



Waste Management Division

## Hazardous Waste Management Bureau

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# HAZARDOUS WASTE SMALL QUANTITY GENERATOR REQUIREMENTS IN NEW HAMPSHIRE

*as provided in New Hampshire's Hazardous Waste Rules, Env-Hw 100-1100*

- I. SMALL QUANTITY GENERATOR (SQG) DEFINITION AS PER Env-Hw 503.01:** A SQG shall be any generator who, in each and every calendar month, generates less than:
- A. 100 kg (220 lbs.) of hazardous waste;
  - B. 1 kg (2.2 lbs.) of an acutely hazardous waste; and
  - C. 100 kg (220 lbs.) of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill of any acutely hazardous waste.
- II. REQUIREMENTS FOR HAZARDOUS WASTE GENERATORS:** Chapter Env-Hw 500 shall apply to all persons who generate hazardous wastes, including SQGs.
- A. Hazardous Waste Determination as per Env-Hw 502.01: All generators of a waste shall determine if their waste is a hazardous waste and be able to document this determination with either testing or applying knowledge.
  - B. Notification as per Env-Hw 504.01: All generators shall notify DES prior to conducting any hazardous waste activities covered under the Hazardous Waste Rules. Generator shall notify DES verbally or in writing of any changes.
  - C. Identification Numbers as per Env-Hw 505.01: A generator shall not treat, store, dispose, transport, or offer a hazardous waste for transportation without having received an EPA identification number, or an emergency or temporary identification number, or a NH identification number.
  - D. Environmental and Health Requirements as per Env-Hw 506.01: While accumulating hazardous wastes, the generator shall not use storage practices that pose a hazard to human health or the environment.
  - E. Storage Requirements as per Env-Hw 507.01:
    - 1) All hazardous waste shall be placed in appropriate containers or tanks that are in good condition and remain closed at all times except to add or remove waste;
    - 2) All hazardous waste shall be stored on impervious surfaces (e.g., concrete, asphalt);
    - 3) All hazardous waste shall not be stored in areas with functional floor drains or manholes present, or in or near a sink with a functional drain, unless adequate secondary containment is provided;
    - 4) All hazardous waste stored outside shall be kept covered to prevent precipitation from coming into contact with tops of containers and keep secondary containment structure (adequate to hold any spills or leaks at 110% of the volume of largest container in storage area) free of rain, snow and ice;

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- 5) All hazardous waste stored outside shall be kept covered at all times except when generator is actively adding wastes to or removing wastes from a container or moving container to another location; and
  - 6) All hazardous waste stored outside shall 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.
- F. Storage Time Requirements as per Env-Hw 507.02: A generator may accumulate hazardous waste that is generated on-site without a permit provided that hazardous waste containers and tanks are managed accordingly and the wastes are shipped off-site within 90 days of the date when accumulation of the waste first began. However, SQGs can accumulate up to 1,000 kg (2,200 lbs) of hazardous waste for an indefinite amount of time as they adhere to the additional guidelines outlined in Section III – SQG Requirements below (Env-Hw 508.02 and Env-Hw 508.03).
- G. Packaging/Labeling/Pre-transport as per Env-Hw 507.03:
- 1) 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 words "hazardous waste"; and
    - (b) Words that identify the contents of the container.
  - 2) Hazardous waste labels shall not be hidden by walls or other containers;
  - 3) Before transporting or offering hazardous waste for transportation off-site, the generator shall properly package the waste and mark and label each container in accordance with US Department of Transportation (DOT) regulations; and
  - 4) Before offering hazardous waste for transportation off-site, the generator shall determine that the transporter possesses a current and valid New Hampshire hazardous waste transporter registration and has been issued an EPA ID number and that each vehicle is placarded with an appropriate warning of the hazardous waste contained therein in compliance with rules adopted by the New Hampshire Department of Safety.
- H. Manifest Copy Distribution as per Env-Hw 510.02: The Generator shall provide seven copies of the manifest if the destination state does not require a copy and eight copies of the manifest if the destination state does require a copy, for distribution as follows: retain one copy of the manifest with signatures; forward one copy of the manifest with signatures to the destination state (if required), one copy to DES within five days of shipment, and five copies of the manifest shall be provided to the transporter.
- I. Delivery of Hazardous Waste as Per Env-Hw 511.01:
- 1) The wastes shall be transported off-site by a registered transporter to an authorized facility, using a uniform EPA hazardous waste manifest prepared in accordance with 40 CFR 262, by a New Hampshire registered transporter and in accordance with the manifest requirements of Env-Hw 510; or
  - 2) The SQG may self-transport up to 55 gallons of their own non-acutely hazardous waste to:
    - (a) An authorized facility, and only if the SQG meets the manifest requirements of Env-Hw 510 and Env-Hw 604;
    - (b) Another site that is owned and operated by the owner/operator of the SQG site if the SQG has notified DES of this activity, and the other site counts the waste received towards its generator status; and

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- (c) A household hazardous waste collection event only if the waste is given directly to a registered transporter, permission is obtained in advance from the government entity sponsoring the event and the SQG meets the manifest requirements of Env-Hw 510 and Env-Hw 604.

In all cases, the SQG must transport the waste in accordance with Env-Hw 601.02 (b) where the waste is transported in full, sealed, labeled containers which are compatible with the wastes received and meet DOT specifications, and the SQG has a mechanism for financial responsibility in the case of an accident.

### J. Recordkeeping and Reporting Requirements as per Part Env-Hw 512.01:

- 1) Generators shall keep copies of each manifest, each quarterly activity report, each exception report, each notification of intent to export, each EPA Acknowledgement of Consent, any test results, any waste analyses, any other waste determinations, and any records of any hazardous waste spills or discharges for at least three (3) years; and
- 2) Generators shall submit a certified copy of the hazardous waste quarterly activity reports sent to them by DES. Generators who export hazardous waste shall file an annual report as per Env-Hw 512.03.

### K. Emergency/Remedial Action as per Env-Hw 513.01 and Env-Hw 513.02:

- 1) Any discharge of hazardous water that poses a threat to human health or the environment resulting from a generator's activity shall be reported:
  - (a) Immediately, not to exceed one hour from the discovery of the release, to the DES 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; and
  - (b) Immediately, not to exceed one hour from the discovery of the release, to local emergency officials.
- 2) The generator shall comply with the emergency procedures as specified in 40 CFR 265.56; and
- 3) The generator shall immediately contain and clean up, within 24 hours, any hazardous waste discharge or any discharge of a material which, when discharge becomes a hazardous waste. If the discharge cannot be cleaned up within 24 hours, the generator shall submit to DES, within five (5) days of the discharge, a clean up plan, which 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; and
  - (d) Includes a timetable for completion of the clean up plan.

All clean up actions shall follow the requirements per Env-Hw 513.02.

**III. SQG REQUIREMENTS:** In addition to the requirements for all hazardous waste generators above, an SQG shall comply with the specific requirements applicable to them, which can be found in Env-Hw 508 and Env-Hw 514.

- A. SQG Storage Requirements as per Env-Hw 508.02: A SQG whose quantity of waste accumulated on-site never exceeds 100 kgs (220 lbs) of hazardous waste or less than 1 kg (2.2 lbs) of an acutely hazardous waste may accumulate hazardous waste on-site for an indefinite length of time without a permit provided the generator complies with the following requirements, such that:

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- 1) Spill control and fire control equipment is maintained at or near each waste storage area;
  - 2) "No Smoking" signs are posted near ignitable and reactive wastes; and
  - 3) A minimum of 2 feet aisle space is maintained at each waste storage area.
- B. SQG Extended Quantity and Storage Provision as per Env-Hw 508.03: SQGs may accumulate up to 1,000 kgs (2,200 lbs) of non-acutely hazardous waste on site for an indefinite length of time without a permit provided they comply with the requirements for all hazardous waste generators and comply with following requirements:
- 1) Hazardous waste containers and tanks are managed appropriately and inspected weekly and daily, respectively;
  - 2) The hazardous container is under the control of a designated hazardous waste manager or emergency coordinator or designee;
  - 3) An emergency coordinator is designated and available to take the responsibility for coordinating all emergency response measures at all times;
  - 4) The generator posts the name and telephone number of the emergency coordinator, emergency telephone numbers, and the location of emergency equipment next to the telephone nearest each hazardous waste storage area;
  - 5) The generator ensures that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies; and
  - 6) The generator complies with 40 CFR Part 265 Subpart C, Preparedness and Prevention, including maintaining spill control equipment and fire control equipment at or near each waste storage area, "no smoking" signs near ignitable or reactive wastes, and a minimum of 2 feet of aisle space shall be maintained to allow inspection of at least one side of each container;
  - 7) Upon reaching the 1,000 kg (2,200 lb) limit of non-acutely hazardous waste, the waste is shipped off-site by a registered transporter to an authorized facility within 90 days of the date that the limit is reached; and
  - 8) Upon reaching the 1,000 kg (2,200 lb) limit of non-acutely hazardous waste, the containers and tanks used for the storage must be clearly labeled with the date the onsite accumulation limit was reached and the EPA or state waste codes.
- C. SQG Self-Certification Requirements as per Env-Hw 514: The purpose of this section is to implement RSA 147-A:5, IV relative to self-certification of compliance with applicable hazardous waste rules by SQGs, such that:
- 1) On or before October 1 of each year, the department shall provide a self-certification form and explanatory information (also available online) to each SQG whose declaration is due:
    - a) On January 1, 2004 and every third year after for SQGs in Rockingham and Strafford Counties;
    - b) On January 1, 2005 and every third year after for SQGs in Cheshire and Hillsborough Counties; and
    - c) On January 1, 2006 and every third year after for SQGs in Belknap, Carroll, Coos, Grafton, Merrimack, and Sullivan Counties.

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- 2) If an SQG whose Self-Certification is due does not receive a self-certification form by October 10 of the year prior to the due date, the SQG shall notify the department no later than October 20 and the department will mail a self-certification form and explanatory information to the SQG;
- 3) Each SQG whose Self-Certification is due shall complete the self-certification form provided by the department and return it to the department no later January 1 of the year that the form is due.
- 4) Each SQG must submit the Self-Certification along with a fee as specified in RSA 147-A:5, IV(b) through (e), a notification form as specified in Env-Hw 504.02, and a corrective action plan required by Env-Hw 514.06 (if applicable);

*This Summary provides general information only. Should there be additional questions, please contact the New Hampshire Department of Environmental Services, Waste Management Division (DES) at (603) 271-2942. For a complete description of the requirements, refer to New Hampshire's Hazardous Waste Rules, Env-Hw 100-1100, which may be obtained by contacting the Public Information Center, DES, at (603) 271-2975, or the website for the New Hampshire Department of Environmental Services at [www.des.nh.gov](http://www.des.nh.gov).*

## ANSWERS TO SOME COMMONLY ASKED QUESTIONS

### **1. Does a New Hampshire Small Quantity Generator (SQG) need to notify the State and obtain an EPA ID number?**

All generators shall notify the Waste Management Division (DES) prior to conducting any hazardous waste activities covered under New Hampshire's Hazardous Waste Rules, Env-Hw 100-1000. Regulations forbid a transporter or commercial facility from transporting or accepting wastes from any generator who has not obtained an EPA ID number.

### **2. How much is 100 kilograms (kg)?**

100 kilograms equals 220 pounds. For most hazardous waste liquids, that quantity is roughly equivalent to one-third to one-half of a 55-gallon drum. This might vary, however, depending upon the specific gravity of the liquid waste and the amount of sludge in the drum.

### **3. Under New Hampshire's Hazardous Waste Rules, Env-Hw 100-1000, what requirements must a generator comply with in going from a Small Quantity Generator (SQG) (not utilizing the SQG Extended Quantity and Storage Provision, and storing less than 100 kg of hazardous waste) to a Full Quantity Generator (FQG)?**

In addition to the requirements of Env-Hw Parts 501-507 and Parts Env-Hw 510-513, FQGs shall comply with the accumulation and storage requirements in Env-Hw 509.02, which include:

- (a) Env-Hw 509.02(a)(1), which references 40 CFR Part 265-15 -General Inspection Requirements;
- (b) Env-Hw 509.02(a)(2), which references 40 CFR Part 265-16 Personnel Training;
- (c) Env-Hw 509.02(a)(3), which references 40 CFR Part 265.17 -General Requirements for Ignitable, Reactive or Incompatible Wastes;
- (d) Env-Hw 509.02(a)(4), which references 40 CFR Part 265 Subpart C Preparedness and Prevention;
- (e) Env-Hw 509.02(a)(5), which references 40 CFR Part 265 Subpart D Contingency Plan and Emergency Procedures;
- (f) Env-Hw 509.02(a)(6), which references 40 CFR Part 265 Subpart I Use and Management of Containers;
- (g) Env-Hw 509.02(a)(7), which references 40 CFR Part 265 Subpart J Tanks;
- (h) Env-Hw 509.02(b) -Emergency Postings; and
- (i) Env-Hw 509.02(c) -Security Measures For Outdoor Hazardous Waste Storage Areas.

**4. *The Hazardous Waste Rule's 90-day storage limit may create a financial burden on companies that generate such small amounts of hazardous waste that a full drum is not usually accumulated within the 90-day period. It is costly to ship a partially-filled drum. How can a generator store its own hazardous waste on-site beyond the 90-day time limit, without a storage permit, in order to accumulate a full drum?***

An SQG may accumulate up to 1000 kg (2,200 lbs) of non-acutely hazardous waste on site for an indefinite period of time without a permit provided that they comply with the requirements of Env-Hw 508.02 or Env-Hw 508.03 Small Quantity Generator Extended Quantity and Storage Provision.

An FQG may accumulate 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 complying with the 90-day time limit, provided the requirements of Env-Hw 509.03 - Full Quantity Generator Satellite Storage Provision are met.