

## 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.

(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) “Ampule” means an airtight vial made of glass, plastic, metal, or any combination of these materials.
- (b) “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.
- (c) “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.
- (d) “Open original housing” means a container that holds mercury while the mercury performs its function within a mercury-containing device and that is open at one end, such as in a barometer or manometer.
- (e) “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.
- (f) “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.

*#13406 amended eff. 07-23-22*

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;
- (6) Universal waste antifreeze in accordance with Env-Hw 1114; and
- (7) Universal waste aerosol cans in accordance with Env-Hw 1115.

(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), Env-Hw 1114.03, Env-Hw 1115.03(a)(1), Env-Hw 1115.03(b)(1), or Env-Hw 1115.03(b)(2), 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.

*#13406 amended eff. 07-23-22*

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
- 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 and Env-Hw 1200.

*#13406 amended eff. 07-23-22*

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 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 and Env-Hw 1200 for managing the hazardous waste.

*#13406 amended eff. 07-23-22*

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 #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.

(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.

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)

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

(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; and 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

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 and Env-Hw 1200.

*#13406 amended eff. 07-23-22*

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.

(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 and Env-Hw 1200 for managing the hazardous waste.

***#13406 amended eff. 07-23-22***

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:

- (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 and Env-Hw 1200.

*#13406 amended eff. 07-23-22*

PART Env-Hw 1108 PETITION TO INCLUDE OTHER UNIVERSAL WASTES

Env-Hw 1108.01 Universal Waste Petition Information Requirements.

(a) Except as provided in (c), below, 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.

(c) Hazardous waste pharmaceuticals regulated under Env-Hw 1300 shall not be added as a category of hazardous waste for management under this chapter.

*#13406 amended eff. 07-23-22*

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
  - (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 and Env-Hw 1200.

***#13406 amended eff. 07-23-22***

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 and Env-Hw 1200, except that aerosol cans that contain pesticides may be managed as universal waste aerosol cans under Env-Hw 1102 through Env-Hw 1105.

***#13406 amended eff. 07-23-22***

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

(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

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 shall not remove open original housings from universal waste mercury-containing devices unless the handler:

- (1) Immediately seals the open original housing holding the mercury with an airtight seal to prevent the release of any mercury to the environment; and
- (2) Removes and manages all open original housings in accordance with the requirements for removing and managing ampules specified in (b), above.

(e) An open original housing that has been removed and sealed in accordance with (d), above, may be handled as a universal waste.

(f) A universal waste handler who removes mercury-containing ampules from mercury-containing devices or seals mercury from mercury-containing devices in its original housing 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 or original housings, such as the remaining mercury-containing devices.

(g) If the mercury residues or other waste described in (f), 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 and Env-Hw 1200.

*#13406 amended eff. 07-23-22*

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 releases to the soil;
- (2) Uses breaking, shredding, and 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 and 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.

(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 and Env-Hw 1200.

***#13406 amended eff. 07-23-22***

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

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

PART Env-Hw 1115 UNIVERSAL WASTE AEROSOL CANS

Env-Hw 1115.01 Applicability. This part shall apply to all universal waste handlers of aerosol cans.

*#13406 adopted eff. 07-23-22*

Env-Hw 1115.02 Generation of Waste Aerosol Cans.

(a) A used aerosol can shall become a waste on the date it is discarded.

(b) An unused aerosol can shall become a waste as specified in 40 CFR 273.6(c)(2), reprinted in Appendix D.

*#13406 adopted eff. 07-23-22*

Env-Hw 1115.03 Requirements for Management of Universal Waste Aerosol Cans.

- (a) A universal waste handler shall store all universal waste aerosol cans in containers that:
- (1) Meet the requirements of Env-Hw 1102.03(c)(2) and (3); and
  - (2) Are protected from sources of heat.
- (b) Immediately, not to exceed one hour from discovery, aerosol cans that show evidence of leakage shall be:
- (1) Packaged in a separate container that meets the requirements of Env-Hw 1102.03(c);
  - (2) Overpacked with absorbents in a container that meets the requirements of Env-Hw 1102.03(c);  
or
  - (3) Punctured and drained in accordance with (d), below.
- (c) A universal waste handler may conduct the following activities as long as each individual aerosol can is not breached and remains intact:
- (1) Sorting aerosol cans by type;
  - (2) Mixing intact cans in one container; and
  - (3) Removing actuators to reduce the risk of accidental release.
- (d) A universal waste handler shall not puncture and drain aerosol cans unless the handler:
- (1) Recycles the empty punctured aerosol cans;
  - (2) Conducts puncturing and draining activities using a device that satisfies the requirements of 40 CFR 273.13(e)(4)(i), reprinted in Appendix D;
  - (3) Establishes and follows a written procedure detailing how to safely puncture and drain the aerosol can, including:
    - a. Proper assembly, operation, and maintenance of the unit;
    - b. Segregation of incompatible wastes; and
    - c. Waste management practices to prevent fires and releases;
  - (4) Ensures employees operating the unit are trained on the procedure;
  - (5) Maintains a copy of the manufacturer's specifications and instructions for the unit on site;
  - (6) Ensures the puncturing of the can is done in a manner designed to prevent fires and to prevent the release of any component of universal waste to the environment, including, but not limited to, locating the puncturing unit:
    - a. On a solid, flat surface; and
    - b. In a well-ventilated area;

- (7) Immediately transfers the contents from the waste aerosol can or puncturing device, if applicable, to a container that meets the applicable requirements of Env-Hw 500;
- (8) Conducts a hazardous waste determination pursuant to Env-Hw 502 on:
  - a. The material removed from the aerosol can; and
  - b. Any filters, media, and residue from the puncturing device’s vapor recovery system;
- (9) Establishes and follows a written procedure in the event of a spill or release; and
- (10) Provides and maintains a spill cleanup kit.

(e) If the contents of the emptied aerosol cans described in (d)(8), above, are hazardous waste, the handler shall:

- (1) Be considered the generator of the hazardous waste; and
- (2) Comply with all applicable requirements of Env-Hw 400 through Env-Hw 800 and Env-Hw 1200.

***#13406 adopted eff. 07-23-22***

Env-Hw 1115.04 Labeling or Marking of Aerosol Cans. A universal waste handler of aerosol cans shall clearly label or mark each universal waste aerosol can or container holding universal waste aerosol cans with at least one of the following:

- (a) “Universal Waste – Aerosol Can(s)”;
- (b) “Waste Aerosol Can(s)”;
- (c) “Used Aerosol Can(s).”

***#13406 adopted eff. 07-23-22***

**APPENDIX A: STATE STATUTES, FEDERAL REGULATIONS IMPLEMENTED**

<b>Rule Section(s)</b>	<b>State Statute(s)</b>	<b>Federal Regulation(s)</b>
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 1115	RSA 147-A:3, IV	40 CFR 273

**APPENDIX B: INCORPORATION BY REFERENCE INFORMATION**  
**[NONE IN THIS CHAPTER]**

**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.

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.

*Aerosol can* means a non-refillable receptacle containing a gas compressed, liquefied, or dissolved under pressure, the sole purpose of which is to expel a liquid, paste, or powder and fitted with a self-closing release device allowing the contents to be ejected by the gas.

*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.

*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 266.500**

*Evaluated hazardous waste pharmaceutical* means a prescription hazardous waste pharmaceutical that has been evaluated by a reverse distributor in accordance with § 266.510(a)(3) and will not be sent to another reverse distributor for further evaluation or verification of manufacture credit.

*Hazardous waste pharmaceutical* means a pharmaceutical that is a solid waste, as defined in § 261.2, and exhibits one or more characteristics identified in part 261 subpart C or is listed in part 261 subpart D. A pharmaceutical is not a solid waste, as defined in § 261.2, and therefore not a hazardous waste pharmaceutical, if it is legitimately used/reused (e.g., lawfully donated for its intended purpose) or reclaimed. An over-the-counter pharmaceutical, dietary supplement, or homeopathic drug is not a solid waste, as defined in § 261.2, and therefore not a hazardous waste pharmaceutical, if it has a reasonable expectation of being legitimately used/reused (e.g., lawfully redistributed for its intended purpose) or reclaimed.

*Healthcare facility* means any person that is lawfully authorized to—

(1) Provide preventative, diagnostic, therapeutic, rehabilitative, maintenance or palliative care, and counseling, service, assessment or procedure with respect to the physical or mental condition, or functional status, of a human or animal or that affects the structure or function of the human or animal body; or

(2) Distribute, sell, or dispense pharmaceuticals, including over-the-counter pharmaceuticals, dietary supplements, homeopathic drugs, or prescription pharmaceuticals. This definition includes, but is not limited to, wholesale distributors, third-party logistics providers that serve as forward distributors, military medical logistics facilities, hospitals, psychiatric hospitals, ambulatory surgical centers, health clinics, physicians' offices, optical and dental providers, chiropractors, long-term care facilities, ambulance services, pharmacies, long-term care pharmacies, mail-order pharmacies, retailers of pharmaceuticals, veterinary clinics, and veterinary hospitals. This definition does not include pharmaceutical manufacturers, reverse distributors, or reverse logistics centers.

*Long-term care facility* means a licensed entity that provides assistance with activities of daily living, including managing and administering pharmaceuticals to one or more individuals at the facility. This definition includes, but is not limited to, hospice facilities, nursing facilities, skilled nursing facilities, and the nursing and skilled nursing care portions of continuing care retirement communities. Not included within the scope of this definition are group homes, independent living communities, assisted living facilities, and the independent and assisted living portions of continuing care retirement communities.

*Non-creditable hazardous waste pharmaceutical* means a prescription hazardous waste pharmaceutical that does not have a reasonable expectation to be eligible for manufacturer credit or a nonprescription hazardous waste pharmaceutical that does not have a reasonable expectation to be legitimately used/reused or reclaimed. This includes but is not limited to, investigational drugs, free samples of pharmaceuticals received by healthcare facilities, residues of pharmaceuticals remaining in empty containers, contaminated personal protective equipment, floor sweepings, and clean-up material from the spills of pharmaceuticals.

*Pharmaceutical* means any drug or dietary supplement for use by humans or other animals; any electronic nicotine delivery system (e.g., electronic cigarette or vaping pen); or any liquid nicotine (e-liquid) packaged for retail sale for use in electronic nicotine delivery systems (e.g., pre-filled cartridges or vials). This definition includes, but is not limited to, dietary supplements, as defined by the Federal Food, Drug and Cosmetic Act; prescription drugs, as defined by 21 CFR 203.3(y); over-the-counter drugs; homeopathic drugs; compounded drugs; investigational new drugs; pharmaceuticals remaining in non-empty containers; personal protective equipment contaminated with pharmaceuticals; and clean-up material from spills of pharmaceuticals. This definition does not include dental amalgam or sharps.

*Potentially creditable hazardous waste pharmaceutical* means a prescription hazardous waste pharmaceutical that has a reasonable expectation to receive manufacturer credit and is—

- (1) In original manufacturer packaging (except pharmaceuticals that were subject to a recall);
- (2) Undispensed; and
- (3) Unexpired or less than one year past expiration date. The term does not include evaluated hazardous waste pharmaceuticals or nonprescription pharmaceuticals including, but not limited to, over-the-counter drugs, homeopathic drugs, and dietary supplements.

*Reverse distributor* means any person that receives and accumulates prescription pharmaceuticals that are potentially creditable hazardous waste pharmaceuticals for the purpose of facilitating or verifying manufacturer credit. Any person, including forward distributors, third-party logistics providers, and pharmaceutical manufacturers, that processes prescription pharmaceuticals for the facilitation or verification of manufacturer credit is considered a reverse distributor.

#### **40 CFR 268.2(c)**

*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 273.6(c)(2)**

An unused aerosol can becomes a waste on the date the handler decides to discard it.

**40 CFR 273.13(e)(4)(i)**

Conduct puncturing and draining activities using a device specifically designed to safely puncture aerosol cans and effectively contain the residual contents and any emissions thereof.

**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 is subject to all applicable requirements of 40 CFR parts 260 through 272;
- (iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container is subject to all applicable requirements of 40 CFR parts 260 through 272;
- (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;

*#13406 amended eff. 07-23-22*

**APPENDIX E: EMERGENCY TELEPHONE NUMBERS**

<b>Organization</b>	<b>Telephone Number</b>	<b>Days/Hours</b>
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