

Readopt with amendment Env-Sw 500, effective 7-1-14 (Document #10596), to read as follows:

CHAPTER Env-Sw 500 PROCESSING/TREATMENT FACILITY REQUIREMENTS

Statutory Authority: RSA 149-M:7

PART Env-Sw 501 APPLICABILITY

Env-Sw 501.01 Applicability. The rules in this chapter shall apply to processing/treatment (P/T) facilities, including:

- (a) Composting facilities also subject to Env-Sw 600; and
- (b) Incinerators also subject to Env-Sw 700.

PART Env-Sw 502 PERMITTING REQUIREMENTS

Env-Sw 502.01 Permit Required.

(a) A permit issued pursuant to the solid waste rules shall be required for construction, operation and closure of a P/T facility, unless exempt pursuant to Env-Sw 302.03, Env-Sw 508, Env-Sw 608 or Env-Sw 708.

(b) The type of permit required shall be as specified in Env-Sw 302.

Env-Sw 502.02 Permit Application Requirements. The applicant for a P/T facility permit shall prepare the application in accordance with the following:

- (a) Env-Sw 314 for a standard permit;
- (b) Env-Sw 313 for an emergency permit;
- (c) Env-Sw 312 for a research and development permit; and
- (d) Env-Sw 311 for a permit-by-notification.

PART Env-Sw 503 SITING REQUIREMENTS

Env-Sw 503.01 Applicability.

(a) The siting requirements in this part shall apply to all P/T facilities, except:

- (1) Facilities that hold a permit issued under RSA 149-M prior to the 2005 readoption of the solid waste rules;
- (2) Permit-exempt facilities identified in Env-Sw 302.03, Env-Sw 508, Env-Sw 608, or Env-Sw 708;
- (3) Permit-by-notification facilities having an active life of 90 days or less;
- (4) Research and development permit facilities as provided by Env-Sw 312.02(b); and
- (5) Emergency permit facilities as provided by Env-Sw 313.02(b).

(b) The siting requirements in this part shall apply as the complement of siting requirements in Env-Sw 1003 for all facilities, Env-Sw 1102 for facilities having an active life longer than 90 days, and Env-Sw 1203 for permit-by-notification facilities.

Env-Sw 503.02 Setback Requirements.

(a) A P/T facility shall be sited no less than 50 feet from the footprint of any landfill not yet capped, except a lesser distance shall be permitted if the department determines based on information provided in the permit application and in an approved closure plan for the landfill that the lesser distance shall not prohibit compliance with Env-Sw 1003.01.

(b) A P/T facility shall be sited no less than 50 feet from any property line.

PART Env-Sw 504 DESIGN REQUIREMENTS

Env-Sw 504.01 Applicability.

(a) The design requirements in this part shall apply to all P/T facilities, except:

- (1) Permit-exempt facilities identified in Env-Sw 302.03, Env-Sw 508, Env-Sw 608 or Env-Sw 708;
- (2) Permit-by-notification facilities having an active life of 90 days or less;
- (3) Research and development permit facilities as provided by Env-Sw 312.02(b); and
- (4) Emergency permit facilities as provided by Env-Sw 313.02(b).

(b) The design requirements in this part shall apply as the complement of the design requirements in Env-Sw 1004 for all facilities, Env-Sw 1103 for facilities having an active life longer than 90 days, Env-Sw 1200 for permit-by-notification facilities and, depending on the type of waste managed, Env-Sw 900.

Env-Sw 504.02 General Design Requirements. A P/T facility shall be designed to operate in conformance with Env-Sw 505.

Env-Sw 504.03 Design Features and Appurtenances. The design of a P/T facility shall include each of the following features and appurtenances:

(a) The same design features and appurtenances as specified for a C/S/T facility in Env-Sw 404.03, including storage areas and devices conforming to the requirements in Env-Sw 404.04 and Env-Sw 404.05 for all processed or treated waste and related materials stored at the facility;

(b) Design features and appurtenances required to comply with Env-Sw 600, if facility operations involve composting methods;

(c) Design features and appurtenances required to comply with Env-Sw 700, if facility operations involve thermal combustion methods;

(d) Design features and appurtenances required to comply with Env-Sw 808, if facility operations involve landfill reclamation, or other landfilled waste recovery activities; and

(e) Design features and appurtenances required to comply with Env-Sw 900 as applicable to the type of waste(s) managed at the facility.

Env-Sw 504.04 Handling and Storage Areas for Waste and Materials. Areas used to handle and store each of the following waste groups and materials shall be designed in conformance with the requirements of Env-Sw 404.04 and Env-Sw 404.05:

(a) Incoming waste;

- (b) Residual and bypass waste resulting from the operation of the facility;
- (c) Waste-derived products produced by the facility; and
- (d) Materials used by the facility to process or treat waste.

PART Env-Sw 505 OPERATING REQUIREMENTS

Env-Sw 505.01 Applicability.

- (a) The operating requirements in this part shall apply to all P/T facilities, except:
 - (1) Permit-exempt facilities, as identified in Env-Sw 302.03, Env-Sw 508, Env-Sw 608, and Env-Sw 708;
 - (2) Permit-by-notification facilities having an active life of 90 days or less;
 - (3) Research and development permit facilities as provided by Env-Sw 312.02(b); and
 - (4) Emergency permit facilities as provided by Env-Sw 313.02(b).
- (b) The operating requirements in this part shall apply as the complement of the operating requirements in Env-Sw 1005 for all facilities, Env-Sw 1105 for facilities with an active life longer than 90 days, Env-Sw 1204 for permit-by-notification facilities and, depending on the type of waste managed, Env-Sw 900.

Env-Sw 505.02 General Operating Objectives.

- (a) Processing or treatment methods shall achieve one or both of the following results:
 - (1) Reduce, eliminate or change an undesirable characteristic of a waste and thereby render the waste more suitable for final disposal or further management at permitted facilities; or
 - (2) Produce a certified waste-derived product.
- (b) Processing and treatment practices, by-products and end-products shall not pose a greater adverse impact to the environment, public health or safety than the impact posed by not changing the characteristics of the waste.

Env-Sw 505.03 Collection and Storage of Incoming Waste.

- (a) Incoming waste shall be actively managed.
- (b) Incoming waste shall be collected and, pending processing or treatment, shall be stored in conformance with the requirements of Env-Sw 405.
- (c) A waste shall not be stored at a P/T facility without processing or treatment for a period of time which:
 - (1) Results in conditions adversely affecting the environment, public health or safety, including conditions that attract insects and vectors, generate odors or leachate, or have the potential to cause fire or explosion; or
 - (2) Exceeds the storage life of a waste destined for reuse such that a characteristic of the waste changes in a manner or to a degree that renders the waste non-reusable by the facility.
- (d) An incoming waste identified in Env-Sw 900 shall be collected and stored in accordance with the applicable collection and storage requirements specified in Env-Sw 900.

Env-Sw 505.04 Management of Bypass and Residual Waste.

(a) Bypass and residual waste shall be stored and transferred in conformance with the requirements of Env-Sw 405.

(b) Bypass and residual waste shall be managed in accordance with Env-Sw 1105.10.

Env-Sw 505.05 Processing and Treatment Requirements.

(a) If the facility processes or treats a waste identified in Env-Sw 900, the facility shall process or treat the waste in accordance with the applicable requirements in Env-Sw 900.

(b) If facility operations involve solid waste composting methods, the operating requirements of Env-Sw 605 shall be met.

(c) If facility operations involve thermal combustion methods, the operating requirements of Env-Sw 705 shall be met.

(d) If facility operations involve landfill reclamation, the requirements of Env-Sw 808 shall be met.

Env-Sw 505.06 Management of Processed and Treated Waste.

(a) All processed or treated waste, including waste-derived products, shall be managed in a manner that meets the universal environmental performance requirements in Env-Sw 1002 and all other applicable local, state and federal requirements.

(b) All processed or treated waste shall be stored and transferred in accordance with Env-Sw 405.

Env-Sw 505.07 Management of Waste-Derived Products.

(a) The waste-derived products produced by a P/T facility shall not be distributed and used except in accordance with certification granted pursuant to Env-Sw 1500.

(b) Quality assurance/quality control procedures shall be implemented to assure that the quality of all waste-derived products distributed by the facility meet a specification identified in the permit based on certification pursuant to Env-Sw 1500.

(c) A waste-derived product that does not meet a required specification shall be deemed to be an off-specification material, fully subject to regulation by the solid waste rules as a waste.

(d) Off-specification materials shall be managed in the same manner as:

(1) An incoming waste as prescribed by Env-Sw 505.03, if the waste will be reprocessed or retreated by the facility; or

(2) A residual or bypass waste as prescribed by Env-Sw 505.04, if the waste will not be reprocessed or retreated by the facility.

(e) When an off-specification material is produced by a P/T facility, the permittee shall:

(1) Determine the likely cause and take appropriate steps to correct and avoid a recurrence of the problem;

(2) If the problem is determined to be operational, make the appropriate processing or treatment adjustments to correct the problem before reprocessing or retreating the off-specification material; and

(3) If the problem is due to characteristics of the waste feedstock that cannot be remedied by operational adjustments, manage the off-specification material and all unprocessed and untreated waste of similar characteristics as bypass waste pursuant to Env-Sw 505.04.

(f) A P/T facility that produces waste-derived products for land application shall maintain records to identify the locations to which or persons to whom the materials are transferred.

Env-Sw 505.08 Public Benefit. In addition to the provisions for providing a substantial public benefit specified in Env-Sw 1005, the operation of a P/T facility shall be deemed to provide a substantial public benefit when facility operations satisfy the same operating conditions as specified in Env-Sw 405.04(a) through (c).

PART Env-Sw 506 CLOSURE REQUIREMENTS

Env-Sw 506.01 Applicability.

(a) The closure requirements in this part shall apply to all P/T facilities, except:

- (1) Permit-exempt facilities identified in Env-Sw 302.03, Env-Sw 508, Env-Sw 608, and Env-Sw 708;
- (2) Permit-by-notification facilities having an active life of 90 days or less;
- (3) Research and development permit facilities as provided by Env-Sw 312.02(b); and
- (4) Emergency permit facilities as provided by Env-Sw 313.02(b).

(b) The closure requirements in this part shall apply as the complement of the closure requirements in Env-Sw 1006 for all facilities, Env-Sw 1106 for facilities having an active life longer than 90 days, Env-Sw 1205 for permit-by-notification facilities and, depending on the type of waste managed, Env-Sw 900.

Env-Sw 506.02 Removal of Processed Recyclable Materials. To comply with Env-Sw 1006.02(e), all processed recyclable materials shall be removed to an authorized facility and not remain at the closing facility under any claim of a permit exemption pursuant to Env-Sw 302.03.

Env-Sw 506.03 Land Application of Uncertified Waste-Derived Products. If a P/T facility distributes an uncertified waste-derived product, including an off-specification waste-derived product, for land application in New Hampshire, the facility closure requirements shall include all activities required to properly close the affected land application site(s).

Env-Sw 506.04 Removal of Residual Waste.

(a) Pursuant to Env-Sw 1006.02(b), all residual waste generated by a P/T facility, whether a solid waste or other, shall be removed from the facility in conformance with applicable law, rules and regulations.

(b) A P/T facility having generated a residual which is a hazardous waste shall comply with all applicable facility closure provisions of the hazardous waste rules, including the hazardous waste generator requirements in Env-Hw 500.

PART Env-Sw 507 PERMIT-BY-NOTIFICATION FACILITIES

Env-Sw 507.01 Purpose. The purpose of the rules in this part is to identify P/T facilities eligible for a permit-by-notification pursuant to Env-Sw 311.

Env-Sw 507.02 Infectious Waste Treatment Facilities. A treatment facility for infectious waste shall be eligible for a permit-by-notification, provided that:

- (a) The facility shall comply with Env-Sw 1200;
- (b) The facility shall be located at and owned and operated by a health care facility licensed pursuant to RSA 151;
- (c) The facility shall be a limited service area facility permitted to receive waste from the following sources only:
 - (1) The health care facility itself;
 - (2) Affiliated health care facilities; and
 - (3) Households within the community served by the health care facility;
- (d) The facility shall be located inside a building;
- (e) All wastes shall be managed by the facility in accordance with Env-Sw 904;
- (f) If the facility is an incinerator, the facility shall further comply with the requirements of Env-Sw 700;
- (g) The facility shall have assured access to an authorized facility for the transfer of all treated waste and residual waste generated by the facility;
- (h) The facility shall have assured access to an authorized facility to which it shall divert bypass wastes; and
- (i) If the facility is an incinerator, the resultant ash residue shall be managed in accordance with Env-Sw 902.

Env-Sw 507.03 RESERVED

Env-Sw 507.04 P/T Facilities Producing Certified Waste-Derived Products. A P/T facility that collects and uses a ~~processed non-select~~ recyclable material to produce a waste-derived product certified pursuant to Env-Sw 1500 shall be eligible for a permit-by-notification pursuant to Env-Sw 311, provided that:

- (a) The facility shall comply with Env-Sw 1200;
- (b) The only waste received by the facility shall be the ~~processed non-select~~ recyclable material;
- (c) The facility shall not be a permit-exempt facility pursuant to Env-Sw 302.03 or Env-Sw 508, specifically including Env-Sw 508.06 and Env-Sw 508.07;
- (d) The facility shall identify and describe in the application for permit-by-notification:
 - (1) The type of ~~processed non-select~~ recyclable material to be used;
 - (2) The delivery and receipt specifications for the ~~processed non-select~~ recyclable material;
 - (3) The type of certified waste-derived product produced by the facility from the recyclable material, including the applicable product specifications pursuant to Env-Sw 1500;
 - (4) The process used to produce the certified waste-derived product, including the quality assurance/quality control procedures employed;

(e) The facility shall operate in conformance with Env-Sw 505, regardless of the duration of facility operations; ~~and~~

(f) The total quantity of ~~processed non-select~~ recyclable material stored at the facility as feedstock for the production of the certified waste-derived product shall not exceed: ~~5000 cubic yards.~~

(1) 5,000 cubic yards for select recyclables;

(2) 2,500 cubic yards for non-select recyclables; and

(3) 500 gallons for liquids;

(g) The stored quantity of residual and bypass waste combined shall not exceed 50 cubic yards or, if the waste is a liquid, 55 gallons; and

(h) The facility shall not process or treat waste, including recyclable materials, by combustion methods.

PART Env-Sw 508 PERMIT-EXEMPT FACILITIES

Env-Sw 508.01 Purpose. The purpose of the rules in this part is to identify P/T facilities which are permit-exempt, pursuant to Env-Sw 302.03(b)(2).

Env-Sw 508.02 General Conditions for Exemption.

(a) The P/T facilities described in this part shall be exempt from obtaining a permit, subject to the following conditions:

(1) The facility shall comply with:

a. The universal facility requirements in Env-Sw 1000; and

b. The waste specific requirements in Env-Sw 900, as applicable based on the type of waste managed by the facility; and

(2) All waste managed at the facility shall be actively managed.

(b) A permit exemption shall not affect a person's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district or local permits, ordinances, laws or approvals or conditions pertaining to the permit-exempt activities.

Env-Sw 508.03 Generator P/T Facilities. Subject to Env-Sw ~~708.02~~**508.02**, no permit shall be required to process or treat a waste at its site of generation provided that:

(a) The waste generator shall own and operate the subject P/T facility;

(b) The subject P/T facility shall not receive, process, or treat waste generated at any location other than the property where the facility is located;

(c) The subject P/T facility shall not process or treat waste by combustion methods; and

(d) The ***subject P/T*** facility shall not manage infectious waste, except in accordance with Env-Sw 508.04.

Env-Sw 508.04 Infectious Waste Bench Top Facilities. Subject to Env-Sw 508.02, no permit shall be required to treat infectious waste provided that:

(a) The subject treatment facility shall be located at, and owned and operated by, a health care facility licensed pursuant to RSA 151, *or a facility under the direct control and supervision of a veterinarian licensed pursuant to RSA 332-B*;

(b) The subject treatment facility shall be a limited service area facility permitted to receive waste from the following sources only:

- (1) The health care *or veterinary* facility itself;
- (2) Affiliated health care *or veterinary* facilities; and
- (3) Households within the community served by the health care *or veterinary* facility;

(c) The waste treatment equipment shall be limited to a bench-top unit with a through-put rate of less than 30 pounds per hour or, if the unit is an autoclave, the chamber capacity shall be less than one cubic yard;

(d) The *subject treatment* facility shall be located inside a building;

(e) All infectious waste shall be managed by the *subject treatment* facility in accordance with Env-Sw 904;

(f) The *subject treatment* facility shall have assured access to a permitted waste management facility for the transfer of all treated waste and residual waste to be generated by the facility;

(g) The *subject treatment* facility shall have assured access to an authorized facility to which it will divert bypass wastes; and

(h) If the *subject treatment* facility is an incinerator, the resultant ash residue shall be managed in accordance with Env-Sw 902;

Env-Sw 508.05 Burn Piles. Subject to Env-Sw 508.02, no solid waste facility permit shall be required to open burn piles of brush, slash and untreated wood provided that:

- (a) The facility shall conform to all requirements of Env-A 1000;
- (b) The waste stockpile(s) shall conform to the requirements of Env-Sw 404.05; and
- (c) The ash residue shall be actively managed in accordance with Env-Sw 902.

Env-Sw 508.06 P/T Facilities Using ~~Select-Processed~~ *Select* Recyclable Materials. Subject to Env-Sw 508.02, no permit shall be required to collect, store, and use a ~~select-processed~~ *select* recyclable material to produce any certified waste-derived product.

Env-Sw 508.07 P/T Facilities Using ~~Non-Select-Processed~~ *Non-Select* Recyclable Materials. Subject to Env-Sw 508.02, no permit shall be required to collect, store, and use a ~~non-select-processed~~ *non-select* recyclable material to produce a certified waste-derived product of a type specified in Env-Sw 1503.04, Env-Sw 1503.05 or Env-Sw 1503.07.

Env-Sw 508.08 Certified Testing Laboratories. Subject to Env-Sw 508.02, no permit shall be required to collect, store, and test samples of waste at certified laboratories, provided that:

(a) The sample size is no greater than that which is necessary to successfully complete the required test procedure(s); and

(b) All samples and residual sample materials are disposed in accordance with applicable statutes and rules, including but not necessarily limited to:

Text added to existing rule in ***bold italics***
Text deleted from existing rule shown ~~struck through~~

- (1) RSA 149-M and the solid waste rules, if a solid waste and disposed in New Hampshire; and
- (2) RSA 147-A and the hazardous waste rules, if a hazardous waste.

APPENDIX

Rule Sections	Statute(s) Being Implemented
Env-Sw 500	RSA 149-M:6, III; RSA 149-M:7, II, III, V, VIII, XIV; RSA 149-M:9