; and
 - (16) Records of monitoring, testing, or analytical data as required by 40 CFR 264.73(b)(18), for 5 years;
 - (17) The information required by 40 CFR 264.73(b)(19) and 40 CFR 265.73(b)(15), as applicable; and
 - (18) A statement obtained from the permittee, at least annually, certifying, as specified in Env-Hw 207, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste generated by the permittee to the degree determined by the permittee to be economically practicable, and the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment.
- (c) Except as specified in (b)(1), (3), (7), (15), and (16), the information required by (b), above, shall be maintained in the operating record until closure of the facility, unless requirements specify they must be kept for a longer period of time.

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(d) Any specified retention period shall be automatically extended while any enforcement action is pending.

(e) The operator of a transfer facility shall keep a written operating record at the transfer facility as set forth in (b)(7) and (8), above, and maintain the operating record in accordance with (c) and (d), above.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17; amd by #12922, 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 700)

Env-Hw 705.02 Quarterly Reporting.

(a) For the purposes of quarterly reporting, the term “facility” does not include hazardous waste transfer facilities.

(b) An operator of a hazardous waste facility located in New Hampshire that receives hazardous waste from out-of-state for the purpose of treating, storing, or disposing of such waste shall pay a fee based on the quantity of said out-of-state wastes.

(c) For each facility that meets the criteria in (b), above, the department shall compile a hazardous waste quarterly activity report summarizing the facility’s hazardous waste manifest information from the electronic manifest system and then mail or email the report to the facility. If a facility meets the criteria of (b), above, and has not received a quarterly activity report within 45 days following the last day of the previous quarter, the facility shall contact the department and the department shall send a new report.

(d) The reporting quarters shall be as follows:

- (1) 1st Quarter - January 1 to March 31;
- (2) 2nd Quarter - April 1 to June 30;
- (3) 3rd Quarter - July 1 to September 30; and
- (4) 4th Quarter - October 1 to December 31.

(e) A facility quarterly report shall include the following information:

- (1) Reporting quarter;
- (2) Name, address, telephone number, and EPA identification number of the reporting facility;
- (3) Weight in pounds of the hazardous waste received by the facility from out-of-state sources;
- (4) The EPA and NH hazardous waste numbers, as applicable, for each waste received by the facility from out-of-state sources; and
- (5) The amount of the fee payment due the state of New Hampshire.

(f) The operator shall:

- (1) Review the quarterly report for accuracy;
- (2) Correct any errors;

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- (3) Notify the department of any needed corrections within 30 days of receipt of the report; and
- (4) Provide a statement signed by a responsible company official certifying, as specified in Env-Hw 207, the report.
- (g) The operator shall submit each quarterly activity report to the department, together with the fee due to the state of New Hampshire, within 30 days from receipt.
- (h) A quarterly fee payment shall be made by the hazardous waste facility's operator.
- (i) As authorized by RSA 147-B:8, III, the fee shall be \$0.007 per kilogram, or \$0.003 per pound, on hazardous wastes received by the facility from out-of-state sources during the reporting quarter.
- (j) Fees paid by check or money order shall be made payable to "Treasurer, State of New Hampshire."

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17; amd by #12922, 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 700)

Env-Hw 705.03 Biennial Reporting.

- (a) On even-numbered years, the department shall prepare a biennial report as required by 40 CFR 264.75 or 40 CFR 265.75, as applicable, on behalf of each facility, other than a transfer facility, based on information provided on notification forms, manifest information in the electronic manifest system, and quarterly reports. Transfer facilities shall not be subject to biennial reporting requirements.
- (b) If a facility has not received a biennial report from the department by February 1 of an even-numbered year, the facility shall ask the department to send a new biennial report.
- (c) The operator shall:
 - (1) Review the biennial report for accuracy;
 - (2) Correct any errors;
 - (3) Notify the department of any needed corrections by March 1 of that year;
 - (4) Provide the department with any additional information necessary to complete the biennial report as required in 40 CFR 264.75 or 40 CFR 265.75, as applicable; and
 - (5) Submit to the department a complete copy of the biennial report by March 1 of that year, including a signed statement by the operator certifying, as specified in Env-Hw 207, the information in the report.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17; ss by #12922, 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 700)

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Env-Hw 705.04 Additional Reporting and Recordkeeping Requirements.

(a) The operator of a facility shall report in writing to the department any instances of non-compliance that threaten public health or the environment, any planned changes to the facility, and any relevant facts that were not provided in the permit application of the facility.

(b) The operator shall comply with the reporting and recordkeeping requirements of Env-Hw 304.12, and 40 CFR 264.74, 40 CFR 265.74, 40 CFR 264.77 and 40 CFR 265.77, including requirements for saving application records, certifying facility closure, and complying with land disposal data standards and other reporting and recordkeeping duties.

(c) The operator shall submit any additional reports, for example, monitoring data, specified on the facility's permit.

(d) All reports required by permits shall be signed and certified, as specified in Env-Hw 207, by a person described in 40 CFR 270.11.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12349, eff 8-14-17

PART Env-Hw 706 EMERGENCY ACTIONS; REMEDIAL ACTIONS

Env-Hw 706.01 Immediate Action After Any Discharge.

(a) In the event of any discharge of hazardous waste or of a material that when discharged becomes a hazardous waste that poses a threat to human health or the environment, including but not limited to a discharge into storm drains or sanitary sewers, onto the land or into the air, groundwater or surface waters, the owner or operator shall report the discharge:

(1) Immediately, not to exceed one hour from the discovery of the release; and

(2) To local emergency officials and to:

a. The department's emergency response team at the telephone number listed in Appendix E, Monday through Friday, 8 a.m. to 4 p.m.; or

b. The New Hampshire state police headquarters communications unit at the telephone number listed in Appendix E, 24 hours per day.

(b) The owner and operator also shall comply with the emergency procedures as specified in 40 CFR 265.56.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12349, eff 8-14-17

Env-Hw 706.02 Discharge Cleanup.

(a) The owner and operator shall immediately contain and cleanup, within 24 hours, any discharge of hazardous waste or material that, when discharged, becomes a hazardous waste.

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(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours of the occurrence, the owner or operator shall submit within 5 days of the discharge a cleanup plan to the department for approval prior to implementation, except as provided in (f), below.

(c) The cleanup plan shall:

- (1) Provide for the protection of human health and the environment;
- (2) Provide for the removal and proper disposal of the contamination source;
- (3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the cleanup is successful; and
- (4) Include a time table for completion.

(d) The department shall review the proposed cleanup plan and approve it if the department determines that the plan meets the criteria set forth in (c), above.

(e) The owner and operator shall implement the cleanup plan as approved by the department pursuant to (d), above.

(f) To minimize contamination, reduce risk of exposure, or promote more timely response actions, the owner or operator may begin discharge response actions before the cleanup plan is submitted to or approved by the department, provided the owner or operator:

- (1) Incorporates the self-initiated response measures into the report submitted to the department pursuant to (g), below; and
- (2) Complies with all other applicable local, state, and federal requirements.

(g) Within 30 days of completion of the cleanup, the owner or operator shall submit a report to the department detailing the actions taken.

(h) If the complete cleanup cannot be accomplished in accordance with (b) through (g), above, the owner or operator shall submit a scope of work proposal for site investigations pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 706.03 Waiver of Permit Requirements for Emergency Response. Subject to Env-Hw 701.02(c), a person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to the situations described in Env-Hw 701.02(a)(8).

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17; ss by #12922, 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 700)

PART Env-Hw 707 REQUIREMENTS FOR EXISTING FACILITIES

Env-Hw 707.01 Applicability. This part shall apply to:

(a) A facility that qualifies for interim status until a standard permit is issued under Env-Hw 300 or until applicable closure and post-closure requirements of Env-Hw 707.03(a)(11) are met;

(b) The owner and operator of a facility in existence on July 1, 1980, who failed to provide timely notification as first required under He-P 1905; and

(c) The owner and operator of a facility in existence on July 1, 1980, who failed to file a permit application as first required by He-P 1905.

Source. #12349, eff 8-14-17

Env-Hw 707.02 General Requirements. To obtain and maintain interim status, as described under Env-Hw 304.02(e), the operator of an existing facility shall comply with this part, unless exempt pursuant to Env-Hw 701.02.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17 (formerly Env-Hw 707.01)

Env-Hw 707.03 Operation Requirements.

(a) Operators of existing facilities shall comply with the following operation requirements:

- (1) 40 CFR 265.12, required notices;
- (2) 40 CFR 265.13, general waste analysis;
- (3) 40 CFR 265.14, security;
- (4) 40 CFR 265.15, general inspection requirements;
- (5) 40 CFR 265.16, personnel training;
- (6) 40 CFR 265.17, general requirements for ignitable, reactive, or incompatible wastes, including those wastes or materials listed in 40 CFR 265 Appendix V;
- (7) 40 CFR 265.19, construction quality assurance program;
- (8) 40 CFR 265, Subpart C, preparedness and prevention;
- (9) 40 CFR 265, Subpart D, contingency plan and emergency procedures;
- (10) 40 CFR 265, Subpart F, groundwater monitoring;
- (11) 40 CFR 265, Subpart G, closure and post-closure; and
- (12) Subject to (b), below, 40 CFR 265, Subpart H, financial requirements.

(b) The liability insurance required pursuant to 40 CFR 265.147(b)(1), identified in (a)(12), above, shall be as specified in 40 CFR 264.147(b)(1)(i) and (ii).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-

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Hw 700) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12349, eff 8-14-17 (formerly Env-Hw 707.02)

Env-Hw 707.04 Technical Requirements. An operator of an existing facility shall comply with the following technical requirements:

- (a) 40 CFR 265.1(d);
- (b) 40 CFR 265, Subpart I - use and management of containers;
- (c) 40 CFR 265, Subpart J - tanks;
- (d) 40 CFR 265, Subpart K - surface impoundments;
- (e) 40 CFR 265, Subpart L - waste piles;
- (f) 40 CFR 265, Subpart M - land treatment;
- (g) 40 CFR 265, Subpart N - landfills;
- (h) 40 CFR 265, Subpart O - incinerators;
- (i) 40 CFR 265, Subpart P - thermal treatment;
- (j) 40 CFR 265, Subpart Q - chemical, physical, and biological treatment;
- (k) 40 CFR 265, Subpart W - drip pads;
- (l) 40 CFR 265, Subpart DD - containment buildings; and
- (m) 40 CFR 265, Subpart EE - hazardous waste munitions and explosives storage.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; amd by #10739, eff 12-2-14; ss by #12349, eff 8-14-17 (formerly Env-Hw 707.03)

Env-Hw 707.05 Land Disposal Restrictions. Operators of existing facilities shall comply with Env-Hw 1200 relative to restrictions on land disposal of hazardous wastes.

Source. #12349, eff 8-14-17

PART Env-Hw 708 REQUIREMENTS FOR FACILITIES WITH A STANDARD PERMIT AND/OR A TRANSFER FACILITY PERMIT

Env-Hw 708.01 General Operation Requirements. To maintain a standard permit or a transfer facility permit, the operator of a facility or transfer facility shall comply with this part.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

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Env-Hw 708.02 Operation Requirements.

(a) An operator of a facility shall comply with the following operation requirements:

- (1) 40 CFR 264.12, required notices;
- (2) 40 CFR 264.13, general waste analysis;
- (3) 40 CFR 264.14, security;
- (4) 40 CFR 264.15, general inspection requirements;
- (5) 40 CFR 264.16, personnel training;
- (6) 40 CFR 264.17, general requirements for ignitable, reactive, or incompatible wastes, including those wastes or materials listed in 40 CFR 264 Appendix V;
- (7) 40 CFR 264.18, location standards, except that the provisions of Env-Hw 304.08(b) shall be applied in lieu of all flood mitigation provisions set forth in 40 CFR 264.18(b);
- (8) 40 CFR 264.19, construction quality assurance program;
- (9) 40 CFR 264, Subpart C, preparedness and prevention, except that for a transfer facility, aisle space requirements shall not apply to waste containers stored on a vehicle used to transport that waste;
- (10) 40 CFR 264, Subpart D, contingency plan and emergency procedures;
- (11) 40 CFR 264, Subpart F, releases from solid waste management units;
- (12) 40 CFR 264, Subpart G, closure and post-closure; and
- (13) Subject to (b) and (c), below, 40 CFR 264, Subpart H, financial requirements.

(b) Documents required by (a)(13), above, may be submitted in unsigned or signed form with the operator's standard permit or transfer facility permit application.

(c) If the documents required by (a)(13), above, are submitted unsigned with a permit application, the operator shall submit the documents signed:

- (1) Before a permit will be issued by the department for an existing facility; or
- (2) For a new facility, at least 60 days before hazardous waste is first received at the facility.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12349, eff 8-14-17

Env-Hw 708.03 Technical Requirements. The operator of a facility shall:

(a) Treat, store, or dispose of wastes according to best engineering judgment and with the best available technology;

(b) Design and operate the facility so as to minimize the quantity and impact of planned and non-planned releases of hazardous waste or waste constituents into the environment;

(c) Use the best available solution for managing the hazardous wastes received; and

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(d) Comply with the following requirements and standards:

- (1) 40 CFR 264, Subpart I - use and management of containers;
- (2) 40 CFR 264, Subpart J - tanks;
- (3) 40 CFR 264, Subpart K - surface impoundments;
- (4) 40 CFR 264, Subpart L - waste piles;
- (5) 40 CFR 264, Subpart M - land treatment;
- (6) 40 CFR 264, Subpart N - landfills;
- (7) 40 CFR 264, Subpart O - incinerators;
- (8) 40 CFR 264, Subpart W - drip pads;
- (9) 40 CFR 264, Subpart X - miscellaneous units;
- (10) 40 CFR 264, Subpart DD - containment buildings; and
- (11) 40 CFR 264, Subpart EE - hazardous waste munitions and explosives storage.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

Env-Hw 708.04 Land Disposal Restrictions. Operators of facilities shall comply with Env-Hw 1200 relative to restrictions on land disposal of hazardous wastes.

Source. #12349, eff 8-14-17

PART Env-Hw 709 STANDARDS FOR THE MANAGEMENT OF CERTAIN HAZARDOUS WASTES AND TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Env-Hw 709.01 Standards. An owner and operator shall comply with the following standards as applicable to the specific hazardous wastes and facility types:

- (a) Env-Hw 805 - recyclable materials used in a manner constituting disposal;
- (b) Env-Hw 806 - hazardous waste burned for energy recovery;
- (c) Env-Hw 808 - recyclable materials used for precious metal recovery;
- (d) Env-Hw 809 - spent lead-acid batteries being reclaimed; and
- (e) 40 CFR 266, Subpart M - military munitions.

Source. #5053, eff 1-24-91, EXPIRED: 1-24-97

New. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09; ss by #12349, eff 8-14-17

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CHAPTER Env-Hw 800 REQUIREMENTS FOR RECYCLING OF HAZARDOUS WASTES

Statutory Authority: RSA 147-A:3; RSA 147-B:7

REVISION NOTE:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 800 as Env-Hw 800. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 800. The numerals of the rules remained unchanged, except for those in Part Env-Hw 808, where the former Env-Wm 808.01 was deleted, and Env-Wm 808.02 through Env-Wm 808.06 were readopted with amendments and renumbered as Env-Hw 808.01 through Env-Hw 808.05. Except for Env-Hw 808.01 through Env-Hw 808.05, the source note information for the rules under Document #9367 refer to those same rule numbers under the subtitle Env-Wm.

PART Env-Hw 801 PURPOSE AND DEFINITIONS

Env-Hw 801.01 Purpose. The purpose of this chapter is to:

- (a) Identify those materials that are to be recycled that are wastes and therefore subject to regulation under Env-Hw 804 through Env-Hw 811;
- (b) Identify those materials that are to be recycled that are not wastes and therefore not subject to regulation under the hazardous waste rules; and
- (c) Set forth requirements for the management of materials identified both as wastes and as hazardous wastes, that are to be recycled. Such materials shall be termed recyclable materials.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12350, eff 8-14-17

Env-Hw 801.02 Definitions. For purposes of this chapter, the following definitions shall apply:

- (a) “Act of marketing” means the transfer of used oil from one party to another, regardless of whether a fee or charge is collected for the transfer;
- (b) “Hazardous waste fuel” means hazardous waste that is burned for energy recovery. The term includes fuel produced from hazardous waste by processing, blending, or other treatment. The term does not include a gas recovered from hazardous waste management activities when the gas is burned for energy recovery. For the purposes of this paragraph, “gas” means material that is in the gaseous state;
- (c) “Recyclable material” means material that is:
 - (1) A waste as defined in Env-Hw 104;
 - (2) Identified as a hazardous waste in Env-Hw 400; and
 - (3) To be recycled as defined in (e), below;
- (d) “Recyclable materials used for precious metal recovery” means recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these;
- (e) “Recycled” means used, reused, or reclaimed; and

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(f) “Used oil marketer” means any person who engages in the act of marketing unless exempt under Env-Hw 807.08(b).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12350, eff 8-14-17

PART Env-Hw 802 APPLICABILITY AND EXEMPTIONS

Env-Hw 802.01 Applicability. Subject to Env-Hw 802.02, this chapter shall apply to the following persons who manage recyclable materials, as defined in Env-Hw 801.02(c):

- (a) Generators;
- (b) Transporters;
- (c) Owners and operators of facilities that store recyclable materials before they are recycled, including those facilities that also recycle the materials; and
- (d) Owners and operators of facilities that recycle recyclable materials without storing the materials.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12350, eff 8-14-17

Env-Hw 802.02 Exemptions. A recycling process itself shall not be subject to regulation under the hazardous waste rules.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

PART Env-Hw 803 CLASSIFICATION OF MATERIALS BEING RECYCLED

Env-Hw 803.01 Purpose. The purpose of Env-Hw 803, regarding the identification of materials as wastes, is to establish in this subtitle the equivalent of the rules set forth under 40 CFR 261.2(c) through (e), 7-1-08 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 803.02 Categorization. Materials that are to be recycled, as defined in Env-Hw 801.02(e), shall be classified as follows:

- (a) Materials that are wastes when recycled, as identified in Env-Hw 803.03, and therefore subject to regulation as recyclable materials under Env-Hw 804 through Env-Hw 811; and

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(b) Materials that are not wastes when recycled, as identified in Env-Hw 803.04, and therefore not subject to regulation under the hazardous waste rules.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12350, eff 8-14-17

Env-Hw 803.03 Materials That Are Wastes When Recycled.

(a) A material shall be a waste when it is recycled, or accumulated, stored, or treated before recycling, if it is:

- (1) Used in a manner constituting disposal such that it is:
 - a. Applied to or placed on the land either without mixing or after mixing with any other substances, such as is prohibited by Env-Hw 805.02; or
 - b. Used to produce products that are applied to or placed on the land or is otherwise contained in products that are applied to or placed on the land, in which case the product itself shall remain a waste, unless it is a commercial chemical product listed in Env-Hw 402.04 or Env-Hw 402.05 being applied to the land in its ordinary manner of use;
- (2) Subject to (c), below, burned for energy recovery such that it is:
 - a. Burned to recover energy; or
 - b. Used to produce a fuel or is otherwise contained in fuels, in which case the fuel itself shall remain a waste;
- (3) Reclaimed, except those recycled materials identified in Env-Hw 803.04(b); or
- (4) Accumulated speculatively, as determined in Env-Hw 811, except for the recycled materials identified in Env-Hw 803.04(c).

(b) The following recycled materials shall be wastes, even if the recycling involves use, reuse, or return to the original process, as specified in Env-Hw 803.04(a):

- (1) Materials used in a manner constituting disposal, or used to produce products that are applied to the land;
- (2) Materials burned for energy recovery, used to produce a fuel, or contained in fuels;
- (3) Materials accumulated speculatively;
- (4) Inherently waste-like material as defined in Env-Hw 103; or
- (5) Materials classified by the commissioner or designee as inherently waste-like using the following criteria:
 - a. The materials are ordinarily disposed of, burned, or incinerated, or the materials contain toxic constituents listed in 40 CFR 261 Appendix VIII, and these constituents are not ordinarily found in raw materials or products for which the materials substitute, or are found in raw materials or products in smaller concentrations, and are not used or reused during the recycling process; and
 - b. The materials pose a hazard to human health and the environment when recycled.

- (c) Notwithstanding (a)(2), above, a commercial chemical product is not a waste if it is itself a fuel.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 803.04 Materials That Are Not Wastes When Recycled.

- (a) Except as set forth in Env-Hw 803.03(b), a material shall not be a waste when it can be shown to be recycled by being:

- (1) Used or reused as an ingredient in an industrial process to make a product, provided the material is not being reclaimed;
- (2) Used or reused as an effective substitute for commercial products, provided the material is not being reclaimed; or
- (3) Returned to the original process from which it is generated, without first being reclaimed or land disposed, if such material is:
 - a. Returned as a substitute for feedstock materials; and
 - b. In cases where the original process to which the material is returned is a secondary process, managed such that it is not placed on land.

- (b) The following materials shall not be wastes when recycled by being reclaimed:

- (1) Sludges, as defined in Env-Hw 104, that are deemed to be hazardous solely because they exhibit one or more of the characteristics of hazardous waste set forth in Env-Hw 403;
- (2) By-products, as defined in Env-Hw 103, that are deemed to be hazardous solely because they exhibit one or more of the characteristics of hazardous waste set forth in Env-Hw 403;
- (3) Commercial chemical products listed in Env-Hw 402.04 or Env-Hw 402.05; and
- (4) Commercial chemical products not listed in Env-Hw 402.04 or Env-Hw 402.05 that are deemed to be hazardous solely because they exhibit one or more of the characteristics of hazardous waste set forth in Env-Hw 403, except when they are recycled in ways that differ from their normal manner of use.

- (c) The following materials shall not be wastes when they are accumulated speculatively, as determined in Env-Hw 811:

- (1) Commercial chemical products listed in Env-Hw 402.04 or Env-Hw 402.05; and
- (2) Commercial chemical products not listed in Env-Hw 402.04 or Env-Hw 402.05 that are deemed to be hazardous solely because they exhibit one or more of the characteristics of hazardous waste set forth in Env-Hw 403, except when they are recycled in ways that differ from their normal manner of use.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 803.05 Documentation of Claims That Recycled Materials Are Not Wastes or Are Exempt from Regulation. A person who claims that a certain recycled material is not a hazardous waste or is exempt from regulation under the hazardous waste rules shall comply with Env-Hw 401.03(j).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

PART Env-Hw 804 REQUIREMENTS FOR MANAGEMENT OF RECYCLABLE MATERIALS

Env-Hw 804.01 Requirements.

(a) Recyclable materials, as defined in Env-Hw 801.02(c), shall be managed as set forth in Env-Hw 804 unless specifically exempt as specified in Env-Hw 401.03(b)(36) through (40).

(b) Except as set forth in Env-Hw 804.02, a person who manages recyclable materials shall comply with the following requirements:

- (1) A generator of recyclable materials shall be subject to Env-Hw 500;
- (2) A transporter of recyclable materials shall be subject to Env-Hw 600;
- (3) An owner or operator of a facility that stores recyclable materials before they are recycled, including a facility that also recycles the materials, shall be subject to Env-Hw 300 and Env-Hw 700; and
- (4) An owner or operator of a facility that recycles recyclable materials without storing the materials before they are recycled shall be subject to the following:
 - a. Notification requirements as set forth in Env-Hw 702;
 - b. Manifest requirements as set forth in Env-Hw 703; and
 - c. Biennial reporting requirements as set forth in Env-Hw 705.03.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12350, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 804.02 Requirements for Management of Specific Recyclable Materials.

(a) Generators, transporters, and owners and operators of facilities that store recyclable materials before they are recycled, who manage the recyclable materials specified in (b) through (f), below, shall not be subject to Env-Hw 804.01(b), but instead shall be subject to Env-Hw 805 through Env-Hw 809, respectively.

(b) Recyclable materials used in a manner constituting disposal shall be managed in accordance with Env-Hw 805.

(c) Hazardous waste fuels burned for energy recovery in boilers and industrial furnaces that are not regulated under Env-Hw 707 or Env-Hw 708 shall be managed in accordance with Env-Hw 806.

(d) Used oil being recycled shall be managed in accordance with Env-Hw 807.

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(e) Recyclable materials used for precious metal recovery shall be managed in accordance with Env-Hw 808.01 through Env-Hw 808.04 or, if applicable, in accordance with Env-Hw 808.05 or Env-Hw 808.06.

(f) Spent lead-acid batteries that are being reclaimed shall be managed in accordance with Env-Hw 809 or Env-Hw 1100.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

PART Env-Hw 805 RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL

Env-Hw 805.01 Requirements That Apply to Using Recyclable Materials in a Manner Constituting Disposal.

(a) Recyclable materials used in a manner constituting disposal as described in Env-Hw 803.03 shall be subject to this part.

(b) Generators and transporters of recyclable materials that are used in a manner that constitutes disposal shall be subject to the applicable requirements of Env-Hw 300, Env-Hw 500 and Env-Hw 600.

(c) Owners and operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal, but that are not the ultimate users of the materials, shall be subject to Env-Hw 300 and Env-Hw 700.

(d) Subject to 40 CFR 266.20(b) and (c), owners and operators of facilities that use recyclable materials in a manner that constitutes disposal shall be subject to Env-Hw 300, Env-Hw 700, and Env-Hw 1200.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 805.02 Materials Not to Be Used on Roads or Otherwise Applied to Land.

(a) The materials listed in (b), below, shall not be:

- (1) Used for dust suppression or road treatment; or
- (2) Otherwise applied to land in a manner constituting disposal.

(b) The prohibitions in (a), above, shall apply to:

- (1) Discarded oil or other material that is contaminated with dioxin;
- (2) Any used oil as defined in Env-Hw 104; and
- (3) Any hazardous waste or any material contaminated with hazardous waste.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17 (formerly Env-Hw 805.01(e))

PART Env-Hw 806 HAZARDOUS WASTE FUELS BURNED FOR ENERGY RECOVERY

Env-Hw 806.01 Applicability. This part shall apply to hazardous waste fuels, as defined in Env-Hw 801.02(b), that are burned for energy recovery in any boiler or industrial furnace that is not regulated under Env-Hw 707 or Env-Hw 708.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12350, eff 8-14-17

Env-Hw 806.02 Generator Requirements.

(a) A generator of hazardous waste that is used as a fuel or to produce a fuel shall be subject to Env-Hw 500.

(b) A generator who markets hazardous waste fuel to a burner shall also be subject to Env-Hw 806.04.

(c) A generator who burns hazardous waste fuel shall also be subject to Env-Hw 806.05.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 806.03 Transporter Requirements. A transporter of hazardous waste fuel or hazardous waste that is used to produce a fuel shall be subject to Env-Hw 600.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 806.04 Hazardous Waste Fuel Marketer Requirements.

(a) “Hazardous waste fuel marketer (HWF marketer)” means:

(1) A generator who markets hazardous waste fuel directly to a burner;

(2) A person who receives hazardous waste from generators and produces, processes, or blends hazardous waste fuel from the hazardous waste; and

(3) A person who distributes but does not process or blend hazardous waste fuel.

(b) A HWF marketer shall be subject to:

(1) The notification requirements of Env-Hw 702;

(2) The permitting requirements of Env-Hw 300, if applicable;

(3) The accumulation and storage requirements set forth in Env-Hw 500 and Env-Hw 700; and

(4) The requirements set forth in Env-Hw 500 when a HWF marketer initiates a shipment of hazardous waste fuel.

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(c) A HWF marketer shall notify the department of hazardous waste fuel activities even if the HWF marketer has previously obtained an EPA identification number for other hazardous waste management activities.

(d) Before a HWF marketer initiates the first shipment of hazardous waste fuel to a burner or another HWF marketer, the HWF marketer shall obtain a one-time written and signed notice from the recipient certifying, as specified in Env-Hw 207, that:

(1) The recipient of the fuel has notified the department to identify the recipient's hazardous waste fuel activities; and

(2) If the recipient is a hazardous waste fuel burner, as defined in Env-Hw 806.05(a), the recipient will burn the hazardous waste fuel only in an industrial furnace or boiler identified in Env-Hw 806.05(g).

(e) A person shall only market hazardous waste fuel:

(1) To persons who have notified the department of their hazardous waste fuel activities and have an EPA identification number; and

(2) If the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces identified in Env-Hw 806.05(g).

(f) Before accepting the first shipment of hazardous waste fuel from another HWF marketer, the receiving HWF marketer shall provide the shipping HWF marketer with a one-time written and signed statement certifying, as specified in Env-Hw 207, that the receiving HWF marketer has notified the department as specified in (b)(1) and (c), above, to identify hazardous waste fuel activities.

(g) In addition to the applicable recordkeeping requirements of Env-Hw 500 and Env-Hw 700, the HWF marketer shall keep, for 3 years from the date the HWF marketer last engages in a hazardous waste fuel marketing transaction with the person who sends or receives the certification notice, a copy of each certification notice the HWF marketer receives or sends.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12350, eff 8-14-17

Env-Hw 806.05 Hazardous Waste Fuel Burner Requirements.

(a) "Hazardous waste fuel burner (HWF burner)" means an owner or operator of an industrial furnace or boiler identified in (g), below, that burns hazardous waste fuel.

(b) A HWF burner shall:

(1) Notify the department of its hazardous waste fuel activities in accordance with Env-Hw 702; and

(2) Comply with the following storage requirements:

a. For accumulation for less than 90 days by generators who burn their hazardous waste fuel on site, the accumulation and storage requirements as set forth in Env-Hw 500; and

b. For existing or new storage facilities, the applicable provisions of Env-Hw 300 and Env-Hw 700.

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(c) A HWF burner shall notify the department of hazardous waste fuel activities even if the HWF burner has previously obtained an EPA identification number for other hazardous waste management activities.

(d) An owner or operator of a facility who intends to burn hazardous waste fuel shall obtain any required permits relating to control of air emissions from the department under RSA 125-C prior to burning such fuels.

(e) Before accepting the first shipment of hazardous waste fuel from a HWF marketer, the HWF burner shall provide the marketer a one-time written and signed notice certifying, as specified in Env-Hw 207, that:

(1) The HWF burner has notified the department of the burner's hazardous waste fuel activities; and

(2) The HWF burner will burn the fuel only in a boiler or furnace as identified in (g), below.

(f) In addition to the applicable recordkeeping requirements of Env-Hw 500 and Env-Hw 700, a HWF burner shall keep, for 5 years from the date the burner last receives hazardous waste fuel from that marketer, a copy of each certification notice that the burner sends to a marketer.

(g) Hazardous waste fuel shall be burned for energy recovery in the following devices only:

(1) Industrial furnaces as defined in Env-Hw 103; or

(2) Boilers, as defined in Env-Hw 103, that are:

a. Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

b. Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(h) No fuel that contains any hazardous waste shall be burned in any cement kiln located within the boundaries of any incorporated municipality having a population greater than 500,000, based on the most recent federal census statistics, unless such kiln fully complies with Env-Hw 707.04(h) and Env-Hw 708.03(d)(7) as applicable to incinerators.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

PART Env-Hw 807 REQUIREMENTS FOR MANAGEMENT OF USED OIL BEING RECYCLED

Env-Hw 807.01 Applicability, Exemptions, and Prohibitions.

(a) This part shall apply to:

(1) Used oil, as defined in Env-Hw 104;

(2) Any person who generates, transports, collects, or markets used oil destined to be recycled by being burned for energy recovery or rerefined; and

(3) Any person who burns used oil fuel for energy recovery, except where exempt as specified in (d), below.

(b) Any person who stores used oil in aboveground storage tanks shall comply with all applicable state and local requirements pertaining to storage of petroleum products, including Env-Or 300 and the provisions

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of the state fire code that apply to flammable and combustible materials, currently Saf-C 6009, as may be amended pursuant to RSA 153:5, I.

(c) Any person who stores used oil in underground storage tanks of any capacity shall comply with Env-Or 400, excluding Env-Or 401.02 relating to excluding tanks having a capacity of 110 gallons or less and Env-Or 401.03 relating to exclusions.

(d) A person who generates used oil as a household waste shall be exempt from this part.

(e) Recycling of used oil shall be subject to the following prohibitions:

(1) Used oil shall not be applied to roads or other land areas for the purpose of dust suppression or any other reason. Use of used oil for such purposes shall be deemed to be disposal of hazardous waste;

(2) Off-specification used oil, as defined in Env-Hw 807.03, shall not be used as an automotive undercoating; and

(3) Used oil shall not be mixed with any other waste identified as a hazardous waste under Env-Hw 400, unless it is being purposely blended with hazardous waste to formulate a hazardous waste fuel to be burned pursuant to Env-Hw 806.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6385-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 807.02 Specification Used Oil. Used oil shall be classified as specification used oil if the oil:

(a) Has not been mixed with hazardous waste; and

(b) Meets all of the standards in Table 8.1 below and does not otherwise exhibit any hazardous waste characteristics specified in Env-Hw 403:

Table 8.1 Specification Used Oil Standards

Constituent/Property	Allowable Level
Arsenic	5 parts per million, dry weight basis (ppm-dw) maximum
Cadmium	2 ppm-dw maximum
Chromium	10 ppm-dw maximum
Lead	100 ppm-dw maximum
Flash point	100 degrees Fahrenheit minimum
Polychlorinated biphenyls (PCBs)	less than 2 ppm-dw
Total halogens	1,000 ppm-dw maximum

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 807.03 Off-Specification Used Oil.

(a) Used oil shall be classified as off-specification used oil if the oil:

(1) Does not meet all of the standards in Table 8.1;

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- (2) Has not been mixed with hazardous waste; and
- (3) Meets the standards in Table 8.2 below and does not otherwise exhibit any hazardous waste characteristics specified in Env-Hw 403:

Table 8.2 Off-Specification Used Oil Standards

Constituent/Property	Allowable Level
Arsenic	18 ppm-dw maximum
Cadmium	10 ppm-dw maximum
Chromium	35 ppm-dw maximum
Lead	1,000 ppm-dw maximum
Flash point	100 degrees Fahrenheit minimum
Total halogens	1,000 ppm-dw maximum, unless the presumption that the oil was mixed with halogenated hazardous waste has been rebutted as described in Env-Hw 807.04(c)

(b) Except as provided in Env-Hw 401.03(b)(26), used oil containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 2 ppm shall be classified as off-specification used oil that is subject to all requirements for managing off-specification used oil in Env-Hw 807. Used oil containing PCBs also shall be subject to regulation under the Toxic Substances Control Act and its rules codified under 40 CFR Part 761.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 807.04 Used Oil That Exceeds Standards for Off-Specification Used Oil.

(a) Except as provided in (b), below, used oil shall be managed in accordance with Env-Hw 300, Env-Hw 500, Env-Hw 600 and Env-Hw 700 if it:

- (1) Has been mixed with hazardous waste;
- (2) Exhibits a hazardous waste characteristic as set forth in Env-Hw 403, except as provided for in Env-Hw 807.02 or Env-Hw 807.03; or
- (3) Does not meet the standards for off-specification used oil specified in Env-Hw 807.03.

(b) Used oil regulated pursuant to this section that is burned for energy recovery shall be managed as a hazardous waste fuel in accordance with Env-Hw 806.

(c) Used oil containing more than 1,000 ppm of total halogens shall be presumed by the department to have been mixed with halogenated hazardous waste listed in Env-Hw 400. A person may rebut this presumption by providing conclusive information that the used oil has not been mixed with halogenated hazardous waste listed in Env-Hw 400. Used oil that has not been mixed with halogenated hazardous waste may be managed as off-specification used oil provided the oil meets the requirements of Env-Hw 807.03.

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(d) Used oil regulated under Env-Hw 807.04 shall not be blended to meet the standards specified in Env-Hw 807.02 or Env-Hw 807.03.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12350, eff 8-14-17

Env-Hw 807.05 Sampling and Analytical Methods. Sampling and analysis of used oil shall be conducted in accordance with Env-Hw 401.04.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 807.06 Standards for Generators of Used Oil Being Recycled.

(a) This section shall apply to:

- (1) Any person who generates used oil that is destined to be burned for energy recovery or re-refined; and
- (2) Any person, including any municipality, that collects used oil generated as a household waste as described in (b)(7), below.

(b) A generator who stores used oil on-site shall comply with the following requirements:

- (1) The used oil shall be stored in containers that meet the US DOT container specifications under 49 CFR 173 or in a structurally sound tank;
- (2) Used oil containers and tanks shall be clearly labeled with the words "Used Oil for Recycle" at all times during accumulation and storage;
- (3) A generator shall ensure that containers or tanks are closed at all times except when used oil is being added to or removed from the container or tank;
- (4) All tanks and containers shall be maintained and operated to prevent spillage, seepage, or other discharge of used oil into storm or sanitary sewers, onto the land, or into groundwater or surface waters;
- (5) Subject to (b)(7), below, a generator shall conduct an initial used oil determination on the used oil by analyzing it for all of the parameters specified in Env-Hw 807.02 and Env-Hw 807.03, except that a generator may omit the analysis for PCBs if no sources of PCBs are present in the process generating the used oil;
- (6) The analysis required by (b)(5), above, shall be repeated whenever the process generating the used oil changes, or the oil has been mixed with other materials. In cases where used oils from 2 or more different sources are collected in one container or tank in proportions that vary over time, the generator shall conduct analyses with sufficient frequency to ensure that the oil is correctly classified before being offered for transport;
- (7) A municipality that collects used oil generated as a household waste and a generator of used oils that are comprised solely of used automotive oils may omit the initial used oil determination required by (b)(5) and (6), above, if the municipality or generator ensures that the oil is not mixed

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with any other types of oil or wastes. For the purposes of this exemption, automotive oil means motor, engine, and gear oils, and transmission and brake fluids;

(8) A generator shall not mix used oil with any other hazardous waste;

(9) A generator shall deliver used oil to a facility authorized to accept used oil, or burn the used oil on-site in accordance with Env-Hw 807.10;

(10) Subject to (b)(12), below, used oil shall be transported by duly registered hazardous waste transporters only, using a 3-copy bill of lading that contains the information specified in (b)(11), below;

(11) Each bill of lading for used oil shall include the following information:

- a. A shipment number unique to each shipment;
- b. The name and site address of the generator/shipper, transporter/carrier, and receiving facility/consignee;
- c. The EPA identification number of:
 1. The shipper, if the shipper is required by Env-Hw 504 to have a number;
 2. The transporter; and
 3. The receiving facility;
- d. The quantity of used oil to be delivered;
- e. The date of shipment and date of delivery; and
- f. A statement signed by the generator certifying, as specified in Env-Hw 207, that the used oil:
 1. Is destined to be recycled and is subject to regulation by the department under Env-Hw 807;
 2. Is not a hazardous waste fuel as defined in Env-Hw 807.04; and
 3. Has not been mixed with any other hazardous wastes identified in Env-Hw 400 or any used oil classified as hazardous waste fuel under Env-Hw 807.04;

(12) If specification or off-specification used oil is being shipped within New Hampshire or to state that requires the use of a hazardous waste manifest:

- a. A hazardous waste manifest may be used in lieu of a bill of lading; and
- b. The NH01 waste code shall not be recorded on the manifest;

(13) Generators who market their used oil directly to a burner shall comply with Env-Hw 807.09;

(14) Generators who burn their own used oil shall comply with Env-Hw 807.10; and

(15) Generators shall maintain on file copies of:

- a. All bills of lading for 3 years from the date of shipment; and

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- b. Used oil analyses for 3 years from the date that the used oil was last generated, stored, or burned on site.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17; amd by #12922, eff 11-23-19

Env-Hw 807.07 Standards for Transporters of Used Oil Being Recycled.

- (a) Subject to (b), below, a transporter of used oil being recycled shall comply with Env-Hw 600.
- (b) Any generator transporting up to 110 gallons at a time of the generator's own used oil shall comply with (c) and (d), below, in lieu of complying with Env-Hw 600.
- (c) A bill of lading shall be used for transportation of used oil in accordance with Env-Hw 807.06(b)(11) in lieu of the uniform hazardous waste manifest required by Env-Hw 604, except in cases where specification or off-specification used oil is being shipped within New Hampshire or to a state or jurisdiction that requires the use of a hazardous waste manifest for used oil, in which case the NH01 waste code shall not be recorded on the manifest.
- (d) The transporter shall keep a copy of the bill of lading for each shipment on file for 3 years from the date of shipment. The 3-year record retention period shall be extended automatically while any enforcement action is pending.
- (e) A transporter shall submit an annual used oil activity report for any used oil transported in the immediately preceding calendar year, as specified in (f) through (h), below.
- (f) The report required by (e), above, shall include the following information on a form obtained from the department:
- (1) The name, mailing address, contact person, telephone number, New Hampshire transporter registration number, and EPA identification number of the transporter;
 - (2) The reporting year; and
 - (3) The total amount of used oil transported within the reporting year, including the total amounts of specification and of off-specification used oil transported from:
 - a. In-state generators to in-state burners;
 - b. In-state generators to in-state marketers;
 - c. In-state generators to out-of-state entities;
 - d. In-state marketers to in-state and out-of-state entities;
 - e. Out-of-state entities to in-state burners; and
 - f. Out-of-state entities to in-state marketers.
- (g) A responsible company official shall certify, as specified in Env-Hw 207, the report.

(h) The report shall be submitted to the department by March 1 of the year immediately following the reporting year.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6385-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 807.08 Identification of Marketers of Used Oil Being Recycled.

(a) The following persons shall be classified as used oil marketers:

- (1) Generators who market their used oil directly to one or more burners;
- (2) Persons who receive used oil from generators and produce, process, or blend used oil fuel from the used oils received, including persons sending blended or processed used oil to brokers or other intermediaries; and
- (3) Persons, including transporters who take ownership of the oil they collect, who distribute but do not process or blend used oil.

(b) Subject to (c), below, the following persons shall not be classified as used oil marketers unless they transfer their used oil directly to a person who burns it for energy recovery:

- (1) Used oil generators; and
- (2) Transporters who transport used oil received only from generators.

(c) A person who burns some used oil fuel incidental to processing or other treatment to produce used oil fuel for marketing shall not be classified as a used oil fuel burner who is subject to Env-Hw 807.10.

(d) Generators, and transporters who collect used oil only from generators, who transfer used oil only to incidental burners as described in (c), above, shall not be classified as marketers who are subject to Env-Hw 807.09.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 807.09 Standards for Marketers of Used Oil Being Recycled.

(a) This section shall apply to all used oil marketers as identified in Env-Hw 807.08.

(b) A used oil marketer shall comply with the following requirements:

- (1) A used oil marketer shall notify the department of used oil management activities by completing and submitting to the department a notification form obtained from the department that includes the following:
 - a. The information specified in Env-Hw 504.02(a), as applicable; and
 - b. A statement signed by the marketer's authorized representative certifying, as specified in Env-Hw 207, the information provided on the notification form.

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- (2) A used oil marketer shall notify the department of used oil management activities even if the used oil marketer has previously obtained an EPA identification number for other hazardous waste management activities;
- (3) A marketer shall perform sampling and analyses in accordance with Env-Hw 807.05 for the parameters specified in Env-Hw 807.02 and Env-Hw 807.03 on used oil being marketed;
- (4) A marketer shall assign a unique number or code to each batch of used oil tested and record the number or code on the corresponding analytical reports and on the bill of lading or hazardous waste manifest documenting shipment of that batch;
- (5) If a previously tested batch is subsequently mixed with more used oil, a new number or code shall be assigned to the consolidated batch and testing shall be repeated prior to marketing;
- (6) A marketer may market specification or off-specification used oil subject to the following restrictions:
 - a. Off-specification used oil shall be marketed only to rerefiners or to owners and operators of burning devices identified in Env-Hw 807.10(b)(4), or to other marketers; and
 - b. Specification used oil shall be marketed only to rerefiners or to owners and operators of burning devices identified in Env-Hw 807.10(b)(5), or to other marketers;
- (7) When initiating a shipment of used oil, a marketer shall use a 3-copy bill of lading as described in Env-Hw 807.06(b)(11);
- (8) In addition to the information required by Env-Hw 807.06(b)(11), a marketer shall indicate, on the bill of lading, the batch code or number corresponding to the batch being shipped and whether the oil is specification or off-specification used oil;
- (9) A copy of the analytical report shall accompany the bill of lading;
- (10) The marketer, transporter, and the receiving facility shall each maintain on file a copy of the bill of lading;
- (11) The following notices shall be required:
 - a. Before initiating the first shipment of used oil to a burner, rerefiner, or other marketer, the marketer shall obtain a one-time written and signed notice from the recipient certifying, as specified in Env-Hw 207, that:
 1. The recipient of the used oil has notified the department of the recipient's used oil management activities; and
 2. If the recipient is a burner, the recipient will burn the used oil only in a device that complies with Env-Hw 807.10; and
 - b. Before accepting the first shipment of used oil from another marketer subject to this section, the receiving marketer shall provide the shipping marketer with a one-time written and signed notice certifying, as specified in Env-Hw 207, that the receiving marketer has notified the department of the receiving marketer's used oil management activities;
- (12) A marketer shall keep the following records on file:
 - a. A copy of each certification notice that the marketer receives or sends for 3 years from the date the marketer last engages in a used oil marketing transaction with the person who sends or receives the certification notice;

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- b. Copies of all used oil analysis reports for 3 years from the date that the oil is marketed to another marketer, rerefiner, or burner;
- c. A copy of each bill of lading for 3 years from the date of shipment; and
- d. An operating log, with the following information regarding each shipment of used oil fuel, for 3 years from the date of shipment:
 - 1. The name and address of the facility receiving the shipment;
 - 2. The quantity of used oil fuel delivered;
 - 3. The date of shipment or delivery; and
 - 4. A cross-reference to the record of the used oil analysis, including the batch code or number; and

(13) The 3-year record retention period specified in (b)(12), above, shall be extended automatically while any enforcement action is pending.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

Env-Hw 807.10 Standards for Burners of Used Oil Fuel.

(a) For the purpose of this section, “used oil fuel burner (UOF burner)” means an owner or operator of an industrial furnace, boiler, or space heater identified in (b)(4) - (6), below, that burns used oil fuel, except as specified in Env-Hw 807.08(c).

(b) A UOF burner shall comply with the following standards:

(1) A UOF burner shall notify the department of its used oil management activities by completing and submitting to the department a notification form obtained from the department that includes the following:

- a. The information specified in Env-Hw 504.02(a), as applicable; and
- b. A statement signed by the burner’s authorized representative certifying, as specified in Env-Hw 207, the information provided on the notification form.

(2) A UOF burner shall notify the department of used oil management activities even if the UOF burner has previously obtained an EPA identification number for other hazardous waste management activities;

(3) Owners and operators of facilities who intend to burn used oil fuel shall also notify the department's air resources division to secure any required permits prior to burning such fuels;

(4) Off-specification used oil fuel shall be burned only in the following devices:

- a. Industrial furnaces as defined in Env-Hw 103;
- b. Boilers, as defined in Env-Hw 103, that are:
 - 1. Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

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2. Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale; or
 - c. Used oil fired space heaters, provided that:
 1. The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour;
 2. Combustion gases from the heater are vented to the outside ambient air; and
 3. The burner burns only used oil that is generated on site;
- (5) Specification used oil fuel shall be burned only in the following devices:
- a. Oil furnaces and boilers, except those located at private residences, hotels, motels, apartment buildings, and residential institutions including hospitals, residential treatment facilities, and retirement homes; or
 - b. Used oil fired space heaters, provided that the heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour, and combustion gases from the heater are vented to the outside ambient air;
- (6) Used oils containing greater than or equal to 2 ppm PCBs shall be burned only in units allowed under 40 CFR 761.60, pursuant to the Toxic Substances Control Act;
- (7) A UOF burner shall perform analyses of the oil for the parameters outlined in Env-Hw 807.02 and Env-Hw 807.03, unless:
- a. The UOF burner has received the used oil fuel from a UOF marketer that has tested the batch in question and has provided a copy of the resulting analytical report to the burner;
 - b. The UOF burner is burning only used automotive oil that is generated on-site; or
 - c. The UOF burner is burning only used oil collected from persons generating the oil as a household waste;
- (8) Before accepting the first shipment of off-specification used oil fuel from a marketer, a UOF burner shall provide the marketer a one-time written and signed notice certifying, as specified in Env-Hw 207, that:
- a. The burner has notified the department of the location and general description of the burner's used oil management activities; and
 - b. The burner will burn the used oil only in a device specified in this section;
- (9) A UOF burner shall keep the following records on file:
- a. A copy of each certification notice that the burner sends to a marketer for 3 years from the date the burner last receives used oil fuel from that marketer;
 - b. Copies of all used oil fuel analysis reports for 3 years from the date that the oil is received at the burner's facility; and
 - c. A copy of each bill of lading for 3-years from the date that the oil is received at the burner's facility;
- (10) The 3-year record retention period specified in (b)(9), above, shall be extended automatically while any enforcement action is pending; and

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(11) A UOF burner shall comply with all applicable state and local requirements pertaining to the burning of petroleum products, including provisions of the state fire code that apply to oil burning equipment, currently at Saf-C 6012, as may be amended pursuant to RSA 153:5, I.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

PART Env-Hw 808 RECYCLABLE MATERIALS USED FOR PRECIOUS METAL RECOVERY

Env-Hw 808.01 Applicability and Exemptions.

(a) This part shall apply to recyclable materials used for precious metal recovery and any person who generates, transports, or stores recyclable materials used for precious metal recovery, except as specified in Env-Hw 808.06.

(b) Subject to Env-Hw 808.02, Env-Hw 808.05, and Env-Hw 808.06, Env-Hw 500 shall not apply to a person who generates recyclable materials used for precious metal recovery.

(c) Subject to Env-Hw 808.03, Env-Hw 808.05, and Env-Hw 808.06, Env-Hw 600 shall not apply to a person who transports recyclable materials used for precious metal recovery.

(d) Subject to Env-Hw 808.04, Env-Hw 808.05, and Env-Hw 808.06, Env-Hw 300 and Env-Hw 700 shall not apply to a person who stores recyclable materials used for precious metal recovery.

Source. #12350, eff 8-14-17

Env-Hw 808.02 Generator Requirements. Any person who generates recyclable materials used for precious metal recovery shall comply with:

(a) The notification requirements of Env-Hw 504;

(b) The manifest requirements of Env-Hw 510;

(c) As applicable, either:

(1) The small quantity generator self-certification requirements of Env-Hw 514; or

(2) The certified hazardous waste coordinator requirements of Env-Hw 509.04;

(d) The notification requirements of Env-Hw 1200; and

(e) For precious metals exported to or imported from other countries for recovery, 40 CFR 262 Subpart H and 40 CFR 265.12.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800) ss by #9367, eff 1-28-09; ss by #10494, eff 1-1-14; ss by #12350, eff 8-14-17 (formerly Env-Hw 808.01); ss by #12922, eff 11-23-19

Env-Hw 808.03 Transporter Requirements. Any person who transports recyclable materials used for precious metal recovery shall comply with:

(a) The notification requirements of Env-Hw 602;

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- (b) The manifest requirements of Env-Hw 604;
- (c) The delivery requirements of Env-Hw 606;
- (d) The registration requirements of Env-Hw 609; and

(e) For precious metals exported to or imported from other countries for recovery, 40 CFR 262 Subpart H and 40 CFR 265.12.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17 (formerly Env-Hw 808.02); ss by #12922, eff 11-23-19

Env-Hw 808.04 Storage Facility Requirements. Any person who stores recyclable materials used for precious metal recovery shall:

(a) Comply with:

- (1) The notification requirements of Env-Hw 702;
- (2) The manifest requirements of Env-Hw 703; and
- (3) For precious metals exported to or imported from other countries for recovery, 40 CFR 262 Subpart H and 40 CFR 265.12; and

(b) To document that the materials are not being accumulated speculatively, as determined under Env-Hw 811, maintain records of:

- (1) The amount of materials stored at the beginning of the calendar year;
- (2) The amount of materials generated or received during the calendar year; and
- (3) The amount of materials remaining at the end of the calendar year.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17 (formerly Env-Hw 808.03); ss by #12922, eff 11-23-19

Env-Hw 808.05 Speculative Accumulation of Recyclable Materials Used for Precious Metal Recovery. Recyclable materials used for precious metal recovery that are accumulated speculatively, as determined under Env-Hw 811, shall be regulated as hazardous wastes under Env-Hw 100-700 and not regulated as recyclable materials under this chapter.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17 (formerly Env-Hw 808.04)

Env-Hw 808.06 Increased Regulation of Recyclable Materials Used for Precious Metal Recovery.

(a) Any person who accumulates or stores recyclable materials used for precious metal recovery in a manner that does not protect human health and the environment, as determined in accordance with 40 CFR 260.40, shall comply with Env-Hw 300, 500, 600, and 700, as applicable.

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(b) For purposes of making a determination pursuant to (a), above, the department shall use the standards and procedures established in 40 CFR 260.40 and 40 CFR 260.41, with the following modifications:

- (1) “Regional administrator” or “administrator” shall mean the commissioner or designee;
- (2) “Subparts A, C, D, and E of part 262 of this chapter” and “part 262” as used in 40 CFR 260.41(a) shall mean Env-Hw 500, Env-Hw 600, and Env-Hw 700; and
- (3) “Parts 270 and 124 of this chapter” as used in 40 CFR 260.41(b) shall mean Env-Hw 300.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17 (formerly Env-Hw 808.05)

PART Env-Hw 809 SPENT LEAD-ACID BATTERIES BEING RECLAIMED

Env-Hw 809.01 Applicability.

(a) This part shall apply to any person who:

- (1) Generates or collects spent lead-acid batteries destined for reclamation;
- (2) Transports spent lead-acid batteries destined for reclamation;
- (3) Reclaims spent lead-acid batteries; or
- (4) Exports or imports spent lead-acid batteries for reclamation.

(b) The reclamation of spent lead-acid batteries through regeneration, such as by electrolyte replacement, shall be subject to Env-Hw 400 and Env-Hw 502, but shall not otherwise be subject to the hazardous waste rules.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 809.02 Requirements for Persons Who Generate, Collect, or Store But Do Not Reclaim. Any person who generates, collects, or stores spent lead-acid batteries destined for reclamation, other than through regeneration, but does not reclaim them shall:

- (a) Store the batteries in a manner designed to ensure that the battery housings do not break or leak acid onto the soil or into any groundwaters or surface waters; and
- (b) Comply with Env-Hw 400, Env-Hw 502, and the applicable requirements of Env-Hw 1200.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 809.03 Transporter Requirements. A transporter of lead-acid batteries destined for reclamation, other than through regeneration, shall:

- (a) Ensure that the batteries are loaded and braced so as to prevent damage and short circuits while in transit;

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(b) Comply with 49 CFR 173.159(e), Saf-C 600, Env-Hw 400, Env-Hw 502, and the applicable requirements of Env-Hw 1200; and

(c) If transporting within the United States to export the batteries for reclamation in a foreign country, comply with the applicable requirements of 40 CFR 262 Subpart H.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 809.04 Reclamation Facility Requirements. An owner or operator of a facility at which spent lead-acid batteries are reclaimed other than through regeneration shall:

(a) Comply with Env-Hw 400, Env-Hw 502, and the applicable requirements of Env-Hw 1200; and

(b) If spent lead-acid batteries are stored at the facility prior to reclamation, the owner or operator shall be subject to the:

(1) Storage facility permit requirements specified in Env-Hw 300; and

(2) Facility requirements specified in Env-Hw 700, except for:

a. The waste analysis requirements of Env-Hw 707.03(a)(2) and Env-Hw 708.02(a)(2); and

b. The manifest requirements of Env-Hw 703.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12350, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 809.05 Exporter Requirements. An exporter of spent lead-acid batteries destined for reclamation in a foreign country shall be subject to Env-Hw 400, Env-Hw 502, Env-Hw 504, and 40 CFR 262 Subpart H.

Source. #12350, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 809.06 Importer Requirements.

(a) An importer of spent lead-acid batteries that will be reclaimed other than through regeneration shall comply with Env-Hw 400, Env-Hw 502, Env-Hw 504, the applicable requirements of Env-Hw 1200, and 40 CFR 262 Subpart H.

(b) In addition to the requirements in (a), above, an importer who stores spent lead-acid batteries before reclaiming them other than through regeneration shall be subject to Env-Hw 809.04(b).

Source. #12922, eff 11-23-19

PART Env-Hw 810 WAIVERS

Env-Hw 810.01 Waivers. The following requests for waivers shall be processed as specified in Env-Hw 202:

(a) Waivers from classification as a waste pursuant to Env-Hw 803; and

(b) Waivers to classify a combustion device as a boiler for purposes of Env-Hw 806.05 when such device does not satisfy the definition of a boiler in Env-Hw 103.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

PART Env-Hw 811 SPECULATIVE ACCUMULATION

Env-Hw 811.01 Identification of Speculative Accumulation.

(a) A material that is accumulated before being recycled shall be deemed to be accumulated speculatively, unless the person accumulating the material can show that:

- (1) The material has potential to be recycled;
- (2) A feasible means of recycling exists for the material; and
- (3) During the calendar year commencing on January 1, at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period is:
 - a. Recycled at the site where it is accumulated; or
 - b. Transferred to a different site for recycling.

(b) Compliance with (a)(3), above, shall be determined as follows:

- (1) In calculating the percentage of turnover, the 75 percent requirement shall be applied to each material of the same type that is recycled in the same way; and
- (2) Materials exempt under Env-Hw 401.03(b)(12) shall not be included in making the calculation.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 800); ss by #9367, eff 1-28-09; ss by #12350, eff 8-14-17

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CHAPTER Env-Hw 900 INSPECTION AND ENFORCEMENT

Statutory Authority: RSA 147-A:3; RSA 147-A:7

REVISION NOTE:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 900 as Env-Hw 900. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 900. The numerals of the rules remained unchanged, and the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

PART Env-Hw 901 APPLICABILITY

Env-Hw 901.01 Applicability. Any person, as defined in Env-Hw 104, who is subject to the hazardous waste rules and who violates the requirements of, or refuses to comply with, any of the provisions of the rules shall be subject to the enforcement, liability, confiscation, and penalty provisions set forth in RSA 147-A.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 900) ss by #9367, eff 1-28-09; ss by #12351, eff 8-14-17

PART Env-Hw 902 RIGHT OF INSPECTION

Env-Hw 902.01 Right of Inspection. As authorized by RSA 147-A:7, I, the department through its personnel or other authorized representatives shall, upon presentation of appropriate credentials and at any reasonable time:

- (a) Inspect any property or premises, including generator, treatment, storage, or disposal facilities and transporter vehicles and transfer facilities;
- (b) Gather evidence on existing conditions and procedures;
- (c) Obtain representative samples of containers, materials, or wastes;
- (d) Conduct tests, analyses, and evaluations;
- (e) Photograph containers, tanks, labels, processes, or conditions related to hazardous waste generation, treatment, storage, transportation, or disposal; and
- (f) Inspect and copy any pertinent records, reports of information, or test results relating to the requirements of the hazardous waste rules.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 900) ss by #9367, eff 1-28-09; ss by #12351, eff 8-14-17

PART Env-Hw 903 INSPECTION PROCEDURE

Env-Hw 903.01 Credential Presentation.

- (a) In conducting investigations and inspections, department personnel or other authorized representatives shall present their credentials to the property owner or representative or to the company representative present.

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(b) Upon being presented with credentials, the property owner or representative or company representative shall allow department personnel to enter the premises. Under no circumstances shall any department personnel be required to sign a waiver or confidentiality agreement as a condition of entering and inspecting the facility.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 900) ss by #9367, eff 1-28-09; ss by #12351, eff 8-14-17

Env-Hw 903.02 Inspection Reports. Upon conducting an investigation or an inspection, the department shall:

- (a) Make a report listing the violations found during the inspection;
- (b) Maintain the report on file at the department; and

(c) Provide a copy of the report to the owner or operator or the owner's or operator's agent, if requested, upon completion of the final inspection report.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 900) ss by #9367, eff 1-28-09; ss by #12351, eff 8-14-17

CHAPTER Env-Hw 1000 HAZARDOUS WASTE CLEANUP FUND

Statutory Authority: RSA 147-B:7

REVISION NOTE #1:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 1000 as Env-Hw 1000. Former Part Env-Wm 1004 on used oil collection centers, filed under Document #6385-B, effective 11-26-96, had expired 11-16-04, and was not included in Document #9367. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 1000. The numerals of the rules remained unchanged, and the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

REVISION NOTE #2:

Document #12352, effective 8-14-17, adopted, readopted with amendments, or repealed all of the rules in Chapter Env-Hw 1000. Document #12352 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Hw 1000.

Document #12352 made extensive changes to the existing rules in the former Part Env-Hw 1003. These changes included the readoption with amendments and renumbering of the former Env-Hw 1003.02 titled "Expenditures" as Env-Hw 1003.02 titled "Definitions" and Env-Hw 1003.03 titled "Eligible Applicants; Match Required". Document #12352 also repealed Env-Hw 1003.06 titled "Matching Money Requirements", Env-Hw 1003.07 titled "Educational Component", and Env-Hw 1003.10 titled "School Wastes." Document #12352 also adopted Env-Hw 1003.08 titled "Calculation of Grant Awards" and Env-Hw 1003.10 titled "Disbursement of Grants." The former rule numbers of the existing rules in Env-Hw 1003 that were readopted with amendments are indicated in the source notes.

The filings for the former rules Env-Hw 1003.02, Env-Hw 1003.06, and Env-Hw 1003.07 prior to Document #12352 included the following documents:

#5053, eff 1-24-91	#9215, INTERIM, eff 8-1-08
#5886, eff 8-26-94	#9367, eff 1-28-09
#7333, eff 8-1-00	

The filings for the former rule Env-Hw 1003.10 prior to Document #12352 included the following documents:

#5053, eff 1-24-91	#7333, eff 8-1-00
#5886, eff 8-26-94	#9215, INTERIM, eff 8-1-08
#6384-B, eff 11-26-96	#9367, eff 1-28-09
#7208, eff 2-26-00	

See the Revision Note 1, above, explaining the history of the former rules under the subtitle Env-Wm prior to Document #9367, effective 1-28-09. The existing rules in Env-Hw 1000 that were last affected by Document #9367 did not expire on 1-28-17 but were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #12352, effective 8-14-17.

PART Env-Hw 1001 APPLICABILITY

Env-Hw 1001.01 Applicability. This chapter shall govern the expenditure of money from the hazardous waste cleanup fund (HWC Fund) for the following purposes:

- (a) To respond to the discharge of hazardous waste;
- (b) To develop a state hazardous waste facility siting program; and

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(c) To encourage and facilitate the implementation of household hazardous waste (HHW) collection projects, as described herein.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09; ss by #12352, eff 8-14-17

PART Env-Hw 1002 FUND ADMINISTRATION

Env-Hw 1002.01 Fund Administration.

(a) Fees required by law to be deposited in the HWC Fund shall be deposited with the Treasurer, State of New Hampshire as specified in RSA 147-B:3.

(b) Expenditures of HWC Fund monies by the department shall be accounted for as specified in RSA 147-B:6, I-a through I-g.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6385-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09; ss by #12352, eff 8-14-17

PART Env-Hw 1003 HOUSEHOLD HAZARDOUS WASTE COLLECTION PROJECTS

Env-Hw 1003.01 Purpose and Applicability.

(a) The purpose of this part is to implement RSA 147-B:6, I-a, which authorizes use of the HWC Fund to support HHW collection projects.

(b) This part shall apply to HHW collection projects as defined in Env-Hw 103 and as limited by Env-Hw 401.03(b)(2) and Env-Hw 501.01(b).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09; ss by #12352, eff 8-14-17 (See Revision Note #2 at chapter heading for Env-Hw 1000)

Env-Hw 1003.02 Definitions.

(a) “Approved local or regional entity” means a legal entity, such as a town conservation commission, solid waste management district, regional planning council or commission, or non-profit organization, that has been authorized by a municipality to coordinate the municipality’s participation in one or more HHW collection projects.

(b) “Collection event” means:

(1) For any HHW collection project that does not use a permanent HHW collection facility, the date on which and times during which the public may bring HHW to be collected; or

(2) For any HHW collection project that does use a permanent HHW collection facility, any day and times during which the public may bring HHW to the facility.

(c) “Permanent HHW collection facility” means a structure, or portion thereof, in which collected HHW can be secured against unauthorized access and that is used for HHW collection projects.

(d) “Type I project” means a HHW collection project consisting of one HHW collection event per calendar year that serves one municipality.

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- (e) “Type II project” means a HHW collection project consisting of:
- (1) More than one HHW collection event per calendar year;
 - (2) One collection event that serves more than one municipality; or
 - (3) A combination of (1) and (2), above.
- (f) “Type III project” means a HHW collection project that:
- (1) Uses a permanent HHW facility to store partially-filled drums and containers between collection events; and
 - (2) Uses a third-party vendor such as a hazardous waste transporter for all of its collection events.
- (g) “Type IV project” means a HHW collection project that:
- (1) Uses a permanent HHW facility to store partially filled drums and containers between collection events; and
 - (2) Actively collects and stores HHW in the absence of a third-party vendor such as a hazardous waste transporter for one or more, but not all, of its collection events.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Hw 1000) #12352, eff 8-14-17

Env-Hw 1003.03 Eligible Applicants; Match Required.

(a) Municipalities and approved local or regional entities shall be eligible to apply for HWC Fund monies for HHW collection projects.

(b) A municipality may participate in multiple HHW collection projects, however a municipality’s population shall be counted toward only one grant application per year for purposes of calculating grant awards pursuant to Env-Hw 1003.08.

(c) As required by RSA 147-B:6, I-a, recipients shall provide matching funds, on a dollar-for-dollar basis, equal to the total amount of HWC Fund monies received.

Source. (See Revision Notes #1 and #2 at chapter heading for Env-Hw 1000) #12352, eff 8-14-17

Env-Hw 1003.04 Purposes of Funding. Monies from the HWC Fund shall be used for the costs of disposal, supplies, contracted hazardous waste transportation, expenses associated with conducting the project’s educational component, or any combination thereof.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09; ss by #12352, eff 8-24-17 (See Revision Note #2 at chapter heading for Env-Hw 1000)

Env-Hw 1003.05 Application Requirements.

(a) A municipality or approved local or regional entity seeking HWC Fund monies for a HHW collection project shall submit a completed application between October 1 and February 1 prior to the fiscal year in which the project is planned to occur.

(b) An applicant shall submit the following on or with a “HHW Grant Application” form obtained from the department:

- (1) The applicant’s name and mailing address;

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- (2) The date of the application;
 - (3) If the applicant is an approved local or regional entity, the name and population of each municipality the applicant is representing;
 - (4) The name, title, daytime telephone number, and, if available, a fax number and email address for:
 - a. Each individual who will be a primary contact or secondary contact for the grant; and
 - b. The individual who will be the liaison to the public for the project;
 - (5) The proposed location, date, and time of each project for which funding is sought;
 - (6) If the project includes multiple collection sites, whether any of the sites have:
 - a. Any restrictions on who can use the site; or
 - b. Any limits on the amount of waste the project will accept;
 - (7) Whether the project will accept HHW from residents of non-participating municipalities, at the residents' own expense;
 - (8) Whether the project will accept hazardous waste from small businesses, schools, municipal departments, or other small quantity generators, at their own expense;
 - (9) For each project for which funding is sought, the following:
 - a. An estimate of costs and revenues, including all costs identified in Env-Hw 1003.04;
 - b. The amount being requested from the HWC Fund; and
 - c. Sources and amounts of the required match;
 - (10) A general description of the project, including:
 - a. How the applicant will allocate awarded funds;
 - b. How the applicant will fulfill the dollar-for-dollar match requirements of RSA 147-B:6, I-a; and
 - c. How and when the applicant will fulfill the public education requirements of RSA 147-B:6, I-a, including educating the public about the potential dangers and proper disposal of HHW as well as ways to reduce its generation;
 - (11) Documentation demonstrating that the individual submitting the application is duly authorized to apply for fund monies, sign an agreement with the department, and expend funds for the project on behalf of the applicant; and
 - (12) A statement certifying, as specified in Env-Hw 207, the information submitted.
- (c) The application shall be signed and dated by the individual identified pursuant to (b)(11), above.
- (d) The department shall make available:
- (1) Guidance for completing the application and for planning and hosting a HHW collection project;
 - (2) A suggested warrant article for allocating matching funds;
 - (3) An example of documentation demonstrating authority to apply for the grant, as specified in (b)(11), above; and

(4) Examples of press releases, fliers, advertisements, and other educational materials to facilitate the required educational component.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08, EXPIRES: 1-28-09; (See Revision Note #1 at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12352, eff 8-14-17 (See Revision Note #2 at chapter heading for Env-Hw 1000)

Env-Hw 1003.06 Application Processing and Decision.

(a) The department shall review each application for HWC Fund monies for HHW collection projects to determine whether it contains all the information and documents required by Env-Hw 1003.05.

(b) If the application does not contain all information and documents required by Env-Hw 1003.05, the department shall notify the applicant of what is missing.

(c) The department shall approve an application if it contains all of the information and documents required by Env-Hw 1003.05.

(d) If an application is approved, the applicant shall be eligible to receive HWCF monies in the form of a grant award.

(e) Grants shall be awarded and disbursed as specified in Env-Hw 1003.07 through Env-Hw 1003.10.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09; ss by #12352, eff 8-14-17 (formerly Env-Hw 1003.03) (See Revision Note #2 at chapter heading for Env-Hw 1000)

Env-Hw 1003.07 Basis of Department Allocation and Award Decisions.

(a) In fulfilling its HWCF administrative responsibilities, the department shall base its recommendation to the governor on the amount of fund money to make available for HHW collection projects on the following considerations:

- (1) The total amount of money available in the HWC Fund; and
- (2) Present and anticipated needs for spending HWC Fund money for site cleanup operations and emergency response actions.

(b) In determining how much HWC Fund money to allocate to each applicant in a fiscal year, the department shall allocate funds in the following order of priority:

- (1) Type IV projects;
- (2) Type III projects;
- (3) Type II projects; and
- (4) Type I projects.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09; ss by #12352, eff 8-14-17 (formerly Env-

Hw 1003.09) (See Revision Note #2 at chapter heading for Env-Hw 1000)

Env-Hw 1003.08 Calculation of Grant Awards.

(a) The following definitions shall apply to the calculation of grant awards:

- (1) “Base rate” means the grant funding rate, in dollars per person;
- (2) “M_I” means a funding multiplier of 1.00 applicable to Type I projects;
- (3) “M_{II}” means a funding multiplier of 1.25 applicable to Type II projects;
- (4) “M_{III}” means a funding multiplier of 1.75 applicable to Type III projects;
- (5) “M_{IV}” means a funding multiplier of 2.00 applicable to Type IV projects;
- (6) “P_I” means the population to be served by all Type I projects in a given fiscal year;
- (7) “P_{II}” means the population to be served by all Type II projects in a given fiscal year;
- (8) “P_{III}” means the population to be served by all Type III projects in a given fiscal year;
- (9) “P_{IV}” means the population to be served by all Type IV projects in a given fiscal year; and
- (10) “Total grant funds available” means the amount of fund money made available for HHW collection projects in accordance with Env-Hw 1003.07(a).

(b) Each year the department shall determine the values for P_I, P_{II}, P_{III}, and P_{IV}, based on the applications approved for funding in accordance with Env-Hw 1003.06.

(c) Each year, the department shall calculate the base rate by dividing the total grant funds available by the sum of all of the following, as expressed in the formula below:

- (1) M_I multiplied by P_I;
- (2) M_{II} multiplied by P_{II};
- (3) M_{III} multiplied by P_{III}; and
- (4) M_{IV} multiplied by P_{IV}.

$$\text{Base Rate} = \text{Total Grant Funds Available} / ((M_I \times P_I) + (M_{II} \times P_{II}) + (M_{III} \times P_{III}) + (M_{IV} \times P_{IV}))$$

(d) The amount of a grant award for a specific HHW collection project shall be calculated by multiplying together all of the following:

- (1) The “base rate” as determined pursuant to (c), above;
- (2) The funding multiplier that corresponds to the project type, as specified in (a)(2) - (5), above; and
- (3) The population to be served by the project.

Source. #12352, eff 8-14-17 (See Revision Note #2 at chapter heading for Env-Hw 1000)

Env-Hw 1003.09 Agreement with the Department.

(a) To receive HWC Fund monies for a HHW collection project, the applicant shall enter into a written agreement with the department.

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(b) The applicant shall administer the project in accordance with the terms and conditions set forth in the agreement, which shall specify:

- (1) For each collection event covered by the grant, the location, date, and time of the event;
- (2) The amount and source of the financial match for the grant;
- (3) The details of the public education program that will be undertaken; and
- (4) The amount of HWC Fund monies, calculated in accordance with Env-Hw 1003.08, to be awarded to the applicant upon completion of the project and submittal of the documentation required by Env-Hw 1003.10.

(c) If the project will include more than one municipality, the applicant shall submit a letter of commitment from each participating municipality before approvals can be granted as specified in (d), below.

(d) The agreement shall be approved and signed by the applicant and by the commissioner or designee. The agreement shall also be subject to approval by the governor and council and the New Hampshire department of justice, office of the attorney general, as applicable.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note #1 at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09; ss by #12352, eff 8-14-17 (formerly Env-Hw 1003.08) (See Revision Note #2 at chapter heading for Env-Hw 1000)

Env-Hw 1003.10 Disbursement of Grants.

(a) No later than 90 days after completion of the HHW collection project, the grant recipient shall submit all of the following to the department:

- (1) A letter, signed by the recipient's duly authorized representative:
 - a. Requesting disbursement of grant monies as specified in the agreement entered into pursuant to Env-Hw 1003.09(a); and
 - b. Certifying, as specified in Env-Hw 207, the information submitted;
- (2) Detailed cost and revenue information for the project, including:
 - a. All sources and amounts of revenue received in connection with the project; and
 - b. All costs incurred to conduct the project, including those related to public education and advertising;
- (3) Copies of invoices and itemized receipts from the following, as applicable:
 - a. Hazardous waste transporters;
 - b. Universal waste transporters;
 - c. Support services, such as police; and
 - d. Vendors used for public education and outreach;
- (4) Copies of the required educational and outreach materials;
- (5) Copies of completed hazardous waste manifests associated with the disposal of HHW collected by the project;

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(6) A completed HHW collection report form obtained from the department, that provides the following information for the collection event(s) covered by the grant:

- a. Grant recipient's name;
- b. The name, telephone number, fax number, and if available, email address of the contact person for the grant if different from the person or persons specified in Env-Hw 1003.05(b)(3);
- c. A list of all municipalities that participated in the collection event(s);
- d. The locations and dates of the collection event(s);
- e. The name, contact person, telephone number, and email address of the hazardous waste transporter for the event(s), as applicable;
- f. The number of households that participated in the event(s);
- g. The amounts of ignitable, reactive, toxic, and corrosive wastes collected and the total amount collected;
- h. The total disposal cost;
- i. A description of how each event was advertised, including newspaper, television, or radio advertisements;
- j. A description of the outreach conducted for each event; and
- k. A description of any positive or negative experiences, if the grant recipient chooses to provide such information; and

(7) Tabulated participant survey results, if any, including the questions asked and responses provided.

(b) If the grant recipient complies with (a), above, the department shall disburse the grant monies to the recipient.

(c) If the recipient submits a request that does not include all of the information required by (a), above, the department shall notify the applicant of each deficiency.

(d) If the recipient wishes to receive the grant monies, the recipient shall correct all deficiencies no later than 30 days from receipt of the notice provided pursuant to (c), above.

(e) If the recipient does not correct all deficiencies within 30 days, the department shall not award any grant monies to the recipient.

Source. #12352, eff 8-14-17 (See Revision Note #2 at chapter heading for Env-Hw 1000)

CHAPTER Env-Hw 1100 REQUIREMENTS FOR UNIVERSAL WASTE MANAGEMENT

Statutory Authority: RSA 147-A:3

REVISION NOTE #1:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 1100 as Env-Hw 1100. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Wm 1100. The numerals of the rules remained unchanged, and the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

REVISION NOTE #2:

Document #12922, effective 11-23-19, readopted with amendments Env-Hw 1101.02, Env-Hw 1102.08, Env-Hw 1104.05, Env-Hw 1104.06, Env-Hw 1106.07, Env-Hw 1107.03, Env-Hw 1110.04, and Env-Hw 1111.03. Document #12922 also changed “Universal Waste” to simply “Waste” in the section headings for the following rules but did not readopt the rules themselves:

- Env-Hw 1109.02 Generation of Waste Batteries.
- Env-Hw 1111.02 Generation of Waste Mercury-Containing Devices.
- Env-Hw 1112.02 Generation of Waste Lamps.
- Env-Hw 1113.02 Generation of Waste Cathode Ray Tubes.

PART Env-Hw 1101 PURPOSE, APPLICABILITY, AND DEFINITIONS

Env-Hw 1101.01 Purpose. The purpose of this chapter is to establish requirements that may be used in lieu of Env-Hw 300 through Env-Hw 700 to manage certain types of widely generated hazardous waste defined in Env-Hw 104 as “universal wastes”. These rules are designed to promote and encourage the collection and recycling of universal wastes in a manner that is protective of human health and the environment.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1101.02 Applicability.

- (a) This chapter shall apply to persons managing universal wastes.
- (b) Persons who manage universal waste that is imported from a foreign country or another state into New Hampshire shall be subject to the following requirements immediately after the waste enters New Hampshire:
 - (1) A universal waste handler shall be subject to Env-Hw 502.01 and Env-Hw 1102 and the applicable requirements of Env-Hw 1103, Env-Hw 1104, Env-Hw 1105, and Env-Hw 1109 through Env-Hw 1114;
 - (2) A universal waste transporter shall be subject to Env-Hw 1106; and
 - (3) An owner or operator of a destination facility shall be subject to Env-Hw 1107.
- (c) A person who manages universal waste that is imported from a foreign country into the United States shall be subject to (b), above, in addition to 40 CFR Part 262 Subpart H.

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(d) Nothing in this chapter shall be construed to mean that a universal waste handler is required to manage universal waste batteries in a manner that differs from the requirements of 40 CFR 273.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 1100)

Env-Hw 1101.03 Definitions.

(a) "Destination facility" means a facility that treats, disposes of, or recycles universal waste. The term does not include a facility at which universal waste is only accumulated or at which the management activities described in Env-Hw 1109 through Env-Hw 1114 occur.

(b) "Large quantity handler" means a universal waste handler who accumulates greater than or equal to 5,000 but less than 20,000 combined total kilograms of universal waste listed in the definition of "universal waste" in Env-Hw 104, on-site at any one time.

(c) "Small quantity handler" means a universal waste handler who accumulates less than 5,000 combined total kilograms of universal waste listed in the definition of "universal waste" in Env-Hw 104, on-site at any one time.

(d) "Very large quantity handler" means a universal waste handler who accumulates greater than or equal to 20,000 combined total kilograms of universal waste listed in the definition of "universal waste" in Env-Hw 104, on-site at any one time.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

PART Env-Hw 1102 REQUIREMENTS FOR ALL UNIVERSAL WASTE HANDLERS

Env-Hw 1102.01 Applicability. This part shall apply to all universal waste handlers.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1102.02 Prohibitions.

(a) A universal waste handler shall not:

(1) Dispose of universal waste; or

(2) Dilute or treat universal waste, except by:

a. Responding to releases as set forth in Env-Hw 1102.06; or

b. Managing specific wastes as provided in Env-Hw 1109.03, Env-Hw 1111.03, Env-Hw 1113.03, and Env-Hw 1114.03.

(b) For the purposes of (a)(2), above, intentionally crushing or dismantling lamps shall constitute treatment that cannot legally be undertaken without obtaining a permit in accordance with Env-Hw 300.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1102.03 Waste Management Requirements.

(a) A universal waste handler shall manage:

- (1) Universal waste batteries in accordance with Env-Hw 1109;
- (2) Universal waste pesticides in accordance with Env-Hw 1110;
- (3) Universal waste mercury-containing devices in accordance with Env-Hw 1111;
- (4) Universal waste lamps in accordance with Env-Hw 1112;
- (5) Universal waste cathode ray tubes in accordance with Env-Hw 1113; and
- (6) Universal waste antifreeze in accordance with Env-Hw 1114.

(b) Universal waste shall be managed in a way that prevents the release of the universal waste, or any component of the universal waste, to the environment.

(c) When containment of a particular type of universal waste is required by Env-Hw 1109.03(a), Env-Hw 1110.04, Env-Hw 1111.03(a), Env-Hw 1111.03(b)(2), Env-Hw 1112.03(a), Env-Hw 1113.03(a), Env-Hw 1113.03(b)(4) or Env-Hw 1114.03, the containers shall be:

- (1) Closed, except when universal waste is being added to or removed from the container;
- (2) Compatible with the universal waste and its contents; and
- (3) Free of defects, design characteristics, or damage that could result in leakage, spillage, or other environmental releases.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1102.04 Accumulation Time Limits.

(a) If a universal waste handler accumulates universal waste, the handler shall:

- (1) Not accumulate universal waste for longer than one year from the date the universal waste becomes a waste or is received from another handler, unless the requirements of (b), below, are met; and
- (2) Demonstrate the length of time that the waste has been accumulated from the date it becomes a waste by:
 - a. Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
 - b. Marking or labeling each individual item of universal waste with the date it became a waste or was received;
 - c. Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;
 - d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
 - e. Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or

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f. Any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

(b) A universal waste handler may accumulate universal waste for longer than one year from the date the universal waste becomes a waste or is received only if:

- (1) The sole purpose of accumulation of such quantities of universal waste is to facilitate, as necessary, proper recovery, treatment, or disposal; and
- (2) The handler provides proof thereof, such as a letter or contract from a destination facility, confirming that the longer accumulation period is necessary per (b)(1), above.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1102.05 Outside Storage. Universal waste stored outside shall be covered to prevent precipitation from coming in contact with the waste or containers in which the waste is stored.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1102.06 Response to Releases.

(a) A universal waste handler shall respond to releases by:

- (1) Immediately containing and cleaning up, within 24 hours, all releases of universal wastes and other residues from universal wastes; and
- (2) Determining whether any material resulting from the release is hazardous waste.

(b) In the event of any discharge of universal waste that poses a threat to human health or the environment, including but not limited to a discharge into storm drains or sanitary sewers, onto the land or into the air, groundwater, or surface waters, the handler shall report the discharge:

- (1) Immediately, not to exceed one hour from the discovery of the release; and
- (2) To local emergency officials and to:
 - a. The department's emergency response team at the telephone number listed in Appendix E, Monday through Friday, 8 a.m. to 4 p.m.; or
 - b. The New Hampshire state police headquarters communications unit at the telephone number listed in Appendix E, 24 hours per day.

(c) The handler shall:

- (1) Be considered the generator of any hazardous waste resulting from a release of universal waste; and
- (2) Manage the hazardous waste in accordance with Env-Hw 400 through Env-Hw 800.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12353, eff 8-14-17

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Env-Hw 1102.07 Off-site Shipments.

(a) A universal waste handler shall not send or take universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.

(b) If a handler self-transportes universal waste off-site, the handler shall comply with Env-Hw 1106 while transporting the universal waste.

(c) If a universal waste being offered for off-site transportation meets the definition of hazardous materials under 49 CFR 171 through 49 CFR 180, the handler shall comply with the applicable US DOT regulations under 49 CFR 172 through 180.

(d) Prior to shipping universal waste to another universal waste handler or to a destination facility, the handler who originated the shipment shall obtain approval from the receiving handler or destination facility.

(e) If a transporter is unable to deliver all or part of a universal waste shipment or if a receiving handler or destination facility rejects all or part of a universal waste shipment, the handler who originated the shipment shall either:

- (1) Receive the waste back when notified that the shipment has been rejected; or
- (2) Designate an alternate destination facility to which the shipment will be sent and ensure the rejected universal waste is shipped to the designated destination facility.

(f) A universal waste handler who rejects a shipment or a portion of a shipment shall notify the handler who originated the shipment that the shipment has been rejected, and either:

- (1) Send the shipment back to the handler who originated the shipment; or
- (2) Send the shipment to the destination facility designated by the handler who originated the shipment.

(g) If a universal waste handler receives a shipment containing hazardous waste that is not a universal waste, the handler shall:

- (1) Immediately notify the department of the shipment;
- (2) Provide the name, address, and phone number of the originating shipper; and
- (3) Comply with the applicable requirements of Env-Hw 400 through Env-Hw 800 for managing the hazardous waste.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1102.08 International Shipments.

(a) Except as provided in (b), below, a universal waste handler who exports universal waste to a foreign destination shall comply with 40 CFR Part 262 Subpart H.

(b) A universal waste handler who exports cathode ray tubes, shredded cathode ray tubes, or cathode ray tube components to a foreign destination shall comply with the applicable requirements of 40 CFR 261.39(a)(5)(i) through (xi), 261.40, and 261.41, but shall not be required to comply with 40 CFR 261.39(a)(1) through (4).

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by

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#12353, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 1100)

PART Env-Hw 1103 ADDITIONAL REQUIREMENTS FOR SMALL QUANTITY HANDLERS OF UNIVERSAL WASTE

Env-Hw 1103.01 Applicability. This part shall apply to all small quantity handlers, as defined in Env-Hw 1101.03(c).

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1103.02 Notification. A small quantity handler shall not be required to notify the department of universal waste handling activities.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1103.03 Employee Training. A small quantity handler shall inform all employees who handle or have responsibility for managing universal waste of proper waste handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1103.04 Tracking Universal Waste Shipments. A small quantity handler shall not be required to keep records of shipments of universal waste.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

PART Env-Hw 1104 ADDITIONAL REQUIREMENTS FOR LARGE QUANTITY HANDLERS AND VERY LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

Env-Hw 1104.01 Applicability. This part shall apply to all large quantity handlers, as defined in Env-Hw 1101.03(b), and all very large quantity handlers, as defined in Env-Hw 1101.03(d).

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1104.02 Exemptions. Env-Hw 1104.03 shall not apply to a large quantity handler of universal waste batteries provided the handler is managing universal waste batteries only.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1104.03 Notification.

(a) A large quantity handler or a very large quantity handler shall submit to the department a completed New Hampshire notification form before accumulating the following quantities of universal waste:

- (1) For large quantity handlers, 5,000 kilograms or more but less than 20,000 kilograms; or

- (2) For very large quantity handlers, 20,000 kilograms or more.
- (b) Notification shall include the following:
- (1) The information specified in Env-Hw 504.02(a), as applicable;
 - (2) Universal waste handler classification indicating whether the handler is a large quantity handler or a very large quantity handler; and
 - (3) A statement signed by the handler's authorized representative certifying, as specified in Env-Hw 207, the information provided on the notification form.
- (c) A large quantity handler or very large quantity handler shall submit a notification form in accordance with (a) and (b), above, for each on-site location where universal waste is accumulated.
- (d) Upon receipt of a complete, signed notification, the department shall issue an EPA identification number to the handler if the handler does not already possess an EPA identification number.
- (e) The EPA identification number assigned pursuant to (d), above, shall:
- (1) Be site specific; and
 - (2) Remain valid until the handler notifies the department in writing that universal waste is no longer being accumulated at the site.
- (f) Unless the handler becomes a very large quantity handler, the designation as a large quantity handler shall be retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated at any one time.
- (g) The designation as a very large quantity handler shall be retained through the end of the calendar year in which greater than or equal to 20,000 kilograms total of universal waste is accumulated at any one time.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1104.04 Employee Training. A large quantity handler or very large quantity handler shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relative to their responsibilities during normal facility operations and emergencies.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1104.05 Tracking Universal Waste Shipments Received.

- (a) A large quantity handler or very large quantity handler shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document, of each shipment of universal waste received at the accumulation site.
- (b) The record for each shipment of universal waste received shall include the following information:
- (1) The name and address of the originating handler or foreign shipper from whom the universal waste was sent;
 - (2) The quantity of each type of universal waste received; and
 - (3) The date of receipt of the shipment of universal waste.

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(c) The records required by (a) and (b), above, shall be retained for at least 3 years from the date the universal waste shipment to which the record relates is received.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 1100)

Env-Hw 1104.06 Tracking Universal Waste Shipments Shipped Off-site.

(a) A large quantity handler or very large quantity handler shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document, of each shipment of universal waste sent by the handler to another facility.

(b) The record for each shipment of universal waste sent shall include the following information:

- (1) The name and address of the universal waste handler, destination facility, or foreign destination to which the universal waste was sent;
- (2) The quantity of each type of universal waste; and
- (3) The date the shipment of universal waste left the handler's facility.

(c) The records required by (a) and (b), above, shall be retained for at least 3 years from the date the universal waste shipment to which it relates left the handler's facility.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 1100)

PART Env-Hw 1105 ADDITIONAL REQUIREMENTS APPLICABLE ONLY TO VERY LARGE QUANTITY HANDLERS OF UNIVERSAL WASTE

REVISION NOTE:

Document #12353, effective 8-14-17, readopted, readopted with amendments, or repealed all of the rules in Chapter Env-Hw 1100. Document #12353 replaced all prior filings for hazardous waste rules formerly in Chapter Env-Hw 1100.

Document #12353 repealed Env-Hw 1105.03 titled "Notification", Env-Hw 1105.05 titled "Employee Training", Env-Hw 1105.06 titled "Tracking Universal Waste Shipments Received", and Env-Hw 1105.07 titled "Tracking Universal Waste Shipments Shipped Off-site". Document #12353 also renumbered the rules within Part Env-Hw 1105 due to the repeals. The former rule numbers are indicated in the source notes for the rules in Env-Hw 1105.

The filings for the former rules Env-Hw 1105.03, Env-Hw 1105.05, Env-Hw 1105.06, and Env-Hw 1105.07 prior to Document #12353 included the following documents:

#7578, eff 10-13-01

#9367, eff 1-28-09

See the Revision Note at the chapter heading for Env-Hw 1100 explaining the history of the former rules under the subtitle Env-Wm prior to Document #9367, effective 1-28-09. The existing rules in Env-Hw 1100 that were last affected by Document #9367 did not expire on 1-28-17 but were extended pursuant to RSA 541-A:14-a until replaced by the rules in Document #12353, effective 8-14-17.

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Env-Hw 1105.01 Applicability. This part shall apply to very large quantity handlers as defined in Env-Hw 1101.03(d).

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17 (See Revision Note at part heading for Env-Hw 1105)

Env-Hw 1105.02 Exemptions. This part shall not apply to a very large quantity handler that manages universal waste batteries only. Any such handler shall be regulated as a large quantity handler under Env-Hw 1104, provided that the handler shall identify itself as a very large quantity handler on the notification required by Env-Hw 1104.03.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17; ss by #12353, eff 8-14-17 (See Revision Note at part heading for Env-Hw 1105)

Env-Hw 1105.03 Outside Storage in 100-year Floodplain Prohibited. A very large quantity handler shall not store universal waste outside within a 100-year floodplain as identified based on the latest Flood Insurance Studies or flood hazard boundary maps prepared by the Federal Emergency Management Agency.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17 (formerly Env-Hw 1105.04) (See Revision Note at part heading for Env-Hw 1105)

Env-Hw 1105.04 Inspections.

(a) A very large quantity handler shall:

- (1) Inspect areas where universal waste is stored at least weekly for leaks and deterioration caused by corrosion and other factors; and
- (2) Record inspections in an inspection log or summary.

(b) The inspection log or summary required by (a)(2), above, shall include the following information:

- (1) The date and time of inspection;
- (2) The name of the inspector;
- (3) A notation of the observations made; and
- (4) The date and nature of any repairs or other remedial actions.

(c) Each record required by (a) and (b), above, shall be retained for at least 3 years from the date of the inspection to which it relates.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17 (formerly Env-Hw 1105.08) (See Revision Note at part heading for Env-Hw 1105)

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Env-Hw 1105.05 Contingency Plans and Emergency Procedures. A very large quantity handler shall have a contingency plan on-site in accordance with 40 CFR 265 Subpart D.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17 (formerly Env-Hw 1105.09) (See Revision Note at part heading for Env-Hw 1105)

Env-Hw 1105.06 Preparedness and Prevention. A very large quantity handler shall:

(a) Keep the following equipment appropriate for the types and quantities of waste being accumulated on-site at all times:

- (1) Portable fire extinguishers;
- (2) Fire control equipment, including special extinguishing equipment, such as equipment using foam, inert gas, or dry chemicals;
- (3) Spill control equipment; and
- (4) Decontamination equipment;

(b) Maintain a path to and within the universal waste storage area unobstructed by any obstacles other than doors, which shall be unlocked at all times, to allow the unobstructed movement of personnel, fire control equipment, spill control equipment, and decontamination equipment to any area of the universal waste storage area; and

(c) Post the following emergency telephone numbers and information at the nearest telephone to each universal waste pesticide storage area:

- (1) The local fire department's local telephone number or 911 or both;
- (2) The local police department's local telephone number or 911 or both;
- (3) The telephone number of the department's emergency response team as listed in Appendix E, Monday through Friday, 8 a.m. to 4 p.m.;
- (4) The telephone number of the New Hampshire state police headquarters communications unit as listed in Appendix E, 24 hours per day;
- (5) The local response team telephone number; and
- (6) The steps to take in an emergency.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17 (formerly Env-Hw 1105.10) (See Revision Note at part heading for Env-Hw 1105)

Env-Hw 1105.07 Security. A very large quantity handler shall provide the following security measures at all outdoor universal waste storage areas:

(a) An artificial or natural barrier that completely surrounds the universal waste storage area to prevent the unauthorized or unknowing entry of persons or livestock;

(b) An entry to the storage area that is controlled at all times; and

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(c) At each entry to the universal waste storage area, a sign stating, "Danger - Unauthorized Personnel Keep Out," or other words indicating that only authorized personnel are allowed to enter the area and that entry can be dangerous.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17 (formerly Env-Hw 1105.11) (See Revision Note at part heading for Env-Hw 1105)

Env-Hw 1105.08 Closure. A very large quantity handler shall meet the closure requirements of 40 CFR 265.111 through 40 CFR 265.115.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12353, eff 8-14-17 (formerly Env-Hw 1105.12) (See Revision Note at part heading for Env-Hw 1105)

Env-Hw 1105.09 Financial Assurance. A very large quantity handler shall meet the financial assurance requirements of 40 CFR 265.142 and 265.143 prior to accumulating universal waste.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17 (formerly Env-Hw 1105.13) (See Revision Note at part heading for Env-Hw 1105)

PART Env-Hw 1106 STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Env-Hw 1106.01 Applicability. This part shall apply to universal waste transporters.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1106.02 Prohibitions.

(a) A universal waste transporter shall not:

(1) Dispose of universal waste; or

(2) Dilute or treat universal waste, except by responding to releases as set forth in Env-Hw 1106.05.

(b) For the purposes of (a)(2), above, intentionally crushing or dismantling lamps shall constitute treatment that cannot legally be undertaken without obtaining a permit in accordance with Env-Hw 300.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1106.03 Universal Waste Management. A universal waste transporter shall comply with all applicable US DOT regulations in 49 CFR 171 through 180 for transport of any universal waste that meets the definition of "hazardous material" in 49 CFR 171.8.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #10205, eff 10-19-12; ss by #12353, eff 8-14-17

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Env-Hw 1106.04 Storage Time Limits. If a universal waste transporter stores universal waste for more than 10 days, the transporter shall comply with the following:

- (a) The universal waste handler requirements of Env-Hw 1102;
- (b) Env-Hw 1103, if a small quantity handler;
- (c) Env-Hw 1104, if a large quantity handler;
- (d) Env-Hw 1104 and Env-Hw 1105, if a very large quantity handler; and
- (e) The waste management requirements of Env-Hw 1109 through Env-Hw 1114, as applicable.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1106.05 Response to Releases.

- (a) A universal waste transporter shall respond to releases by:
 - (1) Immediately containing and cleaning up, within 24 hours, all releases of universal wastes and other residues from universal wastes; and
 - (2) Determine whether any material resulting from the release is hazardous waste.
- (b) In the event of any discharge of universal waste that poses a threat to human health or the environment, including but not limited to a discharge into storm drains or sanitary sewers, onto the land or into the air, groundwater or surface waters, the transporter shall report the discharge:
 - (1) Immediately, not to exceed one hour from the discovery of the release; and
 - (2) To local emergency officials and to:
 - a. The department's emergency response team at the telephone number listed in Appendix E, Monday through Friday, 8 a.m. to 4 p.m.; or
 - b. The New Hampshire state police headquarters communications unit at the telephone number listed in Appendix E, 24 hours per day.
- (c) The universal waste transporter shall:
 - (1) Be considered the generator of any hazardous waste resulting from a release of universal waste; and
 - (2) Manage the hazardous waste in accordance with all applicable requirements of Env-Hw 400 through Env-Hw 800.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12353, eff 8-14-17

Env-Hw 1106.06 Off-site Shipments.

- (a) A universal waste transporter shall not transport the universal waste to a place other than a universal waste handler, a destination facility, or a foreign destination.

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(b) If the universal waste being shipped off-site meets the US DOT's definition of hazardous materials under 49 CFR 171.8, the shipment shall be properly described on a shipping paper in accordance with the applicable US DOT regulations under 49 CFR 172.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1106.07 International Shipments.

(a) Except as provided in (b), below, a universal waste transporter transporting a shipment of universal waste to a foreign destination shall be subject to 40 CFR Part 262 Subpart H.

(b) A universal waste transporter who transports cathode ray tubes or shredded cathode ray tubes or components to a foreign destination shall comply with the applicable requirements of 40 CFR 261.39(a)(5)(i) through (xi), 261.40, and 261.41, but shall not be required to comply with 40 CFR 261.39(a)(1) through (4).

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 1100)

PART Env-Hw 1107 STANDARDS FOR DESTINATION FACILITIES

Env-Hw 1107.01 Applicability.

(a) This part shall apply to owners and operators of universal waste destination facilities.

(b) Except as provided in (c), below, Env-Hw 300 and Env-Hw 700 shall also apply to owners and operators of destination facilities.

(c) Env-Hw 300 and Env-Hw 700 shall not apply to owners and operators of destination facilities that recycle universal waste without storing the waste before it is recycled, provided they comply with:

- (1) The notification requirements in Env-Hw 702; and
- (2) The manifest requirements in Env-Hw 703.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1107.02 Off-site Shipments.

(a) An owner or operator of a destination facility shall not send or take universal waste to a place other than a universal waste handler, another destination facility, or a foreign destination.

(b) An owner or operator of a destination facility who rejects a shipment or a portion of a shipment shall notify the handler who originated the shipment that the shipment has been rejected, and either:

- (1) Send the shipment back to the handler who originated the shipment; or
- (2) Send the shipment to another destination facility designated by the handler who originated the shipment.

(c) If an owner or operator of a destination facility receives a shipment containing hazardous waste that is not a universal waste, the owner or operator of the destination facility shall:

- (1) Immediately notify the department of the shipment;

- (2) Provide the name, address, and phone number of the shipper; and
- (3) Comply with the applicable requirements of Env-Hw 400 through Env-Hw 800 for managing the hazardous waste.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1107.03 Tracking Universal Waste Shipments.

- (a) The owner or operator of a destination facility shall keep a record, which may take the form of a log, invoice, manifest, bill of lading, movement document, or other shipping document, of each shipment of universal waste received at the facility.
- (b) The record for each shipment of universal waste received shall include the following information:
 - (1) The name and address of the universal waste handler, destination facility, or foreign shipper from whom the universal waste was sent;
 - (2) The quantity of each type of universal waste received; and
 - (3) The date of receipt of the shipment of universal waste.
- (c) The owner or operator of a destination facility shall retain the records described in (a) and (b), above, for at least 3 years from the date of receipt of a shipment of universal waste.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 1100)

Env-Hw 1107.04 Response to Releases.

- (a) An owner or operator of a destination facility shall respond to releases by:
 - (1) Immediately containing and cleaning up, within 24 hours, all releases of universal wastes and other residues from universal wastes; and
 - (2) Determining whether any material resulting from the release is hazardous waste.
- (b) In the event of any discharge of universal waste that poses a threat to human health or the environment, including but not limited to a discharge into storm drains or sanitary sewers, onto the land or into the air, groundwater or surface waters, the owner or operator of a destination facility shall report the discharge:
 - (1) Immediately, not to exceed one hour from the discovery of the release; and
 - (2) To local emergency officials and to:
 - a. The department's emergency response team at the telephone number listed in Appendix E, Monday through Friday, 8 a.m. to 4 p.m.; or
 - b. The New Hampshire state police headquarters communications unit at the telephone number listed in Appendix E, 24 hours per day.
- (c) The owner or operator of a destination facility shall:

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- (1) Be considered the generator of any hazardous waste resulting from a release of universal waste; and
- (2) Manage the hazardous waste in accordance with all applicable requirements of Env-Hw 400 through Env-Hw 800.

Source. #10205, eff 10-19-12; ss by #12353, eff 8-14-17

PART Env-Hw 1108 PETITION TO INCLUDE OTHER UNIVERSAL WASTES

Env-Hw 1108.01 Universal Waste Petition Information Requirements.

(a) Any person seeking to add a hazardous waste or a category of hazardous waste to this chapter shall petition for an amendment to Env-Hw 1100 in accordance with:

- (1) This part;
 - (2) Env-Hw 206; and
 - (3) 40 CFR 273 Subpart G.
- (b) The petitioner shall submit the following information, in writing, to the department:
- (1) The petitioner's name and mailing address and, if available, an email address;
 - (2) A statement explaining why the petitioner believes that the waste is a universal waste;
 - (3) A description of the type of waste proposed to be included as a universal waste;
 - (4) A description of the methods by which the waste can be managed;
 - (5) A statement of the need and justification for adding the proposed waste to this chapter based upon the criteria in Env-Hw 1108.02, including any supporting tests, studies, or other pertinent information;
 - (6) A statement explaining how the proposed universal waste will improve management practices for the waste or category of waste; and
 - (7) A statement explaining how the proposed universal waste will improve implementation of the hazardous waste program.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1108.02 Universal Waste Petition Approval or Denial. The department shall:

- (a) Evaluate petitions using the factors listed in 40 CFR 273.81;
- (b) Grant the petition if listing the waste or category of waste as a universal waste meets the criteria of 40 CFR 273.80(c) and 40 CFR 273.81; and
- (c) If the petition is granted, initiate a rulemaking proceeding in accordance with RSA 541-A.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

PART Env-Hw 1109 UNIVERSAL WASTE BATTERIES

Env-Hw 1109.01 Applicability.

- (a) This part shall apply to all universal waste handlers of batteries, except as provided in (b) below.
- (b) This part shall not apply to persons managing spent lead-acid batteries under Env-Hw 809.04.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1109.02 Generation of Waste Batteries.

- (a) A used battery that is no longer operable shall become a waste on the date it is removed from service.
- (b) A used battery that is still operable and has been removed from service shall become a waste on the date the handler discards it.
- (c) An unused battery shall become a waste as specified in 40 CFR 273.2(c)(2), as reprinted in Appendix D.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1109.03 Requirements for Management of Universal Waste Batteries.

- (a) A universal waste handler shall contain, using a container that complies with Env-Hw 1102.03(c), any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage.
- (b) A universal waste handler shall not conduct the following activities unless the requirements of (c), below, are met:

- (1) Sorting batteries by type;
- (2) Mixing battery types in one container;
- (3) Discharging batteries so as to remove the electric charge;
- (4) Regenerating used batteries;
- (5) Disassembling batteries or battery packs into individual batteries or cells;
- (6) Removing batteries from consumer products; or
- (7) Removing electrolyte from batteries.

- (c) A universal waste handler who conducts the activities listed in (b), above, shall:

- (1) Ensure the casing of each individual battery cell is:
 - a. Not breached;
 - b. Intact;
 - c. Closed except to remove electrolyte; and
 - d. Immediately closed after electrolyte removal; and

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(2) Determine whether the following exhibit a characteristic of hazardous waste as identified in Env-Hw 403:

- a. Electrolyte removed from batteries; and
- b. Other waste generated as a result of the removal of electrolyte, such as battery pack materials and discarded consumer products.

(d) If the electrolyte or other waste or both described in (c)(2), above, exhibits a characteristic of hazardous waste, the handler shall:

- (1) Be considered the generator of the electrolyte or other waste or both; and
- (2) Comply with all applicable requirements of Env-Hw 400 through Env-Hw 800.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1109.04 Labeling/Marking of Batteries. A universal waste handler of batteries shall clearly label or mark each universal waste battery or container holding batteries with any or all of the following:

- (a) "Universal Waste - Battery(ies)";
- (b) "Waste Battery(ies)"; or
- (c) "Used Battery(ies)."

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

PART Env-Hw 1110 UNIVERSAL WASTE PESTICIDES

Env-Hw 1110.01 Applicability.

(a) This part shall apply to persons managing the following pesticides:

- (1) Recalled pesticides that are:
 - a. Suspended and canceled pesticides that are part of a voluntary or mandatory recall under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 - 136y (FIFRA) Section 19(b), including, but not limited to, those owned by the registrant responsible for conducting the recall; or
 - b. Suspended or canceled pesticides, or pesticides that are not in compliance with FIFRA, that are part of a voluntary recall by the registrant; and
- (2) Other unused pesticides that are collected and managed as part of a waste pesticide collection program administered or recognized by the department or the New Hampshire department of agriculture, markets, and food.

(b) This part shall not apply to persons managing pesticides that do not meet the criteria in (a), above, but these persons shall be subject to the applicable requirements of Env-Hw 300 through Env-Hw 800.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

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Env-Hw 1110.02 Exemptions. This part shall not apply to pesticides that are managed by farmers in compliance with Env-Hw 501.02.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1110.03 Generation of Waste Pesticides.

(a) A recalled pesticide described in Env-Hw 1110.01(a)(1) shall become a waste as specified in 40 CFR 273.3(c)(1), as reprinted in Appendix D.

(b) An unused pesticide described in Env-Hw 1110.01(a)(2) shall become a waste as specified in 40 CFR 273.3(c)(2), as reprinted in Appendix D.

(c) A pesticide that is not a waste shall remain subject to the requirements of FIFRA.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1110.04 Requirements for Management of Universal Waste Pesticides. A universal waste handler shall contain universal waste pesticides in one or more of the following:

(a) A container that complies with Env-Hw 1102.03(c);

(b) A container that does not comply with Env-Hw 1102.03(c), provided that the non-compliant container is overpacked in a container that complies with Env-Hw 1102.03(c);

(c) A tank that complies with 40 CFR 265 Subpart J, except for 40 CFR 265.197(c) and 40 CFR 265.200; or

(d) A transport vehicle or vessel that complies with Env-Hw 1102.03(c).

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 1100)

Env-Hw 1110.05 Labeling/Marking of Pesticides.

(a) A container, multiple container package unit, tank, transport vehicle or vessel in which recalled universal waste pesticides described in Env-Hw 1110.01(a)(1) are contained shall be clearly labeled or marked with:

(1) The label that was on or accompanied the pesticide product as sold or distributed; and

(2) The words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s)."

(b) A container, tank, or transport vehicle or vessel in which unused pesticide products as described in Env-Hw 1110.01(a)(2) are contained shall be clearly labeled or marked with the words "Universal Waste - Pesticide(s)" or "Waste - Pesticide(s)" and:

(1) The label that was on the pesticide product when purchased, if still legible;

(2) If using the label described in (1), above, is not feasible, the appropriate label as required under the US DOT regulations 49 CFR 172; or

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(3) If using the labels described in (1) and (2), above, is not feasible, another label prescribed or designated by the waste pesticide collection program administered or recognized by the department or the New Hampshire department of agriculture, markets, and food.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12353, eff 8-14-17

Env-Hw 1110.06 Storage of Universal Waste Pesticides.

(a) Universal waste pesticides shall be stored on an impervious surface.

(b) An impervious surface shall:

(1) Include concrete or asphalt without cracks or holes; and

(2) Not include earth, wood, or gravel surfaces.

(c) For one-day collections, in lieu of (b)(1), above, plastic sheeting with a minimum thickness of 6 mils may be used as an impervious surface for storing universal waste pesticides on collection day.

(d) Except as provided in (e), below, universal waste pesticides shall not be stored in areas with functional floor drains or manholes present unless secondary containment is provided around all universal waste pesticides container storage areas, capable of containing the volume of the largest capacity universal waste pesticides container present.

(e) The containment system required by (d), above, shall not be required for universal waste pesticides storage areas that store containers holding only wastes that do not contain free liquids provided that:

(1) The universal waste pesticides storage area is sloped or is otherwise designed to drain and remove liquid resulting from precipitation; or

(2) The containers are elevated or otherwise protected from contact with accumulated liquid.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1110.07 Preparedness and Prevention. A universal waste handler of pesticides shall comply with the preparedness and prevention requirements of Env-Hw 1105.06.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12; ss by #12353, eff 8-14-17

Env-Hw 1110.08 Security. A universal waste handler of pesticides shall provide the security measures required by Env-Hw 1105.07 at all outdoor universal waste pesticide storage areas.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1110.09 Additional Training for Pesticides Handlers. A universal waste handler of pesticides shall comply with the personnel training requirements in 40 CFR 265.16.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

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Env-Hw 1110.10 Health and Safety. A universal waste handler of pesticides shall comply with the New Hampshire department of labor rules in Lab 1400 "Safety and Health of Employees."

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

PART Env-Hw 1111 UNIVERSAL WASTE MERCURY-CONTAINING DEVICES

Env-Hw 1111.01 Applicability. This part shall apply to all universal waste handlers of mercury-containing devices.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1111.02 Generation of Waste Mercury-Containing Devices.

(a) A used mercury-containing device that is no longer operable shall become a waste on the date it is removed from service.

(b) A used mercury-containing device that is still operable and has been removed from service shall become a waste on the date the handler discards it.

(c) An unused mercury-containing device shall become a waste as specified in 40 CFR 273.4(c)(2), as reprinted in Appendix D.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1111.03 Requirements for Management of Universal Waste Mercury-Containing Devices.

(a) A universal waste handler shall contain, using a container that meets the requirements of Env-Hw 1102.03(c), any mercury-containing device that shows evidence of leakage, spillage, or damage that could cause leakage.

(b) A universal waste handler shall not remove mercury-containing ampules from universal waste mercury-containing devices unless the handler complies with 40 CFR 273.33(c)(2), as reprinted in Appendix D, except that:

(1) Containers of mercury resulting from spills or leaks from broken ampules shall meet the requirements of Env-Hw 507; and

(2) Removed intact ampules shall be stored in containers that meet the requirements of Env-Hw 1102.03(c).

(c) An intact mercury-containing ampule that has been removed in accordance with (b), above, may be handled as a universal waste.

(d) A universal waste handler who removes mercury-containing ampules from mercury-containing devices shall determine whether the following materials exhibit a characteristic of hazardous waste identified in Env-Hw 403:

(1) Mercury cleanup residues or other wastes resulting from spills or leaks; and

(2) Other waste generated as a result of the removal of mercury-containing ampules, such as remaining thermostat units.

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(e) If the mercury residues or other waste described in (d), above, or any combination thereof, exhibit a characteristic of hazardous waste, the handler shall:

- (1) Be considered the generator of the mercury residues, or other waste, or both; and
- (2) Comply with all applicable requirements of Env-Hw 400 through Env-Hw 800.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17; ss by #12922, eff 11-23-19 (See Revision Note #2 at chapter heading for Env-Hw 1100)

Env-Hw 1111.04 Labeling/Marking of Mercury-Containing Devices. A universal waste handler of mercury-containing devices shall clearly label or mark each universal waste mercury-containing device or container holding mercury-containing devices with any or all of the following:

- (a) "Universal Waste - Mercury-Containing Device(s);
- (b) "Waste Mercury-Containing Device(s)"; or
- (c) "Used Mercury-Containing Device(s)."

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

PART Env-Hw 1112 UNIVERSAL WASTE LAMPS

Env-Hw 1112.01 Applicability. This part shall apply to all universal waste handlers of lamps.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1112.02 Generation of Waste Lamps.

- (a) A used lamp that is burned out shall become a waste on the date it is removed from service.
- (b) A used lamp that is not burned out and has been removed from service shall become a waste on the date the handler discards it.
- (c) An unused lamp shall become a waste as specified in 40 CFR 273.5(c)(2), as reprinted in Appendix D.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1112.03 Requirements for Management of Universal Waste Lamps.

(a) Intact and broken lamps shall be stored in containers that meet the requirements of Env-Hw 1102.03(c).

(b) A universal waste handler shall not intentionally crush or dismantle universal waste lamps unless a permit has been obtained in accordance with Env-Hw 300.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1112.04 Labeling/Marking of Lamps. A universal waste handler of lamps shall clearly label or mark each lamp or container holding universal waste lamps with any or all of the following:

- (a) "Universal Waste - Lamp(s);
- (b) "Waste Lamp(s)"; or
- (c) "Used Lamp(s)."

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

PART Env-Hw 1113 UNIVERSAL WASTE CATHODE RAY TUBES

Env-Hw 1113.01 Applicability. This part shall apply to all universal waste handlers of cathode ray tubes.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1113.02 Generation of Waste Cathode Ray Tubes. A used or unused cathode ray tube shall become a waste on the date it is determined to be not repairable or reusable for its originally intended purpose.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1113.03 Requirements for Management of Universal Waste Cathode Ray Tubes.

(a) A cathode ray tube that shows evidence of breakage, spillage, or damage that could cause release of glass particles shall be contained using a container that complies with Env-Hw 1102.03(c).

(b) A universal waste handler of cathode ray tubes shall not intentionally break or shred universal waste cathode ray tubes unless the handler:

- (1) Installs and maintains systems designed to minimize releases via wind dispersal, run-off, and direct releases to the soil;
- (2) Uses breaking, shredding, or storage practices that do not pose a hazard to human health or the environment;
- (3) Prevents exposure of humans or the environment to harmful quantities of lead or other hazardous constituents;
- (4) Stores shredded and broken cathode ray tubes or components or both in closed, non-leaking containers that meet the requirements of Env-Hw 1102.03(c);
- (5) Before transporting or offering shredded cathode ray tubes or components or both for transport, packages the shredded cathode ray tubes or components or both in containers that are:
 - a. Impermeable;
 - b. Closed; and
 - c. Designed to prevent releases to the environment.

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(c) A universal waste handler who shreds or intentionally breaks cathode ray tubes shall determine whether the following materials exhibit a characteristic of hazardous waste identified in Env-Hw 400:

- (1) Cleanup residues resulting from spills or leaks; and
- (2) Other waste generated from the shredding or breaking of cathode ray tubes, such as:
 - a. Residual waste from pollution control devices;
 - b. Blast media;
 - c. Cleaning media;
 - d. Floor sweepings; or
 - e. Glass fines.

(d) If the residues, other waste, or both described in (c), above, exhibit a characteristic of hazardous waste, the handler shall be considered the generator of the residues, other waste, or both and manage them in accordance with applicable requirements of Env-Hw 400 through Env-Hw 800.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1113.04 Labeling/Marking of Cathode Ray Tubes. A universal waste handler of cathode ray tubes shall clearly label or mark each universal waste cathode ray tube, or container holding intact, shredded, or broken universal waste cathode ray tubes with any or all of the following:

- (a) "Universal Waste - Cathode Ray Tube(s)";
- (b) "Waste Cathode Ray Tube(s)"; or
- (c) "Used Cathode Ray Tube(s)."

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

PART Env-Hw 1114 UNIVERSAL WASTE ANTIFREEZE

Env-Hw 1114.01 Applicability. This part shall apply to all universal waste handlers of antifreeze.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1114.02 Generation of Universal Waste Antifreeze.

(a) Used antifreeze shall become a waste on the date that, through use or handling, the antifreeze has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties.

(b) Unused antifreeze shall become a waste on the date the handler discards it.

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

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Env-Hw 1114.03 Requirements for Management of Universal Waste Antifreeze. A universal waste handler shall contain universal waste antifreeze in tanks or containers that meet the requirements of Env-Hw 1102.03(c).

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

Env-Hw 1114.04 Labeling/Marking of Antifreeze. A universal waste handler of antifreeze shall clearly label or mark the container, or tank holding antifreeze with any or all of the following:

- (a) "Universal Waste - Antifreeze";
- (b) "Waste Antifreeze"; or
- (c) "Used Antifreeze."

Source. #7578, eff 10-13-01; (See Revision Note #1 at chapter heading for Env-Hw 1100) ss by #9367, eff 1-28-09; ss by #12353, eff 8-14-17

CHAPTER Env-Hw 1200 LAND DISPOSAL RESTRICTIONS

Statutory Authority: RSA 147-A:3

PART Env-Hw 1201 PURPOSE, APPLICABILITY, AND EXEMPTIONS

Env-Hw 1201.01 Purpose. The purpose of this chapter is to establish requirements for land disposal of hazardous wastes.

Source. #12354, eff 8-14-17

Env-Hw 1201.02 Applicability. This chapter shall apply to any person who generates or transports hazardous waste and to any owner or operator of hazardous waste treatment, storage, and disposal facilities, except as provided in Env-Hw 1201.03 or in 40 CFR Part 268, 7-1-16 edition, as incorporated by reference in Env-Hw 1202.01.

Source. #12354, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 1201.03 Exemptions. This chapter shall not apply to:

- (a) NH-only wastes; or
- (b) Wastes generated by small quantity generators, as defined in Env-Hw 104.

Source. #12354, eff 8-14-17; ss by #12922, eff 11-23-19

PART Env-Hw 1202 LAND DISPOSAL RESTRICTIONS

Env-Hw 1202.01 Federal Requirements Incorporated. Except as specified in Env-Hw 1202.02, the federal land disposal requirements in 40 CFR Part 268, 7-1-16 edition, are incorporated by reference.

Source. #12354, eff 8-14-17; ss by #12922, eff 11-23-19

Env-Hw 1202.02 Amendments, Exceptions, and Modifications to Incorporated Federal Requirements. The following amendments, exceptions, and modifications shall apply to the incorporated requirements:

(a) Delete the following provisions of 40 CFR 268, which are administered and enforced by EPA, not by the department:

- (1) 40 CFR 268.5, 268.6, 268.42(b) and 268.44(a) through (g), relative to case by case extensions, exemptions, alternative treatment methods and variances;
- (2) “Effective dates” referenced within 40 CFR 268.20 through 40 CFR 268.50 that are earlier than the 2017 effective dates of these state rules; and
- (3) “Effective dates” listed within Appendices VII and VIII that are earlier than the 2017 effective dates of these state rules;

(b) Delete the following provisions of 40 CFR 268, because Env-Hw 701.03(a) prohibits the use of underground injection wells as a means of disposal of hazardous waste within the state:

- (1) All of 40 CFR 268.1(c)(3);
- (2) In 40 CFR 268.7(a)(7), the phrase “or are managed in an underground injection well regulated by the SDWA”;
- (3) In 40 CFR 268.37(a), the phrase “or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA),”;
- (4) All of 40 CFR 268.37(b);

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(5) In 40 CFR 268.38(a), the phrase “or that are injected in Class I deep wells regulated under the Safe Drinking Water Act (SDWA),”;

(6) In 40 CFR 268.38(b) and 40 CFR 268.39(b), the phrase “or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA),”;

(7) In 40 CFR 268.40(e), the phrase “or that is injected into a Class I nonhazardous deep injection well,”; and

(8) In 40 CFR 268.40/Table “Treatment Standards for Hazardous Wastes”, footnote 9;

(c) Amend 40 CFR 268.1(e)(1) by deleting the words “small quantity generators of less than 100 kilograms of non-acute hazardous waste or less than 1 kilogram of acute hazardous waste per month, as defined in §261.5 of this chapter” and replacing them with “small quantity generators, as defined in Env-Hw 104, managing waste in compliance with Env-Hw 500”;

(d) Amend 40 CFR 268.1(f) to read as follows: “Universal waste handlers and universal waste transporters who manage universal waste in compliance with Env-Hw 1100 are exempt from the requirements of 40 CFR 268.7 and 268.50.”;

(e) Amend 40 CFR 268.3(a) by adding the following: “Any deliberate mixing of one or more prohibited hazardous wastes with debris that changes its treatment classification from waste to hazardous debris or debris shall be prohibited.”;

(f) Delete 40 CFR 268.3(b), regarding exceptions to the dilution prohibition;

(g) Amend 40 CFR 268.7(a)(8) by changing the last sentence to read as follows: “The requirements of this paragraph apply to wastes even when the hazardous characteristic is removed prior to disposal or when the waste is exempt from regulation subsequent to the point of generation.”;

(h) Amend 40 CFR 268.7(a)(9)(iii) by deleting the words “D001-D043” and replacing them with “D001-D008 and D010-D043”;

(i) Delete 40 CFR 268.7(a)(10), regarding the exemption for tolling agreements; and

(j) Delete 40 CFR 268.50(g), regarding hazardous remediation wastes stored in a staging pile.

Source. #12354, eff 8-14-17

Env-Hw 1202.03 Requirement to Obtain Permit. Treatment of hazardous waste to achieve compliance with the land disposal restrictions of this chapter shall be subject to the permitting requirements of Env-Hw 300 and Env-Hw 700.

Source. #12354, eff 8-14-17

Env-Hw 1202.04 Management and Disposal of Hazardous Debris and Contaminated Soil. Hazardous debris or contaminated soil that has been treated to comply with this chapter such that it is no longer regulated as hazardous waste shall instead be managed and disposed of in accordance with Env-Or 611 and Env-Sw 903, as applicable.

Source. #12354, eff 8-14-17

APPENDICES

APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 101	RSA 147-A:3	40 CFR 260.3
Env-Hw 101.05	RSA 147-A:3, V	40 CFR 260.4; 40 CFR 260.5
Env-Hw 102	RSA 147-A:2 & 3, I	40 CFR 260.10
Env-Hw 103	RSA 147-A:2 & 3, I; RSA 147-B:2, III	40 CFR 260.10; 40 CFR 261.1(c); 40 CFR 262.81; 40 CFR 273.9
Env-Hw 104	RSA 147-A:2 & 3, I	40 CFR 260.10; 40 CFR 261.1(c); 40 CFR 268.2(c); 40 CFR 270.2; 40 CFR 273.9
Env-Hw 201	RSA 147-A:3; RSA 541-A:16, I(b)	
Env-Hw 202	RSA 147-A:3, I, III and IV; RSA 541-A:22, IV	40 CFR 260 Subpart C
Env-Hw 203	RSA 147-A:3, I, III and IV; RSA 541-A:16, I	40 CFR 260.2
Env-Hw 204 & 205	RSA 147-A:3, I, III and IV; RSA 541-A:16, I	40 CFR 260 Subpart C
Env-Hw 206	RSA 541-A:16, I(c)	40 CFR 260 Subpart C
Env-Hw 207	RSA 147-A:3, VI; RSA 541-A:16, I	
Env-Hw 301	RSA 147-A:3; RSA 147-A:4	40 CFR 124; 40 CFR 264.1; 40 CFR 265.1; 40 CFR 270.60
Env-Hw 302	RSA 147-A:3, VIII, IX, IX-a, XXV; RSA 147-A:4; RSA 541-A:30	40 CFR 124; 40 CFR 264.1; 40 CFR 265.1; 40 CFR 270.60
Env-Hw 303	RSA 147-A:3, VIII, IX, IX-a, XI, XXV; RSA 147-A:4; RSA 147-A:4-b; RSA 147-A:5, I	40 CFR 124; 40 CFR 264.1; 40 CFR 265.1; 40 CFR 270.60
Env-Hw 304	RSA 147-A:3, III, IV, VII-XI, XIII, XXV; RSA 147-A:4; RSA 147-A:4-a; RSA 147-A:4-b; RSA 147-A:5; RSA 147-A:15; RSA 147-C:2; RSA 541-A:30	40 CFR 124; 40 CFR 264.1; 40 CFR 265.1; 40 CFR 270.60
Env-Hw 400	RSA 147-A:3, I, II, IV & VI	40 CFR 261
Env-Hw 501	RSA 147-A:3, IV, VI; RSA 147-A:5, III	40 CFR 261.9; 40 CFR 262.10; 40 CFR 262.70
Env-Hw 502	RSA 147-A:3, I, III	40 CFR 262.11
Env-Hw 503	RSA 147-A:3, IV, VI	40 CFR 262.13
Env-Hw 504	RSA 147-A:3, VI, XXVIII; RSA 147-A:5, III; RSA 147-A:6-a	40 CFR 262.10; 40 CFR 262.17; 40 CFR 262.18
Env-Hw 505	RSA 147-A:3, VI	40 CFR 262.18
Env-Hw 506	RSA 147-A:3, III, IV	40 CFR 262.17
Env-Hw 507	RSA 147-A:3, III, IV, XIII	40 CFR 262.16; 40 CFR 262.17; 40 CFR 262 Subpart C
Env-Hw 508	RSA 147-A:3, III, IV, VI, XIII, XXVII; RSA 147-A:5, IV	40 CFR 262.14

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Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 509	RSA 147-A:3, III, IV, VI, XIII, XXVI; RSA 147-A:5, III	40 CFR 262
Env-Hw 510	RSA 147-A:3, IV, V; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9	40 CFR 262 Subparts B & H; Appendix to 40 CFR 262
Env-Hw 511	RSA 147-A:3, III-VI	40 CFR 262.17; 40 CFR 262.18; 40 CFR 262 Subpart B
Env-Hw 512	RSA 147-A:3, I-VII, XIII; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9; RSA 147-B:11	40 CFR 262 Subparts D & H
Env-Hw 513	RSA 147-A:3, III, IV, VI, VII, XXV; RSA 147-A:11	40 CFR 262.16, 40 CFR 262.17
Env-Hw 514	RSA 147-A:5, IV	
Env-Hw 515	RSA 147-A:5, III	
Env-Hw 600	RSA 147-A:3, IV-VIII; RSA 147-A:6	40 CFR 261; 40 CFR 263
Env-Hw 601	RSA 147-A:3, XXV; RSA 147-A:6	40 CFR 263.10
Env-Hw 602	RSA 147-A:3, VIII; RSA 147-A:6	40 CFR 263.11
Env-Hw 603	RSA 147-A:3, IV	40 CFR 263.10
Env-Hw 604	RSA 147-A:3, V	40 CFR 263 Subpart B
Env-Hw 605	RSA 147-A:3, IV	
Env-Hw 606	RSA 147-A:3, IV, V	40 CFR 263 Subpart B
Env-Hw 607	RSA 147-A:3, VI	40 CFR 263 Subpart B
Env-Hw 608	RSA 147-A:3, VII, XXV	40 CFR 263 Subpart C
Env-Hw 609	RSA 147-A:3, VIII, IX; RSA 147-A:6	
Env-Hw 610	RSA 147-A:3, IX; RSA 147-A:6	
Env-Hw 701	RSA 147-A:3, III, IV, XXV	40 CFR 264; 40 CFR 265
Env-Hw 702	RSA 147-A:3, III, IV, VI, VII; RSA 147-A:4	40 CFR 264; 40 CFR 265
Env-Hw 703-704	RSA 147-A:3, V, VI	40 CFR 264 Subpart E; 40 CFR 265 Subpart E
Env-Hw 705	RSA 147-A:3, V, VI; RSA 147-B:8	40 CFR 264 Subpart E; 40 CFR 265 Subpart E
Env-Hw 706	RSA 147-A:3, III, IV, VI, VII, XXV; RSA 147-A:11	40 CFR 264.56; 40 CFR 265.56
Env-Hw 707	RSA 147-A:3, III, IV, VII, XIII	40 CFR 265
Env-Hw 708	RSA 147-A:3, III, IV, VII, XIII	40 CFR 264
Env-Hw 709	RSA 147-A:3, IV	40 CFR 266
Env-Hw 801	RSA 147-A:3, I, IV	40 CFR 261; 40 CFR 266; 40 CFR 279
Env-Hw 802	RSA 147-A:3, I	40 CFR 261
Env-Hw 803	RSA 147-A:3, I, VI	40 CFR 261
Env-Hw 804	RSA 147-A:3, IV	40 CFR 261; 40 CFR 266; 40 CFR 279
Env-Hw 805	RSA 147-A:3, IV	40 CFR 266
Env-Hw 806	RSA 147-A:3, IV, VI	40 CFR 266
Env-Hw 807	RSA 147-A:3, I, IV, VI; RSA 147-B:14	40 CFR 261; 40 CFR 279
Env-Hw 808	RSA 147-A:3, III, IV, V, VI; RSA 147-A:5, III, IV	40 CFR 266
Env-Hw 809	RSA 147-A:3, III, IV, VI	40 CFR 266
Env-Hw 810	RSA 147-A:3, I, III, IV	40 CFR 260.30 - 260.33; 40 CFR 261
Env-Hw 811	RSA 147-A:3, IV, VI	40 CFR 261

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Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 900	RSA 147-A:7	
Env-Hw 1000	RSA 147-B:6; RSA 147-B:7; RSA 147-B:13	
Env-Hw 1101	RSA 147-A:3, IV	40 CFR 273
Env-Hw 1102	RSA 147-A:3, IV, VI, VII	40 CFR 273
Env-Hw 1103	RSA 147-A:3, IV	40 CFR 273
Env-Hw 1104	RSA 147-A:3, IV, VI	40 CFR 273
Env-Hw 1105	RSA 147-A:3, IV, VI	40 CFR 273
Env-Hw 1106	RSA 147-A:3, IV, VI, VII	40 CFR 273
Env-Hw 1107	RSA 147-A:3, IV, VI, VII	40 CFR 273
Env-Hw 1108	RSA 147-A:3, I, II	40 CFR 273
Env-Hw 1109	RSA 147-A:3, IV	40 CFR 273
Env-Hw 1110	RSA 147-A:3, IV, XIII	40 CFR 273
Env-Hw 1111	RSA 147-A:3, IV	40 CFR 273
Env-Hw 1112	RSA 147-A:3, IV	40 CFR 273
Env-Hw 1113	RSA 147-A:3, IV	40 CFR 273
Env-Hw 1114	RSA 147-A:3, IV, XIII	40 CFR 273
Env-Hw 1200	RSA 147-A:3, IV & VI	40 CFR 268

APPENDIX B: INCORPORATION BY REFERENCE INFORMATION

Rule	Title	Obtain at:
Env-Hw 104.54	EPA publication “SW-846 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” Third Edition, November 1986, as amended by Update I dated July 1992, Update II dated September 1994, Update IIA dated August 1993, Update IIB dated January 1995, Update III dated December 1996, Update IIIA dated April 1998, Update IIIB dated November 2004, and Update IV dated February 2007	National Technical Information Service (NTIS) 5285 Port Royal Road Springfield, VA 22161 (800) 553-NTIS [(800)-553-6847] \$360 or Free online at: https://www.epa.gov/hw-sw846/sw-846-compendium
Env-Hw 401.02(b)(1); Env-Hw 401.04; Env-Hw 401.06(k); Env-Hw 403.04(b)(1); Env-Hw 403.04(b)(2); Env-Hw 403.04(b)(3); Env-Hw 403.06(a); Env-Hw 406.02(d)(2)a.; Env-Hw 406.02(d)(2)b.; Env-Hw 406.02(d)(3)	EPA publication “SW-846 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, Third Edition, November 1986, as amended by Update I dated July 1992, Update II dated September 1994, Update IIA dated August 1993, Update IIB dated January 1995, Update III dated December 1996, Update IIIA dated April 1998, Update IIIB dated November 2004, and Update IV dated February 2007	National Technical Information Service (NTIS) 5285 Port Royal Road Springfield, VA 22161 (800) 553-NTIS [(800)-553-6847] \$360 or Free online at: https://www.epa.gov/hw-sw846/sw-846-compendium

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Rule	Title	Obtain at:
Env-Hw 401.06(a); Env-Hw 403.03(b)(1)b.	“ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester,” ASTM Standard D-3278-78	IHS Markit 15 Inverness Way East Englewood, CO 80112 (303) 397-7956; (800) 854-7179 https://global.ihs.com/doc_detail.cfm?item_s_key=00017442&item_key_date=211231&rid=GS \$75
Env-Hw 401.06(b); Env-Hw 403.03(b)(1)a.	“ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester,” ASTM Standard D-93-79 or D-93-80	American Society for Testing and Materials 100 Barr Harbor Dr West Conshohocken, PA 19428-2959 (877) 909-2786 https://www.astm.org/DATABASE.CART/HISTORICAL/D93-80E1.htm \$65
Env-Hw 401.06(c)	“ASTM Standard Method for Analysis of Reformed Gas by Gas Chromatography,” ASTM Standard D-1946-82	American Society for Testing and Materials 100 Barr Harbor Dr West Conshohocken, PA 19428-2959 (877) 909-2786 https://www.astm.org/DATABASE.CART/HISTORICAL/D1946-82.htm \$54
Env-Hw 401.06(d)	“ASTM Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-Precision Method),” ASTM Standard D-2382-83	American Society for Testing and Materials 100 Barr Harbor Dr West Conshohocken, PA 19428-2959 (877) 909-2786 https://www.astm.org/DATABASE.CART/HISTORICAL/D2382-83.htm \$61.20
Env-Hw 401.06(e)	“ASTM Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis,” ASTM Standard E-169-87	American Society for Testing and Materials 100 Barr Harbor Dr West Conshohocken, PA 19428-2959 (877) 909-2786 https://www.astm.org/DATABASE.CART/HISTORICAL/E169-87.htm \$54
Env-Hw 401.06(f)	“ASTM Standard Practices for General Techniques of Infrared Quantitative Analysis,” ASTM Standard E 168-88	American Society for Testing and Materials 100 Barr Harbor Dr West Conshohocken, PA 19428-2959 (877) 909-2786 https://www.astm.org/DATABASE.CART/HISTORICAL/E168-88.htm \$61.20
Env-Hw 401.06(g)	“ASTM Standard Practice for Packed Column Gas Chromatography,” ASTM Standard E-260-85	American Society for Testing and Materials 100 Barr Harbor Dr West Conshohocken, PA 19428-2959 (877) 909-2786 https://www.astm.org/DATABASE.CART/HISTORICAL/E260-85.htm \$78

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Rule	Title	Obtain at:
Env-Hw 401.06(h)	“ASTM Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography,” ASTM Standard D-2267-88	IHS Markit 15 Inverness Way East Englewood, CO 80112 (303) 397-7956; (800) 854-7179 https://global.ihs.com/doc_detail.cfm?&item_s_key=00016453&item_key_date=110114&input_doc_number=D%2D2267%2D88&input_doc_title= \$56
Env-Hw 401.06(i)	“APTI Course 415: Control of Gaseous Emissions,” EPA Publication EPA-450/2-81-005, December 1981	National Technical Reports Library (NTRL) National Technical Information Service (NTIS) 5285 Port Royal Rd Springfield, VA 22161 (800) 553-NTIS [(800) 553-6847] Free online at: https://ntrl.ntis.gov/ntrl/login.xhtml
Env-Hw 401.06(j)	“Flammable and Combustible Liquids Code,” NFPA 30, 1977 or 1981	National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269 (617) 770-3000 Free online at: http://www.nfpa.org/Assets/files/AboutTheCodes/30/TCRF-1977-325M-30-395-329.pdf
Env-Hw 401.06(l)	“Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised,” October 1992, EPA Publication No. EPA-450/R-92-019	National Service Center for Environmental Publications (NSCEP) U.S. Environmental Protection Agency Research Triangle Park, NC 27711 (800) 490-9198 Free online at: https://www3.epa.gov/scram001/guidance/guide/EPA-454R-92-019_OCR.pdf
Env-Hw 401.06(m)	“ASTM Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analyses of Metals,” ASTM Standard E926-88, Test Method C-Bomb, Acid Digestion Method	IHS Markit 15 Inverness Way East Englewood, CO 80112 (303) 397-7956; (800) 854-7179 https://global.ihs.com/doc_detail.cfm?&rid=GS&item_s_key=00020439&item_key_date=110906&input_doc_number=E%2D926%2D88&input_doc_title=&origin=HISC \$56
Env-Hw 401.06(n)	API Publication 2517, Third Edition, February 1989, “Evaporative Loss from External Floating-Roof Tanks”	IHS Markit 15 Inverness Way East Englewood, CO 80112 (303) 397-7956; (800) 854-7179 https://global.ihs.com/doc_detail.cfm?&input_search_filter=API&item_s_key=00010514&item_key_date=101231&input_doc_number=2517&input_doc_title=&org_code=API \$129

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Rule	Title	Obtain at:
Env-Hw 401.06(o)	“ASTM Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope,” ASTM Standard D 2879-92	American Society for Testing and Materials 100 Barr Harbor Dr West Conshohocken, PA 19428-2959 (877) 909-2786 https://www.astm.org/DATABASE.CART/HISTORICAL/D2879-92E1.htm \$54
Env-Hw 406.02(d)(1)	Method 415.1 - Total Organic Carbon (Combustion or Oxidation) of Methods for Chemical Analysis of Water and Wastes	US Environmental Protection Agency William Jefferson Clinton Federal Building 1200 Pennsylvania Ave, NW Washington, DC 20460 (202) 564-6830 Free online at: http://www2.epa.gov/quality/total-organic-carbon-water-epa-method-4151-combustion-or-oxidation-epa-method-4152-uv or: http://www.caslab.com/EPA-Method-415_1/
Env-Hw 406.02(d)(4)	Department of the Army’s Detonation Test, Ignition and Unconfined Burning Test, Thermal Stability Test, Card Gap Test, and Impact Sensitivity Test as set forth in Department of Army publication number TB700-2	IHS Markit 15 Inverness Way East Englewood, CO 80112 (303) 397-7956; (800) 854-7179 https://global.ihs.com/doc_detail.cfm?item_s_key=00561720&item_key_date=870501&ri_d=GS \$56
Env-Hw 510.06(b)	“Guidance Manual for the Control of Transboundary Movements of Recoverable Wastes, copyright 2009, Annex B: OECD Consolidated List of Wastes Subject to the Green Control Procedure and Annex C: OECD Consolidated List of Wastes Subject to the Amber Control Procedure”	Organization for Economic Cooperation and Development, Environment Directorate 2 rue Andre´ Pascal 75775 Paris Cedex 16 France Tel: +33 1 45 24 82 00 Free online at: https://www.oecd.org/env/waste/guidance-manual-control-transboundary-movements-recoverable-wastes.pdf

APPENDIX C: STATE STATUTORY DEFINITIONS

RSA 147-A:2

III. “Disposal” means the discharge, deposit, incineration, injection, dumping, spilling, leaking or placing of any waste into or onto any land or water so that the waste or any constituent of the waste may enter the environment, be emitted into the air, or be discharged into any waters, including groundwaters.

IV. “Facility” means a location at which hazardous waste is subjected to treatment, storage or disposal and may include a facility where hazardous waste has been generated.

VI. “Generator” means any person who owns or operates a facility where hazardous waste is generated.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

VII. "Hazardous waste" means a solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes:

(a) Which, because of either quantity, concentration, or physical, chemical, or infectious characteristics may:

(1) Cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; or

(2) Pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

(b) Or which has been identified as a hazardous waste by the department using the criteria established under RSA 147-A:3, I or as listed under RSA 147-A:3, II. Such wastes include, but are not limited to, those which are reactive, toxic, corrosive, ignitable, irritants, strong sensitizers or which generate pressure through decomposition, heat or other means. Such wastes do not include radioactive substances that are regulated by the Atomic Energy Act of 1954, as amended, or household pharmaceutical wastes collected pursuant to RSA 318-E.

VIII. "Hazardous waste management" means the systematic control of the generation, collection, sorting, storage, processing, treatment, recovery and disposal of hazardous waste.

X. "Manifest" means the form used for identifying the origin, quantity, composition, routing and destination of hazardous waste.

XI. "Operator" means any person who, either directly or indirectly, operates or otherwise controls or directs activities at a facility.

XI-a. "Owner" means any person who, either directly or indirectly owns a facility. The term "owner" does not include a person who, without participation in the management or actual operation of a facility, holds indicia of ownership primarily to protect a mortgage on real property on which a facility is located or a security interest in personal property located at the facility.

XII. "Person" means 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.

XII-a. "Spent material" means any material that has been used and, as a result of contamination, can no longer serve the purpose for which it was produced without processing.

XIII. "Storage" means the containment of hazardous wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of the hazardous wastes.

XIV. "Trade secret" means any confidential formula, pattern, device or compilation of information which is used in the employer's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. A trade secret is known to the employer and those employees to whom it is necessary to confide it.

XV. "Transport" means the movement of hazardous wastes from the point of generation to any intermediate points and, finally, to the point of ultimate storage or disposal.

XVI. "Transporter" means any person who transports hazardous waste.

XVII. "Treatment" means any process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize the waste or to render the waste not hazardous, safer for transport, amenable to recovery, amenable to storage or reduced in volume.

XVIII. "Waste" means any matter consisting of: garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other spent, discarded or abandoned material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include domestic sewage, irrigation

return waters, wastewater discharges in compliance with applicable state or federal permits, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

RSA 147-B:2

III. “Facility” means any site, area or location where hazardous waste or hazardous materials are or have been treated, stored, generated, disposed of, or otherwise come to be located.

APPENDIX D: FEDERAL DEFINITIONS AND REGULATIONS

40 CFR 260.4

(a) In any case in which the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste shall, regardless of the state in which the facility is located:

- (1) Complete the facility portion of the applicable manifest;
- (2) Sign and date the facility certification;
- (3) Submit to the e-Manifest system a final copy of the manifest for data processing purposes; and
- (4) Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of part 264 of this chapter.

40 CFR 260.5

(a) For purposes of this section, “state-only regulated waste” means:

- (1) A non-RCRA waste that a state regulates more broadly under its state regulatory program, or
- (2) A RCRA hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.

(b) In any case in which a state requires a RCRA manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management shall:

- (1) Comply with the provisions of §§ 264.71 (use of the manifest) and 264.72 (manifest discrepancies) of this chapter; and
- (2) Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of part 264 of this chapter.

40 CFR 260.10

Act or *RCRA* means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. section 6901 *et seq.*

Administrator means the Administrator of the Environmental Protection Agency, or his designee.

Aquifer means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

Authorized representative means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

Battery means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

Boiler means an enclosed device using controlled flame combustion and having the following characteristics:

(1)(i) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(ii) The unit's combustion chamber and primary energy recovery sections(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

(iii) While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(iv) The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(2) The unit is one which the Regional Administrator has determined, on a case-by-case basis, to be a boiler, after considering the standards in § 260.32.

Certification means a statement of professional opinion based upon knowledge and belief.

Confined aquifer means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

Container means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Containment building means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of subpart DD of parts 264 or 265 of this chapter.

Contingency plan means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

Dike means an embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

Drip pad is an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation, and surface water run-on to an associated collection system at wood preserving plants.

Electronic manifest (or e-Manifest) means the electronic format of the hazardous waste manifest that is obtained from EPA's national e-Manifest system and transmitted electronically to the system, and that is the legal equivalent of EPA Forms 8700-22 (Manifest) and 8700-22A (Continuation Sheet).

Electronic Manifest System (or e-Manifest System) means EPA's national information technology system through which the electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest and to regulatory agencies.

Explosives or munitions emergency means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

Explosives or munitions emergency response means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in place render-safe procedures, treatment or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

Explosives or munitions emergency response specialist means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include Department of Defense (DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and DOD-certified civilian or contractor personnel; and other Federal, State, or local government, or civilian personnel similarly trained in explosives or munitions emergency responses.

Free liquids means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

Ground water means water below the land surface in a zone of saturation.

Incompatible waste means a hazardous waste which is unsuitable for:

(1) Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

(2) Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.

(See appendix V of parts 264 and 265 of this chapter for examples.)

Injection well means a well into which fluids are injected. (See also “underground injection”.)

Inner liner means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

International shipment means the transportation of hazardous waste into or out of the jurisdiction of the United States.

Lamp, also referred to as “universal waste lamp”, is defined as the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste electric lamps include, but are not limited to, fluorescent, high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

Land treatment facility means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

Leachate means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

Liner means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

Military munitions means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (DOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices, managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed.

Mining overburden returned to the mine site means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

On-site means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, is also considered on-site property.

Pesticide means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant, other than any article that:

- (1) Is a new animal drug under FFDCA section 201(w), or
- (2) Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug, or
- (3) Is an animal feed under FFDCA section 201(x) that bears or contains any substances described by paragraph (1) or (2) of this definition.

Pile means any non-containerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage and that is not a containment building.

Point source means any discernible, confined, and discrete conveyance, including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Recognized trader means a person domiciled in the United States, by site of business, who acts to arrange and facilitate transboundary movements of wastes destined for recovery or disposal operations, either by purchasing from and subsequently selling to United States and foreign facilities, or by acting under arrangements with a United States waste facility to arrange for the export or import of the wastes.

Representative sample means a sample of a universe or whole (e.g., waste pile, lagoon, ground water) which can be expected to exhibit the average properties of the universe or whole.

Run-off means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

Run-on means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

Sludge means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

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State means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Surface impoundment or *impoundment* means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

Tank means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

Tank system means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

Totally enclosed treatment facility means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

Transport vehicle means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

Transportation means the movement of hazardous waste by air, rail, highway, or water.

Treatability Study means a study in which a hazardous waste is subjected to a treatment process to determine: (1) Whether the waste is amenable to the treatment process, (2) what pretreatment (if any) is required, (3) the optimal process conditions needed to achieve the desired treatment, (4) the efficiency of a treatment process for a specific waste or wastes, or (5) the characteristics and volumes of residuals from a particular treatment process. Also included in this definition for the purpose of the § 261.4 (e) and (f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A “treatability study” is not a means to commercially treat or dispose of hazardous waste.

United States means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Universal Waste Transporter means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

Vessel includes every description of watercraft, used or capable of being used as a means of transportation on the water.

Wipe means a woven or non-woven shop towel, rag, pad, or swab made of wood pulp, fabric, cotton, polyester blends, or other material.

40 CFR 261.1(c)(3)

A “by-product” is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public’s use and is ordinarily used in the form it is produced by the process.

40 CFR 261.1(c)(6)

“Scrap metal” is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

40 CFR 261.1(c)(9)

“Excluded scrap metal” is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.

40 CFR 261.1(c)(10)

“Processed scrap metal” is scrap metal which has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and, fines, drosses and related materials which have been agglomerated. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (§ 261.4(a)(14)).

40 CFR 261.1(c)(11)

“Home scrap metal” is scrap metal as generated by steel mills, foundries, and refineries such as turnings, cuttings, punchings, and borings.

40 CFR 261.1(c)(12)

“Prompt scrap metal” is scrap metal as generated by the metal working/fabrication industries and includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap is also known as industrial or new scrap metal.

40 CFR 261.4(a)(1)(ii)

“Domestic Sewage” means untreated sanitary wastes that pass through a sewer system.

40 CFR 262.81

EPA Acknowledgment of Consent (AOC) means the letter EPA sends to the exporter documenting the specific terms of the country of import’s consent and the country(ies) of transit’s consent(s). The AOC meets the definition of an export license in U.S. Census Bureau regulations 15 CFR 30.1.

Exporter, also known as primary exporter on the RCRA hazardous waste manifest, means the person domiciled in the United States who is required to originate the movement document in accordance with § 262.83(d) or the manifest for a shipment of hazardous waste in accordance with subpart B of this part, or equivalent State provision, which specifies a foreign receiving facility as the facility to which the hazardous wastes will be sent, or any recognized trader who proposes export of the hazardous wastes for recovery or disposal operations in the country of import.

Importer means the person to whom possession or other form of legal control of the hazardous waste is assigned at the time the imported hazardous waste is received in the United States.

40 CFR 268.2(c), 7-1-16 edition

Land disposal means placement in or on the land, except in a corrective action management unit or staging pile, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

40 CFR 270.2

Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

40 CFR 273.2(c)(2)

An unused battery becomes a waste on the date the handler decides to discard it.

40 CFR 273.3(c)(1)

A recalled pesticide described in paragraph (a)(1) of this section becomes a waste on the first date on which both of the following conditions apply:

- (i) The generator of the recalled pesticide agrees to participate in the recall; and
- (ii) The person conducting the recall decides to discard (e.g., burn the pesticide for energy recovery).

40 CFR 273.3(c)(2)

An unused pesticide product described in paragraph (a)(2) of this section becomes a waste on the date the generator decides to discard it.

40 CFR 273.4(c)(2)

Unused mercury-containing equipment becomes a waste on the date the handler decides to discard it.

40 CFR 273.5(c)(2)

An unused lamp becomes a waste on the date the handler decides to discard it.

40 CFR 273.33(c)(2)

A large quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler:

- (i) Removes and manages the ampules in a manner designed to prevent breakage of the ampules;
- (ii) Removes the ampules only over or in a containment device (*e.g.*, tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage);
- (iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks of broken ampules from that containment device to a container that meets the requirements of 40 CFR 262.34;
- (iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34;
- (v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury;
- (vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers;
- (vii) Stores removed ampules in closed, non-leaking containers that are in good condition;
- (viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation;

APPENDIX E: EMERGENCY TELEPHONE NUMBERS

Organization	Telephone Number	Days/Hours
DES Emergency Response Team	(603) 271-3899	Monday through Friday; 8 a.m. to 4 p.m.
N.H. State Police Headquarters Communications Unit	(603) 223-4381	Every day; 24 hours per day