

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

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CHAPTER Env-Hw 900 INSPECTION AND ENFORCEMENT

REVISION NOTE:

Document #9367, effective 1-28-09, readopted with amendments and redesignated the former Chapter Env-Wm 900 as Env-Hw 900. 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 900. 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 901 APPLICABILITY

Env-Hw 901.01 Applicability. Any person, as defined in Env-Hw 104, who is subject to these rules and who violates the requirements of, or refuses to comply with any of the provisions of the hazardous waste rules, shall be subject to the enforcement, liability, confiscation, and penalty provisions set forth in RSA 147-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 900) ss by #9367, eff 1-28-09

PART Env-Hw 902 RIGHT OF INSPECTION

Env-Hw 902.01 The Right of Inspection. In order to investigate either actual or suspected sources of potential harm to human health or the environment and to ascertain compliance or non-compliance with the hazardous waste rules, the department through its personnel or other authorized representatives shall:

- (a) Inspect any property or premises, including generator, treatment, storage, or disposal facilities and transporter vehicles and transfer facilities;
- (b) Gather evidence on existing conditions and procedures;
- (c) Obtain representative samples of containers, materials or wastes;
- (d) Conduct tests, analyses, and evaluations;
- (e) Photograph containers, tanks, labels, processes or conditions related to hazardous waste generation, treatment, storage, transportation, or disposal; and
- (f) Inspect and copy any pertinent records, reports of information or test results relating to the requirements of the hazardous waste rules.

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

PART Env-Hw 903 INSPECTION PROCEDURE

Env-Hw 903.01 Credential Presentation.

(a) In conducting investigations and inspections, department personnel or other authorized representatives shall present his/her credentials to the property owner or representative or to the company representative present.

(b) Upon being presented with credentials, the property owner or representative or company representative shall allow department personnel to enter the premises. Under no circumstances shall any department personnel be required to sign a waiver as a condition of entering and inspecting the 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 900) ss by #9367, eff 1-28-09

Env-Hw 903.02 Inspection Reports. Upon conducting an investigation or an inspection, the department shall:

(a) Make a report listing the violations found during the inspection;

(b) Maintain the report on file at the department; and

(c) Provide a copy of the report to the owner or operator or his/her agent, if requested, upon completion of the final inspection report.

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

APPENDIX

Rule Section(s)	State Statute(s)	Federal Regulation(s)
Env-Hw 900	RSA 147-A:7	