

CHAPTER Env-Hw 1000 HAZARDOUS WASTE CLEANUP FUND

REVISION NOTE:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 1000 as Env-Hw 1000. Former Part Env-Wm 1004 on used oil collection centers, filed under Document #6385-B, effective 11-26-96, had expired 11-16-04, and was not included in Document #9367. The redesignation from subtitle Env-Wm to Env-Hw was done pursuant to a rules reorganization plan for Department rules approved by the Director of the Office of Legislative Services on 9-7-05. Document #9367 replaces all prior filings for hazardous waste rules formerly in Chapter Env-Wm 1000. The numerals of the rules remained unchanged, and the source note information for the rules under Document #9367 refer to those same numbers under the subtitle Env-Wm.

PART Env-Hw 1001 APPLICABILITY

Env-Hw 1001.01 Applicability. Env-Hw 1000 shall govern the expenditure of money from the hazardous waste cleanup fund for the following purposes:

- (a) To respond to the discharge of hazardous waste;
- (b) To develop a state hazardous waste facility siting program; and
- (c) To encourage and facilitate the implementation of household hazardous waste collection projects, as described herein.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09

PART Env-Hw 1002 FUND ADMINISTRATION

Env-Hw 1002.01 Fund Administration.

(a) Fees collected by the hazardous waste cleanup fund shall be deposited with the Treasurer, State of New Hampshire.

(b) Expenditures of hazardous waste cleanup fund monies by the department shall be accounted for in the following categories:

- (1) Spill and potential discharge response;
- (2) Hazardous waste facility siting program;
- (3) Household hazardous waste collection projects;
- (4) Used oil collection centers; and
- (5) Fund administration.

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(c) The department shall provide an annual report describing the use of the hazardous waste cleanup fund over the previous year to any fund contributor upon request.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6385-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09

PART Env-Hw 1003 HOUSEHOLD HAZARDOUS WASTE COLLECTION PROJECTS

Env-Hw 1003.01 Requirements for Household Hazardous Waste Collection Projects. Household hazardous waste collection projects shall be regulated as specified in Env-Hw 401.03(b)(1) and Env-Hw 501.01(b).

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09

Env-Hw 1003.02 Expenditures.

(a) For the purposes of this section, "approved local or regional entities" means those persons or groups which are authorized by municipalities to coordinate said municipalities' participation in such collection projects. Local or regional entities shall include town conservation commissions, solid waste management districts as set forth in RSA 149-M:24, regional planning councils and commissions, and not-for-profit organizations.

(b) The department shall use money from the hazardous waste cleanup fund in accordance with the provisions of RSA 147-B:6, I-a for department-approved household hazardous waste collection projects.

(c) Expenditures from the hazardous waste cleanup fund for such projects shall be matched on a dollar-for-dollar basis by municipalities or by approved local or regional entities in accordance with Env-Hw 1000.

(d) Only municipalities and such local or regional entities shall be eligible to apply for hazardous waste cleanup fund monies for these projects.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09

Env-Hw 1003.03 Administration.

(a) The department shall administer the allocation and distribution of hazardous waste cleanup fund monies for household hazardous waste collection projects in accordance with Env-Hw 1003.05 and RSA 147-B:6.

(b) Hazardous waste cleanup fund monies shall be distributed through the method of grant awards to applicants that meet department requirements as set forth in Env-Hw 1003.05 and agreement conditions referenced in Env-Hw 1003.08.

(c) Hazardous waste cleanup fund monies shall be dispensed to the grantee upon successful completion of the project in accordance with the terms set forth in the agreement referenced in Env-Hw 1003.08.

Source. #5886, eff 8-26-94; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09

Env-Hw 1003.04 Purposes of Funding. Hazardous waste cleanup funds dispensed to the project may be used for paying the project's disposal costs, supplies, contracted hazardous waste transporter and/or for paying the expenses associated with conducting the project's educational component, required under Env-Hw 1003.08.

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 1000) ss by #9367, eff 1-28-09

Env-Hw 1003.05 Requirements for Applicants for Fund Monies.

(a) Municipalities and authorized local or regional entities shall be eligible for hazardous waste cleanup fund monies for household hazardous waste collection projects if they submit a completed application by February 1 of the year in which the project is planned to occur.

(b) The department shall provide guidelines for completing the application, including a suggested warrant article to all applicants.

(c) The application shall be reviewed by the department and the applicant shall be notified of the department's decision on awarding hazardous waste cleanup fund monies.

(d) The application form shall include the following information:

- (1) Applicant's name and mailing address;
- (2) Date of application;
- (3) Contact person, title, and telephone number;
- (4) Signature of authorized person;
- (5) Tentative date and time of project;
- (6) Proposed site of project;
- (7) Towns and cities participating;
- (8) Population and number of households to be served;
- (9) Estimate of project's cost, broken down into public education costs and the contracted transporter's fixed costs and disposal costs; and

(10) General description of project, which shall include how and when the applicant will fulfill the public education requirement.

Source. #5053, eff 1-24-91; ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08, EXPIRES: 1-28-09; (See Revision Note at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09; amd by #10205, eff 10-19-12

Env-Hw 1003.06 Matching Money Requirements. In order to be eligible for hazardous waste cleanup fund monies, the applicant shall assure the department that it will comply with the requirements of RSA 147-B:6, I-a to match on a dollar-for-dollar basis those fund monies awarded to the applicant for its project.

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 1000) ss by #9367, eff 1-28-09

Env-Hw 1003.07 Educational Component.

(a) In order to be eligible for hazardous waste cleanup fund monies, the applicant shall assure the department that it will comply with the requirements of RSA 147-B:6, I-a to conduct public educational activities regarding household hazardous waste, including education about its potential dangers and the proper means for its disposal, as well as information about ways to reduce its generation.

(b) The applicant shall describe in the application its specific plans for conducting its educational activities.

(c) To encourage and facilitate this aspect of such projects, the department shall make available to the applicant examples of press releases, fliers, advertisements, and any other information and materials available.

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 1000) ss by #9367, eff 1-28-09

Env-Hw 1003.08 Agreement with the Department.

(a) In order to receive hazardous waste cleanup fund monies, the applicant shall enter into a written agreement with the department and shall fulfill the terms and conditions of said agreement.

(b) In order to entitle the applicant to hazardous waste cleanup fund monies, the agreement shall be approved and signed by the commissioner of department of environmental services or designee. If the grant will be for more than \$5,000.00, the agreement shall also be approved and signed by the governor and council and the New Hampshire department of justice, office of the attorney general, before fund monies can be awarded.

(c) The applicant shall administer the project in accordance with the terms and conditions set forth in the agreement, including the following:

(1) The location of the project site, the time and date of the collection as stated in the agreement; and

(2) The financial matching and public education provisions as stated in RSA 147-B:6, I-a, Env-Hw 1003.06, and Env-Hw 1003.07.

(d) The agreement shall specify the amount of hazardous waste cleanup fund monies to be awarded to the applicant upon the applicant's successful completion of the project.

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 1000) ss by #9367, eff 1-28-09

Env-Hw 1003.09 Basis of Department Allocation and Award Decisions.

(a) In fulfilling its hazardous waste cleanup fund administrative responsibilities, the department shall base its recommendation to the governor on the amount of fund money to make available for household hazardous waste collection projects on the following considerations:

- (1) The total amount of money available in the hazardous waste cleanup fund; and
- (2) Present and anticipated needs for spending hazardous waste cleanup fund money on site cleanup operations and on emergency response actions.

(b) In determining how much hazardous waste cleanup fund money to allocate for its household hazardous waste collection program, the department shall maintain a proper balance of fund expenditures among fund programs.

(c) In deciding which applicants shall be awarded hazardous waste cleanup fund monies, the department shall give highest priority to:

- (1) Applicants that are organizing collection projects that would serve a population base of greater than 10,000 people;
- (2) Applicants that have not received hazardous waste cleanup fund monies for household hazardous waste collection projects in the previous grant period;
- (3) Applicants that collect a broad range of household hazardous waste; and
- (4) Applicants that work together with 2 or more towns.

(d) Final approval for awarding hazardous waste cleanup fund monies shall not be granted until all said requirements are fulfilled.

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 1000) ss by #9367, eff 1-28-09

Env-Hw 1003.10 School Wastes.

(a) For purposes of this section, "school wastes" means wastes that are generated in primary or secondary schools that meet the definition of a hazardous waste as set forth in Env-Hw 103.

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(b) School wastes may be accepted at a household hazardous waste collection project provided the school has received prior permission from the sponsor of the collection project and the department. Permission shall be granted on the basis of available funding, the ability of the transporter to handle the waste, and the quantity of waste to be disposed.

Source. #5053, eff 1-24-91;ss by #5886, eff 8-26-94; amd by #6384-B, eff 11-26-96; amd by #7208, eff 2-26-00; ss by #7333, eff 8-1-00; ss by #9215, INTERIM, eff 8-1-08; (See Revision Note at chapter heading for Env-Hw 1000) ss by #9367, eff 1-28-09

Appendix A *[does not apply to this chapter]*

Appendix B *[does not apply to this chapter]*

Appendix C

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 1000	RSA 147-B:6; RSA 147-B:7; RSA 147-B:13	