



HAZARDOUS WASTE FULL QUANTITY GENERATOR REQUIREMENTS IN NEW HAMPSHIRE

as provided in New Hampshire's Hazardous Waste Rules, Env-Hw 100-1200

- I. FULL QUANTITY GENERATOR (FQG) DEFINITION:** An FQG is a generator that (Env-Hw 503.02):
- A. Generates equal to or greater than a total of 100 kg (220 lbs.) of hazardous waste in any single month;
 - B. Accumulates greater than 1,000 kilograms or 2,200 pounds of hazardous waste at any time;
 - C. Generates equal to or greater than 1 kg (2.2 lbs.) of an acutely hazardous waste in any single month;
 - D. Accumulates equal to or greater than 1 kg (2.2 lbs.) of an acutely hazardous waste at any time;
 - E. Generates equal to or greater than 100 kg (220lbs.) of spill cleanup material contaminated with acutely hazardous waste in any single month; or
 - F. Accumulates equal to or greater than 100 kg (220 lbs.) of spill cleanup material contaminated with acutely hazardous waste at any time.
- II. REQUIREMENTS FOR HAZARDOUS WASTE GENERATORS:**
- A. **Hazardous Waste Determination (Env-Hw 502.01):** All generators of a waste must determine if their waste is a hazardous waste and be able to document this determination by either testing or applying knowledge.
 - B. **Notification (Env-Hw 504.01):** All generators must notify NHDES prior to conducting any hazardous waste activities covered under the Hazardous Waste Rules. A generator must not treat, store, dispose, transport, or offer a hazardous waste for transportation without having received an EPA identification number.
 - C. **Subsequent Notification (Env-Hw 505.01):** A generator shall notify NHDES verbally or in writing of any changes to the information provided in the initial notification within 30 days of the effective date of the change.
 - D. **Environmental and Health Requirements (Env-Hw 506.01):** While accumulating hazardous wastes, the generator must not use storage practices that pose a hazard to human health or the environment.
 - E. **Declassification (Env-Hw 505.04):** A generator must notify NHDES within 7 days of ceasing business operations at a particular site. EPA ID numbers can only be declassified if all hazardous waste has been removed from the site and the closure requirements of Env-Hw 506.03 have been met.
 - F. **Storage Requirements (Env-Hw 507.02):**
 - 1) All hazardous waste must be placed in appropriate containers or tanks that are in good condition, chemically compatible with the waste stored in them, and remain closed at all times, except to add or remove waste;
 - 2) All hazardous waste containers must have a minimum of 2 feet aisle space on at least one side of each container and all hazardous waste labels must be visible without having to move the container;
 - 3) All hazardous waste must be stored on impervious surfaces (e.g., concrete and asphalt with

no cracks or holes, NOT earth, wood or gravel);

- 4) All hazardous waste stored near functional floor drains or manholes, or in or near a sink with a functional drain, must have secondary containment capable of holding the volume of the largest container present (not required for solid hazardous waste as long as the area is sloped or containers are elevated or otherwise protected from contact with accumulated liquid);
- 5) All hazardous waste stored outside must have secondary containment capable of holding any spills or leaks at 110% of the volume of largest container in storage area or 10% of the total volume of containers, whichever is greater (not required for solid hazardous waste as long as the area is sloped or containers are elevated or otherwise protected from contact with accumulated liquid);
- 6) All hazardous waste stored outside must be kept covered to prevent precipitation from coming into contact with containers, and the secondary containment structure must be kept free of rain, snow and ice; and
- 7) All hazardous waste stored outside must not be stored within 50 feet of surface water, 75 feet of private wells, 50 feet from storm drains, or within the protective radius of any public water supply well.

G. Storage Time Requirements: FQGs may accumulate hazardous waste that is generated on-site without a permit so long as the waste is shipped off-site within ninety (90) days of the date when accumulation of the waste first began, except as provided in Env-Hw 509.03, Env-Hw 507.03(c), or under the terms of a waiver or extension granted by NHDES.

H. Packaging/Labeling/Pre-transport (Env-Hw 507.04):

- 1) Before transporting or offering hazardous waste for transportation off-site, the generator must properly package the waste and mark and label each container in accordance with US Department of Transportation (DOT) regulations; and
- 2) Before offering hazardous waste for transportation, the generator must ensure that the transporter possesses a current and valid New Hampshire hazardous waste transporter registration, has been issued an EPA ID number, and each vehicle is placarded with an appropriate warning of the hazardous waste contained therein in compliance with DOT and rules adopted by the NH Department of Safety.

I. Manifest Copy Distribution (Env-Hw 510.02): For a paper manifest or an electronic manifest that was printed for the generator's signature, the generator must sign and date the certification and obtain the transporter's signature on the manifest, retain one legible copy of the manifest with signatures, and forward one legible copy of the manifest with signatures to NHDES within five days of shipment. For an electronic manifest, the generator must electronically sign the manifest and provide one printed copy of the electronic manifest to the transporter.

J. Delivery of Hazardous Waste (Env-Hw 511.01):

- 1) The wastes must be transported off-site by a transporter (registered with NHDES) to an authorized facility, using a hazardous waste manifest; and
- 2) The generator must confirm that its shipment has reached the designated facility. If the generator does not receive a signed copy of a paper manifest (or if the e-manifest system indicates the shipment has not been received) within 35 days of the shipment, the generator must contact the operator of the designated facility or the transporter to determine the status of the hazardous waste shipment. If the generator does not receive a signed copy of a

paper manifest (or if the e-manifest system indicates the shipment has not been received) within 45 days of the shipment, the generator must contact NHDES.

K. Recordkeeping and Reporting Requirements (Env-Hw 512):

- 1) Generators must keep hazardous waste records for at least three years, including but not limited to, copies of each paper manifest (both the initial one from the transporter and the final one from the designated facility), each electronic manifest that was printed for the generator's signature, quarterly activity reports, biennial reports, any test results, any waste analyses, any other waste determinations, and records of any hazardous waste spills or discharges;
- 2) Generators shall submit a certified copy of the hazardous waste quarterly activity reports sent to them by NHDES (Env-Hw 512.02). Generators who export hazardous waste shall file an annual report as per Env-Hw 512.03. Generators subject to biennial reporting requirements shall complete the biennial report (Env-Hw 512.04); and
- 3) These records can be retained on electric media, but must be available during an inspection by NHDES. The e-manifest system can be used for manifest recordkeeping as specified in Env-Hw 512.01(d).

L. Emergency/Remedial Action (Env-Hw 513):

- 1) Any discharge of hazardous waste that poses a threat to human health or the environment must be reported immediately, not to exceed one hour from the discovery of the release, to local emergency officials and to NHDES emergency response telephone number at (603) 271-3899, Monday through Friday, 8 AM to 4 PM or the NH Department of Safety telephone number at (603) 223-4381, 24 hours/day;
- 2) The generator must also comply with the emergency procedures as specified in 40 CFR 265.56; and
- 3) The generator must immediately contain and clean up, within 24 hours, any hazardous waste discharge. If the discharge cannot be cleaned up within 24 hours, the generator must submit to NHDES, within five (5) days of the discharge, a clean-up plan that provides for:
 - (a) The protection of human health and the environment;
 - (b) The removal and proper disposal of the contamination source;
 - (c) Confirmatory analysis of the potentially affected media to demonstrate cleanup was successful; and
 - (d) A timetable for completion of the clean-up plan.

M. International Shipments (Env-Hw 510.06): All generators importing or exporting hazardous waste shall meet the requirements of 40 CFR 262 Subpart H.

III. FQG REQUIREMENTS: In addition to the requirements for all hazardous waste generators above, FQGs must comply with the specific requirements applicable to them. (Env-Hw 509.02, Env-Hw 509.04, Env-Hw 509.05 and Env-Hw 515)

A. FQG Accumulation Requirements (Env-Hw 509.02):

- 1) Generators must conduct and document in a log regular inspections of all hazardous waste central accumulation areas (weekly for containers/daily for tanks) per 40 CFR 265.15;

- 2) Generators must provide personnel training in hazardous waste management by either an outside trainer or in-house employee provided he/she has been adequately trained; this training must be updated annually and the generator must maintain a written personnel training program per 40 CFR 265.16;
- 3) Generators must meet general requirements for storing ignitable, reactive or incompatible wastes per 40 CFR 265.17;
- 4) Generators must comply with 40 CFR 265 Subpart C. Preparedness and Prevention, including maintaining spill and fire control equipment at or near each central accumulation area (located not more than 100 feet from the hazardous waste and accessible along a path unobstructed by any obstacles other than doors, which shall be unlocked at all times), “no smoking” signs near ignitable or reactive wastes, and a minimum of 2 feet of aisle space to allow inspection of at least one side of each container;
- 5) Generators must have a written contingency plan detailing emergency procedures per 40 CFR 265 Subpart D;
- 6) Generators must comply with 40 CFR 265 Subpart I detailing use and management of containers;
- 7) Generators must comply with 40 CFR 265 Subpart J detailing the use of tank systems;
- 8) FQGs shall post a list of the steps to take if an emergency occurs and emergency numbers at the telephone nearest to each central accumulation area. This information shall include:
 - (a) Emergency coordinator’s home and office phone numbers;
 - (b) Phone numbers of fire department, police department, hospital, state of New Hampshire and local emergency response teams; and
 - (c) Location of fire extinguishers, spill control equipment, and alarms;
- 9) FQGs must provide the following security measures for all outdoor central accumulation areas:
 - (a) An artificial or natural barrier surrounding the area to preventing unauthorized entry;
 - (b) A means to control entry, at all times; and
 - (c) A sign stating “Danger- Unauthorized Personnel Keep Out” at each entrance; and
- 10) Containers and tanks used for the storage of hazardous wastes shall be clearly labeled or marked with the following information at the time they are first used to store wastes:
 - (a) The beginning accumulation date;
 - (b) The words “hazardous waste;”
 - (c) Words that identify the contents; and
 - (d) The EPA or State waste number, as applicable.

B. Certified Hazardous Waste Coordinator Requirements (Env-Hw 509.04, Env-Hw 515, RSA 147-A:5, III): FQGs must have at the facility at least one hazardous waste coordinator certified by NHDES pursuant to Env-Hw 515 on staff and physically at the facility where the hazardous waste is generated. Certification must be renewed annually.

C. Land Disposal Restrictions (Env-Hw 509.05): FQGs must comply with Env-Hw 1200.

D. Consolidation of Waste from NHSQGs (Env-Hw 509.02(I)): FQGs who wish to receive and consolidate waste from one or more NHSQGs under the same control as the FQG (Env-Hw 501.02(c)) must notify NHDES 30 days prior to receipt (Env-Hw 504.01(f)); provide information about each NHSQG (Env-Hw 504.02(a)(15)); and keep records and label containers.

IV. SATELLITE ACCUMULATION REQUIREMENTS (Env-Hw 509.03): An FQG may accumulate for greater than 90 days as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers **at or near any point of generation** where wastes initially accumulate, without a standard permit or interim status and without having to comply with the container labeling and marking requirements of Env-Hw 509.02(d), the preparedness and prevention requirements of Env-Hw 509.02(a)(4), and the emergency posting in requirements of Env-Hw 509.02(b), provided that:

- A. The hazardous waste container(s) are **under the control of the operator** of the process generating the waste;
- B. The operator of the process generating the waste has been trained as specified in Env-Hw 509.02(a)(2), except that, in lieu of the annual training requirements, the training interval shall be three years;
- C. All environmental and health requirements specified in Env-Hw 506 are met;
- D. The accumulation requirements of Env-Hw 507 are met;
- E. The generator manages incompatible wastes pursuant to 40 CFR 265.177;
- F. The containers are marked with the following information at the time they are first used to accumulate wastes:
 - 1) The words "hazardous waste;" and
 - 2) Words identifying the contents of the containers;
- G. For satellite accumulation areas that have accumulated greater than 10 gallons of hazardous waste, conduct and document in a log, monthly inspections of the container(s) for leaks and for deterioration caused by corrosion or other factors and remedy any issues found; and
- H. When the amount of hazardous waste in a satellite accumulation area reaches the accumulation limit specified in this section, the generator shall:
 - 1) Immediately mark the hazardous waste container with the date accumulation limit was reached with the date the accumulation limit was reached and with the EPA or state waste number;
 - 2) Move the hazardous wastes to a designated central accumulation area within 3 days of reaching the accumulation limit; and
 - 3) Ship the hazardous waste off-site within 90 days of the date the accumulation limit was reached.

V. UNIVERSAL WASTE (Env-Hw 1100): If FQGs are generating Universal Wastes (certain batteries, pesticides, mercury containing devices, lamps/bulbs, cathode ray tubes, and automotive antifreeze), they can be managed under the less stringent requirements of Env-Hw 1100 and are not subject to the requirements in Env-Hw 500. Some of the requirements include, but are not limited to, not storing universal waste for more than one year, keeping waste in closed and labeled containers, keeping containers covered if stored outside, and maintaining shipping documents (such as a bill of lading).

VI. USED OIL FOR RECYCLE (Env-Hw 807): If FQGs are generating Used Oil for Recycle, it can be managed under the less stringent requirements of Env-Hw 807 and not subject to the requirements in Env-Hw 500. Some of the requirements include, but are not limited to, doing an initial used oil determination (for all non-automotive oil), not mixing any hazardous waste with oil, disposing of oil through a registered used oil marketer (using a bill of lading) or burning it in an on-site used oil burner (registered with NHDES), keeping oil in closed and labeled containers, and keeping containers covered if stored outside.

This Summary provides general information only and is not all inclusive. Should there be additional questions, please contact the New Hampshire Department of Environmental Services (NHDES), Waste Management Division at (603) 271-2942. For a complete description of the requirements, refer to New Hampshire's Hazardous Waste Rules (Env-Hw 100-1200), which may be obtained by contacting the NHDES Public Information Center at (603) 271-8876 or the [NHDES website](#).