

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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REVISION NOTE:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 700 as Env-Hw 700. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 700. The numerals of the rules remained unchanged, and the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

PART Env-Hw 701 APPLICABILITY AND EXEMPTIONS

Env-Hw 701.01 Applicability.

(a) Env-Hw 700 shall apply to the owners and the operators of all facilities, unless exempted under Env-Hw 800 or Env-Hw 701.02.

(b) If a facility receives waste from off-site and treats or holds the waste in storage, but does not render it non-hazardous, the operator shall assume the role of generator and comply with all generator requirements of Env-Hw 500.

(c) Env-Hw 707 shall apply to:

(1) All facilities that qualify for interim status until either a standard permit or transfer facility permit is issued under Env-Hw 300 or until applicable closure and post-closure requirements of Env-Hw 707.02(a)(11) are met;

(2) Owners and operators of facilities in existence on July 1, 1980 who failed to provide timely notification as first required under He-P 1905; and

(3) Owners and operators of facilities in existence on July 1, 1980 who failed to file a permit application as first required by He-P 1905.

(d) The requirements of Env-Hw 700 shall apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research, and Sanctuaries Act only to the extent the person is deemed to have a permit-by-rule under Env-Hw 300.

(e) The requirements of Env-Hw 700 shall apply to the operator of a POTW which treats, stores, or disposes of hazardous waste only to the extent the operator is deemed to have a permit-by-rule under Env-Hw 300.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 701.02 Exemptions.

(a) The requirements of Env-Hw 700 shall not apply to:

(1) Full quantity generators who store their hazardous waste on-site for 90 days or less, except as provided in Env-Hw 509.03, and who do not dispose of their hazardous waste on-site;

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- (2) Small quantity generators who accumulate waste in accordance with Env-Hw 508;
- (3) The owner or operator of a solid waste facility, as defined in RSA 149-M:4, IX and permitted by the department pursuant to RSA 149-M to manage municipal or industrial solid waste, provided that such facility accepts no hazardous waste for treatment, storage, or disposal;
- (4) The owner or operator of an elementary neutralization unit or wastewater treatment unit that meets the requirements of Env-Hw 304.04;
- (5) A transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of 40 CFR 262.30, 7-1-07 edition, for a period of less than 10 days, provided that the wastes are enroute to the facility designated on the manifest, and that all wastes remain on the registered vehicle and wastes are not transferred or removed from the vehicle;
- (6) The owner or operator of a facility managing recyclable materials described in Env-Hw 802.02 and Env-Hw 804.02 except to the extent that Env-Hw 700 requirements are referred to in Env-Hw 804 through Env-Hw 809;
- (7) A farmer disposing of waste pesticides from his/her own use, provided he/she triple rinses each emptied pesticide container as set forth in Env-Hw 401.03(h), and disposes of the pesticide residues on their own farm in a manner consistent with the disposal instructions on the pesticide label;
- (8) A person engaged in treatment or containment activities during immediate response to a discharge of hazardous waste, or a discharge of a material which, when discharged, becomes a hazardous waste, except:
 - a. Facility owners and operators shall comply with Env-Hw 708.02(a)(9) and Env-Hw 708.02(a)(10) except that owners and operators of existing facilities shall comply with 40 CFR 265.54, 7-1-01 edition, instead of 40 CFR 264.54, 7-1-01 edition; and
 - b. Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over shall be subject to Env-Hw 300 and Env-Hw 700;
- (9) The addition of absorbent to waste in a container provided that the absorbent does not change the chemical properties of the waste and the requirements of 40 CFR 264.1(g)(10), 7-1-99 edition, are met;
- (10) Generators receiving small quantity generator waste in accordance with Env-Hw 501.02(c);
- (11) Household hazardous waste collection projects who receive hazardous waste from small quantity generators, provided that the hazardous waste is:
 - a. Manifested in accordance with Env-Hw 510;
 - b. Received only during a one day household hazardous waste collection event; and
 - c. Given directly by the small quantity generator to a New Hampshire registered hazardous waste transporter during a one day collection event;
- (12) A government entity that receives household hazardous waste from another government entity provided the household hazardous waste is shipped off-site within 90 days after receipt;

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(13) A universal waste handler or a universal waste transporter handling universal waste, provided that the waste is managed in accordance with Env-Hw 1100; and

(14) The owner or operator of a totally enclosed treatment facility as defined in Env-Hw 104.

(b) Transfer facilities shall be exempt from Env-Hw 705.01(b)(1) through (6) and (9) through (14), Env-Hw 705.02, Env-Hw 705.03, Env-Hw 707.02(a)(2) and (10), and Env-Hw 708.02(a)(2).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #7578, eff 10-13-01; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 701.03 Prohibitions.

(a) Underground injection of hazardous waste shall be prohibited.

(b) Wastes with EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, and F027 shall not be managed at facilities subject to Env-Hw 707, unless:

(1) The wastewater treatment sludge is generated in a surface impoundment as a part of the plant's wastewater treatment system;

(2) The waste is stored in tanks or containers;

(3) The waste is stored or treated in waste piles that meet the requirements of Env-Hw 707.03(d)(4);

(4) The waste is burned in an incinerator that is certified pursuant to the standards and procedures in Env-Hw 707.03(g); or

(5) The waste is burned in a facility that thermally treats the waste in a device other than an incinerator and that is certified pursuant to the standards and procedures in Env-Hw 707.03(h).

Source. #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

PART Env-Hw 702 GENERAL REQUIREMENTS FOR FACILITY OPERATORS

Env-Hw 702.01 Notification.

(a) The operator of a facility shall notify the department of all hazardous waste activities covered under the hazardous waste rules.

(b) The operator of an existing facility that has not previously notified the department or EPA shall do so within 30 days of the effective date of any statutory or regulatory amendment which renders the facility subject to the requirement to have an EPA or New Hampshire permit.

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(c) The operator of a proposed facility shall notify the department of the proposed activities before any activity that is regulated under the hazardous waste rules commences.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.02 Notification Information Requirements.

(a) The notification required by Env-Hw 702.01 shall be done by providing the following information on a New Hampshire notification form obtained from the department:

- (1) Company name and mailing address;
- (2) Facility or transfer facility location address;
- (3) Name, mailing address, and daytime telephone number of principal contact person;
- (4) Name of company's legal owner;
- (5) List of types of wastes handled and handling method(s); and
- (6) Certification as to the accuracy of the information provided on the notification form.

(b) The operator shall notify the department in writing of any changes to the information provided in (a), above, by providing the updated information within 30 days of the effective date of any change. A New Hampshire subsequent notification form shall be completed for any changes to the information required in (a)(1), (4), or (5), above.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.03 Notification Determination.

(a) If the department, upon examination of a New Hampshire notification form, has reason to believe that the information submitted fails to meet the requirements of Env-Hw 702.02(a) and (b), the department shall notify the owner or operator in writing of the deficiency.

(b) Such notice shall specify the grounds on which the notification form is deficient.

(c) The operator shall have 30 days from receipt to respond to such notice of deficiency and to explain or correct the alleged deficiency in the notification form.

(d) If the operator does not respond within 30 days, the operator shall be deemed not to have notified and shall renotify and submit a new notification form.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.04 EPA Identification Number.

(a) An operator of a facility or transfer facility shall not generate, receive, transfer, treat, store, or dispose of hazardous waste without having received an EPA identification number. Upon approval of a notification form from a facility or transfer facility, the department, with EPA assistance, shall assign an EPA identification number to the facility or transfer facility. A separate number shall be obtained for each site location.

(b) Upon receipt and approval of a notification form from an existing facility, the department shall assign a New Hampshire temporary identification number which shall be valid until a permanent EPA identification number is issued.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.05 Facility Permits.

(a) The operator of an existing facility shall comply with the permitting requirements of Env-Hw 304.

(b) In order to obtain a standard permit or transfer facility permit, the operator of a new facility shall comply with the applicable permit application requirements of Env-Hw 304.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.06 Public Notification Plan. The operator of a facility shall develop and follow a plan describing methods to inform the public of the status of the activities undertaken at the facility or transfer facility.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.07 Transfer of Ownership/Relinquishment of Property Rights. In order to transfer a permit, the operator shall meet the requirements of 40 CFR 270.40, 7-1-99 edition, and RSA 147-A:4, IV-a.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.08 Environmental and Health Requirements. Notwithstanding any provisions in Env-Hw 700, the operator of a facility shall:

(a) Meet all surface water standards as specified in the Federal Clean Water Act and New Hampshire statutes according to RSA 485-A, and groundwater criteria established by the Federal Safe Drinking Water Act and Env-Or 600;

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(b) Meet all air emission limits specified in the Federal Clean Air Act, RSA 125-C, and state implementation plans;

(c) Prevent exposure of facility workers to chemicals in violation of Occupational Safety and Health Administration regulations; and

(d) Prevent exposure of humans or the environment to harmful quantities of hazardous waste or its constituents.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.09 General Design Requirements. All facilities shall meet the following design requirements and standards:

(a) A facility shall be designed and operated to minimize the possibility of any unplanned releases of hazardous waste or constituents;

(b) A facility shall have diversion structures capable of diverting all surface water run-off and run-on from the active portions of the facility for a 24-hour, 100-year storm;

(c) A facility shall be located above the 100-year flood level unless it is an existing facility which is designed, constructed, operated and maintained to prevent washout of any hazardous waste by a 100-year flood, unless the operator ensures that all waste can be removed safely before floodwaters can reach the facility to a location where the wastes will not be vulnerable to flood waters; and

(d) A facility shall be designed so that all surface run-off from active portions of the facility shall be collected and contained before it is discharged from a point source, and shall be handled in accordance with the Federal Clean Water Act and New Hampshire RSA 485-A.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.10 Groundwater Monitoring.

(a) The operator of a facility with a surface impoundment, landfill, or land treatment operation shall install and operate a groundwater monitoring/release detection system capable of detecting the potential migration in groundwater of hazardous waste or waste constituents outside the boundaries of the facility, as specified below:

(1) Facilities that were in existence on July 1, 1980 shall implement a groundwater monitoring/release detection program in accordance with 40 CFR 265, Subpart F, 7-1-01 edition;

(2) Facilities which become subject to Env-Hw 700 due to statutory or regulatory amendments shall implement a groundwater monitoring/release detection program in accordance with 40 CFR 265 Subpart F, 7-1-01 edition, within one year of the effective date of the statutory or regulatory amendments; and

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(3) New facilities shall implement a groundwater monitoring/release detection program in accordance with 40 CFR 264, Subpart F, 7-1-01 edition.

(b) The groundwater monitoring/release detection shall be done in accordance with Env-Or 700 and as specified below, provided that in the case of a conflict, the more stringent requirement shall apply:

(1) The groundwater monitoring/release detection system shall satisfy the requirements of 40 CFR 265.91, 7-1-01 edition, and be capable of yielding statistically significant samples of at least one well installed hydraulically upstream and 3 wells installed hydraulically downstream at the perimeters of the facility;

(2) An analysis shall be conducted every 3 months during the first year of operation, and every 6 months thereafter, following recommended procedures found in 40 CFR 265.92, 7-1-01 edition;

(3) Sample analyses shall be measured against criteria such that when the criteria are employed, one shall be able to detect whether hazardous wastes or waste constituents have entered the groundwater, the rate of migration, and the concentration of constituents; and

(4) The criteria required by (3), above, shall be reviewed by the department. The department shall approve the criteria if they are sufficient to detect whether hazardous wastes or waste constituents have entered the groundwater, the rate of migration, and the concentration of constituents.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.11 Other Monitoring.

(a) The department shall review the groundwater monitoring/release detection plan proposed pursuant to Env-Hw 702.10(b) and all resulting data.

(b) The department shall review the design and operations of all hazardous waste facilities and transfer facilities other than those specified in Env-Hw 702.10(a) to determine whether the design and operation might allow any hazardous waste or constituent to migrate off-site.

(c) The department shall require the installation and operation of a monitoring system, including monitoring of air emissions, groundwater contamination, and leachate detection as appropriate to the migration vectors identified by the department, for:

(1) Facilities identified in Env-Hw 702.10(a), if the groundwater monitoring/release detection plan proposed pursuant to Env-Hw 702.10(b) is not adequate to detect the off-site migration of all hazardous wastes or constituents; or

(2) All other facilities or transfer facilities not identified in Env-Hw 702.10(a) whose design and/or operation might allow any hazardous waste or constituent to migrate off site.

(d) For any monitoring system specified in (c), above, the department shall specify in writing:

(1) The monitoring system required;

(2) The frequency of analysis required; and

- (3) The sampling and evaluation procedures and criteria to be used.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.12 Alternate Monitoring Plan. If the department specifies a plan pursuant to Env-Hw 702.11(c), the owner or operator may apply for a waiver or may submit for approval an alternate monitoring plan.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 702.13 Monitoring Response.

(a) Upon the detection of contamination of any groundwater, surface water, air, or soil, the owner or operator of a facility shall immediately notify the department at (603) 271-3899 from 8 a.m. to 4 p.m., and the New Hampshire department of safety at (603) 271-3636 at all other times.

(b) Within 10 days of notification, the operator shall:

- (1) Collect and evaluate samples on a more frequent basis;
- (2) Take preventive actions, such as requiring more stringent operational procedures;
- (3) Take remedial actions, including on-site relocation of wastes;
- (4) File a report, within 30 days of notification, identifying the causes of contamination and delineating if they are accidental, due to operating or design failures, or of unknown cause;
- (5) Provide evidence that the contamination can be mitigated by actions not previously mentioned; and
- (6) Temporarily cease operations so that the causes can be found and corrected.

(c) Unless a release detection permit is required pursuant to RSA 485-C:13, the department shall waive any of the requirements of Env-Hw 702.10(b) if:

- (1) The operator requests such a waiver in writing as specified in Env-Hw 202; and
- (2) The operator provides documentation that the criteria for granting a waiver as specified in Env-Hw 202 are satisfied.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

PART Env-Hw 703 RECEIPT OF WASTE

Env-Hw 703.01 General Manifest Requirements.

(a) Upon receipt of a hazardous waste accompanied by a manifest, the operator or a responsible agent of the designated facility shall comply with 40 CFR 264.71, 7-1-07 edition and 40 CFR 265.71, 7-1-07 edition, as applicable.

(b) Within 30 days of signing the manifest, the operator or a responsible agent shall send a copy of the manifest to the generator, the generator state, and the destination state.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by 8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 703.02 Manifest Errors/Discrepancies.

(a) The operator or a responsible agent shall:

(1) Initial and date any corrections to the manifest or, if the manifest has not been received, to the shipping paper, ensuring that any corrections are legible on each copy; and

(2) Comply with the manifest discrepancy requirements of 40 CFR 264.72, 7-1-07 edition, and 40 CFR 265.72, 7-1-07 edition, as applicable.

(b) If the operator notes any manifest or shipping paper discrepancy between the type or quantity of waste received and the type or quantity of waste reported on the manifest, the operator shall first contact the generator and then the transporter if unable to resolve the discrepancy with the generator. If the discrepancy cannot be resolved after contacting the generator and the transporter, the operator shall send a discrepancy report to the department within 15 days after receiving the waste. The discrepancy report shall include a copy of the manifest or shipping paper and a letter describing the discrepancy and the attempts to reconcile it.

(c) The operator shall notify the department in writing of any discrepancies not previously corrected on the manifest. Such notice shall include a copy of the manifest or a reference to the generator name, date of shipment and manifest tracking number.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 703.03 Rail or Water Shipments. If a facility receives from a rail or bulk shipment water transporter, hazardous waste which is accompanied by a shipping document in accordance with Env-Hw 604.03, the operator, or the operator's agent, shall:

(a) Inspect the shipment and compare it with the description on the manifest or shipping paper;

(b) Note any discrepancies on the manifest or shipping paper on each copy in accordance with Env-Hw 703.02;

(c) Sign and date each copy of the manifest or shipping paper to certify that the hazardous waste covered by the manifest or shipping paper was received;

(d) Immediately give the rail or water transporter one copy of the manifest or shipping paper; and

(e) Within 15 days after the delivery, send a copy of the shipping paper and if the manifest is received, sign, date and return the manifest to the generator. If the manifest has not been received within 15 days after delivery, the operator, or operator's agent, shall sign, date and return the manifest to the generator upon receipt.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 703.04 International Shipments. Notwithstanding any other provisions of the hazardous waste rules, all facilities importing or exporting hazardous waste shall meet the requirements of 40 CFR 262 Subparts E and F, 7-1-07 edition, 40 CFR 264.71(a)(3), 7-1-07 edition, and 40 CFR 265.71(a)(3), 7-1-07 edition, as applicable.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 703.05 Unmanifested Waste Report.

(a) If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or shipping paper for water or rail shipments, the operator shall submit an unmanifested waste report to the department within 15 days of such acceptance, which contains the following information:

- (1) The name, address and EPA identification number of the facility;
- (2) The name, address and EPA identification number of the generator and transporter, if available;
- (3) The date of receipt;
- (4) For each unmanifested hazardous waste, its quantity and a description by type and source;
- (5) For each unmanifested hazardous waste, the method of treatment, storage, or disposal;
- (6) A full explanation of why the waste was unmanifested; and
- (7) A certification signed by the operator or a responsible agent.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

PART Env-Hw 704 REJECTED SHIPMENTS

Env-Hw 704.01 Rejected Shipments. If the operator rejects all or part of a hazardous waste shipment or identifies a container residue that exceeds the quantity limits for empty containers set forth in Env-Hw 401.03(h), the operator shall:

- (a) Contact the generator;
- (b) Comply with 40 CFR 264.72(d) through (j), 7-1-07 edition and 40 CFR 265.72(d) through (j), 7-1-07 edition, as applicable; and
- (c) Send a copy of the new or amended manifest and the original manifest to the department within 30 days of the rejection.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; ss by #8790, eff 1-5-07; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 704.02 Entire Shipment Rejections.

(a) If a facility rejects an entire manifest shipment, the operator shall date and sign the manifest and check off the "Full Rejection" box in manifest item 18a and return the manifest to the transporter.

(b) The operator shall send a copy of the manifest that has been marked in accordance with (a), above, to the department within 5 days of shipment.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 704.03 Partial Shipment Rejections.

- (a) The facility operator shall date and sign the original manifest in manifest item 20.
- (b) The specific line items with the total amount of waste rejected shall be noted in manifest item 18a by the operator.
- (c) The operator shall send a copy of the manifest to the department within 5 days of shipment.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 704.04 Untimely Rejections.

(a) If the transporter has already left the facility when the facility operator rejects the shipment, then the facility operator shall contact the generator and shall return the waste to either:

- (1) The generator; or

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- (2) An alternate permitted facility designated by the generator.
- (b) If the shipment is directed to an alternate facility pursuant to (a)(2), above, then:
- (1) The operator shall write the alternate designated facility or generator name and EPA identification number in manifest item 19b; and
 - (2) The alternate facility receiving the shipment shall sign in manifest item 18c.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

PART Env-Hw 705 RECORDKEEPING AND REPORTING

Env-Hw 705.01 Recordkeeping.

(a) The operator of a facility other than a transfer facility shall keep a written operating record at the facility as set forth in (b) through (d), below. The operator of a transfer facility shall keep a written operating record at the transfer facility as set forth in (b)(7) and (8), below, and maintain the operating record in accordance with (c) and (d), below.

(b) The following information shall be recorded by the operator as it becomes available:

- (1) A copy of each shipping document and manifest for at least 3 years from the date of delivery;
- (2) A description and the quantity of each hazardous waste shipment received, treated, stored, or disposed of at the facility, including:
 - a. The waste's common name;
 - b. If listed in Env-Hw 402 or a characteristic waste under Env-Hw 403, the waste's hazardous waste number or numbers;
 - c. The waste's physical form, such as liquid, sludge, solid, or contained gas;
 - d. If not listed in Env-Hw 402, the process that produced the waste;
 - e. The estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in 40 CFR 264 Appendix I, Table 1, 7-1-07 edition; and
 - f. The method(s) by handling code(s) as specified in 40 CFR 264 Appendix I, Table 2, 7-1-07 edition, and date(s) of receipt, treatment, storage, or disposal;
- (3) A copy of each quarterly and annual activity report for 3 years;
- (4) The method, location, and date of treatment, storage, and disposal;
- (5) The location of each hazardous waste within the facility and the quantity at each location, including:
 - a. For disposal facilities, the location and quantity of each hazardous waste, recorded on a map or diagram of each cell or disposal area; and

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- b. For all facilities, cross-references to specific manifest tracking numbers, if the waste was accompanied by a manifest;
- (6) Monitoring, testing and analytical data as required by Env-Hw 707 and Env-Hw 708, and for the post-closure care period for disposal facilities;
- (7) An operating log that specifies:
- a. The time and date of facility inspections;
 - b. The inspector's name;
 - c. Notation of observation;
 - d. Dates and nature of maintenance; and
 - e. Remedial actions taken;
- (8) Records of all abnormal events, including:
- a. Actions requiring contingency plan implementation;
 - b. Explanations of manifest discrepancies;
 - c. Description of unmanifested wastes received; and
 - d. Any unplanned releases of hazardous waste to the environment;
- (9) Adjustments to plans submitted;
- (10) Adjustments and calculations of closure and for disposal facilities, post-closure cost estimates prepared in accordance with Env-Hw 707.02(a)(11) or Env-Hw 708.02(a)(12);
- (11) Records of the dates and designation of all hazardous wastes or those wastes rendered not hazardous that are shipped off-site for further treatment, storage, or disposal;
- (12) For off-site facilities, notices to generators as required by Env-Hw 708.02(a)(1);
- (13) Records of corrective action as required by Env-Hw 708.02(a)(11) and for disposal facilities, for the full post-closure period; and
- (14) A certification by the permittee, no less often than annually, that the permittee has a program in place to reduce the volume and toxicity of hazardous waste generated by the permittee to the degree determined by the permittee to be economically practicable, and the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which minimizes the present and future threat to human health and the environment.
- (c) The information required by (b), above, shall be maintained in the operating record until closure of the facility, unless requirements specify they must be kept for a longer period of time.

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(d) Any specified retention period shall be automatically extended during the course of any enforcement action.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; amd by #8714, INTERIM, eff 9-5-06, EXPIRES: 3-4-07; amd by #8790, eff 1-5-07; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 705.02 Quarterly Reporting.

(a) For the purposes of this section, "facility" means "facility" as defined in RSA 147-B:2, III, namely "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." For purposes of quarterly reporting, the term does not include hazardous waste transfer facilities.

(b) Any operator of a hazardous waste facility located in New Hampshire that receives hazardous waste from out-of-state for the purpose of treating, storing, or disposing of such waste shall pay a fee based on the quantity of said out-of-state wastes.

(c) Hazardous waste quarterly activity reports shall be mailed by the department. If a facility meets the criteria of (b), above, and has not received a quarterly activity report within 45 days following the last day of the previous quarter, the facility shall contact the department and the department shall send a new report.

(d) The reporting quarters shall be as follows:

- (1) 1st Quarter - January 1 to March 31;
- (2) 2nd Quarter - April 1 to June 30;
- (3) 3rd Quarter - July 1 to September 30; and
- (4) 4th Quarter - October 1 to December 31.

(e) Facility reports shall include the following information:

- (1) Reporting quarter;
- (2) Name, address, telephone number, and EPA identification number of the reporting facility;
- (3) Weight in pounds of the hazardous waste received by the facility from out-of-state sources;
- (4) The EPA/State waste number for each waste received by the facility from out-of-state sources;
- (5) The amount of the fee payment due the state of New Hampshire; and
- (6) Certification of the accuracy of the report by a responsible company official.

(f) The operator shall review quarterly reports for accuracy and correct any errors.

(g) The operator shall submit each quarterly activity report to the department, together with the fee due to the state of New Hampshire, within 30 days from receipt.

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(h) A quarterly fee payment shall be made by the hazardous waste facility's operator.

(i) As authorized by RSA 147-B:8, III, the fee shall be \$0.007 per kilogram, or \$0.003 per pound, on hazardous wastes received by the facility from out-of-state sources during the reporting quarter.

(j) Fees paid by check or money order shall be made payable to "Treasurer, State of New Hampshire."

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 705.03 Annual Reporting.

(a) An annual report which summarizes the facility's activities during the calendar year, January 1 through December 31, shall be submitted by the operator of any facility, other than a transfer facility, that generated, treated, stored, or disposed of hazardous waste at any time during the calendar year.

(b) Annual activity reports shall be mailed by the department by February 15. The operator shall complete, certify and return the forms to the department by April 1.

(c) Annual reports shall include the following information:

- (1) Name, address, telephone number, and EPA identification number of the facility;
- (2) The description and quantity of each hazardous waste received by the facility;
- (3) The method of treatment, storage, or disposal for each hazardous waste;
- (4) For interim status facilities, monitoring data required by Env-Hw 707.02(a)(10) and, for permitted facilities, monitoring data required by Env-Hw 708.02(a)(11);
- (5) The most recent closure cost estimate and, for disposal facilities, post-closure cost estimates as required by Env-Hw 707.02(a)(11) and Env-Hw 708.02(a)(12);
- (6) A signed certification of the accuracy of the report by the operator or responsible agent; and
- (7) For off-site facilities, the following additional information:
 - a. The EPA identification number, or name and address in the case of foreign generators, of each hazardous waste generator from which the facility received hazardous waste during the year;
 - b. The description and quantity of each hazardous waste received from off-site, listed by each off-site source.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 705.04 Additional Reporting Requirements.

(a) The operator of a facility shall report in writing to the department any instances of non-compliance that threaten public health or the environment, any planned changes to the facility, and any relevant facts that were not provided in the permit application of the facility.

(b) The operator shall comply with the reporting requirements of 40 CFR 264.74, 40 CFR 265.74, and 40 CFR 122.4(e), 7-1-07 edition, and with 40 CFR 264.77 and 40 CFR 265.77, 7-1-07 edition, including requirements for saving application records, certifying facility closure, and complying with land disposal data standards and other reporting and recordkeeping duties.

(c) The operator shall submit any additional reports, for example, monitoring data specified on the facility's permit.

(d) All reports required by permits shall be signed, and certified for accuracy, by a person described in 40 CFR 270.11, 7-1-07 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

PART Env-Hw 706 EMERGENCY ACTIONS; REMEDIAL ACTIONS

Env-Hw 706.01 Immediate Action After Any Discharge.

(a) The owner or operator shall report any discharge of hazardous waste or any discharge of a material which when discharged becomes a hazardous waste that poses a threat to human health or the environment into storm or sanitary sewers, onto the land or into the air, groundwater or surface waters:

(1) Immediately, not to exceed one hour from the discovery of the release, to local emergency officials; and

(2) Immediately, not to exceed one hour from the discovery of the release, to the department at (603) 271-3899, Monday through Friday, 8 a.m. to 4 p.m. or the New Hampshire department of safety at (603) 271-3636, 24 hours/day.

(b) The owner and operator shall comply with the emergency procedures as specified in 40 CFR 265.56, 7-1-01 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 706.02 Discharge Cleanup.

(a) The owner and operator shall immediately contain and clean up, within 24 hours, any hazardous waste discharge or any discharge of a material which, when discharged, becomes a hazardous waste.

(b) If the hazardous waste discharge cannot be or is not cleaned up within 24 hours of the occurrence the owner or operator shall submit a clean-up plan to the department within 5 days of the discharge.

(c) The clean-up plan shall:

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- (1) Provide for the protection of human health and the environment;
- (2) Provide for the removal and proper disposal of the contamination source;
- (3) Provide for confirmatory analysis of the potentially affected media, for example, soil, groundwater, or surface water, to demonstrate the clean up is successful; and
- (4) Include a time table for completion of the clean-up plan.

(d) The department shall review the proposed clean-up plan and approve it if the department determines that the plan meets the criteria set forth in (c), above.

(e) The owner and operator shall implement the clean-up plan as approved by the department pursuant to (d), above.

(f) Within 30 days of completion of the clean up, the generator shall submit a report to the department detailing the actions taken.

(g) If the complete clean up can not be accomplished in accordance with (b) through (f), above, the generator shall submit a scope of work proposal for site investigations pursuant to Env-Or 600 to evaluate the potential impacts of the release on soil and groundwater.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 706.03 Waiver of Manifest and Permit Requirements for Emergency Response.

(a) In the event of an accidental discharge during generation, transportation, treatment, storage, or disposal of a hazardous waste or material, the department shall, during the response to the event, waive any of the manifest and permit requirements if such waiver:

- (1) Is necessary to facilitate a prompt response; and
- (2) Will protect human health and the environment.

(b) A person shall not be required to obtain a permit for treatment or containment activities taken during immediate response to any of the following situations:

- (1) An unplanned discharge of a hazardous waste;
- (2) An imminent and substantial threat of a discharge of hazardous waste; or
- (3) A discharge of a material which, when discharged, becomes a hazardous waste.

(c) Any person who continues or initiates hazardous waste treatment or containment activities after the emergency response is over shall be subject to all applicable permitting requirements for those activities.

Source. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

PART Env-Hw 707 REQUIREMENTS FOR EXISTING FACILITIES

Env-Hw 707.01 General Requirements. In order to obtain and maintain interim status, as described under Env-Hw 304.02(e), the operator of an existing facility, except where exempted in Env-Hw 701.02, shall comply with the requirements of Env-Hw 707.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-0; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 707.02 Operation Requirements.

(a) Operators of existing facilities shall comply with the following operation requirements as set forth in the specified edition of 40 CFR 265:

- (1) 40 CFR 265.12, 7-1-07 edition, Required notices;
- (2) 40 CFR 265.13, 7-1-07 edition, General waste analysis;
- (3) 40 CFR 265.14, 7-1-07 edition, Security;
- (4) 40 CFR 265.15, 7-1-01 edition, General inspection requirements;
- (5) 40 CFR 265.16, 7-1-01 edition, Personnel training;
- (6) 40 CFR 265.17, 7-1-07 edition, General requirements for ignitable, reactive, or incompatible wastes, 40 CFR 265, including those listed in Appendix V;
- (7) 40 CFR 265.19, 7-1-07 edition, Construction quality assurance program;
- (8) 40 CFR 265, Subpart C Preparedness and prevention, 7-1-07 edition, except that for transfer facilities, aisle space requirements shall not apply to waste containers stored in a vehicle used to transport that waste;
- (9) 40 CFR 265, Subpart D Contingency plan and emergency procedures, 7-1-01 edition;
- (10) 40 CFR 265, Subpart F Groundwater monitoring, 7-1-01 edition;
- (11) 40 CFR 265, Subpart G Closure and post-closure, 7-1-01 edition; and
- (12) 40 CFR 265, Subpart H Financial requirements, 7-1-01 edition.

(b) In lieu of the negative assurance as required by 40 CFR 265.143(e)(3)(iii)(B), identified in (a)(12), above, the department shall accept a certified public accountant's (CPA) report describing the procedures performed and related findings, including whether or not there were discrepancies found in the comparison.

(c) The report described in (b), above shall be based on the procedures performed in accordance with the American Institute of Certified Public Accountants, Inc.'s "Statement on Auditing Standards Number 75, Engagements to Apply Agreed Upon Procedures to Specified Elements, Accounts or Items of a Financial Statement, published September 1995."

(d) The department shall regard the report described in (b), above, as satisfying the requirements of the financial test or corporate guarantee for a special report by an independent CPA on the CPA's report.

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(e) The liability insurance required pursuant to 40 CFR 265.147(b)(1), identified in (a)(12), above, shall be as specified in 40 CFR 264.147(b)(1)(i) and (ii), 7-1-01 edition.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 707.03 Technical Requirements. Operators of existing facilities shall comply with the following technical requirements as set forth under 40 CFR 265, 7-1-99 edition:

- (a) 40 CFR Part 265, Subpart I - Use and management of containers;
- (b) 40 CFR Part 265, Subpart J - Tanks;
- (c) 40 CFR Part 265, Subpart K - Surface impoundments;
- (d) 40 CFR Part 265, Subpart L - Waste piles;
- (e) 40 CFR Part 265, Subpart M - Land treatment;
- (f) 40 CFR Part 265, Subpart N - Landfills;
- (g) 40 CFR Part 265, Subpart O - Incinerators;
- (h) 40 CFR Part 265, Subpart P - Thermal treatment;
- (i) 40 CFR Part 265, Subpart Q - Chemical, physical, and biological treatment; and
- (j) 40 CFR Part 265.1(d).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

PART Env-Hw 708 REQUIREMENTS FOR FACILITIES WITH A STANDARD PERMIT AND/OR A TRANSFER FACILITY PERMIT

Env-Hw 708.01 General Operation Requirements. In order to maintain a standard permit or a transfer facility permit, the operator of a facility or transfer facility shall comply with the requirements and standards of Env-Hw 708.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 708.02 Operation Requirements.

(a) Operators of facilities shall comply with the following operation requirements as set forth in the specified edition of 40 CFR 264:

- (1) 40 CFR 264.12, Required notices, 7-1-07 edition;
- (2) 40 CFR 264.13, General waste analysis, 7-1-07 edition;

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- (3) 40 CFR 264.14, Security, 7-1-07 edition;
- (4) 40 CFR 264.15, General inspection requirements, 7-1-01 edition;
- (5) 40 CFR 264.16, Personnel training, 7-1-01 edition;
- (6) 40 CFR 264.17, General requirements for ignitable, reactive, or incompatible wastes, 7-1-07 edition, including those listed in 40 CFR 264 Appendix V;
- (7) 40 CFR 264.18, Location standards, 7-1-07 edition, except that the provisions of Env-Hw 304.09(b) shall be applied in lieu of all flood mitigation provisions set forth in said location standards;
- (8) 40 CFR 264.19, Construction quality assurance program, 7-1-07 edition;
- (9) 40 CFR 264, Subpart C, Preparedness and prevention, 7-1-07 edition, for transfer facilities, aisle space requirements shall not apply to waste containers stored on vehicles used to transport that waste;
- (10) 40 CFR 264, Subpart D, Contingency plan and emergency procedures, 7-1-01 edition;
- (11) 40 CFR 264, Subpart F, Releases from solid waste management units, 7-1-01 edition;
- (12) 40 CFR 264, Subpart G, Closure and Post-Closure, 7-1-01 edition; and
- (13) 40 CFR 264, Subpart H, Financial Requirements, 7-1-01 edition.

(b) Documents required by (a)(13), above, may be submitted in unsigned or signed form with the operator's standard permit or transfer facility permit application.

(c) If the documents required by (a)(13), above, are submitted unsigned with a permit application, the operator shall submit the documents described in (b), above, signed:

- (1) Before a permit will be issued by the department for an existing facility; or
- (2) For a new facility, at least 60 days before hazardous waste is first received at the facility.

(d) In lieu of the negative assurance required by 40 CFR 264.143(f)(iii)(B), identified in (a)(13), above, the department shall accept a certified public accountant's (CPA) report describing the procedures performed and related findings, including whether or not there were discrepancies found in the comparison, provided that the procedures were performed in accordance with the American Institute of Certified Public Accountants, Inc.'s "Statement on Auditing Standards Number 75, Engagements to Apply Agreed Upon Procedures to Specified Elements, Accounts or Items of a Financial Statement, published September 1995."

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #7578, eff 10-13-01; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

Env-Hw 708.03 Technical Requirements. The operator of a facility shall:

(a) Treat, store, or dispose of wastes according to best engineering judgment and with the best available technology;

(b) Design and operate the facility so as to minimize the quantity and impact of planned and non-planned releases of hazardous waste or waste constituents into the environment;

(c) Use the best available solution for managing the hazardous wastes received; and

(d) Comply with the following requirements and standards as set forth under 40 CFR Part 264, 7-1-99 edition:

(1) 40 CFR Part 264, Subpart I - Use and management of containers;

(2) 40 CFR Part 264, Subpart J - Tanks;

(3) 40 CFR Part 264, Subpart K - Surface impoundments;

(4) 40 CFR Part 264, Subpart L - Waste piles;

(5) 40 CFR Part 264, Subpart M - Land treatment;

(6) 40 CFR Part 264, Subpart N - Landfills;

(7) 40 CFR Part 264, Subpart O - Incinerators; and

(8) 40 CFR Part 264, Subpart X - Miscellaneous units.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #7207-B, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

PART Env-Hw 709 STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

Env-Hw 709.01 Standards. Standards for specific hazardous wastes and facilities shall be as follows:

(a) Env-Hw 805 - Recyclable Materials Used in a Manner Constituting Disposal;

(b) Env-Hw 806 - Hazardous Waste Burned for Energy Recovery;

(c) Env-Hw 808 - Recyclable Materials Used for Precious Metal Recovery; and

(d) Env-Hw 809 - Spent Lead-Acid Batteries Being Reclaimed.

Source. #5053, eff 1-24-91, EXPIRED: 1-24-97

New. #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 700) ss by #9367, eff 1-28-09

APPENDIX

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 700	RSA 147-A:3, III-VI	40 CFR 261; 40 CFR 264; 40 CFR 265