SOLID WASTE MANAGEMENT PERMIT-BY-NOTIFICATION FOR ASBESTOS WASTE HOLDING FACILITY FOR ABATEMENT CONTRACTORS

Issued by the NH Department of Environmental Services, Waste Management Division
pursuant to RSA 149-M and the New Hampshire Solid Waste Rules, Env-Sw 100 – 2000 (Rules)

I. PERMIT/FACILITY IDENTIFICATION:
Permit No.: DES-SW-PN-15-007
Permittee: Absolute Environmental, Inc.
Facility Name: Absolute Environmental, Inc.
Facility Location: 22 Trolley Lane, Salem, NH
Facility Type: Asbestos Waste Holding Facility for Abatement Contractors per Env-Sw 407.06
Service Type & Area: Commercial Facility / Unlimited Service Area

II. FILE REFERENCE/RECORD OF APPLICATION:
Date(s) Received: May 1, 2015
WMD Document Log #(s): 16219

III. TERMS AND CONDITIONS: Seven (7) conditions are attached on page 2.

IV. AUTHORIZATION: Pursuant to RSA 149-M and Part Env-Sw 311 of the Rules, this permit is hereby issued to the permittee identified in Section I above to operate the solid waste management facility identified in Section I above, subject to the terms and conditions in Section III above. This authorization is based on information provided to the Department by the permittee in documents referenced in Section II above. The information is subject to audit pursuant to Env-Sw 311.06. If the information is false, misleading or incomplete, the permit may be revoked or suspended in accordance with Part Env-Sw 306 of the Rules. The meaning of specific terms in this authorization is as defined in the Rules. The Rules and statute are available for reference on the Department's website at www.des.nh.gov.

This permit is effective on the date of signature, below, and is subject to modification or termination and reissuance by the Department as necessary to assure the terms and conditions remain current with the Rules, as amended. **BY EXERCISING ANY RIGHTS UNDER THIS PERMIT, THE PERMITTEE HAS AGREED TO ALL TERMS AND CONDITIONS OF THE PERMIT.** Failure to comply with these terms and conditions could result in administrative, civil or criminal penalties, and suspension or revocation of the permit.

No liability is incurred by the State of New Hampshire by reason of any approval of this solid waste facility. No warranty/guarantee is intended or implied by reason of any advice given by the Department or its staff.

Issuance of this permit shall not be construed in any way as authorization of any activity which occurred prior to the effective date of the permit; or authorization of any activity that does comply with RSA 149-M, the Rules, and the permit; or a waiver of any cause of action for violation(s) of RSA 149-M or the Rules. This permit shall not eliminate the permittee' s obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the facility.

Michael J. Wimsatt, P.G., Director
Waste Management Division

May 26, 2015
Date

Section IV: Terms and Conditions

(1) **Authorized Waste:** This permit authorizes the facility to receive and store asbestos waste generated from the Permittee's contracted asbestos abatement projects.

(2) **Facility Capacity:** Pursuant to Env-Sw 1204.04, the rate of incoming authorized waste shall be limited to 30 tons per day, on average, but in no case shall the rate exceed the quantity of waste the facility is able to actively manage[1] and properly handle and process in accordance with this permit.

(3) **Location Restrictions:** The location of the facility shall comply with siting requirements provided in Env-Sw 1203, except for the setback requirements specified in Env-Sw 1203.01(b).

(4) **Operating Requirements:**

a. The Permitee shall operate the facility in accordance with RSA 149-M, applicable Rules specifically including Env-Sw 407.06[2], and a written up to date Operating Plan prepared by the Permittee in conformance with Env-Sw 1105.11[3], such plan to be kept at the facility for reference by facility operators and inspection by the Department.

b. Asbestos waste shall be actively managed.[1]

c. All persons handling, receiving, or managing asbestos waste at the facility, and all persons transporting asbestos waste shall be employed or contracted by the Permittee to handle or manage the asbestos waste under the Permittee's asbestos abatement entity license issued pursuant to Env-A 1810, and shall either be (1) a certified asbestos supervisor pursuant to Env-A 1810.13; or (2) a certified asbestos worker pursuant to Env-A 1810.14.

d. Annual facility reports shall be filed with the Department in accordance with the Rules.

(5) **Closure Requirements:** The Permitee shall close the facility in accordance with RSA 149-M, applicable Rules specifically including Env-Sw 407.06[2], and a written up to date Closure Plan prepared by the Permittee in conformance with Env-Sw 1106.04[4], such plan to be kept at the facility for reference by facility operators and inspection by the Department.

(6) **Permit Transfer and Modification Limitations:** This permit is non-transferable. Modification shall be limited to the scope of operations allowed by the Rules for this type of facility and permit.

(7) **Verification of Permit Information:** The Department may audit this facility pursuant to Env-Sw 311.06 to verify compliance.

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[1] Pursuant to Env-Sw 102.04 effective July 1, 2014, the term "actively manage" means to handle a waste or material, including waste-derived products and recyclable materials, in a controlled manner without causing: (a) a nuisance; (b) an adverse effect to the environment, public health and safety; (c) accumulations which have no identifiable destination or value; and (d) a loss of material value in the market place due to material damage, degradation and/or contamination.
[2] See Appendix A, attached hereto. See page 3.
[3] See Appendix B, attached hereto. See pages 4 - 5
[4] See Appendix C, attached hereto. See pages 6-7.

Appendix A

Reprinted below for convenience is a copy Env-Sw 407.06 in effect on the issue date of this permit. A complete and current certified copy of the Solid Waste Rules, Env-Sw 100 – Env-Sw 2000, is available at www.des.nh.gov.

Env-Sw 407.06 Asbestos Waste Holding Facility for Abatement Contractors. Asbestos abatement entities holding a current license in good standing issued pursuant to Env-A 1810 shall be eligible for a permit-by-notification, pursuant to Env-Sw 311, to establish and operate a facility for receiving and storing asbestos waste, subject to the following requirements:

(a) The facility shall operate as a limited private facility, and shall only be authorized to receive and store asbestos waste generated from the permittee's contracted asbestos abatement projects.

(b) All persons handling, receiving, or managing asbestos waste at a facility, and all persons transporting asbestos waste to a facility shall be employed or contracted by the permittee to handle or manage the asbestos waste under the permittee's asbestos abatement entity license issued pursuant to Env-A 1810, and shall be either:

(1) A certified asbestos supervisor pursuant to Env-A 1810.13; or

(2) A certified asbestos worker pursuant to Env-A 1810.14.

(c) All asbestos waste brought to and accepted by the facility shall be properly packaged, labeled and accompanied by shipping papers as specified in Env-Sw 901.06.

(d) Asbestos waste shall not be repackaged at the facility, unless the original packaging is damaged unintentionally and repackaging is necessary to prevent a release of the asbestos or meet DOT shipping requirements.

(e) The facility shall comply with the collection, storage, and transfer requirements specified in Env-Sw 901.02.

(f) The facility shall comply with the transportation, packaging, and labeling requirements specified in Env-Sw 901.06.

(g) Upon receipt by the facility, the asbestos waste shall be stored in a transport container having a maximum capacity of 100 cubic yards.

(h) The transport container described in (g) above shall be fully enclosed and locked at all times when waste is not being transferred into or out of the container.

(i) The total amount of asbestos waste stored at the facility at any time shall not be greater than 100 cubic yards.

(j) Asbestos waste shall be actively managed at the facility.

(k) The permittee shall comply with Env-Sw 901.07, Env-Sw 1105, Env-Sw, 1200, but shall not be required to comply with the operator certification requirements specified in Env-Sw 1202.05(d) or the setback requirements specified in Env-Sw 1203.01(b).

Source. #10596, eff 7-1-14

Appendix B

Reprinted below for convenience is a copy Env-Sw 1105.11 in effect on the issue date of this permit. A complete certified and current copy of the Solid Waste Rules, Env-Sw 100 – Env-Sw 2000, is available at www.des.nh.gov.

Env-Sw 1105.11 Operating Plan Content and Format.

(a) A facility operating plan shall provide sufficient detail to allow the certified operator and other trained facility personnel to operate the facility in compliance with RSA 149-M, the permit and the solid waste rules without further explanation or guidance.

(b) The operating plan shall be prepared as a loose leaf document to facilitate amendment as specified in Env-Sw 315.

(c) Each page of the operating plan shall bear the date of preparation or last revision, as applicable, and the facility name, location and permit number, if a permit is issued for the facility at the time that the operating plan or a modification thereto is prepared.

(d) The content and organizational format of the operating plan shall be as follows:

(1) Section 1, titled "facility identification," shall identify:
a. The facility name, mailing address, location by street address and municipality, and permit number;
b. The type of the facility;
c. The capacity of the facility;
d. The facility service type;
e. The facility service area; and
f. The name, address and telephone number of the permittee, property owner, and operator;

(2) Section 2, titled "authorized and prohibited waste," shall provide a list of:
a. The specific waste types the facility which shall be authorized to receive; and
b. The specific waste types the facility shall not be authorized to receive;

(3) Section 3, titled "routine operations plan," shall provide a detailed description of how the daily operations of the facility will be conducted to assure that the facility will be operated in accordance with the solid waste rules, including a description of:
a. Hours of operations;
b. Facility access control and on-site traffic patterns;
c. Waste acceptance and rejection procedures, including unloading, sorting and inspection procedures;
d. The procedure by which the quantity and source(s) of all wastes received by the facility shall be determined and recorded;
e. The procedure by which the quantity and destination of all outgoing waste and certified waste-derived products shall be determined and recorded;
f. The storage time and capacity limits for all wastes received by the facility and the procedures by which the limits shall be monitored to assure compliance therewith;
g. All collection, storage, transfer, processing, treatment and disposal methods and procedures employed by the facility for managing waste following receipt; and
h. For facilities that process or treat waste, the methods or procedures for managing bypass waste and the quality assurance/quality control procedures relating to the management of processed or treated waste;

(4) Section 4, titled “residual waste management plan,” shall provide a detailed description of how all residual waste, if any, shall be managed by the facility, including the information specified in a. through d. below, or if the facility will not generate any residual waste, a statement so indicating:

a. The type and estimated quantity of all residual wastes to be generated by the facility;
b. How such wastes shall be managed at the facility prior to removal;
c. Information to demonstrate how the provisions of Env-Sw 1105.10 shall be met; and
d. Quality assurance/quality control provisions, to assure that the wastes to be transferred shall be acceptable to the receiving facility;

(5) Section 5, titled “facility maintenance, inspection and monitoring plan,” shall identify all routine maintenance, inspection and monitoring requirements necessary to assure the integrity of facility operations, including a description of the measures to be undertaken to monitor and inhibit the following:

a. Spontaneous combustion;
b. Other fire hazards;
c. Vector production;
d. Generation of methane, hazardous, or explosive gases;
e. Odors;
f. Dust;
g. Windblown litter;
h Leachate; and
i. Spills;

(6) Section 6, titled “contingency plan,” shall:

a. Identify all reasonably foreseeable emergencies, such as fire, explosion, operator injury,and the like, based on the type of facility and wastes being handled;
b. Describe the appropriate response of facility personnel for each emergency identified in a. above; and
c. Include identification of and telephone numbers for all local and state officials to be notified in the event of an emergency;

(7) Section 7, titled “employee training program,” shall provide a description of employee training program(s); and

(8) Section 8, titled “recordkeeping and reporting,” shall provide a description of record keeping procedures as necessary to comply with Env-Sw 1105.06 and Env-Sw 1105.07.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 1100); ss by #8459, eff 10-28-05 (formerly Env-Wm 2805.11); ss by #10598, eff 7-1-14

Appendix C

Reprinted below for convenience is a copy Env-Sw 1106.04 in effect on the issue date of this permit. A complete and current certified copy of the Solid Waste Rules, Env-Sw 100 – Env-Sw 2000, is available at www.des.nh.gov.

Env-Sw 1106.04 Closure Plan, Content and Format.

(a) A facility closure plan shall provide sufficient detail to allow a third party to implement and complete all required facility closure tasks in compliance with RSA 149-M, the permit and the solid waste rules without further explanation or guidance or as provided by (b) below.

(b) For a landfill closure plan prepared before the facility reaches final grades, the design plans and specifications for the capping system and related appurtenances shall be considered preliminary and need not provide final design detail sufficient to allow third party implementation without further explanation or guidance. However, any closure plan approved on the basis of preliminary plans shall include, in the list of closure tasks, provisions for preparing final design plans and specifications for the capping system and related appurtenances, as specified in Env-Sw 807.

(c) The closure plan shall be prepared as a loose leaf document to facilitate amendment as specified in Env-Sw 315.

(d) Each page of the closure plan shall bear the date of preparation or revision, as applicable, and the facility name and permit number.

(e) The closure plan shall be organized and prepared as follows:

(1) Section 1, titled “facility identification,” shall provide the facility name, mailing address, location and permit number;

(2) Section 2, titled “closure schedule,” shall provide the anticipated date of closure and a closure schedule that sets forth each discrete activity that will be undertaken to complete facility closure, the order in which the activities will be undertaken and the estimated length of time the activity will take;

(3) Section 3, titled “waste identification,” shall identify all types of waste received or intended to be received by the facility during its active life;

(4) Section 4, titled “notifications,” shall provide a description of how notice shall be given to facility users prior to terminating receipt of waste;

(5) Section 5, titled “closure requirements,” shall provide:
a. A list of each major closure work task required to implement and complete closure of the facility;
b. A description of the procedures for completing all required closure work tasks;
c. Design plans and specifications for construction of required closure systems;

(6) Section 6, titled “post-closure requirements,” shall identify and describe all required postclosure testing, inspection, maintenance or monitoring that will be performed at the facility pursuant to the provisions of the solid waste rules and the permit;

(7) Section 7, titled “recordkeeping and reporting,” shall identify and describe:

a. All recordkeeping and reporting obligations required of the facility following completion of the closure work identified in section 5 of the closure plan; and
b. Locations and provisions for storing facility records, including the operating records, following facility closure;

(8) Section 8, titled “other permits,” shall:
a. Identify all other local, state and federal permits and approvals required to implement facility closure, including the implementation of all post-closure monitoring and maintenance requirements;
b. Identify the status of each permit and approval identified pursuant to a. above; and
c. For a landfill located on property not owned by the permittee, include a copy of the written executed access agreement required by Env-Sw 1003.03; and

(9) Section 9, titled “closure cost estimate,” shall provide a closure cost estimate prepared in accordance with the criteria in Env-Sw 1403.02.

Source. #6619-B, eff 10-29-97; (See Revision Note at chapter heading for Env-Sw 1100); ss by #8459, eff 10-28-05 (formerly Env-Wm 2806.04); ss by #10598, eff 7-1-14